

February 16th, 2023

Sent via NYSCEF

Rensselaer County Clerk's Office
105 3rd Street
Troy, New York 12180

RE: Walker v. Walker

Index Number: 2018-261675

In Re: Notice of Motion, AFC Disqualification

Dear Clerk/Judge McGinty:

Please find enclosed: **Notice of Motion, Disqualification of Douglas Broda, Attorney for the Child [AFC] w/Supporting Exhibits.**

Copies of the referenced Notice of Motion, have been provided to the parties via electronic service NYSCEF; to Leslie Silva, Esq., Douglas Broda, AFC, and Arthur Dunn, Esq. as required.

Thank you for your courtesy and consideration in this important matter.

Respectfully submitted,

Alisha Clark Walker

Alisha Clark Walker
757 Taborton Road
Sand Lake, NY 12153

Cc: Leslie Silva, Esq. sent via NYSCEF
Douglas Broda Esq. sent via NYSCEF
Arthur Dunn, Esq. sent via NYSCEF

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RENSSELAER**

LUKE WALKER,
Plaintiff,

**NOTICE OF
MOTION
[Disqualification of
AFC Douglas Broda]**

-against-

Index No.: 2018-261675

ORDERED, that service of this Notice of Motion via United States electronic service via NYSCEF with the supporting papers to plaintiff's attorney, Leslie Silva, and the Attorney for the Child, Douglas Broda, shall be deemed good and sufficient service.

ORDERED, that answering papers, if any, be served upon the parties and the Court at least seven [7] days before the return date herein above specified, [pursuant to C.P.L.R. Sect. 2214 (b), and that upon failure to serve such papers within the time provided, the undersigned will object to the consideration of such papers by this Court, pursuant to C.P.L.R. Sect. 2214.

SIGNED, this 16th day of February, 2023.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RENSSELAER**

LUKE WALKER,

Plaintiff,

-against-

**AFFIDAVIT
IN SUPPORT OF
NOTICE OF MOTION**

Index No.: 2018-261675</

6. The attorney for the child is under the supervision and regulation of the Court, and of the Attorney for the Children Program of the Third Department, and the NYS Bar Association, and subject to certain standards in representation and for the avoidance of conflicts of interest; and the Attorney For Children, is to be zealous, unconflicted and competent in the performance of his/her said duties.
7. This case and the AFC representation has certain special considerations for the justice system, for faith in its integrity in fact-finding, for the integrity of the Attorney for the Child Program, and for the Court, as specifically outlined herein.
8. Of note, the plaintiff father is a **known convicted previously registered sex offender who previously served jail time for his ‘crimes of moral turpitude’, [Exhibit “D”]**. Defendant Mother does not have any criminal record or history of mental health.
9. **Upon information and belief, Attorney Broda has multiple concurrent conflicts of interest and should be**

(d) In other types of proceedings [other than JD and PINS], where the child is the subject, the attorney for the child must zealously advocate the child's position.

14. A-4. The Use of Substituted Judgement:

“In all circumstances where an attorney is substituting judgment in a manner that is contrary to a child’s articulated position or preferences or when the child is not capable of expressing a preference, the attorney must inform the court and the child that substituted judgment is the basis upon which the attorney will be advocating the legal interests of the child.

Lawyer Conflicts Of Interest:

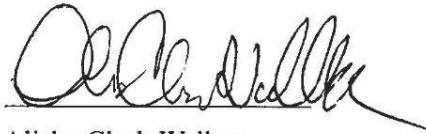
29. Attorney Broda has **inherent concurrent conflicts of interest** [COI] and should be disqualified as the attorney for the child in this case due to the following:
30. Due to certain documented unorthodoxies in this case matter, and acting in my role as mother safeguarding the interests of my children and of certain constitutional rights that have been violated, I was forced to file a serious detailed civil rights action against Mr. Broda and others under 42 USC 1983. [Civil Action No.: 1:19-CV-1288 (LEK)(CFH)].
31. Notice was provided to Mr. Broda that “As a defendant named in

is submit “tickets” to judges to sign off on with lax oversight of the AFC system.
[Exhibit “C ”]

**Douglas Broda tacitly supported Fathers Paramour’s BDSM
Advocacy & Sex Work lifestyle around the children:**

36. The plaintiff father is a **previous felony sex offender with a live-in paramour ‘solely dedicated to earning her living through pornographic and bestial; BDSM sex work’**, this is not an appropriate environment, would be harmful to our children, is very concerning and is believed against NYS public policy concerning such purient material.
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WHEREFORE, I respectfully request that an Order be made disqualifying the current attorney for the child from this case, as well as any other ancillary case involving my child(ren), due to the various reasons, conflicts of interest, and for cause, and for the appointment of an independent attorney for the child in any present or future litigation, Appellate filings, etc., and for such other and further relief as to this court may deem just and proper.



Alisha Clark Walker
757 Taborton Road
Sand Lake, NY 12153

Table of Authorities:

1. New York State Bar Association – Code of Professional Standards
2. NYS Ethics of Attorney for Children
3. American Bar Association – Model Rules of Conduct
4. Attorney for Children – Law Guardian Manual
5. NYSBA Committee on Children and the Law, Standards for Attorneys Representing Children 2015
6. Attorney for the Child – Rule of the Chief Judge and Summary Responsibilities
7. Third Department – Office of Attorneys for Children Administrative Handbook
8. Touro Law Review Article ‘Defining the Role of Law Guardian in New York State by Statue, Standards and Case Law. [2002]

EXHIBIT “A”

**NEW YORK STATE SUPREME COURT
APPELLATE DIVISION, FOURTH DEPARTMENT
ATTORNEYS FOR CHILDREN PROGRAM**

**HONORABLE GERALD J. WHALEN
PRESIDING JUSTICE**

**ETHICS FOR ATTORNEYS
FOR CHILDREN**



GENERAL POLICY CONSIDERATIONS
SECTION 7.2 OF THE RULES OF THE CHIEF JUDGE
SUMMARY OF RESPONSIBILITIES OF ATTORNEY FOR THE CHILD

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FIRST DEPARTMENT
41 MADISON AVENUE - 39th FLOOR
NEW YORK, NEW YORK 10010

TO: Members of the Panel of Attorneys for Children

FROM: Jane Schreiber, Esq.
Director of the Office of Attorneys for Children

RE: **ADMINISTRATIVE HANDBOOK**

The Office of Attorneys for Children of the Appellate Division, First Department has prepared this Administrative Handbook to describe the operation of its Program.

(4) each affected client gives informed consent, confirmed in writing.

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ABA American Bar Association

[/content/aba-cms-dotorg/en/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_7_conflict_of_interest_current](#)

- the attorney for the child should not be a witness at any time during the proceeding or action in any subsequent proceeding by the same parties

Because trial courts vary with regard to their expectations of the attorney for the child, you should define your role and ensure that your role is understood by your client(s), the parties and their attorneys, as well as the Judge. We recognize that some trial courts are not fully aware of the proper role of the attorney for the child and, in some instances, may expect the attorney for the child to assume an improper role. Presiding Justice Whalen, the Fourth Department Attorneys for Children Advisory Committee, and the Attorneys for Children Program Office work to educate the bench about the proper role of the attorney for the child.

NYSBA

Committee on Children and the Law

Standards for Attorneys Representing Children in Custody, Visitation and Guardianship Proceedings

2015

Approved by the Executive Committee of the
New York State Bar Association, January 2015.

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