

What Irony --- Brad Baugh Speaking on Rethinking Ethics

Brad Baugh has for a long time been a friend of James Stewart, a crony who receives the benefits of the extreme favoritism with which Judge Stewart runs Department 119 in Santa Clara County Family Court. This is an open secret in that courthouse. The secret became much more open when the November 3, 1998 "San Francisco Daily Journal" reported that a litigant, Maria Duncan, filed a recall petition against Judge Stewart, and the judge has gone so far as to hire Darren Seaton, described in the article as a "political operative":

Seaton acknowledged that Stewart was sent a letter by the Commission on Judicial Performance recommending he routinely disclose his personal friendship with Mountain View attorney Bradford Baugh. Duncan maintains that he has not done so, but Seaton said the judge discloses that relationship whenever Baugh is involved in a case before him.

You are encouraged to ask conference attendees from Santa Clara County how many cases they know of where such disclosure occurred.

Attorney Baugh's role is alluded to in a 1997 report by Karen Winner, author of "Divorced From Justice," on pages 4, 6, and 11. The horrors described in that report are, if anything, understated as there are many, many more cases in which Judge Stewart destroys families than described in that report.

One reason James Stewart appoints Brad Baugh to represent so many children is that Mr. Baugh shares the judge's philosophy regarding the role of children in divorces. Both of them believe in silencing the children. In his book Judge Stewart cynically plays on the understanding that it hurts victims of certain crimes such as rape to be repeatedly interviewed, and he announces that children are harmed by being interviewed ("California Divorce Handbook" by James Stewart, footnote 2, page 91) in divorce cases:

There is considerable evidence that evaluations and interviews are harmful to children, especially if they number more than one. A growing number of judges, myself included, take the position that they do not want to speak with the child unless the child can be helpful on a specific issue, or unless the child's views cannot be credibly attained in any other way. (Bold added)

You will note that the above remarks are not limited to younger children. Although the above may sound acceptable in the abstract, in practice it means that Judge

Stewart actually uses his favorite "therapists" for the children and handpicked attorneys to filter the children's voice to where it will suit this judge who is a devotee of the theory of parental alienation.

Judge Stewart's method is not limited to silencing the children. He also has two favorite psychologists who declare mothers to be paranoid, delusional, psychotic and/or otherwise incredible. This leaves only father's voice that can be listened to in the family, and abusive fathers take advantage of the opportunity Judge Stewart offers them to abuse their families in the post divorce context. Attorney Baugh has been one of Judge Stewart's main legal henchmen. Attorney Baugh has fully adopted Judge Stewart's view, stating in cases that he does not need to listen to the child for whom he is attorney because he doesn't need to hear one parent's programming parroted back.

Children on whom Mr. Baugh has been inflicted have suffered greatly. Judge Stewart routinely places children with abusive fathers and occasionally with abusive mothers. The children are gagged by handpicked therapists who will deny the abuse and by Mr. Baugh who speaks for the children, often attacking their mothers as well as his own supposed clients.

For Mr. Baugh to refuse to speak to the children he represents and to insist on placing them with an abusive parent is not at all unusual. For those of us from Santa Clara County, there is bitter irony in having Mr. Baugh speak on ethics and new roles.

Brad Baugh edits a Family Law Newsletter in Santa Clara County which is written in a shockingly cynical and hardened tone. The tone that prevails in Judge Stewart's courtroom is one of cynicism and favoritism and general disdain for the people (especially abused women and children) who come before him. Mr. Baugh's newsletter adds to this tone. With this tone Mr. Baugh adds to the discouraged, heartless, cynicism in Santa Clara County. For example, the June 1998 newsletter; in the upper lefthand corner by the newsletter's name on the front page, it says:

Newsletter of the Family Law Section of the Santa Clara
County Bar Association the Colostomy Bags of Your
Marriage

This is typical of the debilitating, discouraging cynicism that Mr. Baugh exudes.

