

Notice to the Court re: Request For Restraining Order

The following is a verbatim copy of a Notice to the Court in support of the Watchdawg's pending Motion for a Temporary Restraining Order to prohibit Chief Justice Moyer from any further participation in any matters dealing with the Watchdawg and/or his spouse.

On September 15, 2008, the Federal District Court in Sacramento transferred this case to the Federal District Court in Dayton. The Court reasoned that since Moyer was a resident of Ohio that this matter had to be adjudicated in Ohio.

It appears that this case will likely be assigned to Judge Michael Merz of the Federal District Court in Dayton.

Below the nine (9) pages of the Memorandum, you'll find excerpts of 72 additional news stories (24 in original complaint) that further demonstrate that there is no dispute that Moyer is in fact biased against the Watchdawg. (See pages 17-42 below)

At pages 43-44 below you'll see a letter sent to Ohio Attorney General Nancy Rogers who is defending Moyer in this matter, asking that she advise and/or counsel Moyer to voluntarily withdraw from any further participation in any matter dealing with the Watchdawg and/or his wife.

I would invite any reader of the facts contained in the original complaint and the below Notice to the Court to comment on their thoughts as to whether the "appearance of bias" exists in regards to Moyer. During my years-long review and investigation of judicial bias, I believe that it would be difficult to discover a case wherein bias was so obvious.

The law in Ohio is quite clear in that a judge "must" recuse (withdraw) from any case wherein his/her impartiality might be reasonably questioned.

Please send your comments to me at noethics1@aol.com.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

David Palmer, Pro Se

Case No. 2:08 – CV-2032

Plaintiff,

Judge: Graham

Magistrate: King

-vs-

Thomas J. Moyer

**NOTICE TO THE COURT, REQUEST
FOR RULING ON PENDING TRO**

Defendant,

David Palmer, Pro Se
Folsom, CA 95630

Plaintiff hereby notices the Court of his efforts to amicably resolve the matter of the pending request for a Temporary Restraining Order via direct communications with defendant Moyer, which will be discussed below.

SUPPORTING MEMORANDUM

The fundamental question for the court's determination is *what* constitutes bias in assuring that plaintiff's due process rights are protected. In *Roth v United States*, 354 U.S. 476, the court's syllabus stated in part:

3. The test for obscenity is "whether to the average person, applying contemporary standards, the dominant theme of the material, taken as a whole, appeals to prurient interest."

In *Jacobellis v. Ohio* 378 U.S. 184 (citing *Roth*) Justice Potter wrote:

"I shall not today attempt further to define the kinds of material I understand to be embraced with that shorthand description; and perhaps I could never succeed in intelligibly doing so. **But I know it when I see it** and the motion picture involved in this case is not that."

As to bias, the Roth court and Justice Potter's statements could easily read:

3. The test for bias is “whether to the average person, **applying a reasonableness standard**, the dominant theme of the evidence, taken as a whole, appeals to inequitable interest.”

“I shall not today attempt further to define the kinds of material I understand to be embraced with that shorthand description; and perhaps I could never succeed in intelligibly doing so. **But I know it when I see it** and the **bias** involved in this case **is not in dispute.**”

Standard in Ohio re: Judicial Bias per Moyer

Below are decisions by Moyer as to what constitutes judicial bias. As the court will readily see, Moyer’s oft-repeated denial of bias can most charitably be described as a hybrid form of linguistic hyperbole.

In re: Disqualification of Hoover – 113 Ohio St.3d 1233

- In responding to the affidavit, Hoover described the allegations in the affidavit as “truly bizarre,” “absurd,” “unprofessional,” and “frivolous.”
- The judge labels several of affiant Winkfield’s statements as false.
- I conclude the judge be disqualified to ensure the parties/public and that the legal issues be resolved dispassionately and fairly, and to make certain that the outcome will not be affected by the judge’s seemingly firm and very negative opinion about attorney Harmon.
- The judge’s response is laced with invectives. He characterizes the affidavit as painting a “very graphic, grim and terrible picture” of him.
- The judge’s response bristles with caustic phrases about Harmon and calls into doubt his ability to preside fairly and impartially.
- A judge must not let his views “so infect the case that a disinterested observer might reasonably questions his ability to fairly and objectively evaluate the parties’ legal interests.
- The judge’s response reinforces that Harmon appears to be someone against whom the judge holds a fixed and longstanding resentment.
- Hoover’s own words might very well cause a reasonable/objective observer to wonder how and whether he could pen such a diatribe and later sit fairly and impartially on cases involving said attorney.
- “It is of vital importance that the litigant should believe that he will have a fair trial”. *State ex rel. Turner v. Marshall*, 123 Ohio St. 586; in this case its fair to say that Harmon no longer holds that belief. An objective observer might reasonably question whether either Harmon or the judge can now set aside the fixed views of each other.

State ex rel. Pratt v Weygandt, 164 Ohio St. 463

- ➡ If a judge's words or actions convey the impression that the judge has developed a "hostile feeling or spirit of ill will," then the judge should not remain on the case.

Defendant Moyer's July 2001 "Judicial Creed"

In early 2001, Moyer proposed that all judges and justices in Ohio, including himself, agree to comply with a "Judicial Creed" that he authored and/or assisted in authoring. In fashioning said "Creed," Moyer opined that by doing so he "sought to remind all judges of the **high standards expected of them by the public they serve.**" Relevant portions of said Creed are alluded to in the text box below.

Moyer's 2001 "Judicial Creed"

- ➡ "I know that I must not only be fair **but also give the appearance of being fair.**"
- ➡ "I recognize that the **dignity of my office requires the highest level of judicial demeanor.**"
- ➡ "**I will treat all persons, including litigants,** lawyers, witnesses, jurors, judicial colleagues, and court staff **with dignity and courtesy** and will insist that others do likewise."

It would be preposterous for any reasonably fair and impartial observer to conclude upon the review of the overwhelming evidence of Moyer's bias herein that, he had any intention of living up to (a) his oath of office, (b) the Code of Judicial Conduct, (c) the Ohio Revised Code, and more importantly (d) the "Judicial Creed" he authored in regards to plaintiff.

In fact, the record before this court clearly indicates that Moyer knowingly and wantonly treated his oath and sworn duties to assure that every citizen's due

process rights in having his or her case presided over by an unbiased judge was treated with total disdain and contempt.

A more egregious example of a State Chief Justice engaging in a years-long campaign to “get even” with a litigant would be difficult to imagine. To put it kindly; Chief Justice Moyer “went off the reservation” in his vengeful zeal to retaliate against defendant for exposing his misfeasance and/or ethical shortcomings.

Ohio’s Code of Judicial Conduct

G. Disqualification - Justices of the Supreme Court.

(1) A justice ***shall*** disqualify himself or herself in a proceeding in which the ***justice's impartiality might reasonably be questioned***, including but not limited to instances where:

(a) ***the justice has a personal bias or prejudice concerning a party ...***

It would be redundant to the nth degree to restate the evidence of Moyer’s actual bias. Moyer’s refrain (mantra) in claiming that he is not biased is not only laughable but indicates he missed his calling as a standup comedian. However, to further illustrate Moyer’s obvious bias, plaintiff has attached hereto excerpts of 72 additional news stories (there’s more). (See Ex. B)

Given the mandates of the Judicial Code of Conduct that a justice ***shall*** disqualify himself or herself when their “***impartiality might reasonably be questioned***,” and Moyer’s conduct in failing to so act, unfortunately demonstrates a willingness to treat said mandate with unabashed contempt.

A question that needs to be addressed is why Moyer continues to insist on assigning judges he well knows are biased as opposed to any of the 14 sitting judges in Toledo or the nearly 100 sitting judges in nearby counties.

The evidence obtained by plaintiff over the past 15 or more years, indicates that Moyer is engaged in an ongoing conspiracy in assigning judges he controls knowing he can count on them to protect his own interests and not the interests of justice. (emphasis supplied) The evidence of this ongoing conduct does not meet the standard of “preponderance of the evidence,” it in fact meets the “clear and convincing” evidentiary standard.

Plaintiff is in the untenable position of being forced *ad infinitum* to seek redress from Moyer and Moyer *only*. With all due respect to the court, this is akin to a debtor seeking relief from Albert (*The Mad Hatter*) Anastasia for the aggressive debt collection techniques employed by Gregory (*The Grim Reaper*) Scarpa.

Is plaintiff entitled to the same due process protections of having his case presided over by a judge or judges wherein the “appearance of bias” is non-existent as was the case with Ted Kaczynski (aka, The Unabomber) or Timothy McVeigh (The Oklahoma Bomber)?

In the Unabomber and Oklahoma Bomber cases, Federal Judges Garland Burrell, Jr. of Sacramento and Richard Matsch of Denver, respectively, took great pains to assure that Kaczynski and McVeigh’s due process rights to a fair trial and to have their cases adjudicated by an impartial jurist were zealously protected.

Unfortunately, it would appear as though plaintiff’s conduct in investigating corruption and/or misfeasance of judges and other public officials constitutes conduct that is even more “vile and heinous” than that of Kaczynski and/or McVeigh. In fact, unlike Kaczynski and McVeigh, plaintiff’s conduct apparently

renders his due process rights void *ab initio*. And of course the same would be true of plaintiff's permanently disabled wife (aka, guilt by association – marriage).

Plaintiff's Attempt to Resolve Matter Amicably

On August 29, 2008, plaintiff sent defendant Moyer a letter (Ex. A) asking that he voluntarily recuse himself from any cases involving plaintiff and/or his wife to put the matter of the pending request for a TRO to rest. Moyer refused, thereby leaving plaintiff with no choice but to seek relief from this Court.

In addition, plaintiff communicated in writing with Ohio Attorney General Nancy Rogers in writing on Sept. 18, 2008 in yet another attempt to resolve this matter (Ex. C). When and if plaintiff receives a response from the Attorney General, he will of course immediately provide a copy to this court.

What Remedy is Available to Plaintiff?

No remedy of any kind exists to prevent Moyer from continuing to intentionally violate plaintiff's due process rights. This undeniable fact is supported by Moyer's conduct on September 2, 2008, which is described below.

