"They want it all in their "faternity". This is how the court professionals make money referring one another." Absolute nonsense.

"Please no more name calling: Dr. Tadros did his due diligence and uncovered Doyne's con job on all of us." Why, Dr. Tadros, can't you take someone standing up to you outside of the court system. You are a sore loser.

"hannel 10 then vetted all the information. This is true." No they didn't. They have researched information they have failed to provide the public . . . . which they have had for months. Ask them.

You are a sham, Dr. Tadros. Keep it in the court room . . . and by the way, when you lose your nonsense case, will you post it here, too. NOT.

211. *Family Court Watch*

November 1st, 2009 at 9:22 pm

Dr. Tadros . . . . . .

You say, "Each judge who allows Doyne to testify now that the "CAT" Diplomate is out of the bag is not interested in justice." This is such complete nonsense. Dr. Tadros, you think you have some smoking gun, but why are you losing your case. Last week you were attacking Judge Alksne and Commissioner Lowe . . .now it's everyone. What nonsense.

"Speak loud an clear if Doyne is permitted to testify"

I'm sorry, what about everyone else in town you have attacked. ARe they all o.k., now.

You are such a coward.

"Channel 10 in watching Family Court and is more of a force for justice than any of the judges." Nonsense, Dr. Tadros. In your profession, you have hoodwinked them, it will come out. They ahve a copy of the true credentials, but have failed to release them. Are

they afraid of you? Are they afraid they will have to eat their own words? Shame on you 10 News and Dr. Tadros for this entire nonsense story and this blog.

212. *Extortion Revealed*

November 2nd, 2009 at 6:09 am

The Truth once again is revealed by Channel 10's Award Winning Investigators.

EXTORTION IS WHAT IT'S ALL ABOUT. PLAIN AND SIMPLE. Sparts is doyne's right-hand-boy. Judge Bostwick speaks the truth about all of it. Kudos to him.

Here it is in black and white:

10News I-Team Investigations

Related To Story

AP

I-Team Examines High Costs Of Family Court

Parents Say They Are Drained Of Money By Court Professionals

Lauren Reynolds

10News I-Team Reporter

POSTED: 2:18 pm PDT October 29, 2009

UPDATED: 10:24 pm PST November 1, 2009

SAN DIEGO — Jim Wittmack's home is lined with hundreds of pictures of the two children who no longer live with him.

"The whole custody thing was about money," he said.

He has strong feelings about the family court system.

"It is very well crafted by the professionals to extort money from the parents and ramp up fees," he explained.

It's a complaint the 10News I-Team has heard several times over the past year while investigation several stories in family court.

Connie Valentine of the California Protective Parents Association said, "It's pay to play." She said the problem is not unique to San Diego or even to California, but is nationwide.

"It's a money industry at this point; a completely unregulated money industry in which the professionals can charge what they want," she said.

The professionals include attorneys, evaluators, special masters and mediators.

Sometimes one person will take on different roles in different cases. For example, a mediator in one case might be a custody evaluator in a second and a special master, or tie-breaker, in a third.

Among the higher priced services provided by psychologists in San Diego is a custody evaluation. There are a dozen psychologists routinely used in San Diego Family Court.

"The fact that they use the same 12 people over and over again just confirms that it's like a cartel," said Wittmack.

He said the professionals know each other well and refer each other work.

Wittmack had two evaluations over three years with the same psychologist. The cost was $14,000.

"You just have to come up with the money whether it exists or not. In my case, I borrowed it from my sister," he explained.

The evaluators often will not release their reports until their bill is paid; they even get judges to compel payment, the I-team learned.

The I-Team found one example out of Northern California in which an 11-year-old boy, Coby, was the center of a custody dispute. His mother was ordered to pay $2,200 upfront

to a custody evaluator. In the ruling, the judge wrote, "If mother does not pay the fees ... primary custody shall be changed."

The mother did not come up with the money and she lost custody. She told the I-Team she didn't have the money and the boy's father had missed child support payments.

Valentine said, "It's a shocking case."

She reported it to the Judicial Council, which oversees California courts.

Evaluators counter that their work provides valuable insight, especially given that judges get limited time with family members involved in disputes.

Stephen Sparta, Ph.D., spoke before a gathering of family law attorneys, judges and evaluators last spring and pointed out that evaluations are thorough and can help spot the psychosis in parents. He gave examples of violent outcomes of custody battles to make his point.

"Sometimes I feel badly that people without money don't get these evaluations," he told the crowd.

The I-Team confirmed that low income families, even those with documented conflict, are not ordered to get the custody evaluations because there is nobody to pay for it. The reports are only used for families with financial means.

Since even some judges question the value, the I-Team asked Supervising Judge Lorna Alksne why they are used for people in the middle or upper classes.

She responded that parents often request or demand these evaluations hoping their side will be favored. In most cases, she said, it is the parents and their attorneys who provide the court with the names they want to be selected as the evaluator. Judges do not control the costs, but they may rule on how parents should split the bill.

Alksne also pointed out that some judges try to dissuade parents from getting the evaluations because of the time and expense involved and the fact that it does not always solve the problems relating to custody sharing arrangements.

Parents have told the I-Team that attorneys or even judges steered them into the evaluation.

One local Judge, Jeffrey Boswick, is openly critical of the process. He spoke frankly about the evaluations while giving a presentation to court professionals. The presentation was videotaped and provided to 10News.

"It's too expensive, it takes too long to do, and it often times doesn't solve anything in the case," he said.

Wittmack said he had 50-50 custody of his children and that he and his wife typically were cordial to each other until the lawyers and professionals became involved.

He said he agreed to the first custody evaluation, but made it clear that he couldn't afford the second one.

In a letter, the custody evaluator who worked on his case said Wittmack failed to pay the entire "cost of the assessment" up-front.

The evaluator wrote it "resulted in the court changing custody."

Wittmack has his pictures of his children all around him, but he only has his children every other weekend.

213. *Extortion Revealed, Pooooo*

November 3rd, 2009 at 12:39 am

o.k., Dr. Tadros:

You think that this latest Channel 10 News does anything? It doesn't. You have done it again, Dr. Tadros. You misrepresent the truth, again. Undoubtedly, with Mr. Wittmark, there must have been some tryly serious allegations. It is highly unusual for anyone to go through 2 psych evals in 3 years . . . . almost unheard of.

Once again, you and your attorney's pick the evaluators and chose to use them , and chose to pay them. It has nothing to do with the family court. Dr. Tadros, when will you post your psych eval?

214. *Mike*

November 7th, 2009 at 7:11 pm

Don't forget about Penny Angel-Levy. Another one of those conflicted custody evaluators who has blown more (custody) calls than a little league ump (and thats from a fellow evaluator in the county).

Looks the other way if there is an bad info about daddy.

Stay away from this nightmare!

215. *Ginny Turner*

November 9th, 2009 at 1:53 pm

I also am in the system. My girls were taken away from me based on hearsay from my ex. Their brothers were left with me, and the family has been chopped up. I talk to my littlest only 2 days a week, their father won't allow her to call me. She lost her brothers. I have disproved all the garbage about not having toothbrushes, about not getting medical care, about grades, etc. yet the courts do not see it. The judge misread the D (detained in school office) where the school sends child to school nurse, as detention and took the girls from me. This because of a tween with a difficult menstrual cycle and headaches. We now have a child advocate (lawyer) who is falsifying information and each time, I have to

disprove with medical records and school documents. We are in a evaluation with a child psychologist as well. This process has cost me over $60000, jsut because I filed for child support after 6 years of being divorced. It is about the money for my ex, he filed for custody 7 days after I filed for support. Now I have 3 children in therapy, 1 has been in a mental hospital due to abuse by her father with the help of the system. No one cares enought to look at the facts. My lawyer is good, but the judge is arrogant and refuses to look at her errors so far. The child advocate is supposed to be my childrens lawyer, but she met them once only 3 months ago and then put info in the court docs that she got hearsay from my ex, the kids state she did not ask them things about me. They are 9-17 years old so certainly can speak for themselves. The advocate is not working for the kids as she was hired to do. My lawyer even agrees and is willing to pursue charges against her which previously they had said, is never done and never successful. They feel this is a blatant exception. The kids suffer. Even if the evaluator reaches the conclusion that I was a great mom, I am sure he will, I am still out all that money and have lost everything, home, savings, it is already all gone. And the bills keep piling up. When all is said and done, hopefully the judge and evaluator will see all the proof from the schools, doctors, that prove I only followed the rules in my parenting. That I was a great stay at home mom. Coaching all the kids sports teams, volunteering often at the schools. I was completely involved and close to the kids. Their father saw them 2 days every 3-4 weeks by his choice.

