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Statements and News Stories Concerning Judge Leith

May 2026

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Overview

We attach a collection of: (i) statements concerning Judge Leith from a variety of sources; and (ii) news stories concerning Judge Leith. We believe that the statements and news stories, taken together, present a powerful case for why has repeatedly abused the significant powers that come with her position, and should not be renominated.

The statements come from a variety of sources, including guardianship victims, guardianship reform advocates and outside experts. The victim stories are only those that have come to the attention of Robin Austin and Luanne Fleming at F.A.C.E.U.S. (Families Against Court Embezzlement Unethical Standards), and they represent only a subset even of those, limited to families who are willing to tell their stories despite fear of retaliation. The stories we include are the tip of a much larger iceberg.

Judge Leith's non-renewal will be important in itself. It will also send a warning message to other judges who are known for repeatedly approving abusive guardianships to pay more attention to the rights of persons subject to guardianship and their families.

The statements are from

- Robin Austin, co-founder of F.A.C.E.U.S., a Colorado-centered guardianship advocacy organization
- Brett Darken, fraud examiner and reporter on guardianship abuse
- Bernard Black, victim of Judge Leith
- Richard Black, executive director of Center for Estate Administration Reform, a national guardianship reform organization
- David Cassidy, victim of Judge Leith
- Anonymous Victim 1, victim of Judge Leith, who was not willing to be named for fear of retaliation by Judge Leith and the guardianship professionals who she regularly appoints
- Luanne Fleming, co-founder of F.A.C.E.U.S.
- John Gleason, Esq., long-time head of judicial discipline for the Supreme Court of Colorado
- Melinda Harper, forensic accountant and observer of Judge Leith
- Anonymous Victim 2, victim of Judge Leith, who was unable to finalize and sign her own statement due to current physical health issues
- Katherine Litvak, victim of Judge Leith
- Ryan Tracy, victim of Judge Leith
- David Wells and Greg Wells, victims of Judge Leith

We can provide the names of the anonymous submitters privately.

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THE PROBATE TRAP
Restoring Transparency & Accountability in Our Courts

April 12, 2026

Statement from Robin Austin Concerning Judge Elizabeth Leith

In 2015 I co-founded Families Against Court Embezzlement Unethical Standards, (F.A.C.E.U.S.) after seeing injustice in my own experience with legal abuse and watching the systematic abuse of Luanne Fleming's family's Colorado Probate case, watching how court ordered agents stripped away almost all of their multimillion-dollar inheritance by the time Luanne's mother died. We began discovering the depth and breadth of court involvement in people's lives, meeting victims, and hearing their stories. To warn and alert more people to the dangers, we began a radio show, Hidden Truth Revealed, which eventually turned into a podcast and a website, *The Probate Trap*, www.probatetrap.org, and a forthcoming book by the same name, *The Probate Trap*.

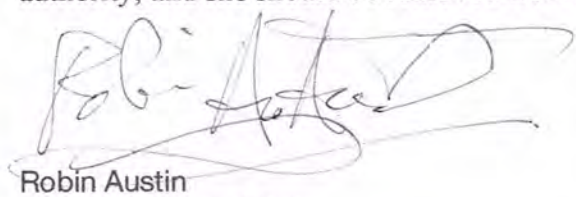
After hearing thousands of such stories in our ten years on air, hosting almost 500 guests on air, and hearing from many more from people too frightened of court retaliation to allow their stories to be told, patterns became clear. Although many were afraid, Senator Laura Woods assisted us to build a database detailing Colorado families who were willing to come forward. Time and again, Denver Probate court Judge Elizabeth Leith's name came up as one who authorized court-appointed officials to seize assets from family members who were forced into guardianships and conservatorships, nullifying their Powers of Attorney, Wills, Trusts, and legally documented estate plans.

Judge Elizabeth Leith often played a key role in these cases. Often, those subjected to this court control had no say at all in these events. They were never permitted to defend themselves in court because they were excluded from ex parte hearings and were never given any meaningful opportunity to dispute claims of incapacity. Despite their having well-qualified family members willing and able to care for them, Judge Leith, disregarding her duty to implement the least restrictive option and act in their best interest, repeatedly appointed professional guardians and conservators who controlled their lives, squandered their resources, and alienated and isolated them from family, contrary to their, or their family's, wishes.

The Denver Probate Court, with Judge Elizabeth Leith presiding, was mentioned by many individuals who told horrific stories of what they described as unjust treatment in court. Family members who actively opposed the mistreatment of the family member subject to guardianship or conservatorship, and the rapid depletion of family assets, the sale of family homes (often for far below true value) to pay the professionals found their objections ignored. If they persisted, Judge Leith excluded them from the guardianship proceedings entirely, by declaring that they were not "interested persons." If they persisted, often pro se because they could not afford counsel, while the guardian, conservator, and their lawyers, were paid from family assets, Judge Leith often declared that their complaints were frivolous and charged them for the guardian's attorney fees.

Imagine, to take one example known to us, that your brother, an amputee who needed a wheelchair but was entirely mentally competent, was kidnapped from his home: Carried away screaming and yelling, without his wheelchair or his phone, to an unknown location. Imagine trying to track him down and discovering that Judge Leith authorized this in an *ex parte* proceeding, and does not consider you to have a right to even find out where he is, let alone complain about his treatment. She deems you to *not* be an interested person in his welfare, when you are in fact the only person who will fight for his rights. Imagine that your brother's guardian then comes after you and tries to put you into guardianship. The person who told us this story owns a home in Denver, but does not dare to return there, or to disclose where she now lives because she too could be grabbed and find that no one can defend her. Stories like this should not happen in the United States. But they do happen, in Denver, before Judge Leith.

On behalf of the families who've entrusted us to share their stories, and advocate on their behalf, we argue in the strongest possible language that we feel Judge Elizabeth Leith has shown reckless disregard for those she should protect, favoring those who unethically abuse their authority, and she should be removed from her position as a judge.



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BRETT DARKEN

May 3, 2026

Memo: Re Colorado Guardianship and Judge Elizabeth Leith

Dear Governor Polis:

I am a member of the Association of Certified Fraud Examiners (ACFE), and for more than a decade have researched and reported on stories of financial abuse involving trusts, estates and guardianships. This includes coverage of cases of fraudulent guardianships in Colorado.

My work as a reporter is grounded in real world experience. I have been licensed to broker securities, insurance and real estate. I work as a practicing fiduciary, trust administrator, executor and trustee. This includes working with people who have diminished capacity, and their families.

My current research is centered on the actions of Judge Elizabeth Leith of the Denver Probate Court, and the professional guardians and attorneys who practice before her in guardianship cases. To be blunt, the stories attached in this submission paint a compelling picture showing that Judge Leith and her associates are engaged in a corrupt system of court-enforced billing fraud.

Guardianship is a tool of last resort, where the state is asked to intercede on behalf of people who cannot care for themselves. There are established standards of care that can employed by those who want a high-quality guardianship outcome. These standards are built on two core principles: Courts are required to use medical professionals to diagnose client-wards. If oversight is needed, guardians must propose, and courts must approve and supervise, a written care plan. The law establishes that a care plan should be no more intrusive into personal agency is required to address the ward's needs.

I am the trustee of an estate whose primary beneficiary was a dementia patient being targeted by a con-artist who claimed to be a "retired international banker". The estate engaged me to audit the accounts of the client. In a matter of days, we found that the "banker" was not a banker, but a financial predator who used the client's assets like an ATM, and used the clients' accounts to fund the re-writing of the client's trust---for their own benefit.

After the con artist was removed, the client got expert medical care, and the professional lifestyle support that was required by their condition. Even with the increased care expenses, we stopped the financial hemorrhaging, and the value of the estate grew in the following years. The law was followed and no court appearance or judicial action was required.

What I did for my client is the standard of care that is universal in courts across the United States. It is how most guardianships work.

The Colorado cases I am reviewing show a pattern where Judge Leith deviates from the established standard of care. The evidence shows the "caregivers" in the court of Judge Leith employ the most extreme solution to solve simple problems. Often, the caregivers invent or create a conflict in order to justify professional guardianship and the fees that disputes generate. This is racketeering, orchestrated by Judge Leith, in the Denver Probate Court system.

In the days of powerful unions like the UAW, Teamsters and UMW, the practice of demanding the "employment" of people who provided no benefit to firms was called "featherbedding."

Now, this tool is used by attorneys and government officials in the court of Judge Leith. With her blessing, attorneys and guardians are allowed to use the Court's guardianship procedures to pad their bills and drain the accounts of their clients, while providing no value to the client.

Guardianship fraud is much worse than corporate featherbedding. Guardianship fraud imposes concentrated costs, sometimes in the millions of dollars, on specific individuals and their families. The Guardianship fraud in the court of Judge Leith imposes a double punishment: Leith uses her power to both strip people of their civil rights and let professionals drain their savings.

