

THE NATIONAL COALITION FOR FAMILY JUSTICE, INC.

Santa Clara County Chapter

(800) 823-6700

IS THIS ANY WAY TO RUN A COURTHOUSE?

The judiciary was designed by the founding fathers of our country to guarantee equal access by all citizens and to dispense justice in a fair and impartial manner. In theory, this is how the judiciary is supposed to be run, but in practice, at least here in Family Court in Santa Clara County, a different set of rules apply. The reality here is that there is a small group consisting of, psychologists, attorneys, and at least one judge who have lost sight of what the legal system is supposed to be about and instead they have been seduced by the dark side of power and influence such that they are willing to sacrifice the principles of honor and integrity in the judiciary for their own personal agendas of power and money.

These individuals are well known to most members of the legal community and many of you reading this will know the truth of what we are saying but will not come out publicly and say it yourselves for fear of retaliation. As long as enough people remain silent, the abuse of power in Family Court will continue and families, especially children, will suffer while a few individuals profit off of their misery. These individuals will stop at nothing to further their own agendas and in the process they compromise the integrity of the judicial process.

Judge James Stewart

No better example exists of what we are talking about than **Judge James Stewart**. Here is a judge who refuses to rotate out of Family Court and is responsible for much of what is wrong with Family Court as he has set the example for years for other judges, Family Court Services personnel, and psychologists working closely with Family Court as evaluators and special masters.

Judge Stewart took an oath of office to uphold the integrity of the judiciary yet he stated at a hearing on custody in December 1996, "**I have to disagree the court has an obligation to follow the law.**" (See attachment #4, p. 98 lines 2 & 3) Apparently Judge Stewart does not believe that he is obligated to follow the law and indeed many of his rulings seem to reflect this belief as they are made contrary to the law. We have previously reported some of his rulings such as ordering attorney fees as additional child support and appointing special masters without stipulation of the parties to decide future issues arising in the case contrary to Ruisi. Furthermore, Judge Stewart has elevated psychologists Terry Johnston and Michael Jones to positions of such power within Family Court that their recommendations are followed by virtually all of the judges in Family Court without question, no matter how bizarre they may be.

Perhaps most disturbing is what passes for justice in Judge Stewart's courtroom. In a custody proceeding in December 1996, Judge Stewart allowed cross examination of a witness as to the hair color and texture of an African-American woman who later lost custody because among other things, Terry Johnston determined that the woman didn't have a strong enough identification with being African-American (of course, Terry Johnston as a white woman would undoubtedly be an expert on what constitutes identification with being African-American). In this case, opposing counsel asked repeated questions, almost badgering the witness about the hairstyle and texture of the woman's hair. The opposing attorney asked, "**She had naturally curly afro hair; is that correct--**" and later asked if it was a "**nonpressed, nonpressed afro**" Attachment #2 contains a copy of the transcript with this bizarre exchange. The woman's attorney objected to the line of questioning (after all, what does hairstyle and texture have to do with custody, right?) but Judge Stewart somehow was fascinated by the line of questioning (perhaps he too just had to know if the woman had an afro) and he **overruled the objection!** Is this really what is relevant in a custody proceeding? Is it not the duty of the judge to prevent attorneys from manifesting bias, prejudice, or stereotypes during proceedings (if you aren't sure about this one check out the Code of Judicial Conduct, Canon 3(B)5 & 6). Yet not only did

Judge Stewart allowed the above described cross-examination to take place, even worse, he allowed racist testimony by Terry Johnston that shocked the entire courtroom (more on this later).

Then there is the question of Judge Stewart's indulgence in ex-parte contact. Few things undermine the integrity of the judiciary more than ex parte contact between judges and attorneys. In attachment #10 we have a letter by Judge Stewart to a local Family Law attorney inviting her to not only have an ex parte communication, but to have lunch! (be sure to note the sections marked with an asterisk). Note that Judge Stewart attempts to dissuade her from filing a 170.1 challenge for cause because in his words, "**it would not help me as a judge.**" Indeed her challenge did not help him as a judge and he was disciplined for his actions. What is most shocking about this letter is the last few sentences which are marked by an asterisk in which he indicates that he has typed the letter himself so that no one will know about it suggesting that he knew that there was something improper in his contacting the attorney and discussing the matters in the letter. How many more of these letters are out there?

Brad Baugh

Then there is the very disturbing question of **Brad Baugh**. He arrogantly struts around the courthouse as if he owns it and it appears that he just might. Judge Stewart apparently has a very close relationship with Mr. Baugh which was forcibly disclosed to some degree in the case of *Jenkins v. Jenkins* (see attachment #9) when Anthony Boskovich brought up on the record that he had been informed of the close relationship. Judge Stewart and Brad Baugh both tried to downplay their relationship but Judge Stewart was caught off guard and ended up recusing himself in that case. Mr. Baugh essentially denied having a personal relationship with Judge Stewart but any attorney that spends a reasonable time in Family Court knows differently. Even Judge Stewart admitted that he has known Mr. Baugh since 1985, and that he and Mr. Baugh had been to each others homes for dinner. They both forgot to mention that he performed Mr. Baugh's wedding ceremony (see last page of attachment #9). We are aware that Mr. Baugh regularly appears before Judge Stewart and word around the courthouse is that he pretty much has his way in Dept. 119 yet we never hear either Mr. Baugh or Judge Stewart disclose their relationship as would seem required by law to unsuspecting opposing attorneys--it makes us wonder.

Brad Baugh is oftentimes appointed as attorney for children, a position that the court should only give to the most sensitive and caring person who must also have integrity. In attachment #8 is a letter that Mr. Baugh wrote to an attorney regarding the settlement of property issues in a divorce proceeding. The language is very dark, threatening, and certainly very disturbing as he writes that if the woman does not accept the marriage settlement with respect to property then the "**Petitioner shall be cast into a cauldron of simmering pitch, and plucked therefrom only to be cast into a furnace of apocalyptic flames. Her lamentations will be spurned by an indifferent god [note the small g]. She shall be struck with a rod of iron, and she shall shatter like a potter's vessel. The shards spun to the farthest part of the universe, never to be reunited again. Children shall speak her names with loathing and humanity shun her memory.**"

Now we ask you two questions, 1) would any of you (especially attorneys) ever dream of writing such a letter? and 2) is this the type of person you would want to represent **your** child? Remember, he also functions as special master in a number of cases. Would you want this man as your special master? Imagine the consequences of getting on his wrong side!

