

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: Domestic Relations Injustices in the Legal
System

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Stenographic report of hearing held
in Room 140, Majority Caucus Room,
Main Capitol Building, Harrisburg, PA

Friday,
September 13, 1991
10:00 a.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Gregory C. Fajt	Hon. Karen A. Ritter
Hon. Frank LaGrotta	Hon. Chris R. Wogan
Hon. Robert D. Reber	

Also Present:

Kathleen Dautrich, Special Counsel
Mary Woolley, Republican Counsel
Mary Beth Marschik, Republican Research Analyst
Paul Dunkelberger, Republican Research Analyst
Katherine Manucci, Committee Staff

Reported by:
Ann-Marie P. Sweeney, Reporter

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1 CHAIRMAN CALTAGIRONE: All right, if
2 we're ready to start, we want to keep on schedule as
3 best as possible because I know it is going to be
4 another long day and I would like to open up the
5 domestic relations hearings with the House Judiciary
6 Committee. I'm Chairman Tom Caltagirone, and we have
7 Representative Frank LaGrotta and Representative Reber,
8 and staff that's present is Kathy Manucci and Paul
9 Dunkleberger joining us.

10 If you would like to open up and indicate
11 who you are.

12. DR. MARTIN: I'm Dr. Douglas Lee Martin,
13. and I'm here to present some testimony to the Judiciary
14. Committee.

15 First, I'd like to thank the Judiciary
16 Committee for allowing me to come and talk today.
17 Also, on behalf of Grandparents of Pennsylvania, who
18 could not make these meetings, they would like to
19 express their sincere interest since they have been in
20 Washington, D.C. before the Youth and Aging Committee
21 to testify on similar items yesterday. So they are
22 eager to look forward to the testimony from your
23 committee in the near future, and I wanted to convey
24 that from the Grandparents of Pennsylvania.

25 CHAIRMAN CALTAGIRONE: We do have a full

1 hearing scheduled for the grandparents visitation
2 rights and that will be coming up.

3 DR. MARTIN: And I just want to make a
4 note that they are very similar to what we are saying
5 here with the problems that are occurring. They are
6 linked directly.

7 Okay. A little bit about myself. I'm a
8 Ph.D. chemist in analytical biochemistry. I've worked
9 with many big companies. I work for myself currently
10 in a computer automation company. I deal with Fortune
11 500 companies. I'm a very good person with
12 communicative skills and also getting along with
13 people. I'm very active in the Presbyterian church.
14 I'm a Deacon, I teach Sunday school, and I just wanted
15 to set that ground work so that you know that I am very
16 active in the community, within professional
17 organizations and social activities, and I'm very
18 representative of the community.

19 I have never had any problems until I
20 encountered the Family Court Division of Allegheny
21 County domestic relation matters. In 1986 I was
22 married. In 1987 I was divorced from my marriage, and
23 during the course of that, when I left I was just
24 totally economic devastated. I did not have my
25 business records nor did I have any personal items or

1 anything that I could live on except a little money in
2 the bank, and I was living a Spartan lifestyle. I
3 could not get any money, I could not have the attorneys
4 file for that simply because the attorney at hand said
5 there's no way that I could receive any monetary gains
6 through the courts or resolution of obtaining some of
7 my properties even before marriage.

8 In January I filed for -- let me back up.
9 In that fall I filed for divorce. It was granted in
10 March of the following year. But I filed for full
11 custody of my daughter in January of 1988, and that's
12 when the problems started to occur. All of a sudden
13 someone that was very typical and representative of a
14 good person within the community is starting to become
15 a victim of a very bad judicial tyranny scheme that is
16 in Allegheny County and around the State.

17 I filed for full custody because my wife
18 was hiding my daughter and her whereabouts. I had no
19 idea where she was or anything about that. I was
20 living in a hotel trying to find this information out.
21 So I filed for conciliation. One week later, in
22 retaliation, my ex-wife's counsel filed a false PFA on
23 me trying to gain an upper hand in the custody dispute
24 and obtain all the properties that way. It was never
25 served, never heard. We went to the conciliation

1 hearing and right away they established you had to have
2 a psychological evaluation. They assigned Neil
3 Rosenblum. They also -- it was Judge O'Brien that did
4 that, and Judge O'Brien made a statement that a man
5 cannot take care of an infant because he is not the
6 mother. That was his rationale. And in order to take
7 care of an infant, you will have to take "how to care
8 for an infant" classes, and he gave no reason or rhyme
9 to that or even where to seek out these classes.

10 So at that point he said we had 60 days
11 -- no, 90 days to get the evaluations in. The
12 psychologist took over five months to do so, and when
13 he did so it was so badly butchered it was all the
14 allegations of the ex-spouse and counsel. During that
15 course also I was constantly harassed, my life was
16 threatened by ex-in-laws. I asked my attorney if I
17 could get any relief from such -- and, well I did that
18 initially in front of Judge O'Brien and he just
19 wouldn't hear it. They had previously damaged
20 properties and then threatened me prior to that, so
21 they were very capable of that. To harass me they
22 filed false assault charges in the county that they
23 lived in, which was another county, and they accused me
24 of waiving a gun. I don't own a gun, and the
25 magistrate essentially said, you're not from down

1 around here, you're from Allegheny County, you're
2 guilty. All he wanted was the money. They were trying
3 to set me up with in conjunction with Neil Rosenblum's
4 report to look like a very violent, angry person, which
5 I am not.

6 And when it went before the next
7 conciliation hearing, which was about six months after
8 the first, Judge O'Brien -- we found out just two hours
9 before the conciliation, I believe it was about 11:00
10 o'clock conciliation or 10:30, in there, we found out
11 about 9:00 o'clock that they had scheduled a contempt
12 hearing in front of another judge to try to strip me of
13 full parental rights without notifying us, which I
14 found later to be a common situation that they do.
15 They do not give proper legal notice, seven days before
16 motions granted, and they just throw it on you and they
17 expect you to recover there on the spot. But it was so
18 gumped up that day that the conciliation never got
19 around to really being discussed, nor Neil Rosenblum's
20 report, nor nothing, and he couldn't believe his ears
21 and eyes, so he ordered Neil Rosenblum to re-evaluate
22 me because this situation didn't make sense of what my
23 opposing counsel versus my counsel was saying. He
24 ordered in 60 days to re-evaluate and have another
25 hearing.

1 Within that 60 days, Neil Rosenblum did
2 schedule the appointment but he canceled. He refused
3 to answer my calls, and I finally had to approach him.
4 Prior to approaching him I asked my counselor, can I
5 have him recused, you know, and she said, no, it's Neil
6 or nobody. The judges will rubber stamp whatever he
7 says regardless of the facts of justifications. It
8 doesn't matter, what he says goes. You have no choice
9 in the psychologist. If you want any custody, you're
10 going to have to go through Neil. That's the way it
11 works in Allegheny County, which that attorney now is a
12 hearing officer in the Allegheny County courts.

13 So I approached Neil and asked him why
14 did he not reschedule? And he said my ex-spouse's
15 attorney called him up and said I moved out of town,
16 and that's why he didn't return the call. There's so
17 much collusion going on behind back doors with these
18 attorneys and psychologists and judges it scares me.
19 It scares me a lot because it's not supposed to be that
20 way. Ex parte meetings are illegal.

21 So as I, you know, continued to try to
22 fight this, it just kept getting worse and worse and
23 worse. I had to take another job. My ex-wife refused
24 to allow proper visitations, and I just had to take it
25 back into court again.

1 In the interim I did get re-evaluated by
2 another psychologist and the psychologist found nothing
3 pathologically wrong. A little bit of stress, but
4 that's normal under the circumstances. Also in the
5 interim I turned Neil Rosenblum in. I made a complaint
6 to the Occupational Licensing Board, and I come to find
7 out that there are 60 counts against him, and
8 apparently there's been so many complaints on him that
9 I'm surprised he was still practicing at the time I was
10 involved with the courts and him several years ago.
11 And he still holds a license to date and nothing
12 officially has been done to date. And John Kelly, the
13 prosecuting attorney for the Occupational Licensing
14 Board, tends to drag his heels on this. They've even
15 had Judge Kaplan call up and say, well, you know, and
16 talk to John and say that he couldn't really support
17 nor say anything because that would be improper. But
18 just the collusion and discussion that the
19 psychologists and judges have are wrong. They have no
20 right in doing that.

21 Okay. I had to get the visitation
22 re-established. It was forced on me some odd hours,
23 just 10 hours a week by DRO. And I've been living with
24 that for about almost three years because I have not
25 been able to get custody issues addressed, visitational

1 issues addressed. My ex-wife finally did file for
2 support, but that was after I filed a petition to try
3 to get the baby's name corrected. I'm still unknown on
4 the birth certificate. It's just really a bad mess.
5 She, in bad faith, submitted a birth certificate that
6 is not acceptable, and that's being currently litigated
7 in the courts in Allegheny County in Orphan's Court
8 under Judge O'Malley. He's been pigeonholing this
9 thing for three years, and there's nothing I can do
10 legally within my powers or my counsel powers to move
11 him off.

12 This is not unusual that things get lost
13 in the courts like that. I have another instance where
14 as I went on to try to improve the visitational rights
15 I went into the next series of DRO meetings and they
16 said then I have to have a home evaluation after they
17 said the one previously was not needed. They always
18 went by Neil Rosenblum's report, even though I had
19 submitted a secondary psychiatry report refuting Neil
20 Rosenblum's report.

21 I could not, on one occasion, accept the
22 answer of the DRO with respect to visitations and I
23 asked for it to go in front of a judge. It should be
24 noted at that time that Judge O'Brien had left Family
25 Division without assigning this case to anyone else.

1 Then I was left without a judge, and then at this DRO
2 meeting it was assigned to Judge Kelly. And Judge
3 Kelly ordered home evaluations as Ann Dill being the
4 home evaluator, social worker, and she the next day
5 asked for a child advocate, Patrick Quinn, which is
6 also a hearing officer, which is a conflict of State
7 law. An officer of the court cannot practice law in
8 the court that he's an officer in, and that's one of
9 the problems I have with Pat Quinn. Another one is to
10 date he has not met my daughter, he has not met with
11 me, he has not met with my ex-wife. So this person is
12 totally incompetent as a child advocate, but yet he has
13 more rights than I do about my child.

14 So we had Ann Dill assigned. She
15 accepted false sexual abuse charges from my ex-wife
16 directed towards me. We went through CYS. They were
17 thrown out completely and there was nothing done to her
18 for submitting these false sexual abuse charges.
19 Nothing whatsoever. But yet when we go into court it
20 should be noted that her attorney throws up that I'm
21 abusive because I had a PFA filed on me. I'm a sexual
22 child abuser. And recently he did say that in front of
23 a judge. So the judges are allowing these attorneys to
24 lie in court, and the judges are breaking all types of
25 canon laws. And the attorneys are, you know, not doing

1 their proper professional courtesies to clients or
2 anyone else for doing such actions.

3 Okay. Once I was trying to get this
4 visitations re-established, I couldn't get them to move
5 beyond those 10 hours a week. Approximately a year ago
6 I filed for full conciliation due to get my equitable
7 distribution going or to be settled. At that meeting,
8 it was scheduled for August 14th of 1990. August 3rd I
9 had also placed for contempt charges on my ex-wife for
10 not allowing me to know anything or records or anything
11 about my daughter. She purposely changed pediatricians
12 as not to allow me to get records. She's hid
13 everything about my daughter from me and she's taken
14 the child out of State about four times from my
15 knowledge, against a court order. So I wanted the
16 court to specify the ground rules on that to issue
17 contempt against her based on breaking the court order.

18 Immediately she filed contempt charges,
19 and so essentially the hearing before Judge Kaplan was,
20 he heard everything from my opponent's side,
21 selectively allowed information to be accumulated by
22 the court by my ex-spouse's counsel and excluded many
23 of our supporting documents. He also fell asleep
24 during my testimony, and this was reported to the
25 Judicial Inquiry and Review Board and they addressed

1 that saying, well, that can happen, that's no problem,
2 essentially. It was a very blase letter saying that no
3 protocol, nothing was violated. And I was just totally
4 floored at that.

5 About a week later than that my
6 ex-spouse's attorney, Marc Rossenwasser, and Judge
7 Kaplan had a meeting. In that meeting they failed to
8 notify my counsel in a proper fashion that there was a
9 meeting taking place. At that meeting orders were
10 decided that I was in contempt, that I had to pay legal
11 fees. And it was an ex parte hearing, blatant ex parte
12 hearing. I turned that in to the Judicial Inquiry and
13 Review Board. Guess what? They said that's okay. You
14 know, why even have a Judicial Inquiry and Review Board
15 if you're going to have those problems?

16 As a result of that, I tried to appeal it
17 to Superior Court. They set the legal fees just below
18 what it would cost to get the transcripts, which are
19 very expensive, and they were economically trying to
20 harass me is what they were trying to do. There was no
21 reason for me to take that up to Superior Court to try
22 to appeal in the first place, and that's what we
23 decided. Why should I appeal something that's
24 blatantly illegal to begin with? it seems like that is
25 a trend that they do. They put up red herrings in

1 there so that you chase the red herrings and these
2 issues that are directly affecting the parties are not
3 truly addressed.

4 So I filed a Federal lawsuit for
5 racketeering against Judge Kaplan and several people
6 that were involved in this. It's in third circuit
7 right now, and to give you an idea how much resistance
8 I'm getting is they have blatantly violated my
9 constitutional rights to due process and equal
10 protection under the law. The Supreme Court of
11 Pennsylvania's counsel, A. Taylor Williams, essentially
12 has a position that you have no constitutional rights
13 whatsoever if your action comes from a domestic
14 relations issue. And I totally disagree with that and
15 that's why it's up in third circuit right now. They're
16 also trying to put sanctions on me for trying to obtain
17 a custody trial. It's been over three years and I have
18 not had a custody trial that I filed for back in 1988,
19 and for no good reason other than there's collusion
20 going on in there. There's something going on other
21 than I would say incompetency or just say it falls
22 between the cracks.

23 It's my opinion that these courts do not
24 want to address any rights, constitutional rights,
25 either at the State level or at the Federal level, and

1 this is a very -- to my knowledge I believe there's
2 eight or nine active cases as such in the western
3 district of Pennsylvania in Federal court, so this is a
4 problem, this is a very real problem. It's not a minor
5 problem and it's more rampant than you'd like to
6 believe.

7 We recently tried to obtain a hearing in
8 front of -- well, we did obtain a hearing, my counsel,
9 Matt Jackson, one of the few sincere and honest
10 attorneys that I've met in trying to resolve the
11 situation rather than to prolong it, recently in front
12 of Judge Baer. Now, Judge Baer, this was a very
13 interesting hearing because all I was asking for is if
14 I could take my daughter down to see my parents, they
15 had never met my daughter, for about a week to 10 days.
16 Also for him to set in date a time to reschedule a
17 hearing on the visitational situation. He allowed the
18 opposing counsel to stand up and say, do you have any
19 complaints why this should not be so? And right away
20 he started to say I was a child abuser right off the
21 bat. It had nothing to do with, you know, the issues
22 in front of him. Then Judge Baer was saying, well, I'm
23 going to have to deny all this without prejudice simply
24 because he remembered the judges talking about this
25 case and that the way they wanted to handle it was to

1 give it back to Judge Kaplan. So apparently they
2 discuss a lot of these things behind closed doors, and
3 as a result of that, I don't know how fair these
4 hearings actually are when you get into those
5 situations. Things are pretty well set up front.

6 I should note that on that hearing with
7 Judge Kaplan it was very interesting. It was scheduled
8 to take place at 9:30 that day. We showed up and no
9 one else showed up. Everyone else knew to show up at
10 1:00 o'clock. Okay? Judge Kaplan didn't tell us that
11 he moved it back on purpose. Then when we showed up at
12 1:00 o'clock he had rescheduled it to 3:30 to conflict
13 with another trial already in process that my attorney
14 was involved in. So during that hearing my attorney
15 wasn't present because he went ahead and started it
16 without counsel being present. That's how contemptuous
17 Judge Kaplan is, from my opinion, towards myself and my
18 attorney. It seems like he has a discrimination
19 directed towards my attorney and possibly towards me
20 for speaking out.

21 I do fear retaliation from the judges in
22 my case in Allegheny County court testifying. It's not
23 beyond their character to do such in any direct or
24 indirect ways. The situation there is really bad.
25 I've done about everything humanly possible to obtain a

1 reasonable hearing with reasonable people involved. It
2 just doesn't take place. The judges, in my opinion,
3 every one, every judge that I've had has violated canon
4 codes. Judge Kelly sat on my custody case for 18
5 months without having a hearing. Judge O'Malley is
6 sitting on my Orphan's Court case for three years
7 without reacting to exceptions. The State won't
8 address that there is a problem. The State's attitude
9 in the Federal suits is I have a custody trial, and the
10 fact is I don't have a custody trial. They are
11 permitted to lie on the briefs, and there's nothing I
12 can do. The judges rubber stamp this.

13 There's too much discretion on the
14 judiciary to make determinations. They can make a bad
15 determination or a foolish determination and you have a
16 minimal recourse to re-address this within a State
17 court. You know, there's many things that we can do to
18 clean it up. In there I have about three pages of
19 comments towards the end of situations that would help
20 and to eliminate some of these situations from
21 occurring. Essentially, we have to control or put
22 checks and balances on the judges. The judges are
23 ultimately responsible for running the courtrooms.
24 Now, lawyers do have a degree of responsibility within
25 their profession, and from what I've seen through the

1 disciplinary boards, it doesn't work in this State very
2 well. We need more layperson involvement within these
3 boards in order to reflect community standards.

4 Also, I might add, too, I've also been
5 harassed by the courts for support payments. I've paid
6 up and I've shown that I've paid up and I got a form
7 letter saying that I was in arrearages from Judge
8 Strassburger's department. In sending correspondence
9 back to Judge Strassburger showing him that there was
10 no discrepancies, everything was perfectly acceptable
11 and that I wish that he would follow the Child Support
12 Act of 1988, which this was pushing violations of.

13 Now, the Child Support Act of 1988, you
14 know, is essentially a problem in application in
15 Allegheny County. Due to the usual practice of earning
16 capacity, when you go in there they give you more
17 capacity than you actually make. They say you should
18 be making more money than you actually are, and they
19 adjust the figures between two spouses to polarize it
20 as to obtain Federal matching funds as indicated under
21 the Child Support Act of 1988. Now, this money is very
22 much unaccounted for in that there's never been an
23 audit to explain where this money goes and how it's
24 being spent.

25 I should also note that there is

1 discrepancies in where that support money is resting
2 most of the time. Initial payments are anywhere -- it
3 takes six to eight weeks for it to be paid out. Okay?
4 And then there's usually a 10-day delay. Not always,
5 but usually. Now, that money, we believe, is being
6 floated for interest, and that is unaccounted for. Dr.
7 Lewis Sullivan had been contacted by so many people by
8 the time I approached him that he said there would be
9 an investigation on this improper practice. It was
10 assigned over to an agent of his office here in the
11 State of Pennsylvania. That's where it died in its
12 tracks. I've had Federal legislators approach these
13 agencies and they have no idea an investigation is
14 underway.

15 There is -- this is a very sore point
16 down there, and this in fact is part of the reason why
17 we're not getting visitation or custody things heard.
18 They're only interested in support issues, primarily.
19 They get incentives from the Federal government for
20 increasing their collections of support, so they have
21 no incentive whatsoever to hear visitational problems
22 or things relating to the child. I'm just, you know,
23 very concerned about many of these things within the
24 State, and I'm just, you know, like I said, there's
25 many people, I'm very active within a church and I talk

1 with people in and out of the State quite a bit and
2 there's been times where we've had to give food and
3 money to people undergoing divorce litigation, custody
4 litigation, because they've been wiped out by
5 attorney's fees or improper prolongation of these
6 cases. It is very rampant.

7 I believe Representative Heckler said
8 that 90 percent of the divorces handled by lawyers end
9 amicably. I don't think that's an accurate
10 representation of the situation. I've known too many
11 people and I've seen too many bad situations. That
12 number is highly inflated. Not to say that there
13 aren't some, but I would be very much surprised that
14 number would be that high. I would say it's probably
15 half. That would be conservative.

16 So there's a lot of problems within
17 there, and a lot of this is we need to limit these
18 judges. We need to limit them to specific terms and to
19 run for specific offices. We need to streamline the
20 impeachment proceedings. We need to insure that full
21 parental rights are pre-requisite prior to the
22 establishment of support. In my particular case, I am
23 working under a temporary order from 1988 on custody,
24 and that was the initial order. There's nothing since
25 then that has given any order out there. And I'm

1 working on a visitational schedule that was a temporary
2 order for six to eight weeks. It's just amazing.

3 So we have to put, the one thing I would
4 really like to see, we would have to put a time limit
5 on how long these judges and court officers can take to
6 make a ruling. We have to do that because they are not
7 capable at this point. They are abusing their
8 discretion. And there's nothing wrong, if you have
9 reasonable people in there with good intents, they will
10 not abuse the discretion. Why are they abusing this
11 discretion? That would be wonderful to get them up
12 there and have them explain it, because I want to know
13 why. There are many reasons I can speculate, but they
14 would probably be better to address that than I would.

15 We need to make it so that if you can't
16 resolve something through this conciliation process to
17 resolve it by trial by jury, simply because you're
18 talking about people here - children, families, and
19 people around those families. What you're going to
20 have is a problem situation that will economically
21 devastate families, either split up or however you want
22 to classify them economically. And the money is spread
23 so thin by the time the resolution to the problem is
24 both parents are economically distraught. How good is
25 it to have one parent or both parents economically

1 distraught? That is not good for the child however you
2 slice it. You know. You have only so much money in a
3 marriage, it should be able to be split up reasonably
4 in and out in a timely fashion as to minimize the
5 disruption to the individuals involved. I see too much
6 fee building.

7 I had one attorney at the time after
8 Judge O'Malley's hearing came up to me, it was Tony
9 Colangelo, and said, I need \$2,500 for starters or I
10 can't represent you anymore. Now, what are you going
11 to do on that? You know, \$2,500 is a lot of money,
12 especially when you had to start all over again and
13 build from a hotel room and work your way back up and
14 get back into a home, and it's a lot of money. There's
15 got to be some caps on these attorney's fees, and the
16 judges have to watch these situations. People that
17 can't afford it, they're going to have to be a little
18 more laxed on them.

19 For example, right now they want \$1,000
20 for a psychological evaluation in order to obtain
21 custody. I believe that we need also to get the judges
22 to quit telling these psychologists, Judge Strassburger
23 has told the psychologist down in Allegheny County, you
24 must make a custody determination or recommendation or
25 we won't give you any work. Now, psychologists should

1 not make custodial recommendations. Home evaluators
2 should not make custodial recommendations. We have a
3 very big problem. The judges are allowing -- everybody
4 else can make decisions other than themselves, and that
5 is a very, very big problem in our courts.

6 I'm trying to think if there's anything
7 else I need to address. One thing in my case, I do
8 believe that the laws within the Orphan's Court should
9 be changed so that the surname of the parental party
10 takes precedence unless both parties agree otherwise.
11 This will enforce support actions more efficiently and
12 also take away the abuse of naming the child several
13 different names over the course of that child's life.
14 This is one little thing that needs to be amended that
15 I found that is a problem, you know, and that can be
16 easily addressed.

17 The other thing that I found that would
18 probably help to speed things along is to remove the
19 child from being a bargaining tool in these situations
20 in that if you could set a minimum level of value for a
21 child's care and equate that possibly to a percentage
22 of gross income, that would remove the child from the
23 battle of economic upperhand games that people are
24 playing with the child being used as a token. If you
25 do that, that will help the child substantially.

1 I do believe there's places for
2 psychologists within the courts to work, but not to the
3 extent that they are now. They need to be more in the
4 therapy and counseling end of it and making things more
5 moderate rather than polarizing them. Today I don't
6 know how in the world at this point in time I could get
7 a fair hearing by a judge in Allegheny County. I can
8 tell you that right now I'm not. I have a psychologist
9 I am working with, and if I do not get the situation
10 rectified in the next year or two, my daughter is
11 having irreversible damage for the rest of her life.
12 So there is -- it stems around, looks like cronyism, it
13 looks like the psychologist Neil Rosenblum pops up a
14 lot. They're allowing fixatious malice litigation to
15 occur, and it clouds up the issue. We need control on
16 the judges and we need to get lay people in there. You
17 know, good lay people. And like I said, I have three
18 pages of recommendations. I'll just let that be
19 submitted to you to decide.

