

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000630XXXXNB
Division: IJ

IN RE: GUARDIANSHIP OF
FRANCES BERKOWITZ

**AMENDED PETITION FOR REMOVAL OF ELIZABETH SAVITT
AS GUARDIAN FOR FRANCES BERKOWITZ**

Petitioners, WILLIAM WEBSTER MILLSAPS and DONNA GREENSPAN SOLOMON, pursuant to section 744.474, Florida Statutes, and Florida Probate Rule 5.660, hereby petition the Court for the removal of ELIZABETH SAVITT as the guardian of the person and property of FRANCES BERKOWITZ, and in support thereof state as follows:

PARTIES

1. At all times material hereto, Petitioner William Webster Millsaps (“Millsaps”) was and is a resident of Palm Beach County, Florida.

2. At all times material hereto, Millsaps was and is an attorney and active member of The Florida Bar with authority to practice law in the State of Florida. Millsaps is Certified by The Florida Bar as a Health Care Specialist. Millsaps is the principal of Web Millsaps Law, PL (“Millsaps PL”), a Florida Limited Liability Company.

3. Millsaps is the Petitioner who requested the Court to determine capacity and, if needed, appoint a guardian in the first place for the then alleged incapacitated person and now ward, Frances Berkowitz (“Mrs. Berkowitz”). Millsaps was also a personal friend of Mrs. Berkowitz and a personal friend of her late husband, Jerry Berkowitz (together with Mrs. Berkowitz, the “Berkowitzes”).

4. At all times material hereto, Petitioner Donna Greenspan Solomon (“Solomon”) was and is a resident of Palm Beach County, Florida.

5. At all times material hereto, Solomon was and is an attorney and active member of The Florida Bar with authority to practice law in the State of Florida. Solomon is one of only two attorneys who are Certified by The Florida Bar as both Business Litigation Expert and Appellate Specialist. Solomon is the principal of Donna Greenspan Solomon, P.A. d/b/a Solomon Appeals, Mediation & Arbitration, a Florida Professional Association (“Solomon PA”).

6. The Berkowitzes were the clients of Millsaps PL and co-counsel, Solomon PA.

7. Pursuant to section 731.201, Florida Statutes, Millsaps and Solomon are “interested persons” who may reasonably be expected to be affected by the outcome of the instant Amended Petition (the “Petition”).

8. At all times material hereto, Respondent Elizabeth Savitt (“Savitt”) was and is a resident of Palm Beach County, Florida. On December 4, 2015, Savitt was appointed the emergency temporary guardian of Mrs. Berkowitz. On January 7, 2015, Savitt was appointed the limited guardian of Mrs. Berkowitz.

9. In its Omnibus Order entered on May 27, 2016, the Court held that Millsaps and Solomon have standing to challenge the initial appointment of Savitt as Guardian, and whether the appointment was done properly and whether there was any intrinsic or extrinsic fraud.

MATERIAL FACTS

10. In 2013 and 2014, Millsaps and Solomon represented the Berkowitzes in connection with a wide-ranging fraud that had depleted the Berkowitzes of their entire life savings of over \$1.2 million. During the course of heavily-contested litigation, Millsaps and Solomon recovered over \$835 thousand from the fraudster for the benefit of their clients and,

additionally, were able to “freeze” several hundred thousand dollars more of Mrs. Berkowitz’s funds, which Millsaps and Solomon located in Amtrust bank.

11. In late 2014, Millsaps and Solomon became concerned that Mrs. Berkowitz was declining and perhaps suffering from diminished capacity and/or the undue influence of her caregivers. It appeared that significant additional recoveries were being put at risk. As a result, on December 3, 2014, Millsaps petitioned for a determination of capacity of Mrs. Berkowitz and the appointment of a professional guardian on an emergency basis for Mrs. Berkowitz, in order to protect Mrs. Berkowitz from possible and then suspected exploitation by her caregivers.

12. The court docket shows that the guardianship proceeding was initially assigned to Savitt’s husband, Judge Martin H. Colin (“Judge Colin”).

13. Judge Colin did not enter any orders in the proceeding. Instead, on December 4, 2014, a different judge granted Millsaps’ petition for emergency guardianship and appointed Savitt as the emergency temporary guardian of Mrs. Berkowitz. On January 7, 2015, Savitt was appointed as the limited guardian (“Guardian”) of Mrs. Berkowitz.

14. Notably, the Petition for Emergency Guardianship revealed on its face that Mrs. Berkowitz had substantial assets. This is significant because it appears that allegedly incapacitated persons (“AIPs”) with significant assets initially assigned to Judge Colin have been transferred to other divisions where Savitt is then appointed as guardian, all without an audit trail as to the purpose for the transfer in divisions and appointment of Savitt.

15. Savitt was not a family member or friend of Mrs. Berkowitz, whom she had never met before. Savitt was appointed as a “professional guardian.” The Statewide Public Guardian Office requires such professional guardians to undergo credit and criminal history checks before being appointed.

16. Despite the requirement for credit and criminal history checks before appointment, Savitt and her husband had just had a final judgment of foreclosure entered against them. On November 17, 2014 -- less than a month before the guardianship appointment---the final judgment of foreclosure was rendered, showing a balance due of \$308,328.04. A foreclosure sale was scheduled for March 17, 2015.

17. On December 8, 2014, while still only Mrs. Berkowitz's *temporary* guardian, Savitt filed an emergency motion to compel Mrs. Berkowitz's bank to provide her with access to Mrs. Berkowitz's financial records and to distribute all of her funds to Savitt. The emergency motion was granted that same day. Also on December 8, 2014, Savitt went to Mrs. Berkowitz's bank to "open accounts."

18. However, on December 26, 2014, Savitt told Millsaps that Mrs. Berkowitz had "no money left" in her accounts, despite Millsaps' advising Savitt that Mrs. Berkowitz should have had close to half a million dollars remaining.

19. On March 11, 2015, the bank in Savitt's foreclosure action filed a motion to cancel the pending sale scheduled for March 17, 2015, vacate the judgment and dismiss the action, stating: "The parties have reached settlement whereby **the indebtedness of Ms. Savitt to [the bank] has been satisfied.**" (emphasis supplied). On March 28, 2015, the bank executed a release of the mortgage of Savitt's property.

20. Meanwhile, on January 26, 2015, Dean Rosenbach ("Rosenbach") and the Law Offices of Marshall E. Rosenbach substituted in as counsel for the Guardian (Savitt) and Mrs. Berkowitz in the Underlying Actions. Rosenbach is a personal friend of Savitt's husband, Judge Colin.

21. Serious concerns have been raised about Savitt's conduct as guardian, including those raised in The Palm Beach Post's investigative reporting series entitled "Guardianships: A Broken Trust." A portion of that series is annexed hereto as "Exhibit A."

22. In the wake of The Palm Beach Post's investigation, all of Savitt's guardianship cases have been moved to the north county courthouse and Judge Colin was transferred out of the probate division.

COUNT I – REMOVAL OF SAVITT AS GUARDIAN

23. Petitioners adopt by reference, as if set out fully and completely in this Count, the following statements of this Third-Party Complaint: Paragraphs 1 through 23.

24. Savitt should never have been appointed temporary emergency guardian and then limited guardian of Mrs. Berkowitz. Her appointment was obtained improperly and/or through fraud.

WHEREFORE, Petitioners hereby request that the Court remove and replace Savitt as the guardian of Mrs. Berkowitz, and order an accounting and transfer of property as required by Florida Probate Rule 5.660.

Respectfully Submitted,

By: /s/ Donna Greenspan Solomon
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via filing through the Florida e-filing portal on Ellen S. Morris, Esq., Attorney for the Guardian, Elizabeth Savitt, Elder Law Associates, P.A.. 7284 W. Palmetto Park Road, Ste. 101, Boca Raton, FL 33433, on this 28th day of June, 2016.

By: /s/ Donna Greenspan Solomon
DONNA GREENSPAN SOLOMON

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PART 1: POST INVESTIGATION **GUARDIANSHIPS** A BROKEN TRUST

FRAIL SENIORS' ASSETS BENEFIT JUDGE, WIFE

Guardian's cases often decided by judge's friend



JUDGE MARTIN COLIN hears guardianship cases, but not those of his wife. However, he hears other cases involving her lawyers. A former Florida high court justice says it looks improper and could violate the Judicial Code of Conduct. PALM BEACH POST PHOTOS



'I'M THE WIFE OF A JUDGE': Some families say Elizabeth Savitt, a professional guardian, cites her husband's position when they complain.



LUNCHES WITH HUSBAND: Judge David French hears the majority of Savitt's cases. He lunches with her husband regularly.

Former chief justice calls for investigation

Judge has 115 recusals in 6 months in cases with wife's lawyers

By John Pacenti | Palm Beach Post Staff Writer

The savings of incapacitated seniors flow into the household of Palm Beach County Circuit Judge Martin Colin.

This occurs courtesy of Colin's wife — Elizabeth "Betsy" Savitt. She serves as a professional guardian, appointed by judges to make decisions for adults who no longer can take care of themselves.

Savitt makes her money off the nest eggs of the elderly, many suffering from dementia and put in guardianships in the same Probate & Guardianship Division where her husband Judge Colin wields considerable influence. His fellow judges approve Savitt's fees.

Savitt has taken money from the elderly people whose lives she controls without first getting a judge's approval as well as double-billed their accounts, a Palm Beach Post investigation has uncovered in court records. Families of some of the seniors say the judge's wife and her attorneys drum up unnecessary lit-

Guardianships A Broken Trust

igation that runs up fees, benefiting her, the judge and her lawyers.

Savitt doesn't appear before her husband, but Judge Colin does oversee other guardianship cases where he is responsible for safeguarding the finances and well-being of

Guardianships continued on A12

WHAT IS GUARDIANSHIP?

When a senior can no longer take care of him or herself, and often when families are fighting, the court can appoint a guardian to take over decision-making in areas such as finances and health care.

INSIDE

Judge Martin Collin's history of conflict involving his wife, plus how we got the story. Page A14

COMING MONDAY

A closer look at Elizabeth Savitt's guardianships.

SUBSCRIBER EXCLUSIVE

Read the whole investigation online today at mypalmbeachpost.com/guardianships-colin-savitt

Judge's finances show history of unpaid debt, IRS liens, foreclosures

By John Pacenti | Palm Beach Post Staff Writer

Foreclosures, liens and unpaid debts.

These dominate the financial record of Palm Beach County Circuit Judge Martin Colin and his wife, Elizabeth Savitt, a professional guardian. The couple have enormous power over the life savings of seniors no longer competent to care for themselves because of dementia or medical illness.

The pair's financial difficulties peaked in the Great Recession. Then in 2011, Savitt became a paid professional guardian and much of their financial distress dissipated, including when Savitt paid off a \$308,000 foreclosure on a Delray Beach house that was set to be

Finances continued on A13

PART 1: POST INVESTIGATION GUARDIANSHIPS A BROKEN TRUST

Some attorneys say they fear reprisals

Guardianships

continued from A1

these "wards" of the court, Colin's colleague Circuit Judge David French, who lunches with him regularly, has overseen almost two-thirds of Savitt's cases. Some lawyers who have opposed Savitt in Judge French's courtroom say he didn't disclose that Savitt is the wife of a fellow judge or his social connections to the couple.

The lawyers Savitt has hired to represent her also practiced before her husband in other cases in which he had the power to approve their fees. A former Florida Supreme Court chief justice and a law professor says this constitutes, at minimum, an appearance of impropriety and should be investigated.

"This conflict puts the whole courthouse under a cloud because it raises so many questions and there are no answers forthcoming. And that is why we have a judicial canon on the appearance of impropriety, so there are no questions like this," Nova Southeastern law professor Robert Jarvis said.

The guardianship arena is an attorney's playground. Everyone — the elderly ward, the guardian, relatives of the senior — are lawyered up. And most, if not all, get paid out of the savings of the senior in guardianship.

Families wonder if their lawyers naturally would be gun shy in opposing Savitt, a wife of a judge who they must appear in front of in other, more lucrative cases.

This elaborate dance plays out in the south county in the lucrative Probate & Guardianship Division, where Colin is a longtime sitting judge.

This isn't the first time Colin has had a conflict involving his wife and her lawyers. An appeals court in 2007 barred the judge from presiding over a case involving Savitt's divorce lawyers, ruling he had an "apparent conflict of interest that would cause a reasonable litigant to have a well-grounded fear of not receiving a fair trial."

115 recusals in six months

His wife's job as a professional guardian leaves Judge Colin compromised, handcuffing him from fully doing his job. The Post found. He's recused himself from 115 cases that involve his wife's lawyers since July 1 after the Post started asking questions in its investigation.

"When you have a judge suddenly recuse himself of so many cases, it certainly sends up a red flag," Jarvis said. "How did a judge allow himself to be put in such a position? I have never heard of a judge doing such a thing."