216. *Ginny Turner*

November 9th, 2009 at 3:15 pm

I have to recant my previous facts due to the fact that by posting this I could lose my case because judges will get upset that information is getting out to the public. If anyone knows how to get my post off, please let me know.

217. *Stand up!*

November 11th, 2009 at 12:06 am

Ginny Turner, that's exactly what they want you to do!

Stand up and tell them how corrupt they are!

Look at Doyne, he has credentials from a man who gave Diplomates to a pet cat and to a jailed man. Are you going to cower in fear knowing these facts? Doyne doesn't even the CRC 5.225 (j)(k) yet he puts on his resume that he teaches those rules to evaluators! He's in violation of these CRC and has been for years now!

Stand up Ginny!

Go downtown to 220 West Broadway and visit Dr. Tadros case and see for yourself the exhibits. Take them into court and tell the Judge that Doyne is a con artist and teaches the evaluators CRC 5.225 yet doesn't know the most critical rules regarding forms FL-326 and 327.

Stand up Ginny!

Stand up San Diego!

218. *Ginny, dn't be afraid.*

November 11th, 2009 at 12:26 am

Ginny:

Dont be afraid. Who is the judge? Who are the lawyers? Who is doing the psychological evaluation? Tell us. We need to know. We are here for you.

219. *Ginny, speak out...*

November 11th, 2009 at 9:12 am

Ginny,

I know you're in crisis, I know the fear, they make you feel this way with the way they push you around with the abuse of their power. They want you to feel afraid so they can continue to take advantage of you, and take advantage of other parents for years, so they can line their own pockets with high dollar incomes. This is why they dangle the children in front of you, take them away from you, they know how to keep the fight going and this is why they do it. STAND UP Ginny! Tell them what they do! Every parent needs to do this, then and only then will they begin to respect you! They use their power to silence the parents just as they are causing you to react. This is what they rely on, they count on parents to go down on their knees and give more money in hopes they will get time with their children, but all they do is take more money and more time away from you and your children. They don't care about your children or the parents, all they care about is a means to more money, this is why they put one parent (usually) in total and absolute fear of not getting their child, this is how they operate and they've been doing it for years, and it has been getting worse. There are parents who have shelled out $500,000 dollars or more over years and never get their children, and it will only stop if ALL parents stand up and say ENOUGH! ENOUGH of the abuse Family Court!

Family Court we have figured you out and we have facts and proof, and we are not going away!

Ginny, stay away from the black robes and cat credentialed con-artists, and pandering attorneys... Speak out, stand up!

220. *WarriorMom*

November 11th, 2009 at 2:49 pm

Dear Ginny, Good luck in your war against family court. Make no mistake, Ginny, this is a war. If you allow them to silence you before the battles are fought then you have already lost. The sad truth is that you have already lost your children. The court only goes through the motions so they can acquire more money from your pockets. The good news is that we have just begun to fight. We are naming names and in time we will prevail. We have lost our children but through our efforts our children will inherit a just and honest court system instead of the corrupt debacle that is the current San Diego Family Court.

Leave a Reply

Name (required)

Mail (will not be published) (required)

Anti-spam text: (Required)*

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Exhibit H

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MEN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

EMAD G. TADROS, M.D.,

Plaintiff,

v.

STEPHEN DOYNE, Ph.D., and DOES 1 THROUGH 100,

Defendants.

Case No. 37-2008-00093885-CU-BT-CTL
Judge: Honorable Jay M. Bloom
Dept.: C-70

COMBINED (1) APPLICATION FOR LEAVE TO FILE AS *AMICI CURIAE* AND (2) *AMICUS CURIAE* BRIEF OF PROPOSED *AMICI CURIAE*, (A) CALIFORNIA COALITION FOR FAMILIES AND CHILDREN AND (B) NATIONAL COALITION FOR MEN, IN SUPPORT OF PLAINTIFF DR. EMAD TADROS' MOTION TO CONTINUE HEARING AND CONDUCT DISCOVERY

Date: November 20, 2009
Dept: C-70
Time: 11:00 a.m.
Hon. Jay Bloom

This (1) Application for Leave To File as *Amici Curiae* and (2) *Amicus Curiae* Brief[1] is respectfully submitted by *Amici* herein, the CALIFORNIA COALITION FOR FAMILIES AND

[1] *Amici* acknowledge that *Amicus Curiae* Briefs are ordinarily submitted to the appellate courts in this state. *Amici* carefully researched the preferred procedure for filing *Amicus* Briefs in trial courts and found no relevant provisions prohibiting this submission. In fact, in the matter of *California Valley Miwok Tribe v. California Gambling Control Com.* Case No. 37-2008-00075326-CU-CO-CTL (San Diego Sup. 2008), The Hon. Joan Lewis received an *Amicus* Brief from interested non-parties in San Diego Superior Court. Given the widespread impact and important interests at stake in this case, and the likelihood that this issue could be mooted before it ripens on appeal, *Amici* have taken the unusual step of filing this combined "Application For Leave to File *Amicus* Brief" and "Brief of *Amici Curiae*" at this very early, yet critical, stage.

EXH

CHILDREN ("CCFC"), and NATIONAL COALITION FOR MEN ("NCFM"), collectively, *Amici*, in support of Plaintiff Dr. Emad Tadros' ("Dr. Tadros") Motion to Continue Hearing and for Discovery ("Motion") from Defendant Dr. Stephen Doyne ("Dr. Doyne").

I. Statement of Identity of *Amici*

Amici are nonprofit organizations comprised primarily of parents who have experienced a marital dissolution proceeding in San Diego, Orange, or Los Angeles Counties. Our members are professionals or others who are very highly motivated to devote time and resources to promote the health and success of Southern California families and children by addressing special social problems antithetical to such success, and which are currently being caused or contributed to by the present marital dissolution or other processes involving custody issues.

Amici CCFC are presently organizing as a Southern California-based Chapter of the American Coalition For Fathers And Children ("ACFC"), based in Washington, D.C.[2] *Amicus* NCFM are founded in 1977 NCFM is the oldest continuously running men's rights organization in the United States of America with members throughout America and in several countries.

II. Statement of Interest of *Amici*

Amici CCFC: According to the CCFC and the ACFC's common Mission Statements (attached hereto as Exhibit "A"), we collectively dedicate ourselves and our efforts to the creation of a family law system, legislative system, and public awareness which promotes equal rights for all parties affected by divorce, and the breakup of a family or establishment of paternity. We believe equal, shared parenting time or joint custody is the optimal custody situation.

Amicus NCFM: NCFM is committed to the removal of harmful gender based stereotypes, particularly as they adversely impact men and boys. NCFM supports equitable rights for all parents. NCFM enthusiastically joins CCFC and others on this brief.

[2] The Application to the ACFC of *Amici* has been submitted only very recently and as such cannot yet claim any official affiliation with the ACFC, but such is expected in coming weeks.

III. Introduction

The appointment and usage of private child custody evaluators in family law disputes has been a longstanding concern for hundreds of thousands of Southern Californians, courts, political representatives, and the family law community for many years. Most high-conflict cases center on disputes over child custody. Unfortunately, the experience of thousands of Southern Californians suggests that many child custody evaluators misrepresent their qualifications or otherwise demonstrate unethical behaviors that confound the resolution of such cases, increase conflict, expense, and harm to the involved families—particularly the children. It also appears from experience that a lack of effective judicial oversight, accountability, and concern is largely responsible for creating an environment in which such malfeasance exists.