20 But essentially it is a very big problem.
21 I've talked to people in and out of the State through
22 various organizations I've worked with and this is a
23 serious problem. I can't stress that enough. This is
24 not a few people isolated. This is a major society
25 problem at hand and it needs to be addressed before it

1 gets any worse. If we allow it to get worse, things
2 are going to happen that civilized people do not like
3 to see happen. People are losing it.

4 For example, Bob Denman that was supposed
5 to speak here today has been forced into mental health
6 therapy, into a hospital because he has been so beaten
7 up emotionally that he cannot take that stress, and
8 that has happened to a lot of people. They get burned
9 out, they cannot talk, they're afraid to talk, and they
10 don't have the ability to persevere the difficulties
11 you have to do when you try to fight and stand for your
12 rights.

13 So I'll stop my testimony here and take
14 any questions, if you have them.

15 CHAIRMAN CALTAGIRONE: Thank you.

16 Questions?

17 REPRESENTATIVE FAJT: Mr. Martin, my name
18 is Greg Fajt. I'm a Representative from Allegheny
19 County. I apologize if you mentioned this before, but
20 did you put in your testimony how much you ended up
21 spending on legal fees?

22 DR. MARTIN: Yes. In my testimony it's
23 approximately \$50,000 to date, and there's no end in
24 sight.

25 REPRESENTATIVE FAJT: Okay. One other

1 comment I'd like to make for the record as a follow-up
2 to what Mr. Martin said about the problems of sexual
3 abuse charges made on parents. I have had occasion to
4 have a friend of mine who was involved in a very
5 similar circumstance where sexual abuse charges were
6 made by the other spouse, in this case it was against a
7 woman by her husband, and I can sympathize with what
8 you've gone through. I think that we need to look at
9 what goes on in Children and Youth Services. They keep
10 everything under wraps, very difficult to get any
11 information out of them, and they are ruining peoples'
12 lives, and I sympathize with your comments that
13 although the charges were dropped, every time you go
14 into court and the attorney representing your wife
15 wants to cause you trouble they bring up these charges,
16 and that's unfortunate and I would like to see
17 something done from our committee to try to stem that
18 tide because it's ruining people.

19 DR. MARTIN: I would think that either
20 party that would be so malice to do that should have
21 the custody situation re-evaluated at that point,
22 because someone who will do that to a child I don't
23 feel that they are responsible enough to be a full
24 custodial parent, primary custodial parent. Not to say
25 that they don't have parental rights, but they should

1 not use a child for such ends.

2 REPRESENTATIVE FAJT: I agree.

3 CHAIRMAN CALTAGIRONE: Representative
4 Reber.

5 REPRESENTATIVE REBER: Thank you, Mr.
6 Chairman.

7 Just one question, Mr. Martin.

8 BY REPRESENTATIVE REBER: (Of Dr. Martin.)

9 Q. On page 2 of your testimony you made
10 reference to Judge O'Brien had a conciliation hearing
11 in January of 1988. Is that the only hearing that you
12 basically had and is it from that that everything else
13 stemmed?

14 A. Correct. Correct. And everything is
15 based off on that order and I cannot even enforce that
16 order in Allegheny County. And it's a temporary order,
17 too.

18 Q. Judge O'Brien, I assume Judge O'Brien is
19 a Common Pleas Court judge in Allegheny County?

20 A. He resigned from the family -- well, he
21 didn't resign, he was transferred over to the criminal
22 division approximately six months after taking the
23 case, so it would have been about June, July of 1988 he
24 went over to the Criminal Division, and then at the
25 time he released all his cases because the workload was

1 very heavy in the Criminal Division.

2 Q. But he was a Common Pleas Court judge
3 sitting at the time?

4 A. Yes. Yes.

5 Q. Thank you.

6 MS. WOOLLEY: I have a question.

7 BY MS. WOOLLEY: (Of Dr. Martin)

8 Q. If we could go back to the child abuse
9 issue for one moment. You mentioned that the Children
10 and Youth Services agency made a finding that your
11 wife's allegations were unfounded, is that correct?

12 A. They basically totally dismissed it.
13 They just ruled it out because the child was three
14 months old at the time and the problem was she had
15 vaginitis because of Desitin applications, and it was
16 just so blatantly obvious that it was--

17 Q. Did your attorney at the conciliation
18 hearing have the opportunity to introduce the evidence
19 of an unfounded report or conclusion by the Children
20 and Youth Service agency?

21 A. No, I've never had the opportunity to
22 address that nor the psychological evaluations nor the
23 home evaluations to date, and I feel that that's --
24 there should have been some follow through by the judge
25 on that part to do so or both--

1 Q. But the temporary order made no finding
2 that you had committed child abuse?

3 A. No. No. None whatsoever.

4 Q. Okay, thank you.

5 CHAIRMAN CALTAGIRONE: Bob.

6 BY REPRESENTATIVE REBER: (Of Dr. Martin)

7 Q. As a follow-up to that, Mr. Martin, has
8 any of your, and I guess as I look at it you've been
9 through what, four attorneys? Wendy De George--

10 A. Actually, three law firms.

11 Q. Three law firms. Okay. Has there ever
12 been a request for a reconsideration hearing or have
13 you ever filed for a petition to re-evaluate the
14 visitation and/or custody situation? Has there been an
15 actual filing requesting that?

16 A. Yes. Twice.

17 Q. Have your attorneys specifically
18 requested under the rules of Allegheny for a hearing on
19 those?

20 A. Yes, they have.

21 Q. Could you submit to the committee those
22 particular documents specifically procedurally
23 requesting this to be brought to a final hearing on the
24 custody visitation matter?

25 A. That would be no problem. I can submit

1 that as soon as I get back and talk to my counsel and
2 get the records to you.

3 Q. That would be fine.

4 A. I would be more than happy to do so,
5 because the one resulted in a Federal lawsuit because
6 they interceded and blocked pending trial of the
7 proceedings.

8 Q. I'll be quite honest, I'm not concerned
9 at this point for the particular purpose and direction
10 we're trying to go.

11 A. And that's very upsetting when you're
12 trying to work within a system and you follow the
13 procedures and then people jump out of the procedures
14 and then you have to spend years trying to correct
15 that.

16 Q. Well, let me ask you this. You currently
17 have retained counsel?

18 A. I have always had counsel in the Family
19 Division matters.

20 Q. Is it possible that counsel could, in
21 some way, shape or form, give his opinion as to the
22 procedural or the chronologies, the procedure of the
23 chronologies that have unfolded up to this point in
24 time?

25 A. That's a possibility.

1 Q. If it's a possibility and you could stand
2 the pain of what the charge might be, you know, I don't
3 want him to go out and do that and bill you
4 accordingly, but it might be a good idea to get at
5 least his perspective as to where the procedures have
6 broken down, or for that matter the procedures are not
7 being followed, if you will.

8 A. Okay.

9 Q. Okay?

10 A. Okay.

11 Q. There's an awful lot of problems in
12 dealing with these things as we're sitting here not
13 having them in front of us, and that's the reason why
14 we have these type of hearings because the real work is
15 done after the fact and to take a look at. I have been
16 speaking -- I have been here all three days. I haven't
17 been here from A to Z all three days, but I've been
18 here every day and there have been a number of
19 conversations that we have been having with staff, and
20 frankly, these conversations were held many years ago
21 envisioning some of these problems with amendments that
22 were made to the Protection From Abuse as well as were
23 made to the Divorce Code, and also just things that
24 have been perpetuated in the system over a period of
25 years.

1 And it's some of these concerns and war
2 stories that we're hearing that may give us the
3 potential when we again, when we again offer in the
4 form of legislation, whether it be amendments to or
5 just outright new procedures that we will be even more
6 supportive than we have been in the past of the needs
7 for these changes, so that's some of the background at
8 least from my perspective as to why I would like some
9 of this documentation to be available at a later date
10 when we do in fact sit down and come up with hopefully
11 some remedial legislation that might alleviate some of
12 these concerns.

13 A. It would also be nice to have some form
14 of injunctive type of relief against some of this
15 abusing down here going on by ordering even the judges
16 just to follow the State law.

17 Q. Let me just suggest something to you now.
18 I was admitted to the Bar in the Commonwealth of
19 Pennsylvania in 1972, and I've been listening for three
20 days to a lot of the things that are going on. Now, I
21 don't consider myself a specialization in the practice
22 of domestic relations work but I've handled a fair
23 amount of it over my -- I don't like to count the
24 years, they're getting up there, 18, 19 years -- and
25 I'll be quite honest, I've had the run-of-the-mill

1 problems, trials and tribulations that you have and
2 clients that have been dissatisfied sometimes with the
3 results, but I have to be totally honest with you that
4 I have never, never had problems ultimately having an
5 opportunity to be heard for the best interests of the
6 particular litigant that I was representing.

7 Regardless of idiosyncrasies, statutory mandates, rules
8 and regulations, rules of court, local rules that I
9 don't agree with that I think were wrong. But I can
10 honestly tell you that if I had to have a hearing for
11 the best interests of that child or for the physical
12 and/or mental well-being, I have gotten it. And I've
13 practiced in a number of counties - Lancaster, Berks,
14 Chester, Montgomery, Philadelphia. So I can't talk
15 about west of the Mississippi, so to speak, but in
16 those areas.

17 I've had frustrations. There's something
18 somewhere that I bring to this as a legislator who has
19 worked in the trenches, who has been in and out of the
20 foxholes working in the areas that have caused you the
21 problems that somewhere something is missing, and
22 that's the kinds of injustice that I think we have to
23 get to.

24 I guess what I'm saying is I don't doubt
25 one minute any of the stories and the problems and the

1 frustrations that the people that have testified for
2 three days have experienced, but I, from my own
3 experience, have to say these are isolated incidents
4 that I'm not saying shouldn't be taken care of, but I
5 don't see it as widespread, and I'm getting back to,
6 you know, what you were talking about an injunctive
7 relief and this, that, and the other thing. I don't
8 see it as widespread as some people might think that it
9 is. Not to suggest, not to suggest, and I emphasize
10 that totally, that this has not taken place and that
11 there certainly shouldn't be ways to alleviate it,
12 streamline the process, but somewhere something has to
13 be done to look to ways of doing that. And I think
14 that's really what is the intent behind the Chairman.
15 It's certainly the intent behind this individual as to
16 why I am sitting here listening and attempting to come
17 up with some avenues that I think certainly will be
18 accepted by all the players involved, and you're
19 talking about a major league of players here.

20 A. One point on that in that you don't feel
21 that it is as widespread. I would challenge the
22 committee to have local hearings within places such as
23 Pittsburgh or Erie because there are a lot of people
24 out there. I deal in Deacon's Emergency Fund. We have
25 helped a lot of people out, and it is a widespread

1 thing. And I'm not saying that one person got a good
2 deal, one person got a bad deal. Both parents got very
3 emotionally and economically destroyed by this
4 unnecessarily, consistently. Now, amicably is a
5 relative thing. I'm talking about the way people have
6 to live. And have you ever missed a meal? Have you
7 ever worried where your bills are going to come from?

8 Q. I've missed quite a few meals sitting up
9 here and listening to hearings like this.

10 A. And this is what I've had to go through,
11 being well educated and being active in the community,
12 I've had to do that, and so has many other people that
13 I know of had to do that, and it's not just a few
14 people. But how do you get these records? How do you
15 get these statistics? You perceive it as one way, I
16 perceive it another way, but the actuality is these
17 people are suffering and these kids are getting beat up
18 left and right for no good reason other than economic
19 gain by the system.

20 Q. Well, without a doubt I think that's what
21 we're about. That's obviously why we're sitting here
22 listening. Nothing has been more concerning to me over
23 the years than when a child is used as a pawn in an
24 overall domestic case, and it just tears me apart to
25 see that happen.

1 A. It's terrible.

2 Q. But I can honestly tell you, I've had
3 some real serious cases where I got into a final order,
4 now maybe I'm just more administratively inclined to
5 follow through on things than some people are, and I'm
6 not so sure, Mr. Chairman, that that's not 98.9 percent
7 of the problem, that we're dealing with people, whether
8 they be professionals in one end or the other. I've
9 had doctors that I can't get reports out of, and a lot
10 of times if you have a judge that wants an evaluation
11 and isn't going to hold a hearing until the reports are
12 in, months and months are going by, the kids are
13 getting beat up, the wife and the husband are going at
14 it even though they are separated, and that's part of
15 the problem. That's not the judge's fault, that's not
16 the lawyer's fault, that's not the Domestic Relations
17 office's fault, that's not the custody conciliator's
18 fault, that's somebody else's fault, and it's down the
19 line.

20 But query, do we need that report?
21 Sometimes I don't think we need the report. I'm more
22 inclined to rely upon an impartial hearing examiner to
23 evaluate the mental stability of the people just by
24 what they exhibit at that particular time. But there's
25 all kinds of problems that you run into.

1 What we have to do, and that may very
2 well necessitate putting a heck of a lot more judges on
3 that can hear hearings. I've always been in favor of
4 not allowing a support conference to go forward and a
5 final order in support being entered at a conference or
6 in court without contemporaneously with that custody
7 and visitation rights being resolved contemporaneously.
8 Now, they're going to tell you, okay, legislator, give
9 us another 50 judges and we can do that. Give us the
10 money to have the offices and we can do that. Well, I
11 say we should be doing that instead of a lot of other
12 things that we're doing up here, you know, like giving
13 money to the Pittsburgh Symphony Orchestra and things
14 like that.

15 A. Well, the situation with the judges is,
16 if you look at their workload, none of them are dying
17 from heart attacks due to the workload. Let's be
18 honest about it.

19 Q. I don't know. I'm not going to make a
20 judgment like that because I know a lot of judges that
21 are conscientious. I know a lot of legislators that
22 are conscientious, and then I know a lot that aren't.
23 So I don't like to use the big paint brush to paint the
24 profession from A to Z. I like to find where the
25 problems are, zero in on that cancer and get rid of it,

1 and that's my role today. That's what I'm trying to
2 do.

3 A. Well, I would believe that you would find
4 that indiscretion with the judges with their abuse of
5 powers. Simply in one case that I was sitting in that
6 Judge Strassburger was over, he said, "Rules, what
7 rules? We make any rules that we want in this court,"
8 you know, inferring that they have no checks or
9 balances. And when you have ultimate power, that will
10 be very corruptive to that individual without any
11 checks or balances on there. And I would -- they do
12 publish the number of court dates and things like that
13 that they have. The problem is not so much they're
14 overworked, the problem is they don't handle the
15 problem properly upfront in a reasonable, morally with
16 integrity, and I say that very strongly because you
17 should be able, no matter the worst situation, have
18 everything resolved in several hearings.

19 How come it takes multiple hearings, in
20 some cases you'll probably hear later in the day or
21 you've already heard that people have had hundreds and
22 hundreds of dockets it seems like, to exaggerate a
23 point. In my case it's almost reversible. I tried to
24 go in there and they shot me down every time I turned
25 around because there's something more to it than

1 procedure. People talk. Let's face it. They talk.
2 There's collusion. But there should be a check on that
3 collusion and properly, professionally handle such
4 discussions among the judges, the attorneys, or what
5 have you. And it's not taking place right now. Why?
6 Because they have nobody to review them, to slap their
7 hands. We need to really address that issue very
8 quickly and strongly to send a message to them that
9 they are there looking out for the people's best
10 interests, not to propagate litigation or to make
11 whatever ruling they feel like on any given day based
12 on personal bias.

13 I really strongly believe that there
14 should be drug testing on these judges, hearing
15 officers and the officials. I've seen such erratic
16 behavior down there that it can only be described as a
17 potential problem.

18 Q. When you say "down there" now you're
19 referring to where?

20 A. In Allegheny County.

21 Q. Allegheny County. Okay.

22 A. And I would be surprised if everybody was
23 clean on the drug testing down there. Absolutely. And
24 they are in a position that can be more damaging than a
25 bus driver or an airplane pilot. They have more

1 control over your life with just one order. They can
2 totally devastate you or make your life so miserable.
3 They have a position of authority that needs to be
4 beyond repute, and drug testing should be mandatory on
5 these people just from a society point of view, because
6 it is a society problem and they are no different than
7 the rest of society when it comes to that.

8 Q. I appreciate your time and comments. If
9 you can get us that information, that may be of some
10 assistance.

11 A. Okay. Whom should I direct that to?

12 Q. To the Chairman.

13 CHAIRMAN CALTAGIRONE: Yes. And I might
14 add that Representative Fajt had mentioned that anybody
15 that has testimony that wants to submit it that hasn't
16 been here, if it's sent to me, we will photocopy it and
17 make sure that the other members and the court reporter
18 gets copies of that.

19 REPRESENTATIVE FAJT: Just a quick
20 comment, Mr. Martin.

21 You had made some comments before about
22 some judges and hearing officers and so forth, some of
23 whom I know in Allegheny County and I was going to let
24 it pass, but your latest comment about the drug
25 testing, I know some of those people very well and I

1 would vouch for them. And, you know, I'm not going to
2 sit here and chastise you, but I think your comments
3 are a little bit out of line and I--

4 DR. MARTIN: Well, I hope that they are
5 founded wrong, but I've seen glossy-eyed attorneys in
6 there, erratic behavior.

7 REPRESENTATIVE FAJT: I'm not going to
8 speak for the attorneys, but I feel a need to defend
9 the judges, some of whom you mentioned that I do know,
10 others I don't know, but I want to make sure it's on
11 the record that I think that they are certainly fine,
12 upstanding people and I think your comments were a
13 little bit out of line and I think we just ought to
14 leave it at that.

15 DR. MARTIN: Okay, I appreciate that, and
16 that the one thing I would want to add is that, you
17 know, you might be seeing it from one point of view
18 because you know the people and sometimes even if you
19 know people you don't know them. You could be an
20 enabler and not even know that.

21 REPRESENTATIVE FAJT: I think you ought
22 to stop your comments, Mr. Martin, on that issue.

23 DR. MARTIN: Okay, but I believe I'm
24 right, and I think it should be that, with all due
25 respect.

1 CHAIRMAN CALTAGIRONE: Thank you, Mr.
2 Martin.

3 For the record, I might add that we've
4 heard from the judges from Allegheny County that do in
5 fact want to testify and we are going to have them
6 before this panel to in fact testify and we're going
7 to, as a matter of fact, the more I thought about it
8 open it up to any of the judges in the State that would
9 like to, if any of the judges in the State want to come
10 before this panel to testify, and we've been notified
11 that there are several from Allegheny County that in
12 fact would like to, and we've already scheduled a date
13 for that. I would open it up to any of them to appear
14 before this panel to present their testimony, because
15 it's been said that I've been stacking these three days
16 of hearings unfairly so, and anybody that knows
17 anything about me knows that that's just not me, that's
18 not the way I operate, that anybody within the system,
19 whether it's Children and Youth Services or any of the
20 agencies that deal with any of these issues anywhere in
21 this State, if they would like to present testimony and
22 come before this panel, I would be more than willing to
23 accommodate them, to have them appear here and present
24 their side of the story and their testimony. And I
25 would like to have that recorded and publicized so that

1 if anyone else within the system that feels there is a
2 need, a compelling need to testify, if they're more
3 than willing to be here, I will accommodate them, and
4 I'm sure the members of the committee would also feel
5 that they would like to hear that testimony.

6 Thank you.

7 DR. MARTIN: Thank you.

8 CHAIRMAN CALTAGIRONE: Margaret Ann
9 Coulter.

10 MS. COULTER: Good morning. I'd like to
11 thank you and the members of the committee for giving
12 us the opportunity to address concerns with you this
13 morning. I'd like to present just a brief history and
14 try not to prolong the history of my case.

15 I am from Pittsburgh and from Allegheny
16 County. I was married approximately 10 years. Of that
17 marriage, one child was born. In 1985 my former
18 husband filed for divorce. Both parties continued to
19 live in the marital home until I had to seek protection
20 from the court with a Protection of Abuse order to
21 protect not only myself from continual harassment and
22 physical assaults to myself but also to protect my son
23 that was approximately 3 1/2 years old.

24 At this time, my former husband was
25 ordered to leave the home and I was caring for my son

1 70 percent of the time. The same day that my
2 Protection of Abuse case was heard before the Allegheny
3 County cour, the attorney for my husband phoned my
4 child's pediatrician, and I have record of that in my
5 son's medical files. Due to the Christmas holiday, the
6 first date that my husband could go into my child's
7 pediatrician was December 26, 1985, and according to my
8 son's medical chart it contained a great deal of
9 information about the abuse situation and certain
10 allegations about myself.

11 In the spring of 1986, my former husband
12 filed for sole custody of my son. Evaluations were
13 assigned by a judge of the Allegheny County Family
14 Division. April 28, 1986, on behalf of my former
15 husband, my child's pediatrician wrote and sent a
16 letter, to which I have now obtained copies, to the
17 court evaluators giving them confidential information
18 that was obtained from me during visits to the doctor's
19 office with my child. The pediatrician did not obtain
20 a signed statement of release from me to divulge this
21 information.

22 During my interviews with a court
23 appointed evaluator and the home evaluator, neither
24 party revealed to me that they already had received
25 what proved to be damaging information that should have

1 been of a confidential nature about me. This did not
2 allow me the opportunity at that time to refute any of
3 the statements or verify any of the information. Their
4 reports were based solely on allegations which were
5 unfounded, given to them by my former husband.

6 In November of 1986, I sought private
7 psychological counseling for myself and for my son
8 through a Pittsburgh psychologist. I must stress to
9 you that this psychologist was not court appointed. I
10 took a brief personality type testing through this
11 doctor in December, 1986. At the time that I took the
12 psychological testing, the results were given verbally
13 to my former attorney. To this day, the psychologist
14 has told me that he has no records of the testing nor
15 does he ever remember administering the test to me.

16 In May of 1987, which was approximately
17 five to six months after I sought the psychologist for
18 the testing, the psychologist brought in my former
19 husband on several counseling sessions that were
20 attended by my former husband and myself. I began to
21 question his credibility and some of the tones and
22 things that the psychologist was telling me in the
23 sessions both private and joint, and therefore there
24 was a brief period of time where I had chosen to
25 discontinue seeing him. However, in June 9, 1988, a

1 request was made by my former husband's attorney of
2 this psychologist. At this time he sent a letter to my
3 former husband's attorney, once again revealing
4 confidential information that he had obtained from me
5 during counseling sessions that I solely attended or
6 attended with my son. I must also stress to you this
7 psychologist did not obtain a signed statement of
8 release from me.

9 June 13, 1988, the copy of the
10 psychologist's letter was given to my attorney by the
11 attorney of my husband moments before a court
12 proceeding on a custody matter. My attorney at the
13 time questioned me about this letter and my fees that I
14 had paid to the psychologist, and my attorney at the
15 time made a statement to me which now makes very clear
16 sense, that the psychologist that I'm speaking about is
17 known to favor the one or the party that gets there
18 first with the money.

19 July 24, 1988, psychologist sends a
20 second letter to the attorney of the former husband
21 which reveals further confidential information about my
22 son and myself. These two letters from this
23 psychologist were used to initiate further extensive
24 and lengthy custody litigation. At this time, I again
25 sought a second opinion for my son and myself and both

1 he and I underwent extensive psychological testing
2 through another psychologist. Although this
3 psychologist did testify at my custody proceeding on my
4 son and my behalf, his testimony was very much ignored.
5 The facts of his testimony seemed to favor that
6 according to my son and all of the facts that he had
7 considered, that I was a fine parent and that there was
8 no reason why I should not have custody to my son.

9 In August of 1988, copies of the
10 psychologist's letter that breached my confidentiality
11 were presented to a motions court judge in order to get
12 my son into the school district of my former husband.
13 This substitute attorney that presented these
14 psychologist's letter is known to be on very friendly
15 and personal terms with the psychologist who was the
16 author of the letters.

17 I filed a complaint against the
18 psychologist to the State Occupational and Licensing
19 Board. The date of my complaint is dated August 24,
20 1988. The action resulting from my complaint is still
21 pending today, three years after having filed my
22 complaint.

23 My custody trial began October 13, 1988.
24 I had to insist to my present attorney to present a
25 motion to disallow the testimony and the reports of the

1 psychologist which breached my confidentiality and to
2 the court appointed evaluators, whose reports were now
3 2 1/2 years old. The judge denied the motion, claiming
4 that perhaps I just didn't like what the reports or the
5 psychologist that breached my confidentiality had to
6 say about me. This psychologist which breached my
7 confidentiality testified on two separate court dates,
8 due to the extensive questioning and reports of this
9 psychologist and the dates of his testimony are October
10 13, 1988 and December 13, 1988, my custody hearing did
11 go to a third and fourth day, which ended in, I
12 believe, June of 1988.