But Judge Colin doesn't see a problem. Even before his recent mass recusals, he remarked in a court hearing that in the past he had required his wife's attorneys to tell opposing lawyers that they represented Savitt.

But at least one attorney told The Post that's not always how it worked. Gary Sussner gave an example in which Colin's disclosure policy fell short, saying he was "floored and shocked" when he found out about the conflict.

Attorney Sheri Hazeltine didn't tell Sussner that she works for Savitt until April, almost a year into a probate case, Sussner said.

"She never disclosed her relationship until she was told by Judge Colin to do so," he said. "It's a huge concern for me when opposing counsel represents the judge's wife."

A transcript of the hearing shows Colin asking Hazeltine to disclose; she did so and then Sussner objected to Colin continuing to preside over the case.

"It was news to me what I just found out," Sussner tells Colin.

Colin responds, "OK. That's why we make what we call a disclosure."

"Yeah," Sussner responds.

Colin then defends the policy that he would change later in the summer. "Can't disclose until it's, you know, ripe to disclose," he tells Sussner.

Colin had the case reassigned to another judge.

The judge spoke to The Post for hours, but was limited in what he could say because of his position. He would only say on the record that he has dealt with the conflict with his wife properly through established methods.

How do you convince a god he is wrong?

The nation as a whole is beset by unscrupulous guardians, some of whom have been charged with crimes. Florida passed its first effort at reform last legislative session, including applying criminal penalties to guardians found guilty of abuse. Advocates say legislative reform, though, means nothing if judges are complicit in draining the life savings of seniors in guardianships.

Judges like Colin are the main line of defense against guardianship abuse.

Colin, 66, is one of a handful of judges in Palm Beach County Circuit Court who oversee guardians for incapacitated adults. When a senior is found to be incapacitated, he can lose all legal rights to make decisions for himself. So these judges approve expenditures including fees for the guardian and the guardian's attorney — again all coming out of the

JUDGE COLIN'S WEB OF CONFLICT



Martin Colin: Longtime Probate and Family Jurist in South County Court and husband of professional guardian Elizabeth Savitt. He has a history of financial difficulties, conflict of interest and other controversies.



Elizabeth Savitt: A professional guardian of adults who no longer can take care of herself, particularly seniors. She relies on her husband's colleagues to approve her fees. Her cases show families complaining of taking fees without approval, double-billing and creating bogus litigation to generate fees.



David French: A judge in the Probate & Guardianship Division who hears most of Savitt's cases even though he has planned a vacation in the past with her and her husband.



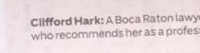
Ellen Morris: A Boca Raton attorney who also represents Savitt, particularly where family members oppose the guardianship actions.



John Pankauski: A West Palm Beach attorney who specializes in trusts. Savitt hires him in complex cases.



Sheri Hazeltine: A prolific Delray Beach attorney in the elder law field who often represents Savitt.



Clifford Hark: A Boca Raton lawyer who doesn't directly represent Savitt, but who recommends her as a professional guardian.

senior's money.

"The problems all arise from the judges and the lawyers and the greed-driven abusive guardians they enable," said Dr. Sam Sugar, co-founder of Americans Against Abusive Probate Guardianship, which spearheaded the Florida legislation.

"Judges are extremely insulated. They are legal gods who live in a court bubble in which they only believe what their friendly guardians tell them. I mean how do you convince a god that he or she is wrong? It's a near incestuous fraternity."

The final arbiter for judges' behavior is the Florida Supreme Court. A former chief justice says Colin's conflict needs to be investigated.

"If you are sitting on the bench, you should not be doing things that would put a question in the minds of the public," said Gerald Kogan, who served on the high court from 1987 to 1998.

Judge's history of debt: Foreclosures, IRS liens

Colin and Savitt are positioned as the power couple of the lucrative probate arena. Colin's financial history, however, is littered with debt, including suits for foreclosure on three properties and \$65,000 once owed to the IRS for back taxes.

Savitt also had a recent foreclosure on a property. The couple's financial problems appear to have eased since she became a professional guardian.

Financial records show Savitt's finances are mainly separate from the judge's, but it appears the couple has co-mingled finances at least somewhat.

WHAT THE POST FOUND

Families of incapacitated seniors protest the practices — such as the taking of fees without prior court approval — of Elizabeth Savitt, the guardian charged with their care. The Post found in a yearlong investigation. Savitt is married to a judge, and the position this arrangement puts the judge in makes for an appearance of impropriety, a former Florida chief justice says.

the Judicial Qualifications Commission. "If I were somebody associated with the JQC, this is something I definitely would want to look into. It gives, if nothing else, an appearance of impropriety," he said.

The JQC has the power to recommend to the Florida high court punishment for judges — from a private reprimand to sanctions to removal from the bench.

Kogan and Raoul Cantero, another former high court justice, wonder why Palm Beach County's chief judge didn't remove Colin from the probate division.

"If I were the chief judge, I wouldn't put up with this type of thing because it looks terrible, not only to members of the public but also to members of the legal profession," Kogan said.

Cantero agreed: "One way to handle that as an administrative matter is to have that judge in a division where those conflicts don't occur."

In Palm Beach County, two chief judges have been in a position to move Colin since his wife became a professional guardian in 2011. But each presided at one time over her divorce case, when Colin was her attorney and her lover.

'Wasted our family money for her personal gain'

Families say they watched slacked as Savitt, 60, and her lawyers siphoned off the wealth of their loved ones. They feel they are rendered powerless by judges who rule repeatedly for the judge's wife. Families fighting Savitt say Colin's colleagues allow her and her attorneys to pursue what critics of guardianships call "staged litigation" — pursuit of unnecessary legal issues to run up fees.

"It's his wife, Betsy Savitt, and her attorneys who wasted our family money and time for their personal gain through billing hours due to sibling fighting," said Thomas Mayes, who fought off Savitt's effort to claim \$55,000 of his mother, Helen O'Grady. "I feel she helps herself and her attorneys and not the client nor the ward of the court."

The seniors might be incapacitated, but some are dubious of the judge's wife, Albert Vassallo Sr., a retired Brooklyn plumber who is one of Savitt's wards, spoke to The Post at a Deerfield Beach senior center.

"The only one taking money from me is that woman. But I'm going to get on that," he said. "I wish I could stop her."

Elder law attorneys say they fear reprisals

The conflict created for Colin by his wife working as a professional guardian is a frequent topic of conversation among probate and elder law attorneys. But many told The Post that they fear reprisals on themselves or their clients if they speak on the record about Colin, particularly on matters involving his wife.

"I blame the courts because they have allowed this culture," said one attorney, speaking on the condition of anonymity. "Savitt acts with impunity because she has the wind behind her."

Probate attorney Edward Shippe said Colin's conflict of interest at the very least "doesn't look right, doesn't feel right."

"I can't sit here and deny that," Shippe said. "So we got this wife and she wanted to do guardianship cases so she started a guardianship business. It was talked about before it happened. I was scratching my head a little bit, thinking, 'You are going to have problems doing this.'"

Nova Southeastern's Jarvis questioned whether attorneys who represent Savitt hope to get an edge in front of Colin.

"Are they doing this either to curry favor with Judge Colin or to avoid his wrath?" Jarvis said.

Savitt often hires attorneys Hazel-tine, Ellen Morris and John Pankauski, prolific practitioners in elder law. They or members of their firms practiced in front of Colin before he began recusing himself from their cases last year. From 2009 to 2014, Colin's recusals totaled 30. Since the beginning of July, he's taken himself off 133 cases — 115 involving his wife's lawyers.

Hazeltine, Morris and Pankauski or their firms — as well as the guardians they represent — have had fees in non-Savitt cases repeatedly approved by Judge Colin. The Post found.

Clifford Hark of Boca Raton refers cases to Savitt. He has also earned fees approved by the judge in other cases. For example, Colin signed off on \$51,000 from the estate of retired Judge Stanley Hornstine in September 2013.

One of O'Grady's daughters, Kathleen Osterbuhr of Derby, Kan., wrote the court to say Hark promised the family to fight Savitt's petitions for lucrative fees in court, but never followed through.

Mayes said in another letter that "Hark has made mistakes and prolonged this case for his benefit" and that Savitt's "conflict of interest has caused more problems than it has solved."

Hark told The Post he has been practicing for 28 years in South Florida and does not "rely on Judge Colin for my livelihood."

"I represent and zealously advocate for my client's interest regardless of Ms.

'A judge shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others.'

Florida Judicial Code of Conduct Canon 2(b)

West Palm Beach accountant Richard Rampell said. He pointed to a co-signed \$30,000 loan from Helen Rich, a Wrigley chewing gum heiress who was a former client of Colin's when he practiced as a divorce lawyer.

And even with couples who keep their finances separate, there is bound to be overlap, Rampell said.

"It's very common, especially if one makes more money than other, they often do," Rampell said.

Sugar puts it simply: "Any money she collects would essentially be money he collects."

Professional guardians can be a big help

A majority of professional guardians aren't looking to line their pockets.

They can be a godsend, taking over decision-making for families fighting over a failing relative. But the salvation can be costly. Many of these seniors have substantial savings, and without proper oversight, a guardianship can become a fee frenzy.

Many lawyers rely on the judge to approve their fees, paid from the senior's bank account.

Florida judges from appearing to use the bench for their own or their family's benefit.

Former Chief Justice Kogan suggests Colin's and Savitt's conflict could violate the Florida Judicial Code of Conduct and should trigger an investigation by

PART I: POST INVESTIGATION GUARDIANSHIPS A BROKEN TRUST

Savitt's involvement in the case," he wrote to The Post in an email. He pointed out that in some guardianship cases Savitt has opposed his fees and that Colin has also awarded him less than the entire amount of fees sought by his firm.

Hark did say that he was unaware of complaints about her by attorneys or family members in the O'Grady case, which he referred to Savitt, and the guardianship of Lorraine Hilton, in which the family accuses the judge's wife of financial mismanagement. But Hark reiterated that he recommends other guardians besides Savitt and that the decision, in the end, rests with the families.

Most of Savitt's attorneys also spoke to The Post but were limited in what they could say on the record.

O'Grady's son, Mayes, said Savitt capitalized on family turmoil, sending their conflicts to court to be resolved, where the litigation generated more fees.

"That was a fix," Mayes said in an interview. "I was still doing all the work, but she and her attorney were billing and kept stirring it up with the family."

The family learned that Savitt was married to a judge when Judge Rosemarie Scher, then presiding over their case, said she'd been out to dinner with the couple and described the judge's wife as "part of the judicial community." "Savitt never told us beforehand, which I thought she should never tell us. I figured he was in another division, but he was in probate."

Chief judges presided over Savitt's divorce

Colin has been allowed to remain in probate under Peter Blanc and then Jeffrey Colbath, chief judges since Savitt became a registered guardian four years ago. While other judges rotate, Colin hasn't been moved out of the south county courthouse since at least 2008.

Blanc and Colbath, the current chief judge, presided separately over Savitt's divorce and made rulings favorable to her.

Blanc said he worked in Colin's law firm years ago for about nine months as an independent contractor. He told The Post that when Savitt became a guardian there was some discussion about a potential conflict, but he felt satisfied not moving him out of probate because Colin vowed not to preside over any of her cases. The Post has not found any of Savitt's cases in which he did.

Chief Judge Colbath declined to answer questions for this story, but he has the power to move Colin to another division if he suspects impropriety.

Florida Supreme Court Chief Justice Jorge Labarga in 2013 issued an administrative order to emphasize that the chief judges of circuit courts have the duty to take "corrective action as may be appropriate" if they feel a judge is acting inappropriately. Labarga declined to comment for this story.

Judges socialize, planned trip together

Judge Colin and his wife have socialized with one of the judges she appears in front of regularly, The Post has learned.

Colin and Circuit Judge David French eat lunch together nearly every day. Colin and French co-hosted a trivia night in May for the South Palm Beach County Bar Association. The event was co-sponsored by Pankauski's firm. French did not return repeated attempts for comment.

French's first ex-wife Gayle Smith said her son, now grown, grew up in French's household and knew Colin as his father's running "mate" and that they often went on trips together.

French's second ex-wife, Christine Connelly, said she and Judge French were friends with Colin and Savitt. The two couples had planned a cruise vacation about five years ago, but it fell through when Colin didn't have his passport.

"We hung out, played tennis," she said.

French apparently doesn't always disclose this information to lawyers opposing Savitt in his courtroom on issues such as fees or her activities as a guardian.

Thomas Dougherty said he would have liked to have known that the judges socialized when he opposed Savitt in front of French.

Colin heads up elder care pilot

Any conflicts aside, Chief Judge Colbath has faith in Colin. In September, Colbath announced that the Colin-led Eldercare Coordination Pilot Program, designed to resolve

JUDGE COLIN'S RECUSALS

Judge Martin Colin's recusals from cases involving his wife's lawyers in the last six months of 2015 are five times the total for the previous five years. Here are the number involving his wife's attorneys.