The specific issue before the Court in Dr. Tadros' Motion to Conduct Discovery is whether or not Dr. Doyne, a prominent San Diego psychologist often appointed or selected by stipulation as an evaluator or mediator by family courts, may prohibit Dr. Tadros from conducting discovery in Superior Court regarding Dr. Tadros' claims that Dr. Doyne committed fraud on his clients, patients, the San Diego family law community, the courts, the Southern California public, and the federal government of the United States concerning important alleged misrepresentations about his credentials, education and experience, his eligibility to perform evaluations, billings, and qualifications, and many other real and believed violations of law. As this case has public import well-beyond the *Tadros* case, *Amici* respectfully submit this combined "Application For Leave To File *Amicus Curiae* Brief" and "Brief of *Amici Curiae*."

Amici argue herein below that the process of discovery is intended to enable litigants to understand and examine the factual support for all litigants' (including their own and their opposition's) positions. It is long-held precedent that California courts permit litigants to perform broad discovery of "all relevant evidence, or evidence likely to lead to the discovery of relevant evidence." Amici suggest herein that to thwart Dr. Tadros at this early stage will not only harm Dr. Tadros' case, it will also curtail many very important public interests at stake, identified in detail below.

Applicants hereby apply to this Court for Leave to submit, and hereby submit, this

Amicus Brief to assist the court in understanding the significant broader interests at stake in this Motion and litigation. *Amici* respectfully submit herein that refusing—at such a nascent stage—to permit Dr. Tadros to conduct any discovery in this matter would have a tremendous and very harmful "chilling effect" on thousands of San Diegans to conduct their own investigations as to alleged fraudulent misfeasance/malfeasance, or other violations of law and the public trust committed by such important professionals, most of whom are subject to no oversight other than the type of civil lawsuit initiated by Dr. Tadros.

IV. Discussion

A. The Relevant Public Interests Impacted by This Court's Decision

It goes without saying that protection and promotion of the well being of San Diego families and children involved in the difficult process of a marital dissolution is a paramount interest of this state and its citizens. Marital dissolutions often involve incredibly difficult, life-changing circumstances for children and their parents—changes in living arrangements, financial instability, and conflict, all of which can have a tremendously negative impact on children, parents, extended families, relevant communities, and the general well-being of our local and state economy if not handled with extreme care by honest, unbiased, competent and thorough professionals.

The state and county also have an interest in promoting healthy relationships between children and both their healthy parents. There is no dispute among family health care experts that supporting healthy, robust relationships between children and parents after divorce stabilizes families and promotes peaceful, healthy relationships between children, their parents, and the parents themselves. Assuring that courts—and the "experts" on which they frequently rely—are doing an excellent job of honestly evaluating the best prospects for promoting such healthy relationships is a primary interest of public welfare.

There also exist important fundamental Constitutional rights guaranteed to parents and children under the 4th, 5th, 13th, and 14th Amendments to the United States Constitution and related provisions of the California Constitution to assure that the legal process is competent, unbiased, fair, efficient, and balanced.[3] Assuring that those interests are honestly, competently, and accurately evaluated and protected by those practicing in Dr. Doyne's profession is critical to protecting and promoting our communities' families and assuring the best likelihood for their future health, harmony, common wealth, and success.

San Diego, Orange, and Los Angeles County family law community professionals also have an important interest in enforcing high standards of accountability, responsibility, integrity, and professionalism amongst their own. Dr. Doyne is one of—if not the—most commonly used custody evaluators in San Diego, and has achieved widespread notoriety and success due to his many professional referrals. His success is based largely on his reputation among this community, his publications, his speaking engagements and notoriety. Due largely to his influence within this community, Dr. Doyne has earned *tens of millions of dollars* over his career from San Diego families and professional referrals, a rate that is currently estimated to be *near or in excess of $1,000,000 (one million dollars) per year*. Members of the family law community—who themselves owe a duty of care to their own clients whom they frequently refer to Dr. Doyne—expect Dr. Doyne to uphold the highest standards within his profession. These articulated public interests are even more important given that Dr. Doyne enjoys a high level of

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3 A recent 6-3 United States Supreme Court opinion penned by Justice Sandra Day O'Connor and joined by the Chief Justice has articulated this longstanding interest thusly:

> "The Fourteenth Amendment's Due Process Clause has a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests," *Washington v. Glucksberg*, 521 U.S. 702, 720, including parents' fundamental right to make decisions concerning the care, custody, and control of their children, see, e.g., *Stanley v. Illinois*, 405 U.S. 645, 651. Pp. 5—8." *Troxel v. Granville*, 530 U.S. 57 (2000).

influence among these relevant communities.

State Courts also have an interest in maintaining public trust and confidence in the impartiality of the adjudicative process by observing the California Code of Judicial Ethics to "avoid even the appearance of impropriety," as well as all state and federal laws, tax laws, Rules of Court, and Local Rules. California Supreme Court Chief Justice Ronald George has recently expressed deep concern that the family court community is failing to "police themselves."[4]

The Court may recall that in this case Dr. Doyne has asserted he is a "quasi-judge" entitled to quasi-judicial immunity as a key defense in this case. However, unlike judicial officials, Dr. Doyne never passed the rigors of appointment by a Governor or other political body, is not subject to oversight or election by a concerned public, is not monitored by any internal Judicial Staff or officer (in fact, he and hundreds like him are rarely, if ever, monitored at all), is rarely if ever required to stand by his record, insists on working under strict privacy and confidentiality, may (and often does) refuse to disclose his records, and his work is never subject to review on appeal. Judges (and most other professions) are.

Further, unlike ordinary psychologists, Dr. Doyne and his fellow evaluators are not subject to review by the client or clients paying him—any person hiring a normal clinical psychologist (or lawyer, physician, builder, plumber, or any other conceivable independent contracting professional) has at least some—if not all—control over the performance of the profession's services and thus can correct, guide, and—most importantly—fire that professional if unhappy with their work. Not so with Dr. Doyne and his colleagues, none of whom can be directed, disciplined, and fired by the clients they work for.

Similarly, Dr. Doyne is often appointed as a mediator in the same role as J.A.M.S.-Endispute. However, unlike retired Judges or other professional mediators who must perform

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[4] *Elkins v. Superior Ct.*, 41 Cal. 4th 1337, 63 Cal. Rptr. 3rd 160 (2007) .See fn. 7, infra.

for their clients (i.e., *settle* disputes quickly and efficiently) and uphold rules of ethics and professionalism, or fail to earn repeat business, clients cannot fire Dr. Doyne, have little or no control over the scope of his investigation, the information provided to him, the amount of time he spends attempting to resolve the dispute, and if he is unsuccessful (i.e., prolongs rather than settles) have little recourse because they are likely single-stop shoppers.

Thus, Dr. Doyne and most of his fellow evaluators are "free radicals," selling breathtakingly expensive services at over $300 per hour while beholden to no client, no one affected by their decisions, (i.e., children whose lives are often dramatically altered, yet children whom have little understanding of the impact of these decisions until years later—when it's too late to object), no colleagues with whom they work, and no superiors. Dr. Doyne is not bound or guided by the Cannons of Judicial Ethics (or any other moral, ethical, or professional code specific to their profession as evaluators). He works under extreme confidentiality with little or no public visibility or oversight, no rigorous and guided review on appeal, no public scrutiny in the press and otherwise, and no public or private watchdog groups (other than those similar to *Amici*).

Despite this near 'carte blanche' discretion, Dr. Doyne seeks the exact same immunity as judicial officials who are subject to extraordinary scrutiny, work in a public courtroom, are subject to scrutiny by the press, the public, colleagues, appellate judges, court officers, superiors, watchdog groups, politicians, and must run for re-election.

Amici urge that this "free radical" status creates and extremely risky and dangerous potential for abuse of such extraordinary power, wealth, and discretion by professionals such as Dr. Doyne.

Further, to the extent that Dr. Doyne and his colleagues claim to be judicial officials, it would be potentially demeaning to the bench and our entire legal profession to permit one who is

not a member of the bench or of the legal profession to assert the deference and legal protections achieved by the judiciary, only to behave in a way that is inconsistent with those very high standards.

