

KIMBERLY RAYMOND, ESQUIRE

15 GARDEN ROAD, SUITE B
PLAISTOW, NH 03865

February 25, 2014

Mr. Harry Spence
Court Administrator
Executive Office of the Trial Court
One Pemberton Square
Boston, MA 02108

via email: harryspence@jud.state.ma.us

Mr. Spence:

I am writing to you for two purposes. The first is to report a number of abuses that are occurring on a regular basis within the court system. I do so as an officer of the court, in the hopes of reform. The second is to obtain reassurance for my clients that they are involved in legitimate processes. My coming to you was suggested by Jennifer LaRoche since the issues involve several of the courts.

The problems I have encountered are too many to detail here; however, they are substantial. They degrade the integrity of the court process and they are hurting people, facilitating the theft of life, liberty, and property; including ongoing elder abuse and actions tantamount to kidnapping.

I believe there are many good and ethical people who work within the court system, however, it is also true that there are some individuals who utilize their authority for improper purposes. Mixed with this of course and adding to the woe are those who are ill equipped for the job, but this in no way excuses the entirety of the matters.

I offer the enclosures as partial evidence of my struggle to make my way through the thicket of conflicting procedure and lack of procedure and malfeasance and outright obstruction on the part of some with positions of power within the court system. Most of these have never been answered. My experience is not unique and I am aware of numerous people who have attempted to obtain an equal playing field only to have serious issues, when raised, ignored. Many have experienced situations that feel like involvement in a "kangaroo court" in which certain parties have already determined the outcome that generally covers up wrongdoing and drains the resources of any opposition.

Based on my and others' experiences (supported by documentary evidence) it is clear to me that the reliability of the court docket and records in many of the courts are completely unreliable; and thus render judgments issued by these courts suspect. How can a judge render a correct judgment when a case has been distorted by the actions, inactions and malfeasance of the clerks responsible for formulating the record?

Specifically and currently at issue is the appellate case (2013-P-0266, filed February 16, 2013 over one year ago). The attached letter to Clerk Stanton details some of the problems regarding the appeal of the proceeding begun with a *Petition to Render Inventories and Accounts* filed against the guardian after Mrs. Nickerson's death (the "Incompetent Person"). This letter read in conjunction with the series of letters (all unanswered) to Pamela Casey-O'Brien and the formal attempt to correct the docket (See Record Appendix 726-780) in which the Objectors

were denied hearing on the motion presents a portion of my concerns. The lower court and appellate court dockets remain incorrect and exclude parties and a number of filings submitted on behalf of my clients; nonparties are also included on the record. Further, it is unclear, why the brief filed by Attorney Garmil was not rejected whereas it does not comply with the filing requirements.

Docketing procedure, including the docketing of subsequent petitions and access to the MassCourt system is equally unclear and elusive. I have received conflicting responses as to who has authority to address or correct such concerns. Your assistant Jennifer LaRoche was kind enough to provide me with the telephone number for docket access, however, my calls to that number remain unreturned. I specifically seek an answer regarding whether attorneys are able to access the MassCourt docket system electronically.

My clients and I need to meet with you to fully acquaint you with the damage this confusion causes. My clients cannot wait further for the equal application of the law. My efforts to obtain equal footing for them have been exhaustive, yet futile. And now I am near exhaustion myself and consider this a final zealous attempt to obtain relief within the court system.

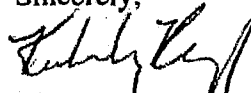
Yesterday, I just received a notice dated February 18, 2014 regarding an appellate case numbered 2013-P-1866 titled Chester J. Chalupowski & another vs. James R. Tewhey seeking my withdrawal. I am not the attorney of record on this appeal and will not be filing a withdrawal. I need your assistance with this matter. I am aware of other instances in which my credentials have been used improperly by others.

My livelihood as an attorney has been severely compromised by my inability to assure my clients that documents which we file are correctly represented in the court file and docket and are not distorted to the extent of harming their positions. My position is further damaged by improper use of my credentials in actions totally unknown to me.

What I need now is 1) an opportunity for all parties to meet with you, 2) attorney access to the MassCourt docketing system, 3) assistance with the Chalupowski appeal to which I am not a party or attorney.

I look forward to hearing from your office regarding dates when you will be available to meet with me and the parties involved.

Sincerely,



Kimberly J. Raymond, Esquire

Encs.: Index of Attached Letters
Fourteen Attached letters

cc: Mr. Thomas J. Nickerson, Individually, Mr. Thomas J. Nickerson, Executor, Mr. Sheldon Ganz, Esquire, Ms. Karen Dean-Smith, Esquire, Mr. Chester Chalupowski, Dr. Malgozata Chalupowski, Mrs. Mary Jane Bartlett, Ms. Joyce Tomaselli, Ms. Gracemarie Tomaselli, Mr. Kevin Lawless, Esquire, Ms. Lisa Belanger, Esquire

Index of Attached Letters

1. February 7, 2014: Clerk Joseph Stanton; regarding App. Ct. Docket No. 2013-P-0266 (3 pages, plus 2 page attachment)
2. February 7, 2014: email Clerk Elizabeth A. Browning regarding Town of Salisbury v. Tomaselli 06 TL 133120 (1 page)
3. September 17, 2013: Pamela Casey-O'Brien regarding Walter Bartlett ES-11-P-0734, ES 11-P-1737 and other undisclosed dockets (2 pages)
4. August 10, 2013: letter to Pamela Casey-O'Brien regarding Nickerson ES 09-P-2589 (2 pages)
5. August 9, 2013: Pamela Casey-O'Brien regarding Walter Bartlett ES-11-P-0734 and ES 11-P-1737.(1 page)
6. March 19, 2013, March 20, 2013, April 6, 2013: email exchanges with Clerk Elizabeth A. Browning regarding Town of Salisbury v. Tomaselli 06 TL 133120 (2 pages)
7. January 22, 2013: letter to Annette Gemellaro regarding Mary E. Nickerson ES 09-P-2589 (1 page)
8. August 16, 2011: Clerk Judy Brennen regarding investigaiton into the issues raised in the April 8, 2011 letter to Clerk Driscoll (1 page)
9. July 7, 2011: Pamela Casey-O'Brien regarding Mary E. Nickerson 09-P-2589 (2 pages)
10. June 1, 2011: Pamela Casey-O'Brien regarding Mary E. Nickerson 06-P-1217G11; ES 09-P-2589, 10-P-0486 (1 page)
11. April 8, 2011: letter to Clerk Thomas H. Driscoll regarding CVA 10-2038-D The Oxford Manor Nursing Home of Haverhill, Inc. v. Thomas Nickerson, Individually and Thomas Nickerson, Executor (3 pages, attachments to be provided at the in person meeting)
12. February 17, 2011: Pamela Casey-O'Brien regarding Mary E. Nickerson ES 09-P-2589; 06-P-1217; 09-P-2589, 10-P-0486 (3 pages, plus 2 page attachment)
13. November 16, 2010: Clerk Phill Massa regarding CVA 10-2038-D The Oxford Manor Nursing Home of Haverhill, Inc. v. Nickerson (1 page)

Additional Enclosures

14. February 18, 2014 (received 2/24/2014) Notice of Docket Entry App. Ct. Docket No. 2013-P-1866 - Request for withdrawal from a matter for which I am not the attorney of record.