As for Mr. Baugh's integrity, we already have discussed his denial of his close personal relationship to Judge Stewart (how many of you attorneys have been invited to Judge Stewart's home for dinner lately?), but there is more. He is apparently running frantically behind the scenes attempting to protect the existing power structure in Family Court (which he is a part of) and is going to great lengths to assist at least one and probably more psychologists under attack by our organization and then attempting to cover up his trail. In attachment #7 there is a letter from Brad Baugh to Michael Jones in which it is clear that Brad Baugh has had his hands in one of the most conflicted cases in Family Court. In the aforementioned case, Brad Baugh has apparently assisted, unbeknownst to the respondent mother or her counsel, Dr. Jones with a

declaration that we believe was used to quash a subpoena that was issued to attempt discovery since Mr. Jones had conducted an evaluation of the parties that led to the mother only having 6 hours custodial time once a week with her daughter. Mr. Baugh, knowing that his involvement is somehow improper and has not been disclosed as is required by law, instructs Dr. Jones to **"Please cut off any give aways at the top that show that it was faxed from m office to yours such as my fax phone number."** We call such activity conspiracy; what other word is there to describe such involvement by Mr. Baugh?

Dr. Michael Jones

This guy needs more than just a little bit of help. No wonder Mr. Baugh had to instruct him to "cut off any give aways" as this guy is definitely clueless. We knew something was wrong with him when he kept blaming domestic violence on the victims but for real insight on how this man's mind works, just look at attachment #5 in which he writes a letter to Susan Benett, the counsel for the father in the previously mentioned matter in which Brad Baugh helped Michael Jones prepare a declaration to quash a subpoena. He thanks Ms. Benett for her unethical ex parte communication in which she sends him information in the aforementioned matter without notifying the respondent mother or her attorney (see attachment #6 which indicates she has sent him a flier distributed by the mother and notice that there is no copy indicated to the mother or her attorney. This is clearly in violation of Rule 1257 which states, **"No party or attorney for a party shall initiate contact with a court appointed investigator, orally or in writing, to discuss the merits of the case without notice to the other party and an opportunity to be present or to receive a copy of a written communication."** Even if one did not know about Rule 1257, it is clear that the contact was unethical and was designed to further prejudice Dr. Jones against the mother who had been passing out a flier entitled "Coverup in the Courtroom" which expressly discusses Dr. Jones (for a copy call our 800 number).

As you can see from his letter, Dr. Jones has a strange way to express his gratitude by saying, **"if I was a woman, I'd want to have your baby"**. We aren't sure how this would work since we thought that Susan Benett was also a woman, but you get the picture. Would you want this man doing your psychological evaluation? It would be very interesting to see what a psychological evaluation of this guy would turn up.

Dr. Terry Johnston

We can hardly discuss Dr. Jones without discussing his female counterpart, Dr. Terry Johnston. Two weeks ago, we distributed information which clearly indicates that not only were her credentials fraudulently listed on her resume (an updated copy of her resume shows new entries that are more accurate), but that her psychological reports are seriously deficient and inaccurate and have erroneously been used to take custody away from many fit and caring mothers (if you have not received the report entitled "Psychological Disaster in Santa Clara County, please contact us at (800) 823-6700 for a free copy). We have uncovered information that Behaviordyne, the company Terry Johnston used for years is not licensed to score the MMPI- 2 and that its results are so inaccurate as to be nearly 100% inaccurate in many cases. In attachment #1 is a letter from the University of Minnesota which owns the MMPI confirming that Behaviordyne is not licensed to score the MMPI-2. Be sure to read our note added on to the bottom of the letter.

This situation is appalling because Dr. Johnston has been using reports generated by Behaviordyne for years and these inaccurate reports and her resultant recommendations have resulted in countless changes in long standing status quo custodial arrangements usually taking children away from mothers and giving custody to fathers when such action is not warranted and can be extremely detrimental to the children.

Not only does Dr. Johnston make bizarre recommendations based on inaccurate reports, she also comes up with bizarre recommendations based on her own clinical observations and interviews. Take the case of a mother who was the primary custodial parent of a daughter, age

8, for the child's entire life. Dr. Johnston determined from a drawing she had asked the mother to do that the mother, a light skinned African American woman, does not have a strong identification with her African American heritage. Dr. Johnston, the court's expert witness made a number of racist remarks about skin color and hair texture that would have made a person unaware of the facts think that this trial was taking place in South Africa 20 years ago. Dr. Johnston stated with respect to the daughter, that she had some "concerns with regard to her sense of identity as she entered adolescence." She later stated "My concern about the racial identification was only that **[the child] has a strong resemblance to her father, her father's coloring, father's hair.** There are a lot of things about her which are different than her mom. That's my only concern" (p. 61 lines 2-6 of attachment #3).

When questioned by the mother's attorney about a drawing she had asked Ms. Duncan to make which she indicated led her to believe that the mother did not have a strong identification with being African American, Dr. Johnston was asked what the picture would look like if the person were African American. Dr. Johnston replied that the hair "**would be more coarse and curly...**" As for stereotypes, it doesn't get much more obvious than this. According to Dr. Johnston's description of what African-American hair should look like, one could surmise that well known African American's such as Oprah Winfrey, Vanessa Williams, and Tyra Banks would not be identified as African American since they all have long, straightened hair.

Now that we have exposed Terry Johnston for who she really is and her work for what it really is, she is running scared. She has managed, with the help of a Family Court judge, to quash subpoenas related to her resume and depositions. In addition, she has recently hired a very prominent Family Law attorney to represent her as she is being deposed in cases where she recommended changes of custody from mothers to fathers and where Behaviordyne reports were part of the underlying reason the change was recommended. Apparently, she and others in her office are no longer using Behaviordyne/Behaviordata but are instead now using Caldwell. This change is very recent and no doubt came about due to the fact that we exposed the hoax involving Behaviordyne. Shouldn't it have been Terry Johnston's responsibility to look into Behaviordyne's accuracy and reputation? Had it not been for our efforts to expose this situation, she and her colleagues would no doubt be using Behaviordyne well into the next century.