It also goes without saying that San Diegans have an interest in ferreting out illegal, unethical, and harmful behavior of professional evaluators. Whether Dr. Doyne is considered a "quasi-judicial" official or a private psychologist, the question of whether or not he is committing the crimes, malpractice, unethical and harmful behavior of which he is accused is an important public interest which will be trampled if discovery is not permitted.

Based on years of experience, it is the common perception of *Amici* and others that current practices are *not* in fact promoting these important interests and, in the case of Dr. Doyne and others, these experts are in fact *harming* such important interests by performing extravagantly expensive services incompetently, fraudulently, and in violation of state and federal laws and regulations.

B. These Important Public Interests Could be Severely Trampled by Denying Discovery

The public interests identified above could be severely impacted by denying Plaintiff's motion. Dr. Tadros' allegations that Dr. Doyne failed the public trust placed in him are quite serious. They include allegations of fraud on Dr. Doyne's current and former clients, fraud on the public, Fraud on the San Diego family law community, fraud on the courts, fraud on the United States government, fraud on his own professional community, violation of federal patient privacy laws, California Health and Safety Codes, and violation of state consumer-protection laws.

C. Few, If Any, Alternatives Exist To Obtaining Relevant Discovery

There are currently few, if any, viable alternatives for protecting these important public

interests other than through better self-regulation or oversight inspired by the prospects of a lawsuit or close public scrutiny. Moreover, the San Diego public has no other effective relief to address their grievances other than in San Diego Superior Courts. Unfortunately, all efforts to address this alleged harm through the family courts has been frustrated by the inherent limitations on jurisdiction, resources, and expertise of family courts.

1. Jurisdiction of Family Courts is Narrow

Because the jurisdiction of the family courts is expressly limited to deciding matters relating to dissolution, child custody, parentage, and juvenile matters, family courts are not empowered to address the matters raised in this lawsuit. While litigants may compel psychologists such as Dr. Doyne to testify at hearing before a family court judge and may request or subpoena his individual patient records pertaining to their individual case, it is difficult or impossible to obtain records relevant to a complete analysis of Dr. Doyne's professional behavior through family courts.

For example, Psychologists such as Dr. Doyne regularly refuse informal requests for even their own patient's records, claiming that it is "against policy" to release records. While Dr. Doyne and other psychologists normally produce a patient, child, or couple's own files pertaining to the requesting patient, it is often difficult or impossible to obtain the broader records requested by Dr. Tadros.[5]

2. Family Courts Lack the Resources to Manage Broader Discovery

In some cases Dr. Doyne and other San Diego psychologists simply refuse to produce, asserting that the records contain private business records, records irrelevant to the psychologist's testimony, or otherwise protected psychological patient or business information.

[5] These records include tax records, billing records, records of other patients, credential/education/and work history records, and a host of other records which would be directly relevant to Dr. Tadros' claims and the claims of *Amici* herein.

This may of course be true in many cases, but these privacy and other interests may be addressed more effectively within the context of ordinary Superior Court litigation procedures such as document redaction, protective orders, limiting the scope of discovery, or other protective measures regularly implemented in state and federal courts. Unfortunately such procedures are rarely adopted by family courts, making them ill equipped to fashion effective protective discovery tools. Instead, family courts tend to simply severely limit discovery to the narrow family issues within their limited jurisdiction.

3. Family Courts Apparently Lack Expertise to Manage Broader Discovery

Finally, it has recently and often been reported that the California family courts in which Dr. Doyne maneuvers are not doing a good job of "policing themselves". California Supreme Court Chief Justice Ronald M. George recently acknowledged a dysfunction in family courts, expressing (in a rare self-penned opinion) unusual frustration with the California Family Court's "inability to police itself."[6] Empowering litigants who allege that they have been victimized by

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[6] One commentator, Ms. Kathryn Joan Dixon, described the Chief Justice's opinion thusly:

"In *Elkins v. Superior Ct.*, 41 Cal. 4th 1337, 63 Cal. Rptr. 3rd 160 (2007) Chief Justice George stated: In the present case, the trial court applied the sanction in a mechanical fashion without considering alternative measures or a lesser sanction resulting in the exclusion of all but two of petitioner's 36 exhibits. Had the court permitted petitioner to testify, he could have provided some foundation for his exhibits. In applying the local rule and order mechanically to exclude nearly all of petitioner's evidence – and by proceeding in the words of the trial court by "quasi-default" – the trial court improperly impaired petitioner's ability to present his case, thereby prejudicing him and requiring reversal of the judgment.

The California Supreme Court has invalidated a county court rule that required divorce trials be submitted on written declarations and prohibited oral testimony except in "unusual circumstances." The rule also required parties to establish in their pretrial declarations the admissibility of all exhibits they sought to introduce at trial. A divorce litigant whose evidence was excluded because he had failed to establish its admissibility in the pretrial stage challenged both sets of rules.

The court acknowledged that local courts have rulemaking authority, however, "local courts may not create their own rules of evidence and procedure in conflict with statewide statutes." Avoiding the constitutional issues presented by the case, the court analyzed the statewide evidence and procedure statutes, the case law concerning hearsay admissibility, and the history of trial procedure in the state, concluding that the local rule conflicted with these statewide evidence rules regarding hearsay.

the precise family court inattention identified by Chief Justice George to seek redress outside of family court will give family courts greater incentive to "police themselves"—hopefully

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> The Supreme Court acknowledged that the local rules were designed in response to increasing caseloads and limited judicial resources. However, on balance, that did not justify the violation of basic trial procedures.
>
> That a procedure is efficient and moves cases through the system is admirable, but even more important is for the courts to provide fair and accessible justice. In the absence of a legislative decision to create a system by which a judgment may be rendered in a contested marital dissolution case without a trial conducted pursuant to the usual rules of evidence, we do not view respondent's curtailment of the rights of family law litigants as justified by the goal of efficiency. ... While the speedy disposition of cases is desirable, speed is not always compatible with justice. Actually, in its use of courtroom time the present judicial process seems to have its priorities confused. Domestic relations litigation, one of the most important and sensitive tasks a judge faces, too often is given the low-man-on-the-totem-pole treatment."
>
> Regarding the court's sanction of excluding evidence for failure to establish admissibility in pretrial proceedings, the court concluded that "The trial court abused its discretion ... by excluding the bulk of his evidence simply because he failed, prior to trial, to file a declaration establishing the admissibility of his trial evidence.... The sanction was disproportionate and inconsistent with the policy favoring determination of cases on their merits."
>
> Elkins v. Superior Court (California Supreme Court August 6, 2007)
>
> The Supreme Court Justice threw a couple of profound barbs at the Contra Costa County Judges: ".... we do not view respondent's curtailment of the rights of family court litigants as justified by the goal of efficiency." (Page 32)
>
> > "We are most disturbed by the possible effect the rule and order have had in diminishing litigants' respect for and trust in the legal system" (Page 34)
> >
> > "In light of the volume of cases faced by trial courts, we understand their efforts to streamline family law procedures. But family law litigants should not be subjected to second-class status or deprived of access to justice." (Page 35)
>
> The Chief Justice also proposes a task force be established by the Judicial Council to seek to streamline family law court systems, yet "ensure access to justice for litigants". This statement could imply that the Chief Justice places little faith in the ability of the Contra Costa County Superior Court to properly police itself. . . .
>
> The Family Law Court is that one area of the any court system where compassion, fairness, and transparent judgment are essential. It is acknowledged by mental health experts that divorce is a life altering experience especially when custody disputes over children is involved and the financial stability of the parents is an issue. Contra Costa County superior courts have chosen to implement restrictive rules that impose expensive, unfair burdens on family law litigants and their attorneys. Then to compound the arrogance and error of these regulations the court places commissioners and judges on *the family* law bench whose sole concern seems to be their *own* work schedule."

A copy of Ms. Dixon's publication is attached as Exhibit "C." A copy of *Elkins v. Superior Court*, 41 Cal. 4th 1337 (2007) is attached as Exhibit "D."

improving the quality of the administration of justice in family court by holding evaluators accountable to the courts and the public.