The fact that Judge Leith allows the targeting of the weakest and most vulnerable in Colorado by guardians and attorneys in her court, implicates her as a central player in this billing racket.

The problems in Colorado's probate and guardianship system have been documented for years by community activists Robin Austin and Luanne Fleming at the F.A.C.E.U.S. website www.probatetrap.org .

The stories collected by Austin and Fleming document how the outcomes in Judge Leith's court deviate from the outcomes of guardianships in other courts around the country. The statements attached offer granular testimony of a pattern of Judge Leith imposing the most restrictive, and most expensive constraints on people in her court. In her court, people are not clients, they are targets.

In addition to what is made public, there are other victims (wards and their families) too afraid to go public, fearing retaliation by Judge Leith and her cronies. Victims report to Austin and Fleming that they are bullied into silence, and refuse to go "on the record" due to the threat of retaliation. Family members have been threatened with arrest, sometimes jailed, sued for damages, and had legal fees awarded against them. One lawyer said it would be "professional suicide" to complain about the problems in Judge Leith's courtroom. A top Colorado appellate litigator reportedly began representation of a client, and then withdrew, fearing that Judge Leith would attack the lawyer in her recorded opinions, much as she had attacked the client and the client's family in open court.

As Governor, you can refuse to renominate Judge Leith for an additional term. There thousands of smart, experienced, medical and financial experts in Colorado who are available to provide high-quality service and solutions to persons needing decision making support.

The sheer number of complaints about a specific judge, backed by public affidavits, establishes that these victims are not petty people who can be dismissed as "disgruntled litigants." The days of blaming the victim are long gone.

The story of Judge Leith using court power to strip families of their civil rights and then raid their bank accounts, will resonate with a wide audience, and have a long shelf-life. The failure of North Carolina's legal system to audit Mike Nifong, humiliated the state's legal system, and cost the state millions. The failure of Michigan officials to investigate the complaints about Traci Kornak, an associate of Attorney General Dana Nessel, blew up earlier this year when Kornak was indicted for embezzling funds from a client.

The fact that Judge Leith is the center of this hostile environment, and predatory featherbedding is grounds not only for her suspension and an audit of every case she has adjudicated. Failing to do this would be both a legal liability, and a moral affront.

Respectfully Submitted
Brett Darken

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Statement of Bernard Black Concerning Judge Elizabth Leith (April 11, 2026)

Prof. Bernard Black
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April 28, 2026

My mentally disabled sister (Joanne Black) and I were victims of Judge Leith, conservator Jeanette Goodwin, and my sister's court-appointed counsel, Lisa DiPonio and guardian-ad-litem (GAL) Gayle Young. In 2012, while Joanne was temporarily in Colorado, I sought authority to become her conservator and carry out a disclaimer of a payable-on-death (POD) designation by my mother, so that the POD assets would flow into my mother's estate and be distributed under her will, with two-thirds going to a Supplemental Needs Trust for the Benefit of Joanne Black ("SNT") and one-third to a second, Issue Trust to benefit me and my children. I sought authority:

> To disclaim Respondent's interest as beneficiary under all payable on death or transferable on death accounts owned by Respondent's mother, Renata Black, (DOD 5/1/2012) allowing Respondent's share to pass under *Article Fourth* of the Last Will and Testament of Renata Black, dated 12/19/1997, *under which two thirds of the estate of Renata Black will be contributed to [the SNT]*.

Article Fourth of my mother's simple will stated:

> I … bequeath all the rest, residue and remainder of my estate as follows:
> (A) Two-thirds (2/3) to the Trustees of the [SNT];
> (B) The balance to the Trustees of the [Issue Trust].

Joanne's counsel and GAL approved this request in writing, after reviewing the will and the trusts. Judge Leith approved the disclaimer in December 2012 and again in March 2013.

In April 2013, Joanne left Colorado, returned to her home in New York and never came back to Colorado. In 2015, Joanne's court-appointed counsel brought a claim against me, asserting that even though my disclosure expressly said **two-thirds** of the disclaimed assets would go to the SNT, she and Joanne's GAL believed that all of the disclaimed assets would go to the SNT.

This was an absurd claim. Two-thirds cannot mean three-thirds. I relied on experienced Colorado counsel to advise me on what to disclose. I thought the disclosure was clear; so did my counsel (as he testified). In corporate and securities law, a claim of insufficient disclosure, on these facts, would have been dismissed. Because two-thirds cannot mean three-thirds. Judge Leith, however, found me liable in 2015 for "stealing" the one-third of assets that went to the second trust.

In 2015 and many time since, I sought to settle for 100 cents on the dollar, by offering to move funds from the Issue Trust to the SNT, thus giving the SNT the three-thirds that Judge Leith and Joanne's counsel and GAL claimed they believed the SNT should have received. All offers were rejected. It became clear that the goal of the claim against me was not to obtain money for Joanne, but instead to spend trust funds to pay the guardianship professionals. Judge Leith was uninterested in Joanne's welfare, but intensely interested in extracting money from our trusts to pay the professionals.

In March 2016, a N.Y. court found that Joanne no longer needed a conservatorship and that "I'm satisfied that Ms. Black, *by clear and convincing evidence*, not even close, does not lack

capacity, that she is, in fact, *capable of handling her affairs*."[1] Judge Leith received this decision and was required by Colorado law to terminate the Colorado conservatorship. Judge Leith refused to do so. Joanne's right to be freed from an unneeded conservatorship did not matter – not to Judge Leith, nor to the professionals whom she appointed to represent her.

Over the next 10 years, until my sister died in August 2025, the guardianship professionals paid themselves **at least $2.1 million dollars** and pursued litigation against me and my family in four states. Judge Leith and the guardianship professionals are seeking to defund both trusts entirely, to extract still more millions to cover as-yet-unpaid legal fees. Joanne received nothing for all this legal churning. Literally nothing. Not a penny. Instead, a third trust that I created for her benefit was spent 100% on legal fees. Of $800,000 in workers compensation benefits that I obtained for her as her conservator, she received $250,000 over 10 years, with the rest going to the guardianship professionals.

Over that 10-year period, Judge Leith pursued me personally, by ordering the professionals to bring legal action against me in Illinois, where I live. When that effort failed, she ordered them to bring similar actions directly to her, so that she could rule herself. When they still did not do so, presumably for lack of legal basis, Judge Leith ruled against me and my family anyway, on her own motion (*sua sponte*, a lawyer would say). Judge Leith has also acted *sua sponte* against my wife, Katherine Litvak, and my son, Samuel Black, neither of who were parties to the conservatorship.

Judge Leith has repeatedly acted without notice, without evidence, without personal jurisdiction, without subject matter jurisdiction, or both. She has repeatedly ignored decisions by other tribunals, including an Illinois federal court hearing an interpleader case and a Financial Institutions Regulatory Authority arbitration panel. Judge Leith found me in contempt for refusing to turn over to her the assets which were frozen by the interpleader court and the arbitration decision.

The federal interpleader judge stated on the record that "*any reasonable probate judge*" would say, "okay, I understand, you shouldn't be held in contempt because there are other court orders out there that are preventing you from complying."[2] Judge Leith found me in contempt, and issued a warrant for my arrest for not complying with an order that I clearly could not comply with. In a later proceeding, Judge Leith again ignored the federal court order and announced that "The Court finds this attempt to weaponize [the Illinois federal] Court's Order and pit this Court against the Illinois Court is repugnant and shocking to the conscience of the Court."[3] Judge Leith then issued her own order, that directly conflicted with the federal court order.

For more details on Judge Leith's many extraordinary, and extraordinarily improper actions, see my judicial ethics complaint, posted on my Northwestern faculty page, at Judicial Ethics Complaint v. Judge Leith-2025-05-14.pdf.

Bernard S. Black

[1] *In re Joanne Black*, Index 80253/04, N.Y. Supreme Court (Richmond County), transcript (March 21, 2016), at 276-277.

[2] Order by Judge Wood in Interpleader Case (June 19, 2019).

[3] Denver Probate Court, Consolidated Order Addressing Pending Motions (May 30, 2023).

Statement of Executive Director Richard Black

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May 1, 2026

My wife and I created the *Center for Estate Administration Reform* (CEAR) in 2018 with Colorado probate litigator Athena Roe. We formed CEAR due to the pronounced issues with adult guardianships nationwide, and in Colorado. Our expertise comes from investigating 100s of cases nationwide from 2013-2018. CEAR is a nationwide advocacy group and a registered 501(c)(3) nonprofit organization. We advocate for individuals victimized by predatory guardians, conservators, trustees, and attorneys. We have counseled dozens of Colorado victims and over 5,000 cases nationwide. Our website is https://www.cearjustice.org; we also have a Facebook page (CEAR).

