

**BEFORE THE SUPREME COURT
OF THE
STATE OF MISSOURI**

IN RE: The Matter of

THE HONORABLE TONY W WILLIAMS

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

In Count 1, the Commission finds that in the case *In re Barbara Hildebrand*, Case No. 12AF-PR00152, from September 2012 until May 2014, Respondent had a policy of prohibiting the presence of members of the public from the courtroom during hearings without complying with the provisions of RSMo 475.075.8(6).

The Commission concludes that Respondent's conduct was violative of Supreme Court Rules 2-1.1, 2-1.2, 2-2.2(A)(B), 2-2.3(A), 2-2.6(A), 2-2.8(B), 2-2.9(A)(B)(C), 2-2.11(A), and was misconduct under Article V, Section 24, of the Constitution of the State of Missouri.

In Count 2, the Commission finds that on or about November 7, 2012, Respondent held an ex parte hearing on a Petition for Full Appointment of Guardian and Conservator and appointed the Taney County Public Administrator, Ms. Carol Davis, as guardian and conservator for Ms. Barbara Hilderbrand without requiring notice to the holder of a power of attorney for Ms. Barbara Hilderbrand and successor trustee to the living trust of Barbara Hilderbrand, Ms. Joyce Camp.

Respondent argued that Ms. Joyce Camp was not entitled to any statutory preference in being nominated as guardian or conservator for Ms. Barbara Hilderbrand as is shown by Commission Exhibits 34 (Durable Power of Attorney for Health Care) and 35 (Durable Power of Attorney) as neither document nominated Ms. Joyce Camp to serve as guardian or conservator. (Commission Exhibit 37 RSMo 475.050.2). The Commission finds that Respondent had sufficient notice of Ms. Joyce Camp's status as successor trustee and holder of a power of attorney to warrant providing notice to Ms. Joyce Camp. (Commission Exhibit 46 Hearing of October 3, 2012, pgs. 6, 11, and Hearing of November 7, 2012, p. 60).

The Commission concludes that such conduct was in violation of Supreme Court Rules 2-1.1, 2-1.2, 2-2.2(A)(B), 2-2.3(A), 2-2.6(A), 2-2.8(B), 2-2.9(A)(B)(C), 2-2.11(A), and was misconduct under Article V, Section 24, of the Constitution of the State of Missouri.

In Count 3, the Commission finds that on or about February 13, 2013, knowing Ms. Joyce Camp by her attorney, Mr. Timothy Davis, had filed and sought a hearing on a Motion to Intervene with attached trust and amendments, Respondent failed to rule on that motion

and instead continued it to February 20, 2013 and ordered Ms. Joyce Camp and Mr. Timothy Davis to leave the courtroom and took up a Motion for Authority to Amend Trust.

The Commission concludes that such conduct was in violation of Supreme Court Rules 2-1.1, 2-1.2, 2-2.2(A)(B), 2-2.3(A), 2-2.6(A), 2-2.8(B), 2-2.9(A)(B)(C), 2-2.11(A), and was misconduct under Article V, Section 24, of the Constitution of the State of Missouri.

In Count 4, the Commission finds that on or about February 13, 2013, Respondent issued an order granting the public administrator/guardian ad litem, Ms. Carol Davis, authority to amend the distribution section of the Barbara Hilderbrand trust thereby disinheriting the current beneficiaries of the trust and granting the public administrator/guardian's motion that alleged undue influence affecting Ms. Barbara Hilderbrand's various amendments to her trust and thereby authorizing the reinstatement of the named trust beneficiaries as of January 11, 2005.

Further, that Respondent's order of February 13, 2013 was made:

A. despite the fact that there was no evidence that the Humane Society, named as a beneficiary in the Restatement of Trust dated August 23, 2006 had any relationship or influence over Ms. Barbara Hilderbrand;

B. despite the fact that there was no evidence that Ms. Joyce Camp, first named as a beneficiary in the Second Amendment dated April 29, 2011, had any influence over or even knew Ms. Barbara Hilderbrand when the Restatement of Trust dated August 23, 2006 disinherited the named beneficiaries of the trust dated January 11, 2005;

C. without any medical testimony other than the medical report admitted into evidence at the November 7, 2012 hearing wherein Public Administrator Ms. Carol Davis was named guardian and conservator of Ms. Barbara Hilderbrand;

D. without the testimony of the attorney, Mr. Tom Motley, who drafted the amendments to the Barbara Hilderbrand trust and submitted an affidavit dated February 11, 2013 requesting a continuance of the hearing date in order to testify;

E. without the testimony of Ms. Barbara Hilderbrand by appearance, deposition, or affidavit;

F. without notice to or presence of Attorney ad Litem Mr. Rodney Daniels;

G. without any findings of undue influence;

H. based solely on the hearsay testimony of the public administrator/guardian ad litem as to what Ms. Barbara Hilderbrand told her she

wanted done with her estate at a time when Ms. Hilderbrand had been found to be incompetent.