For all of these reasons, denying Dr. Tadros the ability to conduct entirely routine discovery extinguishes any ability of Dr. Tadros—and effectively hundreds of similarly situated parties from conducting similar relevant discovery. Such an outcome would be tantamount to an *endorsement of* malpractice, malfeasance, billing fraud, credential fraud, patient fraud, consumer fraud, HIPPA violations, violation of state law, state and local court rules, state and federal tax evasion, and more. Such a ruling would effectively make Dr. Doyne—and by example dozens like him—"The Untouchables".

Amici suggest that such a perverse outcome is inconsistent with this Court's, county's and state's purpose and intent, and would be absolutely antithetical to the interests of *Amici* and millions of similarly situated families across The State of California.

D. The Broader Impact of This Court's Ruling on Similarly-Situated Professionals Within the Family Law Community, Among *Amici*, and Thousands More

It is also apparent that there are many San Diego psychologists, psychiatrists, family court evaluators, employees, professionals, and ordinary citizens closely following this case.[7]

Further, many local family law evaluators closely follow Dr. Tadros' case as a critical "test case." If the efforts of Dr. Doyne here are successful in avoiding public scrutiny and thwarting the Superior Courts' powers re: discovery, Dr. Doyne's tactics will be "blessed" and likely mimicked by dozens of professionals in future suits seeking to uncover wrongdoing. It is submitted that these professionals will tailor their own professional ethics, conduct and

[7] This matter has been widely reported by San Diego media, including two reports by ABC/Channel 10's award-winning investigative journalism "I-Team" reporter Lauren Reynolds, articles in the San Diego Union Tribune, the San Diego Reader, and other regional or local publications. It is also the subject of numerous Internet blogs, chat boards, email distribution lists, or other Internet discussion channels relating to family law, mental health, professional qualification sites, and more. A simple "Google" search of "Dr. Stephen Doyne" would reveal ten or more such sites discussing this case or the similar widespread displeasure expressed by the San Diego public. A sample of some of these publications is attached as Exhibit "E".

standards—for better or for worse—depending on this Court's rulings on Dr. Tadros' present Motion and in this case.

As such, the outcome of this case will send a clear message—one way or the other—about whether dozens of other professionals can commit the acts Dr. Doyne has been accused of without fear of being subject to ordinary discovery to reveal wrongdoing.

Moreover, Dr. Tadros' lawsuit represents a far-too-rare opportunity to provide guidance and affect change within Dr. Doyne's under-regulated profession. Civil litigation is expensive, and many affected families with grievances similar to Dr. Doyne's (see signature list below) could not afford an attorney of the caliber of Mr. Aguirre's office. Dr. Tadros' case is not a "mass tort" contingency fee or "slip and fall" case. He apparently does not seek to recover millions of dollars. This is a complex and expensive case, seeking primarily injunctive relief, not money.

Thus, the Court's actions in this rare opportunity could empower many currently disempowered parents with tools to hold the *hundreds* within Dr. Doyne's profession more accountable, transparent, and to the highest ethical standards which they themselves profess (but often do not obey). *Amici* submit that Defendant Dr. Doyne's present request that this court prohibit Plaintiff Dr. Tadros from conducting normal discovery is entirely inconsistent with the many important public interest issues at stake.

E. The Interests of the Public Far Outweigh any Alleged Burden on Dr. Doyne

The interests of Dr. Doyne in thwarting such discovery pales in comparison to the important public interests implicated. It is true that Dr. Doyne will inevitably face some expense, time and trouble in responding to discovery by responding to relevant form and special interrogatories, producing certain patient records, billing records, licensure records, tax returns, bank records, patient/appointment calendars, resumes/C.V.s, educational records, degrees, certification records, correspondence, and appearing at depositions of him, his relevant staff,

relevant professional colleagues, and other relevant witnesses. However, the burden of such discovery placed on Dr. Doyne, a professional earning about one million dollars per year, is no different from that placed on any of thousands of San Diego litigants responding to routine litigation discovery. In addition, Dr. Tadros will be required to respond to a similar burden of contention interrogatories, damages discovery, and the like. In short, the ordinary litigation burdens placed on Dr. Doyne are no greater than those placed on every other litigant, including Dr. Tadros.

Yet, the benefit gained from permitting discovery in this case far outweighs these ordinary burdens placed on both parties. Dr. Tadros has raised, and Dr. Doyne has disputed, allegations which raise the very serious criminal, ethical, and social questions described above. If Dr. Tadros is incorrect in all of his claims, this case will likely be dismissed. If he is correct regarding some or all of his claims, Dr. Tadros will likely request that Dr. Doyne correct any illegal, unethical, immoral, negligent, or otherwise harmful activities, perhaps request damages for the same if appropriate, and perhaps additional relief as deemed just and proper by this court.

Moreover, given Dr. Doyne's notoriety, such requests will not only address any proven wrongdoing by Dr. Doyne, they will very likely have the effect of changing any similar wrongdoing caused by many of Dr. Doyne's San Diego colleagues, and other similarly-situated professionals throughout the state and nation. Permitting discovery in this case could thus be a proverbial "shot heard around the world" to improve accountability, professional performance, ethics, and professionalism in a family court system which has in recent years been the target of tremendous and outspoken public criticism and scrutiny.

IV. Conclusion

Amici respectfully request that this Court grant Leave to file this Brief requesting that this Court observe the long-held precedent that California courts permit litigants to perform broad

discovery of "all relevant evidence, or evidence likely to lead to the discovery of relevant evidence." The process of discovery is intended to enable litigants to understand and examine the factual support for all litigants (including their opponent's and their own) positions.

Amici respectfully submit herein that refusing—at such an early stage—to permit Dr. Tadros to conduct any discovery would have a tremendous and very harmful "chilling effect" on efforts by San Diego citizens to conduct their own investigations as to alleged fraudulent misfeasance/malfeasance, or other serious violations of law and the public trust committed by such important professionals, representatives, and politicians.

Respectfully submitted,

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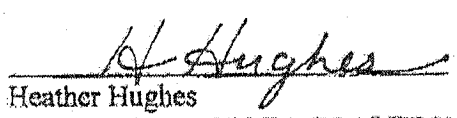

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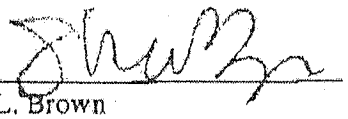

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Member, CALIFORNIA COALITION FOR FAMILIES AND CHILDREN

UC Irvine, Class of 1987 (BA)

Paralegal Certificate, USD, 2006

Single parent to 2 children

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The Undersigned are pending members of the CALIFORNIA COALITION FOR FAMILIES AND CHILDREN or other parties in support of *Amici*.

Signature: Maureen Miller, RN

By: Maureen Miller

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By:___

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By:___

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By:___

George Kenner
Member, CALIFORNIA COALITION FOR FAMILIES AND CHILDREN
Licensed California Real Estate Broker
United States Border Patrol Agent, Retired
Graduate Gemologist, Gemological Institute of America
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The Undersigned are pending members of the CALIFORNIA COALITION FOR FAMILIES AND CHILDREN or other parties in support of *Amici*.

Signature: _____
By: James B. Trujillo

Signature: _____
By: _____

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By: _____

Signature: _____
By: _____

George Kenner
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The Undersigned are pending members of the CALIFORNIA COALITION FOR FAMILIES AND CHILDREN or other parties in support of *Amici*.