I have close knowledge of the Colorado guardianship system. Our evidence goes far beyond victim stories. Since 2013, we have counseled dozens of Colorado victims in the state and out of state. Second, CEAR has analyzed data from the state Administration of Courts that demonstrates an unchecked growth in adult guardianships and the commitment of the Colorado Supreme Court to keep the public in the dark by sealing all adult guardianship records. We also supported guardianship reform efforts in Colorado, including a 2017 effort by then Rep. Laura Woods and a 2022 effort by Rep. Kim Ransom. Both efforts were defeated by opposition from guardianship professionals and attorneys who profit from the current system, and by the judges who hear guardianship cases, notably Judge Elizabeth Leith of the Denver Probate Court . The professionals prefer the current system, in which cases are closed, transparency is minimal, and money can be made in the dark. Third, CEAR assisted the US Department of Justice in their investigation of the Colorado guardianship system, leading to a lawsuit against the State of Colorado seeking relief for systematic abuses, *U.S. v. State of Colorado*, Case 1:23-cv-02538 (D. Colo.) and to a detailed Settlement Agreement in 2025.[1]

CEAR estimates more than 20,000 Coloradans and over $4 billion in assets are subject to adult guardianship. The system consumes nearly $1 billion in new assets and 3,000 new wards each year.

A classic pattern for a predatory guardianship is to isolate the ward, defame legitimate protectors, and liquidate the estate. We have reviewed a number of suspect cases overseen by Judge Leith. Her decisions very much fit this pattern. She often approves guardianships on an ex parte basis based on unsubstantiated claims, further supported by claims of an emergency, and

[1] https://www.justice.gov/crt/media/1375786/dl.

without notice to the ward or the ward's family. A true emergency rarely exists. The next step is to remove the ward from his or her home, place the ward in a supporting residence; isolate the ward, deny the ward contact with the family; and approve a professional guardian when legitimate less costly and restrictive options are available. Judge Leith routinely approves huge levels of professional fees; and approves selling the ward's home and other properties to pay professional fees after the ward's cash is spent.

I want to highlight one especially problematic aspect of Judge Leith's actions. She has repeatedly refused to honor decisions by other courts and arbitration panels. This should be completely unacceptable, for any judge. Few families have the resources to fight against and ultimately win against a judge who ignores orders from other courts or tribunals. I will offer four examples known to me. Many more likely exist.

Paul Horn case (2017PR30071). In 2011, Paul Horn obtained litigation funding from a Hong Kong based litigation funding firm. He agreed that if the lawsuit succeeded, he would pay the funder the greater of $5 million or 5% of the award. Horn settled the lawsuit for $57 million, but refused to pay. The funder sought to enforce the arbitration award in Hong Kong; the Hong Kong arbitration panel ruled in his favor. Separately, in 2017, Judge Leith approved a conservatorship over Horn. In 2020, she refused to honor the Hong Kong arbitration award, calling the funder's claim "frivolous." A news story concluded, "It's worth saying again: The Denver Probate Court's decision is pretty extraordinary."[2] Years of federal court litigation followed; the arbitration award was upheld in 2024.[3] Whether the funder has succeeded in collecting the award in Judge Leith's court is not publicly known.

Sharon Wells case (2017PR30772). Sharon Wells was placed into an involuntary guardianship by Judge Leith in 2017. Her estate should have been protected the need for guardianship or conservatorship, by a durable power of attorney (DPOA) held by her son, David Wells and an irrevocable trust, with her sons David and Greg Wells as co-trustees, which held most of her assets. Judge Leith overrode the DPOA, ignored the trust, and appointed a guardian and conservator, who sold one property owned by Sharon Wells after another, using the proceeds to pay their own fees. David and Greg Wells obtained a California court order authorizing their mother to move to California, near their sister. Judge Leith refused to allow the move. Sharon Wells died in 2024, still in Colorado.

Ryan Tracy case (2014PR31475). Ryan Tracy was in a bus accident in 2004, which left him with poor short-term memory, but otherwise competent. He completed college and then served in the National Guard *after* the accident. In 2014, he moved to Colorado and was placed into an involuntary conservatorship by Judge Leith. He moved back to the East Coast, and was found competent by a Florida court in 2021 after medical examination by a 3-person, court-appointed team of professionals. He sought to terminate the Colorado conservatorship; Judge Leith refused to honor the Florida decision. She ordered him to obtain yet another evaluation,

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[2] Roy Strom, Unlikely Colorado Court Vexes $8 Million Litigation Finance Win, *BloombergLaw* (Oct. 19. 2023)

[3] Noble Prestige Ltd. V. Horn, 2024 WL 2109045 (S.D. Fla.).

which found him competent. Judge Leith ignored this evaluation as well. As of this writing, Mr. Tracy is still trying to end the Colorado conservatorship and regain control of his own money.

Joanne Black case (2012PR1772) Joanne Black was placed into a Colorado conservatorship while temporarily in Colorado in 2012. She returned to her New York home, living independently, and was found competent and not to need a conservator by a New York court in 2016. Judge Leith refused to honor the N.Y. decision. Joanne died in 2025, still subject to a Colorado conservatorship. Judge Leith also ignored a FINRA arbitration decision freezing Black family trusts that were being spent by her conservator on litigation against the Black family, and an Illinois federal court order further freezing the trusts. Instead of honoring the federal court order, she wrote that "The Court finds this attempt to weaponize [the federal] Court's Order . . . is repugnant and shocking to the conscience of the Court."[4] She ordered that the frozen assets be deposited in her court, directly contrary to the federal court's freeze. She also declared Joanne's brother, Bernard, in contempt of court and ordered him arrested, for not depositing the frozen funds with her court. The federal court had stated that "*any reasonable probate judge*" would say, "okay, I understand, you shouldn't be held in contempt because there are other court orders out there that are preventing you from complying."[5]

In the period that I have been running CEAR, I have heard many horror stories about predatory conservatorships, in many courts. Sadly, we have confirmed too many judges nationwide that seem to be blinded by their hubris as they exercise their commitment to reward their loyal brethren of the Bar before them who make their living creating and managing involuntary, unnecessary, and too often criminally intent conservatorships and guardianships. Who disciplines judges with poor judgement when the system is designed by the insiders to protect the insiders? Without executive and legislative leadership taking action, existing statutes will continue to be broken and the innocent and their loved ones will continue to be targeted and exploited by the weaponization of Colorado Probate Courts.

Sincerely yours,

Richard Black
Executive Director-CEAR

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[4] DPC Consolidated Order Addressing Pending Motions (May 30, 2023).

[5] Order by Judge Wood in Interpleader Case (June 19, 2019).

Statement of David Cassidy

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April 12, 2026

My mother, Anna Marie Cassidy, and I were victims of Judge Elizabeth Leith, guardian Jeanette Goodwin, and conservator Scott Christian. My mother, Anna Marie Cassidy, lived with me in 2017. She had moderately severe dementia, and would have eventually needed nursing home care but wanted to remain at home as long as she could. I had been a registered nurse (R.N.), was capable of arranging for her care, and was seeking an appropriate placement at the time she was removed from our home.

She was removed from our home in November 2017, while I was briefly away at a doctor's appointment. A magistrate had approved removal through an emergency order, following an ex parte hearing that was held for a supposed emergency when no emergency existed, and with no notice being given to me or my mother. Mom died within a year. She literally starved to death at an assisted living facility whose staff did not know how to care for her medical issues or feed her properly. Mom went from a normal weight of 115 pounds when she was removed from our home, to 82 pounds at her death less than a year later. Guardian Jeanette Goodwin allowed this to happen and Judge Leith refused to intervene, even after I sought an emergency hearing. I was not allowed to feed her and I was restricted to one supervised visit a week, attended by either Goodwin or two sadistic, goonish "supervisors." Their fees for supervising my visits and preventing me from feeding her were paid for from my mother's estate.

Judge Leith did not even hear the emergency guardianship petition herself. She appointed a magistrate, who held the supposedly emergency, ex parte hearing and authorized removing her from our home without notice to me or to my mother. No evidence that I had mistreated my mother was ever offered to the court; only an oral claim—which neither of us could respond to because we were not present. At a hearing in February 2018, held at my request, Judge Leith was unwilling to act in response to my complaints about my mother not receiving proper care and losing weight. Later in 2018, Judge Leith was not willing to schedule an emergency hearing when I sought one because of my mother's extreme weight loss.

Instead, Leith ordered "negotiations" be held between my attorney and the attorneys Goodwin had hired using my mother's money. The purpose was to "negotiate" the horrendous care my mother was literally dying from and whether I could see her more than once a week. Mom died before any hearing was even scheduled, let alone held. I watched her slowly starve to death, and was helpless to prevent this. Judge Leith abdicated her responsibility to protect my mother.

As a family, we had planned for my mother's care. I held a medical power of attorney; my brother Robert held a financial power of attorney; my mother had also executed a living will. All of these documents were overridden or ignored. Her living will stated that she wished to be tube fed, if necessary to keep her alive. Yet she was allowed to starve to death.

