

MISC.  
Zaid 6/25/09

June 29, 2009

Honorable Judge Richard S. Sheward  
Franklin County Court of Common Pleas  
369 South High Street-Ninth Floor  
Columbus, OH 43215

Dear Richard,

I wrote a letter to you late last year about a pro se litigant that I observed in your courtroom. I was disappointed at your behavior and the treatment he received.

However, respectfully and in the hopes that citizens of this county would not be further barred, implicitly or otherwise, from full and complete access to our court system, I decided to follow the case. I admit that I have similar concerns with many of the issues that Mr. Evans has raised, including real accountability in our court system. In the interests of not damaging my courtroom relationships, it is unfortunate that I must also admit that I have grave concerns about disclosing my identity due to the delicate nature of my opinion through personal observation in this case. I am not as brazen as Mr. Evans where I have future clients subject to these walls.

With my curiosity peaked, I read the pleadings from the defendant and intervenor. I read Mr. Evans' responses and opposition to summary judgment. Mr. Evans clearly and succinctly pled the elements of his claims. To declare him vexatious under Ohio's statute is unconscionable. As an attorney in Franklin County, I am disillusioned by your attitude towards Mr. Evans, the denial of accessibility to redress his claims, and subsequently upholding the defendant's counterclaim which essentially eliminates Mr. Evans' access to our court system, statutory leave notwithstanding. Equally disconcerting is the fact that he has no adequate remedy for appealing your decision, another tragedy of this statute.

I recently read Mr. Evans' motion for leave to continue with the confidence case and Mr. Ames' motion for leave to continue with the divorce proceedings. It is little wonder why Mr. Brudny sought intervention and summary judgment in your court. I fail to understand why you did not address the sufficiency of the negligence and malpractice claims and instead addressed the privilege alleged. It is certain that Mr. Brudny could have filed for dismissal, however, in the complaint and opposition to summary judgment Mr. Evans verified the violation of his confidence, a public admission by the counselor upheld by her licensing board, was not made in a legal proceeding. In fact, he alleged there has been no hearing in the pending litigation in domestic court.

As to Mr. Ames' leave, I do not understand why you would effectively provide Ms. Davis an implied default judgment in a divorce proceeding. The statute addresses leave for reasonable grounds. While your recent decision expressly circumvented the issue, the

sufficiency of any claims raised is inherent in the divorce and custody statutes. You have put such a restraint on Mr. Evans, that he will have to forfeit his custody rights, any property settlement, and support issues. This is clearly improper for an equity court. It is evident that Mr. Evans is economically disadvantaged and most likely why he was self-represented.

I do not believe that the vexatious litigator statute was designed to impede property and parental rights in specialized proceedings. To require Mr. Ames to file a redundant motion for leave is improper. Further, Mr. Ames should be treated with the respect and dignity he deserves as a court officer. It goes without saying that the domestic court has a means of addressing frivolous motions.

The entire issue before you is Mr. Evans' claim that the defendant, Ms. Davis, perverted a protection proceeding to gain leverage and control of the marital assets and the parties' children. Ms. Davis then filed for divorce where the protection order barred Mr. Evans from an equal playing field. Regardless of the false swearing claim, Ms. Davis set the proceeding into motion for an unauthorized purpose, which is actionable under statute. As to your dismissal of Mr. Evans' claims, the elements for abuse of process were properly raised. Interestingly, in my review of the complaint, Mr. Evans also pled malicious civil prosecution, although as to specificity I am certain that he did not do so intentionally.

This is exactly the type of case that deserves to be heard. The rampant abuse of protection orders in Franklin County needs addressed, by a competent pro se no less, and is long overdue. While the court errs on the side of the petitioner, imminent harm is the required element. I point out that Mr. Evans alleged Ms. Davis spent several days and evenings with him out of town immediately following her petition for protection.

In my long tenure as a practicing attorney, and stumbling amongst the many bumps in the road along the way, I have never once addressed an issue that I have felt this strongly about since my law school ideologies. I am impressed with Mr. Evans' attempts to properly access our courts for the purpose they were intended.

In my eyes this matter needs addressed and corrected. I am deeply ashamed of your conduct in this case Richard.

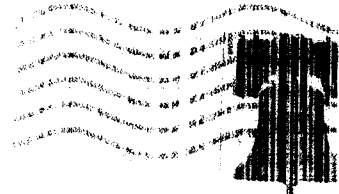
With sincerity and my deepest concerns,

A Colleague

cc: Honorable Judge Guy L. Reece, II, Administrative Judge, General Division  
Honorable Judge David E. Cain, Presiding Judge, General Division  
Honorable Judge Dana S. Preisse, Administrative Judge, Division of Domestic Relations  
Honorable Judge Thomas Loudon, Division of Domestic Relations

COLUMBUS OH 430

29 JUN 2009 PM 6 L



Mr. Charles Evans  
1892 Oakland Park Ave. (Rear)  
Columbus, OH 43215

43224+3632