Family Court Must Change NOW

As should be obvious, there is much that is wrong with Family Court and the small group of individuals mentioned in this flier are a great part of what is not working with the Family Court System but they aren't the only story. Until there are changes in Family Court and those who are a part of the court system, the integrity of the judiciary will continue to be compromise and the confidence of the public will be further eroded. The power clique that has been allowed to run amok must be brought under control and in our opinion, Terry Johnston and Michael Jones have no place in a court of law unless they there because they are being sued.

As for Judge Stewart, he simply needs to go. He has long been unable to function as a fair and impartial jurist. What is more, his actions on the bench are creating an environment where attorneys and litigants feel that they cannot walk into his courtroom for even the most simple of motions. Whatever the problem with Judge Stewart, he has created a hostile climate for truth and integrity and justice in Family Court.

This leaves us with the question of Brad Baugh and Susan Benett. Perhaps the single greatest contribution that the two of them could make to improving the integrity of the Family Law system would be to seek employment outside of the legal industry.

We have no doubt that those named in this flier, especially Judge Stewart will retaliate against us for exercising our First Amendment Rights. He has already issued a no contact order against one of the mothers who is a leader in the coalition and recently he issued a move away order contrary to the recommendation of all the pertinent experts in the case against another mother who is a leader in the organization. Judge Stewart nevertheless refuses to recuse himself from the latter case (he did recuse himself from the the former case) and he continues to abuse the power of his office.

Everybody needs to do their part to clean up Family Court. **LET'S DO IT NOW!**

UNIVERSITY OF MINNESOTA

University of Minnesota Press

MINNESOTA

February 27, 1998

Ms. Robin Yeamans
1340 South DeAnza Boulevard
Suite 201
San Jose CA 95129-4644

Dear Ms. Yeamans:

To respond to your recent telephone call requesting information about whether the University of Minnesota Press or its licensee National Computer Systems has issued a license to Behaviordyne, Behaviordata, Dr. Joseph Finney, or any other person or entity that makes available MMPI instrument scoring/interpretive reports based on norms developed by Dr. Finney, the answer is that we have issued no such license. It appears that the reports are not based on the standard norms developed for the MMPI-2 by the University of Minnesota.

Cordially,


Beverly Kaemmer
Acting Director
612-627-1963/ fax 1980

Note from the Coalition for Family Justice: To score MMPI-2 psychological tests, Terry Johnston has used a computer program that was first controlled by Behaviordyne and then by Behaviordata. The above is a letter from the owners of the MMPI, who indicate that Behaviordyne and Behaviordata are NOT licensed to score the MMPI-2. This is not a mere technical violation.

There are two parts to a test like the MMPI-2--the questions and the results. The results are in the form of "norms." The norms show how most test takers score, and studies have been done to show how persons with mental/emotional problems score. While Dr. Terry Johnston gave subjects MMPI-2 test booklets, she sent the answer sheets to Behaviordyne and later Behaviordata after Behaviordyne went bankrupt--companies that were NOT licensed to score MMPI-2's and which, in fact, did not even use MMPI-2 norms but norms developed by Joseph Finney in Kentucky around 1967. In using Behaviordyne/Behaviordata, Terry Johnston came up with a product that was not an MMPI-2 test interpretation but an invalid mess. This is not a technical licensing violation. It appears to be a fraudulent hoax or the result of incredible incompetence. The judges and Family Court Services were given the impression by Dr. Johnston that she was presenting them with MMPI-2 test results. What they really received was an invalid mess that incorrectly described people. While it is true that Dr. Johnston administered the MMPI-2 questions, it was not true that she ended up with MMPI-2 results.

If you did not receive the earlier leaflet which detailed the invalidity of the Behaviordyne test results and want to review it, contact the National Coalition for Family Justice at (800) 823-6700.

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111 Third Avenue South
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#2

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1 A I would imagine Maria was about 19, I think.

2 Q So the period you were talking about that you were
3 close to her in school was when Maria was somewhere from
4 age 19 to like 21, those two years?

5 A No. Once we met in France, our relationship just
6 blossomed. We had been close for the last -- since the
7 time we've met to right now.

8 Q During this period that Maria was organizing the
9 Malcolm X Day, that was all during the school period at
10 Stanford?

11 A The Malcolm X Day was at Stanford.

12 Q And your relationship with Maria at Stanford was
13 while Maria was somewhere between the age of 19 to about
14 21, approximately?

15 A We were at Stanford during that time 1977, '78, so
16 21, 22.

17 Q And at that time, did Maria have the same hairdo as
18 she has today?

19 A No.

20 MR. KEAY: Objection. I wouldn't know what
21 the relevance of that question is.

22 THE COURT: Overruled.

23 Q (By Mr. Blaha) What kind of hairdo did Maria have
24 at that time?

25 A Well, her hair was long. It was a little
26 different. It was darker.

27 Q She had naturally curly afro hair; is that
28 correct --

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1 A Well --

2 Q -- at that time?

3 A She didn't have an afro.

4 Q It was naturally curly afro in terms of it was in
5 tight curls?

6 A Oh, no, no, no.

7 Q Nonpressed, nonpressed afro?

8 A No.

9 Q Would you describe her hair at that time?

10 A It was neat. Her hairstyle is similar to the one
11 she has now but it was darker.

12 Q Could you give more descriptive words of what
13 you're looking for?

14 Q Isn't there a difference on hair where hair can
15 be -- afro hair is naturally curly; is that correct?

16 A There are different textured African-American hair,
17 yes, there are.

18 Q Do some people have their hair straightened afros?

19 A No. There's no such thing as a straight afro. An
20 afro is just -- I'm not trying to be -- an afro is the
21 '60s and '70s when hair is out here.

22 Q Okay. Can a person -- I'm not using the right
23 descriptive words.

24 A Okay.

25 Q As far as you know, was Maria's hair natural, in
26 its natural shape?

27 A It's very similar to now.

28 Q That wasn't the question. At the time in college,

1 as far as you know, did Maria have naturally curly hair?

