

THE NATIONAL COALITION FOR FAMILY JUSTICE, INC.

Santa Clara County Chapter

(800) 823-6700

IS THIS ANY WAY TO RUN A COURTHOUSE--PART TWO

During the past two years, The Santa Clara County Chapter of The National Coalition for Family Justice has endeavored to uncover and expose injustice and unethical behavior in Family Court. One of our first fliers was entitled, "Is This Any Way To Run A Courthouse?" In that flier, we pointed out what we saw as favoritism, unethical behavior, conflicts of interest, and other acts which serve to erode the public's confidence in the judiciary. It is now time to update the public as to activities that continue to occur which undermines the integrity of the Family Court System.

It is no secret that we have been very critical of the behavior and actions of a small group of individuals who appear to have way too much power in Family Court. At the top of our list of such individuals is **Terry Johnston** who continues to enjoy "favored nation status" in family court. An example of this is that she can march into Family Court demanding a hearing without an ex parte motion with an order shortening time and as if by magic, she is granted a hearing within two weeks while the rest of us have to wait approximately 8 weeks for our matters to be heard.

We have reported in fliers and other material numerous ethical breaches on the part of **Terry Johnston** along with what we view as professional incompetence. We pointed out in fliers that **Terry Johnston** had used Behaviordyne for years to score psychological tests when government studies clearly showed that Behaviordyne has the worst record when it came to the accuracy of scoring such tests. In fact, a government study showed Behaviordyne to be almost 100% inaccurate in many cases thereby calling into question the resulting recommendations that flowed from this scoring system.

Terry Johnston has indeed been a focal point of our picketing, public protests, and fliers because we have so many documented cases that indicate shocking revelations of conflicts of interest, unethical behavior, bias, and incompetence. With each exposure of her unprofessional conduct, she has seen her reputation decline among many who are involved in Family Court. She no longer enjoys the status she once held in Family Court. As her little kingdom has dwindled and her power and influence faded, she has become increasingly frantic to save any vestiges of power she once enjoyed. Towards that end, she recently enlisted the support of several attorneys to assist her in collecting signatures on a petition which was sent to the new Presiding Judge, Jack Komar. The petition is attached to this flier and asks Judge Komar to take "corrective action" with regards to what she terms "vicious" and "escalating attacks designed to threaten and discredit our colleagues and the collaborative system we've strived to create."

Although not specifically mentioned by name, she is clearly referring to our organization, the National Coalition for Family Justice, as the culprit behind the attacks on certain attorneys, and mental health professionals. Upon reading her petition to **Judge Komar**, we can only conclude that the "corrective action" she is asking for him to take would be to try to stop us from exercising our freedom of speech rights as well as our rights to freedom of association. It is no doubt her audacity which seeks such an infringement of our rights which clearly cannot be abridged by **Judge Komar** or anyone else (we are certain that **Judge Komar** would not attempt to interfere with our freedom of speech or freedom of association as he is aware that these are constitutionally protected rights). The fact that **Terry Johnston** would make such a request and that she would get other attorneys to sign such a petition points to the fact that she is more vested in protecting her little empire than in seeing justice prevail in Family Court. It is not surprising to see that most of the attorneys who signed the petition with her have also benefitted from a corrupt system that has allowed ex parte communication, favoritism, illegal payment of special master fees out of county funds, and most of all, continuous appointment of the same people, over and over again to influential and financially lucrative positions of special master, attorney for the child, and custody evaluator. It is a shame, however, to see at least one prominent attorney sign his name when if he knew the truth of what was going on in Family Court, it seems unfathomable that he would stake his reputation in support of what is clearly a "broken" system as even **Len Edwards** (former Presiding Judge of Superior Court), publicly admitted.

Terry Johnston's petition refers to a "successful collaborative relationship among the Bench, the Bar and the mental health community". She implies that this collaboration now is threatened by attacks made upon it by our organization. If one were to read between the lines however, one would see that what she and those who have signed the petition are really saying is that they have enjoyed the financial fruits of favoritism and unquestioned power and now it appears that "the gig is up" and the bright light of the truth is being shone where they had previously been able to enjoy their power in the dark shadows of the courthouse. The so-called "collaboration" as resulted in an "in group" that has enjoyed benefits not bestowed to most attorneys and mental health professionals. What has been created is a clique that is able to by-pass local rules, the laws of the state of California, and ethical principles that govern behaviors of both attorneys and psychologists.

