

THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

Suite 400, Union Trust Building
501 Grant Street
Pittsburgh, Pennsylvania 15219

5-27-98
Date Sent

COMPLAINT INFORMATION FORM

(Please Type or Print)

Date: 6/8/98

A. COMPLAINANT:

Mr./Mrs.

Your Name: Miss/Ms. Kearns Robert G. 48
(Last) (First) (MI) (Age)

Address: RR.#3 Box 254 A1 Hollidaysburg PA 16648
(Street) (City) (State) (Zip Code)

Telephone: Home: 814 696-3022 ; Work: _____
(Area Code) (Number) (Area Code) (Number)

B. ATTORNEY COMPLAINED OF:

Name: Zimmerman Ilissa County: Blair
(Last) (First) (MI)

Office Address: 102 3RD Avenue Duncansville PA 16635
(Street) (City) (State) (Zip Code)

Telephone: Office: 814 695-1222 : Other: _____
(Area Code) (Number) (Area Code) (Number)

C. PRIOR COMPLAINTS CONCERNING THIS MATTER OR THIS ATTORNEY:

Have you previously filed a complaint concerning this matter or this attorney with the Disciplinary Board, a Bar Association or its Fee Dispute Committee, any District Justice, Court, District Attorney or any other agency or office: YES ☒ NO. If so, please identify the agency and specify the date and nature of your complaint and the action taken by the agency: _____

D. INSTRUCTIONS:

A written and signed statement of the facts must be filed with the Disciplinary Board before your complaint can be considered. Therefore, on the reverse side of this form, under STATEMENT OF COMPLAINT, please fully and completely set forth all of the facts and circumstances of your complaint. PLEASE BE SPECIFIC, referring to relevant dates, contacts you made with the attorney, the fee arrangement, amounts paid to the attorney and when, services to be performed, the names and addresses of other individuals involved in the legal matter, EXACTLY WHAT CONDUCT YOU BELIEVE IS UNETHICAL OR ILLEGAL, etc.

PLEASE ATTACH COPIES OF ALL CORRESPONDENCE AND/OR DOCUMENTS RELATING TO YOUR CASE. If you send original documents and wish them returned to you, please check here _____. If you have not attached any documentation, please explain why: _____

E. STATEMENT OF COMPLAINT: (Note: Attach as many additional pages as necessary to fully set forth all of the relevant facts and circumstances surrounding your complaint).

On November 25, 1996 my wife and step daughter broke up my family and violently abducted my daughter gagged and at knife point. On December 3, 1996 my wife filed for divorce and custody of my daughter.

At an emergency relief hearing on December 9, 1996 Illisa Zimmerman, Esquire was assigned by the Blair County Court of Common Pleas as guardian ad litem for my ten year old daughter, Stephanie J. Kearns by the request of my attorney. After having an initial consultation with my daughter, Ms. Zimmerman only had contact with her two other times until July 17, 1997.

Because my wife had totally isolated and limited my daughter from all contact with the paternal family she began to rapidly deteriorate mentally under Ms. Zimmerman's guardianship. On January 15, 1997 my attorney filed exceptions to a custody master's report of January 6, 1997. The exceptions had requested (1) a transfer of physical custody of the minor child to the father or at least (2) additional weekly visitation between the father and his daughter. Accordingly a hearing was scheduled for February 24, 1997.

On February 24th, a pre hearing conference was substituted for my scheduled hearing. While my exceptions were never addressed a petition filed by Attorney Zimmerman for a child psychologist to council my daughter was. It wasn't until July 1997 that my attorney told me my exceptions for additional visitation was not addressed on February 24th because Zimmerman was vehemently opposed to me having any extended visitation with my daughter. The paltry reason was my wife told Zimmerman that I had told my daughter she would not voluntarily give me time with her. Zimmerman's cold hearted actions impacted my

F. CONFIDENTIALITY:

You are advised that Rule 402 of the Pennsylvania Rules of Disciplinary Enforcement requires that all investigations and proceedings before the Disciplinary Board be conducted in a strictly confidential manner. Therefore, you are requested not to breach the confidentiality of our consideration of your complaint by disclosing your involvement with the Disciplinary Board to other persons.

G. INTERVIEWS:

It is NOT required that you present your complaint to this office in person. Personal interviews are not required and are not usually necessary for our preliminary review and understanding of complaints. If we need further information relative to your complaint, you will be contacted by phone or letter and arrangements will be made for any personal interview determined to be necessary.

6/8/98

(Date).

Robert G. Hearn Jr.