13 August 11th of that year the judge issues
14 an order awarding primary physical custody to my former
15 husband. I find it very interesting to note that Judge
16 Kelly included the following memorandum: He echoes the
17 sentiment of the Dividian court, which I believe is a
18 Superior Court case in the State. I quote from his
19 order and the Dividian court: "The record demonstrates
20 a choice between exceptionally fine parents. They are
21 obviously motivated by a bonafide interest and love of
22 the son involved. Each has the ability both natural
23 and financial to provide the best things of life for
24 their son. It is a tragedy that their paths have
25 separated and that they have concluded that they no

1 longer can jointly bestow these talents and resources
2 upon their son," end of quotation. I have to sit and
3 wonder if I'm being penalized for seeking a divorce.

4 He further quotes -- excuse me, it's not
5 a quotation, this is Judge Kelly's statement: "The
6 court is more than satisfied that both mother and
7 father are fine, caring, loving and competent parents.
8 The son is certainly a fortunate child and the court is
9 satisfied that he would thrive in the home of either
10 parent. Both parents meet any threshold standards for
11 consideration as a primary caretaker. They both stand
12 on equal footing." In awarding my husband primary
13 physical custody, I did not have equal footing. I
14 think that this illustrates that a child can be taken
15 from a good parent.

16 "Such being the case," and again, this is
17 the quote, "the court has turned to the reports of the
18 experts for guidance." At this point, I wanted to file
19 an appeal to Superior Court. Although I had been
20 keeping my current legal bills with my attorney current
21 to the best of my abilities, he enclosed a note in his
22 monthly statement telling me that he would not file the
23 appeal to Superior Court nor a stay of the custody
24 order until my bill with him was paid in full. It was
25 quite a surprise to me because I had just paid him what

1 turned out to be 60 percent of my net monthly income
2 the previous month.

3 At this point I had no choice but to
4 discharge this attorney and file an appeal of the
5 custody decision to Superior Court through new counsel.

6 December of 1989 clarifications to the
7 order were signed by my former husband. Again, a judge
8 made a ruling which made it physically impossible for
9 me to schedule what he had given me as far as my summer
10 visitation with my son. The appeal to Superior Court
11 was dismissed. The reasons in talking with the people
12 at Superior Court were that my attorney had missed the
13 filing of a brief. In talking with my attorney,
14 notification that a brief was due was never received.

15 January 1, 1990. My former husband
16 physically assaulted myself and my father in my child's
17 presence when he arrived to pick up my child
18 approximately 25 minutes before the agreed upon time,
19 according to the court order. At this point I filed,
20 as well as my father did, harassment charges through
21 the local magistrate. I believe it was in February of
22 '90 a hearing was held at the magistrate's office and
23 my son was brought in to testify against me and his
24 maternal grandfather. My former husband at this point
25 was found guilty of harassment. He filed an appeal to

1 civil court. He does not appear at the hearing, which
2 I believe was in April, and the judge upheld the
3 magistrate's decision. I later learned that the
4 hearing had been continued but neither myself nor my
5 father had received notification of the continuance.
6 We also did not receive notification of the new hearing
7 date, therefore when my former husband appeared and we
8 did not, he was cleared of those harassment charges.
9 In trying to investigate what had happened, the
10 district attorney's office blamed the judge's tip
11 staff, and the tip staff blamed the district attorney's
12 office.

13 During a period of October 5th through
14 October 10th, my former husband went in violation of
15 the custody order and kept my son from me for this
16 weekend time period. I had to file contempt charges to
17 the Family Division Court of Allegheny County. My
18 former husband filed counter contempt charges against
19 me over an incident that had occurred in August. After
20 a full day's hearing December 10th of 1990, I'm sitting
21 here today before you and I still don't have an answer
22 from Family Division Court on my contempt hearing.

23 March 5, 1991, I sent a letter to my
24 former husband by certified mail to try to work out the
25 time with him that was specified in the court order

1 that allowed me two 3-week periods in the summer with
2 my son. My former husband did not contact me to work
3 out the agreement but requested a court hearing.

4 May 22, 1991, I sent him a second letter
5 because I really did not know that he had even appealed
6 to the court for a hearing, sent him the second letter
7 to request once again his summer schedule with our son.
8 May 29th he responds to me telling me that my letter is
9 causing a problem with the scheduling of his vacation
10 and the vacation time of his new spouse.

11 June 24, 1991, a meeting was held in the
12 chambers of Judge Kaplan. I was not present due to the
13 fact that my son and I were in Virginia on vacation.
14 Judge Kaplan proceeded to hear arguments concerning the
15 summer vacation, although these were not part of the
16 petition that was to be heard that morning. Judge
17 Kaplan made statements to the effect at the time that
18 he felt that the vacation of the second spouse took
19 precedence over the vacation time allotted to the
20 mother in a court order. Judge Kaplan was in agreement
21 with the former husband's attorney that I should forego
22 my contempt position that was presently sitting before
23 the Family Division Court.

24 June 25, 1991, a day after the meeting in
25 the judge's chamber, my attorney sent a letter to the

1 judge to request a proper hearing to address the summer
2 vacation schedule. The judge refused to give me a
3 hearing and issued an order which gave my former
4 husband sole custody of my son for a six-week period
5 from July 21 until August 30. I did not have custody
6 nor see my son except for a few moments at a baseball
7 game for six weeks. Judge Kaplan states in his order
8 that mother's proposed arrangements were designed to
9 deprive father of his weekends in the summer.

10 Once again, July 25, 1991, I filed an
11 appeal to Superior Court. The summer's over, the time
12 with my son is lost.

13 August 4, 1988. This issue and this
14 testimony will address the child support complications.
15 Through agreement between myself and my former husband,
16 we agree to suspend the alimony pendente lite order and
17 the child support order because my son and I could no
18 longer afford to live in the marital home, so I moved
19 in with my family. At this point, my former husband
20 refused to continue paying the support order.
21 Therefore, I agreed to suspend the order so that the
22 mortgage on the former home could be paid and would not
23 go into foreclosure. The support order was to be
24 reinstated upon the sale of that home. The home did
25 sell September 15, 1989. Finally, because we had made

1 no headway through negotiations or phone calls to the
2 attorney, who said the order doesn't exist, I went to
3 Family Division February 9, 1990 to file for
4 enforcement of the support order. Between March 6,
5 1990 and March 28, 1990, the Family Court and myself
6 corresponded back and forth and spoke on two separate
7 occasions regarding the enforcement of the support
8 order.

9 May 3, 1990, although it was not known to
10 me at the time that this occurred, my former husband
11 files a claim for support and is given a hearing date.
12 When I found out approximately May 24 that he had
13 received a court order and had filed for support, I
14 appeared in person before a hearing officer of the
15 Family Division and was told that they could not find
16 my papers that I had filed in February for enforcement.
17 Family Division Court has made no attempt to collect
18 child support from my former husband, although he lives
19 and works in Allegheny County. I have provided them
20 with updated information. They have not imposed any
21 wage attachments. He is self-employed, so that makes
22 that situation a little bit different. Nor has he ever
23 been brought in for a contempt hearing. At this point,
24 my child had not received support since May of 1988.

25 During that same time period, Family

1 Court sends me papers for the Federal IRS intercept
2 program. Finally we go to a hearing November of 1990,
3 and the hearing officer issues recommendations to which
4 both parties file exceptions. January 25, 1991, a
5 hearing was held before a Family Division judge to hear
6 the exceptions. Once again, June 5, 1991, the Family
7 Court Division sends me Federal IRS intercept papers.

8 August 6th of 1991, I am issued a court
9 order which orders me to pay support to my former
10 husband. The income, according to the records
11 submitted to the Family Court, have my former husband's
12 income and the income of his second wife at
13 approximately \$92,000 per year. My income is less than
14 25 percent of that amount. I do not have a problem
15 supporting my son. The problem lies with the fact that
16 my former husband was allowed to use estimated income
17 figures, does not include the income of his second
18 spouse, which is more than I make, the father's budget
19 sheet that was submitted contains questionable entries
20 and includes entries for vacations which include trips
21 to Hawaii, Florida, and the Bahamas. The amount he
22 spends on his car payment is more than I'm able to
23 budget for food. Also includes, according to his
24 budget sheet that was submitted, expenses for household
25 help and unexplained other expenses to the amount of

1 \$500 per month, taxes, various loans, and unexplained
2 auto expenses.

3 That's the end of my testimony.

4 CHAIRMAN CALTAGIRONE: Are there any
5 questions?

6 (No response.)

7 CHAIRMAN CALTAGIRONE: Thank you very
8 much for your testimony.

9 I'd like to have Frank Valentich and
10 William Blake and Harold Dozier please take seats here
11 so that we could keep the process moving along as
12 expeditiously as possible. There are additional people
13 who want to testify.

14 MR. VALENTICH: This is important, Mr.
15 Chairman.

16 CHAIRMAN CALTAGIRONE: You will each have
17 your opportunity.

18 If we could possibly try to stick to the
19 time constraints that you were advised, I would
20 appreciate it.

21 MR. VALENTICH: It's only 11:30.

22 CHAIRMAN CALTAGIRONE: I understand that,
23 but--

24 MR. VALENTICH: Are we going to get all
25 three of us in--

1 CHAIRMAN CALTAGIRONE: No, I want you to
2 all testify before the panel and then we'll open up on
3 questions. So if you want to start, sir.

4 MR. VALENTICH: Okay. My name is Frank
5 Valentich. I'm from Allegheny County. I've been
6 dealing with my situation since 1984, and most of which
7 has happened to me has to do with defaming my
8 character, and this was used when down the road my ex
9 was coached to, when she charged me with sexually
10 molesting my son. It just so happens that I was lucky
11 enough to have a birthday this past Monday, and if I'm
12 a child molester, here's a very nice card that my two
13 sons sent me for my birthday and it's a very nice,
14 loving card. I guess I don't have to read this, it's a
15 standard card, but there's no signs of any molestation
16 here.

17 One of the other aspects of these
18 degrading remarks to me is something that I do in my
19 spare time, this is a firearm that I've made here,
20 appears in this Guns Magazine here. I'm a machinist,
21 I've been dealing with guns since I've been probably 12
22 years old, and I'm very proud of the fact that I can do
23 things like this. And it goes along with the
24 traditions of my family.

25 I do have quite a few character

1 references here from very credible people. I do work
2 for the University of Pittsburgh where I have been
3 employed for, oh, 28 years. And these people are all
4 heads of departments and what have you. It might be
5 good to read some of these quotes to shore my character
6 up. For instance, this one from the University of
7 Medicine at University of Washington. That's in St.
8 Louis.

9 "I think I've come to know Frank fairly
10 well. He is among the most honest and responsible
11 people I've ever met. His system of personal values is
12 what can be described as very traditional, strong work
13 ethic, fierce loyalty to his family and their
14 well-being, a healthy attitude and a high measure of
15 patriotism."

16 These actually basically credit me with
17 having fine character, moral, all the good things you
18 could say about a good person. However, once I got
19 into the court system, things changed. And I'd like to
20 deviate from this slightly but we'll get back to this
21 subject of character.

22 You know, we have all kind of problems
23 with our legal system here, and I don't think -- I
24 think they could be corrected very easily if everybody
25 would do the job they promised to do. You have to

1 remember now, attorneys are officers of the court. So
2 are judges, naturally. And any of you attorneys here
3 do take an oath to protect the Constitution of the
4 United States. That's what we are. That's what an
5 organized society is based on law. And our forefathers
6 saw to it that they wrote a Constitution that they felt
7 would give the average citizen the best protection
8 under this Constitution.

9 Now, here comes the situation between
10 attorneys and judges. They're actually an opposing
11 force in a sense. One should correct the other when
12 the other gives a problem, and it should work vice
13 versa. In other words, I think attorneys should be
14 whistle blowers on each other, and a judge should be
15 the mediator of this. If the judge is doing a poor
16 job, why don't the attorneys say, hey, you're doing a
17 poor job and send them to the disciplinary board? I
18 mean, the attorneys would be ones who could handle this
19 very easily. But from my experience, I'm sorry to say
20 everybody's in collusion in this mess, violating
21 probably everybody's rights who go down into that court
22 system down there, and I know my rights have been
23 violated, and the worst part about it is that my son's
24 rights have been violated also. I have two sons. One
25 is 18 now and the other one is 12. I've been dealing

1 with this for 7 1/2 years already. I'm afraid to go
2 back into Family Court because I've never won one time
3 in there because they sabotaged my character right
4 upfront.

5 Now that I've established my good
6 character, let's start on this other thing here. I'm
7 sorry to have to bash the judges and the attorneys, but
8 I've been bashed by them, and it's up to people like us
9 to bring this to a head the best way we know how
10 because we're the patriotic Americans here. We're not
11 abusing this system. We're being abused.

12 What kind of legal system do we as a
13 society have when honest, hardworking citizens of the
14 community cannot receive a fair hearing from a body of
15 our government whose mission is to be the guardian of
16 everybody's rights mandated by the Constitution of the
17 United States? The responsibility for fair treatment
18 in our courts lies within the realm of our so called
19 honorable judges.

20 The greatest testament of our complaints
21 is the fact that if you took a random poll of people on
22 the street and asked them, what do you think of
23 attorneys, what do you think of judges, what do you
24 think of our legal system, we know what the answer
25 would be.

1 We who appear here before this committee
2 are the pillars of our society because we've taken on
3 the extra burden to help correct the most basic element
4 of any - the legal system. There is in everybody's
5 life more pleasurable and entertaining activities to
6 engage in. We choose to do our civic duty according to
7 the dictates of our conscience. If Patrick Henry were
8 here today, we all know what his statement was, he
9 would probably say today give me justice or give me
10 death. And I can honestly say I feel exactly like that
11 because we've been living like a bunch of dogs from the
12 treatment we've been given by these Family Court judges
13 and the unscrupulous attorneys who fail to protect our
14 rights. This is why we've had to go into litigation
15 pro se because you can't trust anybody down there.

16 Okay. The sole purpose of the court
17 ordered psychiatric evaluation conducted by Dr. Neil
18 Rosenblum was designed to maliciously attack my
19 character. This evaluation confirmed my wife's earlier
20 accusations, that most damaging one being that I
21 sexually molested my oldest son. This gave the court a
22 great advantage over me because as a noncustodial
23 parent I would be ordered to pay alimony and child
24 support, which is routed through the Family Court,
25 naturally. And the reason they do this is to get as

1 much money from the one who's going to pay so they can
2 get matching funds, a percentage of matching funds from
3 the State and the Federal government. They could care
4 less about who has custody. They generally give it to
5 the mother because the father is usually the one who is
6 able to pay the child support. So they are running a
7 scheme down there to collect as much money from the
8 father as they possibly can.

9 CHAIRMAN CALTAGIRONE: If I could
10 interrupt you, this is the second or third time this
11 has come up. Where does this extra money go to in the
12 court system? Does anybody know?

13 DR. MARTIN: Initially it goes to a
14 Mellon Bank account interest free. Beyond that,
15 nothing.

16 CHAIRMAN CALTAGIRONE: Nobody's tracked
17 this money?

18 MR. GUTTSHALL: There's never been an
19 audit in York County. I'm an expert in York County,
20 and I would like to see an audit. I would like to read
21 where they spend their money. They get an amount, a
22 lump sum, and then nothing after that. No reporting
23 where it goes.

24 CHAIRMAN CALTAGIRONE: We need the name.

25 MR. GUTTSHALL: Guttshall, Marlin

1 Guttshall.

2 CHAIRMAN CALTAGIRONE: I want to pursue
3 this at some point because this intrigues me and I
4 think we need to get to the bottom of just exactly
5 what's happening with this money and how it's being and
6 what's going on there. There's got to be some
7 accounting somewhere in government.

8 MS. DAUTRICH: It's a county agency.

9 REPRESENTATIVE RITTER: What moneys?

10 CHAIRMAN CALTAGIRONE: The moneys that
11 they're getting from the State and Federal government
12 on the custody money from what these people have been
13 saying for the last two and three days, and in some of
14 these counties there's apparently no accounting as to
15 what's happening with the money.

16 MR. VALENTICH: That's been our question,
17 too.

18 CHAIRMAN CALTAGIRONE: Do you want to say
19 something?

20 MR. BLAKE: Yes. I believe on August
21 28th or 29th of 1989 the Pittsburgh Press reported that
22 the judges of the Family Division, the four judges of
23 the Family Division Court received over \$755,000 in
24 fringe benefits.

25 CHAIRMAN CALTAGIRONE: What?

1 MR. BLAKE: \$755,000 in fringe benefits
2 for four judges of Allegheny County. Nobody has ever
3 questioned whatever happened to the \$755,000 in fringe
4 benefits, because I'm under the impression that the
5 county does pay for their health insurance and items
6 like that as a matter of routine process or whatever.
7 And nobody has ever explained that, and this has been
8 brought up several times in some of our news reports
9 and newsletters that we have sent out, and it's
10 completely ignored. It seems as though they are
11 running a brothel down there that--

12 CHAIRMAN CALTAGIRONE: You struck a cord
13 that I think has some interest, and Representative
14 Ritter had asked if we could get a copy of that
15 article, if that could be provided to the committee. I
16 know you're both coming from the same area of the
17 State.

18 MR. VALENTICH: Yes, exactly.

19 CHAIRMAN CALTAGIRONE: I'm sorry.

20 MR. VALENTICH: Well, I can confirm this
21 to a partial degree here in the fact that in my first
22 hearing my wife's Avon sales of \$270 per month never
23 saw fit to be put on the record, because that would
24 mean that I would have to pay her less alimony if she
25 were working. If she were working, I would pay less

1 alimony, meaning less money would be funneled through
2 the court system. So it seems that their whole scheme
3 is to get the payer to get as much money through there
4 as possible.

5 We can get into another area here also,
6 but since we're talking about this, I have been
7 harassed by Family Court for over a year, and they
8 cannot give me exact amount or the exact date of my
9 arrearages, and from my records I show no arrearages,
10 yet their order states you are in arrears of at least
11 up to \$750. And there's no specific date on that. So
12 they try and extort money from these things. What's
13 the problem down there? I have more information on
14 that.

15 The court never addressed my wife's
16 income, only the husband's income. I was assessed to
17 pay \$1,000 a month alimony and child support, which
18 I've been doing for the past 7 1/2 years. Of my
19 university income, which was \$1,400 a month back in
20 '84, and I was making \$600, they said I was making \$600
21 a month on my extra work. Now, here's where earning
22 capacity comes in. This is a very important issue,
23 that we can be judged to have earning capacity. Now,
24 anything you do over and above your regular job, you
25 can't say that's guaranteed. And certainly any human

1 being would admit that you can't be as productive going
2 through this nonsense after your family has been taken
3 away from you, you've been accused of sexually
4 molesting your son, you love your children. How could
5 the court expect me to do a second and third job? But
6 they do it. And earning capacity. Now, if your job
7 falls below that, what do you do? You either get in
8 arrears or go down and make some adjustments which they
9 won't listen to, so you're afraid to deal with those
10 people down there.

11 Custody was addressed. Fitness was never
12 addressed. The court automatically gave custody to the
13 mother. The best interests of the children was never
14 addressed. I still live in the parental residence, the
15 house I bought to raise children in. I'm there alone
16 and my children are in an apartment with their mother.
17 The children were taken out of their environment and
18 the court allowed it to happen. I continue to live in
19 the residence, okay?

20 All right, after the first hearing we
21 were allowed to make custody arrangements between us.
22 Nothing formal was made by the court. So I did see my
23 sons occasionally and overnight. Since I was living in
24 the marital residence, I was living in the children's
25 environment from the time they were raised, I thought

1 that I would probably be the better parent because of
2 my income, my ability to generate funds, and being that
3 I'm a father, statistics, again to beat off the track,
4 statistics show that male children do better with their
5 father than they do with their mother. So I filed for
6 primary custody in 1984.

7 Behind closed doors, ex parte conference.
8 My wife was called in to this ex parte conference.
9 Pretty soon my attorney comes out and says, "Frank, did
10 you sexually molest your son?" I says, "No." He says,
11 "Well, your wife is accusing you of this." So
12 visitation restrictions were placed on me. No
13 overnight visits. Visitation every Sunday 12:00 to
14 8:00. The other restriction, I could not take either
15 child in the room alone, I could not exhibit any guns,
16 discuss guns or violence.

17 This gets better. Nothing was done to
18 investigate the sexual molestation allegation made by
19 wife. The court judged it to be true based solely on
20 wife's allegations. The court ordered psychological
21 evaluation for the family by Dr. Neil Rosenblum. Home
22 evaluator, Bernadette Bianchi.

23 We went to Neil Rosenblum, got a
24 psychological -- I had an interview with him. He only
25 tested the children, and from this interview my

1 children went with my wife and then they went with me
2 on separate occasions. Now here's what Dr. Rosenblum's
3 report said. Verbatim what my wife told him. It
4 wasn't an objective report, it was all hearsay. It
5 says that I threatened wife with guns, sexually abused
6 my son. Hitler was my idol. I hated Jews and blacks.
7 I am a member of the John Birch Society. Preoccupation
8 with guns. A tendency towards violence. I
9 discriminate against all sorts of people. Call my wife
10 stupid in front of the boys. Wife states I need
11 psychiatric help. Wife states that I may go off the
12 deep end.

13 Well, I've been dealing with this for 7
14 1/2 years and I haven't gone off the deep end yet.
15 It's been very painful though.

16 None of the above allegations are true,
17 not substantiated with anything other than hearsay by
18 my wife. Neil Rosenblum's report made the following
19 conclusions: That I should not have overnight
20 visitation, I should seek psychological therapy. It
21 should be noted that I did seek therapy from another
22 psychologist, and we can get into something else here.
23 Home evaluation was conducted by Bernadette Bianchi.
24 It went very well. However, the home evaluation report
25 was never entered into the court. I have documentation

1 to prove this. For what reason, I have no idea. Now,
2 what good was giving custody to my wife when the home
3 evaluator didn't even submit a report? And finally, a
4 couple years later I tracked down Bernadette Bianchi
5 and she did give me my money back. But the court still
6 awarded custody to the wife, in an apartment.

7 Okay. Psychology, I had that done with
8 Dr. Herb Levit in 1985. Family was evaluated with
9 psychological testing. Conclusions of that, the father
10 should not -- now, wait a minute. Conclusions were
11 that the father showed no demonstrable psychopathology
12 and there was no psychological reason to deny him his
13 full parental rights. Dr. Levit stated that there was
14 no implied sexual abuse by me whatsoever. There was no
15 indication of psychological treatment and no need to
16 see me for further therapy. So Dr. Levit thought I
17 wasn't crazy, like Neil Rosenblum said.

18 Out of this hearing thereafter I was just
19 given a little extra time to see my kids. And it was
20 every -- I had them every Sunday from 12:00 to 8:00,
21 and after this evaluation it was every Sunday from
22 12:00 to 8:00 plus every other Saturday from 12:00 to
23 8:00.

24 After a number of years went by, in 1987
25 I decided to file for custody of my kids again.

1 Another home evaluation was ordered by Ed Carey. He
2 was the evaluator. Another psychological examination
3 by Neil Rosenblum was not needed due to the letter Neil
4 Rosenblum wrote to the court saying Herb Levit would
5 intercede. Neil Rosenblum excused himself from the
6 case. Court ordered continued consulting with Dr.
7 Levit. Child advocate was ordered. Vince Murovich,
8 another Pittsburgh attorney. Judge Kelly was apathetic
9 to the proceeding.

10 The final summation of this trial we had,
11 I don't know if it was a trial or a hearing, I don't
12 recall, it's been so long ago. After I had a report
13 completely contradictory to the Neil Rosenblum report,
14 which degraded my character and made me out to be
15 almost a criminal, Dr. Levit's report cleared me of all
16 this, and it was an extensive report with psychological
17 tests. The final outcome of the report was: The home
18 evaluator recommended no overnight visitation. I don't
19 know what he has to do with visitation. He's
20 evaluating my home. But at the conclusion in the trial
21 he recommended no overnight visitation. I don't
22 understand that. The child advocate concurred with the
23 home evaluator.

24 When I -- during my interview with the
25 child advocate a couple of weeks prior I went down to

1 speak with this man, he told me across the table, he
2 said, quote, Frank, I know you didn't molest your kids,
3 but in court he concurred with the home evaluator, who
4 I don't think the home evaluator had any business
5 evaluating me that I shouldn't have overnight
6 visitation. That should be the judge's job. Well,
7 Judge Kelly ordered the verdict about a month later,
8 and guess what Judge Kelly did? After being cleared of
9 all these sexual molestation and all the other
10 derogatory things by Dr. Levit, who said I was totally
11 fit psychologically, what does our good Judge Kelly do?
12 He reverts me back to my 1985 order which puts the
13 restrictions on no overnight visitation. Now, what
14 kind of court system do we have here? Why is it that I
15 would have -- I wanted to take him to higher court in
16 Pennsylvania, but I don't have the money to do it.

