



# The Texas Estates Code – Weapon of Mass Destruction

November 3, 2015 / in Courts & Law, Featured, Policy, Regulation, Social Issues / by Candice Leonard Schwager

*“Money Talks, Disability Does Not.”*

The Texas Estates Code qualifies the disqualified and disqualifies the qualified for Cash.

Cause No. 415959; In re Andrew Stephen Keith Guardianship (Probate Court 3)

I am a licensed Texas attorney (1998) and

certified attorney ad litem (AAL) by the State of Texas. I graduated in the top 1% of my law school class and worked at top Texas law firms until founding a non-profit for disabled children, Attorneys For Special Needs Children, in 2010. In 2013, ElderLaw Advocates was formed and our Radio Program expanded its scope to the elderly and disabled in guardianship.

I am also a pre-med major with three years of training at the University of Texas Austin Health Science Center and later, studied to become a psychotherapist at the University of Houston program pre-doctorate. I understand dementia, autism, Alzheimers, and medical / psychological conditions more than most, although my true expertise is special education.

My journey in disability law began under the mentorship of Texas Education Agency Hearing Officer James Holtz. James Holtz is without question on a short list of special education hearing officers. Mr. Holtz served 25 years as a mediator and Judge for the State of Texas, charged with the duty to determine whether children receive a free appropriate public education (“FAPE”), the minimum required by federal law under the

Individuals with Disabilities in Education Act (IDEA). This became my job as well.

The IDEA mandates that disabled students be tested in every area of suspected disability every three years unless the parent waives this right. Andrew's father was so cruel and incompetent, he waived Andrew's testing for 7 straight years before my client, Sharon Keith, had the opportunity to help her son by having the benefit of knowing what was going on. Her ex husband made sure that the school district kept her in the dark until I got involved when Andrew was a free agent at 18.

Andrew's father waived testing for 7 years, rendering his program absolutely deficient. His father removed him from medically necessary speech and occupational therapies because the multimillionaire, Randall Keith, did not want to be inconvenienced by his son's need to acquire the simple ability to communicate. Denying medical care to a disabled child is criminal medical neglect and contempt of Court when one has been ordered for 7 years to take Andrew to therapy and PAY FOR IT. Randall did neither because "it was a waste of time."

## **ISN'T IT IRONIC? DON'T YOU THINK?**

In terms of special education, I qualify as an expert under Texas Rule of Civil Procedure 702. Judge Rory Olsen, 20-year probate judge, does not. Nor did the two ad litem he appointed to represent Andrew's best interests and make the life changing decision that sealed his fate—choosing his wealthy father over the qualified mother—who was **HANDS DOWN, AN EXPERT FAR EXCEEDING MY KNOWLEDGE.**

In my expert opinion, all of the foregoing individuals were incompetent despite being Board Certified in Probate Law and on the Legislative Committee writing the Law or sitting on the Bench in front of me. It is also my expert opinion that not one person knows an autistic or speech impaired child or adult than the family member closest to that person.

Like a baby, one who cares simply knows how to read the subtle cues strangers miss. Moreover, private paid guardians and lawyers simply don't care because they aren't invested in the person's future. Out of sight, out of mind? Not for me. I have a child with special needs who has remarkably overcome, so I understand and I care.

The appointed lawyers were board certified, meeting State of Texas requirements for certification as an attorney/guardian ad litem and decide a person's best interests, but then could not tell me what is in their best interests when on the stand. In fact, I was informed that I had no right to even call them to testify, which would be such such a denial of due process as to be laughable—if any of this were funny.

### **DISQUALIFYING THE QUALIFIED AND QUALIFYING THE DISQUALIFIED**

Harris County disqualified the only qualified applicant and qualified the disqualified abuser for MONEY because, as I would learn, nothing else was relevant. The expert mom had insufficient funds to hire the number of experts needed but a speech therapist was retained, who secured a medical prescription for speech therapy as “medically necessary.” This did not move the ad litem to even allow us to take Andrew to speech therapy so that he could TELL THE JUDGE whom he wanted to be his guardian in violation of Section 689.