Terry Johnston refers in her petition to "deliberate and purposeful threats" that have "reached an intolerable and potentially dangerous level". We have never threatened anyone nor taken any action that can be considered threatening or indicative of danger towards anyone. We can only assume that the threats and danger she is referring to has to do with a threat to the gravy train many like **Terry Johnston**, **Valerie Houghton**, and **Brad Baugh** have enjoyed due to their "collaborative" efforts. The only danger we pose is the danger of exposure which seems to be a very real threat to not only their way of doing business, but to their pocketbooks. **Terry Johnston** and others who signed the petition are attempting to hide behind a type of self-righteous indignation regarding the criticisms being leveled at them by our organization when what they should be indignant about is the violations of people's constitutional rights which is an everyday occurrence in Family Court many times at their very hands.

Does anyone besides us see the obvious conflict of interest which screams out from the fact that **Terry Johnston** has approached attorneys with whom she has had cases in which she has been, currently is, or may in the future be involved? Knowing the power she has enjoyed in Family Court, how many attorneys would refuse to sign her petition? How many may have signed out of fear of being ostracized if they did not? How many signed without truly knowing what is going on in Family Court or without seeing the attachments which accompanies the petition (we had several attorneys contact us and indicate that they were asked to sign the petition without seeing the attachments and without knowing who were the mental health professionals and attorneys being referred to in the petition).

If anyone has been threatened, it has been those of us picketing. We have been threatened with reduced custodial time, and in fact, two of the three founders of this organization have had their custodial time with their children reduced to approximately 1% after starting to picket and criticize Family Court (the third only escaped the same fate by staying out of court). Both were placed on supervised visitation and went 5 months without seeing their children for no justifiable reason. Coincidence? We think not. In both cases, **Terry Johnston** and **Judge Stewart** were involved and **Judge Stewart** made the orders resulting in a drastic reduction of custodial time for these mothers.

By the way, **Judge Stewart** was disciplined by the Commission on Judicial Performance for actions he took in the Kathy Justi case. One of her complaints has resulted in the attached letter from the CJP while her other complaints remain pending. He was also disciplined for actions against a well respected attorney (letter attached).

Let's take a look at the type of conflicts of interests that have been rampant in Family Court and which **Terry Johnston** and her cronies are now trying so desperately to protect:

1) **Terry Johnston** has enlisted the support of the following to circulate her petition which was sent to Judge Komar: **Brad Baugh, Susan Benett, Mike Hahn, Valerie Houghton, Michael (Mike) Jones, Bonnies Sorenson, and Matt Sullivan**. Each of these individuals have been identified by our organization as part of the clique that enjoys undue favoritism and influence in Family Court. **Terry Johnston** has even invited them to her home to celebrate the success of collecting signatures (see attached Invitation dated April 27, 1999 that went out to the aforementioned individuals. The fact that **Terry Johnston** has been, currently is, or in the future may be involved in various cases they are also involved in doesn't seem to phase either **Brad Baugh** (who by the way, enjoys a close personal relationship with **Judge Stewart** which they have consistently failed to disclose to opposing counsel in cases before **Judge Stewart**) or **Susan Benett**. As for **Mike Hahn, Valerie Houghton, Michael Jones, and Matt Sullivan**, they also seem unaware of the inherent conflict posed by their involvement in seeking attorneys (who no doubt have had or currently have cases involving them) and others within the system from signing their petition which is designed to protect the situation that they have enjoyed in Family Court for many years. Here is an example of why the aforementioned "collaboration" is problematic: **Susan Benett, Michael Jones, and Terry Johnston** have all been involved in the *Justi v. Justi* case. They all had lunch together with **Joan Rogers** who was then the attorney for the child prior to the custody trial which led to Kathy Justi losing custody. **Susan Benett** sent information to **Michael Jones** regarding Kathy Justi which he thanked her for and stated in a letter that if he were a woman, he would like to have her baby (see attached letter). The new attorney for the child, **Bonnie Sorrenson**, is now working closely with **Terry Johnston** to collect signatures for this petition. **Brad Baugh** was also involved in the *Justi* case behind the scenes preparing **Michael Jones'** Motion to Quash Kathy Justi's subpoenas. Meanwhile, Ms. Justi awaits a new trial on custody and only gets 6 hours once a week with her daughter.

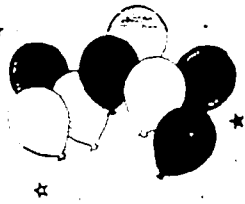
2) **Brad Baugh**, as previously mentioned, has been a close personal friend of **Judge James Stewart** and the two of them consistently failed to disclose their relationship as required by the Judicial Canons. **Judge Stewart** was disciplined for this by the Commission on Judicial Performance although we believe that the relationship between these two friends is still not always disclosed to attorneys and litigants as is required. In addition, **Brad Baugh** along with **Beth Brady** (queen of supervised visitation) organized a birthday party for **Laurie Williams** who has also enjoyed great influence in Family Court. (see attached copy of invitation to **Laurie Williams'** birthday party).