On August 20, 2008, plaintiff filed an affidavit of disqualification with defendant Moyer seeking the removal of retired visiting Judge Richard Markus for bias. Paragraphs 40 and 109-113 of plaintiff's complaint contains irrefutable facts that would lead any reasonable person to conclude that the appearance of bias exists as to Judge Markus. Despite said overwhelming evidence, Moyer denied the affidavit of disqualification and unbelievably stated as follows:

- ➡ "...the statements made by Palmer about Judge Markus **on his website and in his book do not constitute grounds for disqualification.**"
- ➡ On the record before me, I find that no **"reasonable and objective observer would harbor serious doubts about the judge's impartiality."**

Moyer's absurd commentary is nothing more than a "slap in the face" to plaintiff's due process rights to have a judge sitting on his case wherein the "**mere appearance of bias does not exist.**" Of course the so-called "reasonable and objective" observer was none other than Moyer himself. Making matters even worse is the fact that Moyer was in possession of plaintiff's complaint prior to claiming that there was no "serious doubts about Markus' impartiality."

Pursuant to Moyer's rather novel theory as to what constitutes the "**mere appearance of bias,**" a judge is unqualified to sit on a case involving plaintiff and/or his wife unless one or more of the following applies.

- Article re: Judge appears in book titled "Judicial Misfits"
- Judge calls plaintiff a "son-of-a-bitch"
- Judge claims plaintiff was criminally stalking him
- Judge fears that plaintiff would assault his wife
- Judge's wife tells media "Everyone's afraid of Palmer"
- Judge forced to pay the State nearly \$10,000 for double-billing
- Judge refers to plaintiff's son-in-law as a "goddamn son-of-a-bitch"
- Judge subject of media criticism/lamprooning due to misfeasance/corruption
- Plaintiff files criminal theft-in-office charges against judge
- Articles exposing egregious judicial misconduct on plaintiff's website
- Plaintiff distributes "wanted posters" exposing Judges misconduct

Defendant Moyer's Awesome/Unbridled Power

It is undisputed that Moyer is the most powerful politician in Ohio since at least 1987. Evidence of his empirical power is proven by the facts set forth below in regards to his personal friend, Judge Thomas Curran of Cleveland.

- In Nov. 2002, Curran ran for **reelection** as a Common Pleas Judge
- Michael J. Russo was Curran's opponent
- Russo received 59.02% and Curran 40.98% of the vote respectively

- Under Ohio law a judge who is defeated at the polls is disqualified from being appointed as a visiting judge **because the voters have spoken**

Judge Curran's defeat was monumental and unprecedented in that sitting judges are rarely defeated when seeking reelection. Curran's last publicly funded paycheck was for services rendered in December 2002. To assure his friend Curran would continue to feed at the public trough, Moyer asked then-Governor Bob Taft to appoint him to the 8th District Court of Appeals for a term beginning on Feb. 7 and ending Feb. 11, 2003, allowing Curran to receive visiting judge status. (<http://dw.ohio.gov/Gov/releases/Archive2003/020703curran.htm>)

Plaintiff cannot imagine Chief Justice John Roberts, Chief Judges Alex Kozinski or Danny Boggs of the 9th and 6th Circuits respectively traveling to D.C. to personally lobby the President to appoint a personal friend as a federal judge. I'm sure the President would take great offense to such conduct and rightfully so.

What Moyer did was tell the 172,547 voters in Cleveland that voted *against* Curran was "***you're votes don't count – only mine does.***" Even though the voters explicitly voted "**no confidence**" as to Curran, Moyer had the audacity to appoint him to the Cleveland Court almost every month from 2003 to Aug. 2008. Since Feb 2003, Curran has earned over \$500,000 due to Moyer's appointments.

In appreciation for Moyer's intervention in assuring he would continue to gorge himself on public pork, Curran and his wife Jeanne contributed \$2,150 to Moyer's campaign in 2004. Said conduct formed the basis for plaintiff's complaint with the Ohio Elections Commission that Moyer unlawfully received and/or solicited campaign contributions from judges under his employ. In this instance Moyer asked the Commission to find that plaintiff's complaint was frivolous and to

sanction him in an amount of about \$5,000. The Commission denied Moyer's demand and specifically ruled that plaintiff's complaint was not frivolous.

Moyer's conduct in the Curran matter illustrates his willingness to abuse his unbridled power with the knowledge that he is answerable to no one but himself.

Colloquy between Moyer and Media re: Bias

Assuming arguendo that Moyer was put to the test to defend his preposterous claim that he is not biased by reporters such as the following, one must wonder how he would respond to their questions which follow.

- Jon Craig – *Cincinnati Enquirer*
- Adam Liptak – *New York Times*
- Jim Provance – *Toledo Blade*
- R.V. Scheide – *Sacramento News & Review*
- Dennis Willard – *Akron Beacon Journal*
- Reynolds Holding – *San Francisco Chronicle*
- Frank Mickadeit – *Orange County Register*
- Reginald Fields – *Cleveland Plain Dealer*
- Richard Schmidt – *Los Angeles Times* (previously *Wall Street Journal*)

Reporter: I understand that you deny any bias in regards to Mr. Palmer from 1994 through 2008, is that right Chief Justice?

Moyer: Absolutely. I think he's a great guy. In fact, I admire his tenacity.

Reporter: I see that Mr. Palmer dedicated his first book "Judicial Misfits" to you, how do you feel about that Chief Justice?

Moyer: I feel quite proud and honored to be honest with you. In fact, I hope he honors me again by dedicating his 2nd, 3rd, and 4th edition in my name.

Reporter: What was your immediate reaction as to bias when you discovered that Judge Robert Wilson called Mr. Palmer "a son-of-a-bitch."?

Moyer: At first I thought "right on Bobby," I'm sorry, I mean I was distressed.

Reporter: What were your feelings as to judicial bias when you discovered that Judge Richard McQuade, Jr. told the police that he feared that Palmer would assault his wife and that he was criminally stalking him?

Moyer: Knowing Dick for many years, and knowing he was endowed with a thick skin like an Armadillo, I didn't believe the appearance of bias existed.

Reporter: When the *Toledo Blade*, *Wapakoneta News*, *Cleveland Plain Dealer* and the *Canton Repository* published editorials questioning your administration of the retired visiting judge system in Ohio, how did you feel?

Moyer: I felt great! In fact I was giddy!

Reporter: Chief Justice, overall, what is your opinion of Mr. Palmer and his years-long reporting on judicial misconduct in Ohio and elsewhere?

Moyer: I'd like to see him disemboweled in the public square. Obviously, I'm being facetious. In all honesty, I think he's done a superb job in exposing my shortcomings, and I sincerely hope that he continues to do so in the future.

Although the reporter questions posed above may at first blush appear to be somewhat cutesy, Moyer's responses in defense of his "**I'm not now nor have I ever been biased against Palmer**" would, in all truth, require similar answers.

Recusal and Due Process Violation

Below are several U.S. Supreme Court and/or Circuit Court opinions regarding bias and/or disqualification, all of which support plaintiff's motion for a restraining order in regards to continued violations of his due process rights.

United States v. Sciuto, 521 F.2d 842 (7th Cir. 1996)

- ➡ Should a judge not disqualify himself, then the judge is in violation of the Due Process Clause of the U.S. Constitution. ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.")

Liteky v U.S., 114 S.Ct. 1147, 1162 (1994)

- ➡ "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]

Lileberg v. Health Services, 486 U.S. 847 (1988)

- Courts have repeatedly held that positive proof of partiality of a judge is not a requirement, only the appearance of partiality (what matters is not the reality of bias or prejudice but its appearance); U.S. v Balistreri 779 F.2d 1191 (7th Cir. 1985) (Section 455(a) “is directed against the appearance of partiality, whether or not the judge is actually biased.”) (“Section 455(a) of the Judicial Code, is not intended to protect litigants from actual bias in their judge but rather to promote public confidence in the impartiality of the judicial process.”)

Pfizer Inc. v. Lord, 456 F.2d 532 (8th Cir. 1972)

- The Pfizer court stated that “it is important that the litigant not only actually receive justice, but that he believes that he has received justice.”

Levine v. United States, 362 U.S. 610 (1960)

- The Supreme Court has ruled and has reaffirmed the principle that “justice must satisfy the appearance of justice.”

Defendant Moyer does not have discretion not to disqualify himself. By law, he is bound to follow the law. When defendant Moyer failed to disqualify himself as required by law, then he has given yet another example of his “appearance of partiality.” (Emphasis added]

Conclusion

Plaintiff has spent the past 15 or more years attempting to obtain what every other citizen is provided, and that is the mere opportunity to be afforded a modicum of or at least the appearance of justice dispensed by unbiased judges.

With all due respect to the court, maybe it’s high time for this court, the 9th or 6th Circuit and/or the U. S. Supreme Court to let it be known that plaintiff crossed the line when he embarked on an investigation of judicial misfeasance and/or corruption in Ohio and then expanded his efforts nationwide. And in so acting, plaintiff forever forfeited his constitutional due process rights. At least with that

said, plaintiff and/or those similarly situated would be aware of what is in store for them if they decided to become a whistleblower and/or judicial watchdog.

It sure would have been nice if plaintiff really knew what would eventually befall him and his permanently disabled wife in the early 1990s. Had plaintiff known, and given the unbelievable harm visited upon his wife, daughters and grandchildren, he may have well chosen to exert his 5th Amendment right to “remain silent.” Unfortunately, due to Moyer’s lack of conscience and zeal to get even, plaintiff was denied even this minimal courtesy.

WHEREFORE, plaintiff respectfully moves this court to render a ruling on the pending request for a TRO. In the event the court determines that a hearing is necessary, and given the expense and time for plaintiff to attend, plaintiff would respectfully ask the court to allow him to attend via telephonic means.

Respectfully submitted,

David Palmer, Pro Se

PROOF OF SERVICE

The undersigned hereby certifies that he mailed a copy of the foregoing to defendant Moyer’s counsel, postage prepaid this 18th day of September, 2008.