Signature: Albert Gearing
By: Albert Gearing
Grandparent of 2 - Burleson, Tx

Signature: Mildred Gearing
By: Mildred Gearing
Grandparent of 2 - Burleson, TX

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By: _____

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Signature: Greg LeBon
By: GREG LEBON

Signature: Kathleen LeBon
By: Kathleen LeBon

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Signature: [signature]
By: FRED LEBRON

Signature: Kathleen LeBon
By: Kathleen LeBon

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Signature: [signature]
By: Michael Cousineau
Civil Engineer, MIBA

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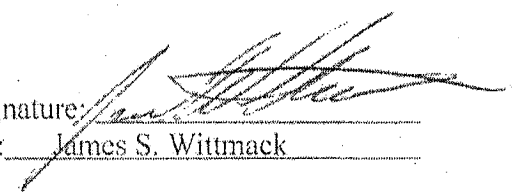
Signature: 
By: James S. Wittmack

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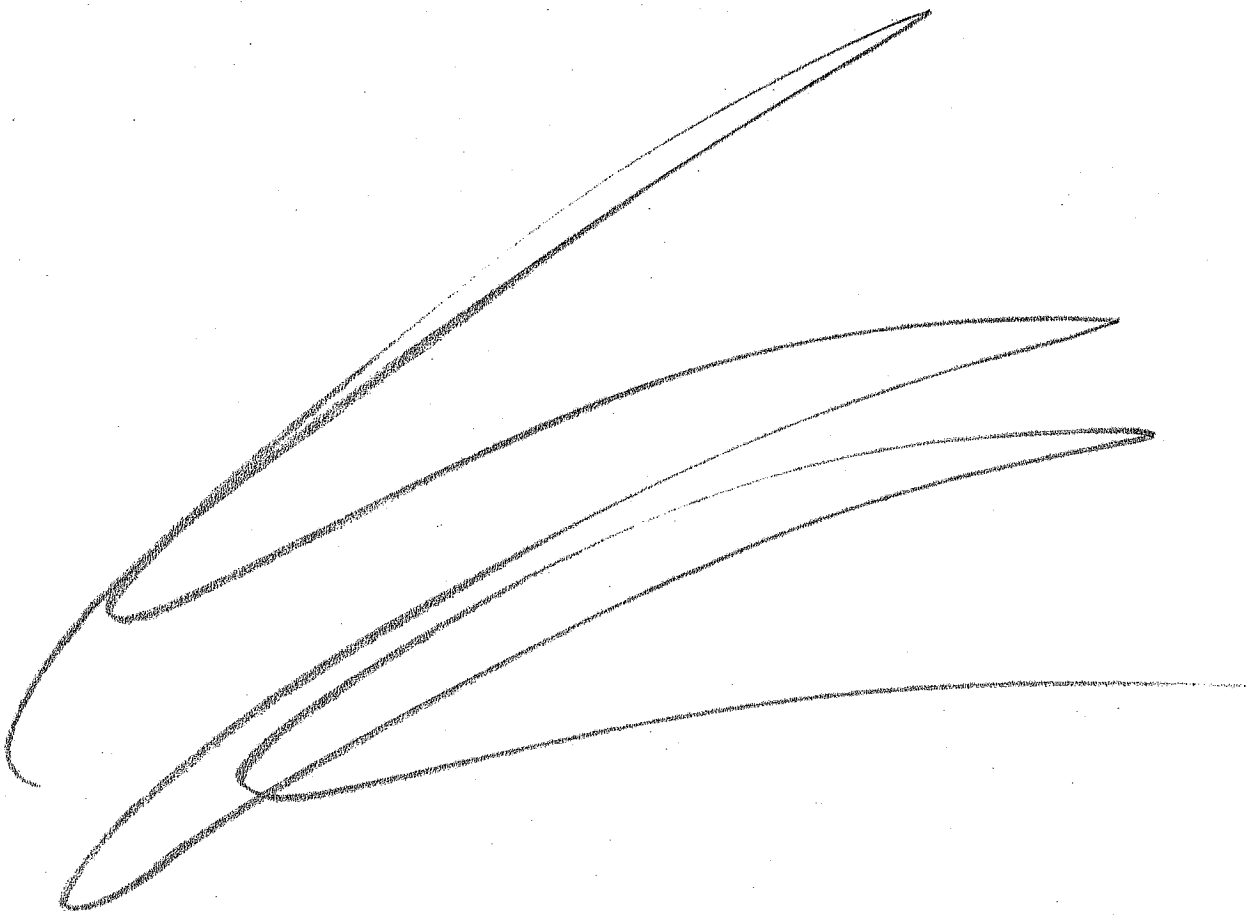

EXHIBIT A

ACFC MISSION STATEMENT

We, the members of the American Coalition for Fathers and Children, hereby dedicate ourselves and our efforts to the creation of a family law system, legislative system, and public awareness which promotes equal rights for ALL parties affected by divorce, and the breakup of a family or establishment of paternity. It is our belief through our involvement and dedication, we can have a positive effect on the emotional and psychological well-being of children.

We believe equal, shared parenting time or joint custody is the optimal custody situation.

We believe the best parent is both biological parents.

We believe grandparents should have rights and access to their grandchildren.

We believe gender bias should be eliminated from family law and from future legislation.

We believe BOTH biological parents should be responsible for the emotional and psychological wellbeing of their children, as well as financially responsible.

We believe in the concept of fairness and equity in support for ALL families; and, that all children involved in a blended family should have equal rights, and do deserve equal rights and equal protection under the law.

We believe child support orders should be reasonable, realistically reflect the cost of the children's basic needs, and reflect the relative parenting contribution of both parents in a shared parenting plan.

We believe when parents are given equal rights, equal responsibility follows; when parents have equal access to their children and support levels are reasonable and reflect the true cost of raising a child, parents will comply with court orders.

We believe when equity is created in our laws, the conflicts inherent in divorce situations dissolve and that, in the end, this is the greatest gift which we, as parents, could possibly bestow on our children.

EX A

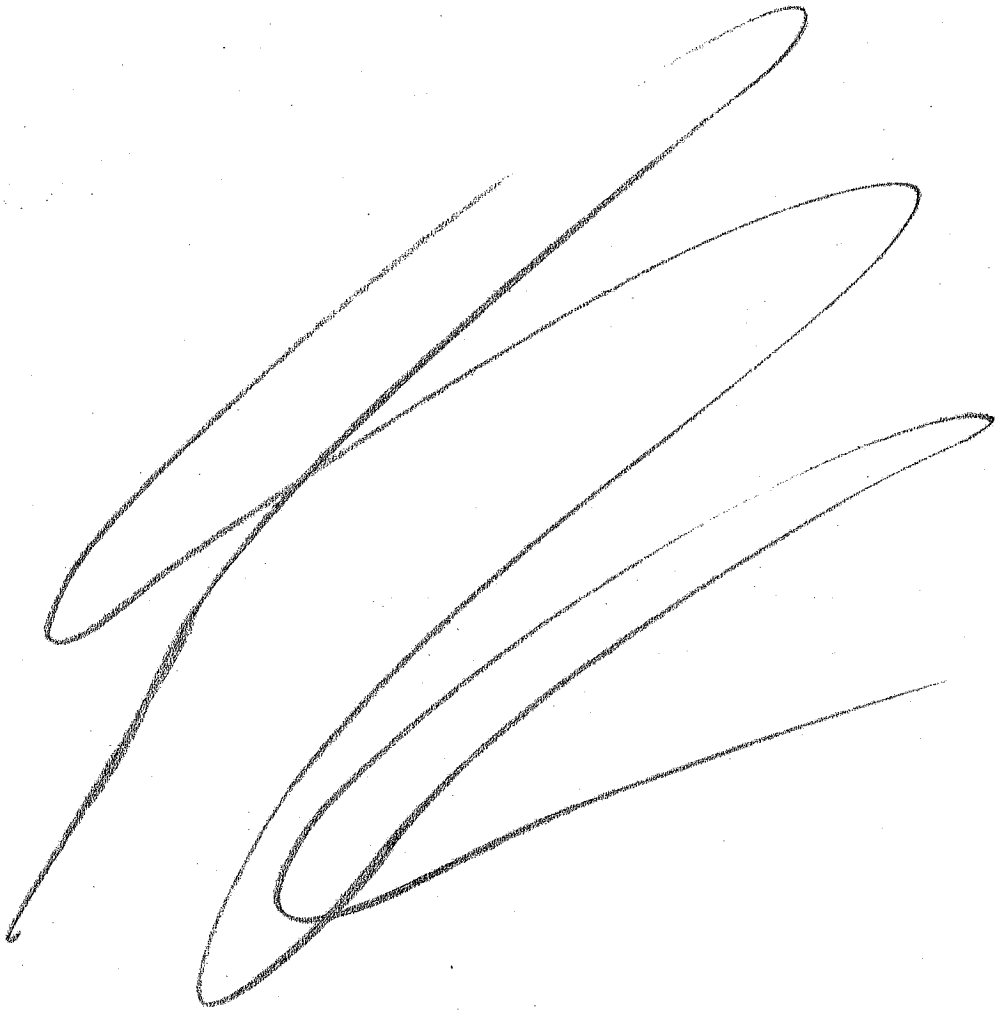

EXHIBIT B

National Coalition For Men (NCFM)

· 932 C Street, Suite B, San Diego, CA 92101 · 619-231-1909
since 1977 · www.ncfm.org · 501(c)3 tax- exempt corporation

November 12, 2009

Founded in 1977 NCFM is the oldest continuously running men's rights organization in the United States of America with members throughout America and in several countries. NCFM is committed to the removal of harmful gender based stereotypes, particularly as they adversely impact men and boys. NCFM is also a staunch supporter of equitable rights for all parents. Hence, the Board of Directors hereby supports the Amicus Curiae brief in Tadros v. Doyne.

