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POST INVESTIGATION GUARDIANSHIPS

Mother of Judge Colin's grandson says she fears his influence

Woman gains in effort to have outside judge rule in custody fight.

By John Pacenti
Palm Beach Post Staff Writer

Embattled Circuit Judge Martin Colin is now embroiled in another accusation of undue influence: this time involving his 5-month-old grandson in a case in front of a fellow family court judge.

The mother of the infant has been trying for months to get a judge assigned from outside Palm Beach County – and away from Colin's legal clout – to determine how much time she gets to spend with her son.

Colin continued on **A5**

WHAT THE POST REPORTED
Palm Beach County Circuit Judge Martin Colin is compromised by his wife's work as a professional guardian in the same probate and guardianship division where he has presided for years. His wife, Elizabeth "Betsy" Savitt, took fees without court approval and in some instances double-billed. Read all the stories and see the documents at **myPalmBeachPost.com/guardianships-colin-savitt.**

Colin

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On Monday, she scored a victory.

Circuit Judge Edward Garrison granted Kacie Herrick's motion to disqualify him ahead of a hearing that was to establish a parenting plan, time sharing, child support and other matters.

Herrick in pleadings filed Sunday claimed she could never receive a fair hearing because of Colin's influence upon his fellow judges. Colin plays a pivotal role in the care of his son's child and was listed as a material witness in the case.

The attorney for the infant's father – Matthew Colin, teacher and head basketball coach at Wellington High School – claims Herrick, of Briny Breezes, is making untrue statements about what should be a private matter.

Herrick said she felt she had no choice but to go public after Garrison ruled against her previous attempt to move the hearing on the time-share arrangement to another county.

The child was born out of a three-month relationship and the couple are no longer together.

Matthew Colin, 41, lives with the judge in Atlantis. Herrick says the current 50-50 time-share arrangement benefits the judge and his wife – not Matthew Colin and certainly not the infant.

Herrick on Sunday also petitioned Chief Judge Jeffrey Colbath to assign the matter to a judge either in Broward or another county.

Colbath said last week that he is investigating findings about Colin reported by The Palm Beach Post in the series Guardianships: A Broken Trust, which outlined what a former Florida Supreme Court justice called Colin's appearance of impropriety in the adult guardianship arena.

Colin sits in the Probate & Guardianship Division, as well as the Family Division. His wife, Elizabeth "Betsy" Savitt, works as a court-appointed professional guardian of incapacitated seniors. Savitt has been accused in pleadings of taking thousands of dollars in fees in her guardianships without prior court approval.

Attorneys Natalie Kay (left) and Tracy Newmark (right) talk with Kacie Herrick on Monday during a custody arrangement hearing for Herrick's son, who is also Circuit Judge Martin Colin's grandson. LANNIS WATERS / THE PALM BEACH POST

Families of seniors under Savitt's care told The Post they feel their concerns are not heeded by Colin's colleagues.

Neither Matthew Colin, nor his father nor Savitt, was in court Monday morning when the mother sought Garrison's disqualification.

"The judge before whom this case is pending and Judge Colin are related by affinity as they are and have been co-workers for many years, and Judge Colin is extremely interested and affected by the outcome hereof," attorney Tracy Newmark wrote in a pleading.

The parents exchange the baby nearly every other day. The mother says the child rarely sleeps in the same bed two nights in a row. Judge Colin is often the one who picks up or drops off the child and has suggested Herrick retrieve the child at the courthouse where he sits in Delray Beach.

"I have made it clear to Matt that I'm intimidated by his father," Herrick said. "I mean, he is a judge in the county."

Herrick said Savitt is the primary care provider when the baby is not with her.

Newmark said her client "feels like she has been treated as a surrogate for Betsy and Marty." She said the baby no longer sleeps through the night because of the time-sharing arrangement and that his breastfeeding has been disrupted. The father argues in pleadings that the child can either drink formula or the mother can provide pumped breast milk.

Circuit Judge Edward Garrison granted Herrick's motion.

"He is just the trophy baby of the Colin family," Newmark said.

Herrick recalled how Judge Colin and his wife threw her a baby shower attended by attorneys and others in the legal community. The Colin family kept all the gifts but Savitt made her write the thank-you notes, she said.

As with many family court disputes, both parents take umbrage with the actions of the other aud claim each is interfering with their time with the child.

The dispute between Herrick and the Colin family escalated in the hospital during the baby's birth. She said the two sides argued on a variety of issues during her complicated labor, which ended iu an emergency cesarean section. The Colin family attempted to serve Herrick with legal papers at the hospital.

Matthew Colin's attorney, John Schutz, said Herrick has a vested interest in influencing the case and is making untrue statements. "My client, Matt Colin, wants nothing more than to be a good father and believes that his personal life and that of Ms. Herrick and their son should not be public," he said. "He regrets the mother of their child does not feel similarly."

The case involving Colin's grandson is just the most recent in which a member of the public has feared the judge's influence.

While Colin doesn't hear any of his wife's guardianship cases, attorneys who represent her in such matters have appeared in front of him in other cases, sometimes seeking lucrative fees. Colin last year recused himself in 115 cases involving Savitt's lawyers once The Post started investigating.

Colin does not hear his wife's cases, but two former Florida Supreme Court justices and a renowned ethics law professor say the appearance of impropriety is so great that he should never have been allowed to continue to sit in the Probate & Guardianship Division where his wife has operated as a guardian since 2011.

Meanwhile, families of these seniors in guardianships under Savitt accuse

her in court documents and legal correspondence of double-billing, pursuing unnecessary litigation to drum up fees, and other improprieties, such as taking fees without court approval. They say their complaints fall on deaf ears in front of Colin's colleagues.

The result is that the savings of incapacitated seniors, many with dementia, flow into the household of Colin and Savitt, who have a history of foreclosure and financial problems. Those problems were mostly alleviated after Savitt started overseeing the finances of seniors.

In her motion to transfer venue, attorney Newmark says Florida statute demands the matter be transferred to another county because Judge Colin has undue influence over the mind of the court.

"The respondent/mother genuinely fears that the paternal grandfather in these proceedings (Judge Colin) has significant influence over the court conducting these proceedings," the most recent pleading to transfer venue states.

When the son of former Chief Judge Marvin Mounts in 1995 was charged with grand theft and other charges, he was tried in front of a Broward County judge and was prosecuted by an assistant prosecutor specially assigned from Miami-Dade County.

Even then, the prosecutor had to defend a last-minute plea deal, arguing that five years of probation was not reflective of special treatment.

Fort Lauderdale family attorney Robert S. Hannan says a change of venue is not uncommon when proceedings involve family members of a judge or other officers of the court, such as prosecutors. He said Garrison did the right thing and that Colbath will most likely follow suit and assign the Herrick-Colin matter to an outside judge.

"It's just the appearance of impropriety," Hannan said. "You don't want to lose the public confidence. If the motion is denied, people are going to think, 'Well, he's the judge next door.'"

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