

Fleisher Conceded to Unnecessary Resignation as Trustee

The US Attorney informally requested that Fleisher have Schwartz resign as Trustee and permitted the government to appoint its own trustee.

Under the terms of the Trust, Schwartz did not have to resign. Fleisher told Schwartz to submit to the request. Schwartz resigned as Trustee without a review by Probate Court, which had exclusive jurisdiction to make that determination.

Fleisher was in violation of **RULE 1.3: DILIGENCE**. **A lawyer shall act with reasonable diligence and promptness in representing a client.** Fleisher failed to ask the Probate Court to permit Schwartz to complete his work, including final distribution to the claimed victim, well before there were any Counts filed. Schwartz could have continued to be the Trustee with full transparency under the terms of the trust and review by the Probate Court.

Conceded to Government's Choice of Trustee

Item 4.4 in the Trust, states that Schwartz was to pick any subsequent Trustee if Schwartz was to be replaced "for any reason." Schwartz did identify a replacement trustee and had him ready to be appointed. Fleisher, however, sided with the US Attorney, who named an aggressive bankruptcy Trustee, Richard Nelson.

Schwartz was still identified in the Trust to determine any subsequent Trustee. Fleisher failed to object and state that Schwartz's chosen trustee be appointed. Fleisher said that Nelson would be favorable to Schwartz. Fleisher lied! He did not know Nelson. He had no prior knowledge of Nelson's work with the Federal Courts. Nelson aggressively seized Schwartz's personal funds and household furniture. He also filed multiple claims through the Client's Security Fund with the Ohio Supreme Court which was a double claim for the same "loss" that Nelson had been falsely promoting against Schwartz. He aided the prosecution at all stages. He unfairly and openly defamed Schwartz's name and reputation in the community, even outside of his work as a Trustee.

Fleisher Permitted Appointment of Biased Trustee

Fleisher failed to oppose the appointment of a co-trustee with admitted bias in favor of Hadassah:

- 1) such a trustee was admittedly biased to protect the interest of Hadassah and should have no personal interest in the Trust,
- 2) the trust should not have the additional expense of a second trustee.

Failure to Communicate the Grantor's Desires to the Trustee

It is hard for Schwartz to accept that he failed to accomplish the desires of his best friend, Beverly Hersh, who was the Grantor of this Estate and Trusts.

Schwartz knew the Grantor well and was personally aware of the Grantor's intentions and preferences. Even without his former authority as Trustee, Schwartz could have educated the subsequent trustees as to the personality, insight, and charitable desires of the grantor.

Although Schwartz asked, Fleisher failed to communicate with Schwartz to communicate to the new Trustees, the goals of the Grantor following Schwartz's removal as Trustee. Fleisher made no effort to diligently communicate Schwartz's understanding of the Grantor's desires to the new Trustees.

The new Trustees used their own discretion for charitable distributions they intentionally and abruptly eliminated some of the Grantor's choices and the continuing needs of her beneficiaries. Three of the young beneficiaries died for lack of continued personal needs and medical assistance formerly provided by Schwartz.

Instead, the availability of the grantor's money motivated all of these aggressive activities against Schwartz and payment of extraordinary fees to the many new lawyers newly involved.