17 Now, why would I have to do this when
18 this dumb Judge Kelly, who was very disinterested in my
19 case, as I recall down there, he reverts back, instead
20 of writing a new order to give me my parental rights,
21 and he violated my rights there and he violated my
22 children's rights, because my children do have a right
23 to me also, as I do to them. So Judge Kelly is not a
24 very swift judge.

25 Family Division harassment here now.

1 It's funny that a court order here from the Family
2 Division, when you finally go in there the court order
3 states that we do not keep records. You must keep
4 records yourself. Now, that's getting back to that
5 issue of them saying that I was in arrears. At one
6 time they had me in arrears for \$4,500. After a lot of
7 heartache wondering and worrying about this, because
8 you can't get in touch with anybody down there to
9 clarify anything, you're just like dangling on a
10 string. It turns out that it was computer error.
11 Already they had motions in to attach my wages, and
12 that was one heck of a predicament to get into, and
13 right now I'm in the same predicament because they are
14 after me for arrearages of up to \$750. Now, don't you
15 think that the collection and disbursement office
16 should be able to tell me the exact amount and the
17 exact date? I would think this would be as simple as
18 writing 1, 2, 3 down.

19 I wrote registered letters to Judge
20 Strausburger, who I'm not too fond of, and Gary
21 Stoudt, who is an administrator in Family Court who
22 we're also not too fond of this man. I never received
23 any kind of letter back stating what the situation was,
24 and I never answered the reply for this thing.

25 Now finally, this past month I did get a

1 letter that they were going to attach my wages, yet
2 they can't tell me the exact amount of money and the
3 exact date. And I think it's their obligation to tell
4 me this. I would think so, since they're taking my
5 money. I think they're trying to extort \$750 out of me
6 just to harass me.

7 You know, when we go back to Pittsburgh,
8 they know us very well in Pittsburgh. They know us by
9 name in Pittsburgh, the judges, the attorneys who are
10 familiar with our cases. I'd like to know if this
11 commission has any power to give would you call
12 injunctive relief against the oppressors in Pittsburgh
13 who have put us where we are today? We don't want to
14 be here. We'd rather be enjoying our lives somewhere,
15 but we're fighting with this lousy court system that
16 has been plaguing me for 7 1/2 years. This is
17 disgraceful, and we're afraid to go in there because we
18 know we can't get a proper decision. This is America,
19 I thought, and hey, attorneys are taking their pledges,
20 the judges take their pledges for the Constitution, yet
21 they're violating our rights left and right. I can't
22 understand that.

23 Now, could we get some kind of relief
24 from this commission so when we go back Judge Kaplan,
25 let's say, doesn't order the court, say go pick that

1 son-of-a-B Valentich up, he's been causing us trouble.
2 Here's a court order. What do I do in that case? He
3 could very easily do that with some trumped up charges,
4 and it's happened. Now, what kind of protection could
5 we possibly get when we go back?

6 CHAIRMAN CALTAGIRONE: It's my
7 understanding as a legislator for 15 years that anybody
8 that testifies before a legislative panel has the
9 protection of saying what he or she wishes publicly
10 when you're called to testify before this panel. Above
11 and beyond that, there is nothing that we can do for
12 you back in your local county as far as their local
13 jurisdiction is concerned. We make the law. We're
14 charged with that. That's what we swear to. We also
15 swear to uphold the Federal and State Constitutions as
16 lawmakers. Part of our responsibilities, I feel, are
17 to gather information collectively for problems that we
18 all face in our society as a Commonwealth to try to
19 remedy those problems. And hopefully that's what we're
20 about here today.

21 MR. VALENTICH: But you know what happens
22 to whistleblowers. They don't get very good treatment,
23 and that's basically what we're doing.

24 CHAIRMAN CALTAGIRONE: Richard.

25 MR. BOSA: Would this be covered under

1 the witness testifying program, Criminal Code,
2 attorney? You know, a witness in a criminal case has
3 certain protections against retribution.

4 CHAIRMAN CALTAGIRONE: Let me say this:
5 I don't think anybody -- I would hope that nobody would
6 attempt at any type of retribution against anybody that
7 would be testifying before this panel. I don't think
8 anybody, in the legislature, the House or the Senate,
9 would take very kindly to having our witnesses
10 intimidated by anybody, regardless of who that person
11 or persons may be, trying to intimidate or harass
12 people that would be testifying before any of our
13 panels.

14 MR. VALENTICH: But it could happen, and
15 what are we going to do when the county sheriff's come
16 up and say let's go? Am I going to defend my rights,
17 which I have an entitlement to do? Am I going to
18 defend my rights on my own? Who's going to defend my
19 rights other than myself at that point?

20 CHAIRMAN CALTAGIRONE: There would have
21 to be a charge made against you.

22 MR. VALENTICH: Oh, yeah. This is very
23 easy do in Pittsburgh. Very easy. So we're not going
24 to get any injunctive relief?

25 I'd like to also bring up here when Dr.

1 Martin brought up the fact that maybe judges and
2 attorneys should be drug tested. They have a very
3 responsible job and maybe their irresponsible actions
4 as we have felt from them, maybe it could be
5 drug-related or what have you, because my attorney, Ron
6 Echert, he committed suicide, that's what the paper
7 stated. Does that have something to do with
8 drug-related stuff? I don't know. So I was out of an
9 attorney because he gassed himself with his automobile.

10 I also have a couple things here to add
11 to this committee. You know, Ben Franklin once said he
12 would rather have a newspaper without a country than a
13 country without a newspaper. Now, see, our newspapers
14 are encumbered, I think, by the legal community in not
15 being able to print what should be printed in a
16 newspaper. The legal community is ready to jump on
17 them, so the newspapers are our only ally that we
18 should probably have as citizens. The newspaper should
19 be able to report what's going on, but they don't do
20 this because I think the legal community is ready to
21 sue them at any turn of the newspaper. But that's what
22 Ben Franklin said.

23 Is a Mr. Heckler up there?

24 CHAIRMAN CALTAGIRONE: No, he's not with
25 us today.

1 MR. VALENTICH: No, he's not. I've been
2 at three of these sessions here and the question came
3 up, and the comments in the newspaper said you seem to
4 think that 90 percent of divorces handled by lawyers
5 end amicably. That's his comment, I believe. He seems
6 to think that 90 percent of all divorces are handled
7 amicably. I disagree with that. I have no statistics
8 to prove it and I don't think he has any statistics to
9 prove it, because it seems like even the State isn't in
10 the statistics business regarding these issues.

11 Somebody also stated from the board up
12 there that they knew attorneys who would sue other
13 attorneys, and I would like to have their names. I
14 have some attorneys I would like to sue. I forget
15 which gentleman was up there. I tried to go to a
16 number of attorneys to sue other attorneys but they
17 don't want to do this to each other.

18 MR. GUTTSHALL: I've written to over a
19 thousand attorneys, not one of them would take my case.
20 I got a letter right here in York County that wouldn't
21 take my case.

22 MR. VALENTICH: You know, when I started
23 this whole action I didn't have all this gray hair 7
24 1/2 years ago, you know. My hair was about your color.
25 This is what it does to you. Who knows what it does

1 inside.

2 One thing also that attorneys do not tell
3 their clients when they come in, and I think it's a law
4 that you have a right to a jury trial for a divorce.
5 Is that true?

6 MS. DAUTRICH: No. If I may.

7 CHAIRMAN CALTAGIRONE: Go ahead.

8 MS. DAUTRICH: There are very limited
9 instances in the Divorce Code that permit a jury trial,
10 but to the best of my knowledge there is no authority
11 at all for a jury trial in a divorce. And if you see
12 that there is in the Divorce Code, I can't think of the
13 section offhand but there is one that permits a jury
14 trial with certain issues, and I believe -- I can't
15 think of them offhand. But no, that is not true, sir.
16 Nor custody. I don't remember--

17 MR. GUTTSHALL: But doesn't the
18 Constitution say if they take more than \$50 from you
19 you're entitled to a trial?

20 CHAIRMAN CALTAGIRONE: We've got to keep
21 order here. If we start going out of order what will
22 happen is we'll never get finished with the business
23 today. Everybody will have a chance to speak.

24 MS. DAUTRICH: And in fact the judges do
25 not often hear the litigants in a divorce case. In

1 certain counties you have no de novo hearing before a
2 judge. You have a de novo hearing for a Master, and if
3 there are exceptions to the Master's report the judge
4 hears it like an appellate court hears it, he hears it
5 as a paper court, not where they see the litigants,
6 not like on TV in Divorce Court. It is very different
7 in Pennsylvania.

8 MR. VALENTICH: Okay. I think judges
9 should not be allowed to have a 10-year position.
10 That's too long. They get embedded in the system and
11 then they start abusing their powers and we can't get
12 rid of them. I think they should be in there for maybe
13 two to four years and that's it, out. Then we could
14 have a little better, I think we could expect better
15 treatment from our court system.

16 Judges and attorneys must face disclosure
17 statements. Open all meetings of Family Court to the
18 public, not these ex parte conferences. Now, down in
19 Allegheny County court they have what they call a
20 social file. It's different from the file that you
21 really have and it's meant to, what's it meant to do,
22 Bill?

23 MR. BLAKE: Intimidate.

24 MR. VALENTICH: To intimidate. There's
25 two files on you, and all your records, if you go to

1 pull your records you'll not find your chronological
2 order of your case in there. Papers are missing out of
3 this.

4 And I don't think attorneys have a right
5 to ask for more than \$500 retainer upfront. Most
6 people don't, when they find themselves in a position
7 like this, and it's mostly with the men, they don't
8 have -- I was lucky. I had some money I used to pay a
9 \$1,200 retainer. That was crazy. So far on my trial
10 on my divorce thing I think I probably have \$7,000 tied
11 up into it and I'm no further ahead from 1984 to this
12 date because Judge Kelly refused to make a proper
13 decision when he reverted me back after I was cleared
14 of all psychological discrepancies which Neil Rosenblum
15 put on me. I was reverted back to the 1985 court
16 order. Again violating my rights.

17 Now, you probably know it, we just came
18 from over there, we did file charges with the
19 Occupational Licensing Board 3 1/2 years ago and we had
20 a very good case against this Neil Rosenblum because
21 he's ruined hundreds of people with his information
22 like he wrote against me. The licensing board is
23 finally, this coming Monday, is going to decide what
24 they are going to do with Neil Rosenblum. 3 1/2 years.
25 I don't think they are going to do too much to him

1 because he's a psychologist. The cronyism comes all
2 the way from Allegheny County up here to Harrisburg.
3 Hey, don't bother with Neil, he's our boy up here. So
4 he's going to get slapped on the wrists a little bit,
5 that's going to be the end of it, and we walk around as
6 child molesters because that's what he said we were and
7 put us in financial debt. He violated our rights. We
8 don't have access to our children on one psychologist's
9 say-so, which was unfounded and completely a lie.

10 Now, my son's 18 years old now. This
11 happened to him when he was 12. I haven't been in my
12 sons' lives all these years, and believe me, I can see,
13 when I'm with my sons, and I get so damned P.O.'d to
14 see how much my sons do not know. See, I come from a
15 first generation family in this country here. My
16 parents were dumb immigrants who never went to school,
17 but they saw to it to teach good morals and ethics. We
18 were not church going people either, but the good
19 morals and ethics were taught from my illiterate
20 parents. And I'm very critical about the fact of
21 scholarship with people, and my parents were always
22 pushing us in this direction and they work very hard to
23 do it, but it hurts me so much. I see my sons, when I
24 was 18 years old I could do just about anything because
25 my brothers taught me, I'm the youngest brother, and my

1 father taught me all the valuable things there was to
2 know about maneuvering through this cruel society we
3 live in. There's nothing I can do about that at this
4 point because of Neil Rosenblum. And now the licensing
5 board is probably going to just slap his hands, maybe
6 give him a six-month he can't practice this maybe and
7 he'll be back in business again. Meanwhile, he's
8 ruined many people. I don't know what to do anymore.

9 That's basically about what I have to say
10 here.

11 CHAIRMAN CALTAGIRONE: Okay.

12 Bill, if you would like to give your
13 testimony, please.

14 MR. BLAKE: My name is Bill Blake. I
15 live in Brookville, and my children and I have been
16 abused by the judges and the court officials of
17 Allegheny County.

18 I want to give thanks to the people of
19 this panel for inviting me to speak here today. Also,
20 I want to acknowledge that my friend Bob Denman, who
21 was scheduled to testify here yesterday, could not
22 attend. He had a custody hearing last week and was
23 upset at the outcome because his family has been ruined
24 by the abuse and the corrupt courts of McKean County.
25 Bob could not take any more and was admitted to the

1 Bradford Hospital psych unit for care. Bob hardly had
2 enough to eat at times, but he loved his children and
3 had a sincere desire to place them in a better
4 environment.

5 In support of my affidavit submitted to
6 the panel, I offer the following testimony.

7 Judge Kaplan, Judge Strausburger and
8 Judge Baer refused to listen to reason or viewpoints of
9 litigants. It's under my opinion that elected
10 officials are elected precisely to represent their
11 entire communities, and a vital part of their job is
12 information gathering, and I myself and many other
13 people have not been heard out fully on important
14 points, and important points were never clarified, and
15 the judge has no more business making a judgment
16 without hearing the evidence or controlling the
17 testimony at hearings or hire unorthodoxed personnel or
18 listen to the lies of attorneys.

19 The code of professional responsibility
20 prohibits a lawyer in an adversary proceeding from
21 communicating with a judge on the merits of the cause
22 except in writing to opposing counsel or to an
23 unrepresented adverse party and in violation of this
24 prohibition has been held to warrant disciplinary
25 action. In my instant case, I am concerned with the

1 undue influence the trial court has had on the
2 regulation of the Pennsylvania Rules of Court and the
3 statutes of Pennsylvania under the assumption that
4 Robert Garvin from the firm of Goldberg and Cayman, the
5 attorney for Martha Blake, and Judge Kaplan have had
6 secret and documented ex parte conferences in unethical
7 considerations that extend to the duty of the court to
8 show undue influence. This is exhibited as an exhibit
9 on my affidavit as Exhibit A.

10 Judge Kaplan's influence has been
11 extended to other judges of the Family Division Court.
12 The judges of the Family Court have violated my rights
13 to a fair trial by conspiring with one another and
14 forming opinions that are not true before they have
15 given me the right to express my views and present the
16 facts. The courts have also showed prejudice to my
17 attorney, Matthew Jackson, who I believe is probably
18 one of the only honest attorneys in Allegheny County.

19 The judges of the Family Division Court
20 have caused myself and my children much hardship and
21 because they refuse to address the issues cause
22 protracted litigation through their personal bias of
23 myself, who has always been a good and decent person.
24 How can innocent people go through so many years
25 without any problems and suddenly develop a bag lady

1 syndrome when imperialist judges and corrupt attorneys
2 are stealing, saying that we are mentally deficient if
3 we object, abusing our children, destructing our lives,
4 or tell us that we are overlitigating in order to
5 protect our rights and then sanctioning us for our
6 actions? These persons are the mentally deficient.

7 From May 1987 to February 1990 there were
8 116 docket entries recorded in my case. From May 1990
9 I started to defend myself as a pro se litigant. The
10 judges of Allegheny County are corrupt, neglect their
11 duties, and are incompetent or have behavior problems.
12 Judge Kaplan has been biased and prejudiced toward
13 myself in a divorce litigation and has showed undue
14 influence and favoritism toward Martha Blake and her
15 attorney, Robert Garvin. These actions have caused
16 other judges of the court to support such abuse through
17 cronyism and collusion with one another in order to
18 protect each other and protect litigation causing
19 severe hardships to myself, trying to destroy me.

20 The bias and prejudice stem from acts of
21 judicial sort, which is Exhibit A, the ex parte
22 conferences held between the Master, Martin Vinci,
23 Judge Kaplan, and Judge Terrence O'Brien. And the
24 results of such meetings form an opinion of the merits
25 of the case on some basis other than what the judge

1 learned from his participation in the case. Section
2 17(b) of the Constitution of Pennsylvania states that
3 "Justices and judges shall not engage in any activity
4 prohibited by law and shall not violate any canon of
5 legal or judicial ethics prescribed by the Supreme
6 Court." Judge Kaplan violated canon 1, 2, and 3 by the
7 following ways:

8 Having ex parte conferences with Robert
9 Garvin, as expressed in Exhibit A. By not reporting
10 such improprieties when they were brought to his
11 attention. The reason they were not reported is
12 because he is guilty of such illegal activity and did
13 not report such actions in order to protect himself and
14 the other officials of the court. By allowing Attorney
15 Garvin to enter unnecessary motions in order to
16 sanction myself and support the false statements of
17 Attorney Garvin while under oath in order to punish me.
18 See the civil case Exhibit B which I filed as a pro se
19 litigant against Robert Garvin for falsely swearing and
20 committing perjury. Blake vs. Garvin, 588 A.2d 553,
21 which is on appeal to the Supreme Court of
22 Pennsylvania. It plainly states, and it's a matter of
23 record that there is fraudulent invoicing and collusion
24 between the appellee's attorney and Judge Kaplan.

25 By conspiring with court psychologist

1 Neil Rosenblum and James Wetzel, who submitted
2 fabricated reports on the part of Mrs. Blake suggesting
3 that their father was unfit to visit his children, even
4 though he did not meet with either psychologist. I
5 have been independently evaluated on several other
6 occasions and the conclusions point out that the court
7 is trying to railroad me in a conspiracy with Martha
8 Blake and her attorney, Robert Garvin. In a case M.C.
9 vs. R.W., 588 A.2d 1124, Pa.Super 1990, shows that this
10 type of litigation is illegal and I should have been
11 awarded counsel fees and Attorney Garvin should have
12 been reprimanded for such abuse of process and reported
13 to the authorities for conducting litigation in
14 arbitrary, fixatious and bad faith.

15 By using the court to collect and set
16 fees for psychologist James Wetzel, on June 24, 1991,
17 in one of my most recent hearings, Judge Kaplan issued
18 an order demanding that I pay psychologist's fees of
19 \$1,000 in advance before any work is performed. Judge
20 Kaplan also was aware that I was on unemployment
21 compensation earning only \$192 a week, had support
22 payments of \$920 per month, even though I was unable to
23 meet such obligations. This illegal action was done in
24 collusion with James Wetzel using the court as a
25 collection agency. This is in violation of Rule 201 to

1 240, and in Rule 1916.5(c).

2 By conspiring with the other judges of
3 the courts of Allegheny County Family Division, see
4 Exhibit D, affidavit of Harold Boozer, and Exhibit E,
5 the notarized letter of Frank Valentich, Judge Kaplan
6 used the opinion of Judge Baer to show that judges are
7 conspiring against me. It took Judge Kaplan nearly six
8 months to write an opinion which did not even address
9 the issues presented in the court which substantiates
10 the bias, the prejudice and conspiracy.

11 By not enforcing visitation rights, even
12 though there were no orders against me, and to deny
13 visitation of my children, Judge Kaplan was aware that
14 Mrs. Blake was in violation of Rule 1910.12 and failed
15 to address such an issue but instead penalized me with
16 illegal support payments and is forcing me to see a
17 psychologist who is a friend of the court so they can
18 collect more money and deny me the right to choose a
19 psychologist of my choice. According to John Kelly
20 from the Department of State, there are 4,000
21 psychologists in the State of Pennsylvania, and 75 have
22 investigations against them. Neil Rosenblum and James
23 Wetzel are two of the disobedient ones. It is obvious
24 that the only reason these people are used in order to
25 show that there is an unhealthy attitude in the court.

1 Why would Judge Kaplan believe the word of one licensed
2 psychologist over another, except for devious reasons,
3 and order me to be evaluated by a psychologist who has
4 been reported to the Department of State of
5 Pennsylvania for violations when there are 3,925 who
6 have not been reported? Judge Kaplan is trying to make
7 me use James Wetzel to evaluate me in order to railroad
8 me, even though there has been favorable evaluations
9 already submitted to the court.

10 Judge Kaplan refuses to address the
11 issues in his opinions and does this purposely to hide
12 the facts. Judge Kaplan has allowed the appellee, or
13 my wife's counsel, Robert Garvin, to call names in
14 court without substantiation of fact. On information
15 and belief, Judge Kaplan is prejudiced against my
16 attorney, who is used on occasion because I was
17 threatened in front of a DRO by Mrs. Blake's attorney,
18 Robert Garvin, who says, I'm going to bury you. He
19 will schedule a hearing at 8:30 in the morning and make
20 you wait until 4:30 in the halls. When the facts are
21 presented, they are completely ignored.

22 Judge Kaplan has instructed hearing
23 officers to keep supports high as a vendetta against
24 me. Judge Kaplan sat on a civil contempt petition for
25 almost a year in order to obstruct justice. This has

1 never been resolved as of this date. Judge Kaplan
2 allowed Martha Blake, along with Robert Garvin of
3 Goldberg and Kamin, Howard Hanna Real Estate,
4 Barrister's, to steal more money at an illegal sale of
5 the marital property.

6 Judge Kaplan is sitting on my custody
7 case. I have not seen my children since March of 1988.
8 Martha Blake has been in contempt since September of
9 1987 and interfered with visitation since that time.
10 Judge Kaplan appointed Gary Stout, who is a court
11 administrator of the Family Division Court, to control
12 the corrupt real estate closing, precluding documents
13 to be given to me.

14 Judge Strassburger denied a modification
15 of support at a motions hearing and then violated the
16 law by using 42 Section 2503 as a reason for a
17 sanction. But there was no trial and the matter was
18 not taxable, costly litigation. See Exhibit C.

19 I also have support orders that have not
20 been released since -- litigated or decisions been made
21 on since July of 1990, which were initiated as over a
22 year ago and no decision has actually been made on
23 those orders. Judge Baer denied my motion for change
24 of venue and sanctioned me without even reading my
25 affidavit, as exhibited by Exhibit D on my affidavit.

1 The disciplinary board was notified of
2 all the improprieties and dismissed the cases without
3 an explanation or without record. The Judicial Review
4 Board was notified and dismissed the cases without
5 explanation and record. Attorney General Preate's
6 office was notified of abuse in the court and said it
7 was not their concern. Attorney General Preate's
8 office was also informed of the theft involved in the
9 real estate transaction but dismissed the case.
10 Governor Casey appointed Howard Hanna to the Real
11 Estate Commission, even though Howard Hanna was being
12 investigated by the Department of State. At that time
13 there was a Federal lawsuit against him, civil suits,
14 and letters to Attorney Preate's office. Dave Berra,
15 the supervisor and attorney for the Department of
16 State, re-opened the case against Howard Hanna on or
17 about January of 1991, and I haven't heard a word
18 since. I understand there are approximately 9,000 to
19 10,000 real estate firms in the State. How is it that
20 the disobedient ones get appointed to these commissions
21 and they are the guardians of our laws?

22 It's alleged that the Allegheny County
23 court floats support payments, in contradiction of the
24 law, and I believe it needs to be investigated.

25 The court reporters of Allegheny County

1 overcharge pro se litigants for transcripts in
2 violation of Rule 5000.

3 The list goes on and on. The abuse goes
4 on and on, and my case has been nothing more than a
5 supermarket of corruption and abuse.

6 I have some following recommendations and
7 I believe that what we need is immediate relief from
8 this commission to approve legislation submitted by
9 Dick Bosa and legislation to help speed up the
10 impeachment process of these corrupt judges.

11 We need reorganization of the Judicial
12 Inquiry and Review Board to include nonattorney members
13 and make their documents as a matter of public record.

14 Appointments should be made by a lotto
15 method to insure fairness.

16 The terms of the judges should be limited
17 to four years.

18 Judges, attorney and court personnel
19 should have mandatory psychological and drug testing.

20 I also recommend that night court should
21 be established so that proceedings don't interfere with
22 work. Why should employers be penalized for a person's
23 divorce? Productivity in this State, and corporations
24 are moving out for those very same reasons.

25 A person should have a choice of a

1 psychologist, and the psychologist should be only
2 responsible for testing.

3 Infractions of visitations should
4 automatically induce the court to hold up support
5 payments until the matter is resolved.

6 Closed doors hearings with attorneys and
7 judges should not be prohibited.

8 Divorce litigants must be afforded the
9 right of trial by jury. Attorneys keep this a secret
10 and as a matter to control the outcome and the income
11 of their cases.