- 2015 (since July 1-Dec. 31) **115 of 133**
- 2013 (Jan. 1-July 1) **2 of 11**
- 2014 - **0 of 10**
- 2013 - **1 of 6**
- 2012 - **0 of 5**
- 2011 - **0 of 1**
- 2010 - **1 of 1**

"The only one taking money from me is that woman. But I'm going to get on that. I wish I could stop her."

Former Brooklyn plumber, Albert Vassallo Sr., one of Elizabeth Savitt's wards

family disputes in guardianship cases outside court, would become permanent. The program is meant to decrease costs for families by bypassing attorneys and sending them to mediation.

Colin was excited. "This pilot program is designed to put in place a conflict dispute mechanism that will allow guardians and family members to deal with nonlegal matters in a conference room setting and not in a courtroom ... with less cost and tension," he said.

Palm Beach County joined seven other circuits in Florida as well as Indiana, Minnesota, Idaho and Ohio in testing the program.

Are recusals enough to end conflict?

In the courtroom, Colin is trying to shed any conflict, but a divorce case illustrates how treacherous it can become.

Amber Larkin accused her ex-husband, Andrew, of hiring trust attorney Pankauski because Andrew knew Colin would have to recuse himself. Colin had indicated he would rule in her favor on a life insurance issue and even throw her husband into jail, according to court transcripts.

In addition to the recusal allegation, Pankauski was forced to defend himself on accusations that he was part of a strategy to get Colin recused.

The judge at a Sept. 29 hearing in the case explained why after four years he now recuses himself from cases involving his wife's lawyers.

Colin said that requiring attorneys to disclose that they work for Savitt used to be "a 100 percent acceptable procedure" and that there had never been a complaint.

But Colin said automatic recusals assure there is a court record, so there is no question of whether opposing lawyers know of the potential conflict.

"We have adopted long-standing approved methods to properly deal with such potential conflicts," he told The Post.

Colin's previous policy may have been flawed. A 2005 opinion by the Supreme Court's Judicial Ethics Advisory Committee said judges are the ones who are supposed to disclose.

This is not the first time Colin has been called out for conflicts of interest. Complaints surfaced in 2008 about him favoring attorneys who represented Savitt in her divorce after he became a judge. Colin says he wasn't punished. But the JQC can choose to reprimand a judge in private.

Colin was removed from the family division briefly and put into probate. Within two years, his wife was working as a professional guardian.

Despite his financial difficulties, Colin oversees divorce and probate cases in which he makes crucial rulings on money.

"By staying in the probate division, he put himself in a position to influence what work his wife gets," said Jarvis, who teaches a class on professional responsibility. "In fact, having this many recusals shows that something is amiss. It is all just rationalization - he should have avoided putting himself in a position where he has had to recuse himself so often."

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Mike Stucka, Melanie Mena and Holly Baltz of The Palm Beach Post staff



COMING MONDAY A closer look at Elizabeth Savitt's guardianships

Judge's wife Elizabeth Savitt is alone among guardians in the county in taking fees from seniors' accounts prior to a judge's approval, according to the chief auditor at the clerk's office. Families complain that she took tens of thousands from Lorraine Hilton (left, with her grandson Max), Albert Vassallo Sr. (center) and Robert Wein (right).

6 days before auction, Savitt pays off foreclosure

homeowners avoid losing their homes. Colin had about \$57,000 in liens from the Internal Revenue Service for back taxes from 2001 and 2005. He satisfied the IRS liens in 2012 and 2014.

The judge also has borrowed at least \$200,000 in the past decade from former clients, court records show. In 2010, the year before Savitt became a registered professional guardian, the couple were delinquent on about \$9,000 in property taxes, county tax records show.

Besides the Rich loan, Colin hasn't paid dra Sital, who was once a client. Colin and still owes him \$60,000, his latest financial disclosure shows. Sital said Colin was his neighbor and he loaned him some money for the judge's real estate investments.

Colin - elected to the bench in 2004 and re-elected in 2010 - has been delinquent on dues to homeowner associations and fines from code enforcement. The boards have slapped liens on his properties. Since 2006 in his financial disclosures, Colin estimated the value of his Atlantis home between \$650,000 and \$700,000. The real estate website Zillow estimated the value at a high of \$472,000 in 2014 and a low of \$317,000 in 2011. The county assessed the market value of the property at \$308,000 in 2015.

The disclosures are signed under oath "that the information disclosed on this form is true, accurate, and complete." Savitt had a judgment of foreclosure on her home in Delray Beach in 2010, but the bank backed off. Another judgment was filed in November 2014 that sent a house to the auction block.

In 2011, she told the Department of Elder Affairs when she was registering to be a guardian that the foreclosure matter involved a dispute with the lender over a home equity loan and was not due to "an oversight or neglect." But court records show that she racked up late charges and interest and made only a handful of payments for six years. Her claim that Citibank violated the Truth in Lending Act fell apart.

During at least part of that time, she rented the house to tenants. In March, days before the house was to be auctioned, she produced \$308,000 to satisfy the judgment, records show.

jpacenti@pbpost.com



Elizabeth Savitt's home in Delray Beach that was the subject of a lengthy foreclosure proceeding until she paid \$308,000 6 days before the auction. At least one family member of a senior citizen wants to know where she got the money.



Judge Martin Colin's home in Atlantis that was the subject of a foreclosure action. He told The Post in 2009 that it was a "mortgage modification."

JUDGE MARTIN COLIN

Age: 66
 Born: Newark, N.J.
 Education: Bachelor's, American University, 1971; J.D., Rutgers University, 1974
 Moved to Florida: 1974, joining Palm Beach County Public Defender's Office
 Rest of legal career: Private practice as a family law attorney until 2004, when he was elected circuit judge
 Children: 2 grown sons, Matthew and Michael
 Inspiration to practice law: Perry Mason

Judge Martin Colin's history of conflict involving his wife, plus how we got the story, page A14

PART 1: POST INVESTIGATION GUARDIANSHIPS A BROKEN TRUST

Judge picks fight with ex-mobster; history of conflict involving Savitt

By John Pacenti Palm Beach Post Staff Writer

Palm Beach County Circuit Judge Martin Colvin is no stranger to accusations of conflict of interest...

The state Judicial Qualifications Commission received complaints about Colvin in 2008, claiming he was favoring divorce attorneys from the powerhouse law firm of Weiss Handler Ang...

The judge, first elected in 2004, was transferred around 2009 from the family division to the probate division, where Savitt became a professional guardian for incapacitated adults two years later...

In 2008, the judge picked a fight with former mobster Lewis Kasman. Colvin jailed Kasman, the adopted son of Mafia boss John Gotti Sr., for about a week starting in February 2008 for failure to pay his ex-wife child support...

The judge claimed it was done as a favor for his wife's attorney, Carol Kartagener of Weiss Handler.

Kasman and two other men in cases in front of Colvin filed complaints with the JQC that the judge favored attorneys who had represented Savitt, including those at Weiss Handler.

The JQC in March 2011 informed Kasman that it had considered his complaints "and has taken appropriate action on the same."

In a paternity case in 2007 involving one of Savitt's divorce attorneys, the 4th District Court of Appeal ordered Colvin off the case and told him that disclosing his conflict with the attorneys on the other side "would have been prudent."



Lewis Kasman (left), the self-described adopted son of mobster John Gotti (right), was jailed by Judge Martin Colvin for failure to pay his ex-wife child support.

friend, saying there was still an "appearance of bias or prejudice."

In May 2008, Colvin produced a letter instructing four attorneys - Henry Handler, Jonathan Root, John F. Schutz and Christopher Jette - to disclose the conflict, again putting the onus on the lawyers.

Colvin asked for Judge Colbath's remarks to be stricken from the record. Colbath refused.

Colbath is now chief judge of Palm Beach County. In 2006, attorney Bill Abramson made public Colvin's driving record. The judge had averaged a speeding ticket every 18 months since 1994.

Colvin had failed to turn in his not guilty plea and paperwork, which caused his driver's license to be suspended for two weeks.

Three years later, the Palm Beach County Property Appraiser's Office asked Colvin and Savitt why they were both claiming a \$50,000 homestead exemption on their Atlanta and Delray Beach homes.

The issue was complicated by a foreclosure proceeding on Colvin's home.

Colvin, a probate judge who presides over financial matters, said the couple were living at both homes at the time and said he didn't know claiming homestead on both residences was prohibited.

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HOW WE GOT THE STORY: 'Mini estate sale' on Craigslist started it off

Post Staff Reports

It started with a Craigslist ad, a "mini estate sale" at the address of Palm Beach County Circuit Judge Martin Colvin.

The Palm Beach Post knew the judge's wife was a guardian and that guardians sometimes liquidate seniors' assets, including their belongings. So Post investigative reporter John Pacenti started looking into Elizabeth Savitt's cases and talked to families who accused her of double-billing and taking fees without prior court approval.

The story touched on a subject of national interest. Families nationwide were telling stories of guardians and their attorneys siphoning off the savings of seniors. In April, Pacenti put a local face on the issue with stories on the annulment of a senior's marriage and the seizing of property.

Pacenti, 49, a reporter for 30 years, dug into cases involving the judge's wife, sifting through thousands of court documents. While case dockets are available online, specific court documents could be viewed only at the courthouse and others are sealed. Pacenti and senior investigative

team editor Holly Baltz tracked Savitt's actions and her ties to attorneys who appeared before her husband.

Data reporter Mike Stucka sorted through thousands of court records to zero in on Colvin's recusal since he became a judge and found the judge started recusing himself en masse from cases involving Savitt's attorneys once the Post started asking questions.

Post researcher Melanie Mena tracked Colvin's and Savitt's finances in the public record, reviewing several liens and foreclosures, as well as debts owed to the judge's former legal clients.

Pacenti interviewed dozens of family members, sorting through their versions of events documented in court records. He talked to guardianship advocates and reformers, legal experts, two former Florida Supreme Court justices, lawyers and other judges. In several interviews spanning hours, he spoke with Judge Colvin himself.

He invited Savitt's attorneys to respond to questions and spoke with many, but they were limited on what they could say on the record.

He exchanged several emails with Savitt. As far as the sale in the Craigslist ad and an accusation brought up later in court that it may have been a senior's items, she said, "There was no proof presented."

NOTICE OF REMOVAL OF NAMES OF POTENTIALLY INELIGIBLE VOTERS

Pursuant to Section 98.075(7) of the Florida Statutes, the following persons are hereby notified that they are potentially ineligible to be registered to vote. Failure to respond within thirty (30) days of this notice may result in determination of ineligibility by the Supervisor of Elections and removal of the registered voter's name from the statewide voter registration system.