The Commission concludes that such conduct was in violation of Supreme Court Rules 2-1.1, 2-1.2, 2-2.2(A)(B), 2-2.3(A), 2-2.6(A), 2-2.8(B), 2-2.9(A)(B)(C), 2-2.11(A), and was misconduct under Article V, Section 24, of the Constitution of the State of Missouri.

In Count 5, the Commission finds that on February 20, 2013, Respondent denied Ms. Joyce Camp's Motion to Intervene, then ordered her and her attorney to leave the courtroom and thereafter granted the Public Administrator's Motion to Reduce Guardianship from Full Guardianship to Limited Guardianship for Medical Purposes.

Further, that Respondent's order to amend the guardianship was made:

A. without any medical testimony other than the medical report admitted into evidence at the November 7, 2012 hearing wherein Public Administrator Ms. Carol Davis was named guardian and conservator of Ms. Barbara Hilderbrand;

B. without the testimony of Barbara Hilderbrand by appearance, deposition, or affidavit;

C. without notice to or presence of Attorney ad Litem Rodney Daniels;

D. based solely on the hearsay testimony of the public administrator/guardian ad litem as to what Ms. Barbara Hilderbrand told her she wanted done with her estate at a time when Ms. Hilderbrand had been found to be incompetent and her observations of the condition of Ms. Barbara Hilderbrand.

The Commission concludes that such conduct was in violation of Supreme Court Rules 2-1.1, 2-1.2, 2-2.2(A)(B), 2-2.3(A), 2-2.6(A), 2-2.8(B), 2-2.9(A)(B)(C), 2-2.11(A), and was misconduct under Article V, Section 24, of the Constitution of the State of Missouri.

In Count 6, the Commission finds that on or about February 13, 2013 and/or February 20, 2013, and/or March 20, 2013, Respondent made statements to Ms. Joyce Camp and/or her attorney, Mr. Timothy Davis, suggesting one or more of the following:

A. that Ms. Joyce Camp should drop her motion to intervene;

B. that Ms. Joyce Camp was "headed down a road she did not want to go;"

C. that threatened criminal charges and/or imprisonment if Ms. Joyce Camp litigated her claims under the Hilderbrand trust;

D. that told Ms. Joyce Camp she was criminally culpable for drugging Ms. Barbara Hilderbrand with morphine;

E. that Ms. Joyce Camp and/or Mr. Timothy Davis would be arrested or found in contempt if they communicated with Ms. Barbara Hilderbrand.

Respondent only recalled the statement set forth in subparagraph B, immediately above, and with regard to subparagraph E, immediately above, Respondent recalled instructing Mr. Timothy Davis that neither he nor his client, Ms. Joyce Camp, should attempt to contact Ms. Barbara Hilderbrand.

The Commission concludes that such conduct was in violation of Supreme Court Rules 2-1.1, 2-1.2, 2-2.2(A)(B), 2-2.3(A), 2-2.6(A), 2-2.8(B), 2-2.9(A)(B)(C), 2-2.11(A), and was misconduct under Article V, Section 24, of the Constitution of the State of Missouri.

In Count 7, the Commission finds that on March 20, 2013 Ms. Joyce Camp was allowed to intervene in the Barbara Hilderbrand guardianship but the parties were not properly notified of the Court's ruling allowing the intervention. Filings made by the guardian, Ms. Carol Davis, on December 3, 2013, December 13, 2013, March 7, 2014, March 13, 2014 were without service on Ms. Joyce Camp or her attorney. Respondent's orders made December 4, 2013, January 2, 2014, March 13, 2014 and/or April 1, 2014 were made without requiring service of those filings to be made on all parties. The orders were made ex parte by Respondent.

The Commission concludes that such conduct was in violation of Supreme Court Rules 2-1.1, 2-1.2, 2-2.2(A)(B), 2-2.3(A), 2-2.6(A), 2-2.8(B), 2-2.9(A)(B)(C), 2-2.11(A), and is misconduct under Article V, Section 24, of the Constitution of the State of Missouri.

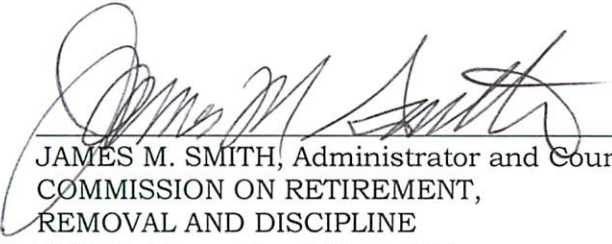
The Commission finds in mitigation that Respondent was cooperative and truthful with the Commission's investigation.

The Commission has found serious violations of the Code of Judicial Conduct indicating a failure of Respondent to perform his judicial duties impartially and competently in regard to his handling of the guardianship estate of Ms. Barbara Hilderbrand. In addition, the Commission found a failure to be patient and courteous to Ms. Joyce Camp and her attorney, Mr. Timothy Davis.

In light of the foregoing misconduct, the Commission recommends that this Court suspend Respondent without pay for a period of thirty days.

Respondent has filed his Consent and Waiver of Appeal (Commission's Exhibit 50).


SKIP WALTHER, Chairman


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