

**Sworn Affidavit of Witness to Disclosure of Ex Parte Communication Between Attorney [REDACTED] (CFI or PRE in the Case), and [REDACTED] Judicial Judge**

**Submitted by:** Catherine M. Keske Hoag, Ph.D.

**Date:** March 15, 2012

*I. Background*

I am disclosing information that was communicated directly to me at a Metro Denver Interdisciplinary Committee Meeting on June 7, 2011, at the Denver Loewes Hotel.

I believe that this information reflects improper ex parte communication between an attorney on a case, an appointed CFI/PRE, and the presiding judge of the [REDACTED]<sup>th</sup> Judicial District. This ex parte communication was conducted through the "Colorado Bar Family List Serve".

I am submitting this information because to the best of my knowledge, this appears to be an improper disclosure of communication between an attorney, a court appointed professional, and a judge. As a citizen with knowledge, I believe that I am required to disclose this information to the Office of the Chief Justice, the Colorado Bar Association, and the Office of the Attorney General.

I am also submitting information that provides evidence of a mental health professional approaching the "endangerment" standard arbitrarily.

I believe that it is appropriate to disclose a redacted copy of this affidavit to the legislators who are currently weighing the passage of SB-56, which requires disclosures between judicial officers, court-appointed professional, and attorneys.

I am an agricultural/environmental economics professor at Colorado State University. I am also adjunct faculty at the Denver University Sturm School of Law. I am not an attorney. However, I am an experienced scientist who is a principle investigator of numerous grants from several agencies, including the U.S. Department of Agriculture, the National Science Foundation, and the Colorado Governor's Energy Office. Each year, I publish multiple journal articles in the peer reviewed literature, and in law reviews. In other words, I define myself as a scientist and I take seriously my hard-earned reputation for neutrality and objectivity. I have done my best to use this experience and have written my affidavit objectively as possible:

## *II. Witness to Ex Parte Communication and Conflict of Interest*

I am a member of the Metro Denver Interdisciplinary Committee (MDIC): [http://www.metrodenveridc.org/online\\_directory/alphamembers.php](http://www.metrodenveridc.org/online_directory/alphamembers.php). A description of the MDIC, downloaded from the website, is as follows:

The Metropolitan Denver Interdisciplinary Committee is a non-profit organization founded in 1975 by mental health professionals, attorneys, and mediators working in the areas of parental responsibility. Its purpose is to promote professions involved in helping children and parents through the process of divorce.

The Metro Denver IDC sponsors monthly luncheon meetings and an annual conference that provides opportunities for exchanging ideas and furthering these goals.

The event that I witnessed was conducted at the June 7, 2011 MDIC meeting. Instead of the typical "speaker series", the June 7, 2011 MDIC meeting was conducted using a round table discussion format. Approximately 8-10 individuals were seated at each table. Each table conducted a conversation about a different subject.

The subject at my table was "removal". This pertains to situations when a parent removes a child from a home or from a geographical location.

Mr. ██████████, Ms. ██████████ and Dr. ██████████ were all present at my table. All members (including those not identified in this affidavit) discussed cases where they served in various capacities (eg. Ms. ██████████ and Dr. ██████████ served as PREs and CFIs on different cases with Mr. ██████████).

Mr. ██████████ prepared examples of case law about how to manage for removal situations. While he conducted this part of the conversation professionally and in an educational manner, Dr. ██████████ repeatedly, and rather flippantly, stated, "It's called endangerment!" "When the parent tries to move the child, you just call it endangerment and take the kid!" No one at the table commented on Dr. ██████████'s seemingly inappropriate remarks, or showed a reaction. Instead, the group ignored the outbursts and discussed the case law.

However, not long into the discussion, Mr. ██████████ and Ms. ██████████ openly discussed a case which involved ex parte communication with Judge ██████████ of the ██████████ Judicial District.

Mr. ██████████ informed the group about a situation when he believed that his client, the Mother was going to remove a child from a geographical location, which he believed constituted kidnapping. Mr. ██████████ stated that he "proposed a hypothetical situation" on the Colorado Bar Family List Serve so that "Angie could issue an emergency order".

Ms. ██████████ who was acting as an officer appointed by the ██████████ Judicial District (either as a PRE or CFI), chuckled and stated to Mr. ██████████ that she "read between the lines" and reacted so that she could "provide her input to ██████████".

Mr. ██████ stated that he “didn’t disclose anything” even though he “ratted out his client publicly.”

Ms. ██████ reiterated that she “read between the lines, though”.

Mr. ██████ then stated that ██████ was diplomatic about the whole thing” and that the “child ended up with Dad.”

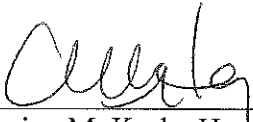
Ms. ██████ informed the group that the Mother, Mr. ██████ client, then tried to file a grievance against her.

The discussion concluded after approximately 90 minutes. I exchanged business cards with most everyone at the table. I also engaged in an in-depth discussion with Mr. ██████ about my teaching at the DU Law School. He asked whether I did consulting work on the side, and told me to look him up when I was in Denver again, possibly during July when I was teaching my next class. He said that the industry and the MDIC could really benefit from having an economist actively involved with “the cause”.

### *III. Affidavit*

I, Catherine M. Keske Hoag Ph.D., submit this sworn affidavit on March 15, 2012. I affirm, to the best of my knowledge and ability, that what I have written is true. I am submitting this sworn affidavit by my own will. I am submitting this information because to the best of my knowledge, this appears to be an improper disclosure of communication between an attorney, a court appointed professional, and a judge

Respectfully submitted this 15<sup>th</sup> day of March, 2012,

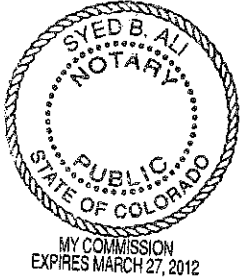
  
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Catherine M. Keske Hoag, Ph.D.  
415 East Laurel Street  
Fort Collins, Colorado 80524  
*Respondent, Pro Se*

3-15-2012  
\_\_\_\_\_  
Date

Subscribed and affirmed, or sworn to before me by in the County of Denver,  
State of Colorado, this 15<sup>th</sup> day of March, 20 12.

My Commission Expires: 03/27/12

Syed B. Ali Notary Public/Deputy Clerk



### CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of March, 2012, a true and correct copy of the  
aforementioned document was hand delivered to:

- 1) Senate Judiciary, State of Colorado (with names redacted)
- 2) Colorado Office of the Attorney General
- 3) Colorado Office of the Chief Justice
- 4) Colorado Bar Association