The emergency removal was based on a claim by my brother that I had yelled at my mother. He provided no evidence of this, only an assertion that evidence existed. My mother was never given the opportunity to appear, and express her own desire to remain at home as long as she could. Neither she nor I were allowed to testify about the care I was providing her. My supposed conduct, even if true, did not warrant emergency removal without notice, and an opportunity for my mother to express her own wishes. She never returned home.

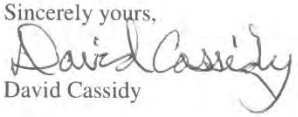
If I could not care for my mother at home, she needed to be in a skilled nursing facility (SNF)

that could have cared for her properly, including feeding her. Patients with some level of dementia often do not eat properly and a SNF can handle this known problem with what's called "assisted eating." My mother could eat on her own, but needed the right kind of food, and needed to be encouraged to eat. I requested placement in a SNF, but Judge Leith and Guardian Goodwin placed her instead in first one and then another assisted living facility, neither of which had the trained staff that could feed or care for her properly.

She was incontinent of urine and was found by myself and others to be constantly wet and laying in urine-soaked bedding or sitting on a wet wheel chair pad. This condition later led to her developing a significant decubitus ulcer, or bed sore, at the second assisted living facility where she was placed after my repeated complaints about the first facility. The second facility was no better. Mom continued her decline with no reasonable effort being made to halt it, and Judge Leith ignoring my efforts to obtain proper care for her, before it was too late.

Over the course of a year, my mother's conservator and guardian spent $174,000 of her money, mostly on themselves. Even if the guardianship had been justified, this level of spending was grossly excessive. Mom's car was even confiscated and sold to pay professional fees, while these agents of the state allowed her to starve to death, with Judge Leith approving all bills and refusing every effort I made to intervene.

Sincerely yours,



David Cassidy

Statement of Anonymous Concerning Judge Elizabeth Leith

Submitted by Robin Austin and Luanne Fleming, co-founders,
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May 3, 2026

We are submitting this statement on behalf of a person, known personally to us, who feels that he/she cannot be named for fear of retaliation by Judge Leith and the guardian referred to below as G. Based on the experience of other families, this fear is well-founded, as to both Judge Leith and Guardian G. Some people are willing to speak publicly about their cases; others are not, especially if they remain at risk. To preserve this person's anonymity, we have anonymized his/her sex and that of his/her relatives by flipping a coin, replaced real dates, and changed minor details. We attest to the accuracy of the substance of the story below.

Anonymous story: My sister and I were victims of Judge Elizabeth Leith and Guardian G. My father was also a victim of Judge Leith's predecessor on the Denver Probate Court, Judge Jean Stewart. He too was subject to an improper, unnecessary guardianship. We waged a 12-year fight to extricate him from an unneeded guardianship and ultimately succeeded. But I will focus here on my sister's story, and then on my own.

My sister's case. In [month, year], my sister was forcibly grabbed from her home, without advance notice to her, me, or other family members, and placed in guardianship and in a nursing home. There was no basis for guardianship; she was mentally fine. Her legs had been amputated due to diabetes. She was kidnapped without her wheelchair or cell phone, and placed in a nursing home, where she was confined to bed. She could not call me or anyone else for help.

I do not know to this day what the supposed basis for the guardianship was, or who petitioned for guardianship. There was no prior medical examination, because then My sister would have known about this. She would have passed any conceivable exam for mental competence. Judge Leith must have authorized this kidnapping – I do not have another term to describe it – without any medical evidence on competence. She must have approved isolating my sister from her family – on what basis I cannot imagine. My sister was not represented by counsel, and received no hearing at which she could argue for his own freedom, then or later.

Judge Leith denied me access to my sister's case files, and would not let me petition for a hearing, or even to call or visit her. I could not even learn the case number, even though I am her next of kin, executor under her will, and an interested person in her welfare under Colorado law. I was entitled to information about her case, but this did not matter to Judge Leith. My efforts to intervene and help my sister went nowhere. All I know about the court proceedings is the case number and the year the case was opened.

I was able to track down my sister, as follows. I called all nursing homes in the Denver area and asked to speak to her. The ones where she was not told me that she was not there. The nursing home where she was actually living refused to tell me if she was a resident or not. I assume that Guardian G gave the nursing home instructions not to talk

to me, and that Judge Leith approved isolating her from her family. I figured out where she was about 6 months after she was kidnapped, but the nursing home would still not let me visit.

I managed to sneak in to see my sister on the weekend about a year after I located her. She was in horrible shape. She had not been out of bed in nine months. Her long hair was a tangled mess. No one had dried or combed it after her last bath, 9 months earlier. Her hands were clenched and her nails had grown to be so long that they were curling and touching the palms of her hands. No one had trimmed them. I asked a nurse to help her get out of bed. The nurse refused.[1]

I found some records from her case in a drawer in her room; that is how I know the little about the case that I do know.

By then, Guardian G had sold her home, with Judge Leith's approval, to pay the guardian's bills. She had given up hope of ever leaving or returning to the home she no longer had.

After a few of my unofficial weekend visits, Guardian G found out I was visiting, and moved my sister to another home; a group home this time. This move was made with no notice to me, of course. Judge Leith must have approved this move. Or maybe Judge Leith didn't provide any oversight at all. I know only that Judge Leith would not let me see her records or even tell me the case number and would not let me appear in court on her behalf.

I tracked my sister down again, the same way – I called everywhere until I found her. At the new group home, she was doing much better, and recovering from being held in bed at her prior home. Unfortunately, she died soon after that from a heart attack. A heart attack that she might never have had, without the horrific treatment he received at the first nursing home.

My own case. The year after Guardian G and Judge Leith put my sister into an unjustified guardianship, Guardian G went after me too. She put my house into foreclosure based on a bogus lien. City inspectors started showing up, several times a week, with various excuses, like my lawn was not mowed. I would not let them in, because I believe they would kidnap me too. They told me, we can help you get a mortgage and pay off the lien; all you need to do is agree to a temporary conservatorship. I refused. I knew this was a scam.

Someone then broke into my house, changed the locks, and locked me out, while I was out of the house. I cannot disclose where I live now to anyone except close friends, because someone might try to kidnap me. I have been unable to return home. I have tried to find a lawyer to help me return to my own home; no one is willing to help me.[2]

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[1] Comment from Luanne Fleming. This nursing home is regularly used by Guardian G. It has a terrible reputation in the community.

[2] Comment from Robin Austin Luanne Fleming. Inability to find counsel is a complaint I hear over and over. Judge Leith, and the guardians and lawyers whom she regularly appoints, are close-knit circle. Other local lawyers with guardianship expertise are either part of this circle, or unwilling to challenge the members of the circle.

I am continuing to pay the taxes on my home so that I don't lose it entirely. As long as Judge Leith is on the Denver Probate Court, I cannot safely return home. I do not know when or how I will be able to move back, without fear of being kidnapped.

Sincerely yours,

/s/ Robin Austin
Robin Austin

/s/ Luanne Fleming
Luanne Fleming

Statement of Luanne Fleming Concerning Judge Elizabeth Leith

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April 11, 2026

I am a co-founder with Robin Austin of Families against Court Embezzlement Unethical Standards (F.A.C.E.U.S.). F.A.C.E.U.S. is a Colorado-based nonprofit organization that seeks to correct abuses in our legal system involving guardianships and conservatorships. Robin Austin and I founded F.A.C.E.U.S. in 2015. We did so after learning from our own experiences and those of many other families that courts often allow and support unethical behavior by guardianship professionals (guardians, conservators, and their lawyers). The professionals often seek to profit at the expense of those whom they are supposed to serve and protect. F.A.C.E.U.S. seeks to address the problems of unnecessary, overly restrictive, and often financially and personally abusive guardianships.

F.A.C.E.U.S. has created a website, called The Probate Trap (https://theprobatetrap.org). This website includes hundreds of episodes from a Blog Talk Radio Show, and more recently podcasts, that F.A.C.E.U.S. has hosted since 2016, highlighting the problems with the guardianship system. We have also recently completed a book, *The Probate Trap*, highlighting problems with the guardianship system, soon to be on Amazon and in book stores everywhere.

I have collected the details of over 50 stories, some with the help of Senator Laura Woods, about guardianship abuse in Colorado that I have permission to disclose, and many more that I cannot, because the families involved are scared about retaliation from the courts and professional guardians. I have, over the last 10 years, had thousands of calls with victims of the guardianship system. There are clear patterns. Of the active Colorado judges, one whom we often receive complaints about is Elizabeth Leith of the Denver Probate Court.

I have heard horror stories about the way that families are treated in her court. Some of the victims are submitting their own statements. I am writing to provide an overview, and to write on behalf of others who cannot do so on their own or are afraid to do so, because they fear retaliation by Judge Leith. Based on the stories recounted to me, that fear is well-founded. The stories we've reported on from families who appeared before Judge Leith have caused us to believe she regularly exhibits bias against families and in favor of the guardianship professionals and has not acted in the best interest of the wards she puts into guardianship.