2 A It's hard to say. Well, it's difficult to say
3 what's natural in African-American hair and what's not
4 natural because a natural hairstyle for an
5 African-American can be as straight as any hair that you
6 see around here or it can be what is in the vernacular
7 "nappy," can be really, really tight, curly, something
8 similar to what you see on my head now. So you have to
9 be a little more specific. Maria's hair was very
10 similar to the hair she's wearing now. It was darker.

11 MR. BLAHA: I have nothing further.

12 THE COURT: Mr. Keay, anything further?

13 MR. KEAY: Yeah. I have no further questions.

14 MR. BLAHA: I have do have a question.

15 Q (By Mr. Blaha) At the time, the color of her hair
16 in college was black; is that correct?

17 A It was darker.

18 Q Was it black? Yes or no.

19 A Yes, it was black.

20 Q It's lighter now than it was at the time she was in
21 college, correct?

22 A It was darker in college than it is now.

23 MR. BLAHA: Thank you. I have nothing
24 further.

25 MR. KEAY: I have one question.

26 REDIRECT EXAMINATION:

27 BY MR. KEAY

28 Q Have you ever doubted that Maria identified with

#3

1 that's correct, and I had some concerns with regard to
2 her daughter's sense of identity as she entered
3 adolescence.

4 Q And what leads you to that conclusion?

5 A Mainly the drawings which she did for me in part of
6 the testing process.

7 Q And do you have those drawings here?

8 A I do.

9 Q Could I see them?

10 MR. KEAY: May I approach, your Honor?

11 THE COURT: (Court nods his head.)

12 A (By the Witness) This is the self-portrait.

13 Although she did not state "This is my picture," I just
14 asked her to draw and that's the person she drew.

15 THE COURT: You took that into consideration?

16 THE WITNESS: No. That plus her general

17 attitude.

18 MR. KEAY: I'd like this marked for
19 identification, your Honor.

20 THE COURT: It will be marked Petitioner's 1
21 for identification.

22 THE CLERK: So marked for identification.

23 (Whereupon, Petitioner's Exhibit 1
24 was marked for identification.)

25 Q (By Mr. Keay) Now, Dr. Johnston, did you take that
26 into consideration and did it play a part in your
27 decision to change custody in this matter?

28 A A very, very small part. Since almost everything

1 that person does in the way of custody evaluations, each
2 piece is small, it's sort of the general buildup that we
3 look at.

4 Q And is it possible for you to assign a percent of
5 what this picture may have played in --

6 A No, not even one percent.

7 Q So there are some additional 99 percent of things
8 out there that led you to make that change; is that
9 correct?

10 A At least.

11 Q What is it about this picture that leads you to
12 believe that she does not identify with her racial --
13 African-American racial background?

14 A Simply that this is a picture of a person who is
15 not particularly striking as an African-American. It's
16 a more generic kind of when you look at this picture,
17 you would not identify it as having any racial
18 characteristic.

19 Q Is it possible that there are any characteristics
20 in that picture? You see any characteristics in that
21 picture whatsoever that would indicate that it might be
22 an African-American?

23 A Picture looks a lot like Maria.

24 Q I'm talking about the picture.

25 A I did not see anything in this picture that was
26 particularly African-American and nor did I note
27 particularly that she's -- that Maria looked
28 particularly African-American and we discussed that and

1 she explained to me something of her own family
2 background.

3 Q What would that picture look like if it did look
4 like an African-American? What would it have there for
5 you to --

6 A Well --

7 MR. BLAHA: I object as speculative.
8 THE COURT: Overruled.

9 A (By the Witness) For one thing, it would look --
10 for hair, that would be more coarse and curly,
11 generally.

12 Q (By Mr. Keay) And anything else?

13 A I guess that would be the most important feature
14 that would draw my attention to it as African-American.
15 In fact, I think I discussed with Maria right after she
16 drew the picture something about her background because
17 I was curious about that issue.

18 Q Now, does that picture look perhaps like somebody
19 who is bi-racial?

20 A You know, it could, but it didn't strike me that
21 way but, of course, Maria identified herself as
22 bi-racial.

23 Q So would you expect that a person who is bi-racial,
24 both caucasian and black, to draw a picture that was
25 just strictly identifiable as a black person?

26 A No, I would not. In fact, this picture looks very
27 much like Maria and these pictures are usually seen if a
28 person draws the same sex, they're usually interpreted

as a sense of self-portrait.

My concern about the racial identification was only
that Elysia has a strong resemblance to her father, her
father's coloring, father's hair. There are a lot of
things about her which are different than her mom.

That's my only concern. And it isn't one of the major
things; it's one of the many issues that were involved
in this case.

Q But it is an issue?

A Yeah, a very small one.

MR. KEAY: I'd like to introduce this into
evidence, your Honor.

THE COURT: It will be received.

(Whereupon, Petitioner's Exhibit 1,
previously marked for identification,
is admitted into evidence.)

Q (By Mr. Keay) Did Maria give you any background in
her history at Stanford in regards to what she was
involved in in the black movement at the time?

A I could look through my notes to see. I believe I
stated in my report that Maria was focused to a great
extent on her history with Bill and her problems with
Bill and it was difficult to move her to -- or I won't
say difficult. It was -- that was her focus during the
interview more than anything else. I will look through
here and see if she said anything.

Q Thank you.

A In fact, the place in which I took notes on her

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1 other than what I'm stating but he does not state
2 anywhere and I did not find anywhere that the Court
3 could make an order without having first given the Court
4 jurisdiction. And the rule is in order to have
5 jurisdiction, there has to be notice and an opportunity
6 to be heard before an order can be made, and that didn't
7 happen in this case. You made an order out of whole
8 cloth.

9 THE COURT: Are you indicating when I said
10 that was my intention to do that, that was not an
11 opportunity to argue the matter?

12 MR. KEAY: There was an objection made and you
13 went ahead and you didn't respond to the objection. You
14 just said, I'm making my own motion, but there was no
15 notice at that time. The Court -- the law in California
16 also says that it has to be sufficient notice. You have
17 to give sufficient opportunity, can't just be okay, I'm
18 making a motion and here it is. But nowhere did I find
19 anywhere that the Court does not have to file what the
20 rest of us do. In requesting an order, we have to file
21 an application for it.