(Your Signature)

daughter's already fragile state of mind to such a degree that over the following months she pulled out all her eyelashes, eye brows, hair on her arms, and most of the hair on her head.

It wasn't until a June 23, 1997 hearing that I realized Ms. Zimmerman had actually aligned herself with my wife and had become her second attorney. It became clear that Zimmerman was ~~in~~ constant contact with my wife and my daughter's court appointed psychologist. Zimmerman began to unreasonably act against me on allegations and whims from either one. It was verified at an October 10th, hearing that Zimmerman had frequent contact with my wife. Zimmerman was asked how my wife makes contact with her. Zimmerman responded that my wife may have telephoned a couple of times, "as a general rule she stops by."

At the June 23rd, hearing Psychologist Nancy Baker testified for 51\2 hours and highly recommended that my daughter be medicated by Psychiatrist Richard Hill to suppress her emotions. Ms. Baker also attempted to conceal a drawing my daughter drew for her depicting the knife scene incident on the night of her abduction. Hearing of the incident and seeing the knife scene drawing did not stir Zimmerman to take any actions against my wife to protect my daughter. In fact she sat passively by while Ms. Baker was recommending all my visitation be suspended with my daughter. At the end of the hearing I was granted two requests by the master. (1.) I was given additional days of visitation and (2.) a two week time frame to acquire a second medical opinion before the court would consider medicating her.

On July 2, 1997, I was to pick up my daughter at my wife's residence for our first extended visitation in nearly eight months. Instead of my daughter, I found a vague note on the door telling me she was involved in an emergency situation. I should contact my attorney in the morning. It wasn't until 3:00 P.M. July 3rd, that my attorney advised me my daughter was placed in a mental institution by Nancy Baker and my wife. On July 3rd, Judge Jolene Kopriva signed an order to institutionalize my daughter and medicate her if deemed necessary. Also my second medical opinion was ordered to be done at the Meadows Psychiatric Center. Unfortunately for me and my daughter the Meadows pays the rent for Psychiatrist Richard Hill's occupancy in Dr. Nancy Baker's building, where they practice together. Ultimately my daughter's second medical opinion was in fact none at all. Kopriva wrote that before institutionalizing my daughter every effort was made to contact my attorney and Illisa Zimmerman. However they were unavailable to

participate in the crisis. Not being taken in by Kopriva's lie my attorney wrote a letter to Kopriva asking to explain exactly what efforts were made to contact him. (Letter enclosed). Kopriva would not answer his request. Supposedly or conveniently Ms. Zimmerman was out of town that day. During my daughter's two week incarceration at the Meadows, Zimmerman made absolutely no effort to visit or contact my daughter to find out what she allegedly had done to be placed in the Meadows. Zimmerman was totally satisfied with my wife's and Nancy Baker's explanations.

On July 15, 1997 my daughter was to be released from the Meadows heavily medicated. On July 14th, Ms. Zimmerman filed a petition requesting that any visitation between me and my daughter be restricted and supervised by Nancy Baker. At a July 17th, hearing Zimmerman withdrew her petition. Zimmerman believed her petition was moot since Children and Youth Services teamed up with Nancy Baker and requested that I be placed on supervised visitation with my daughter. Consequently I was then put under an 84 day investigation on an allegation by Nancy Baker that I severely mentally abused my daughter. At a hearing on July 18th, the custody master rejected these so called providers recommendations for supervised visitation on the grounds that the isolation would cause my daughter to deteriorate further. In view of this fact a compromise was fashioned and I was ordered to exchange my daughter at Illisa Zimmerman's office on the Sunday evenings of my every other weekend visits. My daughter was also taken by her mother to a child social worker on the subsequent Mondays of my visits to assure that no alleged mental abuse occurred.

At a September 22, custody hearing the CYS could not establish I emotionally abused my daughter. In fact numerous reports from social workers and independent psychologists found my daughter's emotional problems were caused by the breakup and the isolation from the paternal family. Furthermore it was my daughter's fervent desire to come home and live with me. Over 5 hours of testimony taken that day revealed my wife was indeed the cause of my daughter's problems through the alienation of my daughter's affections for the paternal family. Again Zimmerman refused to respond in any manner that was in the best interest of her client, my daughter.