I have also heard horror stories about the guardians, conservators, and court-appointed counsel who Judge Leith appoints repeatedly. These persons often have horrible reputations, but before Judge Leith, they can do no wrong. In a dispute between one of her favorites, and a ward, protected person, or family member, Judge Leith's favorite always wins, and their fees are always paid, without any meaningful scrutiny.

Not only do family members who are seeking to protect loved ones not receive a fair hearing, often they receive no hearing at all. Judge Leith excludes them from the process. Sometimes, she blocks all contact between a ward and family members; allows the ward to be moved to a nursing home at an undisclosed location; and allows the guardian to prevent the family member from contacting the ward and prevent the ward from contacting the family member. She often allows guardians to charge families unreasonable costs for "supervised

visits," simply to visit their loved ones. Families find themselves helpless. Professional guardians take total control over loved ones; spend massive amounts on their own fees; and sell family homes to pay their own fees, often at far below true market value.

In two cases I know of, and surely more that I don't know about, Judge Leith has refused to terminate a conservatorship even after the protected person moved out of Colorado and been found competent and not to need a conservator in the state where they now live. Judge Leith also didn't honor a court order from a judge in a different county, thus blocking a family member from moving out of Colorado to their home in a different state where family waited to care for them. These actions allow Colorado conservatorships to continue, and out of state properties to be sold, to pay the fees of the court-appointed guardianship professionals.

Judge Leith is also known for approving emergency guardianships on an ex parte basis, when no emergency exists, without requiring evidence of an actual emergency. Vulnerable older adults find themselves forcibly removed from their homes without advance notice, placed in a nursing home, and denied contact with family members. Once an emergency guardianship is in place, it is extremely difficult for vulnerable wards and their families to defend themselves. They do not have the knowledge, sophistication, or, because court-appointed officials seize control of their funds, the money to hire their own counsel and fight back. Counsel are compromised because they fear that if they advocate too strongly for their client, Judge Leith will retaliate against them. The temporary, emergency guardianship routinely becomes permanent.

Families often seek to avoid guardianship through other arrangements, including family trusts, durable powers of attorney, and healthcare directives. Judge Leith is known for overriding these devices, at the behest of guardians. She is also known for overriding wills and trusts, by replacing the executor or trustee.

Judge Leith is also known for refusing to accept decisions of other courts and arbitration tribunals, that have ruled differently than the decision she wants to reach. In one such case, a family member advised her of a federal court order that directly forbade the action Judge Leith wanted to take, she ignored the federal court order and announced in her decision that the request that she respect that order was "repugnant and shocking to the conscience of the Court."

Sincerely yours,

THE PROBATE TRAP
Restoring Transparency & Accountability in Our Courts

Luanne Fleming

Statement of John S. Gleason. Esq.
Concerning Judge Elizabeth Leith

April 29, 2026

I am a Colorado lawyer licensed in 1985. I am also an Oregon licensed lawyer, currently on inactive status. I was hired in 1987 by the Colorado Supreme Court Office of Disciplinary Counsel, later renamed as the Colorado Supreme Court Office of Attorney Regulation Counsel. In 1999, I was appointed as head of this office, as Regulation Counsel for the Colorado Supreme Court. I remained in that position until my retirement in 2013. In 2013 and 2014 I was Director of Regulatory Services for the Oregon State Bar. After leaving the Oregon State Bar, I worked for the Burns Figa & Will law firm until June 2025 when I joined Recht Kornfeld. I have spent nearly 40 years investigating, prosecuting, or defending lawyers and judges in discipline or regulatory matters. In my four decades of regulatory practice, thousands of written allegations against lawyers and judges passed over my desk.

In January 2025 Professor Bernard Black retained me to evaluate various pleadings, court orders, transcripts and other documents regarding a matter before Denver Probate Judge Leith. I reviewed Judge Leith's conduct to determine if it was consistent with the Colorado Rules of Judicial Discipline and the Colorado Code of Judicial Conduct. Professor Black's matter in Judge Leith's courtroom was related to a conservatorship for his sister Joanne Black, now deceased. I did not represent Professor Black in this matter.

I provided Professor Black with my professional opinion regarding whether Judge Leith complied with the rules of judicial conduct, her on bench demeanor and her written opinions and orders. I was not asked to and did not form any opinion regarding Judge Leith's legal decisions. Professor Black provided me with a detailed timeline of the conservatorship related to his sister. He also provided me with numerous pleadings and other documents. To the best of my knowledge, I reviewed virtually every court pleading (of all parties) and court decisions from the inception of the conservatorship until recently. I also independently reviewed news articles and other opinion pieces related to the Denver Probate Court and Judge Leith. Based on my independent review of the pleadings and documents as well as Judge Leith's orders I determined that Professor Black's statements to me were accurate. On no occasion did I conclude that Professor Black misstated anything in the case record.

My primary focus was to determine if Professor Black had sufficient information and factual basis to support the filing of a formal complaint against Judge Leith with the Colorado Commission on Judicial Discipline. I determined that in my professional opinion Judge Leith had violated the rules of judicial conduct in a number of respects. These include:

1. **Telephoning another Judge**: In violation of CJC Rule 2.2 impartiality and fairness; and CJC Rule 2.3 bias, prejudice;

2. **Lack of Due Process and Opportunity to be Heard**: (In violation of CJC Rules 2.2 impartiality and fairness; 2.3 bias, prejudice, and harassment; 2.5 Competence, Diligence. Cooperation; 2.6 Ensuring the right to be heard;
3. **Sua Sponte Rulings**: In violation of CJC Rules 2.2 impartiality and fairness; 2.3 bias, prejudice; 2.5 competence;
4. **Deciding Issues Not Before the Court:** In violation of CJC Rules 2.2 Impartiality and fairness; 2.3 bias, prejudice; 2.6 Ensuring the right to be heard;
5. **Ignoring Orders from Other Courts:** In violation of CJC Rules 2.2 impartiality and fairness; 2.3 bias, prejudice 2.5 competence;
6. **Ignoring Clear Contrary Statutory, Constitutional, and Case Law:** In violation of CJC Rule 2.5;
7. **Actions without Subject Matter Jurisdiction or without Personal Jurisdiction:** In violation of CJC Rules 2.2 impartiality and fairness, 2.3 bias and prejudice, 2.6. Ensuring the right to be heard;
8. **Intemperate Statements:** In violation of CJC Rule 2.8(B) Decorum, Demeanor.

Details on each of these can be found in the Judicial Ethics Complaint which Professor Black prepared, with my advice and supervision, and submitted to the Judicial Discipline Commission in 2025, which the Commission declined to review because it involved a then-pending matter.

I was particularly troubled by Judge Leith's personal attacks on Professor Black, his wife Professor Katherine Litvak, and their son Samuel Black. Judge Leith, on several occasions, impugned not only the personal character of Professors Black and Litvak but also their professional standing as Professors of Law at a distinguished university. In my decades regulating and defending judges I have never seen similar conduct by a sitting judge.

Sincerely yours,

John S. Gleason.

Statement of Melinda M. Harper, CPA

1111 Race Street, Denver, CO 80206
303-478-9779 melinda.harper@icloud.com

April 11, 2026

Background

This is the Statement of Melinda M. Harper, CPA.[1] I am the founding member of Harper Hofer & Associates ("Harper Hofer"), located in Denver, Colorado. Harper Hofer is a CPA firm, with approximately 30 employees. A significant amount of Harper Hofer's services, and my own prior to my semi-retirement, involve applying forensic and investigative procedures to business and accounting transactions, and related expert witness consulting. Harper Hofer has a reputation for dependable, reliable, and thorough analysis. I have been performing forensic investigations since the early 1980s and regularly served as an expert witness between 1984 and 2022.

Procedures

In June 2015, Bernard Black engaged Harper Hofer to provide investigative and expert witness services in connection with litigation in the Denver Probate Court ("DPC") concerning Mr. Black's activities as conservator for his sister Joanne. We advised Mr. Black that we needed to perform a complete forensic investigation of his actions as conservator, executor of his mother's (Renata Black's) New York estate, and trustee of three Black family trusts, all of which affected the accounting for the conservatorship. This investigation included independent reconstruction of the accounting for these entities, using the accounting principles that we believed to be correct and appropriate. We also compared the Harper Hofer independent accounting to the accounting analysis prepared by Pamela Kerr, CPA, an accountant hired by Joanne's guardian-ad-litem, to understand her results and identify differences and limitations in her approach.

I submitted two expert reports that detailed material deficiencies in Ms. Kerr's results and supported our own conclusions. I was prepared to provide expert testimony describing these differences and their effect on an appropriate accounting at a 2015 hearing related to the accounting. I attended three of the four testimony days.