His lawyers told us up front there be no experts because we had no money, ignoring their duties to even put on a case for 2 ½

years. Harris County had insufficient funds, so no one even bothered to get an interpreter, statutorily required, despite conceding that the two board certified lawyers had no idea what he wanted after 2 1/2 years. Andrew clearly stated what he wanted, but it was irrelevant because the ILLEGAL BOND was the only relevant factor.

Linda Goehrs, Andrew's temporary guardian, wrote the bond provision in the estates code and knew in 2012 it was not effective, but she wrote a motion to be paid \$375/hour in violation of Harris County fee guidelines. Andrew was never declared incompetent, his lawyer did not introduce one exhibit or call one witness, and the lawyers ILLEGALLY objecting to my own client paying me, so I worked for free for 2 1/2 years for Andrew.

Ironic that I am the only attorney representing what Andrew wants or needs and the other two want over \$100,000 while I get zero from Harris County or my own client. My client was only interested in helping her son speak so he could tell the Judge what he wanted, but his temporary guardian and attorney would have no such thing.

Linda would not allow speech therapy or require it until 2 weeks before trial. Then, she quashed my subpoena and would not allow him to testify. In what was clearly an effort to make me think we were getting due process, the Judge, took Andrew into chambers with donuts and an iPad—at which time Judge Olsen said (off the record) that Andrew said he wanted to live with his father. Andrew would do (or say) anything for a donut or an iPad. Funny how Linda always complained about the iPad before—I had a language app on it that was purchased by a Georgia businessman for Andrew. It was meant to help Andrew speak.

Ironically, I pled via emergency petition 2 1/2 years prior that if the Judge did not remove him from Randall Keith's house, Andrew would parrot those very words. I suppose I should not have tipped him off. Judge Olsen ultimately stated, off the record, that Andrew didn't know the truth from a lie. Is anyone really surprised?

The Judge was not competent because he asked during the hearing “what is an ARD meeting?” I was left in the position of trying to qualify a board certified lawyer in probate who was incompetent to testify as an expert

by an incompetent judge who never read Andrew's educational or medical records since age 3—as I cried because I understood. They did not.

## **2 1/2 YEARS AND STILL DIDN'T HAVE THE TIME**

Linda Goehrs and Fatima Breland either did not read the summaries of 864 pages of Andrew's medical and school records I provided, a ten year vicious family court file of abuse and neglect from family court, or a two year stream of emails about child abuse, hoping against hope that a light bulb would turn on, knowing time was running out. All had 2 1/2 years but ultimately, did not have time...

Linda testified that she did not allow us to get Andrew speech because she did not understand autism. Judge Olsen stated on the record "Wouldn't it be nice if Harris County had the money?" Yes, it would. Andrew would have possibly be given due process. Oh well. Too bad for Andrew.

He was denied a jury trial and Judge Olsen disqualified my qualified applicant and qualified a disqualified child abuser. And at the end of the day, representing Andrew and



my client in a system that cared only about the bond was my job. I lost and Andrew is a hostage being abused with no hope of us helping him escape because of these reckless people.

When the case began, I prayed Charles Bearinger, would make it to testify. He volunteered pro bono for me when his rate is \$700/hour. Charles is Board Certified in Special Education and Psychology/Counseling with a combined total of more than 50 years of experience. He wanted to testify for Andrew, but was afraid.

I offered him to Linda and Fatima and they never even called him. As fate would have it, at 82 and no stranger to legal abuse in courts, he could not testify for Andrew. He explained by written report to those too lazy to read Andrew's records that special education is warehousing and autistics regress if they are not moving forward.

Sharon was disqualified in violation of 681 for \$2000 in child support owed to Randall Keith not Andrew and not allowed to have a jury trial or stay in the case and pay the debt later because Rory Olsen is the ultimate arbiter of fact.