22 THE COURT: Did you find anyplace that the
23 Court does have to do that?

24 MR. KEAY: No, but I assume that the Court has
25 to follow the law and it never excludes the Judges from
26 the law and I have to assume that they must in fact
27 follow the law in the State of California. And I
28 mean --

1 THE COURT: I would concede that we take an
2 oath and I do my best to follow the law. I have to
3 disagree the Court has an obligation to follow the law.

4 MR. KEAY: 3022 says the Court may during the
5 pendency of a proceeding or at any time thereafter make
6 an order for the custody of a child during minority. It
7 does not say that you may make any order that might lead
8 to that. It's very specific. It said you can make an
9 order for -- make an order for the custody of a child
10 during minority but it doesn't say anything about
11 evaluations or anything.

12 THE COURT: It means that the Court --

13 MR. KEAY: It means when there's --

14 THE COURT: If you're correct, this doesn't
15 fall under, number one, as a family law dissolution
16 action, you think the Court simply should have announced
17 it? I don't quite understand what you're --

18 MR. KEAY: I think that in a proceeding where
19 there's a motion, an opportunity to be heard, you come
20 in on an OSC hearing that -- where there's notice and
21 opportunity and that's an issue before the Court,
22 custody and visitation that you can make whatever order
23 that you deem necessary.

24 THE COURT: So you're saying that under 3022
25 that a motion would be required?

26 MR. KEAY: Well, it says you have to make an
27 order. I never found anything under the law that said
28 you can make an order out of whole cloth. It does say

#5

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3-13-97

Dearest Susan,

You're such a lovely girl for sending me the articles on the Justi matter. If I was a woman I'd want to have your baby. For the life of me I can't understand what all this commotion over gender bias is about. Hell yes I'm gender biased; I love women. "I Dream of Jennie" is still one of my favorite television shows. Is that a crime?

However, this being the nineties, and me being a product of the sixties, perhaps I've been raised to be biased and not even know it. That's the worst kind you know. Please do me a favor, if you observe any subtle aspects of my behavior which are reflective of gender bias against women, let me know immediately. Thank you. You're such a dear.

Michael B. Jones, Ph.D.
Licensed Clinical Psychologist
and defender of truth,
justice (especially for Justi)
and the American way.

#6

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March 10, 1997

Michael Jones, Ph.D.
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RE: MATTER OF JUSTI

Dear Dr. Jones:

Enclosed please find:

FLYER DISTRIBUTED BY KATHY JUSTI ON MARCH 10, 1997

XXXXX For your information and records.

____ Per your request.

____ Please sign the Supplemental Judgment and return as soon as possible.

____ Review and call to discuss.

____ I have signed the enclosed. Please provide me with an endorsed filed copy .

____ Please file the original(s) and return endorsed filed copies to the undersigned in the envelope which has been enclosed for your convenience.

Other: *Congratulations upon the made it!*

If you have any questions concerning the enclosures, please advise.

Very truly yours,



SUSAN L. BENETT
SLB\tmw
ENCLOSURES-as noted above
c:\clients\transmit.ltr

#7

BRADFORD BAUGH
ELIZABETH GOODLEY

BAUGH & GOODLEY
LAWYERS
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2570 EL CAMINO REAL WEST
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October 28, 1997

VIA FAX - (408) 578-3199

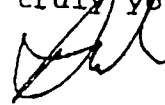
Dr. Michael Jones
5710 Cahalan Avenue
Building #6
San Jose, CA 95123

Re: MARRIAGE OF JUSTI

Dear Mike:

Enclosed please find the changes to the declaration. Please sign it and get it out. Please cut off any give aways at the top that show that it was faxed from my office to yours such as my fax phone number.

Very truly yours,



BRADFORD BAUGH

Enclosure

ms:jones.llr
bb.mcf

#8

BRADFORD BAUGH
ELIZABETH GOODLEY

BAUGH & GOODLEY
LAWYERS
SAN ANTONIO CENTER, SUITE 504
2570 EL CAMINO REAL WEST
MOUNTAIN VIEW, CALIFORNIA 94040

FAX (415) 941 4697

(415) 941-6960

, 199

COPY

CA

Re: MARRIAGE OF

Dear

My client is willing to

A second possibility would be:

"If Petitioner causes Respondent to suffer any tax liabilities as a result of the transfer of the property commonly known as

Marriage of

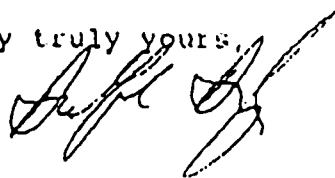
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Page 2

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, California,
Petitioner shall be cast into a cauldron of
simmering pitch, and plucked therefrom only
to be cast into a furnace of apocalyptic
flames. Her lamentations will be spurned by
an indifferent god. She shall be struck with
a rod of iron, and she shall shatter like a
potter's vessel. The shards spun to the
farthest part of the universe, never to be
reunited again. Children shall speak her
name with loathing and humanity shun her
memory."

Very truly yours,



BRADFORD BAUGH

#9

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA
BEFORE THE HONORABLE JAMES W. STEWART, JUDGE
DEPARTMENT 119

IN RE THE MARRIAGE OF:)
)
MICHAEL O. JENKINS)
)
PETITIONER)
)
-VS-)
)
FOROUZAN FARZEN JENKINS)
)
RESPONDENT)

CASE NO. 641850

COPY

--000--

REPORTER'S TRANSCRIPT OF PROCEEDINGS

HELD ON: NOVEMBER 17, 1995

A-P-P-E-A-R-A-N-C-E-S:

FOR THE PETITIONER: BY: BRAD BAUGH, ESQ.
ATTORNEY AT LAW
FOR THE RESPONDENT: BY: TONY BOSKOVICH, ESQ.
ATTORNEY AT LAW
COURT REPORTER: DOMINGA G. ANTONIO, CSR, RPR
CERTIFICATE NO. 10398

SAN JOSE, CALIFORNIA NOVEMBER 17, 1995

P-R-O-C-E-E-D-I-N-G-S

(WHEREUPON, COURT CONVENED AND THE FOLLOWING
PROCEEDINGS WERE HAD.)

THE COURT: IN THE MATTER OF MARRIAGE OF
JENKINS. WILL COUNSEL STATE THEIR APPEARANCES FOR THE
RECORD.