Observations

Indicia of Bias that I Observed in Judge Leith's Courtroom

I have testified dozens of times in state and federal court. This is the only time that I have witnessed a judge adopt the analysis of one side's expert (as "her accountant") before hearing from the opposing expert. Judge Leith's actions were witnessed by my associate, Gretchen Moore, who also attended the hearings.

After Ms. Kerr's testimony was ended, Judge Leith refused the request by Mr. Black's counsel to call me to testify about our investigation of the accounting and of Ms. Kerr's work product. Judge Leith stated, in open court, that "I have my own accountant, so I don't need to hear from another one." I was astonished by this statement, which adopted an approach to expert testimony that I had not heard before or since, in decades of attending judicial proceedings and providing expert testimony. Counsel then decided not to call me to testify. While Ms. Moore and I both

[1] At the time of the events described in this Statement, in addition to being a licensed CPA, I was also a Certified Fraud Examiner, Accredited in Business Valuation, and Certified in Financial Forensics.

heard Judge Leith's statement, it was not included in the transcript, nor was it said in a sidebar, as we would not have heard that type of communication.

Compounding the bias caused by Judge Leith's adoption of one side's expert without hearing the opposing side, I observed Judge Leith's lack of patience with hearing the actual facts of the accounting, even those contained in "her (own) accountant's" reporting. During Ms. Kerr's testimony, Judge Leith repeatedly interrupted Ms. Kerr and cut off her testimony.

Unsupported Statements in DPC 2015 Decision

Judge Leith's decision, published after the hearing, included multiple statements related to the accounting that, to me, evidenced both bias and lack of attention to the actual facts. These statements have no support in the record, not even in the one-sided accounting presented by Ms. Kerr. In Judge Leith's opinion, she concluded that Mr. Black "stole" the assets held in a Roth IRA account belonging to his mother; that he had "transferred funds into an excessive number of different accounts, which can only be likened to a shell game"; that he created 15 "completely unnecessary" accounts; that he "failed to account for tax consequences" when creating a new Joanne Black 2013 Trust ("new trust") for his sister's benefit to hold workers compensation payments that he obtained for her; that he "manipulated funds and transactions" between the conservatorship estate, the new trust and his mother's estate to Joanne's detriment; and that there was a material shortfall of funds in his mother's estate that would prevent the division of assets called for under her will.

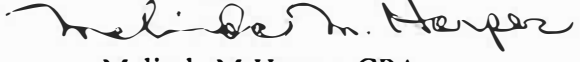
We found no evidence to support **any** of these assertions. We found instead that:

- Mr. Black did not create any unnecessary accounts. Each account he created, 7 in total, had a clear purpose. Almost all of the other new accounts were established by the brokerage firm as part of its internal processes for transferring funds.
- Mr. Black did not "manipulate funds and transactions" between accounts. Indeed, there were no cash transactions at all among the conservatorship estate, the new trust, or the Renata Black Estate.
- Establishing the new trust did not result in any adverse tax consequences to Joanne.
- There was no material shortfall of funds in the Renata Black Estate, and immaterial errors would easily have been corrected.
- Mr. Black disclosed the Roth IRA account in all his filings as Executor with the New York Surrogate's Court and accounted for it appropriately. No funds were stolen.

Statements in Judge Leith's Published Opinions

I identified Judge Leith's use of factually unsupported statements, her use of accusatory and conclusory language in those statements, as well as her unwillingness to hear my testimony or to question the reliability of Ms. Kerr's work product when third party records relied on by Harper Hofer contradicted Ms. Kerr's conclusions, as indicia of bias against Mr. Black, and as a lack of concern with the facts that I do not expect from a judge.

Sincerely yours,



Melinda M Harper, CPA

Second Anonymous Statement Concerning Judge Elizabeth Leith

Submitted by Robin Austin and Luanne Fleming, co-founders,
Families against Court Embezzlement Unethical Standards (F.A.C.E.U.S.)
18901 E Hawaii Dr, Aurora, CO 80017 faceusnow@hotmail.com; (303) 204-1333

May 3, 2026

We are submitting this statement on behalf of a person, known personally to us, who is unable to submit a statement at this time due to a recent operation, from which she is recuperating, but wants her story to be told. We attest to the accuracy of the story below.

Anonymous story: My father was placed into an involuntary guardianship by Judge Elizabeth Leith, with Jeanette Goodwin appointed as guardian.[1] He was unable to fight back; he either did not have court-appointed counsel at all, or had ineffective counsel.

My father had planned ahead; I was named as his attorney under both a durable power of attorney for financial matters and a medical power of attorney. He should not have needed a guardian at all. Judge Leith, however, overrode the powers of attorney – on what basis I do not know. I received no notice of the guardianship hearing, and had no opportunity to testify. Judge Leith overrode the powers of attorney and establish a guardianship, without hearing from me.

My father was placed in a nursing home against his will; his own home was sold to pay the guardian's bills. He needed help at home, but was fully capable of remaining at home, with help, for some time. He died in the nursing home, still under guardianship.

Our family's saga with Judge Leith was not over, however. His will disappeared he likely had kept it at home and it was lost when his home was sold. Denver County Public Administrator Marcie McMinimee was appointed to settle his already diminished estate.[2]

McMinimee spent almost all of the estate's remaining value on her own fees. There was not need for this, because even without the will, the distribution of the estate under Colorado law was clear: 50% to me and 50% to my sister. Moreover, either I or my sister could have served as estate representative, without charge.

Judge Leith appointed McMinimee instead, and ignored our objections to her fees.

Sincerely yours,

/s/ Robin Austin
Robin Austin

/s/ Luanne Fleming
Luanne Fleming

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[1] *Robin Austin and Luanne Fleming comment*. Jeanette Goodwin appears over and over again in the victim stories we have collected, including two other statements included in the package we have provided (Black, Cassidy). Goodwin was also involved in the case of Luanne Fleming's own mother. Her mother's multimillion dollar estate was looted to almost nothing by guardianship professionals, including Goodwin. Despite repeated family complaints, Judge Leith continues to appoint Goodwin, sometimes as guardian, sometimes as conservator.

[2] *Robin Austin and Luanne Fleming comment*. Marcie McMinimee also appears over and over again in the victim stories we have collected, including two other statements included in the package we have provided (Tracy, Wells). Yet Judge Leith continues to appoint and rely on McMinimee, in a variety of roles.

Statement of Katherine Litvak

Professor of Law, Northwestern Pritzker School of Law

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I am a victim of egregious judicial misconduct by Judge Leith of the Denver Probate Court.

Since 2013, J. Leith has been overseeing a case between two members of my family, my husband (Bernard Black) and his sister (Joanne Black). I have never been a party in this or any other proceeding in J. Leith's court.

I have never lived in Colorado, have no property in Colorado, never visited Colorado before J. Leith took over our family's life. J. Leith has no basis for personal jurisdiction over me.

And yet, J. Leith took steps to attack me personally and professionally, which deeply harmed my reputation and career. She gave me no notice that my private life would be discussed in her courtroom. I had no chance to respond, to present evidence, to question my accusers, to have an attorney represent me, or even to appeal her language.

J. Leith's conduct in our case is truly mind-blowing and brazenly unlawful. Please see some of the details below! The Netflix show, *I Care a Lot*, about a corrupt guardian who steals from her wards, isn't far off the mark. I teach law; I read hundreds of cases. I have never heard of a judge behaving in such fashion. I have learned that my experience with J. Leith is far from unique.

To summarize: for ten years (until Joanne Black died), J. Leith maintained an unlawful conservatorship over a legally competent non-resident (a New Yorker), who was found competent in 2016 by a N.Y. court. During this time, J. Leith appointed a large team of lawyers, guardians, conservators, and accountants, and approved millions of dollars in fees for them, paid by our family, for activity that provided literally zero benefit to Joanne Black– who was, I repeat, *a legally competent non-resident*, and who repeatedly demanded to be liberated from conservatorship. At every step, J. Leith ruled in favor of the team she appointed, to transfer our money to them, against our family's efforts to stop the transfers.

Several times, J. Leith ordered her conservatorship team to file lawsuits against our family in other jurisdictions with no basis in law or facts. Even if those suits were meritorious, a judge has no right to order private parties to file lawsuits in other states. J. Leith actively fueled needless litigation. Here too, I have never heard of a judge behaving in similar fashion.

The meritless suits ordered by J. Leith failed in other courts. J. Leith then ordered the conservatorship team *to file an-already failed lawsuit in J. Leith's own chambers*. These are the people whom J. Leith appointed and whose fees she approves. They filed the lawsuit that J. Leith ordered; she ruled in their favor, on the claims that she instructed them to bring.

Now a few details.

My late sister-in-law, Joanne Black, stayed in Colorado briefly during 2012 and early 2013, and never became a Colorado resident. During this brief stay, J. Leith established a conservatorship over Joanne based on Joanne's mental health problems. In April 2013, Joanne returned to her lifelong home state, New York, and never returned to Colorado.