The appointment and usage of private child custody evaluators in family law disputes has been a longstanding concern for many. Most high conflict cases involve disputes over child custody. Unfortunately, evidence suggests that some child custody evaluators misrepresent their qualifications and otherwise demonstrate unethical behaviors that confound the resolution of such cases and cause harm to the involved families, particularly the children; it appears a lack of effective oversight and judicial concern is largely responsible for creating an environment in which such malfeasance freely exists absent any meaningful accountability.

It is our understanding the Superior Court of San Diego County rejects responsibility for verifying the qualifications of child custody evaluators, even those to whom judges routinely refer litigants or independently appoint from the bench – all of which is (1) a violation of applicable rules and procedures requiring the Courts to annually and fully vet child custody evaluator qualifications as well as making such information available to the public and (2) is clearly harmful to the best interests of children and the public at large.

As the Amicus Curiae points out, it is essential that broad discovery be allowed to protect the public. However, here, such discovery becomes substantially moot by the San Diego Courts' apparent unwillingness to comply with well established guidelines adopted and followed by virtually all other counties in California. Clearly this creates more than an appearance of impropriety.

NCFM therefore joins with the California Coalition for Families and Children (CCFC) and others as a signatory to this Amicus Curiae.

EXB

Respectfully,

_____

Harry A. Crouch
President, NCFM
WITH APPROVED BY THE BOARD OF DIRECTORS

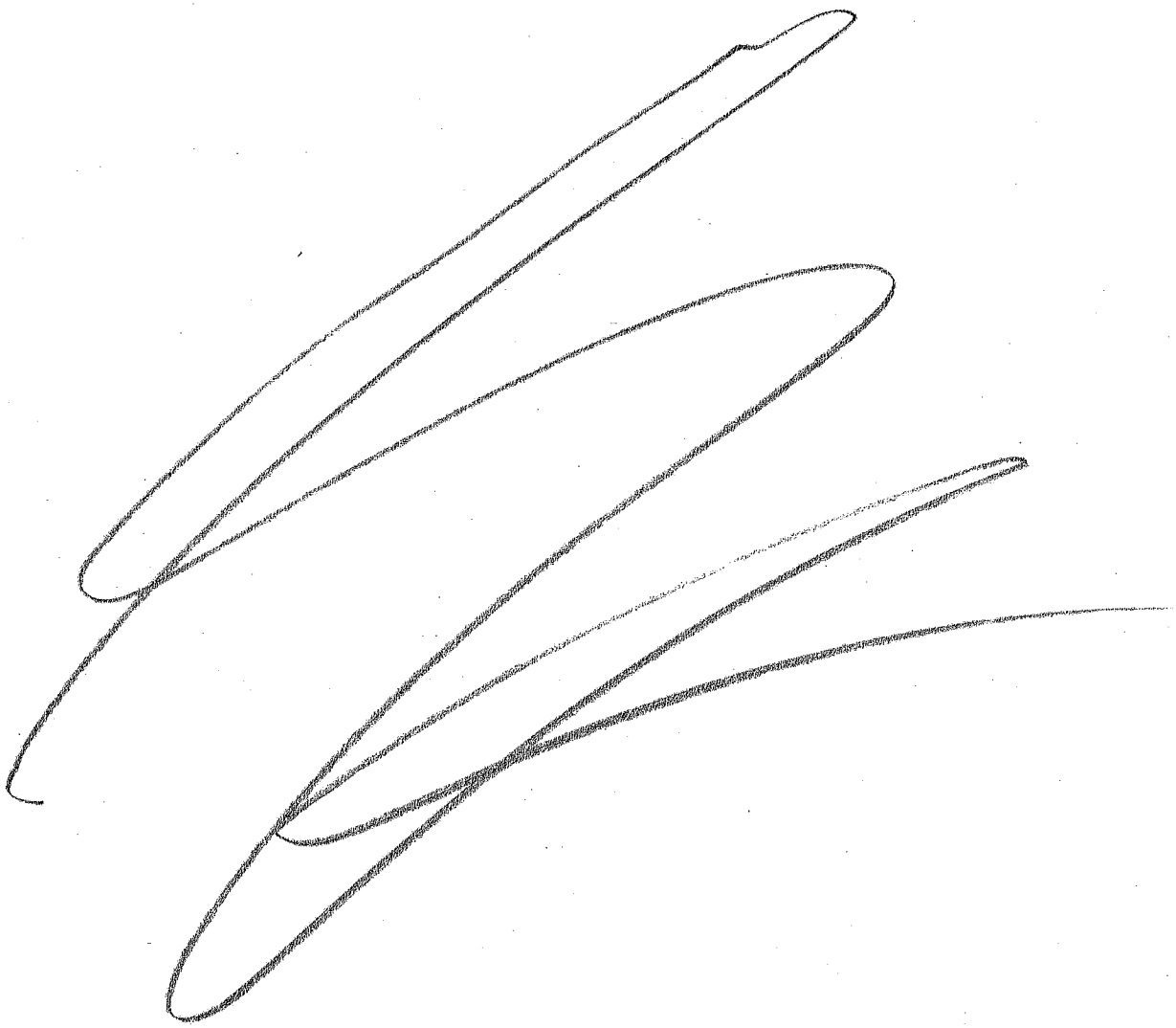

EXHIBIT C

NEWSMAKINGNEWS.COM

CONTRA COSTA COUNTY FAMILY LAW COURTS' LOCAL RULES STRUCK DOWN BY CALIFORNIA SUPREME COURT

Judge Barry Baskin caught in a lie. Chief Justice George terms Baskin's ruling "mechanical".

by Kathryn Joanne Dixon © 8/8/07

In an August 7, 2007 decision authored by Chief Justice Ronald M. George and joined by all the California Supreme Court Justices, except by Justice Kathryn Werdergar, in part, the Court delivered a death blow to the family law courts of the Contra Costa Superior Court. The Family Law judges of Contra Costa County must not only chuck their old Local Rule 12.5(b)(3), which was adopted in 2005 regarding family law trials immediately, they must also eliminate their new Local Rule which modified the old one just slightly when amended on January 1, 2007. Those Local Rules provided and provide that trial litigants could present only written declarations. Only in "unusual circumstances" could witnesses be cross-examined, and only upon request could declarants be cross-examined. The admissibility of all exhibits were and are required to be established in pretrial declarations

Jeffrey Elkins, a self-employed consultant, represented himself in a dissolution trial before Contra Costa County Superior Court Judge Barry Baskin. His ex-wife Marilyn Elkins had sued him for divorce. Substantial property issues were at stake.

At trial, Contra Costa Superior Court Judge Barry Baskin applied the Contra Costa Local Court Rule and Trial Scheduling Order that had been enacted by a majority vote of the local bench. He excluded all but 2 of Elkin's 36 exhibits because Elkins did not provide a declaration to establish the foundation for their admissibility prior to trial. He would not allow Jeffrey Elkins to testify. Jeffrey Elkins, hearing this, threw up his hands in despair. Then Baskin applied the rules as strictly as possibly – in effect he defaulted Jeffrey Elkin of his property rights in his dissolution case because he did not, could not or was simply unable follow Contra Costa County Local Rules. Elkins filed his writ. The First District Court of Appeal denied it, but the Supreme Court opened the door and heard it.