MR. BOSKOVICH: YES, YOUR HONOR, TONY BOSKOVICH
FOR MRS. JENKINS WHO IS PRESENT IN CUSTODY.

THE COURT: GOOD AFTERNOON.

MR. BAUGH: BRAD BAUGH FOR MR. JENKINS. HE'S IN
THE RESTROOM, HE'LL BE HERE SHORTLY.

THE COURT: MR. BOSKOVICH, WOULD YOU PROCEED, SIR.

MR. BOSKOVICH: YES, YOUR HONOR. YOUR HONOR,
IT'S TRULY WITH GREAT SADNESS I HAVE TO START THESE
PROCEEDINGS THIS WAY, BUT FIRST I FEEL IT'S ONLY FAIR, GIVEN
WHAT'S HAPPENED, TO DISCLOSE THAT YOU ATTEMPTED TO MAKE AN
EX-PARTE COMMUNICATION WITH MY OFFICE LAST WEEK, THAT I DID
NOT RETURN YOUR TELEPHONE CALL. YOU PERSONALLY, I WAS TOLD.

SECOND OF ALL, YOUR HONOR, AS A RESULT OF THE
PROCEEDING THAT OCCURRED BEFORE, AND THE LAST TIME IT
RESULTED IN A NEWSPAPER ARTICLE, I RECEIVED SEVERAL TELEPHONE
CALLS FROM FAMILY LAW PRACTITIONERS IN THIS COUNTY WHO WANTED
TO INFORM ME OF A FACT THAT I DID NOT KNOW, THEY TOLD ME THAT
YOU AND MR. BAUGH HAVE A VERY CLOSE PERSONAL RELATIONSHIP,
PERHAPS EVEN A PRIOR PROFESSIONAL RELATIONSHIP, I'M NOT
CERTAIN, AND THAT THEY, IN THEIR OPINION, HAVE SEEN THIS
COURT GIVE PREFERABLE TREATMENT TO MR. BAUGH WHERE OTHERS

WOULD NOT HAVE GIVEN THAT, YOUR HONOR.

I RESPECTFULLY ASK THAT THIS COURT RECUSE ITSELF AND DISQUALIFY ITSELF FROM FURTHER HEARING IN THIS MATTER SINCE THIS -- THESE FACTS HAVE NEVER BEEN DISCLOSED TO ME. I REVIEWED THE PROCEEDINGS, AND THEY HAVE NEVER BEEN DISCLOSED, THEY WERE NOT DISCLOSED.

THE COURT: LET ME PUT ON THE RECORD, IF I MIGHT, THAT I CALLED YOUR OFFICE AND ASKED THAT YOU BE GIVEN THE MESSAGE, AND THIS IS THAT I THOUGHT IT WAS APPROPRIATE THAT YOU SHOULD CONTACT THE CONFLICTS ADMINISTRATOR TO LET THEM KNOW THAT YOU WERE GOING TO MAKE A MOTION FOR ATTORNEY'S FEES IN EXCESS OF WHAT I THOUGHT WAS THE AGREEMENT THAT YOU HAD WITH THEM.

YOUR SECRETARY INDICATED SHE WOULD PASS THE MESSAGE ON TO YOU, AND I BELIEVE THAT WAS THE EXTENT OF THE CONVERSATION.

MR. BAUGH, DO YOU WANT TO BE HEARD ON THE ISSUE OF WHETHER THIS COURT SHOULD RECUSE ITSELF?

MR. BAUGH: YES, YOUR HONOR, IF THE COURT AND MYSELF HAVE A PERSONAL RELATIONSHIP, IT'S NEW TO ME. THERE ARE NO FACTS BEFORE THE COURT. I HAVEN'T SEEN A DECLARATION BY ANYONE, UNLESS THE COURT HAS. SO THERE'S NO FACTS PRESENTED IN THIS CASE THAT WOULD MAKE THIS MOTION FAIL. I AM AWARE THAT A LOT OF ATTORNEYS WHO LOSE LIKE TO EXPLAIN THEIR LOSING AS WELL, AND SAY, IT CAN'T BE ME, IT MUST BE THE JUDGE FAVORING THE OTHER ATTORNEY. THAT JUST GOES WITH THE TERRITORY.

MR. BOSKOVICH: IN RESPONSE, YOUR HONOR, THE

1 FACTS OF THE RELATIONSHIP ARE PARTICULARLY WITHIN YOURS AND
2 MR. BAUGH'S KNOWLEDGE, AND IF THERE IS A PERSONAL
3 RELATIONSHIP THAT'S NOT DISCLOSED, I BELIEVE IT'S THIS
4 COURT'S DUTY TO DISQUALIFY ITSELF. HOWEVER, I AM DOING IT TO
5 PRESERVE THE RECORD. IT IS WITH SADDEN THAT I BRING IT, BUT
6 THE NUMBER OF TELEPHONE CALLS THAT I RECEIVED FOR THIS
7 SPECIFIC PURPOSE TELLING ME THIS LEFT ME NO CHOICE.

8 MR. BAUGH: WELL, YOUR HONOR, I THINK THE LAW HAS
9 ALWAYS --

10 MR. BOSKOVICH: I KNOW WHO THEY ARE, MR. BAUGH.

11 MR. BAUGH: -- HAD A VIEW OF CHARACTERIZED
12 ACCUSATIONS BY EITHER ANONYMOUS PEOPLE OR TELEPHONE CALLS.
13 THAT HASN'T CHANGED IN THREE OR FOUR HUNDRED YEARS.

14 MR. BOSKOVICH: I KNOW WHO THEY ARE, MR. BAUGH.

15 MR. BAUGH: WELL, THEY SHOULD SIGN A DECLARATION
16 AND SUBMIT IT TO THE COURT, BUT RIGHT NOW THEY'RE NOT BEFORE
17 THE COURT.

18 THE COURT: I WANT TO TAKE A FEW MINUTES TO
19 THINK ABOUT YOUR MOTION AND HAVE THE COURT STAND IN RECESS.

20 I WILL INDICATE TO YOU THAT I HAVE KNOWN MR. BAUGH
21 LIKE A NUMBER OF OTHER ATTORNEYS SINCE I CAME HERE IN 1985.
22 HE HAS BEEN IN MY HOME, I HAVE BEEN IN HIS. WE HAVE HAD
23 DINNER. THIS IS NO DIFFERENT THAN MANY OTHER ATTORNEYS IN
24 THE COUNTY.

