

JGL Eye Column

By JOSEPH G. LARIOSA

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{xtypo_quote} 'The first thing we do, let's kill all the lawyers,' –
Dick the Butcher in "Henry VI,' Part II, act IV, Scene II, Line 73
of William Shakespeare {/xtypo_quote}

C HICAGO (jGLi) – There are only very few Filipino-American
lawyers in the Chicago, Illinois community. But at
the rate community lawyers are conducting their practice, this

legal profession might become a thing of the past.

This year, Atty. Manny Aguja surrendered his law license when he became embroiled in a marriage fraud.

Two weeks ago, CBS Channel 2 TV broke the story that another Filipino--American lawyer, a friend of mine, Alfonso S. Bascos, caused an elderly Caucasian-American man with signs of severe dementia to sign a will and a trust never minding that Mr. Bascos placed himself in an unpleasant conflict-of-interest situation.

Any lawyer worth his salt should first go to the bottom of the truth by finding out if the trustee signing away his huge estate has the legal and medical (is he of sound mind) capacity to sign a will and a trust.

Maybe the lawyer should ask the trustee: “What is your name?” “How old are you?” “What is the date today?” and “Do you know why you are here today?” before asking him if he knows what he is signing away?

If the trustee cannot answer these basic questions, the trustee should be turned over to the Cook County Public Guardian, who can take the will and trust to a Probate Court to decide the appointment of a successor trustee, executor, beneficiaries and residue beneficiaries.

Suddenly, the smarts of an inquisitive cross-examining trial lawyer totally deserted Mr. Bascos when he never fielded a question to Mr. Marshall F. Davies “whether or not he (the trustee, Marshall F. Davies) understood everything” Davies’ Filipino-American caregiver Carmelita Pasamba was asking Mr. Bascso to do – to prepare a Special Power of Attorney (SPA), a will and a trust for Mr. Davies.

A WORTHLESS ESTATE DOES NOT NEED A LAWYER, ONLY A CAREGIVER

In a deposition last September, when James Burton, Cook County Public Guardian lawyer, asked Mr. Bascos if he inquired from Ms. Pasamba and Mr. Davies the worth of the estate of Mr. Davies, Mr. Bascos said, “no” because he (Mr. Bascos) did not have a concern that Ms. Pasamba was going to take advantage of Mr. Davies. Really?

But why would Mr. Bascos allow himself to be “retained as attorney for my Executor,” (Pasamba’s husband, Edgardo Pasamba), if Mr. Bascos did not have an idea of the worth of Mr. Davies’ estate? If Mr. Bascos knew that Mr. Davies’ estate was worth nothing, what is the need to retain an “attorney for the Executor” for?

And if Mr. Bascos did not prepare the trust, who would have benefited most for inserting as beneficiaries after Mr. Davies dies among others Jose Rizal Center, home of the Filipino-American Council of Greater Chicago (FACC), of which Mr. Bascos is a director, for \$5,000; FACC's Seniors Program for another \$5,000; FACC's Health Care Program, for \$5,000; FACC's Free Legal Services established by Mr. Bascos himself, \$5,000; and the FACC as one of the three residue beneficiaries of the estate aside from Ms. Pasamba and the Salvation Army?

In denying preparing the trust, Mr. Bascos pointed to Ms. Pasamba as the one, who listed all these FACC beneficiaries, which I am sure Ms. Pasamba did not know anything at all prior to her first contact with Mr. Bascos. After the trial of this case, we will know, who is telling the truth.

NIXON, BLAGOYEVICH ROLE MODELS?

Mr. Bascos e-mailed me, clarifying that “Cora Sopena (one of the two witnesses to the will; the other, Mr. Mauro Larracas, already died) has corrected her statement to you. You wrongly heard her statement. You quoted her “ *buhay pa pala*” (so Mr. Davies still alive) referring to Davies. Her true statement was “ *buhay pa siya*?” (Is Mr. Davies still alive?) it was a questioned (sic) to you. There is a big difference between those two.” (Mr. Bascos, however, did not explain the difference.)

“Also, your statement in your article re: “ This is a black eye to the Filipino community. How can it be “a black to the eye to community” when the act is committed by a single individual. (sic) You were generalizing and editorializing. You were attributing the bad act of one individual as the act of the community that it sustained “black eye,” too. An analogy: Mr Robert Maddoff (sic), the trusted investment *guro* (sic) stole the billions of his investors money and was convicted, was it black eye to the whole American community? Certainly not.”

When Ms. Pasamba asked Mr. Davies to sign checks totaling \$827,940.03 although Mr. Davies did not know anymore what he was signing away because of his severe dementia, Pasamba did not only destroy (put a black eye on) the unsullied reputation of Filipino caregivers in the mainstream community, it put into question whether future Filipino caregivers would still earn the trust of the mainstream community. And

Secondly, there is no “Robert Maddoff.” There is only Bernard “Ponzi scheme” Madoff.

If Mr. Bascos does not consider “Mr. Maddoff” a black eye to the whole American community, is he suggesting that President Richard Nixon and Gov. Rod Blagojevich (both lawyers) were choir boys and pride of the American community just like Manny Aguja is to the Filipino community? And so, Ms. Pasamba is Mother Theresa?

Thank God, "Mr. Maddoff" did not complete his law studies.

If Mr. Bascos will stick by this wayward value system, I would not blame William Shakespeare for suggesting: "The first thing we do, let's kill all the lawyers." # # #

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