David Palmer

Exhibit “B”

The Grand Rapids Record – Page 17

- TB 1 – Chief-In-Justice Thomas Moyer – *David Palmer*
- TB 2 – “Puff” the Double Dipper – *David Palmer*

The Columbus Dispatch – Pages 18-23

- TB 3 – Moyer’s promise of job unethical Resnick says – *Joe Hallett*
- TB 4 – Misconduct complaints: Moyer cleared by panel of judges – *Jon Craig*
- TB 5 – Legislator says double-billing bill has clear sailing– *Kevin Manhood*
- TB 6 – Complaints accuse judge of theft in office – *Jon Craig*
- TB 7 – Nine judges face theft complaints– *Jon Craig*
- TB 8 – Visiting judge to face double-billing charge – *Jon Craig*
- TB 9 – Justice charged with improper billing – *Kevin Mayhood*
- TB 10 – 5 judges made clerical errors but didn’t steal, Attorney says – *Jon Craig*
- TB 11– Criminal complaint: 11th judge accused of fudging income– *Jon Craig*
- TB 12 – Rail official fined over income report – *Jon Craig*
- TB 13 – Powell man wants judges to repay taxpayer money – *Jon Craig*
- TB 14 – O’Brien asked to step aside in Cases against visiting judges – *Jon Craig*
- TB 15 – Justices say receipts prove their case – *Jon Craig*
- TB 16 – Watchdog files charges against Supreme Court Justice – *Jon Craig*
- TB 17 – Judges who draw 2 checks stir debate – *Jon Craig*
- TB 18 – Ex-justice accused of falsifying financial-disclosure statement – *Jon Craig*
- TB 19 – Group to refile complaints against Moyer – *Jon Craig*
- TB 20 – Man who fought Web site on ethics faces 5 felonies – *Jon Craig*
- TB 21 – Ethics violations are usual for court system – *Dennis Caron*

The Toledo Blade – Pages 24-28

- TB 22 – Maumee man accuses chief justice of ethical misstep – *Jim Provance*
- TB 23 – Prosecutor will probe possible double billing – *James Drew*
- TB 24 – Ex-Sylvania mayor faces ethics complaint
- TB 25 – Yarbrough targeted by judicial critic – *James Drew*
- TB 26 – Ex-mayor punished in ethics case violation – *James Drew*
- TB 27 – Complaint dismissed against Ohioan with legal-advice web site
- TB 28 – Board clears Justice Moyer
- TB 29 – Critic says 9 judges stealing from state – *James Drew – Dale Emch*
- TB 30 – Ex-Toledoan in judicial pickle – *James Drew*
- TB 31 – Visiting judges’ pay receives scrutiny as Irregularities emerge – *James Drew*
- TB 32 – State lawyer panel strikes ethics beef
- TB 33 – Judge takes bite out of ex-Maumee mans

- TB 34 – Billing complaint filed against Ohio Justice – *Jim Provance*
- TB 35 – Complaint claims Ohio justices didn't pay enough taxes

Akron Beacon Journal – Pages 28-30

- TB 36 – Hearings set in double billing cases – *Dennis Willard – Doug Oplinger*
- TB 37 – Charges dropped – others still pursuing double billing case – *D. Willard*
- TB 38 – Billing storm embroils judges – *Dennis J. Willard and Doug Oplinger*
- TB 39 – Board clears Justice Moyer – *Doug Oplinger*

Cleveland Plain Dealer – Pages 30-31

- TB 40 – Judge accused of over-billing since 1998
- TB 41 – Court reviews payment files after judges get checks twice – *T.C. Brown*
- TB 42 – Complaint against top justice dismissed – *T.C. Brown*
- TB 44 – 2 file complaints over chief justice's political speech – *T.C. Brown*
- TB 44 – Columbus man sits in judgment of state's judges – *T.C. Brown*

Associated Press – Page 31-32

- TB 45 – Moyer focus of election complaint
- TB 46 – Justice must tell his side – *Andrew Welsh-Huggins*
- TB 47 – 3 judges pay back after watchdog complains – *Liz Sidoti*

Columbus Monthly Magazine – Letters to the Editor – Page 32-33

- TB 48 – Mark Brunner – Hollidaysburg, Pennsylvania – 07/02
- TB 49 – Joseph C. Sommer – Columbus – Attorney
- TB 50 – Ruth Costakos – Columbus

The Other Paper – Letters to the Editor – Page 33-34

- TB 51 – Like a Spoiled Child – Ruth Costakos – Columbus
- TB 52 – Kudos to Craig and Marrison Margaret A. Downery – Columbus

The City Paper - Toledo – Pages 34

- TB 53 – Judicial watchdog spurs inquiry
- TB 54 – Are local judges double dipping? – *Alan Abrams*

The Los Angeles Daily Journal – page 35

- TB 55 – Disparaged lawyer sues over site

The Daily Reporter – Columbus- Page 35

- TB 56 – Judge rules O'Brien's can prosecute judges over-billing judges – *Nate Ellis*

The Fremont News-Messenger – Pages 35-36

- TB 57 – Complaint lodged against retired Sandusky County judge
- TV 58 – Watchdog alleges theft by 9 judges – *Michael Culp*

La Prensa – Pages 36-38

- TB 59 – Retired Lucas County Judge Accused of Theft in Office – *Alan Abrams*
- TB 60 – Retired Judge Yarbrough to face double-billing charge – *Alan Abrams*
- TB 61 – Ohio Supreme Court Fails to Muzzle Judicial Watchdog – *Alan Abrams*
- TB 62 – Ohio Bar Assn retaliates against Watchdog – *Alan Abrams*

The Delaware Gazette – Page 38

- TB 63 – Palmer: Legal watchdog or Malcontent? Opinions vary – *Todd Schockley*

Cincinnati Enquirer – Pages 39

- TB 64 – Judge accused of over-billing since 1998
- TB 65 – Judges' double-dipping unethical, complaint charges – *Randy Ludlow*

Tony Martino Radio Show – Page 39

- TB 66 – Attorney Ron Lais preying on Rachel Wilson, et al.

The Houma Carrier – Houma, Louisiana – Page 40

- TB 67 – Judge's costume sparks complaints, national debate – *John DeSantis*

USA Today – Page 40

- TB 68 – Unauthorized practice of law on the Net

InnerArt.bits – Page 40

- TB 69 – Hats-Off – *Harry Farkas*

Gwonger News – Page 41

- TB 70 – Court panel dismisses complaint against judicial critic Palmer

WBNS-TV 10 – Columbus – Page 41

- TB 71 – Complaints filed against four Justices

Ohio Lawyer's Weekly – Page 42

- TB 72 – Judicial Watchdog's site closed down by judge – *J.P. Finet*

The Rapids Record – Grand Rapids, Ohio

Text Box 1 – May 2, 2003

Chief In-Justice Thomas Moyer – *David Palmer*

- During his campaign for re-election in '98, I asked Moyer if he was proud of Ohio's ranking of dead last among all states in disciplining attorneys.
- Cerebral Omnipotence – As Chief Justice, Moyer is treated as a potentate by those who seek favors from him. I personally witnessed the disgusting scene of judges kowtowing and/or offering homage to Moyer at a judicial conference in Columbus last year. One would have thought it was Charlie Manson surrounded by his stoned, but adoring flower children.
- Rather than set an example of integrity in overseeing and managing Ohio's judiciary and legal system, Moyer has managed to do just the opposite. During his 15 year reign, his accomplishments include bringing the entire judicial system into total disrepute with his gross mismanagement of the retired judge system, which has cost the taxpayers millions of wasted dollars [at least \$30 million].
- In short, Moyer's legacy will be one of gross mismanagement, politicizing of the court, and the complete erosion of public confidence in the judiciary. More disturbing will be the lasting effects of Moyer's empirical reign, which will likely take years to remedy.

Text Box 2 – June 20, 2003

"Puff" the Double Dipper – *David Palmer*

- Well after stories appeared in *The Toledo Blade* and *Columbus Dispatch* questioning the ethics of public officials retiring after reelection thereby enabling them to receive a full pension and concurrent salary, Toledo Probate Judge Jack Puffenberger (Puff) decided it was his turn to engage in a little "double-dipping" at taxpayer expense.
- Of course Puff's primary concern was to conceal his double-dipping routine from the voters. So the Puff set off down the yellow-brick-road on the journey to implement a scheme to ensure against exposure, at least until after the cutoff date for a challenger to enter the race. Surely, there would be a "pot of gold" at the end of that "rainbow."
- Makes you wonder what Puff was puffing on when he commented that "a pension is a gift, doesn't it?"
- It appears as though Peter, Paul and Mary had our own Puff in mind:
 - ▶ Puff, the double dipper, lived by the sea, and frolicked in the autumn mist in a land called "All for Me."
 - ▶ **Little Tommy Moyer**, loved that rascal Puff, and brought him bucks and booze, and all that other fancy stuff.

Columbus Dispatch

Text Box 3 – May 10, 2000

Moyer's promise of job unethical Resnick says – *Joe Hallett*

- ➡ The Huron County Democratic Party and David Palmer, a self-appointed court watchdog from Maumee in Lucas County, filed separate complaints against Moyer with Disciplinary Counsel Jonathan E. Coughlan. [Coughlan personally appointed by Moyer – aka, lackey]

Text Box 4 – August 8, 2000

Moyer cleared by panel of judges – *Jon Craig*

- ➡ Patrick Saunders, chairman of the Huron County Democratic Party and David Palmer of Maumee filed the complaints.
- ➡ **"I thought it was absurd," Palmer said of the decision.**
- ➡ "Obviously in Ohio the system doesn't work," Saunders said. **"The chief justice has immense power, as the outcome of these complaints illustrate."**

Text Box – 5 – March 15, 2001

Legislator says double-billing bill has clear sailing– *Kevin Mayhood*

- ➡ The window of opportunity may be closing for elected officials [judges in particular] to receive a salary at the same time they're getting full retirement benefits.
- ➡ "I find the conduct of elected officials – and judges especially – who sat back and saw this little loophole [enacted for retired school teachers to assist an overloaded system] and now enrich themselves at taxpayer expense, is more than unethical," said David Palmer.
- ➡ Palmer also told the committee [Legislative Committee for Retirement and Aging] it also needs to look at how visiting judges are paid.
- ➡ Those judges [6 of them at the time] did not inform the Public Employee Retirement System that they were retiring before the year was out. They then took their seats on the bench when their new terms began this year.