In March 2016, J. Aliotta of the New York Supreme Court was hearing a petition to address whether Joanne needed a guardian or conservator. Joanne was no longer a Colorado resident, but J. Leith took numerous steps to insert herself into those N.Y. proceedings. J. Leith privately telephoned J. Aliotta, trying to convince him to rule in favor of her guardianship team. We learned about this improper *ex parte* communication only because J. Aliotta reported it in his own decision.[1]

J. Aliotta ruled against J. Leith's wishes, and stated:[2]

> I'm satisfied that Ms. Black, *by clear and convincing evidence, not even close*, does not lack capacity, that she is, in fact, *capable of handling her affairs*.

At this point, J. Leith lost subject matter jurisdiction to maintain a conservatorship over Joanne, under clear Colorado Supreme Court precedent.[3] The N.Y. decision also removed all power of J. Leith's guardianship team over Joanne or our family.

However, J. Leith refused to cede control and continued to transfer millions from our family to her guardianship team. The conservatorship still existed when Joanne died in August 2025. Over 2016-2025, the conservatorship team unlawfully, with J. Leith's blessing, billed our family millions of dollars – *for "services" to a legally-competent non-resident*. The exact amount is unknown because J. Leith sealed the conservatorship reports so that our family can neither see them nor object to the fees.

J. Leith and her conservatorship team were actively and unlawfully raiding our family trusts. Our family tried to stop them. Due to J. Leith's actions, the trusts were frozen, so the trustees could not use trust assets to hire lawyers to defend the trusts. Thus, in 2016 and 2017, I lent my personal funds to the family trusts, so that they could pay lawyers. All my loans were meticulously documented. In late 2017, I obtained a judgment against the trusts, so that my loans could be repaid when the trusts were unfrozen.

In January 2018, J. Leith issued a completely unlawful ruling against me. J. Leith's guardianship team filed before J. Leith a private court submission without giving me any notice. I was not a party to that case. I did not know I was mentioned, or that any accusations were made against me. I was not present at the hearing, was not represented by counsel, did not have a chance to examine evidence, or present my own evidence. In my absence, J. Leith's conservatorship team simply asserted that my loans were improper, on what grounds I do not know.

J. Leith wrote, with no notice and no evidence whatsoever, about a *non-party* (me):

> [T]he Court finds the actions of Mr. Black's wife, also a law professor, are shocking as together their actions only serve to dramatically increase attorney fees and costs and otherwise reduce or eliminate the funds that are due to Joanne Black apparently for no

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[1] Decision (May 19, 2016, revised June 7, 2016), *In re Joanne Black*, Index No. 80253/04, N.Y. Supreme Court (Richmond County) (*N.Y. Guardianship Case*), at 4.

[2] *NY Guardianship Case* (transcript March 21, 2016), at 276-277 (emphasis added).

[3] *People ex rel. Smith v. Fremont County,* 106 Colo. 95, 102 (1940). Under *Smith*, once a protected person is found to no longer need protection, the lower court "[had no] jurisdiction to do anything more than settle the accounts of the conservatrix and restore to petitioner the control of his property… any orders made attempting to control the property, burden it… were void and of no force or effect…. All acts of the court outside such jurisdiction were **not only voidable but void** (emphasis added).

> reason. . . . The Court finds it is unable to adequately express how shocking these actions taken by Joanne Black's brother and his family are to the conscience of the Court.

The accusations that J. Leith guardianship team made to J. Leith against me were absolutely, completely false. I have irrefutable, documentary evidence showing that these were genuine loans, for a valid purpose. But I did not receive a chance to rebut these falsehoods.

Worse yet – I could not appeal J. Leith's outrageous statements about me because technically, they are not judicial "findings" – they are dicta. Dicta is not appealable. Also, I am not a party to this case, and I cannot appear for the first time on appeal.

J. Leith simply defamed me, using her government position. Because of her judicial immunity, I cannot sue her for defamation. Zero evidence, no due process whatsoever – and yet I cannot remove her statements from court records and clear my name.

J. Leith's opinion sounded as though she made factual findings against me, based on evidence and a proper hearing, in a normal adversarial proceeding. But no such thing happened. There was no complaint against me, no response, no discovery, no evidence, no hearing, and no notice to me about any of this! I was not a party. J. Leith had no jurisdiction over me. This is judicial misconduct, plain and simple.

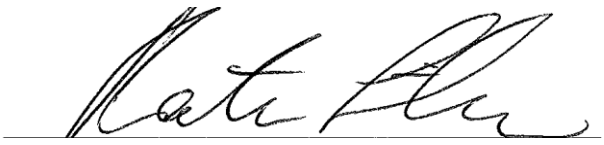
J. Leith's false statements were deeply harmful to me professionally and personally. Among other things, they affected the actions of other courts. In one example, an Illinois trial court ruled in my favor on those loans. J. Leith's conservatorship team appealed and submitted J. Leith's false statements about me to an Illinois appellate court, falsely presenting them as judicial factual findings that my loans were fraudulent. The Illinois appellate court misinterpreted them as judicial factual findings and, expressly on that ground, after quoting J. Leith, ruled against me.[4]

It is very difficult to convince judges that passionate, angry statements made by another judge should be ignored. Good, honest judges tend to trust other judges.

Due to J. Leith's misconduct, my reputation is tarnished.

J. Leith should be removed from the bench. I hope her misconduct ends soon, and she does not continue to harm other individuals.

Sincerely yours



Katherine Litvak

[4] *Litvak v. Black (Goodwin, intervenor),* 147 N.E.3d 835, 839 (Il. App. 1st, 2019) (quoting Judge Leith).

Statement by Ryan Tracy Concerning Judge Elizabeth leith

145 Riverhaven Drive, Unit 547
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April 28, 2026

I was placed in an unnecessary conservatorship in 2015 by Judge Leith and conservator Marcie McMinimee. I have been fighting for years to escape. I left Colorado six years ago, was found to be competent in Florida, but Judge Leith has refused to terminate the Colorado conservatorship over me. I am still trying, and hope one day to succeed.

In 2004, when I was 23 years old, I was in a serious bus accident in Jamaica, which left me with poor short-term memory. But I remain fully competent to handle my own affairs and finances, and did so extraordinarily well for the next decade. After the bus accident, I attended and completed college, graduating from, Florida International University in 2012 with a degree in Asian studies. During the course of my studies I alone was selected out of a campus wide interview consisting of over 30,000 applicants with Goldman Sachs I also served in the National Guard, where I worked in information technology and had a top secret security clearance in military intelligence.

In 2012, I obtained a structured settlement from the bus accident. I made the decision to structure the settlement to ensure regular monthly income for life, from a growing annuity, with the monthly payment amount growing each year. The current monthly amount is around $7,000. I also arranged to put $1 million from the settlement in a trust, for emergencies.

I made the mistake of moving to Colorado in 2014. I was soon thrown into an involuntary conservatorship. I was forced into a conservatorship, with Marcie McMinimee as court-appointed conservator, based on a false application submitted by Ms. McMinimee stating that my parents were deceased. In fact, Ms. McMinimee and her law partner, Melissa Schwartz, knew my parents were alive and well and had been in direct communication with both of them, as well as with two of my sisters; one of whom held a durable power of attorney. Judge Leith approved the conservatorship without receiving a physician's evaluation – which would have shown that I was competent. Judge Leith appointed counsel for me who was incompetent and unwilling to oppose McMinimee. She authorized McMinimee and Schwartz to strip me of the monthly annuity I was living on, and transferred it to their firm so Marci had full control over my finances. In 2025 she then transferred my annuity payments into my trust controlled by the Dunham Trust Company. I had to beg the trustee, and often fail, for enough money to live on. Most of my trust disappeared as well, spent on – well, I have no idea on what, because I never received trustee reports.

I tried to terminate the conservatorship multiple times, beginning in 2016, and failed.

The income from my annuity was not enough to pay the conservators fees, so in 2018 the conservator sold my condominium apartment in Denver, worth $850,000, at a well-below-market price of $700,000. Judge Leith approved the sale. The sole reason for the sale was so that the conservator could spend the proceeds to pay her own fees and those of her lawyers. She spent almost the entire proceeds in a single year! Judge Leith approved everything, including $572,000 in conservatorship expenses in 2018, paid from the proceeds of selling my home. I lost my home,

and ended up renting and paying rent, which used up most of the funds that the conservator provided to me – from my own annuity and trust fund.

In 2019, I left Colorado and moved to Maryland. In 2021, I traveled to my parents' home in Florida and was found competent by a Florida court, after the medical examination that was never conducted in Colorado.. I am told that, under Colorado law and the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, which Colorado has adopted, the full-faith-and-credit clause of the U.S. Constitution, the Florida decision should control and the Colorado conservatorship, which I never needed, must terminate. Judge Leith has refused, for 5 years, to terminate a conservatorship over a nonresident (me), who does not need a conservatorship.