Money is no object and this was proven when foremost appellate attorney Jon B. Eisenberg was hired to defend Contra Costa County's local rules. He presented a defense of the indefensible – a defense of unfettered and untested hearsay declarations.

The Supreme Court did not reach the heights of the constitutional due process issues presented by Elkin's counsel Garrett C. Daily, but it did hold that the local rule that provided for trial by declarations, rather then live testimony in court, was a violation of the state Evidence Code and

GPC

Code of civil procedure, specifically the hearsay rule. Therefore Judge Baskin is reversed. Elkins case must go to trial again.

When the Supreme Court of California threw out Contra Costa County's Local Rules, it opined that all declarations are hearsay and are inadmissible at trial unless there is an exception to the hearsay rule or they are stipulated into evidence. (Note: the Supreme Court acknowledged that for purposes of family court *law and motion* proceedings, declarations are still admissible.) The Court stated that the opportunity to call witnesses and cross-examine them is essential to a litigants' having his or her day in court. Credibility of witnesses is important and must be tested by cross-examination in court. Mere written declarations do not allow for credibility to be tested.

The countless family law litigants and the manipulated children must be wondering what the Contra Costa Superior Court judges were thinking? Hundred, perhaps thousands of families have been subjected to the Local Laws that, in many ways, smacked at outright fascism. Because the Supreme Court's ruling did not directly address the issue of constitutional due process it is unclear how many litigants and their children have been denied their due process in the Family Law Courts of Contra Costa County.

The Supreme Court was generous in finding some degree of sympathy for the Contra Costa Court whom it found wanted to promote "efficiency". However, no statistics were presented in the court filings to account for how many hours each family court judge spent at various tasks such as reading paperwork for pending cases, review of motions, preparing and signing orders, and interaction with litigants, attorneys and court personnel. The unanswered question is how many hours a Family Law Judge spends on the job and how many hours they spend socializing on the golf course, at art shows, and or at Family Law Associations meetings.

As for "efficiency", Mussolini boasted of efficiently making the trains Italy run on time as his campaign platform. And what is "efficiency" to a couple caught up in the grinding machinery of dissolution – one, if not the only, matter in their lifetimes which is of critical importance – child custody and visitation, support, division of property.

One Judge who has consistently focused on heavy work loads and limited time for judges is Judge Barry Baskin, the judge on the Elkins case. What did Chief Justice George say about Judge Baskin? First the Chief Justice recounted the facts.

Judge Baskin had "tentatively sustained" Marilyn Elkin's objections to 34 of 36 of Jeffrey Elkin's exhibits, because he had no declaration to back up 34 of them, subject to "further argument," as the Judge said, "after the morning break. Chief Justice George stated (See page 7 of the opinion) that, "No such break ensued."

In plain English, Judge Baskin lulled proper litigant Elkins into a false sense of security implying that he would probably allow additional arguments by Elkins later on. In truth Judge Baskin lied to Elkins because Baskin alone controlled the conduct in his courtroom. Judge Baskin did not allow the break he had alluded to from the bench. Instead Marilyn Elkin's declaration and her exhibits were entered into evidence and she rested. Jeffrey Elkins was promptly stripped of his right to testify and all of his 34 exhibits were excluded. His right to be heard were eliminated by a judge who lied to him while maintaining the illusion of impartiality.

Chief Justice George wrote:

> Without providing the anticipated "morning break", the court invited closing argument. Although observing that the trial was proceeding "quasi by default so to speak", the court stated that both parties still should address the subjects of the "furniture lists" and the contents of the safety deposit box."

The Chief Justice noted both the matter of the furniture and safety deposit box contents had been subject to stipulation prior to trial.

Once again judge Barry Baskin created the illusion of a fair and just hearing pretending to consider issues that the judge fully knew had already been agreed to by both parties. So in October 2005, Judge Baskin divided most of the community property in accordance with the declarations submitted by Marilyn Elkins. Then Judge Barry Baskin defaulted Jeffrey Elkins out of all but one-half interest in his family home, a matter previously resolved between the parties.

Chief Justice George stated:

> In the present case, the trial court applied the sanction in a mechanical fashion without considering alternative measures or a lesser sanction resulting in the exclusion of all but two of petitioner's 36 exhibits. Had the court permitted petitioner to testify, he could have provided some foundation for his exhibits. In applying the local rule and order mechanically to exclude nearly all of petitioner's evidence – and by proceeding in the words of the trial court by "quasi-default" – the trial court improperly impaired petitioner's ability to present his case, thereby prejudicing him and requiring reversal of the judgment.

The Supreme Court Justice threw a couple of profound barbs at the Contra Costa County Judges:

> .... we do not view respondent's curtailment of the rights of family court litigants as justified by the goal of efficiency. (Page 32)
>
> "We are most disturbed by the possible effect the rule and order have had in diminishing litigants' respect for and trust in the legal system" (Page 34)
>
> "In light of the volume of cases faced by trial courts, we understand their efforts to streamline family law procedures. But family law litigants should not be subjected to second-class status or deprived of access to justice. (Page 35)

The Chief Justice also proposes a task force be established by the Judicial Council to seek to streamline family law court systems, yet "ensure access to justice for litigants". This statement could imply that the Chief Justice places little faith in the ability of the Contra Costa County Superior Court to properly police itself.

What does the future hold for the Contra Costa family law courts and Judge Barry Baskin and most of all, for litigants subjected to this court in light of the Supreme Court's decision?

It can be anticipated that the Contra Costa County bench will at least revoke the local rules cited in the Elkins ruling sometime within the next 30 days. That would appear to be a timely act

respecting the Supreme Court decision. However, under Presiding Judge Terrence Brunniers' loose reins and the secrecy imposed by Court Administrator Ken Torre, the Contra Costa County Superior Courts find themselves in crises.

The Family Law Court is that one area of the any court system where compassion, fairness, and transparent judgment is essential. It is acknowledged by mental health experts that divorce is a life altering experience especially when custody disputes over children is involved and the financial stability of the parents is an issue. Contra Costa County superior courts have chosen to implement restrictive rules which impose expensive, unfair burdens on family law litigants and their attorneys. Then to compound the arrogance and error of these regulations the court places commissioners and judges on the family law bench whose sole concern seems to be their own work schedule.

Judge Barry Baskin is typical of the type of individual overseeing family law disputes in Contra Costa County. Judge Baskin is a product of the South African legal system before moving into California's civil litigation arena. A man who went through a bitter divorce himself, one would assume he would understand the trauma and emotional devastation such an experience leaves in its wake. But apparently that is not the case. In the courtroom Judge Baskin is always in absolute control to the point that he often does not let litigants before him time to express their thoughts and present their evidence. He is brisk, abrupt and about efficiently moving a case right along regardless of the effect of the parents or the children involved. Chief justice Ronald George said it best when he described Judge Baskin's ruling as "mechanical".

The Supreme Court of the State of California has found that the Contra Costa County Judicial Bench invented its own rules and created its own fiefdom and, in so doing, disregarded the laws of the state of California. Will the Contra Costa bench finally recognize that it is not a kingdom that can dictate to its citizenry regardless of the constitution or will this court continue to rule without a conscience ?

Kathryn Joanne Dixon © 8/8/07

Notes:

The ruling is *Elkins v. Superior Court* (*Elkins*), 07 C.D.O.S. 9285.

Supreme Court decision PDF http://www.courtinfo.ca.gov/opinions/documents/S139073.PDF

Jeffrey Elkins was represented by Garrett C. Dailey, an Oakland sole practitioner, who argued his case.

The Contra Costa Superior Court was represented by Jon B. Eisenberg of Eisenberg & Hancock, Oakland, CA who argued his case and by David S. Ettinger Horvitz & Levy.

Marilyn Elkins was represented by Leslie Paige Wickland of Fancher & Wickland, San Francisco who argued her case and by Daniel S. Harkins of Harkins & Sargent.