Text Box 6 – April 20, 2001

Complaints accuse judge of theft in office – *Jon Craig*

- ➡ Criminal complaints have been lodged against visiting Common Pleas Judge Stephen A. Yarbrough alleging theft in office.
- ➡ The complaints were filed Wednesday by David Palmer of Powell, who heads a judicial watchdog group.

Text Box 7 – May 11, 2001

Nine judges face theft complaints– *Jon Craig*

- ➡ A **judicial watchdog from Powell drew the ire of one retired judge but praise from another** as 57 theft charges were lodged yesterday against nine visiting judges.
- ➡ **“Oh, God,”** said Judge Robert G. Wilson of Bryan, **who then cursed David Palmer [that son-of-a-bitch]**. “It’s going to take **someone from the court system to put a muzzle on this guy.**”
- ➡ “He’s right on one of them. I wasn’t careful enough, **Judge Harry A. Hanna of Cleveland** said. “I don’t know what his motivation is, but he saved the taxpayers \$402. He must be very thorough. **I’m glad he’s doing it.**”

Text Box 8 – May 25, 2001

Visiting judge to face double-billing charge – *Jon Craig*

- ➡ One felony charge was tossed, but a judge found probable cause for an accusation of double-billing – a misdemeanor – yesterday against retired Lucas County [Toledo] Judge Stephen A. Yarbrough.
- ➡ Michael Close [ex- Appellate Judge and Yarbrough’s attorney] **argued that there is nothing** in Supreme Court rules [Moyer’s rules] **barring Yarbrough from billing two counties on the same day for a partial day’s work.**
- ➡ Also yesterday, Palmer lodged two misdemeanor complaints against retired judges, Richard McQuade Jr. and Bruce Huffman, alleging they failed to report travel expenses for 2000 on financial disclosure statements filed last month.
- ➡ **“This is a big, ongoing pile of crap,”** said Huffman. “It kind of scares me because he’s pretty upset. This guy is pretty obsessed.”

Text Box 9 – June 11, 2004

Justice charged with improper billing – *Kevin Mayhood*

- ➡ A Supreme Court justice is to enter pleas next week on misdemeanor charges he billed the state for personal trips but didn’t claim the amount as income.
- ➡ **Palmer, who has become a burr under many judicial robes in Ohio,** filed the complaints against Justice Terrence O’Donnell. “He used a state car and paid for gas with a state credit card that is supposed to be used only for official business,” Palmer said yesterday.

Text Box 10 – May 30, 2001

5 judges made clerical errors but didn't steal, Attorney says – Jon Craig

- ➡ Pounding his fist on the table, former Supreme Court Justice J. Craig Wright said it's criminal to accuse retired judges of stealing taxpayer's money.
- ➡ Wright said all the mistakes attributed to his clients are clerical errors. [This would include stealing over 500 times by McQuade and Yarbrough, right, Mr. Wright?]
- ➡ "I want to see proof of the court errors," Palmer said yesterday. "Make the records available." [Of course they never did!]
- ➡ Wright said Galvin [his paramour] "kept her time by the minutes, then literally by the hours. She's a nice lady and honest as she can be."
- ➡ "I realize Mr. Palmer has problems with the system," Wright said. "However, I think it is most unfortunate he has attacked four men [McQuade, Wilson, Baird, and Grigsby] and a woman [Galvin] who have devoted their lives to public service."

Text Box 11 – June 10 , 2001

Criminal complaint: 11th judge accused of fudging income– Jon Craig

- ➡ Two misdemeanor criminal complaints were filed against Tommy L. Thompson of Worthington [Columbus suburb], charging he failed to disclose \$19,650 in income the past two years as magistrate at Westerville Mayor's Court.
- ➡ Thompson said it's "quite true" he didn't report the income. "Quite frankly, it never occurred to me to list the City of Westerville," he added.
- ➡ Thompson called it "totally improper" and "asinine" for Palmer to file criminal charges. "I just think Mr. Palmer should have the courtesy of advising these judges and call them up."

Text Box 12 – August 24, 2001

Rail official fined over income report – Jon Craig

- ➡ Chalk one up for the judicial underdog.
- ➡ Yesterday, the executive director of the Ohio Rail Development Commission pleaded no contest to three ethics charges filed by David Palmer of Powell.
- ➡ Palmer said that as a self-appointed watchdog, he has "elevated himself from toy poodle to disgruntled Dalmatian."

Text Box 13 – July 10, 2001

Powell man wants judges to repay taxpayer money – Jon Craig

- Caged by courtroom bureaucracy upon filing criminal complaints against 11 judges, Palmer of Powell is now offering a “judicial amnesty program.”
- Palmer sent letters yesterday to 6 appeals courts judges from Akron, Canton and Cleveland, dogging them to repay allegedly misspent taxpayer money.
- Palmer accused three of the jurists of paying for family vacations during a June 2000 judges conference at Cedar Point [amusement park].
- “It’s their annual hosing of the taxpayers,” Palmer said. “These are the same penny ante, nickel-and-dime people who make \$110,000 annually.”
- Palmer gave the judges 10 days to reimburse the state of Ohio: “Please advise me of the date and means by which you have done so.”

Text Box 14 – July 21, 2001

O’Brien asked to step aside in Cases against visiting judges – Jon Craig

- Franklin County Prosecutor Ron O’Brien was asked yesterday to remove himself from handling criminal cases involving visiting judges appointed by the Ohio Supreme Court.
- Self-appointed judicial watchdog David Palmer of Powell filed a motion to disqualify O’Brien in Franklin County Municipal Court.
- In his motion to toss out the prosecutor, Palmer said it was O’Brien’s statutory duty to defend visiting Judge Stephen A. Yarbrough of Sylvania in a separate domestic-relations case involving Yarbrough. “An obvious conflict of interest exists in that O’Brien cannot act as defense counsel for Yarbrough while at the same time investigate and prosecute him for repeated ‘thefts in office,’” Palmer wrote in his motion.
- Since Palmer began raising allegations about overbilling, more than \$8,700 has been collected from appointed judges who were overpaid by the Supreme Court.

Text Box 15 – July 2, 2002

Justices say receipts prove their case – Jon Craig

- “This has gone too far,” Chief Justice Moyer said. “We think somebody’s playing gotcha with us ... and we’re tired of it.”
- Justice Douglas said he has been busy defending himself from bogus stories and neighbors’ teasing.
- But he said he thinks the state is being overcharged for his purchases. “BP is ripping us off. I think there’s a major story here,” Douglas said. **“If the fuel don’t fit, we can not acquit,” Palmer said.**

Text Box 16– August 9, 2000 – check date

Watchdog files charges against Supreme Court Justice – *Jon Craig*

- Judicial watchdog Dave Palmer filed nine first-degree misdemeanor charges against Ohio Supreme Court Justice Deborah Cook.
- Palmer says Cook improperly charged the state more than \$2,100 for mileage to cover weekly commutes to the court from her home in Akron during the past two years.
- But Cook said she saves taxpayers money by driving her own car and not billing the state for food or lodging when she is in Columbus.
- ▶ Cook's statement is false because neither she nor any other out-of-town justice was lawfully entitled to bill the state for meals and lodging. Put simply, she fabricated a defense where none existed.

Text Box 17– April 12, 2001

Judges who draw 2 checks stir debate – *Jon Craig*

- Supporters of a bill that would prohibit judges from receiving full salary and retirement benefits at the same time will testify today at the Statehouse.
- Each of the judges is paid more than \$100,000 annually in salary, and most also will receive more than \$70,000 a year in pension payments this year.
- David Palmer said the bill doesn't go far enough. He said more than 100 visiting retired judges appointed by the Supreme Court who are paid \$412 per day, also need to be better regulated.
- He said those appointments also amount to double dipping because their stipend pay combined with retirement pay can make them better-paid than sitting judges. [Such conduct illegal in many states]

Text Box 18– June 21, 2001

Ex-justice accused of falsifying financial-disclosure statement – *Jon Craig*

- A criminal complaint alleging former Supreme Court Justice J. Craig Wright failed to disclose \$7,150 in pay last year as a magistrate in Whitehall Mayor's Court was filed yesterday by David Palmer of Powell.
- Whitehall receipts show Wright billed the city for 11 court sessions **[1-1 ½ hours each]** in October, November and December at \$650 per session. Whitehall also paid Wright \$13,000 for the first five months of this year.

Text Box 19– August 9, 2000

Group to refile complaints against Moyer – Jon Craig

- Complaints that Chief Justice Moyer violated judicial ethics by supporting a fellow Republican for the court will be refiled today with the three-judge panel that dismissed them last week.
- Palmer filed the original charges in April. He contended Moyer violated a judicial canon that judges and judicial candidates should not “publicly endorse or oppose a candidate for another public office.”
- “It’s just a sham,” Palmer said of the ruling. He unabashedly supports O’Donnell.” Palmer speculated a lower-court judge would have been disciplined for similar comments.

Text Box 20– Jan 14, 2002

Man who fought Web site on ethics faces 5 felonies – Jon Craig

- For judicial watchdog David Palmer of Powell, there is a Santa Claus.
- Palmer’s Web site that blasted unethical lawyers and judges was shut down in October. But last week, the former California lawyer who got a court injunction to unplug Palmer’s site was arrested and charged with five felonies.
- Ron Lais has been suspended twice since 1999. He resigned his law license in March 2000 with charges pending in 8 separate cases.
- “I sent (Lais) an e-mail congratulating him,” Palmer said yesterday.
- “He continued to practice law while he was suspended and after he resigned,” Orange County Deputy DA Ray Armstrong told *The Orange County Register*. “His advertising on the Internet is tantamount to his placing an ad on the lawyer’s page in the Yellow Pages.”