12 We brought this up before about this and
13 I believe I read somewhere in one of the rules, but I'm
14 not positive, I'm over 50 percent sure that I read that
15 because there's been some contradiction to it, but I
16 believe that I read somewhere that as long as you ask
17 for a trial by jury in the beginning that there is a
18 possibility that the judge could rule in your favor and
19 grant you that trial by jury, but it's a discretion of
20 the judge. I think that needs to be looked up, and
21 maybe we do have to establish some sort of legislation
22 to change that law.

23 Attorneys should be penalized for
24 dragging out divorce cases. They shouldn't drag out
25 for more than one year. Mediation should be at least

1 the first standard of divorce with a time limit of 90
2 days. After that period trial by jury should decide
3 each case to be completed with one year. At least
4 there is a possibility that you will get a 50-50 split.

5 Once equitable distribution occurs,
6 neither party has a right to come back for economic
7 changes if they occur.

8 Child support should be based on the
9 current welfare laws already established in the State
10 in regards to support with no more than 50 percent of
11 the pay taken out depending on the number of children.

12 In families of above average income and
13 wealth, equitable distribution should be used as a
14 means for fair economic gain.

15 The disciplinary board for attorneys
16 should be controlled and enforced by the State of
17 Pennsylvania and implement a system much like our
18 Traffic Code. For example - one report, a warning; two
19 reports, 30-days' suspension; three reports, 90-days'
20 suspension; four reports, 1-year suspension; five
21 reports, out.

22 I think we need to control the attorneys.
23 There's too many of them. And there's too many good
24 ones out there, we don't need the bad ones. Let's get
25 rid of them.

1 Attorneys shouldn't have the right to
2 threaten you or stop service for lack of payment. And
3 last, attorneys should not be permitted to collect
4 retainers in excess of \$500.

5 Right now that's all that's part of my
6 testimony and that's all the recommendations that I
7 have at this time, and thank you very much for having
8 me present this. If you have any questions, I would be
9 glad to answer them.

10 (Whereupon, Representative Ritter assumed
11 the Chair.)

12 ACTING CHAIRMAN RITTER: We're going to
13 go on. The Chairman will be back shortly, but he asked
14 me in the meantime to go on to the next witness first
15 and then we will have questions for the three gentlemen
16 who testified in order to streamline things a bit.

17 So, sir, if you would like to state your
18 name and proceed with your--

19 MR. BOOZER: Well, thank you very much
20 for allowing me to testify. I got called here at the
21 last minute, so my notes are kind of short and sweet.

22 ACTING CHAIRMAN RITTER: Okay, well, we
23 need your name for the record.

24 MR. BOOZER: I'm Harold Boozer,
25 Brookville, Pennsylvania, Jefferson County. I'm an

1 airline pilot. I fly in a major system which will
2 remain unnamed.

3 I've been going through a divorce since
4 November 20, 1986. At that time my wife filed for
5 divorce. A short time later, within the month, her
6 attorney called me into his office. He said, your wife
7 has a bad mental problem, I'd like to address that with
8 you and get her some help. I said, that sounds good
9 with me, I think that that's wonderful that you are
10 willing. I made arrangements to be in his office and I
11 was in his office for 2 1/2 hours. He would ask me
12 questions about her and then ask me questions about me.
13 What he's really sizing me up to see what I was like.

14 After 2 1/2 hours, he rose out of his
15 chair, leaned halfway across his desk and with a smirk
16 on his face he said, Harold, I can handle you.

17 Later on, for the record, I have talked
18 to different attorneys in town in Brookville,
19 Pennsylvania that said he is a very poor attorney. One
20 attorney told me, he said, I told him once I told him a
21 thousand times that he shouldn't be an attorney.
22 That's neither here nor there, but that's part of the
23 problem.

24 The cronyism that goes with Mr. Dennison
25 and the judge is just beyond belief. It just amazes me

1 that anyone could do what they've done. A short period
2 later, within the week, Attorney Dennison called my
3 wife in and asked if I was a stupid individual. She
4 said, of course, yes. Well, I'll tell you what we're
5 going to do with him. We're going to take his house,
6 his truck, his guns, his tools, his pension and his
7 paycheck. We'll give them all to you and we'll have
8 him at his knees. Now, any attorney that does that
9 should be disbarred immediately.

10 Well, me being a very honest person, I
11 have to be a very upstanding citizen of good moral
12 character to be an airline pilot. Airline transport
13 really calls for that. That's part of the criteria.
14 Any wrongdoings and I'm out of a job. So thinking that
15 they can't do this to me, I proceeded on my way to hire
16 an attorney from Indiana, John Mack. John stayed with
17 me for about a month and he said, Mr. Boozer, I can't
18 handle Mr. Dennison. He's too ridiculous. Find
19 yourself an attorney closer to home where it won't cost
20 you so much money. He said, I will find you an
21 attorney, and at that time he did find me an attorney,
22 Jeff Lundy. Jeff Lundy of course told me what he was
23 going to do and how he was going to handle this
24 proceeding.

25 As time progressed, about a month went by

1 and he seemed to be doing an excellent job for me. It
2 wasn't too long until I noticed that things were going
3 awry that I would ask Mr. Lundy to do something in
4 court to handle it in a certain way. Why are you doing
5 this Mr. Lundy, or why are you doing that? And he told
6 me, he said, Mr. Boozer, I'll tell you straight
7 upfront. He said, I will work with Mr. Dennison
8 forever. I will work with you once. He said, I am not
9 working for you. I said, you're taking my money. And
10 at any given time that he sent me a bill, that bill was
11 immediately paid. Never was I ever in arrears with
12 that attorney.

13 As I went on, for a period of time I was
14 told, well, stay with Mr. Lundy. He will eventually
15 come out and work for you. Each time I went back to
16 his office I was more disappointed. In one hearing we
17 had -- he took me aside, he said, Mr. Boozer, I have
18 something to ask you, a special favor. He said, I want
19 you to move out of your house for 30 days. He said,
20 this is getting volatile. He said, please, move out
21 for 30 days.

22 I might interject here at that time my
23 wife was beating on me. You don't hear about husbands
24 being beat on. I was beaten. It's something I don't
25 like to talk about. I'm a big man. I could have

1 bashed her. I could have done her in. I chose to
2 stick my hands in my pockets many times and cringe at
3 what punishment I was going to take.

4 As the abuse went on, of course this was
5 known by my attorney, which did nothing about it. He
6 said, Mr. Boozer -- as I got off the case here for a
7 second -- Mr. Boozer, he said, how about you moving out
8 of the house for 30 days? He said, this is a volatile
9 situation. I said, but I'm not touching my wife, she
10 is. She is doing the abuse. It was her attorney that
11 told her beat on him and do anything you can to force
12 him to hit you and we'll take his house from him. As
13 we talked on I said, okay, Mr. Lundy, if that's what
14 you suggest, I will take your suggestion. You are my
15 attorney and I will abide by what you think is right.

16 As I went on to inquize him about this, he
17 said, please, move out for 30 days. That's all we ask.
18 He said 30 days. I said, okay, sir, I will do it. I
19 moved out for 30 days, and when I did, 30 days I called
20 my attorney and said, Mr. Lundy, it's time for me to
21 move back in. He said, just a moment. He said, we
22 have something. So as time progressed, I said again a
23 couple more days, Mr. Lundy, I haven't been back to my
24 house. This went on for 45 days. I said, Mr. Lundy,
25 either you authorize me to go back or I'm going back.

1 You told me, now I expect you to live by it. He said,
2 Mr. Boozer, he said, would you come to my office? I
3 said, yes, sir, I will be right over there.

4 As I arrived in his office he started
5 talking to me about not going back, trying to plead
6 with me saying it's not good, it's volatile, stay away
7 please. And I said, look, this is my house, I left
8 with a 30-day notice. My clothing is back there. All
9 the things I own except a few things I took away with
10 me. My clothing is still back there after almost five
11 years. It will be five years in November. They are
12 still there. My clothing, my uniforms for flying. I'm
13 a pilot who wears a uniform. He said, just a moment,
14 Mr. Boozer. He reached under a pile of papers about a
15 foot high, jerked out a paper and he said, you have
16 been served. I said, what is this, sir? He said, this
17 is a Protection From Abuse. I said, you mean I am now
18 forced out of my house? He said, yes, sir, you are
19 forced out of your house. You have now a Protection
20 From Abuse on you and you are ordered not to go back to
21 your house.

22 Well, at that moment I was pretty
23 devastated because I was still looking forward to the
24 system protecting me. It has not protected me.

25 I took that Protection From Abuse home,

1 threw it down. A year later I went back to court,
2 talked to the court administrator, said, is my
3 Protection From Abuse up? She said what? Your
4 Protection From Abuse? I said, yes, my Protection From
5 Abuse. Well, just a moment. She started typing it
6 into a computer, says you don't have one. I says, oh,
7 yes, I do. She says, were you served by the sheriff?
8 I said, no, my attorney gave it to me. She then said,
9 were you served here in the court, Room 200, of
10 Jefferson County? I said no. Well, then you do not
11 have a Protection From Abuse against you, although I
12 was given by my attorney, in collusion with Jim
13 Dennison, her attorney.

14 Of course, I tried to get back into my
15 house by legal means. I never went back through
16 illegal means. I believe I still had the rights to go
17 back, although I didn't choose to push the issue.

18 As we progressed on, it has now been --
19 that was in April 20th that I moved out of the house in
20 1987. I still have not been back to get my clothing or
21 anything else since that time.

22 Around March of 1987 a Master was
23 appointed. Bill Henry. Bill Henry made the statement
24 that this is Jefferson County. We make our own rules
25 here. And at the first hearing he said, now, look,

1 we're going to get this over. It's going to be over in
2 a very few weeks. You can rest assured, and he pumped
3 us up, and the next hearing to be -- I can't keep it in
4 sequence because it was too long ago. My attorney got
5 sick. The next one he got sick. The next one her
6 attorney got sick. Then something else happened to
7 cancel. Each time he would call back, Mr. Boozer,
8 next time it's going to be over. What is this for?
9 Jack you up, let you down. Make you so disgusted that
10 you'll throw your hands up in the air in disgust and
11 give up.

12 This went on for a period of time.
13 Finally, we started having hearings as high as two a
14 month. Each hearing I tried to show up and I did show
15 up. I took time off from work. I had to make
16 arrangements, because we are scheduled. I had to get
17 off work, which means that I have to either give up my
18 pay or pay someone else to do my trips for me, costing
19 me money. This went on until a period of about until
20 November. Realizing my attorney was doing nothing for
21 me, Jeff Lundy, I decided it was time to get out and
22 asked Mr. Lundy to leave, that I wanted him off the
23 case. And prior to that, on September 3, we were at a
24 hearing. I had seven people with me to testify on my
25 behalf and say, yes, Mr. Boozer is a good person. We

1 have known him all his life. He does this for the
2 community, he does other things for the community. We
3 want more Mr. Boozers in our community. And they would
4 not allow those people to testify or come in, even
5 though the order stated that if I had anyone to
6 represent me or anyone to testify that I could have
7 them there. I was denied that.

8 In that hearing I had a very adversarial
9 role with Mr. Henry, the Master. I was accused of many
10 things, and I was telling him, no, I don't believe that
11 you're right, and he told me to shut up, you have no
12 reason to talk here in this hearing. I said, you're
13 right, I do not. I said, my attorney does not talk for
14 me, I have to speak up for myself. And he said, Mr.
15 Boozer, I want you right now to pay your wife \$800 a
16 month. I said, Your Honor, I don't have the money
17 today, I will pay her on the 15th and start from that
18 point on. Mr. Henry said at that time, the Master, he
19 said, and in unison with my attorney, as though it was
20 rehearsed, that is not satisfactory. And I mean they
21 yelled it. It wasn't just spoken. He said, that's not
22 satisfactory. I said, what is satisfactory then? We
23 are going to take your wages. We are going to pull the
24 wages right out of your paycheck from your company. I
25 said, okay, do it then, if that's what you want.

1 My company doesn't take kindly to extra
2 paperwork. We have enough to do. Like some of these
3 other people stated of the companies being badgered and
4 saddled with our weight of a divorce. Time off, taking
5 our money out of our paycheck and sending a check to
6 those people, this is wrong. I was paying my wife on a
7 regular basis till that point. I went to Mr. Lundy and
8 I said, Mr. Lundy, they did not take anything out of my
9 paycheck at this time. He said, Mr. Boozer, don't
10 worry about it. I said, I am worried about it. Should
11 I take money down and give it to my wife, because she
12 is not working. He said, no, I'll see about it.

13 The next paycheck, the same thing. I
14 said, Mr. Lundy, I have to let you know that they
15 didn't take anything out of my paycheck. I would like
16 to take some money down. Should I send it down to her?
17 What should I do? He said, no, not at this time.
18 October 27 I got a letter from the judge saying he was
19 holding me in contempt of court and I had better be
20 there or else. I asked him what for? He said, you're
21 in arrearage and now we're going to go to see why we
22 can't take your money out of your paycheck. I said,
23 well, Your Honor, here's what happened. I had been
24 paying alimony out of my pocket to my wife on date, on
25 time every time, and at that time Jeff Lundy was fired

1 and I didn't have an attorney.

2 Finally, after calling the judge, judge's
3 secretary, I said, look, take it. I don't care what
4 you do, as long as it's fair. So they made the order
5 right there without me being in court, which is okay
6 with me, is what I tried to do with my attorney, which
7 I believe was conjured up by the Master in collusion
8 with Jim Dennison, her attorney, and my attorney to get
9 me in arrears. Now, this has been brought up at every
10 hearing. Every time I turn around, Mr. Boozer is in
11 arrears. Makes me look bad. Mrs. Boozer now had to go
12 out and borrow money to survive, which was a little bit
13 on the illegal side because she also had money coming
14 in from her father, so it's an illegal act on her part,
15 even though they use that against me every time I go to
16 court, every time something is brought up.

17 As we go on, the Master -- we had a
18 Master's hearing March 30th of 1988. Prior to that we
19 had hearings as long as anything from two to six hours
20 long. Uncalled for. I think a Master's hearing could
21 be a matter of a few minutes to one day, at the most.
22 Two to six hours long.

23 After we had our Master's hearing on
24 March 30, it was September 12 before we got our
25 transcript from the Master. Twenty days, as I

1 understand, for an uncontested divorce he has to have
2 it in. Here it was 5 1/2 months later. Meantime, I
3 had been going to Ed Ferraro, which is now running for
4 judge. Got so corrupt that I took a priest with me
5 every time I went to his office. I would not go. In
6 fact, I refused to go to his office until this priest
7 could go. I said, I would like you to go and at least
8 identify the problem. Is it me or is it Mr. Ferraro?
9 He stayed with me for about a year and a half. Father
10 Jim Kennelley from Du Bois, Pennsylvania. Father Jim
11 called Ed Ferraro on many occasions and said he would
12 like to understand why Ed is not doing this. He wrote
13 him letter after letter. He wrote him five, six pages
14 at a time asking him why he was allowing this to
15 happen. Let alone no response. Ed Ferraro continued
16 to cut me down in his presence, say I was a liar, I was
17 a cheat, I was everything.

18 We have in our presence, in our house,
19 marital residence, \$26,000 dollars' worth of antiques.
20 Every time I brought it up to my attorney he said it's
21 nothing but junk. Absolutely nothing but junk. I
22 said, well, let me have half of that junk. I don't
23 care what you do with it. If I'm going to get
24 something, give me half of that junk. We're talking
25 about copper kettles, school bells, china cupboards,

1 many items listed. I can't get them. They're not even
2 listed.

3 As we go on, Edward Ferraro did nothing
4 for me. Finally, on the transcript from the Master he
5 held for 10 days -- excuse me, 11 days, the transcript
6 stating what was given to me and what wasn't given to
7 me. I called, when I finally got it I called Mr.
8 Ferraro and I said, Mr. Ferraro, we've got a problem
9 here. I was given a car that we don't even own by the
10 Master. My stock was inflated that we don't even have.
11 Excuse me, it was inflated by approximately \$20. We
12 had a pension that my attorney told me, Ed Ferraro said
13 that Jim Dennison, her attorney, took this pension and
14 did whatever he had to do to inflate it to the point
15 where it would equal or better than my house so that my
16 house would be given to my wife. My wife will get the
17 house at all costs. My pension, as my company told me,
18 originally was about \$20,000. Later on I got a letter
19 that says, well, maybe it's worth \$27,000 or \$33,000,
20 projected back it might be worth \$27,000, and those are
21 my figures. We are willing to live with that, not the
22 \$46,000 that they projected it in order to take my
23 house.

24 My pickup truck was given to me by the
25 Master. My pickup truck was owned by GMAC lock, stock

1 and barrel. It wasn't worth anything to me. Should
2 have been paid off. It was not paid off.
3 Consequently, I had to pay the value of the truck cost
4 approximately \$5,500. That was taken from me.

5 Well, finally we had a hearing with the
6 judge. That was on March 17th of '89. Now, remember,
7 this was September 12th of '88 the Master made his
8 ruling. My attorney, after a lot of screaming and
9 yelling on my part, he finally put some exceptions in.
10 He only put in what I requested, thinking only that I
11 had to open up the case. I'm relying on him to be my
12 protector, to give me guidance. He did not give me
13 guidance, and here he is, he's up to be a judge. He
14 will be up on the ballot here in November, along with
15 the Master that also tried to do me in.

16 As we waited 45 days before he put his
17 in, I believe it ended up about 60 days, and don't
18 quote me on that at this time, it was close to 60 days
19 before he finally got it to the judge. We finally got
20 to the judge's hearing March 17th. I was excluded. I
21 requested the priest be there to hear what was going
22 on. I said, and also, I want you to know, Father, you
23 be there an hour to two hours early. These scoundrels
24 will have a hearing without me. So I got the letter
25 that stated that 9:00 o'clock on the 17th to show up.

1 They had their hearing over by 9:15. The priest looked
2 at me, he said, I do not believe what I'm seeing and
3 what I've seen this whole proceeding. He said, I am
4 appalled. He had some words with Mr. Ferraro trying to
5 get him to change his view, to no avail.

6 So after the judge made his decision on
7 that date, it was May 24th of 1989 before anything came
8 out. He gave my wife a house and a life insurance
9 policy. Now, I would like you to look at any record in
10 my court proceedings and find antiques, a model T Ford,
11 furniture, household items, anything that's in a house
12 was not given to this woman, even though she has it in
13 her possession and will own it, unless I can do
14 something about it.

15 My wife, back in the early part of the
16 proceedings, was given \$800 a month, and out of alimony
17 pendente lite, counsel fees and maintenance, I believe
18 it states. Counsel fees, of course, was never paid
19 except for \$40 to her attorney in this period of time.
20 November 20th it will be five years, only \$40 paid for
21 her attorney. When I asked the judge why this was not
22 allowed, he said, we've made an error. He said, we
23 cannot do that. I said, what are you going to do about
24 the extra money? He wouldn't answer me.

25 As time progressed on, they took it to

1 Supreme Court -- Superior Court, excuse me. They took
2 it to the point where they wanted more alimony and also
3 attorney's fees because as they stated, Mrs. Boozer did
4 not have enough assets to pay for attorney's fees. I
5 believe that to be a lie because she was already given
6 money and refused, by her attorney's admission, that
7 said don't give me any money, he will pay. He told
8 some other people in Brookville he will pay. All
9 husbands pay.

10 So now we go to Superior Court. My
11 attorney up and quits on me, Ed Ferraro. I am left now
12 without an attorney. So at this time I'm getting
13 desperate. I'm tired of what they have done to me. I
14 don't have time to go out here and be an attorney. I'm
15 a full-time airline pilot. I love hobbies. I like to
16 go out and fly model airplanes and do many other
17 sundries of things. I have not been able to do that in
18 five years, almost five years, because my time now is
19 being taken up of either going chasing attorneys or now
20 I am doing my own pro se litigation.

21 I do have an attorney hired, and at this
22 time I hired Patricia O'Connor from Pittsburgh.
23 Patricia O'Connor took my papers and looked at them and
24 said, my, oh my. This is terrible. I can see from off
25 the bat that you have been wronged. A house and a life

1 insurance policy for your wife, ridiculous. Now, I
2 will get you back your truck, your guns, your tools,
3 your pension and all this. We will see if we can't get
4 this straightened out.

5 In a period of time, whatever it took for
6 them to get into court on the last day she had the
7 paperwork just completed. I said, are you aware if the
8 male sneezes that we are done, that we have lost
9 everything? I said, what did you do about my pension?
10 And she started to scream at me over the phone. At
11 this moment I knew that it was another cronyism or
12 something had happened, and as I understand at that
13 time Jim Dennison's father was the president of the
14 Pennsylvania Bar. I don't know if that was used to
15 threaten her with but something got her off the case.
16 She took my money and gave me nothing in return. She
17 did not go to court for me, as she stated she would.

18 So as it came back, I said, okay, I've
19 got to now do something on my own. I went out and
20 started to study. I went to the law library. I
21 visited every one I could think of that had any
22 knowledge of what I was going through. Almost
23 overnight I've had to become an attorney and started
24 putting pro se litigation into Superior Court because I
25 could not get my attorney to do anything for me.

1 Eleanor Valecko, from the Prothonotary's
2 Office in the Superior Court, told me that in no
3 uncertain terms was I allowed to do any pro se
4 litigation at her Prothonotary's Office. By sheer luck
5 I was able to run on to someone else in that office
6 that told me, oh, yes, you can, Mr. Boozer. Other
7 people do it and you can, too. However, you must do
8 this and this and this. Fine.

9 I sent in several pieces of pro se
10 litigation. It came back later on at the same time
11 about approximately a year later it came back per
12 curium. My feeling is that that one was never looked
13 at by anyone but Eleanor Valecko and sidetracked.

14 I think this is an abuse of the system to
15 allow that to happen. I think if something gets put
16 into court, someone ought to be responsible for it, not
17 a per curium that says, oh, you can't find out and
18 we're not going to tell you who did this to you. So I
19 lost all my appeals, everything I wanted to put in the
20 court at that time.

21 So it came back approximately May of '90.
22 At that time the judge ordered me then that I would
23 have to pay alimony for 16 1/2 months and that's still
24 going on. That was in October of last year. It should
25 have ceased. They're still taking alimony out of my

1 paycheck to this date with no relief in sight. When I
2 called the courthouse, I'm given the brush-off. They
3 know me by name. And I'm courteous with these people
4 because I have a profession to uphold. They will not
5 return my phone calls. They're always busy. When I go
6 in to see them, they will not even speak to me. They
7 will only say what they have to say. I go to the
8 Prothonotary's Office, I am denied access to the
9 Prothonotary's Office. It used to be I was told
10 straight out, your wife's attorney, I found out later
11 on, was the Solicitor for the Prothonotary's Office and
12 the Sheriff's Office. The Solicitor does not allow us
13 to show you your paperwork without an attorney being
14 present. I said, as I read the law, you are wrong. I
15 expect to see my records. It's a hassle every time.
16 For months I could not see my records, could not get a
17 hold of my records.

18 Finally, I was -- I filed charges, many,
19 many letters to the disciplinary board on her attorney.
20 I have not filed any on mine yet. I expect to. I
21 filed many charges on the judge under the canon laws.
22 Got no response. I did get a few responses from the
23 Disciplinary Board on attorney Jim Dennison. One young
24 lady said she was new at this and it appeared as though
25 I might have a case. I never heard from her since.

1 Evidently, she was removed. This is some more of the
2 things that these other gentlemen have spoke about.

3 So we bring it back to the Jefferson
4 County Court. Now we're setting here and my attorney,
5 I hired Sharon Smith. Sharon Smith was one of the best
6 attorneys I've hired up to that point. In fact, was
7 the only attorney. Sharon said, I see you're doing pro
8 se litigation. That's fine. I said, okay, now what
9 I'm going to do, since the judge will not stop this
10 alimony, I want you to put into court and proceed on
11 with the proceedings and go to Supreme Court. So she
12 wrote it up within the legal time limit and it went to
13 Supreme Court. Meantime, I went to the law library and
14 read up on 1731, Pennsylvania Rules of Court, on an
15 automatic supersedeas and did my own filing. I told
16 her I was filing. That's all I said. That way she's
17 not involved. At least she knew.

18 So I filed that approximately September
19 of '91. I don't have it in front of me here without
20 hunting. No, it was '90. Got nothing from the judge
21 months after months. Finally, I kept going to my
22 attorney and said, look, I am not getting anywhere with
23 this judge. She went over and had a very heated
24 discussion with the judge, telling him that my rights
25 were violated. He said he didn't care, no one was

1 going to put pro se litigation in his court. This is
2 Jefferson County and I am the judge and I will do what
3 I want to do. That excluded me and my rights right
4 there.