3) **Terry Johnston** has been referred to in a San Jose Mercury News article as "the Dean of Custody Evaluations" yet the California Medical Board recently found in two cases in which complaints against her were filed that there were "educational issues" which prompted the board to bring her in and educate her. One has to wonder if the "Dean of Custody Evaluations" needed to be educated beyond her PhD, what does that have to say for her credentials and her competence. An even scarier thought, is, what implications does that have for her training others (as she has been doing) in her image? How many **Terry Johnston** clones are being turned out having been trained by a person whose own training and competence is deficient enough to warrant education by the California Medical Board?

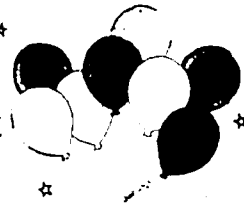
It is interesting to note that although **Terry Johnston** refers to the dissemination of materials that are threatening, malicious, libelous, and patently false, she does not give a single example of how they are threatening, malicious, libelous, and patently false. Indeed, we would invite some offer of proof that any of our material fits the description she gives them. We have always been very careful to only state those things that we know to be true based on documents, evidence, and personal observation.

If the obvious conflicts of interest that scream forth from **Terry Johnston's** petition are not obvious to them or to the Presiding Judge, then there is little hope of ever having a Family Court System that is fair and just. We believe, however, that **Judge Komar** will see through **Terry Johnston's** thinly veiled attempt at preserving her power base and will take "corrective action" against her, the Family Court System, the attorneys involved, as well as the mental health professional who have this time overstepped the bounds of professionalism and have demonstrated through their own actions what we could not have illustrated better through our words. Yes, corrective action needs to be taken by Judge Komar...but not against attorneys and litigants exercising their freedom of speech rights, but against those who continue to enjoy the fruits of unethical behavior and who would stomp out any voices of opposition who they see as a threat to the preferential treatment that they have enjoyed in Family Court for so many years.

After two years, we are still asking the question, "Is this any way to run a courthouse?"



FEB 5 1999
RECEIVED



IT'S A 60'S PARTY

Celebrating Laurie Williams' 60th Birthday

Date: March 13, 1999

Time: 3:00 p.m. on...

Location: John & Laurie's pad;

761 Lincoln St., Santa Clara, CA

Theme: 60's Era

Come dressed as your favorite hippie.

Children Welcome!

Food, Drink, Cake, etc. will be provided.

Please RSVP by February 26, 1999 by contacting
Beth Brady of Kid's Haven, (408) 266-3020 or
Mayur Baugh of Baugh & Goodley (650) 941-6960.

HOPE TO SEE YOU THERE!

#5

MICHAEL B. JONES, PH.D.
(Clinical Psychology)
(Cal. Lic. # PSY 8242)
5710 Cahalan Ave., Bldg. #6
San Jose, CA 95123
Phone/Fax (408) 578-3199

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.

April 20, 1999

The Honorable Jack Komar
Presiding Judge, Superior Court
191 North First Street
San Jose, California 95113

Dear Judge Komar,

For many years Santa Clara County Family Court has enjoyed a successful collaborative relationship among the Bench, the Bar and the mental health community. As a result of our jointly designed cutting-edge innovations, the Family Court has received numerous national awards for their alternative dispute resolution programs. Some of these programs have resulted in the dramatic reduction of damage to children in even the worst high conflict cases and have sharply reduced the overload on the Court's resources.

Unfortunately, over the past two years, the mental health professionals and attorneys who represent children have fallen under increasingly unethical and malevolent attack. Many of these professionals have been publicly humiliated and personally and professionally threatened. Recently, the hysteria and degree of deliberate and purposeful threats has reached an intolerable and potentially dangerous level. Upon reflection, perhaps this letter should have been written sooner.

Materials continue to be disseminated that are threatening, malicious and patently false:

1. A respected psychologist was removed from Family Court Services' panel of evaluators following the mailing of a letter containing false allegations of misconduct and copies and descriptions of documents which had been stolen from his locked office. (See Attachment A)
2. A week later, a local attorney declared, under penalty of perjury, that a respected therapist/special master shoved her and verbally abused her in the courthouse. (See Attachment B)
3. A respected local attorney was accused of allowing a child she represented to be continuously sexually molested. (See Attachment C)
4. Numerous libelous, often threatening pamphlets have been publicly disseminated and mailed in a targeted manner. (See Attachment D)

In light of the above, we are respectfully urging you and your committee to consider carefully the gravity of the situation. We sincerely hope that the committee and the Court will take corrective action and stop these vicious and escalating attacks designed to threaten and discredit our colleagues and the collaborative system we've strived to create.