Text Box 21– September 11, 2001

Ethics violations are usual for court system – Dennis Caron

- Ohio, specifically with Supreme Court Chief Justice Thomas Moyer on the bench, has one of the worst records in the country for enforcing the Code of Judicial Conduct, and consequently, the judiciary in this state is completely out of control.
- We have judges boozing on the taxpayers’ dime and grossly overbilling taxpayers for work. This is just the tip of the iceberg.
- Our courts are self-regulating, which as effective as letting prison inmates operate the penal system and hookers enforce prostitution laws.
- If Ohioans really knew how corrupt there courts are, they would be outraged.

Toledo Blade

Text Box 22– May 20, 2000

Maumee man accuses chief justice of ethical misstep – *Jim Provance*

- Palmer, a registered Republican who runs a web site on judicial conduct, argues that Moyer violated the Code of Judicial Conduct, which prohibits a judge or judicial candidate from publicly endorsing a candidate for office.
- “I regret not knowing reporters were there,” Moyer said yesterday. [Say what?]
- “He doesn’t have the right under the code of conduct to promote one or the other ...,” Palmer said. “He has no more right to do that than Justice Resnick has to go to a podium to promote the person running against Justice Cook.”

Text Box 23– May 27, 2001

Prosecutor will probe possible double billing – *James Drew*

- The Franklin County prosecutor’s office has agreed to work with a judicial watchdog to determine if any visiting judges [all appointed by Moyer] violated the law by double billing the state.
- Mr. Palmer said he intends to work with Mr. Buchman to review allegations against judges Stephen Yarbrough of Sylvania; Richard McQuade, Jr. of Swanton; June Rose Galvin, and Robert G. Wilson of Bryan.
- **“These are not totally straws pulled out of the air,”** he said. [Mr. Buchman]

Text Box 24– January 24, 2001

Ex-Sylvania mayor faces ethics complaint

- An activist has filed a complaint with the Ohio Ethics Commission accusing former Sylvania Mayor Jim Seney of failing to disclose that he received rental income from visiting Common Pleas Court Judge Steve Yarbrough.
- David Palmer, a former Maumee resident and frequent critic of the judicial system, submitted copies of checks totaling \$1,920 in 1999 from Mr. Yarbrough to Seney.

Text Box 25– May 27, 2001

Yarbrough targeted by judicial critic – *James Drew*

- Yesterday, Mr. Palmer said he had waited long enough – so he filed four new theft-in-office complaints against Judge Yarbrough, a retired Lucas County judge and former state senator. [Resigned as State Senator after it was discovered he lied about his residency so he could qualify for appointment]

Text Box 26– August 24, 2001

Ex-mayor punished in ethics case violation – James Drew

- ➡ Jim Seney, executive director of the Ohio Rail Development Commission, pleaded no contest yesterday to three misdemeanor counts that he filed incomplete financial disclosure statements with the Ohio Ethics Commission.
- ➡ Seney's plea stemmed from a complaint filed with the Ethics Commission by Palmer, a judicial critic who accused Seney of failing to disclose rental income from Stephen Yarbrough, who is a retired visiting judge from Lucas County.

Text Box 27– January 3, 2002

Complaint dismissed against Ohioan with legal-advice web site

- ➡ The Ohio Supreme Court's disciplinary counsel [appointed by and acting under the direction of Moyer] **wanted to put a self-described "judicial watchdog" on a short leash, but** former Toledo-area resident David **Palmer says the state tried to bite off more than it could chew.**
- ➡ **"The dog just lifted his leg and sent a message,"** said Mr. Palmer yesterday, after learning that a seven-member panel appointed by the high court dismissed the complaint filed against him."

Text Box 28– August 8, 2000

Board clears Justice Moyer

- ➡ Palmer filed a complaint in May alleging that Moyer violated judicial canons when he attended a Republican Party event this year, and in a backhanded way, urged support for Supreme Court candidate Terrence O'Donnell.
- ➡ Palmer called it a "whitewash" by a panel of judges who want to protect their chances of being appointed to other positions.

Text Box 29– May 12, 2001

Critic says 9 judges stealing from state – James Drew – Dale Emch

- ➡ A critic of the judicial system is accusing four retired visiting judges in northwest Ohio of theft.
- ➡ David Palmer, states in criminal complaints filed in Franklin County that the judges have been either overcompensated for their daily wages or filed bogus expense reports for meals and lodging.
- ➡ Judge McQuade said the criminal complaints filed in Columbus mark the latest attack in a series Mr. Palmer has waged against him. "I have never, never [purposely] billed for the same date twice," Judge McQuade said.

Text Box 30– December 12, 2001

Ex-Toledoan in judicial pickle – *James Drew*

- The Ohio Supreme Court’s disciplinary counsel wants to put a self-described “judicial watchdog” on a short leash. But David Palmer, a former Toledo-area resident who runs a web site and a one-man group called “The Committee to Expose Dishonest and Incompetent Attorneys and Judges,” counters that powerful interests want to muzzle him.”
- During a five-hour hearing yesterday before the Board of Commissioners on the Unauthorized Practice of Law, Mr. Palmer used flashes of humor and testy exchanges to defend himself against allegations that he has practiced law without a license. He said his web site also offers “**remedial legal ethics classes, mediation/arbitration services, and light hauling and landscaping.**”
- “I consider myself to be a big dispenser of a big dose of common sense. I tell most people to stay as far as they can from the courthouse and the legal system.
- Mr. Palmer said he uses “J.D.” [Juris Doctor – denoting legal degree] after his name as “satire and lampooning,” and he noted that he uses a drawing of two vicious Dobermans on his letterhead and a disclaimer that he is “**also not licensed to practice in** Iowa, Texas, Michigan, and **the Land of Oz.**”

Text Box 31– May 27, 2001

Visiting judges’ pay receives scrutiny as Irregularities emerge – *James Drew- Dale Emch*

- A decades-old system of assigning retired judges to work in courts across Ohio will be reformed after a review of records showing that some of these visiting judges – including one from Sylvania – double-billed the state for thousands of dollars.
- Chief Justice Moyer, who oversees the visiting judge system, told *The Blade* that guidelines are being established to correct the problems that led to judges being paid twice for the same work for the same day.

Errors uncovered by a *Blade* review of state records and interviews about the retired visiting judge system found:

- 1) Although visiting judges can bill in quarter-day increments, records show most judges routinely claim a full day’s pay when they bill taxpayers.
- 2) The **public has no say in the selection of visiting judges because they are appointed by Moyer**, not elected by voters.
- 3) The court has no way of independently verifying the time the visiting judges put in [Dawg did reviewing parking, meal, lodging receipts and court dockets] and they are allowed to perform some work at home [illegal in some states].

Text Box 32– August 31, 2001

State lawyer panel strikes ethics beef

- An Ohio State Bar Association committee has dismissed ethics complaints made by a judicial critic against two local judges for collecting pensions while keeping their jobs on the bench.
- David Palmer, a former Toledo-area resident who lives in Powell, Ohio, filed the complaints with the state bar association's legal ethics committee.
- Mr. Palmer runs a web site called "The Committee to Expose Dishonest and Incompetent Attorneys and Judges." He is facing an investigation by the Ohio Supreme Court's disciplinary counsel for allegedly practicing law without a license.

Text Box 33– November 2, 2001

**Judge takes bite out of ex-Maumee mans
Judicial watchdog site – *James Drew***

- A California judge has shut down the web site of a former Toledo area resident who runs a one-man group called the Committee to Expose Dishonest and Incompetent Attorneys and Judges.
- Ruling in a lawsuit filed by a former Santa Ana, Calif., attorney Ronald E. Lais, Judge Francisco Firmat of Orange County Superior Court prohibited self-described "judicial watchdog" David Palmer from publishing any information about Mr. Lais on his web site.
- Mr. Palmer said he posted information on his web site about the California Bar last year suspending Mr. Lais for two years. "**How can I defame someone who doesn't have a law license?**" Mr. Palmer said.

Text Box 34– December 12, 2001

Billing complaint filed against Ohio Justice – *Jim Provance*

- Ohio Supreme Court Justice Deborah Cook [presently sitting on the 6th Circuit Court of Appeals in Cincinnati] was accused yesterday of billing taxpayers \$2,106 in mileage for which she wasn't entitled.
- The allegations, potential misdemeanors, were filed in municipal court by self-described judicial watchdog David Palmer, formerly of Maumee.
- The Supreme Court's travel regulations prohibit justices from being reimbursed for mileage for commutes between their homes [Cook lived in Akron] and the court [located in Columbus].

Text Box 35– June 13, 2002

Complaint claims Ohio justices didn't pay enough taxes

- ➡ A three-judge panel is examining whether three Ohio Supreme Court justices paid the correct amount of city income taxes to Columbus and other communities where they work.
- ➡ The review was triggered by a complaint filed with the high court's disciplinary counsel by former Toledo-area resident David Palmer, a self-described "judicial watchdog." Mr. Palmer has said that for 2001, Justice Deborah Cook owes the city of Columbus \$603, Justice Alice Robie Resnick \$410; and Justice Andy Douglas \$990.
- ➡ A panel led by state Appeals Court Judge William Wolff of Dayton has asked the three justices how much time they work in Columbus and at their other residences. Because the Disciplinary Counsel works for the Supreme Court [Moyer], complaints filed against justices are sent to panels of three appeals court judges.