5 Well, she informed him, it was a very
6 heated argument, but she was going to file charges on
7 him if he didn't allow it. He said, okay, after
8 considerable argument she called me and said, Mr.
9 Boozer, he will allow you now to file that. I filed it
10 again. That was in December. Immediately within just
11 a few months after I filed Supreme Court that stuff
12 came back, that information, everything came back.
13 Almost leads me to believe that every time I went to
14 court, whether it be Supreme Court or Superior Court,
15 it seemed to come back when that judge needed it the
16 most. Possible collusion.

17 As it came back, right within the period
18 of time, as Judge Snyder wrote an order that within 20
19 days from that date that his order was, that he was
20 going to sign the order and stop alimony because we are
21 now in Supreme Court. The alimony never ceased because
22 it didn't have to. The paperwork came back. Now it's
23 back in his hands again. Now he's in control. Makes
24 it look very obvious that there's a problem there.
25 Cronyism throughout the system. Like one gentleman

1 said, from Pittsburgh to Harrisburg or from Brookville
2 to Pittsburgh.

3 As it came back, I then filed some more
4 cases, civil contempt. My wife was running off with
5 the assets and I knew it. I filed charges on her by
6 the judge's order for her not to do it. I believe an
7 order of January 12th of about '87. The judge has not
8 done anything with that yet. He also said that he's
9 probably not going to.

10 I also filed Extrinsic Fraud and a Motion
11 to Stop Alimony. We were ordered to court on February
12 28, 1991. My attorney did not show up, Sharon Smith.
13 Five days later I called Sharon Smith, I said Sharon,
14 you didn't show up. Did I make a mistake? Did I not
15 clue you in? She said, Mr. Boozer, off the record and
16 I cannot tell you this and I will deny it, but Judge
17 Snyder called me to his office and told me to get off
18 the case and now or he will file charges against me and
19 I will be responsible for everything. That was her.
20 She says, I have to get off. The first attorney that
21 has ever quit me and went to court to file proper
22 papers to quit. Of course I had it signed. At that
23 time I had knew of another attorney to talk about.

24 Judge Snyder told me at that hearing that
25 he would be hearing the case and I would be my own

1 attorney. He said, you have filed pro se litigation
2 and you will be representing yourself, Mr. Boozer, do
3 you understand that? I said, no, I don't because you
4 are violating my civil rights, sir. I said, I expect
5 to have an attorney present and I will have an attorney
6 present in this court because you have been nothing but
7 arrogant against me. At that time he said, well, what
8 do you expect to do? I said, I expect to ask for a
9 continuance. He said, I don't have to honor that, you
10 know. I said, I know, Your Honor, you are the judge.
11 But I will not represent myself in this court. I will
12 not get at proper hearing. I might as well just throw
13 my hands in the air and walk out.

14 He had a hearing of about an hour and we
15 got nothing accomplished. The next time I came in to
16 court would have been on March 26. He said, we will
17 set up a hearing for March 26 here and Mr. Boozer, with
18 or without an attorney you will represent yourself. I
19 said, Your Honor, I believe you're out of order. I do
20 not have to represent myself. My civil rights to have
21 an attorney present. We are now up against a rock and
22 a hard place. Am I going to throw my hands in the air
23 because they have put me down at every turn? Every
24 time I go to this courthouse I am frisked down. I am
25 the only one frisked down. I do not carry a gun into

1 court. I do not threaten the judge. I do not do all
2 these things. The judge has no rights to single me out
3 as a single litigant, or anyone else coming to his
4 court unless he does it to everyone else. I am the only
5 one. The Sheriff stands guard while I'm there.

6 Finally I told the guard, I said, if you
7 frisk me down one more time I will have a Federal case
8 against you. Either you frisk everyone down or let me
9 alone. He says, Mr. Boozer, I know you don't have a
10 gun. I know. I've known you too long. You are not
11 going to harm the judge. And at that point he has
12 never frisked me down since. Whether it was from the
13 threat of a Federal lawsuit against him, I don't know,
14 or whether he realized that he'd better back off.
15 Because this is part of the harassment from her
16 attorney, Jim Dennison, which is also the Solicitor for
17 that department.

18 Mr. Dennison also, on many occasions,
19 went to the judge on pro se conferences. This has been
20 told to me by several attorneys from the Brookville
21 area. That's the only way this man can practice law is
22 by going to the judge and have conferences only with
23 the judge without my attorney being present. I think
24 this is wrong. It is wrong. The laws are against it,
25 even though it happens every day. Attorney Dennison

1 will stand there and tell the judge, I do not have an
2 income and expense statement from Mr. Boozer, and I'm
3 looking at the paper that he has in his hand and in
4 that paper, which I put together myself, has that very
5 same information. He's holding it in his hand and
6 stating to the judge, Your Honor, he says, I do not
7 have an income and expense statement from Mr. Boozer.
8 He orders me again to give it to him. Now I've got to
9 go and make some more copies and send it to him. This
10 has happened several times.

11 On one occasion they sent the sheriff
12 after me with an order that I will be in court in seven
13 days. They held it for three days before they gave it
14 to me. The sheriff's deputy is a friend of mine. I
15 said, how did you come to my house? He said, well, Mr.
16 Dennison wrote this and the judge signed it, and I
17 understand that can be a fair and equitable way of
18 doing things. It keeps a judge from being too busy.

19 I had at that time about two days to find
20 it and get it to the court. As I might state here, it
21 was already in the judge's hands, in Mr. Dennison's
22 hands, and also in my attorney's hands one month prior
23 to that. It was in there a year prior to that and a
24 year prior to that. They had the records. But to
25 harass me, they sent the sheriff after me, was going to

1 hold me in contempt of court and give me about two days
2 to get it in, which ended up being a period of time
3 over a weekend. He gave that to me on a Wednesday and
4 at 2:30 in the evening we sat and talked for about
5 another hour about this problem. I hurried up and got
6 the information together. I went down to the
7 courthouse, as the order said. You must present this
8 to the court. I took it into the court, to the
9 Prothonotary's Office and said, how do I present this?
10 They looked at it and said, we cannot take it. More
11 harassment from the Prothonotary's Office and Jim
12 Dennison as Solicitor. Another way of harassing me to
13 keep me out.

14 As I proceeded then, I said, well, why
15 don't you take it up to the secretary's office of the
16 judge? So she took it up to the judge's secretary and
17 also up to the court administrator's office. They came
18 back down and said--

19 CHAIRMAN CALTAGIRONE: We're going to
20 have to conclude your testimony shortly. We've got a
21 bank of witnesses yet to testify. It's not that I want
22 to cut you off. Please, believe me.

23 MR. BOOZER: That's fine. Thank you.

24 CHAIRMAN CALTAGIRONE: If there's
25 something that you really feel that has to be said, I

1 know there's a lot involved in a lot of these cases,
2 but to be fair to the other people that are still
3 waiting to testify, I think we have to be a little bit
4 more concise and brevity would be the order for the
5 rest of the day. Please, we're still getting in a
6 tremendous amount of testimony from a lot of other
7 people that would like to have been here and would like
8 these hearings to go on, but if you have a concluding
9 statement to make, please do so.

10 MR. BOOZER: Okay, I have one more thing
11 to add. As our last little thing, finally we're on the
12 track and now we're up into still into litigation,
13 don't know when it's going to be over. The end result
14 is we had a transcript. In that transcript from I
15 believe a witness, several witnesses that many pages
16 were missing. And I believe there's more collusion
17 from the judge, and I'm starting litigation on that, a
18 and that concludes it.

19 Thank you very much.

20 CHAIRMAN CALTAGIRONE: Thank you.

21 Questions?

22 (No response.)

23 CHAIRMAN CALTAGIRONE: Thank you,
24 gentlemen. Thank you very much.

25 I would like to next have a panel of

1 Robert Shupp, Dora Lee Rosenfeld and Eleanor Goodwin.
2 Please come forward. We would like to take you one,
3 two, three. We're going to continue to go straight
4 through until we get the hearing concluded today.

5 Is Robert Shupp here? Would you please
6 come up and take a seat, sir? If you have written
7 testimony, please submit it. If you don't, we're going
8 to give you 10 minutes and we're going to hold you to
9 10 minutes.

10 MR. SHUPP: The problem I've had was
11 through visitation and support with two children that I
12 had. It basically started in 1981 when I divorced my
13 first wife. At that time the children were ages 4 and
14 7, which was a boy and a girl, the girl being 4. Took
15 at that time approximately \$5,000 in attorney's fees
16 and five months' worth of back and forth finally
17 getting in front of the judge to get a visitation order
18 granted that I had finally seen my children. We
19 followed that particular order, which I believe is in
20 some of the paperwork I've handed you. The problem
21 being was I was working afternoons so we decided to go
22 to an every other weekend visitation.

23 We followed that for approximately nine
24 years, or excuse me, seven years, at which time the
25 week before Christmas in 1989 I had it made aware to me

1 that for some unknown reason, there was no open house
2 in my son's high school that year and no high school
3 pictures were taken. And I was kind of taken back by
4 this so I wanted to pursue it a little bit further and
5 when I called that following week to see if the
6 children were coming down I was told that no, I would
7 not ever see the children again for one, and number
8 two, till my ex-wife was done with me she would have my
9 house, everything that I owned and I would be
10 absolutely nothing because I was threatened in a way
11 that I was told I was not a proper role model for my
12 children.

13 Well, I work, I've always worked. At
14 that particular time in '81 I was holding down two jobs
15 so she wouldn't have to work and my children at that
16 point never wanted for anything, nor did they have to
17 at this point in time either. What it came down to was
18 I hired an attorney, showed him my original court
19 order, he said there's no problem with this. You have
20 the right to call them in a nonhostile manner and speak
21 to them wherever, whatever. We've tried everything
22 that was basically in that court order, and what it
23 boiled down to was I guess I didn't know the right
24 people in the court system because I was stripped
25 basically of every right that I had.

1 As far as being able to use that court
2 order when I went to enforce it my attorney explained
3 to me that since you have the court order, you have two
4 alternatives, you either go to the State Police or the
5 Sheriff's department and tell them and explain to them
6 what happened. I went to both authorities. They smiled
7 and said they felt sorry for me but they could not
8 enforce it because I would have to take this back to my
9 attorney, which in turn would have to go to court.
10 Basically, it just went in a big circle, and I didn't
11 have the money at the time. I don't right now to spend
12 hundreds and hundreds of thousands of dollars.

13 What the next step came to was I ended up
14 in front of a support Master. After this period of
15 time of seven years my wife in the meantime had
16 decided, my ex-wife, decided to go from \$160 a week to
17 no support at all with no job. Last year, in March of
18 1991, I was informed that I was going to be taken back
19 into support court for \$125 a week, which on top of
20 that she has a \$30,000 a year job. I still at this
21 point have not been able to talk to my children. I
22 basically never had that right. I was told by the
23 Domestic Relations Office, by the President Judge, the
24 domestic judge that handled this, and one other person
25 in there that everything that basically I had to say

1 meant nothing, and every threat that she made to me
2 held true.

3 Finally it came to one point in time
4 where my mother, who was 80 years old, basically raised
5 the children as far as when I had to work, she would
6 watch them and everything like that. They refused to
7 contact anybody in the family anymore, and I had no
8 reason why, to this day I have no reason why, and what
9 it basically ended up as giving up my rights as their
10 father, and when that came about I was sent a letter
11 from the court stating that I was the plaintiff and my
12 wife was the defendant. I was asked three questions
13 that day and when I brought it up about why I was not
14 allowed to see the children, the judge, which was the
15 President Judge of Monroe County, looked down at me and
16 rolled his eyes and never said a word. He never asked
17 why the children were present, my ex-wife was present
18 and her husband who was going to adopt these two
19 children. Not a word was said about any of this and I
20 just felt that my rights were terribly violated.

21 My attorney could not believe it because
22 nobody else was asked to mention anything other than
23 whether I understood what I was doing, and I understood
24 at that point because it was either that or sell my
25 house and just live on the streets, because that's what

1 this woman was after. I don't have any reason to
2 believe why she should have been that vindictive. I
3 never, never made these children feel like they had to
4 be with me all the time because I only had them four
5 days out of the month. A lot of the holidays I was
6 given whatever was left over for visitation, but I also
7 might add, up until that point they on their own would
8 call about anything they wanted to know or if they
9 wanted to come down early on visitations I always made
10 sure it was okay with their mother. And if they could
11 not reach me they would reach my wife at her
12 employment. And, I mean, it was just a very big shock
13 to see this whole thing unfold in front of me after
14 going through this in 1981 and now finding out that I
15 basically lost two children with not an ounce of help
16 from anybody in the legal system in Monroe County.

17 My attorney just looked at me and said, I
18 don't know what to tell you. I said, well, I know what
19 to tell you. If it comes down to money we have to stop
20 here because I cannot afford any more. I couldn't hold
21 more than two jobs at one time, and this person just
22 whatever she wanted she seemed to walk in and get,
23 there was no questions asked and I was basically pushed
24 right to the bottom of the list of anything. As far as
25 priorities, I had nothing to say in their well-being.

1 I ended up putting a second mortgage on my home in
2 March to pay her up. I had to pay her attorney's fees
3 and everything and to straighten this whole mess out
4 just so I would know where basically myself and my
5 whole family would stand.

6 I will say I got in contact with
7 Representative Keith McCall who was one person that
8 helped me out as far as gave me some suggestions on
9 what to do. I wrote a letter in the meantime to
10 Governor Casey himself and that was a complete waste of
11 time, I must say, I'm sorry to say, because they just
12 told me that they couldn't do anything. There was
13 nothing that could be done.

14 I wrote letters to the Disciplinary Board
15 and the ACLU because her attorney is my wife's
16 ex-husband's attorney, and it seemed like when one
17 thing would get settled, the other party things would
18 just flare up. This was a constant turmoil.

19 Other than that, I don't know basically
20 how much more to add. I have quite a bit of paperwork
21 there with the briefs that I had handed you. And like
22 I say, there's one thing I would like to make clear on
23 those papers that they have me down as the plaintiff.
24 In 1981 I did not file for the divorce, my wife did.
25 Or my ex-wife. And through this whole scheme of things

1 up to this date I was made to pay all the court costs,
2 all of everything but I never initiated anything in
3 there, including the adoption papers and everything
4 else.

5 CHAIRMAN CALTAGIRONE: Let me assure all
6 the participants here today that what is being said and
7 what is being submitted will be disseminated to most of
8 the other members that don't happen to be here with us.

9 MR. SHUPP: Oh, okay.

10 CHAIRMAN CALTAGIRONE: So rest assured
11 that every one of the members of the committee will in
12 fact get copies of this when it is transcribed, of
13 course. But copies that are being submitted, where
14 possible with the number that we have will be sent to
15 them next week.

16 MR. SHUPP: Oh, okay. Basically, that's
17 all I really have to add. I would like to thank you
18 for your time.

19 CHAIRMAN CALTAGIRONE: All right, thank
20 you, Bob.

21 Dora Lee.

22 MS. ROSENFELD: Well, I came on behalf of
23 two causes. One was for the organization Just-Us in
24 Justice, which represents hundreds and hundreds of
25 people who have gone through the court system, and I

1 did send out releases to the news media saying that I
2 was going to speak at 2:00 o'clock, so could I
3 acquiesce so that I could speak at 2:00 o'clock?

4 CHAIRMAN CALTAGIRONE: Sure.

5 MS. ROSENFELD: And I do have--

6 CHAIRMAN CALTAGIRONE: Yes, I notice you
7 do have the handouts. I'll see if I can have those
8 distributed.

9 We could pass over you and go directly to
10 Eleanor.

11 MS. GOODWIN: Thank you.

12 My name is Eleanor Goodwin, and I'm from
13 Butler County. I filed for a divorce PFA injunction to
14 protect a multi-million dollar estate during a divorce
15 proceeding on December 6, 1988. As I speak today I am
16 no longer seeking a divorce, there will be no equitable
17 distribution, spousal support was awarded but never
18 paid. My home valued in excess of \$1 million is gone,
19 sold at sheriff sale. A second home sits in ruins
20 awaiting the same fate. All the assets acquired during
21 the 10-year marriage are gone, and yet I never received
22 a cent.

23 I have over \$98,000 in legal fees, of
24 which \$83,000 remain unpaid, forcing me to file
25 bankruptcy. I have been in two States, three counties,

1 now I'm in Federal court because nothing was done in
2 Butler. I have in excess of \$300,000 in judgments
3 filed against me, yet I was not responsible for most of
4 these debts. I filed a complaint against my first
5 attorney with the Disciplinary Board. He retaliated by
6 accepting a foreclosure naming me the defendant. He
7 knew I was not, the judge knew I was not, yet they
8 refused to dismiss the complaint. I filed a second
9 complaint and they refused to dismiss that.

10 This is hard. My credit has been ruined.
11 My life has been hanging in limbo for over 32 months.
12 The marital assets are gone, and I have lost all faith
13 in the system. A Supreme Court judge proudly boasted,
14 "Pennsylvania is the granddaddy of the Rules of Civil
15 Procedure." Well, Pennsylvania, it is a sad commentary
16 what you have allowed to happen. The stories we have
17 all heard today all tell of the abuse of those rules
18 and the devastating effects the citizens of this
19 Commonwealth have endured.

20 Can I take a second, please?

21 My husband was a self-made
22 multi-millionaire who knew how to play the game. He
23 could afford top notch legal counsel. He knew he could
24 drag out litigation until I was defeated financially,
25 emotionally and mentally. He knew the system could be

1 manipulated and he became the master. He knew the
2 system does not work. He knew he could purge himself
3 of contempt and continue to do whatever he wanted. He
4 vowed I would receive nothing and he kept that vow
5 until the end. He was killed in Butler County in May.
6 Had this not happened I have to wonder if I would still
7 be in the Butler County courts another 32 months.

8 The nightmare began in Butler County when
9 the first judge denied the PFA, denied an injunction to
10 protect the assets, further took no action when I asked
11 to withdraw the divorce due to my husband's health
12 problems. Because Butler refused jurisdiction, which
13 is inconsistent with the Rules of Civil Procedure, as
14 well as the Pennsylvania Divorce Code, this allowed my
15 husband to flee to Florida with most of the assets,
16 where he properly filed for and was granted a divorce.
17 I filed an appeal and the divorce was reversed and
18 remanded to the lower court. This cost \$31,000 in
19 legal fees. My husband continued to file 95 actions
20 against me in Florida trying to gain a divorce and
21 jurisdiction. Florida refused to take jurisdiction
22 citing Pennsylvania was the proper forum and should
23 proceed.

24 On December 8, 1988, two days after I
25 filed for the divorce in Pennsylvania, my husband gave

1 his son from a former marriage all stock in a real
2 estate venture worth \$1.5 million without any
3 consideration. This was clearly a fraudulent
4 conveyance and an effort to defeat equitable
5 distribution and should be declared null and void. It
6 was not. I filed an equity suit to protect the
7 interests. This property was sold with the proceeds
8 going into the escrow account. The attorneys opened
9 the accounts, never told me how much money was in the
10 account or where the account was. I have recently
11 filed a suit in Federal court to have this resolved, as
12 his son, who was a party to the fraud, is now claiming
13 the money is all his.

14 In May '89, I was awarded spousal
15 support. My husband refused to appear at the hearing,
16 yet three days later filed exceptions, demanded a de
17 novo hearing. As of May 1991, a hearing was not held,
18 support was never paid. A hearing for contempt was
19 scheduled in March of '91. I appeared, my husband
20 refused. I asked the hearing officer why he wouldn't
21 put a judgment against property my husband owned and he
22 replied he wasn't taught that. He finally concluded by
23 saying, you may end up a pauper, you may spend several
24 thousand dollars, your health will suffer, but don't
25 give up, the system works. That's why I am paid big

1 bucks. Well, the system didn't work as the support due
2 was in excess of \$50,000. Within two weeks of my
3 husband's death I was notified the matter should now be
4 taken up with his estate and not Domestic Relations.

5 I petitioned the Butler courts to begin
6 equitable distribution in May of '89, while there were
7 still assets. The judge ordered briefs to be filed
8 regarding jurisdiction, which further delayed the
9 process. My attorney filed ours, my husband's attorney
10 ignored the order, and finally the judge ignored it as
11 well. In May of 1990, a Master was appointed, hearings
12 were scheduled, but my husband refused to file the
13 inventory and other financial information. He also did
14 not appear. This went on until September 20, 1990,
15 when I was given our home that was due to be foreclosed
16 September 26, 1990. I filed exceptions, and as of May,
17 1991, they were never heard. Unknown to me, the
18 attorneys agreed by stipulation that the Master would
19 be paid \$110 an hour, which is contrary to the local
20 rules of court of Butler County whereas the rules state
21 the Master shall be paid \$40 an hour, not to exceed
22 \$150.

23 Prior to the equitable distribution
24 hearing I filed numerous petitions trying to protect
25 the property. I petitioned that my husband's sons be

1 named as additional defendants, since he was using them
2 to remove some of my assets under their names and in
3 bogus corporations. The judge had the complaint under
4 advisement for 15 months, thereby allowing the assets
5 to continue to be removed by my husband's son at his
6 direction. In the interim, I filed other petitions
7 requesting injunctions to prevent my husband from
8 raping the estate and to post a bond to protect my
9 interest. The judge stated he did not think my husband
10 could post a bond. My husband continued to remove,
11 sell and hide the assets. At one of the hearings the
12 judge waved his hand in the air and stated, that was
13 yesterday. What do you want? I wanted the assets
14 protected. He cautioned my husband to stop. My
15 husband ignored the order, and again another petition
16 was filed requesting contempt charges. The judge found
17 him in contempt, allowed him to purge himself of his
18 wrongdoing by posting \$7,500 in the Prothonotary's
19 Office. This was to be used for equitable
20 distribution.

21 What an investment for my husband. He
22 had removed over a million dollars' worth of assets.
23 Then the \$7,500 was used to pay the Master's fee. When
24 my husband was killed, his attorney decided he should
25 not have to file a claim against the estate. He could

1 be paid with the balance of that money. The judge felt
2 that was fair, awarded him counsel fees, I received
3 nothing.

4 As of November 1990, I was unable to
5 afford an attorney, could not pay the ones I had. I
6 was forced to act pro se. I petitioned for counsel
7 fees and was denied. I petitioned the court then
8 appoint me counsel and the judge replied, there are
9 substantial marital assets, therefore this petition is
10 denied. Yet this was the same judge who found my
11 husband in contempt for removing the marital assets a
12 few months earlier. He knew I did not have access to
13 them. It was not my choice to become a pro se
14 litigant, it was the court's by their refusal to adhere
15 to the Rules of Civil Procedure and the Pennsylvania
16 Divorce Code by refusing me counsel fees and further
17 refusing to enforce spousal support for over two years.
18 This is a blatant violation and it should not be
19 tolerated.

20 In December of 1989, an agreement was
21 reached between my husband and myself whereas he would
22 give up the exclusive possession of my condominium in
23 Florida that the Butler County courts gave him. In
24 return I would allow the sale of a property that was
25 fraudulently conveyed to proceed as long as the funds

1 were held in escrow. My attorney assured me a court
2 order was being prepared and not to worry.

3 In May '90, my husband finally removed
4 himself from my condo along with the built-in
5 appliances, the furniture, and totally destroyed the
6 interior, leaving the condominium in foreclosure. I
7 began filing petitions in November 1990 to get my
8 property back because my attorney would not do
9 anything. Butler County ignored the petition. In
10 desperation, I filed a petition for a pretrial
11 conference. The judge answered, this court has no
12 intentions of ever having a pretrial conference with
13 you.

14 I have lost a second home, along with all
15 the equity. It is being foreclosed this month and I do
16 not have the funds to again save it, nor would the
17 courts do anything to protect it.

18 Perhaps William Gladstone said it best
19 when he said, "Justice delayed is justice denied."
20 Throughout the 32 months I have been in the Butler
21 County courts, I have found with or without counsel
22 petitions are routinely ignored or denied, regardless
23 of the urgency or the merits. I have been deprived of
24 the basic right to have my day in court, to be heard or
25 to have my property protected. I have often said a bad

1 decision is better than no decision. Without a
2 decision from the courts you cannot go on. You are
3 completely shut out of the due process which you are
4 guaranteed.

5 Where are the checks and balances in
6 Family Court? Where does one go to get equity and
7 justice if not the courts? What good are the rules or
8 the Divorce Code if the judges can arbitrarily abandon
9 them and run amuck without any accountability?