- Ackerman, Michelle Patricia 8831 Okeshobee Blvd. West Palm Beach Fl 33411
Aguiar, Carmen Susanna 5482 Bransford Road West Palm Beach Fl 33413
Aristide, Michael 905 Magnolia Drive Lake Park Fl 33403
Ball, John Overton 15316 Espanola Lane Wellington Fl 33414
Blake, Amanda Monet 5024 Lantana Rd. #3108 Lake Worth Fl 33463
Brigg, Tyler Lee 2282 SW 57th Circle Boca Raton Fl 33428
Brisson, Kyle Devon 2509 NW 4th Court Boynton Beach Fl 33426
Brooks, Eric Bernard 3738 D Road Loxahatchee Groves Fl 33470
Cassell, Francisco Jose 4430 Canal St Road West Palm Beach Fl 33406
Castillo, Miguel R. 4213 Drake Circle West Palm Beach Fl 33407
Cox, Jeremy Lee 1922 NW 10th Circle West Palm Beach Fl 33407
Curiel, Carlos Roberto 9249 Longmeadow Circle Boynton Beach Fl 33436
Davis, Greg Lamar B. 516 South Country Club Dr. Altamonte Springs Fl 32714
D'Amico, Tommaso Tony 1800 Avenue O Riviera Beach Fl 33404
Dority, Tronae Devon 4570 Brook Drive West Palm Beach Fl 33417
Davidson, Michael Paul 638 Moonrancher Court Palm Beach Gardens Fl 33410
Deby, Quabona Unknown 81 Old Spanish Trail Lantana Fl 33462
Dudding, Kenneth L. Jr. 550 Riverside Drive Palm Beach Gardens Fl 33410
Eggers, Byron Ronald 14987 Whiskey Road Delray Beach Fl 33445
Fazio, Craig Michael 16719 112nd Trail North Jupiter Fl 33478
Figueras Sanchez, Ivan 4270 Brook Drive West Palm Beach Fl 33415
Fuller, Dalton A. 1531 Drexel Road #10 West Palm Beach Fl 33417
Garcia, Jennifer Lynn 813 Lighthouse Drive, Apt A North Palm Beach Fl 33408
Germain, Robin Earl 11058 Dolce Circle Boca Raton Fl 33428
Gordis, Jose Huber 1082 Woodfield Road Greenacres Fl 33415
Glee, John Junior 3025 Avenue E Riviera Beach Fl 33404
Glee, Malik Ishaq 519 22nd Street, Apt B West Palm Beach Fl 33407
Gonzalez, Hector Francisco 8272 Fresh Creek West Palm Beach Fl 33411
Graham, Eric L. 700 West 7th Street Riviera Beach Fl 33404
Green, Chis Leonard Jr. 508 SW 5th Avenue Delray Beach Fl 33444
Green, Darrell 805 SW 10th Avenue Delray Beach Fl 33444
Haley, Patrick Earle, Jr. 300 Scoala Drive, Apt 205 Hypothoa Fl 33462
Hayes, Dennis Jamison 932 13th Avenue North Lake Worth Fl 33460
Hendrix, Shantelle Darville 955 West 36th Street, Apt 5 Riviera Beach Fl 33404
Henry, Roderick Lamar Jr. 180 West 52nd Court Riviera Beach Fl 33404
Herklotz, Dominique Britney 134 Galiano Street Royal Palm Beach Fl 33411
Herring, Anthony Tyrone 1411 SW 4th Street Delray Beach Fl 33444
Hilote, Makoni 332 North B Street Lake Worth Fl 33460
Hill, Anthony Shepard 4912 Serpico Drive Lake Worth Fl 33461
James, Barry L. 5948 Ella Hollow Road West Lake Worth Fl 33463
Jeon, Adlin 1000 45th Street West Palm Beach Fl 33407
Jenkins, Carlo R. 904 10th Street, Apt 8 West Palm Beach Fl 33401
Johnson, Edward Jr. 2831 Avenue S Riviera Beach Fl 33404
Johnson, Javarous Kayan 1399 North Bazaar Terrace Pahokee Fl 33476
Johnson, Rachelle Lynn 7448 Lake Worth Road Lake Worth Fl 33467
Johnson, Sharvin Leon 2404 Schall Circle West Palm Beach Fl 33417
Kadara, George Anthony 8183 Cypress Lane, #9C Boca Raton Fl 33433
Kelley, Lamar 3708 Spray Lane, Apt H West Palm Beach Fl 33417
Laguarda, Juan Elizer 5213 Lake Avenue West Palm Beach Fl 33405
Layton, Jennifer Murphy 2822 Helen Court, Apt 207 Lantana Fl 33462
Lehts, Brandon John 2233 Ambargate Lane, Apt D West Palm Beach Fl 33415
Leitman, Susan Marie 150 Riverside Rd., Apt XB Jupiter Fl 33469
Lentini Rivera, Gian Carlos 6880 South Shady Lane Boynton Beach Fl 33426
Lester, Roy 2107 North Dixie Highway West Palm Beach Fl 33407
Linn, Kathleen A. 439 Marissa Drive West Palm Beach Fl 33405
Lundy, Douglas Waddis 923 Avenue C Riviera Beach Fl 33404
Mata, Juan Luis 1014 Aspen Way Riviera Beach Fl 33418
McArthur, Milvin 614 2nd Street West Palm Beach Fl 33401
McCreary, Peter Michael 5977 Cassandra Court West Palm Beach Fl 33415
Michael, Stewart Charles 1621 Meadows Circle West Boynton Beach Fl 33436
Madino Perez, Roberto Jesus 16031 East Aqueduct Drive Loxahatchee Fl 33470
Mearns, Mary Rozanne 2822 HWY 17 Court, Apt A Delray Beach Fl 33445
Mendez, Luis Antonio 319 27th Street West Palm Beach Fl 33407
Merritt, Tony P. 1242 The 12th Fairway Wellington Fl 33414
Mickens, Gregory 2008 Ponce De Leon Ave. #4 West Palm Beach Fl 33407
Miller, David Shoen 9050 Aberdeen Drive, #102 Boynton Beach Fl 33472
Mitchell, Ramon Anton 4612 Cherry Road West Palm Beach Fl 33417
Moncrieff, Ansel 820 Bradley Street West Palm Beach Fl 33405
Moore, Duane D. Sr. 1965 West 16th Court, Apt D Riviera Beach Fl 33407
Morton, Marcus Cadrick 4755 N Australian Ave., #202 Mangonia Park Fl 33407
Mosqueda, Juan E. 3660 Keweenaw Road Lantana Fl 33462
Muszyński, Richard Jack 8637 Windy Circle, Apt B Boynton Beach Fl 33472
Newberry, Emmet 3154 Thelma Road Palm Springs Fl 33406
Nordon, Seth Jason 10185 Spanghenge Cir., #1318 Boynton Beach Fl 33437
Norml, Robert James 4803 Orleans Court, Apt B West Palm Beach Fl 33415
Oswald, Raphael 1928 Gardemia Court Riviera Beach Fl 33404
Pavia, Peter 14915 19th Street North Loxahatchee Groves Fl 33470
Patterson, Isaac T. 122 SW 12th Avenue Delray Beach Fl 33444
Peden, Jonathan 2107 North Dixie Highway West Palm Beach Fl 33407
Peizer, Allison E. 2500 10th Ave., North, #201A Lake Worth Fl 33461
Perry, Anette Marie 310 4th Street Jupiter Fl 33458
Perry, John Christopher 2107 North Dixie Highway West Palm Beach Fl 33407
Peterson, James J. 108 South K Street Lake Worth Fl 33460
Pew, Lorenz 401 West 25th Street Riviera Beach Fl 33404
Preston, Kanyari A. 341 West 28th Street Riviera Beach Fl 33404
Price, Joni Nichole 707 North L Street, #3 Lake Worth Fl 33460
Queenan, Paul E. 12647 Roundtop Siding Rd Jupiter Fl 33478
Redd, Terra Marie 1008 South A Street Lake Worth Fl 33460
Roberts, Erik Ivan 2709 Broadway, Apt 6 West Palm Beach Fl 33407
Ruiz, Alfredo Edmundo 4820 Main Street, #4 Lake Worth Fl 33461
Sainill, Berward Jr. Roodnel 5536 Priscilla Lane Lake Worth Fl 33463
Salazar, Terry Lee 16700 East Eppan Drive Loxahatchee Fl 33470
Sandwell, Terry L. Jr. 5252 Bradley Lake Rd., #514 Boynton Beach Fl 33437
Sands, Ann M. 21241 Rock Ridge Drive Boca Raton Fl 33428
Sands, William John Jr. 20409 Sun Rafael Court Boca Raton Fl 33448
Santana, Julie Cotto 303 S Broadway, Apt 5 Lantana Fl 33462
Seavour, Jason P. 4650 N Congress Ave., #205 West Palm Beach Fl 33407
Schwall, Donna Marie 16370 Water Way Delray Beach Fl 33484
Schultz, Barry M. 316 Capri Ct Delray Beach Fl 33484
Seil, Matthew Earl 8510 Mildred Drive West Boynton Beach Fl 33472
Skuffer, Courtney Lynn 5930 Coconut Road West Palm Beach Fl 33413
Shore, Clara E. 5608 Old Jupiter Road Jupiter Fl 33408
Silence, Alfred L. 873 Azalea Drive Royal Palm Beach Fl 33411
Silk, Yeha 204 Paduaon E Delray Beach Fl 33484
Simons, Tom Lynne 414 54th Street West Palm Beach Fl 33407
Simpson, Joshua G. 7036 Via Leonardo Lake Worth Fl 33467
Smith, Demario Dewey 4673 Orleans Court West Palm Beach Fl 33415
Smith, Terry 40 SE Avenue M Belle Glade Fl 33430
Soliz, Nicho J. 4780 Lakota Lane Lake Worth Fl 33461
Stappes, Brandon Patrick 2256 Doran Way Delray Beach Fl 33445
Sweling, Inshah Ulys 125 Barcelona Drive Royal Palm Beach Fl 33411
Stone, Bernard O. 513 16th Street West Palm Beach Fl 33407
Stromstedt, Denise 130 Emma Lane Jupiter Fl 33458
Taylor, Deandre Demilio 4279 Orleans Court, Apt D West Palm Beach Fl 33415
Thom, William H. Jr. 120 West 22nd Street Riviera Beach Fl 33404
Torres, Edna I. 1200 Camprock Road West Palm Beach Fl 33417
Torres, Robin Lee 6601 Paul Mar Drive Lantana Fl 33462
Trievail, Michael Ronald 309 S Palmway, Apt 7 Lake Worth Fl 33460
Tymes, Corneal Jr. 100 Timber Run West Riviera Beach Fl 33407
Villonera, Jonathan Daniel 4141 Pal O Gold Street, #1 West Palm Beach Fl 33406
Wagner, Susan M. 395 River Bluff Lane Royal Palm Beach Fl 33411
Walker, Emanuel D. 1555 Dr. Martin Luther King Jr. Blvd., #1207 Riviera Beach Fl 33404
Wilkins, Travis Jamal 917 Sandtree Drive Palm Beach Gardens Fl 33403
Wiley, Michelle 6728 4th Street Jupiter Fl 33458
Williams, Gregory Charles 2107 North Dixie Highway West Palm Beach Fl 33407
Woodside, Michelle Louise 4865 40th Way South, #1 Lake Worth Fl 33461
Young, Keith David 150 6th Street, #1 Jupiter Fl 33458
Young, Marcus 1869 N Congress Avenue West Palm Beach Fl 33401
Zachman, Heather Marie 4992 Colamondin Blvd Loxahatchee Fl 33470

For information regarding the basis for the potential ineligibility, and the procedure to resolve the matter, contact the Supervisor of Elections at 561/656-6200 no later than thirty (30) days after the published date of this notice

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PART 2: POST INVESTIGATION GUARDIANSHIPS A BROKEN TRUST

Judge's wife took guardian fees before court approval

Families accuse her of double-billing, running up fees by sending their disputes to court.

By John Pacenti Palm Beach Post Staff Writer

Elizabeth "Betsy" Savitt, a tennis pro turned professional guardian for incapacitated senior citizens, profits from her marriage to a sitting judge, a Palm Beach Post investigation has uncovered.

As the wife of Palm Beach County Circuit Judge Martin Colin, Savitt wields power in her husband's Probate & Guardianship Division, where guardians are appointed to take over the lives of seniors no longer able to care for themselves. Fees for guardians and their attorneys are paid from the assets of their elderly wards and approved by the court.

In several cases, Savitt has taken tens of thousands of dollars from their accounts without prior court permission, The Post found in court documents.

The chief auditor for Palm Beach County's clerk and comptroller says that in about 800 guardianship cases he's reviewed, only one guardian has taken money without first getting court approval: Judge Colin's wife. Some of the seniors' family members express frustration with what they say are unnecessary legal disputes pursued by Savitt that drive up fees for her and her lawyers, depleting their loved one's assets. In addition, they say Savitt funneled cash and assets to family members accused of financially, or in one case, even physically abusing the senior she is sworn to protect, court documents show.

In December 2014, Savitt held a "mini estate sale" advertised on Craigslist at Judge Colin's address. "Cleaned out a home and selling all I could find," the ad said. A lawyer said in court that he was concerned the items belonged to one of the seniors.

In another case, court records show Savitt, working for a family guardian, seized items inside a home and helped load them onto a moving truck. A lot of the items, however, belonged to the homeowner and not the senior. Sheriff's deputies and a judge made Savitt and her attorney return the items.

Savitt doesn't appear in front of her husband. She does appear in front of his colleagues.

For families, taking on a judge's wife is daunting and they complain that their protests go unheeded. Savitt responds that she has never been sanctioned for any wrongdoing, and The Post did not find any such instances.

Savitt claimed in an email exchange that her detractors are "disgruntled."

Besides how she takes retainers and fees, families take umbrage with other actions of Savitt.

The judge's wife double-billed seniors' accounts. In one case, she paid back the money after a family member spotted it, court records show. Another instance, cited by the clerk, is part of an ongoing investigation.

Savitt even pursues seniors' money after their deaths, taking \$30,000 in one probate case without court approval and with no apparent justification other than it was to be "held in trust." The court required her to give most of it back.

Families say they have depleted their own savings fighting her, to no avail.

Savitt has been appointed in about 25 cases, nearly all guardianships, since she became a professional guardian in 2011. She worked without fees for some indigents, but several of her cases involve multimillion-dollar estates. Most of her cases were in front Circuit Judge David French, a friend of her husband's.

"Colin and Savitt are a particularly good example and a very illuminating one of the conflicts of interest that exist within the guardianship system and how these conflicts lead to a miscarriage of justice and unspeakable amounts of pain, loss and frustration on behalf of families," said Dr. Sam Sugar, co-founder of Americans Against Abusive Probate Guardianship, the force behind guardianship reform last year in the Florida Legislature.

Several families separately told The Post that Savitt openly cites her husband's powerful position.

When James Vassallo, whose father Albert Vassallo Sr. is incapacitated, asked Savitt to provide receipts for expenditures he questioned, she told him to mind his own business.