In spite of complaints of bias and favoritism, Judge Stewart fined one attorney \$20,000 personally when he tried to speak up for a mom (as stated in the Winner

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Report); the attorney may leave family law. The DISfavored attorneys must stay in the hallway and send the clients in pro per or send them to other attorneys. In Department 119, the favored ones like Mr. Baugh receive incredible amounts of appointments to represent children and awards of attorney fees. Attorney Robin Yeamans, who wrote "Here's How You Get a Divorce in Santa Clara County" and is considered the leading divorce attorney in this county has not been able to appear in front of Judge Stewart since spring 1996. At that time he removed her from a case after a long history of insulting her in court and giving her no attorney fees. **The discrimination is extreme, and Mr. Baugh is the recipient of the benefits of it.**

Mr. Baugh is a member of what is called the "cabal" by others. This cabal includes not only Judge Stewart but Ph.D. psychologists Terry Johnston and Michael Jones. Both Johnston and Jones frequently label normal mothers as having a high degree of psychopathology—and their labels are wildly off the mark. For example, Michael Jones testified that when a divorcing mother answered "true" to the statement, "My sex life is unsatisfactory," that was evidence of her being psychotic! Because Judge Stewart has thrown so much business to these two psychologists, they have become known as being "highly regarded at court." Mr. Baugh is a part of this cabal.

The situation in Department 119 has been so bad for so long that the parents have been picketing since the end of February 1997. The media did not report this until it splashed onto nationwide TV in November 1998 on the Leeza Gibbons syndicated talk show. Of all the judges and the two commissioners, only Judge Stewart's name has appeared on picket signs.

The level of frustration is very high. This is true not only of the picketing parents but of the decent attorneys who hate to see abused adults and children suffer so much. In this context, having Mr. Baugh speak on new roles and ethics is a real problem for anyone who is not in Judge Stewart's favored inner circle.

Mr. Baugh's views are incompatible with what we hope the other people in the program are trying to discuss—helping divorcing families. Mr. Baugh is a Stanford graduate and can speak words that sound compatible with the conference's goals. But for those of us who know what he has done, it is a very bitter pill to swallow.

National Coalition for Family Justice, Santa Clara County (800) 823-6700

This leaflet was not produced by the sponsors of this conference.

Children who had Brad Baugh as their attorney speak out about having him as a speaker on the subject of ethics.

Brad Baugh was appointed to my brothers, sister, and I when our custody case first started in 1989. Since then, he has made many promises and none of them have been kept. Every time that I call Mr. Baugh, his secretary tells me that he is unavailable because he is busy, out of town, or in a meeting and will call me back. Over the past nine years, I have only gotten one phone call back from him, and my dad yelled at me for it.

I have told Mr. Baugh hundreds of times that I want to live with my mother. The only reply that I ever get back is that he does not think it is in my best interest to do so. He and Teri Johnston have been trying to convince me that I want to live with my dad. Even though I do not. I thought that a lawyers job was to represent their clients need and wants in court. He has ignored everything that my brother and I have asked of him. So it seems as though he is on our dad's side. . . not on mine.

For the last three years, my brother and I have been trying to fire Brad Baugh. I say trying, because all of the letters we've written to get him off of the case he and Judge Stewart have ignored them. I thought I had rights. But I guess I don't.

To say the least, I do not think that he properly represents children. My feelings toward him are very negative now, because of what he has made me and my family go through. I only pray that someone will stop him before he can cause anyone else the suffering that he has caused me.
Thank you, Lily Tucci (now 15 years old)

For the past eight years my "attorney" Brad Baugh has done a horrible job. I have only been in his office three times and when I asked to see some files, he said no because they're filed away. He asked if I would like him to do anything and he agreed to update me every two months, either with a phone call or letter. Either he hasn't sent a letter to me or it just has gotten lost in the mail over the past eight years. I've only received 1 letter total and I've only talked to him on the phone twice. I hardly talk to him so I wonder how he knows what I want. The only reason that I've gotten into his office is because I complained to the special master. A visit was then set up because of my complaint. He has never instigated for us to come for an appointment.

I think that he is irresponsible and highly unqualified to represent Santa Clara County. I believe that he takes advantage of other children, telling them that they have no say.

He has told us that HE DOES NOT CARE WHAT WE WANT because his job is to look out for our best interest. How would we know what our best interest is if he doesn't even care what we think?

I don't know how he could represent Santa Clara County with his poor qualifications. It doesn't really matter if he went to a good school/college or has a great recommendations. All that really matters is how you use the knowledge. Its like having the world's fastest car with jet engines but it really doesn't matter if theres a dummy behind the wheel.

I think, for the good of the county and of other families who he has and may work with, he shouldn't represent Santa Clara unless you want to show everyone how poor of a court and attorney system we have.

Thank You, Nick Tucci (now 17 years old)