## **WILLIE JO MILLS, DECEASED (Probate Court 4)**

In December of 2013, I sought a TRO to save the life of Willie Jo Mills— notifying the Judge that death was imminent if the TRO was not granted. Willie Jo Mills died being starved with only spoonfulls of water as she was given morphine in hospice, along with Haldol and Valium when she had only a urinary tract infection and the Doctor hired to terminate her life was the Doctor who placed Willie Jo in guardianship illegally with a rule 11 agreement and no finding of incompetency. She never had a jury trial despite my two TRO's and three pleas for jury trial as she cried, "why are you doing this to me"?

Willie Jo was dying for a drink. Willie Joe DIED WHILE THE COURT DENIED MY PLEAS TO HELP HER. I filed two TROs and three motions for a jury trial but after being threatened to get out, Sherry learned that speech is not free. Sherry happened to be present at the recusal hearing in Sharon Keith's case. She was critical of the Judge, but fair. I don't know if I will ever get over thinking that the affidavit she filed against Judge Rory Olsen to recuse him cost her

Willie Jo.

Sherry almost felt as if her mother's death was intentional and she was the "expert" and only person who knew her mother and how to help her, as demonstrated by her saving her mother's life with nutrition in 2012 when David Dexel tried to put her on hospice. The Doctor has been sued for handing out pills too generously for money and almost had his license removed and has a conflict of interest because he is the Director of Hospice.

He put her on hospice because of "family conflict" and admitted that on tape. Sherry was denied guardianship because of family conflict and her power of attorney ignored because of family conflict. Willie Jo Mills was never evaluated by a physician who wasn't biased against her for continued payments from her own money—and Harris County's decision that Willie Jo was profitable.

Lawyers made hundreds of thousands of her money from a Section 867 Court Created Trust, benefitting the lawyers, County, Judge and Willie Jo to some degree. Her guardian sold her home for almost 1/2 its value at illegal interest rates for profit. David Dexel bought pre-need funeral

services and made 5% going in and coming out as he threatened the daughters to not get in his way—or they would never see their mother again.

The Judge created the trust before she was even in guardianship and sold her house. The Judge refused to honor the estate planning documents naming Sherry and her sister Cindy as guardians and power of attorney—because of family conflict. Isn't there always family conflict? Larry Mills, the son, did not even have standing to contest, but was given carte blanche because his lawyer was an insider.

Larry never had standing because he stole his mother's estate and the district court ordered him to give it back. The Judge knew this and ignored it, allowing Larry Mills' power of attorney to control and blocked the caring daughters from access to information to even help their mother. Willie Joe was taken to Methodist ICU, at which time medical records were shredded which stated what foods, liquids and medications she was given.

Willie Jo had to sign herself into the Methodist Hospital as she was left with a note on her stomach from her guardian and

Sherry was by her side. She briefly got better and was handed back over to her guardian, Ginger Lott, a prior court coordinator who was so incompetent, I have hardly ever witnessed a more reckless guardian being in charge.

Reports of abuse, exploitation and neglect were made to the Department of Aging and Disability, who has jurisdiction over assisted living facilities. It was at this time I learned that out of 78,000 Texas facilities, only 11-actions were pursued by the Attorney General, suggesting that Texas' elderly were doomed without even knowing it.

I saw Willie Jo within days of her death and will never forget the feeling that she was blind. She was terrified and her eyes did not track my movements, so I quietly stepped away. I later learned that her official cause of death was multiple organ failure involving untreated diabetes, all of which puzzled everyone because she did not have diabetes. The pain of watching your mother die slowly and painfully is inconceivable but for watching it in Realtime. After the attorney, Howard Reiner, realized he had consented to taping of Willie Jo for months, I was threatened "GET OUT OR ELSE," SO I

DID BRIEFLY and re-appeared but was ignored. Willie Jo died September 27, 2014 and never got a jury trial.

**Cause No 427298, RUBY PETERSON,  
DECEASED (Probate Court 1)**

In July of 2014, I filed an application for emergency TRO and Temporary Injunction to save the life of Ruby Peterson. After 4 days of testimony, establishing that she was being falsely imprisoned and assaulted via illegal chemical restraints (Seroquel, FDA black box warning), the injunction was summarily denied. The emergency that took Ruby's life was Seroquel, which is NOT to be given to elderly patients with dementia—particularly if they had cardiac complications, which Ruby did.