Signature:

Name

James E. Towery
Bonnie Sorenson

JAMES E. TOWERY

BONNIE SORENSON

Elizabeth Goalley
Elizabeth A. Smith

Elizabeth Goalley

Elizabeth A. Smith

Martha Parker

Martha Parker

Robert H. Morgan

ROBERT H. MORGAN

Nancy Tomita

Nancy Tomita

Lynne Yates-Carter

Lynne Yates-Carter

Barbara J. Brock

Barbara J. Brock

Lawrence J. Perrin

Lawrence J. Perrin

Susan L. Bennett

Susan L. Bennett

Terry Johnston, Ph.D.

California Lic. PY4514
Psychological Services Group
1746 HAMILTON AVENUE
SAN JOSE, CALIFORNIA 95125

(408) 294-6866
FAX (408) 978-1660

INVITATION

April 27, 1999

Dear Brad Baugh, Susan Benett, Mike Hahn, Valerie Houghton, Mike Jones, Bonnie Sorensen, and Matt Sullivan,

Congratulations! We have achieved 78 signatures by Friday, April 23, 1999, and we will probably get some more. Let's celebrate at my house with a Bar-B-Q dinner. Bring yourself, partner, and your children too.

Date: Friday, May 7, 1999
Time: 6:00 p.m.
Where: 1152 Cherry Avenue
San Jose, CA 95125
RSVP: Yiri at 408-294-6866 X301

See you soon!

-Terry



State of California
 Commission on Judicial Performance
 101 Howard Street, Suite 300
 San Francisco, CA 94105
 (415) 904-3650
 FAX (415) 904-3666

March 10, 1999

Kathleen Justi
 6061 North Wilson Avenue
 Fresno, CA 93704

Dear Ms. Justi:

I am writing to inform you about commission action following your letter of

Thank you for taking the time to write.

Very truly yours,

Karen Clay
 Staff Counsel

KD:ej/10223clo.doc

Confidential under California Constitution,
 Article VI, Section 18, and Commission Rule 102



State of California
 Commission on Judicial Performance
 101 Howard Street, Suite 300
 San Francisco, CA 94105
 (415) 904-3650
 FAX (415) 904-3666

March 10, 1999

Robin Yeamans, Esq.
 Robin Yeamans & Associates
 1340 South De Anza Blvd.
 Suite 201
 San Jose, CA 95129

Dear Mr. Yeamans:

about this matter. Bringing this matter to our attention has served a useful purpose.
 Thank you for taking the time to write.

Very truly yours,

Kathryn Doi
 Staff Counsel

KD:ej/10223clo.doc

Confidential under California Constitution,
 Article VI, Section 18, and Commission Rule 102



MEDICAL BOARD OF CALIFORNIA
BOARD OF PSYCHOLOGY
Central Complaint and Investigation Control Unit
1426 Howe Avenue, Suite 54
Sacramento, CA 95825-3236
1-800-633-2322
(916) 263-2424



February 17, 1999

Dear Ms. Duncan:

This is to advise you that the Board of Psychology has completed a review of your complaint concerning Terry A. Johnston, Ph.D.

The Board's Family Court expert consultant reviewed your complaint, all of the records and documents associated with the case and Dr. Johnston's response to the allegations. While the expert found no violations of law, he did identify some specific educational issues. The expert and Board staff met with Dr. Johnston and educated her on these issues. Therefore this case has been closed with no further action anticipated.

We appreciate your bringing this information to the Board's attention.

Sincerely,

L. Clark
Lorria Clark
Consumer Services Analyst



MEDICAL BOARD OF CALIFORNIA
BOARD OF PSYCHOLOGY
Central Complaint and Investigation Control Unit
1426 Howe Avenue, Suite 54
Sacramento, CA 95825-3236
1-800-633-2322
(916) 263-2424



February 17, 1999

Terry A. Johnston, Ph.D. 1F1998-82674

Dear Ms.

This is to advise you that the Board of Psychology has completed a review of your complaint concerning Terry A. Johnston, Ph.D.

The Board's Family Court expert consultant reviewed your complaint, all of the records and documents associated with the case and Dr. Johnston's response to the allegations. While the expert found no violations of law, he did identify some specific educational issues. The expert and Board staff met with Dr. Johnston and educated her on these issues. Therefore this case has been closed with no further action anticipated.

We appreciate your bringing this information to the Board's attention.

Sincerely,

L. Clark
Lorria Clark
Consumer Services Analyst