Akron Beacon Journal

Text Box 36– June 1, 2001

Hearings set in double billing cases – Dennis Willard – Doug Oplinger

- ➡ Charges against nine so-called "visiting judges" who were paid two days' wages for one day of work are to go to hearings in Franklin County Municipal Court later this month. Judge David Jenkins, after grilling maverick judicial critic David Palmer, agreed to hear further evidence on May 30.
- ➡ Palmer, who said he is looking out for taxpayers, said he obtained Ohio Supreme Court payment records showing numerous instances in which retired judges submitted bills for judicial work in two counties on the same day and received \$804, or the equivalent of two days' pay.
- ➡ In 1997, Palmer brought the double billing to the attention of Chief Justice Moyer, who is responsible for recruiting and assigning retired judges. In 1998, Palmer brought the issue to the attention of State Auditor Jim Petro.
- ➡ **But repaying the state isn't good enough**, Palmer said. "Repaying doesn't get you out of a felony. **That's like saying, 'Oh, I'm sorry I robbed the bank.'** If that works for judges, then we're opening the door for everyone to use that excuse," he said. **"The Supreme Court has no authority to give you absolution for these felonies."**

Text Box 37– May 31, 2001

Charges on judges dropped – But court, others still Pursuing double billing case – *Dennis Willard – Doug Oplinger*

- ➡ Fifty-nine counts of theft in office filed against nine visiting judges, including Medina’s Phillip Baird, were dismissed yesterday.
- ➡ Palmer, the citizen who brought the complaints, agreed to drop the charges for now after being promised he could work with the Prosecutor’s Office and be given full access to billing records at the Supreme Court.
- ➡ Also yesterday, the Supreme Court sent a letter to Baird, stating he billed the state six times for working in two different counties on the same day in 2000 and has to repay about \$2,400. Baird was paid for 10 days by the court for spending the same five days in courtrooms in Summit and Stark counties.
- ➡ **For three years, Palmer has been pestering Moyer to investigate improprieties in the payment and expense reimbursement claims by visiting judges.**
- ➡ Franklin County Prosecutor David Buchman said he will work with Palmer to determine whether charges should be filed in the future. **“Out of fairness to Mr. Palmer, these are not straws pulled out of the air,”** Buchman said. **“There are issues that need to be addressed.”**

Text Box 38– May 31, 2001

Billing storm embroils judges – Theft-in-office charges filed against 9, including 2 from Medina County – *Dennis J. Willard and Doug Oplinger*

- ➡ On March 8, 2000, retired Medina County Judge Judith Cross spent the morning working as a visiting judge in Lorain County and then traveled to perform the same work that afternoon in neighboring Huron County. When it came time to be paid for her work, she submitted a bill for two-day’s pay -- \$402 for Lorain and \$402 for Huron – to the Ohio Supreme Court.
- ➡ “I’m doing it for one reason. To expose those who think they have a God-given right to help themselves to taxpayer’s money,” Palmer said. “Its such hypocrisy to have these people sitting there as penny-ante crooks judging others.” Palmer said he went Moyer in 1997 with examples of double-billing and was ignored.
- ➡ Cross said she wondered whether billing for two counties on the same day was appropriate [How absurd is this?], but the Supreme Court paid the bills.
- ➡ Baird of Medina was paid \$2,010 from Feb. 28 through March 3, 200, for sitting as a visiting judge in Stark County [Canton]. During those same five days, Baird billed the Supreme Court for an additional \$2,010 as a visiting judge in Summit County [Akron]. At least eight times in 2000, Baird was paid two full days’ wages for working in two different counties on the same day.

Text Box 39– May 31, 2001

Board clears Justice Moyer – Doug Oplinger

- David Palmer, a retired Toledo businessman, filed a complaint in May alleging that Moyer violated judicial canons when he attended a Republican Party event this year, and in a backhanded way, urged support for Supreme Court candidate Terrence O'Donnell.
- Palmer called it a “whitewash” by a panel of judges who want to protect their chances of being appointed to other positions. [visiting retired judge]

Cleveland Plain Dealer

Text Box 40– May 31, 2001

Judge accused of over-billing since 1998

- A visiting judge has been accused of double-or triple-billing common pleas courts since 1998 at a cost of nearly \$8,000 to taxpayers.
- David Palmer of Powell lodged the complaints against retired Judge Stephen Yarbrough. Mr. Palmer said he found 21 instances of Yarbrough double-billing common pleas courts and more than 250 instances of Yarbrough submitting false meal expenses since 1997.

Text Box 41– May 31, 2001

Court reviews payment files after judges get checks twice – T.C. Brown

- In the past month, eight judges have returned nearly \$9,000 in overpayments [billing two counties for eight-hours on same day] to the court.
- Court officials deny that Palmer, of Powell, Ohio, triggered the review after he recently filed 57 felony theft charges against nine visiting retired judges.

Text Box 42– May 31, 2001

Complaint against top justice dismissed – T.C. Brown

- A disciplinary panel dismissed complaints against Ohio Supreme Court Justice Thomas J. Moyer for an alleged political endorsement. Palmer said he was not surprised by the ruling.
- “I just find this absurd. **He is the chief, and he is supposed to set the standard for the whole system,**” Palmer said. “Moyer knows the code of conduct. What more do you need?”

Text Box 43– April 25, 2000

2 file complaints over chief justice’s political speech – T.C. Brown

- The chairman of the Huron County Democratic Party and a self-appointed judicial watchdog filed separate disciplinary complaints against Supreme Court Chief Justice Thomas Moyer yesterday. The complaints ask for an investigation of Moyer’s apparent endorsement of a fellow Republican, Judge Terrence O’Donnell for an Ohio Supreme Court seat.

Text Box 44– May 31, 2001

Columbus man sits in judgment of state’s judges – T.C. Brown

- Palmer, who once led a quiet life running an Asian grocery and restaurant in Toledo, has caught the eyes of judges across the state by filing nearly 90 criminal complaints last year. Some judges won’t talk about him, others are jumpy.
- His dogged and sometimes irreverent pursuit of judges has been recounted in statewide media, the Washington Post, Wall Street Journal, USA Today and newspapers in California and West Virginia.
- Palmer’s latest mission is based on his suspicion that Chief Justice Tom Moyer might have cheated when using his state gasoline card.
- “The problem with him is he is very anxious to accuse people of doing wrong things,” Moyer said. “The watchdog title he gives himself is an overstatement. He is trying to wear us down and to embarrass us, but we simply will not be intimidated.”

Associated Press

Text Box 45– April 25, 2000

Moyer focus of election complaint

- A complaint filed Monday by a critic of Ohio Supreme Court Chief Justice Thomas Moyer accuses him of improperly speak up for a fellow justice’s election.
- “**If you can’t act in accordance with the rules, why have the rules?**” Palmer said. “Let voters determine who the best candidate is.”
- Moyer said he wouldn’t have made his comments (favorable to O’Donnell’s election) if he had known reporters were present. [Isn’t that special?]
- Palmer, 55, acknowledged filing complaints against Moyer in the past. **His Web site contains statements critical of Moyer.**

Text Box 46– June 3, 2000

Justice must tell his side – Andrew Welsh-Huggins

- Chief Justice Moyer must respond to complaints he violated judicial rules when he talked about a fellow justice's fall election campaign, according to court documents.
- David Palmer of Maumee said he was pleased that the grievance has reached the level where "it's at least worthy of a review for possible misconduct."
- Moyer denied endorsing O'Donnell, saying he was only talking favorably about him.

Text Box 47 – May 22, 2001

3 judges pay back after watchdog complains – Liz Sidoti

- Three judges who face complaints by a judicial watchdog for allegedly overbilling counties where they have served as visiting judges have back the state.
- David Palmer, a Powell resident, claims the three, and many others, still owe the state thousands more.
- Upon retirement, judges can offer to preside in courtrooms where there are shortages of judges, or Ohio Chief Justice **Thomas Moyer recruits them** to help out.
- "I certainly didn't intend to put wrong expenses down. It wasn't anything intentional. **I'm an honest guy,**" Judge Lawther said. "Meantime, **I heard about this guy in the Columbus area [Mr. Palmer] and I wanted to avoid any difficulty from him.**"

Columbus Monthly Magazine- Letters to the Editor

Text Box 48– July 2002

Mark Brunner – Hollidaysburg, Pennsylvania – 07/02

- After reading your article about David Palmer, the legally self-educated gentleman who has taken on members of the legal establishment, I was very pleased [Law: "The transformation of David Palmer" – May]
- Does anyone really believe that Palmer, who probably despises most attorneys, was actually claiming to be one?
- I hope that he can make a dent in the self-serving superstructure that our legal system has become.

Text Box 49– July 2002

Joseph C. Sommer – Columbus – Attorney

- **David Palmer is a true hero for his work in exposing corruption in the judicial system** and pressuring public officials to clean it up.
- **Sadly, few attorneys have spoken out about these problems, despite the oath they took to uphold the law.**
- “It is widely known that many state court judges play favorites among litigants and lawyers ... [P]ersonal favors are quietly stored and exchanged. (*Citing excerpt by Harvard law professor Alan Dershowitz*)
- Few members of the legal profession have advocated improvements in the system. **Palmer deserves the thanks and respect of the public for doing what most attorneys, judges and other public officials are unwilling to do.**

Text Box 50– July 2002

Ruth Costakos – Columbus

- Your May article “The Transformation of David Palmer” provides an **excellent and very detailed portrait of a man who has dedicated himself to fighting for everyone to have a fair and just chance when they have to turn to the courts of Ohio.** He has certainly shown all of us what determination can do against a system that is determined to keep its old corrupt ways and line the pockets of those who like the old corrupt ways.
- **For those of you, who had a duty to fight for a fair and just system and did not do it, shame on you.** For those of you who knew of the corrupt ways and didn’t speak out, let your voices be heard. So far there have only been a few long singers (David Palmer being the voice that carried the loudest) out of fear of retaliation. **Offer your voice and there will eventually be a choir.**

The Other Paper – Letters to Editor

Text Box 51– July 11, 2002

Like a Spoiled Child – Ruth Costakos – Columbus, Ohio

- When I read your article “Moyer: Dispatch is Palmer’s mouthpiece” (July 2004), I couldn’t believe my eyes, but there it was in print. **The chief justice of Ohio acting like a spoiled child because he and his cohorts got caught with their hands in the cookie jar.**
- **In the meantime, Justice Moyer, quit being the playground bully.** New is news and we don’t want the papers intimidated by you or anyone else. Why do you even have cars? We certainly pay you enough and the Ohio Constitution says it’s a no-no.

Text Box 52 – July 11, 2002

Kudos to Craig and Marrison *Margaret A. Downery – Columbus*

- Thank you for your report on the findings of the *Dispatch* reporter Jon Craig incriminating certain members of the bench.
- Human nature is such that in general we will push the envelope. Those who are expected to set examples of law, order and social responsibility have a certain duty to resist temptation.
- They didn't resist, got caught with their collective hands in the cookie jar and now need to be held accountable. Every grade-school child knows if you break the rules you suffer the consequences, including the possibilities of exposure and embarrassment.
- I applaud Mr. Craig's tenacity and courage in sticking his neck out. If he doesn't, who will? If the answer is no one, then accountability is merely a concept.