"She told me, 'In the real world, it doesn't work that way, but I can get away with it because I'm married to a judge.' "

Savitt declined to address specific documents submitted to the court accusing her of wrongdoing in various cases.

Instead, in an email, Savitt noted that judges always approved her fees, even if she took the money beforehand. She denied selling wards' possessions out of the judge's home and said she did nothing wrong in withdrawing \$30,000 from one senior's accounts.

She called such numerous concerns by families of the seniors in her guardianships "frivolous" and "baseless."

"To the best of my knowledge, I have not been found by a court after a hearing to violate in any material way an order of the court or a rule that I was to follow," Savitt wrote.

Savitt also accused The Post of searching for "something negative to write" and that the newspaper was not interested in reporting about her "good work."

"It is obvious to all who are aware of what you desire to do that you do not intend to be fair, accurate and balanced," Savitt wrote.

Savitt's husband presided over cases involving her attorneys for years before The Post began questioning the practice. After that, between July 1 and the end of 2015, he recused himself from 115 cases involving his wife's lawyers.

Colin, as well as most of Savitt's attorneys, also spoke to The Post but were limited in what they could say publicly.

The families involved in guardianship cases are often broken. Brothers hate sisters. Fathers characterize their own daughters as evil for opposing them in court. It's not unusual for many family members to hire lawyers themselves, accusing one another of scheming to get the riches of the incapacitated senior.

Families who spoke to The Post say Savitt exploits those rifts to pursue litigation that drives up her fees. Savitt's attorneys, though, say it's the family rancor that necessitates costly actions in guardianships, such as removing a sibling from a trust of a senior.

"I don't know if they seek out cases where there is family dysfunction, but they certainly take advantage of it," said Bruce Rosenwater,

a West Palm Beach attorney who sought to remove Savitt from a guardianship.

Some family members applaud Savitt. The husband of one of her wards, Dolores Thur, said she's been a good caretaker, and his wife's assets have been documented painstakingly. Lester Thur, 84, says he doesn't think any criticism of Savitt is justified even though his wife's case is under investigation by the clerk, which has questioned several items in the annual inventory, including double-billing.

In five Savitt cases The Post examined, however, family members said the judge's wife seemed more interested in the money from the estate than caring for the incapacitated senior.

The cases involved Brooklyn plumber Vassallo, 87; Kansas schoolteacher Helen O'Grady, 83; New York accountant Robert Paul Wein, 89; Chicago-area decorator Lorraine Hilton, 94; and Gwendolyn Batson, 89, a retired school administrator who lived in Lake Worth.

O'Grady died in 2012, Batson in 2013 and Wein died Dec. 1, but the other two are still alive and under the power of Savitt.

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Gwendolyn Batson

Savitt uses Colin's order to clear out house

In a case The Post wrote about in April, Savitt along with attorney Sheri Hazeltine — who represents Savitt in many cases — hauled out belongings from Gwendolyn Batson's Lake Worth home. Photos show they took nearly everything but the chandelier. Wearing badges with the word "guardian," they invoked an order signed by Judge Colin, witnesses told The Post.

Colin's order appointed Batson's brother and sister-in-law as emergency temporary guardians for Batson in late January 2012, court records show. His decision would be reversed by a successor judge, but not before Savitt and Hazeltine in mid-February broke the lock on the home that Batson lived in and seized all of the belongings.

It turned out the home and much of the property seized didn't belong to Batson but to restaurateur Skender Hoti, a Kosovo native who had taken care of Batson for decades. To get appointed emergency temporary guardian, Batson's brother, Kenneth Davis, claimed Hoti had taken financial advantage of his sister. Colin agreed, noting in his order that immediate action needed to be taken to safeguard Batson's belongings.

But if Hoti was taking advantage of Batson, it was a long con. Their relationship spanned decades. She traveled to Kosovo to attend his wedding and was a fixture at Hoti's Lake Worth restaurant, Little Italy. Hoti claimed the guardianship was a means for Davis to seize his sister's properties.

Davis used Colin's order — employing the judge's wife to help — to seize all the possessions in the home where his sister lived.

As Savitt and others moved items into a truck, Hoti called sheriff's deputies who stopped them. The two argued that they had authority from Judge Colin, but the deputies said the order was insufficient, that they needed what is called a writ of possession.

Hoti said he saw Savitt scream at deputies: "You can't do that. I'm a judge's wife. I'm Judge Colin's wife."

Three days after the seizure of Hoti's property, Colin recused himself from the case.

Savitt wasn't Batson's guardian, yet Judge French approved paying her \$1,500 of Batson's money. The clerk questioned the expenditure more than a year after the house was cleared out and then Savitt submitted a bill, court documents show.

Hoti said even though deputies made them return his possessions, he later found valuables missing: jewelry, firearms and about \$18,000 in cash.

Last summer, Hoti said he filed an additional complaint about Savitt with the sheriff 's office.

In a remarkable document, Savitt's bill filed with the court shows she worked as a hired hand for Batson's brother to spirit Batson to Alabama.

The bill indicates Savitt spied on Hoti at the restaurant he owns to make sure she could operate unencumbered and take possession of valuables from the Batson residence.

In the end, the restaurateur fought the brother and persevered, getting a judge to order Batson back to Florida.

Auction stopped at last minute

Savitt pays off \$308,000 foreclosure

In 2011, just before the Batson case, Savitt became a registered professional guardian. Savitt and Colin's financial picture — replete with foreclosures, debt and liens — started to improve.

Savitt's path from tennis professional to professional guardian didn't require much heavy lifting. She completed 40 hours of training, put up a \$50,000 bond for her firm Savitt Guardians and submitted to credit and criminal background checks.

The Department of Elder Affairs registered her as a professional guardian in 2011 despite a pending foreclosure on a home she owns in Delray Beach.

Savitt passed the credit check after telling the department that she was in a dispute with her lender and wasn't past due because of "neglect or oversight." It wasn't until November 2014 that her dispute was settled with a judgment of foreclosure, sending the house to the auction block.

Six days before the home was to be auctioned off in March, she came up with \$308,000 to satisfy a delinquent home equity loan, court records show. She didn't make payments for several years on the \$250,000 loan and rented out the home for a portion of that period.

Vassallo found the timing of the \$308,000 payment suspicious. "I want to know if any of my father's money went to her foreclosure case," he said. When he told Judge French his concerns, a May 21 hearing was abruptly ended.

Despite the delinquencies, Savitt said she paid off the home equity loan on her property before the note was due. "I do not know how many professional guardians are debt free as I am," she said.

Most of Savitt's cases are in front of Judge French. Two of French's ex-wives have described Colin and French as good friends who once planned a vacation together. The two judges have lunch together frequently in Delray Beach.

Families say they are also frustrated by the lack of transparency in the guardianship cases of their loved ones. It's not unusual for key documents regarding the guardian's activities to be sealed.

The Palm Beach County Clerk & Comptroller's Office audits the guardians' annual accounting of the seniors' assets and the guardianship plan. It also investigated complaints, but the office's investigations and findings are confidential under state law. Records show that at least four of Savitt's cases have been investigated by the clerk's inspector general, but any findings remain confidential.

• • •

Helen O'Grady

'Beyond the realm of reasonable conduct'

Thomas Mayes of Boynton Beach sought legal advice in a dispute with his two brothers over his mother's health care and finances. His attorney, Clifford Hark of Boca Raton, recommended Savitt as a guardian for his mother, Helen O'Grady.

Even with Savitt as guardian, it was Mayes who made his mother's doctor appointments, managed her transportation, readied her house for sale — all tasks he thought Savitt should have handled.

After Mayes' mother died, Savitt recommended that the family urge the court to appoint her curator of the estate, telling them it would save money for her to temporarily manage it until the family disputes were settled.

Once that happened and Mayes became personal representative of the estate, he said he could not get Savitt to pony up details of his mother's financial picture and relinquish control.

Before Mayes could get a grip on his mother's finances, Savitt starting withdrawing money, court pleadings show.

She wrote herself a check for \$1,725 and another for \$1,745 to Hazeltine for fees before a judge approved it, according to a pleading filed by Mayes' attorneys. Hazeltine said Savitt obtained an order allowing her to write the checks, but the order Hazeltine referenced said nothing about fees, court documents show.

Then Savitt took without proper court approval \$30,000 to be "held in trust" by her and Hazeltine.

"This action is so beyond the realm of reasonable conduct that I can hardly express myself right now," Mayes' attorney, Christopher Salivar, said in a series of emails to Hazeltine.

Mayes' lawyers, Andrew M. Schwartz and Salivar, told the court that Savitt's actions amounted to the unlawful taking of O'Grady's property.

"The foregoing actions in and of themselves fall within the textbook legal definition of conversion."

Mayes agreed. "To me, I thought it was a criminal act. They were intentionally stealing it. This is how they make their money."

Judge Edward Garrison ordered Savitt and Hazeltine to return all but about \$2,600 of the \$30,000.

But that was not all. After the \$30,000 withdrawals, the two asked for flat fees of \$55,000 each, citing a state law that entitles personal representatives to 3 percent of the estate. Personal representatives, also known as executors, administer and close out the estate. Savitt was a temporary curator — not a personal representative. Savitt and her attorneys would not relent on their claims for fees. Mayes said he aimed to fight them in court, but settled after his wife got ill, liquidating his mother's long-held Philip Morris stock to pay them.

O'Grady's family estimates attorney fees and court costs from their own pockets of around \$150,000. "Is this fair? Is this reasonable?" Mayes' sister, Kathleen Osterbuhr wrote to the court in objecting to Hark's fee. The attorney who represented Mayes and recommended Savitt collected more than \$35,000.

"My mother Helen O'Grady did not benefit from having a court-appointed guardian. ... My mother was a teacher who raised five

children on a salary that was less than what Mr. Hark has already been paid.”

Mayes estimates that fees for Savitt and her attorneys — Hazeltine and Ellen Morris — amounted to more than \$70,000.

“They just kept draining the estate,” Mayes said. “And the judges kept rubber-stamping all of this. They are not helping the elderly; they are helping themselves.

Savitt denied any wrongdoing. “Of course, I did not convert \$30,000 and that would be a lie to report that I did.”

• • •

Lorraine Hilton

Son accused of abuse gets money from Savitt

In the case of retired decorator Lorraine Hilton, Savitt’s actions benefited Hilton’s son, Robert, who was accused of physically abusing and stealing from his mother, according to court documents. Savitt’s attorney, Hazeltine, persuaded Hilton herself — who had advancing dementia — to agree to a guardianship.

Her other son, James Hilton, learned in March 2013 that Savitt had taken control of his mother’s assets, though Lorraine Hilton had a living trust established in 2007. Lorraine Hilton in a declaration for a preneed guardian explicitly stated that she didn’t want her son Robert taking care of her.

James Hilton sought to intervene as an emergency guardian. He also wanted a restraining order against his brother, Robert. James Hilton cited incidents such as an “accident” in which Lorraine Hilton broke her hip and Robert left her at the hospital and left the state, court documents say.

“I am truly alarmed that a judicial process has been put in place there without me having been duly contacted,” wrote James Hilton, who died in February.

Robert Hilton declined to comment. Billing documents in the case indicate his many demands on Savitt, such as for \$20,000 of his mother’s money to buy a warehouse.

Billings from Savitt and Hazeltine memorialize phone messages from Robert Hilton left for Savitt in which his mother can be heard weeping in the background.

On another, Lorraine Hilton called, all of sudden letting out “a blood-curdling scream and cuts off.”

Savitt resigned after James Hilton came forward. James Hilton objected to Savitt’s final accounting, accusing her of funneling money to Robert Hilton.

The pleading alleges:

- Savitt failed to secure a bank account, off of which Robert Hilton wrote two checks totaling \$49,685 for real estate. The deeds indicate he’s the sole owner. The pleading alleges that Lorraine Hilton appears to have signed the checks.

- Savitt paid Robert Hilton \$2,500 without explanation or receipt. She also paid \$5,300 for property taxes on two homes owned by Robert Hilton.

- Savitt took as much as a \$2,000 retainer fee without prior court permission.
- A Wells Fargo bank statement shows Savitt accessed Hilton's account to make two separate deposits and to write two checks — all four in the amount of \$3,189.50 — without explanation.

"The system sometimes ends up harming the people it's supposed to protect," said Palm Beach Gardens attorney Thomas Dougherty, who filed the objection on behalf of James Hilton.

Judge French took no action on the objection against Savitt.

Savitt also took various amounts from the bank accounts of seniors without court approval in three of the guardianship cases The Post examined.

For example, at an August hearing before Circuit Judge Krista Marx, Savitt acknowledged she took about \$17,000 for her fees and a retainer from Robert Wein's accounts without prior court permission. Judge Marx approved the payments, saying Savitt simply was "asking for forgiveness instead of permission."

When asked about this, again Savitt pointed out that the judge approved her actions.