10 I would like to conclude by sharing with
11 you the last day I was in the Butler County courts. I
12 was given a telefax that was forwarded to Butler County
13 from the Florida police department advising my husband
14 intended to kill me at the May 7th hearing and any
15 police officer who attempted to stop him. I notified
16 the judge, the President Judge and the district
17 attorney in Butler by FAX. The FAX was ignored by all
18 of the above. I then called the district attorney and
19 demanded police protection, as I knew my husband meant
20 what he said. He had made that threat and attempts
21 against me beginning in December of '88 when I filed
22 for the divorce.

23 Upon entering the courthouse, I was
24 searched and lead under armed guard to the courtroom.
25 The judge appeared briefly in what appeared to be a

1 bullet proof vest and announced to the attorneys they
2 should now come into his chambers. I sat alone in the
3 courtroom. His final decision, he would give the
4 matter some thought and one of the attorneys should
5 call him the following week.

6 Four days later my husband was killed in
7 a shoot-out with Butler County Police. When they
8 recovered his body and began to inventory his vehicle
9 they found two body bags, an arsenal of sophisticated
10 high-powered weapons, a crossbow, knives and thousands
11 of rounds of ammunition. He had been stalking me, as
12 evidenced by photos he had taken, along with items to
13 indicate he had not only planned to kill me, he planned
14 to torture me first. He stated at the very first
15 hearing, she should be dead, someone ought to kill her
16 and I will never make any concessions. He never did.
17 After 32 months in the Butler County Court they never
18 did, nor did they allow me the protections available
19 under the laws of this Commonwealth.

20 There is no justifiable reason anyone
21 should have to live under the conditions I have. Fear
22 and uncertainty prevailed my life. The courts
23 prolonged my misery, and in the end I feel they helped
24 kill my husband by aiding him in his madness. If the
25 Court of Common Pleas of Butler County had followed the

1 Rules of Civil Procedure or the Pennsylvania Divorce
2 Code, this could have been averted. It could have been
3 settled if the judge assigned to this case acted
4 reasonably in accordance with the laws. Instead, he
5 blatantly ignored those which he is sworn to uphold. I
6 will never recover the financial losses I have been
7 forced to sustain, and in time I will recover from the
8 trauma of the last 32 months, but I will never accept
9 the fact that this is how our court system is supposed
10 to be.

11 Thank you.

12 CHAIRMAN CALTAGIRONE: If we could, I'd
13 like to next turn to Lorraine Bittner, if she's
14 present, to present her testimony, and Paul Marlyak.

15 If you would like to come forward.

16 MR. HOFFMAN: Mr. Chairman, I don't wish
17 to present testimony but I'll just be here to answer
18 any questions if you have any about the Legal Services
19 statewide, if that's appropriate.

20 CHAIRMAN CALTAGIRONE: Fine.

21 And is Judith Lantz here? Is there a
22 Judith Lantz or a Mary Sue Johnston?

23 MS. ROSENFELD: I'm going to be giving
24 her testimony.

25 CHAIRMAN CALTAGIRONE: Okay. You still

1 want to wait until 2:00?

2 MS. ROSENFELD: Sure.

3 CHAIRMAN CALTAGIRONE: Okay, we'll go
4 ahead.

5 MS. BITTNER: Good afternoon, Mr.
6 Chairman. My name is Lorraine Bittner, and I am an
7 attorney at Neighborhood Legal Services in Pittsburgh,
8 Pennsylvania. I've been practicing for over 12 years,
9 throughout that time handling the domestic relations
10 caseload, and for the past 3 years I've served as the
11 unit chief for the family law unit in our office in
12 Pittsburgh.

13 I'm also a member of the Family Law Task
14 Force of the Pennsylvania Legal Services Center, of
15 which Otto Hoffman is the director, who is seated here
16 at our left and introduced himself.

17 At the present time, our program in
18 Pittsburgh is providing representation in certain
19 family law cases, primarily Protection From Abuse
20 cases, custody cases, and minimal support and divorce
21 cases. In 1990, in our program in Allegheny County we
22 handled close to 3,000 PFA cases, Protection From Abuse
23 cases; 1,260 custody cases; and about 300 support,
24 divorce and other miscellaneous family law cases. So
25 the volume is pretty overwhelming. That work is

1 primarily handled by a staff of about five attorneys.

2 I have submitted written testimony and
3 that goes through in some detail the type of work that
4 we do, sets forth figures and describes the kinds of
5 cases in some detail. What I'd like to do now is just
6 talk in a little bit of detail about our Protection
7 From Abuse representation and then end with a few
8 conclusions.

9 Neighborhood Legal Services Association
10 is able to represent plaintiffs in Protection From
11 Abuse cases regardless of income based on a Title 20
12 regulation, Department of Public Welfare Title 20
13 regulation. As a result, we handle probably over 90
14 percent of the cases that are filed in Allegheny
15 County. What I'd like to do is go through a typical
16 day in our office in terms of these cases so that I can
17 explain for the committee the screening process that we
18 have and what actually happens in court in terms of the
19 judge's involvement and some due process issues.

20 On any day in our office in Pittsburgh
21 approximately 15 people walk in the door before 11:00
22 o'clock a.m. requesting our help in filing Protection
23 From Abuse cases. What we do is interview these
24 individuals, go through a screening process to decide
25 whether or not they qualify for relief under the

1 statute, and primarily we're looking to see whether
2 they have the requisite relationship and the requisite
3 type of abuse occurring. It has happened over the last
4 year, particularly I think that we have had more and
5 more people coming in who do not qualify.

6 Approximately 5 out of the 15 people that
7 would come in on any given day would be rejected by us
8 for filing a Protection From Abuse case. That could be
9 for different reasons. It might be that they don't
10 have the requisite relationship, it might be that they
11 really need to file criminal charges. It could be that
12 there's not sufficient merit in terms of the type of
13 abuse, what kind of problem they are having with this
14 other individual does not qualify them to file under
15 the statute. In any event, for those individuals, and
16 that might be approximately a third, it could be up to
17 a half of the people that come in, the service we
18 provide is advice and referral. For the other
19 individuals, an average of 10 a day who do qualify
20 under the statute, we prepare petitions and take those
21 individuals to court at a first preliminary hearing,
22 which is ex parte.

23 Those individuals are primarily battered
24 women who are filing against their hundreds of
25 boyfriends. They do also, however, include a wide

1 range of individuals. We have seen more and more
2 senior citizens who are filing against their adult
3 children. Frequently, these adult children have drug
4 addiction or alcohol addiction problems and move back
5 with their parents and are physically abusing them,
6 making their life incredibly miserable. We also have
7 filed cases on behalf of minor children against their
8 parents, and in some instances for men against their
9 wives or girlfriends.

10 When we take these 10 people who qualify
11 -- well, one other point I would like to add, we have a
12 project with our local women's shelter so that they
13 have a legal advocate in our office in the mornings
14 available to do group counseling and supportive
15 services for the people that come in to file Protection
16 From Abuse cases. If we have individuals who are
17 distraught, uncertain about what they want to do, we
18 don't file cases for them, we refer them to the legal
19 advocate who then provides counseling and some of those
20 women decide this is not the avenue for them. It's
21 another form of screening in one sense and it's an
22 important referral service for a lot of the victims
23 that come into our office.

24 I have heard that there are allegations
25 that Legal Services attorneys or some of these legal

1 advocates have coached women or suggested to women that
2 they lie about their abuse. I'm here to tell you
3 patently that I have never seen evidence of that in our
4 office or in the legal advocates that we work with in
5 Allegheny County. To the contrary, I have actually --
6 I have worked with legal advocates. They are
7 professionals and I have actually seen them counsel
8 women who are not either emotionally or physically able
9 at the time not to pursue cases because there is no
10 point to starting a case that you're not going to
11 follow through with generally, and we have actually
12 discouraged people who are not ready with qualified
13 cases to follow through with them from filing.

14 In any event, we take the 10 in our
15 typical day who are filing their petitions up to court
16 for a preliminary hearing. Under the statute, this
17 first hearing can be ex parte if these individuals are
18 in immediate danger of abuse. Obviously, that's an
19 extraordinary remedy. The court has to decide that
20 there is an immediate danger in order to give ex parte
21 relief. Our judges in Allegheny County do question the
22 individuals at these ex parte hearings. I have been
23 there personally on many occasions and with a group, I
24 mean, it could be 10, it might be 15 women, and there
25 also may be some individuals filing pro se, but the

1 judges read, each one of the four judges in our county
2 read the petitions through, ask the victims if they've
3 read the allegations, if they're true, and then proceed
4 to question them if anything is a little bit unusual or
5 not clear or, you know, may need clarification for the
6 judge.

7 Most of these cases, and I think this is
8 as a result of the screening we do upfront, are granted
9 preliminary relief. Not all of them though. Some are
10 denied at that preliminary stage, at that ex parte
11 hearing. Some of those petitioners at the preliminary
12 hearing are not granted all of the relief that they
13 request. Typically, victims at that stage are
14 requesting a no abuse order and exclusion from a
15 marital residence of the defendant and a temporary
16 custody order. In some instances, the court's not
17 authorized to grant custody orders if there's an
18 existing custody order or in other circumstances. In
19 other instances, the court may decide not to grant
20 exclusion but might grant a no abuse provision and
21 schedule a final hearing. So there is some variety
22 occurring as a result of the judge's personal
23 involvement in the petitions and questioning.

24 After those preliminary orders are
25 granted, there is a final hearing scheduled within 10

1 days, as required by statute. The defendants have to
2 be served within that 10 days. If they're not, the
3 plaintiff has to appear at the court and explain, be
4 available to explain why service wasn't completed. If
5 there was diligent effort made on behalf of the
6 plaintiff to serve the defendant but there was an
7 unsuccessful effort made, then the final hearing can't
8 be continued and the preliminary relief continued until
9 the new final hearing date, which is usually only
10 another 10 days away. So defendants are notified. If
11 they're not and there was a diligent effort made, there
12 can be a continuance.

13 In our county, a large number of these
14 cases do settle. Some are -- in some of the cases a
15 final order is rendered as a result of default where a
16 defendant was served, the affidavit of service has to
17 be presented to the judge and then a default order is
18 entered. In other cases, primarily the majority, there
19 is a settlement reached between the parties. If there
20 is no settlement, then the court will hear the case.
21 Unfortunately, due to the high volume of these cases
22 and the unavailability of judges, sometimes these
23 hearings are later in the day, but they generally are
24 held that day and defendants are able to represent
25 themselves pro se if they wish.

1 If defendants appear at the final hearing
2 and request a continuance because they need to get an
3 attorney and they didn't have sufficient time, the
4 judges routinely will grant the continuances. If the
5 defendants are unavailable to be at the hearing and
6 have called for it perhaps from a hospital or a
7 treatment facility, the courts routinely will continue
8 the case until the defendant is available to come in
9 for the hearing.

10 If custody is decided as a part of the
11 Protection From Abuse case, and it frequently is, the
12 courts in our county have paid particular interest in
13 the fact that defendants need to have some partial
14 custody or visitation. They recognize and they tell us
15 that this is not a full custody case and they're not
16 going to determine a full custody case at this point,
17 obviously don't have the time or evaluations, but they
18 will enter temporary orders as a part of the Protection
19 From Abuse case. In cases where defendants have said,
20 and I had a personal experience with this recently,
21 have said that they don't want to have anything to do
22 with the plaintiff or with the children and they're
23 willing to just have the custody orders say plaintiff
24 has custody, for example, and not discuss partial
25 custody or visitation rights, I've actually had the

1 judges call me and -- well, they call the defendant in
2 to ask him did he understand that he did not have
3 partial custody or visitation in an order like that and
4 did he want it? I mean, I actually thought they were
5 advocating for another party, but they were concerned
6 that the defendants have some contact with the
7 children, that they may not understand, being they're
8 pro se, what that actually meant.

9 I know that there are a lot of complaints
10 possibly even made here today that a lot of these
11 Protection From Abuse cases include allegations that
12 are hyped up or false. That is not my experience. I
13 have been absolutely amazed on a personal level at the
14 amount of violence that is present in our community.
15 Granted, under the definitions of the statute all
16 instances that are contained in petitions are not as
17 severe. Some may be rather minor. There can be a
18 threat with physical menace that constitutes abuse
19 under the statute. If that is happening to someone,
20 even someone without an incredibly long history of
21 abuse, that person is qualified under the law to go in
22 and file. Obviously, the relief that they get may not
23 be as extensive as the relief that someone with more
24 serious injuries would get, but they're still qualified
25 to file, and I think it's important to keep that in

1 mind when listening to complaints about false
2 reporting.

3 The other thing I wanted to comment on is
4 that I recently served on a panel training attorneys
5 regarding this Protection From Abuse statute, and
6 present there, -- well, it was actually abuse in
7 domestic relations cases, which included abuse of
8 children and sexual abuse of children. Present on the
9 panel was a child psychologist from Pittsburgh, Dr.
10 Anthony Manurino, who reported to the group recent
11 empirically sound studies, as he phrased it in
12 psychologist's jargon, that showed that reports of both
13 abuse of children, including sexual abuse, and abuse in
14 domestic violence settings, the incidents of false
15 reporting was incredibly low, and I don't have the
16 statistics, I'm not here to give you that study, but I
17 would recommend that if this is an issue before the
18 committee that Dr. Manurino or someone in his field of
19 expertise be invited to give testimony on these studies
20 because I think that's extremely relevant and should be
21 considered.

22 One of the biggest problems that we have
23 in providing service in these cases in doing this high
24 volume and in stepping back and looking at these cases
25 is that it's not that people are reporting these cases

1 falsely or filing these cases unjustly. It's almost
2 the opposite. I mean, the biggest problem that I see
3 is that victims who deserve to have relief are not
4 following through. We still, despite screening and the
5 help of legal advocates, have a lot of victims who file
6 preliminary orders and before the final hearing do not
7 follow through. That is not, I would submit to you,
8 evidence that there's no merit to the case, because
9 what happens in many of those cases is that a month,
10 two months, three months later we get the same
11 plaintiffs back asking to file the case because the
12 violence has renewed. So that, as I see it, is one of
13 the biggest problems in this area.

14 I will tell you that I have not agreed
15 with every decision that every judge in Allegheny
16 County has made in either the Protection From Abuse
17 cases or custody cases or any of the other domestic
18 relations work we handle, but I will say after watching
19 these judges at pretty close range in a lot of
20 different cases over a lot of years that the process
21 through which they adjudicate these cases is basically
22 working well. Our judges understand the law, they're
23 up to date on the law. They are taking the legal
24 principles enacted in legislation from this body and
25 trying to apply them I believe the best they can to

1 difficult and different fact situations.

2 I think what's important to remember is
3 that in these cases, particularly in this area of
4 domestic relations, the parties who are involved are
5 intensely personally involved in these cases and I
6 think it's probably almost impossible to be objective
7 about the results of these cases. Someone who is back,
8 removed a little more and looking at this in a broader
9 range but still close enough to see a lot of different
10 cases go through the courts, it is my position to you,
11 in conclusion, that the system is working well and that
12 the goals of the legislation are being met,
13 particularly in the areas of Protection From Abuse and
14 custody.

15 And if you have any questions, I would be
16 happy to entertain them.

17 CHAIRMAN CALTAGIRONE: Counselor.

18 BY MS. DAUTRICH: (Of Ms. Bittner)

19 Q. Do you believe or do you counsel people
20 regarding what would be perceived more as arguments
21 among family members or among people living together,
22 that that may, although unpleasant, may not amount or
23 come up to the level of abuse within the meaning of the
24 statute?

25 A. Do we counsel them?

1 Q. Yes.

2 A. I mean, we have recommended that people
3 go to family counseling in situations where, I mean, we
4 have had people come in that are irritated to the point
5 of, you know, of being in emotional pain and distress,
6 but in those cases, you're right, it wouldn't amount to
7 abuse, and our advice to them is generally that we
8 cannot file a Protection From Abuse case for you. I
9 don't think there's a legal cause of action for that
10 necessarily, and what you need to do is see if you can
11 resolve this through some other means, possibly
12 counseling or, you know, that's why in my testimony I
13 have mentioned that we refer some of the people that we
14 screen out from the Protection From Abuse cases to
15 social service agencies.

16 Q. Okay, so you are the -- I can't say
17 agency, but you're the people under the statute that
18 assist people that proceed pro se, or can they go
19 through like court administration or--

20 A. Right.

21 Q. There are different methods in different
22 counties.

23 A. Right.

24 Q. But are you the individuals that assist
25 the court? The statute was very unclear as to who was

1 to do this.

2 A. Right.

3 Q. As I'm sure you're aware. But are you --
4 excuse me, is Neighborhood Legal Services Association,
5 the body that pursuant to the proceedings in Allegheny
6 County assist litigants in preparing these or do they
7 have another alternative system?

8 A. Yes. In our county, because we do this
9 regardless of income, we are sort of the place of first
10 stop, and people come to us first generally. If we
11 either do not have the ability to handle the volume
12 that comes in the door or there's a conflict or we
13 reject someone for lack of merit, they do have the
14 option to file a pro se case by going up to the
15 courthouse, and we are not the people that would then
16 assist them in filling out the papers.

17 Q. That was my question, if there was a pro
18 se method or series of procedures.

19 A. There is and it's separate from ours in
20 our county.

21 MR. HOFFMAN: With the Chairman's
22 permission, my name is Otto Hoffman and I'm the
23 director of the Pennsylvania Legal Services Center.

24 Some counties are now contracting with
25 Legal Services offices to perform that function, in

1 addition to providing legal representation, so it is
2 starting to occur in some selective counties.

3 MS. DAUTRICH: With the assistance of
4 assisting pro se?

5 MR. HOFFMAN: Yes, Ma'am.

6 MS. DAUTRICH: Because I'm familiar with
7 some counties but not with Allegheny.

8 MR. HOFFMAN: It's occurring here in
9 Harrisburg, for example. The county of Harrisburg
10 contracts with Central Pennsylvania Legal Services to
11 provide that assistance.

12 BY MS. DAUTRICH: (Of Ms. Bittner)

13 Q. What is your position regarding awarding
14 attorney's fees? Do you seek attorney's fees in every
15 case as a deterrent to or as a means to reprimand
16 abuser, shall we say?

17 A. We've tried. And actually what we do is
18 we routinely plead that in the petition and depending
19 on the case we may or may not pursue that through an
20 individual petition later. Where we started to pursue
21 that, I mean, as a practical matter we don't pursue
22 them in cases. The cases where we would, where it is
23 our intent to pursue them is if we actually go to a
24 hearing and the defendant has the financial means, then
25 we would probably file a separate petition requesting

1 fees. When we settle cases we don't ask for fees.

2 The other area where we did start to ask
3 for fees were in the contempt cases, which we do--

4 Q. The indirect.

5 A. Yes, in the indirect criminal contempt
6 cases in which we do represent the victims in our
7 county. That's another system that varies from county
8 to county.

9 Q. Some counties use the district attorneys
10 to prosecute because of the criminal aspects.

11 A. Right.

12 Q. But you do that also as well?

13 A. Yeah, because it's sort of a
14 quasi-criminal proceeding and in our experience, these
15 are the orders that we obtained for the plaintiffs, and
16 the violations run a range from being minor, appearing
17 on a porch and knocking on a door to extremely serious
18 with physical, you know, bodily injury. We have found
19 that sometimes adjustment of the underlying order can
20 prevent problems in the future, so at this point in
21 time as long as we can handle it with our resources we
22 think it benefits our plaintiffs that we continue to
23 handle the cases. It may be that we can't continue
24 with the load and may have to, you know, ask the
25 district attorneys to step in, but at this time we're

1 still handling them.

2 Q. Based upon your experience, which appears
3 to be quite extensive, do a number of respondents or
4 defendants appear in court without counsel?

5 A. Yes.

6 Q. Do you then, as the attorney for the
7 plaintiff, for the petitioner, discuss this with the
8 respondent defendant?

9 A. Yes.

10 Q. Do you use a form order or a proposed
11 order to submit to the court in most cases? Do you
12 have like a standard final order?

13 A. We have a form final order that we take
14 with us. We modify that depending on the case, and
15 this happens quite a bit. In hand, I've done police
16 trainings and the police always want to know are these
17 real orders? They look like heck and they have
18 handwriting all over them, but we try to print neatly.
19 We don't have access to typewriters in the courts, so
20 we modify a form order. There's a lot of modification
21 that happens when those consent orders are negotiated.

22 That's another point I'm not sure I
23 addressed, but at the final hearings when these orders
24 are negotiated there's an incredible range of variety
25 and possibility in the terms and we may have orders

1 that have no abuse provisions for one year, exclusion
2 from the residence for 30 days, exclusion from the
3 residence while defendant goes through an alcohol detox
4 program and if he successfully completes this he may
5 resume residence. There's a lot of variety to the
6 orders.

7 Q. Do you have any idea of how many
8 petitions would be dismissed after a hearing?

9 A. I don't have the numbers but I would say
10 that of the cases that go to hearings there is a fair
11 number. Well, there may be -- we handle probably 60,
12 there are about 60 final hearings scheduled a week, and
13 I would say out of that there might be one a day that
14 would go to a hearing.

15 Q. Right.

16 A. And out of there might be, and I'm just
17 approximating, but there might be one or two out of six
18 that would be dismissed. And if I can just address
19 that briefly.

20 In my experience, the really strong
21 cases, the cases where the abuse is incredibly obvious,
22 settle immediately. I've actually had that experience
23 and felt that more should happen, but if a defendant's
24 willing to give you all the relief that you can get
25 through a hearing, you don't go through a hearing then

1 typically.

2 So the cases that do go to hearings
3 sometimes are on the weaker end in terms of, you know,
4 the abuse that's alleged.

5 Q. And the cases that go to a hearing there
6 would be an attorney representing the respondent
7 defendant?

8 A. In a lot of cases. In some cases pro se
9 defendants represent themselves at hearings. Other
10 cases that would go to hearings are, in my -- well, I
11 guess it depends, but where there are two attorneys and
12 there may be a divorce pending, that may be more likely
13 to go to a hearing, too.

14 Q. In your opinion, do you believe that
15 under the Divorce Code the section relating to
16 exclusive possession sometimes goes hand in hand with
17 the Protection From Abuse Act? Do you ever see that
18 being the goal of the plaintiff as opposed to merely
19 Protection From Abuse?

20 It's been sometimes alleged that the goal
21 in an abuse matter is to get the defendant out, to get
22 the husband out. I'm sure you've heard that. That's
23 been common criticism. Do you believe that there are
24 alternative methods with less consequences or that are
25 softer, so to speak?

1 A. Well, my understanding, and I don't do a
2 lot of work in the divorce area so I should qualify
3 that, but my understanding of how this exclusive
4 possession requests work is that it's quite different
5 in that the standard is different in terms of what you
6 need to show to remove someone from a residence. What
7 I understand is that you needn't have as severe
8 behavior but you need to have behavior over a long
9 period of time that's pretty compelling. It needn't
10 escalate to the point of violence, it needn't be that
11 you're necessarily in fear for physical safety, but you
12 need to be -- maybe the example used earlier about
13 arguments and just driven almost to the point of
14 distress, but it has to be pretty severe behavior and
15 occurring over a long period of time. That's my
16 understanding.

17 I can't tell you that people that come to
18 file these cases some of them who are in the midst of
19 divorces may not have an ulterior motive. I mean, I
20 can't say that, you know, that every single person who
21 comes in who's having a divorce has an ulterior motive.
22 I can tell you that we don't handle divorces, and as
23 the attorneys who file these cases, we will not file it
24 unless they allege behavior that fits the definition of
25 abuse under the statute.

1 Q. Do you also proceed with batterers under
2 the elderly abuse statute, or is that done by a
3 different body?

4 A. That's done by a different unit. I'm not
5 involved in that, personally. We actually -- well,
6 yeah, the provisions are different. We have
7 represented senior citizens when they have, when
8 they're being abused under this statute, as I mentioned
9 by possibly adult children, which unfortunately we've
10 seen a rising occurrence of.

11 Q. Does your local Children and Youth
12 Services agency refer individuals to file Protection
13 From Abuse Act if there would be allegations of sexual
14 abuse of children?

15 A. Yes.

16 Q. When they do not seek to adjudicate
17 dependency? In other words, do they refer out to you
18 people?

19 A. They don't normally send a case to us if
20 they're not involved. I mean, if they investigate and
21 have an unfounded report, we don't see those cases. We
22 see cases where they've begun to investigate and
23 they're concerned and they then refer the people to
24 file Protection From Abuse case. That actually puts
25 our judges in sort of an awkward situation in a sense

1 that the investigation has been completed and in some
2 of those cases the evidence isn't firm at the outset,
3 so filing a petition at the outset where the evidence
4 isn't firm is something that on occasion we decide not
5 to do. So those cases are difficult. But they are
6 referred and it's typically when child welfare is in
7 the process of investigating something.