25 WHY DON'T WE DO THIS, LET'S TAKE A BRIEF RECESS,
26 AND I'M GOING TO MEET WITH COUNSEL, IN CHAMBERS UPSTAIRS.

27 IF I MIGHT ASK THE REPORTER TO COME WITH ME.

28 COURT STANDS IN RECESS.

1 (WHEREUPON, COURT IS IN RECESS.)

2 THE COURT: ALL RIGHT. THE RECORD WILL REFLECT
3 THAT WE ARE IN CHAMBERS. MR. BOSKOVICH AND MR. BAUGH ARE
4 HERE.

5 WHAT HAS BEEN GOING THROUGH MY MIND IS, THERE'S TWO
6 POSSIBLE APPROACHES TO THIS. ONE IS TO DETAIL MY
7 RELATIONSHIP WITH MR. BAUGH ON THE RECORD AND THEN,
8 MR. BOSKOVICH, TO ASK YOU TO DO IT RIGHT AND TO BRING A
9 MOTION UNDER 170.1 AND THEN A THIRD JUDGE WOULD LOOK AT THAT
10 AND WOULD MAKE A DETERMINATION AS TO WHETHER THERE WAS AN
11 APPEARANCE OF PARTIALITY. AND I'VE DECIDED NOT TO DO THAT.

12 I'VE DECIDED THAT GIVEN THE VERY NATURE OF THIS
13 CASE IT PROBABLY FURTHERS THE INTEREST OF JUSTICE IF I DO
14 STEP ASIDE AND RECUSE MYSELF, THAT'S ALL THAT'S NECESSARY.
15 THAT'S MY FEELING, THAT IT WOULD FURTHER THE INTEREST OF
16 JUSTICE, OR AS ANOTHER JUDGE SAYS, "IF YOU HAVE TO ASK
17 YOURSELF, SHOULD I DO IT, YOU SHOULDN'T DO IT. " BUT I'M
18 DOING IT FOR THE PRIMARY REASON THAT THIS IS A HIGHLY UNUSUAL
19 CASE, AND I THINK IT IS A CASE LIKE NO OTHER CASE AND A JUDGE
20 DOESN'T GET MORE PERSONALLY INVESTED THAN THIS KIND OF CASE.

CERTIFICATION OF VITAL RECORD

COUNTY of SANTA CLARA

SAN JOSE, CALIFORNIA

492430 05749

STATE FILE NUMBER

LICENSE AND CERTIFICATE OF MARRIAGE
MUST BE LEGIBLE—MAKE NO ERASURES, WHITOUTS, OR OTHER ALTERATIONS

LOCAL REGISTRATION NUMBER

GROOM PERSONAL DATA	1A. NAME OF GROOM—FIRST (GIVING)		1B. MIDDLE		1C. LAST (FAMILY)		2. DATE OF BIRTH—MONTH, DAY, YEAR		
	BRADFORD		OLIVER		BAUGH		03-27-50		
	3A. RESIDENCE—STREET AND NUMBER			3B. CITY		3C. ZIP CODE		3D. COUNTY—OUTSIDE CALIFORNIA, ENTER STATE	
	27230 ELENA RD			LOS ALTOS HILLS		94022		SANTA CLARA	
BRIDE PERSONAL DATA	5. MAILING ADDRESS—IF DIFFERENT		6. NUMBER OF PREVIOUS MARRIAGES		7A. LAST MARRIAGE ENDED BY:		7B. DATE—MONTH, DAY, YEAR		
	-----		0		<input type="checkbox"/> DEATH <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> ANNULMENT		-----		
	8A. USUAL OCCUPATION			8B. USUAL KIND OF BUSINESS OR INDUSTRY			9. EDUCATION—YEARS COMPLETED		
	LAWYER			PRIVATE PRACTICE			19		
10A. FULL NAME OF FATHER		10B. STATE OF BIRTH		11A. FULL MAIDEN NAME OF MOTHER		11B. STATE OF BIRTH			
MITCHELL OLIVER BAUGH		TX		FRANCES JOSEPHINE MCGRATH		ENGLAND			
12A. NAME OF BRIDE—FIRST (GIVING)		12B. MIDDLE		12C. CURRENT LAST (FAMILY)		12D. MAIDEN LAST (FAMILY) (IF DIFFERENT THAN 12C)		13. DATE OF BIRTH—MONTH, DAY, YEAR	
MAYURENDRA		PRITAM		VIKRAMSINGH		-----		12-24-61	
14A. RESIDENCE—STREET AND NUMBER			14B. CITY		14C. ZIP CODE		14D. COUNTY—OUTSIDE CALIFORNIA, ENTER STATE		
27082 HORSESHOE LN			LOS ALTOS HILLS		94022		SANTA CLARA		
16. MAILING ADDRESS—IF DIFFERENT		17. NUMBER OF PREVIOUS MARRIAGES		18A. LAST MARRIAGE ENDED BY:		18B. DATE—MONTH, DAY, YEAR			
-----		0		<input type="checkbox"/> DEATH <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> ANNULMENT		-----			
19A. USUAL OCCUPATION			19B. USUAL KIND OF BUSINESS OR INDUSTRY			20. EDUCATION—YEARS COMPLETED			
PARALEGAL			LAW FIRM			16			
21A. FULL NAME OF FATHER		21B. STATE OF BIRTH		22A. FULL MAIDEN NAME OF MOTHER		22B. STATE OF BIRTH			
RAJENDRA VIKRAMSINGH		INDIA		BALJIT DHILLON		INDIA			
WE, THE UNDERSIGNED, AN UNMARRIED MAN AND UNMARRIED WOMAN, STATE THAT THE FOREGOING INFORMATION IS CORRECT AND TRUE TO THE BEST OF OUR KNOWLEDGE AND BELIEF THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR TO THE ISSUANCE OF A LICENSE IS KNOWN TO US, AND HEREBY APPLY FOR A LICENSE AND A CERTIFICATE OF MARRIAGE									
23. SIGNATURE OF GROOM				24. SIGNATURE OF BRIDE					
<i>Bradford Oliver Baugh</i>				<i>Mayurendra Pritam Vikramsingh</i>					
AUTHORIZATION AND LICENSE IS HEREBY GIVEN TO ANY PERSON DULY AUTHORIZED BY THE LAWS OF THE STATE OF CALIFORNIA TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE OF CALIFORNIA TO SOLEMNIZE THE MARRIAGE OF THE ABOVE NAMED PERSONS REQUIRED CONSENTS FOR THE ISSUANCE OF THIS LICENSE ARE ON FILE.									
25A. ISSUE DATE MONTH, DAY, YEAR		25B. LICENSE EXPIRES AFTER MONTH, DAY, YEAR		25C. LICENSE NUMBER		25D. COUNTY OF ISSUE			
SEPT. 22, 1992		DEC. 21, 1992		168271		Santa Clara			
25E. NAME OF COUNTY CLERK				25F. SIGNATURE OF DEPUTY CLERK (IF APPLICABLE)					
STEPHEN V. LOVE				<i>Stephen V. Love</i>					
26A. SIGNATURE OF WITNESS		26B. ADDRESS—STREET AND NUMBER		26C. CITY, STATE AND ZIP CODE					
<i>Stephen V. Love</i>		70 Bell St		Anderson CA 96007					
27A. SIGNATURE OF WITNESS		27B. ADDRESS—STREET AND NUMBER		27C. CITY, STATE AND ZIP CODE					
<i>Stephen V. Love</i>		4261 Norman Dr. # 107		San Jose, CA 95129					
28. I HEREBY CERTIFY THAT THE ABOVE-NAMED BRIDE AND GROOM WERE JOINED BY ME IN MARRIAGE IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA				29A. SIGNATURE OF PERSON SOLEMNIZING MARRIAGE		29B. RELIGIOUS DENOMINATION (IF CLERGY)			
ON <u>September</u> <u>27</u> <u>1992</u>				<i>James W. Stewart</i>		N/A			
AT <u>Woodside,</u> <u>San Mateo</u> <u>CALIFORNIA</u>				29C. NAME OF PERSON SOLEMNIZING MARRIAGE (TYPE OR PRINT)		29D. OFFICIAL TITLE			
				James W. Stewart		Judge			
				29E. MAILING ADDRESS		29F. ZIP CODE			
				170 Park Center, San Jose		95113			
30A. SIGNATURE OF LOCAL REGISTRAR		30B. SIGNATURE OF DEPUTY (IF APPLICABLE)		31. DATE ACCEPTED FOR REGISTRATION					
<i>Laurie Kane</i>		<i>James W. Stewart</i>		OCT 05 1992					