The City Paper – Toledo

Text Box 53– July 14, 2001

Judicial watchdog spurs inquiry

- Three Toledo-area retired visiting judges Stephen Yarbrough, June Rose Galvin and Richard B. McQuade, Jr. have had felony theft-in-office complaints filed against them in recent weeks.
- The complaints, which allege the judges' double-billed taxpayers by seeking and accepting reimbursement for working in two counties on the same day, were filed in Franklin County court by former Maumee resident David Palmer.
- **Palmer said he first brought examples of double billing to Moyer's attention in 1997 but was ignored.**

Text Box 54– May 17, 2000

Are local judges double dipping? – *Alan Abrams*

- David Palmer said his ongoing investigation has "uncovered widespread corruption" by the judges "who have repeatedly bilked the taxpayers by submitting fraudulent and/or fabricated per diem and/or expense claims."
- Palmer told City Limits last week that he will be filing additional felony charges in Toledo against Judge McQuade. "I think they will amount to more than 100 separate felony complaints for theft in office beginning in 1992 and continuing through 2000."

Los Angeles Daily Journal

Text Box 55 – November 2, 2000

Disparaged lawyer sues over site

- An Orange County attorney who was disparaged on a Web site after a dispute with a former client has struck back with a lawsuit. Ronald Lais, sued Rachel Wilson his former client and David Palmer charging that statements published on Palmer's web site were false, insulting, misleading, derogatory, and extremely embarrassing.
- The Web site is the brainchild of David Palmer, a disabled veteran from Maumee, Ohio. It contains allegations against a number of lawyers and jurists.
- Palmer for the committee in 1993, but the Web site went online in 1997, Palmer said. Its purpose is to "expose attorney and judicial misconduct," a task he said the legal profession is "loath to do."
- Although he has yet to see the lawsuit, Palmer said his defense will be that, "**Lais is defamation proof**, and that his lawsuit is nothing but a sham."

The Daily Reporter - Columbus

Text Box 56– August 2, 2001

Judge rules O'Brien's office can Prosecute judges Accused of over-billing – Nate Ellis

- Franklin County Municipal Court Judge H. William Pollitt Jr. ruled Thursday that Franklin County Prosecutor Ron O'Brien and his assistants can oversee the prosecution of two judges [Tommy Thompson of Columbus and Stephen Yarbrough of Toledo] accused of falsifying billing records.

Fremont News Messenger

Text Box 57– May 28, 2001

Complaint lodged against retired Sandusky County judge

- David Palmer of Powell filed a misdemeanor complaint in Franklin County Municipal Court against Judge Bruce Huffman for failing to report more than \$100 in travel expenses on financial disclosure statements for the year 2000.
- Huffman described Palmer's complaints as "totally spurious."
- Retorted Palmer: "His filing of false ethics disclosure statements is my fault?"

Text Box 58– May 21, 2001

Watchdog alleges theft by 9 judges

- ➡ A retired Medina County judge admitted she billed the state for two days' work when she worked only one day as a visiting judge.
- ➡ Judicial watchdog David Palmer claims the judges were overcompensated for daily stipends, meals and lodging.
- ➡ "I decided to expose them because I found it absolutely outrageous that these people can do this and sit in judgment of everybody else," Palmer said.
- ➡ Palmer said juries should decide whether those judges, as well as the other six, had criminal intent. Moreover, sloppy paperwork, he said, begs the question of whether these judges even should be appointed to serve.
- ➡ "Are they entitled to retain their positions if they're sloppy on details?' Palmer said. "Aren't people sitting in jail or losing lawsuits because of technicalities that were determined by a judge?"
- ➡ Palmer said he became interested in the issue after 1994, when Judge McQuade was assigned as a retired visiting judge in a case in which Palmer was involved. Palmer said he was appalled by McQuade's conduct.
- ➡ **Palmer has criticized Chief Justice Thomas Moyer, who assigns the judges, for essentially ignoring the problem.**

La Prensa

Text Box 59– April 25, 2001

**Retired Lucas County Common Pleas
Judge Accused of Theft in Office – Alan Abrams**

- ➡ A former Maumee resident who heads an internationally known judicial watchdog organization has filed criminal complaints alleging theft in office by retired Lucas County Common Pleas Court Judge Stephen A. Yarbrough.
- ➡ According to a report on the filings in the Columbus Dispatch, Palmer alleged that Yarbrough billed Franklin County Common Pleas \$390 for a day's work in Sept. 1999 and billed Marion County Common Pleas another \$390 for that same day's work.
- ➡ Palmer told La Prensa the total of Yarbrough's "double or triple-billings" is close to \$8,000," and that he has more than 250 instances of Yarbrough submitting false expenses for meals since 1997.
- ➡ The committee's website receives inquiries from as far afield as Outer Mongolia and Indonesia.

Text Box 60– May 30, 2001

**Retired Lucas County judge Yarbrough to face
Double-billing charges – Alan Abrams**

- ➔ Municipal Court Judge Charles Schneider gave Judge Yarbrough's attorney one week to come up with material to defend a charge that Yarbrough billed Franklin and Marion common pleas courts for the same day's work.
- ➔ The Columbus Dispatch said Judge Schneider wants to see court docket and other records for Sept. 9, 1999, the day Yarbrough served as a visiting judge.
- ➔ Michael Close, Yarbrough's attorney [ex-appeals judge], argued there is nothing in the Supreme Court rules barring Yarbrough billing two counties on the same day for a partial day's work [16 hours for one day].
- ➔ Supreme Court Justice Thomas Moyer appoints visiting judges. From 1987 until May 2000, Moyer gave some 24,000 assignments to retired judges at a yearly cost to taxpayers of between \$4 and \$6 million.
- ➔ "I have been reporting these serial thefts of expense money by Judge McQuade since 1997, and now we find out he lies on his Financial Disclosure Statements and doesn't even report it. I've ordered all of McQuade's Financial Disclosure Statements from 1992 through 1998 and I'm sure he probably did the same thing, meaning he would have lied nine straight years," Palmer told La Prensa.

Text Box 61– August 29, 2001

Supreme Court Fails to Muzzle Judicial Watchdog – Alan Abrams

- ➔ It's going to take a lot more than hauling judicial watchdog Palmer before an Ohio Supreme Court panel to derail his campaign to expose dishonest judges. In a humor-laced filing to the board on August 16, a copy of which was obtained by La Prensa, **Palmer attached a Juris Doctor degree he has recently been awarded by Working Wounded University. The degree limits Palmer's practice of law to the Land of Oz.**
- ➔ Added Palmer, "Disciplinary Counsel and the Ohio **Supreme Court have no legal authority that would confer upon them jurisdiction to control the practice of law in *The Land of Oz* or *Atlantis*.**" Palmer also submitted a diploma awarding him a degree in Remedial Legal Ethics, "which enables me to teach remedial legal ethics courses."

Text Box 62– July 4, 2001

Ohio Bar Assn retaliates against Watchdog – Alan Abrams

- The Ohio State Bar Assn has filed charges against judicial watchdog and whistleblower David Palmer accusing him of practicing law without a license.
- Palmer said he has also filed misconduct and conflict of interest complaints against two sitting members of the Board of Grievances and Discipline.
- He said Craig Wright [ex-Ohio Supreme Court Justice] represents Judge McQuade while at the same time he is a member of the Board of Commissioners which is prosecuting him for the unauthorized practice of law.

The Delaware Gazette

Text Box 63– November 14, 2002

Palmer: Legal watchdog or Malcontent? Opinions vary – Todd Schockley

- Between stories of corrupt judges and attorneys, the sometimes Powell resident sprinkles in one-liners that belie the inner angst of a self-appointed legal watchdog who works 50 hours a week for no financial gain.
- Around the walls of his makeshift Columbus office, more than 25,000 pages of public records fill six bookshelves. Nearly 75,000 other pages lie elsewhere.
- At a recent judicial conference at the Marriott North, **Moyer wouldn't answer a question from Palmer** [during a press conference] regarding the **chief justice's \$40,000 government-provided Buick Park Avenue**.
- In May 2001, Palmer filed 57 felony theft charges against 9 visiting judges, who allegedly billed for full days when working only a few hours.
- In March, Moyer adopted new guidelines, requiring visiting judges to bill hourly instead of daily, regardless of the number of hours worked.
- Doug Stephens, director of judicial/court services for the Supreme Court [Moyer appointee], acknowledges Palmer brought the issue to the public, but argues Palmer's influence on the new guidelines was trivial. [Sure it was Doug!]
- Palmer doesn't believe it. **"The change came about after I raised hell,"** he said. **"It should save taxpayers at least \$1.5 million a year."**
- Palmer is funnier than one might expect. At a judicial conference one GQ-tested judge asked him what court he was from. "I told him, 'I'm a Republican on the 13th District Court of Appeals and we're just getting killed with work,'" Palmer said. Ohio doesn't have a 13th District, it only has 12 Appellate Districts, Palmer said. "Another intellectual giant bites the dust, he laughs.
- The high court's overall opinion on the self-appointed watchdog is clear. Supreme Court spokesman Jay Wuebbold said Palmer is a nuisance whose public records requests have cost the court \$35,000 this year.

Cincinnati Enquirer

Text Box 64– April 21, 2001

Judge accused of over-billing since 1998

- ➡ A visiting judge has been accused of double-or triple-billing common please courts since 1998 at a cost of nearly \$8,000 to taxpayers.
- ➡ David Palmer of Powell, who heads a judicial watchdog group, lodged the complaints against retired Lucas County Common Pleas Judge Stephen Yarbrough.
- ➡ Mr. Palmer said he intends to file similar complaints against Judge Yarbrough in Butler, Cuyahoga, Darke, Delaware, Lucas Mahoning and Ross counties.