Despite my pleas, the Court ignored Ruby's screams for help and she died January 2015 after being ill a mere three days. In the life of an elderly individual, three days can be fatal. I can hardly describe the emotional suffering her children (my clients) have endured.

I was sickened to see lawyers sit around waiting to be paid after not even pretending to comply with their duties as ad litem.

Russ Jones, the attorney ad litem and Jill Young, the guardian ad litem, did nothing for Ruby but mock her suffering, children and me as they taunted and threatened Ruby's "real lawyers" and the only doctor who cared enough to try to save her life—with TRESPASS AND ARREST.

The expert retained by Sarah Pacheco, Dr. Chris Merkl, testified on the stand that he was retained to create a legal document stating that Ruby was incompetent (when the Code says she is presumed competent and the doctor admitted not knowing the law). Dr. Merkl testified that he "just gets together" WITH SARAH PACHECO and decides whether people are incompetent or competent, stating that a few occasions, Sarah had the idea that no guardianship was needed, so he found them competent and SARAH was perfectly happy with that. I have no doubt she was.

Our Doctor was extremely qualified and the Judge almost did not let him see her. He denied subsequent visits to follow up on Merkl's gross negligence of not treating Ruby's cardiac insufficiency, which caused death. The heart problems also caused her to fall—with one fall at Silverado Senior Living

almost fracturing her skull. Dr. Merkl did a fellowship in Cardiology. He also testified he and Dr. Lalani were looking to see if the cause of Ruby's confusion was her heart. Dr. Merkl knew it was but did not treat it because Sarah decided Ruby was never getting out.

Ruby wanted to disown Sarah's client from inheritance and so she was locked up and my clients were threatened by the police and told they would be arrested if they came back, when all they did was bring a power of attorney on the premises to get her out of lock down as she asked them to. Ruby asked her sons to hire two lawyers and they complied. The two lawyers were Phil Ross and I threatened and sanctioned for daring to challenge the system.

Ruby's guardian ad litem, Jill Young, was appointed to determine what Ruby's "best interests" but refused to do her job—even after I pointed out via several motions that she was not doing her job, but aligned with Sarah Pacheco. Jill never once even spoke to me or Phil Ross, regarding Ruby. Jill blocked my email address along with Sarah because I pointed out to the Judge how Sarah was lying to him. Jill sat with the Defendant,



Carol Ann, giggling like sorority sisters. Sold out to Sarah, Jill categorically refused to even hear a contrary point of view.

We retained a forensic psychiatrist, Dr. John Tennison, who wrote a 9-page expert report concerning Ruby's heart problems and dementia. Had Jill merely read it, she could have summoned a Cardiologist and saved Ruby's life. But, she wasn't interested in knowing what any other expert said—well aware that she wasn't an expert. Far from it, Jill Young, a school teacher, admitted she knew nothing about dementia or powers of attorney.

Carol Ann was exploiting Ruby's finances with a power of attorney and Jill thought that made it a "power of attorney" account. When I asked her on the stand why she believed without further investigation what Dr. Merkl opined, she said "because I have worked with him many times." She refused to even read our expert report because she "didn't have time" to read 9 pages.

Apparently her lawyer was too engrossed in the book he read during our emergency hearing to care either.

At one point, my cross exam became almost painful in terms of exposing her ignorance

and the Judge interrupted me, stating on the record his stipulation that “Jill is not an expert.” I responded, “I know that. I’ll represent that I’m not an expert but I know this and so should she.” In other words, how do you make a decision on someone’s best interest if you don’t even understand their disability—or care? You cannot.

So, what I see in every case are greedy lawyers who care only about getting paid and going to play golf, while the disabled suffer. Jill testified that she never bothered to read our expert’s report and now I know why—it did not matter. Jill’s mind was made up before I ever filed the lawsuit. She was sold out to Sarah Pacheco. Evidence of this became clear when she filed joinders in every motion Sarah filed.