Anthony Palmieri — senior internal auditor of guardianship cases for the clerk — said a guardian taking a retainer or other money from a senior without prior court approval "would not be consistent" with any of the 800 other cases he's reviewed.

"From an auditor's perspective, it is a concern," he said.

Is it legal?

Florida law says that "when fees for a guardian or an attorney are submitted to the court for determination," several factors determine whether they are reasonable. It goes on to list the factors.

Ellen Morris, one of Savitt's attorneys, cited sub-sections of the guardianship law in saying that her client is allowed to take money without court approval. "You will not find anything that says guardians need approval to pay their fee," Morris told The Post in an email exchange. Morris serves as administrative chair on the executive committee of the Elder Law Section of The Florida Bar, which promotes professional standards for the lawyers who practice in the area.

'Selling all I could find'

Mini estate sale out of Judge Colin's house

But it's not just bank accounts, but property and possessions of these elderly wards that are controlled by professional guardians. Savitt's actions have been questioned in this regard, as well.

In the Robert Wein guardianship, attorney Rosenwater expressed concern to Judge Marx in August that the judge's wife may have sold some of Wein's belongings at the December garage sale.

A listing on Craigslist in late December under "mini estate sale (Atlantis FL)" and listing the judge's address, stated: "Cleared out a home and selling all I could find. I got new quality items." For sale: jewelry, fine china, computer, printer, artwork and various household items.

When asked about the garage sale by The Post, Savitt rolled her eyes. When it was brought up in court during a hearing in the Wein

case, she appeared irritated. Savitt denies any item of a ward was sold at the garage sale.

“The guardian is getting money, the guardian’s attorney is getting money, and interested parties come into the case. Everyone is getting paid and it’s all coming from the ward’s money,” Rosen-water said.

• • •

Robert Wein

Costly court time trying to annul marriage

The case of Robert Wein illustrates the often savage nature of guardianship cases. Family members say Savitt splits families into camps by pursuing what is called “staged litigation,” settling disputes in court to run up fees.

On one side is Daniel Wein, Robert’s brother.

The other side is Robert’s wife, Vita, and Jodi Rich, Daniel’s estranged daughter.

Rich said all Savitt did as guardian is “bill, bill, bill” and criticized her lack of success in tracking down \$700,000 in promissory notes owed to her late uncle, who died Dec. 1. Robert Wein was worth up to \$3 million, according to court documents.

Though married in 1958, the couple renewed their vows in 2014 and obtained a Florida marriage license. Daniel Wein believed his brother divorced Vita, 82, and wasn’t competent enough to remarry. So for the last months of Robert Wein’s life, Savitt — as his guardian — focused on undoing the union of this elderly couple in a fight over what would be a lucrative estate.

Vita, as a spouse, can claim one-third of Wein’s estate. Daniel claims Vita Wein and Jodi Rich are interested only in that money.

“She has been guardian for 12 months and hasn’t done anything except try to dissolve the marriage of these two elderly people who had been married for 58 years,” said Rich before Wein’s death. “So there are two marriage licenses. Who cares? What’s the difference? They wanted to end their life together.”

Emails show Savitt discussing with Daniel Wein trying to get the authority to annul Robert’s marriage, contending he and Vita were divorced and that she had tricked him into remarrying in 2014. Savitt also was trying before Robert’s death to amend the trust to give Daniel \$150,000.

“Daniel and Savitt, they are in bed together,” Rich said. “We have a lot of evidence.”

Litigation on the marriage issue resulted in an expensive 2½-hour court hearing and depositions before the matter was dropped unceremoniously by Savitt at a hearing in August.

“Savitt is the culprit here. She is the one who caused all the problems,” Rich said. “She shouldn’t be a guardian.”

Daniel Wein, though, praised Savitt for protecting his brother’s assets.

“I don’t know how she handles her other cases; I know with this, particularly with my brother, they have been aboveboard,” he said.

Vita Wein, though, has pressed Savitt to explain her actions.

In a June 10 deposition and in his motion for Savitt’s removal, Vita’s attorney at the time, Rosenwater, repeatedly tried to get the judge’s wife to say why she hadn’t filed one single invoice in the case in eight months but took \$17,000 without prior court approval.

When Savitt refused to answer a question about whether she had any objections to a critical report to the court on Wein, Rosenwater was exasperated. "She can't answer. It's amazing," he said.

"The guardian has used her fiduciary relationship with the ward for her own financial gain, as well as her attorney," Rosenwater wrote in another pleading. "It is clear the guardian has breached her duties." Rosenwater no longer represents Vita Wein, and Robert Wein died before a motion to remove Savitt as guardian was ruled on. A motion for sanctions against her remains unresolved.

Vita Wein, in an interview at her nursing home before her husband died, said Savitt saw her as a threat to the amount of money she can siphon off her husband's assets. She said her husband, who was struggling mightily with dementia, just wanted to be happy in his waning years.

"She is a despicable person. She is very two-faced," Vita Wein said from Colony Club Sunrise Assisted Living Facility in Broward County. Her husband, oblivious to the complex details driving her anger, sat down next to her on the love seat. He died less than two weeks later.

Savitt said annulling the Weins' 2014 marriage was well within the propriety of the court, but she wouldn't answer why the legal action was necessary for the ward at the end of his life when the 1958 union was still valid.

• • •

Albert Vassallo Sr.

From friend to enemy, Savitt cites 'bad blood'

James Vassallo can't stop beating himself up. He blames himself for allowing Savitt to take control of his father's finances. As result, he has a list of questions about Savitt's actions that he says remains unanswered to his satisfaction.

Like in the O'Grady case, Vassallo sought the advice of Hark when he learned last year that his brother and sister had transferred \$180,000 from the accounts of his father. And like in O'Grady, Hark steered him to Savitt, saying she would protect the assets of Albert Vassallo Sr., who was suffering from early stages of dementia.

Vassallo, who moved from Brooklyn to live next door and care for his father at Century Village in Deerfield Beach, says Savitt instead aligned with his sister who had taken \$140,000 and other assets, according to demand letters.

Savitt successfully petitioned Judge French to remove Vassallo as a trustee to his father's estate, which would have allowed him to retain some administrative control. Savitt claimed Vassallo wasn't getting along with the very siblings, whose actions prompted him to seek the guardianship in the first place.

"If I knew her husband was a judge, I never would have went with her because whatever I said to her meant nothing. She can do whatever she wants because she has the court's backing and that is exactly what is happening now," said Vassallo.

In a voicemail that Vassallo still has, Savitt had assured him attorneys were working to remove his brother and sister but there was no reason to remove him because "you didn't do anything wrong." She did, however, suggest paying Hark more money to defend him just in case.

Vassallo said Savitt made her move to remove him from his father's trust after he repeatedly questioned her billing practices. He estimates that Savitt and her attorneys collected \$40,000 to get him off the trust. His father's savings have been depleted by more than \$200,000 in about a year, he said.

Savitt said, "To accomplish getting the relief favorable to the ward, and because of bad blood and conflicts between all three children of the ward, it was agreed by the lawyers that I should be the sole trustee, not because of anything wrong James did."

Vassallo produced email and bank statements showing how Savitt doubled-billed his father's accounts by about \$7,300 and did not pay it back until he confronted her with the bank account statements. "She never would have given that back on her own," Vassallo said. The \$7,300 plus a \$3,000 retainer fee came before a judge approved them and even before she submitted a petition to the court for that money.

To address the \$180,000, a deal was struck in mediation, allowing James' brother and sister to pay back half the money over 15 years and keep the rest.

Vassallo never signed the agreement and vehemently opposed it.

After The Post asked Savitt about \$10,000 in missing U.S. savings bonds, James Vassallo said she told him the bonds had been located and provided her accounting of expenses.

Still missing is reimbursement for his dad's Hyundai and assets from a savings account and a safety deposit box, Vassallo said. "My father said it was over \$100,000 in there."

But the knife in James Vassallo's heart came when Savitt and Judge French allowed his father to be permanently placed with his sister, Susan Mast. Savitt is paying the sister \$2,400 a month for the father's care under a settlement agreement that bears the guardian's signature. Little of the money initially taken has been returned.

Albert Jr. says his father consented in court to remain with his sister, but James Vassallo says the judge never should have asked his incapacitated father if he wanted to live with Mast considering the money owed.

Mast cursed at a reporter when asked about the case and threatened legal action. Her brother, Albert Jr., said the money he got from his father was a gift to help him pay his medical bills.

Vassallo also has questioned Judge French in court about whether any money from the bank accounts of Savitt's wards went to satisfy the foreclosure judgment on her Delray Beach home. He also objected at a hearing to attorney John Pankauski's bill — which at the time was for \$18,000 and heavily redacted.

"I asked the judge, 'What are you going to do, rubber stamp everything?' and French told me that Pankauski should have charged my dad \$40,000," Vassallo said.

Now Vassallo has hired attorney Dougherty, hoping he can work the same magic he did for James Hilton by detailing questionable actions by Savitt for the court. Vassallo hopes this would force her to resign or have a court remove her.

Albert Vassallo Sr. remains alert and talkative. Interviewed at a Deerfield Beach senior center, he said he doesn't trust Savitt. "She doesn't show me any reports. At least, show me where the money is going," he said.

James Vassallo can't sleep at night, poring over bills and other documents, thinking what he could have done differently. His apartment is piled high with stacks of court papers.

"I was the one who brought this woman into my father's life," he said. "And what is she doing? She is taking the money that these seniors worked so hard for, set aside for their children, for their grandchildren." jpacenti@pbpost.com

Staff researcher Melanie Mena and staff writer Mike Stucka contributed to this story.



PROFESSIONAL GUARDIAN Elizabeth Savitt, married to Judge Martin Colin, says complaints from families of double-billing and sending disputes to court to run up fees are “frivolous” and “baseless ”

MADLINE GRAY / THE PALM BEACH POST



THE SENIORS

The Post examined five cases involving Elizabeth Savitt in which families fought over what’s best for the senior, and million-dollar assets were at stake:

Brooklyn plumber

Albert Vassallo Sr., 87

Kansas schoolteacher

Helen O'Grady, 83

New York accountant

Robert Paul Wein, 89

Chicago-area decorator

Lorraine Hilton, 94

Lake Worth school administrator

Gwendolyn Batson, 89



Before Robert Wein died, Savitt tried to annul his marriage to Vita Wein, whom he wed in 1958. Vita says Savitt is a "despicable woman " but Robert's brother Daniel says Savitt has always been "aboveboard "

JOHN PACENTI / THE PALM BEACH POST



Helen O'Grady, a former Kansas schoolteacher, invested her money well. Once O'Grady's family settled their battles over their inheritance, O'Grady's son said he couldn't get Savitt to turn over management of the money. **CONTRIBUTED**



Gwendolyn Batson lived in longtime caretaker Skender Hoti's house. Her belongings were cleared out by Savitt and her attorney. Hoti says most of what they moved was his. **CONTRIBUTED**



Albert Vassallo Sr., with his son James. His son estimates that Savitt and her lawyers spent \$40,000, mostly his father's money, to remove James from his father's trust.

JOHN PACENTI / THE PALM BEACH POST



Grandson is new guardian: Lorraine Hilton and her grandson Max, who has taken over her care. Her son Robert, who Savitt paid, was accused of abusing her. **CONTRIBUTED**



Vassallo Sr.



O'Grady



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POST INVESTIGATION GUARDIANSHIPS

Chief judge investigating Post's findings on Colin, Savitt

Updated: 7:06 p.m. Wednesday, Jan. 20, 2016 | Posted: 6:52 p.m. Wednesday, Jan. 20, 2016

By [John Pacenti](#) - Palm Beach Post Staff Writer

The chief judge for Palm Beach County said Wednesday that he is investigating what needs to be done to address concerns brought forth by The Palm Beach Post's stories on Circuit Judge Martin Colin's role in adult guardianship.

Circuit Judge Jeffrey Colbath said in an email to The Post that he is in fact-finding mode and "is preparing to make appropriate changes to address concerns."

Colin oversees family and probate matters in Delray Beach, including guardianships of adults no longer able to care for

In this Section

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,Elizabeth Savitt appears at a hearing with Attorney Sheri Hazeltine to discuss attorney fees for Albert Bach on Thursday, August 20, ... [Read More](#)

county courthouse.

Colbath has the power to transfer Colin out of the Probate & Guardianship Division, where he has been since about 2009. He also has the power to transfer Circuit Judge David French, who has been a close friend of both Colin and Savitt and oversees many of her guardianships.



Judge Martin Colin presides over a hearing on Thursday, August 20, 2015, at the South County Courthouse in Delray Beach. Judge ... [Read More](#)

themselves. Colin's wife, Elizabeth "Betsy" Savitt, is a former tennis pro turned professional guardian who operates in the same division and appears in front of Colin's colleagues.