Text Box 65 – March 20, 2001

Judges' double-dipping unethical, complaint charges – *Randy Ludlow*

- ➡ A grievance alleging unethical behavior by Appeals Judge Robert Doan and other double-dipping judges has been filed with the Supreme Court.
- ➡ The filing contends Cincinnati Doan and three other judges violated the Code of Judicial Conduct by winning re-election, briefly retiring to draw their tax-subsidized pensions and then beginning new terms at full salary.
- ➡ Doan secretly retired after winning re-election last year to begin collecting his approximate \$88,000 annual pension and then returned to the bench for a new six-year term at an annual salary of \$115,950.
- ➡ Palmer's complaint states "voters had an absolute right to know of these judges' intentions to double dip ... before they cast their votes. Because of their zeal to enrich themselves at taxpayer expense, these judges determined that it was in their financial interest to conceal this highly relevant information."
- ➡ Palmer said the double dips violate Code of Judicial Conduct requirements of high standards promoting public confidence and an avoidance of the

Tony Martino Radio Show

Text Box 66– May 16, 2001

- ➡ We also heard from David, out of Ohio who has a website dedicated to exposing corrupt attorneys and judges.
- ➡ David said he is very familiar with what happened to Rachel and feels that Ronald Lais is a predator preying on desperate parents seeking help in custody battles. David has devoted a portion of his website to Rachel's case. David is also being sued by Lais.

The Houma Courier – Houma, Louisiana

Text Box 67– November 12, 2003

Judge's costume sparks complaints, national debate – *John DeSantis*

- ➡ Proceedings were cancelled without explanation in an embattled Terrebonne Parish Judge's courtroom today as furor over his black-face Halloween costume reached national audiences.
- ➡ In California, a self-described judicial watchdog filed his own complaint about Ellender to the Louisiana Judiciary Commission. David Palmer of El Dorado Hills who operates a Web site called www.noethics.net, which routinely post accusations of impropriety against judges, said he was outraged by the reports.
- ➡ "There can be no valid excuse for Ellender's conduct, and the sole remedy is for the Louisiana Supreme Court to remove him from office to assure that his bigoted views cannot be visited upon minorities and/or others that are

USA Today

Text Box 68– February 1, 2002

Unauthorized practice of law on the Net

- ➡ David Palmer is the executive director of the Committee to Expose Dishonest and Incompetent Attorneys and Judges. His Web site operates as a vehicle for Palmer to express his views. Palmer is alleged to have engaged in the unlawful practice of law.
- ➡ The board found that Palmer's comments are little different from what can be found in any number of publications found on newsstands every day. Thus, according to the board "the publication of legal advice on Palmer's web-site, good or bad, is not in and of itself the unauthorized practice of law."

Inner.Art.bits

Text Box 69– July 25, 2002

Hats-Off – Harry Farkas

- ➡ Closer to home the spotlight is on David Palmer who has nearly single-handedly taken on the judicial system in the State of Ohio.
- ➡ Palmer claims visiting judges, assigned by the Chief Justice are double-billing for work done on the same days and were over-billing for expenses. The outraged judges claimed they were the victims of poor bookkeeping. One judge had earlier indicated a disdain with details in an article no longer available in the *Columbus Dispatch* archive. ["Oh God, that Son-of-a-Bitch!"]

Gwonger News

Text Box 70– January 4, 2002

Court panel dismisses complaint against judicial critic Palmer

- ➡ An Ohio Supreme Court panel reviewing the actions of judicial critic Palmer has dismissed a complaint in which accused him of practicing law without a license.
- ➡ The board stated the inclusion of “J.D.” on Palmer’s letterhead doesn’t amount to him illegally holding himself out as an attorney. “As for instances in which the ‘J.D.’ designation was used, there is no evidence that anyone was misled into believe that Palmer is admitted to practice law in Ohio,” the board said.
- ➡ Mr. Palmer said during the August hearing that the letters could stand for any combination of words, including “Just Dave.” His website suggests, among other things, the letters could be an abbreviation for “Junkyard Dog.”
- ➡ Palmer rattled cages in judicial circles when he filed complaints against Chief Justice Moyer for comments made at an Ohio Republican Party meeting.

WBNS TV-10 - Columbus

Text Box 71– June 18, 2002

Complaints filed against four Justices

- ➡ A Columbus man, Friday, filed complaints against four Ohio Supreme Court Justices, accusing them of theft in office.
- ➡ In all, David Palmer filed 23 complaints against the justices, including Chief Justice Thomas Moyer.
- ➡ Palmer obtained dozens of public records of the justices’ activity at the gas pumps. He says he found that four of them may have broken the law.
- ➡ The complaints state the justices defrauded the state, by repeatedly pumping more gasoline into state vehicles than those vehicles could actually hold.

Text Box 72– February 11, 2002

Judicial Watchdog's site closed down by judge – J.P. Finet

- ➡ David Palmer's controversial Web site aimed at exposing dishonest and incompetent attorneys and judges was recently ordered offline by a California judge, but the Ohio judicial watchdog will not be silenced.
- ➡ While Palmer has gained notoriety among Ohio lawyers for his fight against what he perceives to be corruption in the state's judiciary, his Web site was ordered offline by an Orange County judge for reporting on the California bar's suspension of an attorney. The attorney, Ronald Lais, claimed Palmer had defamed him and limited his ability to attract clients via the Internet.
- ➡ "He [Lais] claimed I was defaming him and that the Web site was causing him financial harm. Well, you can't have financial harm when you don't have the legal right to practice," Palmer said. Ironically, the same story was reported on numerous other Web sites, including that of the Orange County Register, yet Palmer noted that the judge did not order them offline.
- ➡ In addition to looking at judges, Palmer's been looking into how Ohio disciplines attorneys. He said that in 1995, he testified before an Ohio State Bar Association committee to review the state's disciplinary process.
- ➡ Palmer said he conducted a study of the disciplinary statistics for attorneys from all 50 states and the District of Columbia after it became clear the committee was ignoring his recommendations. He said the study showed Ohio ranked last in the nation in terms of attorneys disciplined.
- ➡ "I don't profess or claim that every attorney or every judge is dishonest or incompetent," Palmer explained. "It's ridiculous to use that wide a brush, but there are more problems than [the disciplinary record shows]. For example, statistics in Ohio tell us, historically, if you want to find one incompetent or dishonest attorney, you have to put 600 of them in a room. That's ridiculous because I can find more than 1 out of 600 incompetent or unethical engineers, journalists or whatever profession."
- ➡ When asked why he filed complaints against the judiciary, said he was attempting to shame them into cleaning up their misconduct before they lose the public's trust. "I tell people that if you don't clean up your act, you're going to be begging people to come in and do it for you. And when they do, whether it be the Legislature or whatever, you usually don't like what you get."
- ➡ Palmer said he views the allegations he engaged in the unauthorized practice of law as retaliation for the complaints he filed against the judiciary.
- ➡ "I think it's pretty safe to assume that the powers that be don't want to be the first cherry to fall from the tree and be the first to face criminal charges. Because once you make a finding that a judge engaged in misconduct, then it has to apply to every one of them that has done the same thing ... Obviously, this was an attack on the messenger," Palmer said



Dave Palmer
The Watchdawg
Email: Noethics1@aol.com
URL: www.noethics.net

September 17, 2008

Ms. Nancy H. Rogers
Attorney General of Ohio

Re: Palmer v Moyer, Case No. 2:08-CV-2032
Attempt to Resolve Recusal Amicably

Dear Ms. Rogers:

It appears that your office is defending Chief Justice Moyer in this pending action here in the Federal District Court pursuant to a letter dated Sept. 8, 2008 that I received from Assistant AG Jeffrey W. Clark.

In an effort at judicial economy, it is my sincerest desire to forgo the necessity of a hearing on my pending request for a Temporary Restraining Order v. Chief Justice Moyer wherein I am asking that he be prohibited from any further involvement in any cases involving myself and/or my wife.

On August 29, 2008, I sent Moyer a letter asking that he voluntarily recuse himself; however, he failed to respond in any manner. This is a last ditch attempt to have his legal counsel advise him that the evidence contained in my complaint and that attached to my Sept. 17, 2008 "Notice to the Court" goes way beyond proving bias. Towards that end, I would respectfully suggest that upon your review of said evidence that you will conclude that much more than the "mere appearance of bias" exists.

I was pleased to see that you have taught and primarily written in the area of dispute resolution during your tenure at OSU. With this wealth of experience I cannot imagine that you would not counsel Chief Justice Moyer that given the weight of evidence as to his actual bias that it would be in everyone's interest for him to voluntarily agree in writing to forever recuse himself from any matters involving myself and/or my wife.

It is difficult for me to imagine why Chief Justice Moyer continues to insist that the appearance of bias is nonexistent. With all due respect Attorney General, I recently had an ad hoc group of reasonably intelligent folks review the complaint to elicit their opinions as to whether they believed whether or not the "appearance of

bias existed.” One was a fifteen-year-old-girl. I can tell you that all of them opined that there was no dispute that bias existed. In fact, they were flabbergasted to learn that Chief Justice Moyer continues to assert (with a straight face apparently) that he is not biased.

On Sept. 11, 2008, Moyer made the following statements in his annual state of the judiciary address:

- **There are few examples of human conduct more pleasing to observe than the mediated resolution of a dispute.**
- **The law protects and defends those values** that, we as Americans, have held dear since our founding – **freedom of expression...**
- The law protects us **when we say something unpopular...**

If Moyer actually believed and acted in accordance to what he said on Sept. 11, 2008, then I wouldn't be writing this letter Ms. Rogers, and more importantly, you wouldn't be defending Moyer in the Federal Court.

I would respectfully suggest if the evidence of Moyer's bias that I have provided to the court was presented to first year law students at OSU, UC Berkley, Stanford, Michigan and/or Harvard that, each and everyone one of them would soundly conclude that actual bias did indeed exist.

I'm particularly troubled that Moyer would continue this charade and in the process waste the valuable resources of the taxpayers of Ohio and more importantly those of the federal court. Hopefully, you can utilize your vast expertise in dispute resolution to persuade Moyer that the time has come to resolve this matter in an amicable manner and that he do so forthwith.

Thanks for your time and attention to this matter and I look forward to your prompt response. I am attaching a copy of this letter to my Notice to the Court so that it may appreciate my continuing efforts to resolve this matter.

Dave Palmer

PS: For the purpose of expediency, I would appreciate it if you could respond via email at noethics1@aol.com.