Ruby’s lawyer Russ Jones did the same thing. I predicted to the Judge that every motion Jill and Russ would file would go along with Sarah Pacheco and really wondered at that point why I had to fight 4 lawyers in every case to save the life of a disabled person only to watch them die and the lawyers get paid? It’s the worst nightmare you can imagine because before probate court, I never lost one case except

my son's special education case, which was similarly "rigged" before I ever began.

## **THE SYSTEM DESIGNED TO PROTECT KILLS**

Ruby was presumed competent until proven incompetent by a jury trial that never came and she died being falsely imprisoned and assaulted with dangerous drugs. Ruby was drugged by Seroquel which is fatal for heart patients and denied a pacemaker which would have saved her life. Apparently, that was not the goal. Dr. Merkl testified under oath that it's okay to lie to elderly patients to get them to take drugs that are dangerous for them.

Her son testified that "if you gotta lie, you gotta lie. Bill Clinton did it." We tried to introduce the fraudulent Will and Testament of Fannye Bell, David Peterson's aunt—when we were accused of witch hunting. If the shoe fits? David Peterson, Ruby's son, admitted as he bragged to his sisters and brothers that he stole his cousin's inheritance by having a disabled aunt with dementia change her will at 98 for \$300.

RUBY PETERSON's medical records (entered into evidence by her own lawyer) demonstrate false imprisonment and

repeated assaults—crimes. Ruby was found screaming and crying to leave SILVERADO or drugged to the point of being passed out in her wheelchair and not once did any of DEFENDANTS' five+ lawyers and guardian ad litem deem their crimes problematic!

Russ Jones mocked Ruby as he entered her records and sealed her fate—and left for golf. Her lawyer threatened our doctor with arrest for trespass and never read the medical records he introduced into evidence against his own client because they had instance after instance of falls for the low blood pressure and blood pressure low, high and everywhere because it was not regulated. No one cared who treated her. She died in 6 months and the Judge punished me \$15,000 for blogging and asking for help because I brought on too much publicity to get her out of Silverado Senior Living—where they were killing her.

Within six months of the Court's denial of my EMERGENCY TEMPORARY INJUNCTION, RUBY DIED! RUBY PETERSON DIED OF NEGLIGENCE WHILE SURROUNDED BY MEDICAL CARE PROVIDERS. Ruby's COURT APPOINTED lawyer charged with representing what she wanted told the

Court that Ruby's screamed to go home were apparently the screams of a woman desiring her "childhood home" with no credentials to make such a ludicrous, self-serving statement. Why would Ruby's lawyer threaten a Doctor from seeing his own client or a guardian ad litem not care what a doctor thought? Keeping Dr Tennison away probably killed her.

How can experienced probate lawyers be so ignorant? RUBY PETERSON was a person in need of protection while in the protection of Harris County probate courts. RUBY was isolated in a predictably lethal combination of circumstances. Ironic is the fact that the entire system designed to protect RUBY killed her.

Res Ipsa Loquitur: In the absence of proof, with res ipsa loquitur- the person who had custody, control, and possession of Ruby is presumed to have done it. SUGARLAND POLICE—those entrusted with her protection protected her from a Doctor. Ruby was Little more than the Property of Harris County and was not even in guardianship ever because she died first in the protection of the guardianship program. The Code kind of agrees, so it's a civil matter. Absurd results:

the lawyer that Ruby told to hire was sanctioned for making too much noise to get her out of Silverado!

I went to probate court and everyone died or was held hostage. It wasn't a nightmare. It was real. Jury trials are denied because as Sarah Pacheco put it, "the Constitution doesn't apply in probate court" that is– unless the right to privacy is concerned to hide exploitation of the ward. I have watched mothers die and an autistic boy be taken hostage with not one ward "protected" from anything but their money 100% of the time. The work is not fun but I cannot stop trying. I cannot understand how decent people can do this to one another, but then, I am dealing with lawyers.

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REPLIES