



RICHARD ROSS
ASSOCIATES
A Family Law Professional Corporation

December 19, 2019

Via Fax to (818) 501-3692 and Email to lescfls@me.com

Leslie Ellen Shear, Esq., CFLS, CALS
16133 Ventura Blvd., Ste 700
Encino, CA 91436-2406

Re: Giese v. Superior Court (Giese) (B302465)

Dear Ms. Shear:

I am writing as a result of the Preliminary Letter Brief as amicus curiae submitted by you to the Court of Appeal of California, Second District, Division 6, on behalf of the Association of Certified Family Law Specialists on December 16, 2019, in the above-entitled matter.

I represent the Real Party in Interest Soren Giese in the above-entitled action and in the underlying dissolution of marriage action in Ventura Superior Court, Case Number D 387294. As you are likely aware, Claudia Ribet, Esq., CFLS, CALS, represents the Petitioner in the pending Appellate action.

You state on Page 8 of the ACFLS Amicus letter that you authored the following:

“ACFLS has an active amicus committee that reviews cases and makes recommendations to the executive Committee and Board of Directors regarding letters in support of publication or de-publication of opinions, letters supporting or opposing California Supreme Court review, and Amicus briefs. ACFLS’s active amicus committee includes all four California lawyers who hold dual certification as family law and appellate specialists, and leaders in the family law community including Garrett Dailey and Dawn Gray.”

I request answers to the following questions:

1. When did you or ACFLS first learn about the filing of the Writ Petition in Giese v. Superior Court (Giese) (B302465). hereinafter referred to as “Writ Petition”?
2. Was Writ Petition brought to your attention or to the attention of ACFLS by Ms. Ribet or someone from her staff? If not, who first brought Writ Petition to your attention or to the attention of ACFLS?
3. Do the ACFLS Amicus Committee members, who review and sign off on ACFLS preparing and submitting an Amicus Letter to a Court of Appeals, include only you,

Garrett Dailey, Dawn Gray and Claudia Ribet? If not, who are the other ACFLS Amicus Committee members?

4. Was Writ Petition and all accompanying documents provided to all ACFLS Amicus Committee members specified above for review? If so, when did that occur?
5. Did all ACFLS Amicus Committee members specified above approve sending Writ Petition and accompanying documents to the ACFLS Executive Committee and Board of Directors? If so, when did that occur? If not, which ACFLS Amicus Committee member did not approve doing so?
6. Please describe all documents you and all ACFLS Amicus Committee members were provided in order to review in addition to Writ Petition?
7. Did you and all ACFLS Amicus Committee members review all transcripts of proceeding in the underlying Ventura Superior Court action, Case Number D387294?
8. Did you and all ACFLS Amicus Committee members review all attached exhibits accompanying the Writ Petition filed with the California Court of Appeal?
9. Assuming the ACFLS Executive Committee and Board of Directors received the Writ Petition or any communication from the ACFLS Amicus Committee seeking approval to proceed to prepare an Amicus Brief on behalf of ACFLS regarding Writ Petition, when did that occur?
10. Assuming the ACFLS Executive Committee and Board of Directors approved you, authoring a letter on ACFLS stationery regarding Writ Petition addressed to the Court of Appeal of California, Second District, Division 6, when did that occur? Who were the members of the ACFLS Executive Committee and Board of Directors who approved it?
11. You state in your authored opinion on Page 8, "ACFLS's Board of Directors and Amicus committee have no direct ties to or interest in the litigants or their attorneys in this matter. Isn't true that the ACFLS Amicus Committee and the Board of Directors have direct ties to Claudia Ribet, the appellate attorney for Petitioner Torrey Kahana Giese in the Writ Petition because she is a member of your amicus committee?"
12. What was the exact procedure in which Ms. Ribet was recused from participation in ACFLS's deliberations and votes.? How and when was the recusal communicated?
13. Did the ACFLS Executive Committee and Board of Directors discuss the possibility that drafting the Preliminary Letter Brief might have the appearance of impropriety that Ms. Ribet could have influenced the ACFLS opinion on the issues involved in the Writ Petition or ACFLS' decision to authorize your preparation of and submission of the Amicus brief to the California Court of Appeal?

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14. Were the ACFLS' approximately 728 California certified family law specialists consulted in any manner in the determination whether ACFLS should file the Preliminary Letter Brief with the California Court of Appeal in the Giese case? If not, please cite the ACFLS rules and procedures that delegate the decision to you and the committee members?

I request that you provide immediate answers to these questions

Sincerely,

RICHARD ROSS ASSOCIATES

A handwritten signature in black ink, appearing to read "Richard Ross", with a stylized flourish at the end.

RICHARD IAN ROSS, CFLS

RIR:jm

cc: Soren Giese

Dianne M. Fetzer, President of ACFLS

Claudia Ribet, Esq., CFLS, CALS