At my October 10th, custody hearing Zimmerman was called to the witness stand by my wife's attorney. Zimmerman confirmed my daughter's isolation from me by my wife was severely affecting her over all health. To show Zimmerman's mind took leave of it's senses I copied the following quotes of Zimmerman from the October 10th,

transcript Pg. 66. line 16. "Based upon my last meeting with the child on October 5, 1997, this child is rapidly deteriorating. She doesn't look good. She doesn't have her eyelashes right now." Pg. 66. line 20. "I will tell you what I told Mr. Kearns, and I will tell you what I told Miss Frederick on October 5, 1997. What I told both of them was that this child needs both her parents. This child obviously needs more time with her father". Pg. 67. lines 1 through 15. "I broached that subject with Miss Frederick, and I asked her to consider a weeknight where there could be contact between the father and the child every week at least. We had a lot of discussion about that, Miss Frederick and I, and based on what she was saying to me I thought that school was obviously an issue. The child needs a lot of support to do her homework and so forth, but that the father-- couldn't see any reason why the father couldn't see this child, you know during the week for dinner or whatever. I don't know why it would have to be limited to one-night a week. Stephanie really needs both her parents, and she needs to see both her parents encouraging her contact with the other parent." Pg. 76. line 16. "Stephanie has always said throughout this entire situation she wanted to live with her father." Pg. 78. lines 10 through 25. **Question to Zimmerman.** You've indicated that Stephanie appears to be deteriorating again. **Answer.** "Yes." **Question to Zimmerman.** Realizing that your not a child psychologist or anything, is it possible ---you're putting that in terms of parents can't cooperate and that's creating the problem, right? **Answer.** "Yes." **Question to Zimmerman.** And the separation seemed to be the breaking point? **Answer.** "It appears so. I'm taking that in part from Dr. Baker." **Question to Zimmerman.** Is it possible that the deterioration has been that since that she has been kept from her father? **Answer.** "That's possible." **Question to Zimmerman.** Very contrary to her wishes, is that correct? **Answer.** "Yes." By Zimmerman's own confessions she had to plead, beg and coax my daughter into her mothers van during these weekend exchanges. On one occasion my daughter hid in a pile of landscape rocks after I left and cried for a half hour before Zimmerman could persuade her to leave with her mother.

At the close of the hearing the custody master made some attempt to turn back my daughter's deterioration and suggested that I would be given one additional evening per week of no more than three hours with her. At that point Zimmerman contradicted her previous testimony saying that was to much time. The master said two hours. Zimmerman again disagreed. The master told Zimmerman to tell him how much time. Pg. 100 line 11. Stunning the court Zimmerman said "one hour." Her twisted reasoning was she didn't want my visits to interfere with my wife's schedule or my daughter's homework assignments. This was done in spite of her own admittance that I was just as

qualified to assist my daughter in doing her homework and my wife works many evenings. Zimmerman certainly did not have my daughter's best interest at heart and was consistent with her eleven month pattern of maintaining the abuse of a child.

On or about July 29, 1997 Ms. Zimmerman again filed a lawsuit against me on the whims of Nancy Baker and my wife. The lawsuit was aggressively designed to force me to place my daughter in a special education class in the Altoona Area School District. On October 10th, Ms. Zimmerman was asked if she believed this program was essential to the well being and best interest of my daughter. Her answer Pg. 63. line 12. "I really don't know." Again the crux of her off centered reasoning was she thought it was a good idea because it was simply there.

While the exchange of my daughter at Zimmerman's office was sustained by the court until early 1998, tensions began to rise between Zimmerman, myself, and other paternal family members. During the course of the lengthy exchange period Zimmerman focused her entire attention on me giving my daughter her medication and what I might be telling her about mom. Zimmerman began to say things to my daughter that was completely out of character for a guardian.

For example on December 14, 1997: Zimmerman asked my daughter why she was so happy tonight? My daughter answered because it was Christmas and I want to be home to live with my daddy on Christmas. Ruining my daughter's otherwise flawless weekend Zimmerman crassly told her she had better get used to sharing her parents. It is going to be this way for the rest of her life. My daughter told Zimmerman I don't want to go back to mom. Zimmerman responded you have to go back and you have no choice about it. After Zimmerman was done talking, my daughter came back to me extremely emotionally upset and angered. Upsetting my daughter became an established pattern with Zimmerman for months.

Attempting to lay blame on me for her nonfeasance Zimmerman asked my daughter if she became upset the last time we were vocal in her office? My daughter answered no. Zimmerman asked if she had any problems in school because of our arguing? My daughter answered no. Zimmerman asked my daughter if she liked school? She said no.