But Colbath and the chief judge before him, Peter Blanc, took no action to eliminate potential conflicts caused by the close relationships in the south

The Post found Colin's colleagues must approve Savitt's fees and fees for attorneys who represent her in guardianships of incapacitated senior citizens, many with sizable life savings. Families have accused Savitt, a guardian since 2011, of double-billing, taking fees without prior court approval and pursuing unnecessary litigation to drum up fees.

Several families separately told The Post that Savitt openly cites her husband's powerful position when confronted over her actions.

State lands management bill advances; environmentalists wary

The GOP debates have become like Super Bowl parties for top donors

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Lake Worth man injured after crashing dirt bike in Boynton Beach

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Savitt does not appear directly in front of her husband, but the attorneys who represent her litigated cases in front of him and relied on him at times to approve lucrative fees.



Palm Beach County Chief
Circuit Judge Jeffrey
Colbath

Two former Florida Supreme Court justices and a legal ethics expert told The Post the relationships pose a conflict of interest and appear improper.

After The Post started investigating last year, Colin recused himself from 115 cases in six months involving those attorneys who represent Savitt in guardianships, such as Ellen Morris, Sheri Hazeltine and John Pankauski,

The Post reported Sunday. Previously, Colin said he required the attorneys to disclose their professional relationship with his wife, but The Post found that didn't happen in at least one case.

"We have adopted long-standing approved methods to properly deal with such potential conflicts," Colin told The Post.

Colbath has the power to transfer Colin or French out of the probate division. It's common for judges to be rotated every few years.

Savitt pointed out that she has never been sanctioned by any of her husband's colleagues and that complaints were from "disgruntled" family members. She also accused the paper of holding a grudge against her and her husband.

Families with seniors in Savitt's guardianships told The Post that their complaints about her financial management of seniors' life savings were ignored by Colin's colleagues, especially French.

Of particular issue is the tens of thousands of dollars Savitt has taken in fees prior to judicial approval in either guardianships or probate cases after the senior has died. Overwhelmingly, attorneys in the elder law field told The Post that state guardianship law does not allow guardians to take fees before a judge gives the OK.

This week it has been business as usual in Colin's courtroom in Delray Beach. Several attorneys told The Post they are not comfortable with the relationships in the probate division but fear repercussions if they speak out.

The families of some of Savitt's current and former wards did not hold back.

"They should be moved out of probate, and if possible, moved off the bench," said Jodi Rich, niece of Robert Paul Wein, who was in a Savitt guardianship before he died at 89 on Dec. 1.

"They are not abiding by ethical standards," she said.

Thomas Mayes, whose mother, Helen O'Grady, was in a Savitt guardianship, said there needs not only to be further guardianship reform by state lawmakers but a criminal investigation into Savitt. He doubted, though, anything would be done.

“They will just sweep the dirt under the rug or in a corner,” he said.

Skender Hoti, a Lake Worth restaurant owner, watched Savitt in February 2012 try to assist a family guardian in seizing nearly every possession in a house he owned before she was stopped by sheriff’s deputies.

“All their cases should be reviewed,” he said of Colin and French. “No judge should be able not to rotate and stay in the probate arena.”

What the Post found

Palm Beach County Circuit Judge Martin Colin is compromised by his wife’s work as a professional guardian in the same probate and guardianship division where he has presided for years. His wife, Elizabeth “Betsy” Savitt, took fees without court approval and in some instances double-billed. Read all the stories and see the documents at myPalmBeachPost.com/guardianships-colin-savitt.

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Comment(s) 1-6 of 6



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[Report](#)

Thank you

7:43 p.m. Jan. 20, 2016



mcfinn25

[Report](#)

Well, honestly, Judge Colbath is a person named in the article under not so ethical circumstances. Is he reliable to make a proper inquiry?

9:29 p.m. Jan. 20, 2016



CaptfFoyd

[Report](#)

This just seems to say that The Good Old Days are still here!!!
Palm Beach County is STILL the COUNTY of CORRUPTION!!!!!!!!!!!!!!
Office Of Inspector General still has a massive Clean p Job to do!!!!!!!!!!!!!!!!!!!!!!

I am guessing that they see it in the POTUS's Staff!
US Sec. Kerry's family is married to IRAN's Official!!
The top White House Advisor was born in IRAN & her family was under FBI investigation & has 24/7 Secret Security Detail and was not elected!!!!
Solar company that was given US Funds & then went bankrupt & the money was never repaid!! This same Solar company was given another even ore US Funds!!!
They are also Obama's Donors!

Elected Official need to be in office 1 Term! The 2nd Term in JAIL!!!!

10:55 p.m. Jan. 20, 2016



Floridawalker

[Report](#)

They just should be removed altogether for the misery they have caused in the courtrooms

11:17 p.m. Jan. 20, 2016



citizenobserver

[Report](#)

Kudos to the Palm Beach Post for exposing this egregious mess! Wish they had a larger staff so they could take on irregularities at the municipal and county levels,also. There is plenty to investigate, but their corporate parent doesn't value the value of role the newspaper at the local level and continues to cut staff non stop. We need good reporting like this and other investigations they have done recently to keep our community healthy and corruption free. It forces people to stop looking the other way with a nod and a wink while corruption runs rampant.

1:07 a.m. Jan. 21, 2016



pepper38

[Report](#)

'Citizenobserver' said it so well, much better than I ever could. I wish someone would take the suggestions seriously.

10:08 a.m. Jan. 21, 2016

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Judge in Post series moved from guardianship cases

Updated: 6:26 p.m. Wednesday, Feb. 10, 2016 | Posted: 1:18 p.m. Wednesday, Feb. 10, 2016

By **John Pacenti** - Palm Beach Post Staff Writer

Circuit Judge Martin Colin's tenure as a probate judge is over in the wake of The Palm Beach Post's investigation into the the veteran jurist and his wife in the guardianships of incapacitated seniors.

But it remains to be seen whether he still has a role in guardianship through a mediation program he helps coordinate.

In this Section

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Judge Martin Colin presides over a hearing at the South County Courthouse in Delray Beach. Judge Colin's wife Elizabeth Savitt, is ...

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Palm Beach County Chief Circuit Judge Jeffrey Colbath, with little fanfare, posted Colin's transfer on the judicial circuit's website on Tuesday, moving him from the Probate & Guardianship Division in Delray Beach to the Civil Circuit division in the central courthouse in West Palm Beach.

He is also no longer hearing Family Division cases and will instead hear civil

disputes and hold jury trials involving disputes in amounts of more than \$15,000.

The move was buried on the circuit's website and not readily seen without searching an announcement section that appeared blank on the home page.



Elizabeth Savitt appears at a hearing for one of her wards. (Madeline Gray / The Palm Beach Post)

Circuit Judge Jaimie Goodman will take Colin's place, hearing guardianship, probate and family cases in the South County Courthouse.

Colin assumes Goodman's docket as of Monday in the circuit civil division. Colin said he will not seek re-election following The Post's series,

Guardianship: A Broken Trust.

Colin's transfer comes just as the Florida Senate approved legislation that would give Florida its first regulatory authority over professional guardians. The bill – along with one passed

Kasich tries to expand his New Hampshire-only plan to South Carolina

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Sanders wins on points, but doesn't take any of Clinton's turf

Cruz kills campaign ad featuring former softcore porn star

this past year – is in response to complaints of guardians bilking the savings of the elderly as appointed officers of the court.

Many of these elderly seniors — called wards — suffer from Alzheimer’s disease or some other form of dementia.

Colbath did not respond to a request through his spokesperson to comment. He also would not answer repeated queries about whether Colin will continue in his role coordinating the court’s elder care program, a mediation program for guardianship disputes, where many former judges work. Chief Judge Colbath’s father, for example, former Chief Judge Walter N. Colbath Jr., is listed as a mediator for a local company.

Also, it appears that Colbath is not taking any direct action regarding Colin’s wife, Elizabeth “Betsy” Savitt, a professional guardian who has taken tens of thousands of dollars from the life savings of incapacitated seniors prior to court approval in guardianships and in follow-up probate cases.

The couple’s finances improved substantially after Savitt became a guardian in 2011 after years of foreclosures, liens and unpaid loans to private individuals.

As a court-appointed professional guardian, Savitt takes over the lives of seniors and other adults who no longer can care for themselves, managing their finances, medical care and whether they can remain in their homes. She has access to hundreds of thousands of dollars. She was a tennis pro before she became a guardian.

The families of these seniors, backed by reams of court

documents, say that besides taking fees without court approval, Savitt double-billed, funneled money to relatives of the ward who are suspected of financial — and even physical abuse. In numerous cases, she was accused by families of creating unnecessary litigation in order to generate more fees for herself and the cadre of attorneys who represent her.

Those attorneys regularly appeared in front of Colin, sometimes seeking his approval for generous fees in other cases. When The Post started investigating, Colin started shedding their cases: 115 recusals from July 1 to Dec. 31.

Colin's colleagues on the bench presided over his wife's cases. Currently, she has at least two guardianships but has also been involved in managing special-needs trusts and as a personal representative of estates.

Former Supreme Court Chief Justice Gerald Kogan told The Post for its series that Savitt's role as a professional guardian created an appearance of impropriety for Colin that put him in jeopardy of violating the state's judicial canons.

Savitt and Colin have denied any wrongdoing.

Colin didn't hear Savitt's cases, but his colleagues do — particularly Circuit Judge David French, a friend who once planned a cruise vacation with the both of them.

French, for now, appears to be staying put in the Probate & Guardianship Division. Earlier this month, Colbath announced a five-point plan that directed all "current" south county judges to recuse themselves from Savitt's cases so it is uncertain whether

Judge Goodman will be hearing Savitt's cases.

Colbath's plan also includes training for probate judges and their staff, standardization of billing practices and a wheel system to provide random assignments of guardians to cases.

Dr. Sam Sugar, who has led the charge for legislative reform in Florida as head of Americans Against Abusive Probate Guardianship, said Colbath has not gone far enough.

"The response from Judge Colbath is an outrage and reinforces the widely held and growing perception that the Florida court system does not deserve the trust of the people," he said.

"Years of blatant conflicts of interest, looting of innocent people's entire estates, self serving protection of rapacious guardians and lawyers has resulted in no discipline, no consequences, but every indication that this egregious system will continue."

For Skender Hoti, Colbath's actions smack of a whitewash.

Hoti is the restaurateur who in February 2012 watched as Savitt – assisting a family guardian — tried to seize possessions from one of his homes using an order by Colin. Hoti claims he is still missing cash, jewelry and other possessions.

Hoti cared for Gwendolyn Batson for decades before the senior's brother sought to find her incapacitated and seize her assets.

Hoti said Colbath's changes are sweeping the problem under the rug.

“We’ve been caught so we will change clothing and continue as usual,” Hoti said. “A septic tank plumbing would be more appropriate.”

While Colbath shook up the judiciary with Colin’s move, lawmakers aimed to do the same to professional guardians. The Senate unanimously passed a bill Wednesday to provide the state’s first real regulatory authority over the burgeoning industry, while the House’s Judiciary Committee unanimously advanced a bill that would do the same.

SB 232, is sponsored by Sen. Nancy Detert, R-Venice, while its House companion **HB 403** is sponsored by Rep. Larry Ahern, R-Seminole.

“I think a year from now this is going to be the top issue on 20/20 and 60 Minutes,” Detert said before the vote. “I think with this bill we will have the strongest law in the nation.”

The bill would create the Office of Public and Professional Guardians and give the state the power to investigate and discipline professional guardians. The bill has received support from Americans Against Abusive Probate Guardianship, Gov. Rick Scott and the Florida State Guardianship Association.

Ahern, speaking to the Judiciary Committee, said reports of guardians taking financial advantage of the elderly person they are sworn to protect are overwhelming. He told lawmakers that they don’t want to read another story of guardianship abuse.

Jodi Rich, whose uncle was in a contentious guardianship under

Savitt, said bills are a good sign of change for the industry to hold bad professional guardians accountable.

“It’s a good idea that the state now looks out for seniors’ welfare,” she said.

Not everybody, though, was a fan.

During public comment in front of the House Judiciary Committee, the bill came under fire for not addressing how new standards will be formulated and was called a Band-Aid on a massive wound.

“It is all about the money,” said guardianship reform advocate [Douglas Franks of Pensacola](#), who has fought a professional guardian on behalf of his mother. “Isolate, medicate and steal the estate — that is what these people go by.”

Staff writer Christine Stapleton contributed to this story.

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CatInTheHat

[Report](#)

Disgusting. I'm glad they were caught.

3:57 p.m. Feb. 10, 2016



citizenobserver

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Kudos to the PB Post and the outstanding investigative team for shining a light on this disgusting practice. If not for them, the practice would have continued and more people victimized. Now keep the heat on until Colbath finishes the job of cleaning up!

6:31 p.m. Feb. 10, 2016



Fidel

[Report](#)

now return every penny the tennis player took from the estates. THEY SHOULD BOTH BE IN JAIL!!!!