R191164

CERTIFIED COPY OF VITAL RECORD

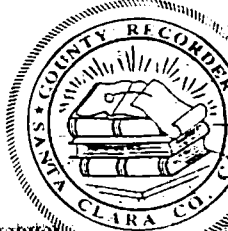
STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS

I, Brenda Davis, Santa Clara County Recorder, do hereby certify that this is a true and exact reproduction of the document officially registered in my office.

Witness my hand and official seal this 18th day of February, 1998.

By, James W. Stewart Deputy.

This copy not valid unless prepared on engraved border displaying seal and signature of Deputy County Recorder.



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

Superior Court
State of California

#10



Santa Clara County Superior Court Building
191 North First Street
San Jose, California 95113

Chambers of
James W. Stewart, Judge

Esq.

San Jose, California,

Re: 170.1 Challenge

Dear Robin:

I received your moving papers in [REDACTED] and [REDACTED] on Tuesday. Two things are very clear to me. First, I have utterly failed to give you any confidence that you can receive a fair hearing in my courtroom. This is very troubling to me because a temperament and demeanor that convey a sense of fairness is, from my perspective, probably the most important qualities of a good judge. Second, I have hurt you very deeply by things that I may have said. For both of these things, I sincerely apologize.

I want to emphasize that you have every right to file your challenge and discuss your position *only* in your declaration. I hope you will not do that because it will not help me as a judge, and to that extent will not be in the best interests of Family Court—an institution to which I have devoted almost all of my years of service in Superior Court (hoping to help people rather than hurt them). }

* { If you would let me take you to lunch next week, I would like to discuss why you perceive me as you do and how I might correct what

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I am doing. Indeed, I would hope that you will accommodate me even if you feel that you wish to stand on your challenge.

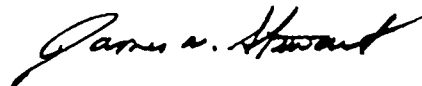
I sense that you believe I do not respect you as an attorney. But in a list of the fifteen or twenty most prominent and effective attorneys in the county, your name would be on every single list, whether prepared by attorneys or judges. I must admit that I do not always agree with what you do in a given case, but there is not a single attorney in practice, that does not occasionally act in ways that a judge might think could be improved upon.

* { I hope that we can talk before I must file a responsive declaration, although it will contain no criticism of you but will be, in large part, a more formal reiteration of what I have said in this letter: I respect you as an attorney and I have somehow failed to convey that respect.

Please know I had not the slightest idea that I was denying each and every request for fees that you have made. I simply don't keep score for any attorney, and it would be improper for me to do so. A judge cannot award fees in one case to make up for a denial in another. Of course an individual attorney will, and probably should, keep score. But if I have done as you say, then I hope we can discuss some of my rulings because a string of zeros might well indicate that I am unconsciously doing what you say I "theoretically" oppose. I don't think so, but I am certainly willing to look at it. I am very bothered by the fact that for one who prides himself on good antenna, I didn't have a clue about feelings you must have held for a long time and only now acted upon.

* { I have "typed" this letter myself for the purpose of maintaining confidentiality for both of us. I hope that you too will treat this letter in the same way. I will try to call you toward the middle of next week.

Sincerely,



James W. Stewart
Judge of the Court

P.S. If you do not object, I have asked Judge _____ to rule on the urgent matters in your moving papers. Our Presiding Judge believes that everything must come to a two month halt (the best scenario) while an out-of-county judge rules on the challenge. I think he is wrong. His theory would chill valid challenges in cases that require immediate attention. I will proceed as indicated unless you object by calling Mike Terry. (The Presiding Judge is not aware of this specific challenge, but I know his views from challenges to my colleagues.)