My daughter told Zimmerman on this particular occasion that she didn't want to go back to her mother, because her sister smokes and lies about her too much! Zimmerman told my daughter I will call your mother "again" and tell her she will have to stop that

On the January 11, 1998 exchange my daughter entered Zimmerman's office and stared at her with a mean face. Like a spoiled brat Zimmerman stared back at my daughter telling her not to look at her that way, it's rude. My daughter looked at her meaner and then stuck her tongue out at her. Zimmerman snapped at my daughter like she was some courtroom adversary saying "don't you do that to me, it's rude." My daughter made a mean face again and Zimmerman sharply said "don't you do that, its unbecoming to you and your family."

At the immediate time it was unbeknown to me that Zimmerman was forewarned 10 minutes earlier that my daughter had recently pulled her hair out, thus creating a visual three inch bald spot on her scalp. Having this knowledge Zimmerman tauntingly told my daughter her hair looked nice, it's so curly. Zimmerman then told my step daughter to take my daughter and leave. My daughter yelled out I don't want to go and ran over for me to hold her. I hugged her and told her she had to go.

When my daughter was gone I asked Zimmerman if she happened to notice where she had pulled out the hair on the back of her head. Without any compassion for my daughter, Zimmerman calmly said yes I heard all about it. She muttered something about the school. I asked Zimmerman if she knew my daughter had plucked at her eye lashes and eyelids lids until she developed sores. Again Zimmerman calmly said yes I know that.

Zimmerman had witnessed my daughter's deterioration beginning right after December 11, 1996, when she weighed 70 pounds, looked good and had all her hair. In just eleven months my daughter ballooned to an enormous 150 pound girl with half her hair missing and no eyelashes. My brother and sister told Zimmerman this is what the drugs were supposed to stop, why is this happening to this child. In view of my daughter's decrepit and grotesque appearance Zimmerman had the audacity to tell us, my daughter looked a lot better since being put on medication. My sister blew up and told Zimmerman she was out of her mind.

I asked Zimmerman why Stephanie is being allowed to deteriorate? You were assigned as my daughter's guardian to see that these things didn't happen to her. She wouldn't answer. I told Zimmerman my daughter needed more time with me and when the court wanted to give me more time you trimmed it to an hour. She smugly answered that's right I did do that. My sister told Zimmerman she knew that my daughter's ongoing situation was causing the deterioration. Zimmerman responded I don't think so, I always said his daughter has bigger problems. (*Meaning my daughter is mentally ill*). My brother told Zimmerman "no, it's you."

By court order my wife was to discuss with me any educational and medical needs of my daughter. Because my wife refused to make vocal contact with me, Zimmerman obliged my wife by relaying her messages to me through her office at the county's expense. Zimmerman had done this since October 10th, 1997 until February 23, 1998. Many of these relayed messages were to notify me where I may pick up my daughter for my one hour a week visit. Some were as simple as advising me of birthday parties my daughter was to attend.

During my 19 month custody battle my attorney has never influenced me or advised me as to how I should act, what I should do, or what I should say to place my bid for custody in favorable light of the court. Likewise I am sure my wife's attorney did not coach her in any manner. However Ms. Zimmerman went out of her way to coach my wife to create a temporary and false atmosphere of an ideal home life for my daughter while in her custody. She has advised her throughout the 19 months that opening up communication between my daughter and myself would go favorably for her in custody. To minimize my daughter's complaining Zimmerman asked my wife at least twice to stop my step daughter from smoking and swearing while in the company of my daughter. Zimmerman ignored allegations that my daughter had witnessed my 18 year old step daughter laying around the house naked with her 23 year old boyfriend. Zimmerman ignored allegations that my daughter had been held down and slapped around the face and head area by my wife until she vomited. Zimmerman said she needed to see physical evidence. Zimmerman consistently took sides with my wife during any custody controversies that arose. In counter distinction she would harshly condemn me or take legal action against me for anything my wife or third party would bring to her attention that I allegedly did or said.

Summarizing my complaint is Zimmerman could not overcome her zealous biases towards me, or perhaps men in general. This in turn has severely impeded her legal abilities and responsibilities to represent her client's (my daughter's) best interest. Ms. Zimmerman's illogical actions of not acting when should have, and taking actions when she shouldn't have will have an adverse effect on my daughter throughout the rest of her life. Zimmerman made no effort to alleviate or possibly eradicate the real irritants that were causing my daughter's deterioration. Because of Zimmerman's flippant attitude throughout this ordeal my daughter will now suffer irreversible mental and physical problems. Furthermore my daughter now has a documented record of mental illnesses that she previously did not have. Consequently she will be socially and economically impaired for life as a result of Ms. Zimmerman's ineffective guardianship.

Enclosed are two photographs of my daughter since Zimmerman became involved in her life.