6:46 p.m. Feb. 10, 2016



totteti

[Report](#)

PB is doing so much good investigation these days and I'm totally surprised. As a snowbird I usuallys subscribe to get the local events & ads. Now there's so much I just have to read! Thank you.

9:03 p.m. Feb. 10, 2016



pepper38

[Report](#)

I'm so glad to read this outcome. Thanks to the Post and their investigative staff of writers I'm certain they have possibly saved other families from having the same thing done to their loved ones. Good Job Well Done!!!

9:07 p.m. Feb. 10, 2016



bake

[Report](#)

WHY MOVE A/H LIKE ?? THIS FIRE/BAN/JAIL GET RID OF DIRT----LIKE DONE TO THE REST OF US

5:09 a.m. Feb. 11, 2016

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Judge's wife facing more complaints about guardianship fees

NEWS

By **John Pacenti** - Palm Beach Post Staff Writer

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Updated: 6:14 p.m. Friday, May 20, 2016 | Posted: 6:14 p.m. Friday, May 20, 2016

Carla Simmonds, a Delray Beach nursing administrator and mother of two, decided two years ago to get in shape by attending a “boot camp workout.”

But after a vigorous session in February 2014, Simmonds suffered a life-shattering stroke caused by a leak in her carotid artery that triggered a massive blood clot in her frontal lobe. Doctors were forced to temporarily remove half of the 47-year-old's skull to contain swelling so her brain did not dislodge from her spinal cord.

Simmonds was left unable to speak and with the mental capacity of a 4-year-old. All she could do was cry. Years of recovery awaited.

Daniel Schmidt, a former boyfriend and retired Merrill Lynch financial planner, stepped up, taking her into his home and guiding her on a remarkable recovery.

But the court system also ended up putting the stroke victim in the hands of professional guardian Elizabeth "Betsy" Savitt, the wife of embattled Palm Beach County Circuit Judge Martin Colin.



Dan Schmidt and Carla Simmonds stand outside their Boca Raton home. Schmidt has been caring for Simmonds since her stroke in ... [Read More](#)

The judicial power couple were the subject of a **series of reforms** handed down

this year by the chief judge after The Palm Beach Post's series, **Guardianships: A Broken Trust**. The newspaper's investigation showed how Savitt took tens of **thousands of dollars in fees** without prior court permission from seniors in her guardianships and compiled a litany of complaints from families of her wards.

All of Savitt's guardianship cases were moved to the north county courthouse to avoid any appearance of favoritism toward the judge's wife.

Savitt, though, is still drawing complaints about her fees in the handful of guardianship cases she has left. When families ask her to resign, she has demanded fees upfront for her and her attorney Ellen Morris. The judge's wife insists they also agree not to sue or pursue litigation against her.



Carla Simmonds is the ward of Elizabeth Savitt, the wife of Circuit Judge Martin Colin. Savitt and her attorney sought to drain ... [Read More](#)

'All about the money'

In the Simmonds case, Savitt, a former tennis pro, attempted to draw fees from the stroke victim's \$640,000 trust, which wasn't part of the guardianship money, and then wanted to drain her \$46,000 IRA to pay fees for about one-quarter of its worth.

But Schmidt stood in Savitt's way. Simmonds before her stroke had given him her power of attorney.



Elizabeth Savitt (right) confers with Attorney Sheri Hazeltine in a hearing regarding attorney's fees for Albert Bach, center, last year at ... [Read More](#)

“From the outset, whether it be her family, the lawyers or the guardian, nobody

has acted in Carla's best interest but me. It's been all about the money," Schmidt told The Post.

In order to get Savitt to resign, Schmidt opened up his own wallet and wrote a \$9,000 check to Morris. He wrote another check from Simmonds' trust account for \$4,300 for Savitt's fees.

"I said, 'Enough! Eliminate these people — stop the nonsense,'" Schmidt said. "It's amazing how you got to fight all these people. And it all goes against the person who is supposed to be protected: Carla Simmonds."

In another case, Susan Bach is trying to finalize as well Savitt's resignation as the guardian of her father, 86-year-old Albert Bach. He has been in a Connecticut nursing home near her since December, but his daughter has been wrangling with the judge's wife and her attorney for months.

Susan Bach had to consent not to fight Savitt's fees in court if she wanted the judge's wife to resign.

"We can't get rid of Elizabeth Savitt. My father keeps asking me, 'Is she gone yet?' because he can't stand her," she said.

"I think she gets away with things normal people wouldn't be able to get away with. I feel like a rabbit in a rabbit hole who can't get out because people keep throwing dirt on you."

Fernando Gutierrez, a current board member for the Florida State Guardianship Association, said he would never demand fees upfront if asked to resign from a case.

“We are talking about human beings here and I think her approach is inhumane,” he said. “She should show a little mercy.”

He said guardians like Savitt give the profession a horrible image.

“The fact is she has already been paid some money and she is holding these people hostage. It’s almost barbaric,” he said. “This is really, really bad.”

‘Higher standards of best practices’

When it comes to billing practices of professional guardians, Chief Judge Jeffrey Colbath has vowed to standardize the process. He appointed a committee of circuit judges John Phillips, Janis Keyser and Jessica Ticktin to look at guardianship not only within the courts, but among lawyers, guardians and other stakeholders.

“Based upon our ongoing examination of how guardianships are handled here and around the State, we have discovered that the practices vary widely,” Colbath said. “We here in Palm Beach County strive not only to meet the legal requirements imposed by law and rules of procedure, but to achieve a higher standard of best practices.”

Families in other Savitt guardianships have leveled complaints about doubled-billing and the judge’s wife pursuing unnecessary litigation that increases fees for herself and her attorneys.

Savitt contends she isn’t the only guardian who takes fees before judicial approval and has the blessing of her attorney, Morris, the administrative chair on the Florida Bar’s executive Committee of the Elder Law Section.

The auditor for the Clerk and Comptroller's Office, which reviews guardianship cases, told The Post for the January series that the judge's wife was the only guardian in the county to take fees without prior court approval.

Fees take center stage in the contentious Simmonds guardianship, fueling the tell-tale acrimony found in many of Savitt's cases.

Documents show Savitt and Morris initially attempted to pry open **Simmonds' \$640,000 trust for fees** despite the fact that they knew the trust was off limits to the guardianship, according to pleadings. When Schmidt objected, the duo dropped the matter and moved on to Simmonds' \$46,000 IRA.

The judge's wife described Schmidt — as she has done her other critics — as “disgruntled.”

“His contentions are not worthy of response,” Savitt wrote in an email to The Post.

Morris said Schmidt has not allowed Simmonds to see her family. She said he uses vulgar language, makes threats and that she has “proof of the poor character of this man.”

“I cannot fathom except to continue sensationalizing a non-story for your own gain to the detriment of innocent people,” she said in her email.

Morris, in an April 20 email to Schmidt's attorney, demanded he retract statements to The Post.

“If an article is published, Betsy will have to respond by publishing your client's

texts and emails," Morris wrote. "And if we go to hearing I will (be) introducing those texts and emails into the record for the judge to hear."

Schmidt echoed concerns of other families, saying Savitt appeared over her head in handling Simmonds' finances.

Among his complaints are that the judge's wife bungled Simmonds' finances, **mistakenly saying she owed income** and property tax when she didn't. Savitt also failed to secure insurance in order to rent out the stroke victim's empty Delray Beach residence, he said.

The retiree says he has spent \$150,000 of his own money on Simmonds care and legal fees. He lost an effort to **sell Simmonds' 2013 Honda Civic**, worth an estimated \$15,000, when Savitt — with a judge's consent — gave it to the stroke victim's eldest son.

In the Bach case, when his daughter asked about fees, Savitt unleashed an email tirade, threatening to bring up accusations against Susan Bach in court.

"You should present that matter to the judge to see if he agrees with you," Savitt wrote Susan Bach on May 11. "If you do not take that action, it will be clear that you are continuing to bark frivolous claims that cast unfavorable light on you."

Schmidt said an angry Savitt has shown up unannounced on his doorstep more than once making the unsubstantiated allegation that he was abusing Simmonds and that she was going to put the stroke victim in a nursing home.

"Throughout this entire time, I'm being threatened," Schmidt said. "She said, 'My husband is a judge. You don't know who I am. I can get away with anything I want

in court.”

Morris said Savitt is “court-ordered to visit her ward. She has the right to show up announced or unannounced at any time.”

She says Savitt would never threaten her ward or put Simmonds in a nursing home.

‘Scared to death’

But Simmonds has recovered enough that she can speak in one- or two-word sentences. Her sunny disposition shines through on the day when she was interviewed.

When asked: “If you could say one word how you feel about Elizabeth Savitt what would it be?”

“Ooh. Bad. Bad. Bad,” Simmonds responds.

“Is she not nice to you?” Simmonds is asked.

“No. Threatening,” the stroke victim manages to say.

When asked what the threats were, Simmonds struggles but manages to say: “Nursing home.”

Schmidt said that Simmonds ended up in tears after speaking to Savitt on the phone in February 2015. “To this day, Carla is scared to death of Savitt,” he said.

Court-ordered guardianship is designed to protect the well-being and finances of incapacitated adults. Most of the time family members serve as guardians, but in about one-fourth of the cases, professional guardians such as Savitt are appointed by judges.

The state Legislature has tried to reign in the industry after receiving numerous reports of abuse, **passing reforms** to give the state more authority over guardians and to hold them criminally accountable if they are abusive. But, more often than not, families and loved ones of the ward are left to fight their own battles in front of judges, footing the bill for their own attorneys.

After Schmidt's lawyer filed an objection, Circuit Judge Karen Miller wouldn't immediately sign off on liquidating Simmonds' IRA and encouraged a deposition of Savitt about the issue and other disagreements.

But Judge Miller recused herself for reasons unknown in both the Simmonds and Bach cases.

In the Bach guardianship, the ward's daughter has been trying to get a judge to sign off on Savitt's resignation for nearly four months since she moved him to Connecticut in December. Susan Bach said she felt pressured to sign a settlement agreement to pay Savitt and Morris their fees.

"They said if I didn't sign it and it went to a court hearing, they could still take more money from dad and then he would be penniless. They could take money for phone calls, for e-mails, court costs," she said. "I am stuck. I have no leverage. She has my father's money. He only has \$25,000 of his life savings left and they want to take as much as possible."

Frustrated, Susan Bach secured a court hearing set for Friday, May 27.

'Crucial issues'

In the Simmonds case, Morris urged Judge Miller at a March 23 hearing not to delay liquidating the \$46,000 IRA and paying her fees: "We need to proceed your honor, because these are crucial issues," she said.

But Morris had received some money for her work. Records show that Savitt paid attorney **Morris at least a half dozen times** about \$6,000 total from the Simmonds guardianship. When asked about the payments before judicial approval, Morris said they are allowed under state guardianship law. "Correct fact but so what?" she wrote in an email reply.

David Garten, Simmonds' attorney who is paid by Schmidt, said Savitt and Morris' desire to liquidate the IRA account to pay for a few thousand dollars in fees wasn't in the best interest of the stroke victim.

"So you are owed about \$6,000? Why do you want to take the client's retirement account, cash it in, and get 50 cents on a dollar after taxes and penalties?" Garten told The Post. "We were trying to understand what their logic is there."

Savitt and Morris had other venues to draw their fees: \$3,300 in the guardianship account, \$1,500 a month from Social Security, \$2,800 in Simmonds' health savings account and \$5,000 owed from health insurance, **according to court documents.**

Garten said Schmidt has dedicated years of his retirement taking care of Simmonds 24 hours a day — something no nursing home or hired caregiver would do. "He is giving her the best of care," he said.

Schmidt never imagined himself in his current situation. He had lost touch with Simmonds after they briefly dated, but got a call from her attorney after the stroke. He found out that he had her power of attorney over the \$640,000 trust and had been named her personal representative in case she died. He said he was reluctant to sign on but was persuaded by the family.

He said Simmonds obviously had good reason to protect her assets: "She knew her family better than I did."

When Schmidt sought to be Simmonds' permanent guardian, he ran into opposition from the family and by the stroke victim's court-appointed attorney at the time. Savitt then entered the picture, appointed by Judge Jeffrey Gillen, who then worked a few doors down from her husband.

Despite his negative experience, Schmidt still has faith in the guardianship system.

"I have to believe there are people who know what they are doing and they do give a little empathy back toward the ward," he said "There has to be people out there who don't threaten people to get their way. And they do sit down and try to understand the facts and work for the best interests of the ward and not for themselves."

What The Post Found

The savings of incapacitated seniors flow into the household of Palm Beach County Circuit Judge Martin Colin,

courtesy of Colin's wife — professional guardian Elizabeth "Betsy" Savitt. Fees in most of her cases were approved by another judge who is a friend of her husband's. Colin approved the fees of her lawyers in other cases.

www.mypalmbeachpost.com/guardianships-colin-savitt/

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