Instead of accepting the Florida decision on my competence, Judge Leith ordered, and I agreed to, an additional, detailed neuropsychiatric examination. The new examination reached the same conclusion as the prior one. The new examiner concluded in February 2022:

> This examiner agrees with the Court Appointed Examining Committee from 2021 [this is the 2021 Florida examination] that Mr. Tracy possesses the cognitive abilities to make decisions about all aspects of his life and have his rights restored.

Four years later, my rights are not restored. I have come to believe that being subject to a conservatorship, under Judge Leith, is like the Hotel California in the song by the Eagles: I can never leave. No matter what Colorado law says.

I am still fighting to free myself from the Colorado conservatorship. I hope that I will succeed, and recover the right to receive my own annuity payments directly. I hope that there will still be funds in my trust account. But I fear that none of this will happen, as long as Judge Leith is deciding whether to give me back my freedom.

Sincerely yours,

/s/ Ryan A. Tracy

Ryan Tracy

Statement of David and Greg Wells Concerning Judge Elizabeth Leith

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April 19, 2026

We and our mother, Sharon Wells, were victims of Judge Elizabeth Leith, Denver public administrator, Marcie McMinimee, guardian Erin Dougher, and court-appointed guardian-ad-litem (GAL) Ayo Labode.

We did everything right, in planning ahead for our mother. Our planning efforts proved to be no equal for the greed of Ms. McMinimee, and the willingness of Judge Leith to override our planning documents.

We are twins. We run a small business together, Auto Glass Denver Pros, https://autoglassdenverpros.com/index.html. We are good at what we do, but do not claim to be legally sophisticated.

We have an estranged older brother, Mark Wells, who is a longtime heroin addict. As in many other predatory guardianships, Ms McMinimee and other guardianship professionals, including various lawyers, seized on a family dispute to seize control of our mother and her assets, and spend the vast bulk of her assets on themselves.

In 2016, Sharon Wells executed a durable power of attorney (DPOA) in favor of David Wells, giving him full financial powers. She also executed an irrevocable trust, and named us as trustees. This should have been sufficient to protect her substantial assets (then around $3 million) avoid the need for a conservatorship.

In 2017, Sharon Wells was in the early stages of dementia, but still capable of living on her own. We were also willing and capable of caring for her ourselves, including arranging for home care and for assisted living if that became necessary. Someone, probably Mark Wells, filed criminal charges against David, claiming that the DPOA was forged. David proved otherwise at a first hearing but by then the guardianship express was off and running.

Judge Leith authorized an emergency conservatorship in 2018, despite no evidence of an emergency. She appointed McMinimee as conservator, and issued a restraining order against either of us visiting our mother, without an evidentiary hearing or evidence of misconduct. It took us 18 months to get the restraining order cancelled, long after the ostensible basis (the criminal complaint) had been disproven and withdrawn.

McMinimee promptly sought, and Judge Leith provided, an order freezing all of Sharon Wells' assets, including the trust. This is a common tactic in a predatory guardianship. It meant that Sharon had no access to her own money to hire counsel to fight against the conservatorship. McMinimee and her lawyers used Sharon's money to pay themselves.

Over the next 7 years, until Sharon died, we did everything we could, seeking to end the unnecessary conservatorship, or at least have one of us appointed as conservator, instead of McMinimee. We failed. Judge Leith maintained the conservatorship, appointed a separate guardian as well, approved all fee requests, approved moving Sharon to a nursing home against her and our wishes; and never gave us a serious hearing. In seven years, McMinimee, the other professionals, and their lawyers spent $2.5 million – the vast majority of Sharon's $3.5 million estate -- on themselves.

As she has in other cases where family members objected to spending by the guardianship professionals, Judge Leith sealed the annual guardianship financial reports against us. This prevented us from monitoring and objecting to excessive spending.

To raise cash, the guardian/ attorneys sold Sharon's houses at far-below-market prices, and spent the proceeds on their own fees. Our mother owned five houses; four of them were progressively sold to pay professional fees. We tried to stop the sales and failed; Judge Leith approved them over our objections. We suspect that these grossly underpriced sales were to related parties. We sought an investigation. The professionals used Sharon's money to hire attorneys to fight against our efforts. Judge Leith denied our request to investigate the sales.

We sought to have our mother move to California, where she owned a home, and could live near our sister, and obtained a California court order to allow the move. Judge Leith ignored the California court order.

We can tell many terrible stories about how our mother was forcibly removed from her home, transferred to a nursing home, overmedicated with conflicting medications which can cause psychosis. We provide one story below, that directly involved Judge Leith.

On December 22, 2022, we were scheduled to have a hearing before Judge Leith on our motion to end the guardianship and conservatorship. Judge Leith had cancelled a prior virtual hearing and demanded an in-person hearing. Denver weather was horrendous. The temperature had dropped 75 degrees in 24 hours, there was a blinding snowstorm, and the courthouse was officially closed. We distrusted Judge Leith and Ms. McMinimee and drove to the courthouse anyway, in the morning. The guards would not let us in, and confirmed that the courthouse was closed. We left, and later called Judge Leith's chambers and left a message explaining the situation and asking to reschedule the hearing.

Judge Leith supposedly held a hearing that afternoon, attended by others, who were somehow allowed into the courthouse, even though we were not. No transcript for the supposed hearing exists. Judge Leith then issued three orders, dated the day of the blizzard, denying all relief we requested. Even if the hearing were somehow held, to hold it without our presence, and without a transcript, was a clear denial of due process. We appealed, but the appeal became moot when Sharon died in July 2024. In the course of the appeal, McMinimee's counsel asserted that the hearing actually took place, but did not provide any evidence, such as an affidavit from one of the supposed attendees.

After Sharon died, McMinimee would still not release the balance of the conservatorship estate to Sharon's probate estate. We had to hire counsel and seek a hearing, for action that should have been automatic. We eventually succeeded, but only after McMinimee's firm collected still more fees from her estate for fighting the transfer.

Sincerely yours,

/s/ David Wells

David Wells

/s/ Greg Wells

Greg Wells

News Stories About Judge Leith

- Kovaleski, Jennifer, Colorado Guardianships Can Bleed Estates with Little to no Oversight, *Denver7 News* (May 17, 2021), https://www.denver7.com/news/investigations/colorado-guardianships-can-bleed-estates-with-little-to-no-oversight.
    - The article does not name judges, but the Pat Brannigan and Sharon Wells cases were before Judge Leith.
- Kovaleski, Jennifer, Colorado lawmaker wants more accountability, transparency in state's guardianship system, Denver7 News (July 9, 2021). https://www.denver7.com/news/investigations/colorado-lawmaker-wants-more-accountability-transparency-in-states-guardianship-system
    - The article is about recurring problems found in 2017 Colorado audit of the probate system and the Sharon Wells case.
- Kovaleski, Jennifer, and Joe Vacarelli, Former Denver court clerk blew whistle 10 years ago about conservatorship system *Denver7 News* (Oct. 8, 2021), at https://www.denver7.com/news/investigations/former-denver-court-clerk-blew-whistle-10-years-ago-about-conservatorship-system.
    - An interview with Carolyn Cammack, who was a judicial clerk to Jean Stewart, Judge Leith's predecessor on the Denver Probate Court, and who says nothing has changed under Judge Leith.
- Prendergast, Alan, Why Won't the Colorado Courts Let This Latvian Girl Go Home?, *Westword* (Jan. 19, 2016), https://www.westword.com/news/why-wont-the-colorado-courts-let-this-latvian-girl-go-home-7524502
    - This article is directly about Judge Leith and her decision to impose guardianship on a young Latvian girl who was not a Colorado resident, rather than let her return home to Latvia.
- Strom, Roy, Unlikely Colorado Court Vexes $8 million Litigation Finance Win, BloombergLaw (Oct. 19, 2023), at https://news.bloomberglaw.com/business-and-practice/unlikely-colorado-court-vexes-8-million-litigation-finance-win, and subsequent court decision upholding arbitration award, arbitration award was upheld in *Noble Prestige Ltd. V. Paul Horn*, 2024 WL 2109045 (S.D. Fla.).
    - This article discusses Judge Leith's refusal to honor an arbitration award, which was eventually upheld after years of federal court litigation.
- Tatum, Christine, Magistrates Under Fire Get New Duties, Denver Post (July 12, 2005), https://www.denverpost.com/2005/07/12/magistrates-under-fire-get-new-duties/
    - This article discusses past problems with Judge Leith failing to hold hearings, while still a magistrate.

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We hope to persuade you not to renew Judge Leith and to conduct a thorough search for a replacement who will be more attuned to families and less to the guardianship professionals who often exploit them. We are also preparing for a press campaign against Judge Leith's renewal, should that become necessary.

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