8 MS. DAUTRICH: Thank you. I have no
9 further questions.

10 CHAIRMAN CALTAGIRONE: Counselor.

11 MS. WOOLLEY: I have one question.

12 BY MS. WOOLLEY: (Of Ms. Bittner)

13 Q. Since we amended the Protection From
14 Abuse Act most recently, can you give us any sense of
15 the amount of pro se petitions you've seen by
16 plaintiffs?

17 A. Well, I'm sort of from a unique county in
18 the sense that the Legal Services office where I work
19 has still continued to prepare the petitions for
20 plaintiffs regardless of income, so what I can tell you
21 what I've seen is an amazing increase in volume in the
22 cases that have been filed. You know, our caseload has
23 almost doubled in the last few years I think since the
24 amendments. It's probably doubled. And in addition to
25 the work that we're doing, people are filing pro se so

1 there has been a dramatic increase in the volume.

2 If I can comment on that, I think it is
3 partly a result of the amendments, I think it is also a
4 result of education in the communities of police now
5 being required under the Crimes Code, 2711, to notify
6 victims when they respond to a domestic call that they
7 can file Protection From Abuse action. We get a lot of
8 people in in the morning who come directly from a night
9 where the police have been to their house and said you
10 know you can get a Protection From Abuse case and this
11 is where you should go, so a lot of people that come to
12 us are coming from police advice to them to do that,
13 and I also think word of mouth. I think there are a
14 lot of different factors in the last few years that
15 have caused the caseload to increase dramatically.

16 Q. Thank you.

17 CHAIRMAN CALTAGIRONE: Thank you.

18 MR. HOFFMAN: Mr. Chairman, very briefly,
19 out of 124,000 cases that Legal Services did in the
20 State fiscal year ending June 30th of 1990, 56,810 were
21 family related, 20,297 were abuse related, and last
22 year we represented, fiscal year ending 6-30-91, 23,600
23 victims of domestic violence. I say that only to say
24 that there is considerable expertise out there. We'd
25 like to offer our assistance to the committee at any

1 time if you desire to have any legislation and we would
2 be glad to provide you any technical assistance that
3 you may need.

4 CHAIRMAN CALTAGIRONE: Well, let me just
5 mention something to you that you could look at awhile.
6 Do you think there would be any difficulty in closing
7 the hearing so that it is not made to be some sort of a
8 zoo or circus atmosphere or that the rights of people
9 are protected legally under the law without having a
10 sham made of the use of the PFA? Do you have any
11 problems with that?

12 I understand there are needs for it and
13 there's no doubt that people have to be protected when
14 in fact it has been shown that somebody has sustained
15 visible proof of physical abuse. There's no question
16 about that. I think the abuse of the abuse order is
17 what of concern to a lot of different people, too, and
18 providing protections under law for the abuse of that
19 process.

20 MS. BITTNER: If I could just respond to
21 the confidentiality issue. Our courtrooms in Allegheny
22 County aren't closed at the final hearings, which is
23 what I think you're referring to, and when the
24 defendant is there defending or--

25 CHAIRMAN CALTAGIRONE: Well, no, when

1 it's initially filed where the media has access to that
2 immediately and then later on it's withdrawn because
3 the purpose was to accomplish whatever the initial
4 intent was of that person. Do you follow me?

5 MS. BITTNER: Yes.

6 CHAIRMAN CALTAGIRONE: That's what I'm
7 getting at. Because that is an abuse of the system.

8 MS. DAUTRICH: If I may just add, I've
9 had the opinion that when you proceed before a judge to
10 obtain an ex parte temporary order it is different,
11 first of all, than an arrest or as when criminal
12 charges are filed because of the very different
13 standard of proof wherein the civil system which the
14 judges seem to think kind of takes away the stigma. I
15 am a practitioner, but I've represented respondents as
16 well as petitioners because in the end that's part of
17 being a lawyer.

18 MS. BITTNER: Um-hum.

19 MS. DAUTRICH: It's not to say abuse is
20 condoned. But would you say that initially the
21 proceedings almost or they have the characterization of
22 quasi-criminal allegations in that there are often in
23 final abuse orders there is a phrase without admission
24 as to the allegations, but the judges seem to think
25 because it's a civil proceeding that that would somehow

1 remove the stigma or the punishment that goes along
2 with the criminal system? I think there is some
3 dispute as to that. I don't know many people that
4 would want to have an order of abuse entered against
5 them and have their colleagues at work know that, if
6 they work in like counseling, drug and alcohol
7 counseling, and I've seen this where someone is served
8 at work before their colleagues by a sheriff or where
9 someone has to justify to their employer that they are
10 going to court because they have been named as an
11 abuser. Like it or not, civil or not, it has a moral
12 characterization with it. So I guess where I'm going
13 with this is when a temporary order is obtained, it is
14 obtained ex parte. It is obtained based on the
15 allegations in the petition, it's based on the
16 petitioner being present to be questioned by a judge,
17 and then the judge entering or having the opinion that
18 a temporary order is justified, a temporary order of
19 abuse is justified.

20 Now, if that order is later dismissed or
21 if that order is later withdrawn, or if the matter is
22 resolved, however, wouldn't you say that the temporary
23 order just doesn't have the procedural safeguards
24 around it that are often part of the criminal system
25 like before an arrest warrant goes out, or something

1 like that? Don't you think there's kind of -- someone
2 said yesterday and it is one of the best analogies that
3 I've ever heard, you can throw a skunk in the courtroom
4 and you can take the skunk out but you can smell it for
5 days. And there's something. As simple as that phrase
6 was, there's something -- abuse is a mighty word.
7 Domestic violence, it's a preventive piece of
8 legislation, and I think more in this area than in any
9 other area could have judicial activism interpreting
10 what is domestic violence or what justifies the entry
11 of temporary order. I mean, when you're quarreling, if
12 you shove someone, is that domestic violence? I don't
13 know, and I'm not saying I do know, but I'm asking, do
14 you find that there are some problems perhaps with the
15 system proceeding the way it is in every case, that
16 there is -- I've never seen a temporary order denied.
17 Never.

18 MS. BITTNER: Oh, I have. I mean, I
19 have.

20 MS. DAUTRICH: And I'm not saying they
21 should be denied, but do you find that more in this
22 area than in perhaps other areas that the judges are
23 tending to over protect or--

24 MS. BITTNER: Well, I think if they're
25 going to err they're going to err on the side of

1 safety.

2 MS. DAUTRICH: Yes.

3 MS. BITTNER: I do believe that. I'm not
4 sure I disagree with that. I think that that is why
5 the final hearings have to be held within a specified
6 time period, which is frequently less than 10 days. So
7 I think there are some safeguards. I mean, in terms of
8 privacy of these hearings, I guess because maybe
9 because I work in this area all the time, I think that
10 the allegations under this statute in the civil end of
11 this, before there's been a violation, just in
12 determining whether abuse occurred, I think that's very
13 different from a criminal action, and I understand what
14 you're saying in terms of the moral condemnation that
15 might come with like an abuser, but I'm not sure how
16 different that is from heated custody cases where there
17 are contempt actions in the custody alleging some
18 pretty -- I mean, I've been involved in some contempt
19 issues in the civil end in custody. For example, I'm
20 just throwing that out as an example. And there are a
21 lot of -- I think there are other kinds of actions in
22 Family Court that just by their nature are incredibly
23 acrimonious and there are some ethical tags attached to
24 the conduct. I don't, you know, there are fault
25 grounds in divorces that are incredibly -- that might

1 have labels attached, too, and I'm just not sure that
2 I'm so certain that it's really that different that it
3 would warrant being treated more like a criminal
4 matter.

5 You know, I think maybe when you get to
6 the contempt hearings in criminal court that have the
7 criminal safeguards and the allegations there are, I
8 mean, there are criminal penalties attached to that
9 point. I consider that a second phase and I think
10 someone who has an order entered against them in Family
11 Court is very different than someone who violates that
12 order later and has a criminal hearing to contend with.
13 That's my opinion, and I really don't see a reason, you
14 know, to have these hearings treated differently than
15 other family hearings. I have represented defendants
16 in cases where plaintiffs that we represented in the
17 past now have petitions filed against them. That
18 happens, and I have seen it from the other side and
19 experienced some frustrations that I think you're
20 describing, but it doesn't cause me to feel that they
21 should be confidential or treated differently.

22 MS. DAUTRICH: Well, I think there have
23 been concerns voiced by some people that, if I may say
24 it people are crying wolf and that would eviscerate the
25 act of its real potency, including the law enforcement

1 individuals who have to interpret them or enforce them.
2 And there have been legitimate concerns expressed about
3 just maybe overuse or overreaction as a society to what
4 is a true problem and a problem not long addressed.

5 MS. BITTNER: Are you separating what the
6 judge does at the hearing in terms of granting relief
7 from what the person alleges when they filed at the
8 outset? Is that a distinction you're making?

9 MS. DAUTRICH: I would think so.

10 MS. BITTNER: Okay.

11 MS. DAUTRICH: There are no -- the
12 courtrooms are open, as they should be in many cases in
13 all matters, with the exception of Juvenile Court,
14 which is the confidentiality of a child. But Family
15 Court is perhaps not as compelling a court to have
16 closed, but there are at times compelling instances to
17 do so.

18 MS. BITTNER: Yeah.

19 CHAIRMAN CALTAGIRONE: You know, what
20 we're talking about are protections of rights of
21 everyone, and I think that's what we're all about.
22 When somebody's rights are being trampled on and when
23 you get into these battles as we've heard in three days
24 of testimony now, it's like an arsenal and attorneys
25 will go for the jugular and advise clients, and some

1 women's groups will do the same thing, to do whatever
2 they have to do to damage people. Once the damage is
3 done, it cannot be undone. And this is where I'm
4 saying people have rights. I want to see people
5 protected. That's never been the question. People do
6 have to be protected. And there are horror stories on
7 both sides. But to use the system and abuse the
8 system, as has been the case, and we have heard that in
9 the last two days now, I think that's wrong, too, and
10 we have to have safeguards to prevent that because it
11 makes a mockery of everything we're attempting to do to
12 protect people.

13 MS. BITTNER: I guess my comment to that
14 would just be that I think there are safeguards in this
15 system and I've had people suggest this to me before
16 and I'm not -- and attorneys. Attorneys say you just
17 file these, you know, to get a leg up, you just do this
18 to get advantage in all sorts of actions, and I guess
19 my comment is that plaintiffs, be they male, female,
20 senior citizen, minor child, I mean, these plaintiffs
21 are filing these allegations under oath, they're
22 testifying in court that the allegations are true.

23 CHAIRMAN CALTAGIRONE: But you don't
24 always get to that point though. See, that's the point
25 that I'm making. Many times just to file and withdraw,

1 even with prejudice, as a judge may determine, okay,
2 the damage has been done. And I know for a fact that
3 this happened to many people in this room here. I have
4 many people that have contacted me, both big and small
5 people - union officials, regular workers in mills and
6 what not - just to have some damage done to that
7 person, even though there's no shred of evidence or
8 even truth that could be merited in doing this. But
9 the litigation system that people get wrapped up in and
10 people right away feel, you know, you got to get a leg
11 up, you got to do some damage. You want to get this
12 thing on the roll and, you know, it's not right. It is
13 not fair.

14 MS. BITTNER: No, I agree with that, but
15 I guess I'm not sure how these cases are different from
16 if people are going to do that, I mean, there are so
17 many ways that they can do that. It can be done in a
18 divorce by filing fault grounds. You can file Abuse of
19 Process against a person who filed a legitimate case,
20 and I think the safeguards that protect people in those
21 situations can work for the system also, and I've seen
22 it work, so I just--

23 CHAIRMAN CALTAGIRONE: I think the system
24 has to be fine tuned. I think the bottom line of what
25 we're hearing here and what we're going to continue to

1 hear in the next several weeks is that there are
2 problems with the system. I think regardless of what
3 anybody says or anybody thinks, not to -- after hearing
4 all the testimony that we're hearing, once this is all
5 completed, I don't know how thick the document is going
6 to be when it's transcribed, not to believe that there
7 are not problems within the system that have to be
8 looked at, and I think Dora Lee is going to expound
9 very shortly on a proposal that she has developed that
10 many of us are interested in looking at, I think we
11 would be amiss and not doing our duty.

12 And we're all public servants. You work
13 for the public as well as I do, to try to find out what
14 we can do better to make the system better and to make
15 it respond better to people with problems. And change
16 is inevitable. You know, these laws have not been on
17 the books for 200 years. What we have done we can
18 undo, and what we're attempting to do is make peoples'
19 lives a little bit better in their relationships with
20 one another.

21 MS. BITTNER: I mean, I support fine
22 tuning through experience. I just think that we need
23 to remember in terms of complaints that you have to
24 keep in perspective the big picture, too, and the total
25 volume, and I think that's part of why I wanted to be

1 here today.

2 CHAIRMAN CALTAGIRONE: Well, your county
3 in particular has come under the gun from a lot of
4 people. As a matter of fact, some of your judges want
5 to come in and testify and we're making that time
6 available. But you're not the only county. Please,
7 believe me, I am not singling out Allegheny County.
8 But there are other counties like Philadelphia where
9 there have been over 100 picketers in the Family Court
10 Division. There are other counties upstate, downstate.
11 It seems like we are in a state of flux and not all
12 counties follow the same patterns or dictates. It
13 seems like something is out of skew that there's no
14 normalcy to what's going on, and it would appear that
15 there's at least some problems that really need to be
16 looked at. I think all anybody is asking for is
17 fairness and that justice is meted out fairly to
18 everybody. I don't really think that anybody that has
19 been testifying here has been asking for anything more
20 than that.

21 MS. BITTNER: Okay. Thank you.

22 MR. HOFFMAN: Thank you, Mr. Chairman.

23 CHAIRMAN CALTAGIRONE: Dora, you're on.

24 MS. ROSENFELD: I have to say this in
25 jest, but I think there are those of us who would seek

1 protection of abuse from the courts and Voltaire said,
2 "Jest with life". He also said, "The path to justice
3 is through eternal vigilance."

4 I didn't put a full proposal in this
5 document that I am leaving with you today, but I've
6 been heard to say that I would like to see divorce
7 taken out of the courts, and so I've just kind of
8 scratched the surface and I would like to develop an
9 indepth program that I think could possibly work as a
10 good alternative for the courts.

11 I would first like to take this
12 opportunity to congratulate the House Judiciary
13 Committee for taking this monumental giant step in
14 setting up these hearings. I would also like to speak
15 on behalf of those litigants who could not be here
16 today. And may I know who I am addressing, please?

17 CHAIRMAN CALTAGIRONE: Yes. I am the
18 Chairman of the committee, Representative Tom
19 Caltagirone from Berks County.

20 MS. ROSENFELD: How do you do?

21 CHAIRMAN CALTAGIRONE: And I am not an
22 attorney.

23 MS. ROSENFELD: Okay.

24 MS. DAUTRICH: I am Kathleen Dautrich. I
25 am an attorney and I'm not ashamed to say it. I

1 practice privately, primarily in the area of domestic
2 relations of custody, divorce, and Protection From
3 Abuse. I'm also special counsel to the Domestic
4 Relations Section in Berks County and do litigation for
5 the county of Berks.

6 CHAIRMAN CALTAGIRONE: And she's special
7 counsel on assignment to the House Judiciary Committee.

8 MS. DAUTRICH: Someone from the emergency
9 room who actually is there with the band-aids.

10 MR. DUNKELBERGER: I'm Paul Dunkelberger
11 from the Republican Judiciary staff, and I am not an
12 attorney also.

13 MS. ROSENFELD: As we know, the courts
14 were designed to resolve problems, not create more
15 problems, so for hundreds of men, women and children,
16 the Family Court scene is really one of intimidation
17 rather than of problem solving. I brought with me --
18 I'm not responsible for these headlines, but I thought
19 this would be interesting. This Herald headline in --
20 oh, it was not '91. I'm sorry, it was in '89. That's
21 a mistake. Change that to the Herald, October 18, 1989
22 front page read, "Judge Says Family Court is a Hell
23 Hole." Okay, I just want to show you that. I'm not
24 the only one who said that.

25 I think that you would find this, Mr.

1 Caltagirone, Representative Caltagirone, very
2 interesting. You were asking about, you know, where
3 the moneys come from, where they go to. I believe
4 inside this, this was an article that was written in
5 the Press Sunday, October 29, 1989 which says "Family
6 Division Courts Are A War Zone With No Winners," all
7 right? And the whole inside is, you know, an article
8 on the family courts. And down below there is a
9 breakdown of all the funds that come in and how they're
10 spent, so if you're asking about Allegheny County, it's
11 all right there.

12 But I'm guilty of getting a lot of
13 newspaper articles in, but I'm not responsible for any
14 of these.

15 Another article written by Mike McManus
16 says, "Courts Are Clogged By Divorce." I am
17 responsible for this one, it says, "Family Court Reform
18 Needed." I just want to show everybody that's sitting
19 here. And the one that appeared the other day, "It's
20 Time to Take Divorce Out of the Courts, Don't You
21 Think?"

22 The Associated Press released news item
23 this past Tuesday headline, "Pennsylvania House to Hold
24 Divorce Hearing, Woman Suggests Arbitrators Replace
25 Courts," and since I am that woman, I would like to

1 reiterate that I think that we should take divorce out
2 of the adversary system. I'm not the first one to
3 recommend that, but I do feel that there is a safer,
4 faster, easier, cozier way, more expeditious way to
5 litigate, and I would suggest mediation/arbitration
6 panels staffed with family law experts, accountants,
7 retired Family Court judges, to arbitrate the divorce
8 cases instead of the adversary system which pits people
9 against each other.

10 On the short-term, I'm very concerned
11 because there are a lot of us who are victims right now
12 and we are caught in a situation that has to have a
13 band-aid right now. So for the short term litigants
14 who have nowhere to turn, we need an emergency task
15 force now, and if you will turn to the next page I have
16 illuminated the responses now.

17 I'm getting calls, because of the
18 organization, we have gotten hundreds and hundreds and
19 hundreds of calls from all over the State of
20 Pennsylvania. These are names from people who feel
21 they've been victimized by the courts. And as I try to
22 combine all of the problems that I saw and put them on
23 to one piece of paper, which is difficult to do, but
24 first and most importantly, it's very costly to the
25 taxpayers. This divorce litigation that is protracted

1 and goes on and on and on is expensive to all the
2 taxpayers. It's too expensive to the litigants, it's
3 very emotionally traumatizing to the entire family, the
4 division of assets is inequitable, the timeframe is too
5 lengthy, and constitutional rights are violated.

6 Some of the blatant violations that are
7 occurring are the Rules of Civil Procedure are not
8 being followed, and a litigant who is going through the
9 courts who in some cases does not have any assets or
10 cannot afford an attorney is at the mercy of the
11 courts, because in order to litigate they have to have
12 money. And when the courts make mistakes, when the
13 Rules of Civil Procedure are being violated, the only
14 recourse we are told is that you can appeal to a higher
15 court. Well, most of us don't have the money for an
16 appeal, and as you probably well know, women who fall
17 into the cracks in my age bracket are not eligible for
18 Neighborhood Legal Services, so many of us cannot get
19 any kind of legal aid. And even though we are not
20 criminals, criminals do get representation in court.
21 People going through domestic relations court do not
22 get any court assistance.

23 We find that notices are not sent for
24 hearings. Judge's opinions are not within the appeal
25 period. Hearings are denied. Access to files are

1 denied. I know that myself, social file. I never
2 heard of a social file. Can anybody explain to me what
3 a social file is?

4 MS. DAUTRICH: Yes.

5 MS. ROSENFELD: Thank you.

6 MS. DAUTRICH: I've never heard it called
7 social file.

8 MR. VALENTICH: That's what Allegheny
9 County calls it.

10 MS. DAUTRICH: Most domestic relations
11 section, which is the arm of the court that does the
12 establishment, collection and enforcement of support,
13 maintain an official file, which is all the documents
14 that are filed, such as the pleadings, the answer, the
15 orders to appear, everything like that. Okay. That is
16 kept in a docketed division which is at the
17 Prothonotary's Office. To facilitate the operations of
18 the section there is a second file. That may be what
19 they call it in Allegheny County. In Berks County it's
20 called the working file. So there are two filing
21 systems. The working file is to pull out and have
22 notations made by the officers of their subjective
23 contacts of telephone calls, of things like that which
24 would never and could never get in an official file.
25 The Prothonotary does not record phone calls or

1 conferences or things like that.

2 So it is an unofficial file with often I
3 have seen it with notebook paper that has specific
4 dates and notations that are made by individuals within
5 that as to who does what. So it is firstly a system of
6 accountability within the section to see who is mailing
7 out proofs of service, to see who is mailing out this.
8 So there are two files made with this with certain
9 notations. It's an unofficial file but it's a
10 combination file. It's got subjective as well as the
11 officials notes.

12 MS. ROSENFELD: Is the litigant able to
13 have access to that file or is it a secret file?

14 MS. DAUTRICH: I have never heard of a
15 secret file, Ma'am, nor have I had incidence as such.

16 MS. ROSENFELD: Well, we have had
17 incidents where we were denied access to a social file
18 where we had to come down with a camera crew to say we
19 want to see the file. This is public information and
20 we want to see the files here, and that's in Allegheny
21 County.

22 MS. DAUTRICH: Well, the public files
23 would be in the docketing division.

24 MS. ROSENFELD: No, but I mean, we wanted
25 to see the social files.

1 MS. DAUTRICH: See, I don't know the
2 policy of the Allegheny County Court.

3 MS. ROSENFELD: Well, I would think a
4 file, you know, it's a litigant's file. I think that
5 that litigant should have access to their file, is that
6 not correct? I'm just trying to establish--

7 MS. DAUTRICH: No, I don't mean to
8 dispute anyone's right to see anything, but--

9 MS. ROSENFELD: No, I'm just saying, is
10 the social file not accessible to the public? I just
11 want to know from an attorney--

12 MS. DAUTRICH: I can't speak for
13 Allegheny County, nor would I do so. I can only speak
14 for Berks as their counsel.

15 MS. ROSENFELD: No, I did check in.

16 MS. DAUTRICH: There are no secrets in
17 Berks as far as I know. See, there's an accountability
18 of the officers of the court as to the materials that
19 are there and what you can't do is keep pulling out
20 official files for people to work on. It's a matter of
21 convenience. It's almost like a judge will keep their
22 own file of a particular case. So there are a number
23 of very good administrative reasons for this to be
24 done, but as far as--

25 MS. ROSENFELD: I don't want to belabor

1 it. I just want to know whether all the files are open
2 to -- there are a lot of pro se litigants only because
3 of the circumstances that surround the domestic
4 relations division, but we find that child support
5 arrearages are suspended without cause in Allegheny
6 County, as well as elsewhere in the State of
7 Pennsylvania. Visitation denied. Litigants denied
8 presence at conciliation hearings. A lot of people
9 have been very upset about that because they pay an
10 attorney to go to a conciliation hearing and they're
11 told to wait outside in the hall and they're not even
12 allowed to open up their mouth at the conciliation
13 hearing, which seems that that is diametrically opposed
14 to, you know, why would you go to a conciliation
15 hearing if you can't verbalize or be a part of it or
16 why should you have to sit out in the hall?

17 Pro se persons are denied U.S.
18 Constitutional First Amendment rights to present
19 petitions filed. Many people have filed a petition
20 timely and they have presented it to the courts and the
21 petition is actually handed back to them. I personally
22 had one petition handed back to me five times without
23 being executed. Without being executed.

24 Forgery, collusion, judicial misconduct
25 is never addressed. Complaints filed with the Judicial

1 Inquiry and Review Board or the Disciplinary Board are
2 routinely dismissed. 93 percent are dismissed.
3 Abusive treatment by public officials, jail,
4 harassment. We find that there are a lot of
5 foreclosure of homes in litigation, and I personally
6 lobbied some of our illuminaries, such as Justice
7 Flaherty who did say to me, quote, that "divorce is an
8 industry," unquote. So I know that a lot of homes have
9 gone into foreclosure as a result of divorce
10 litigation.

11 Are you scratching your head? Do you
12 find this difficult to believe?

13 CHAIRMAN CALTAGIRONE: No, that last
14 comment--

15 MS. ROSENFELD: He did. We had the
16 opportunity, the delightful opportunity of spending a
17 couple of hours with Justice Flaherty and he said
18 divorce has become an industry.

19 MR. VALENTICH: A self-serving one, too.

20 MS. ROSENFELD: Older women do not
21 receive equitable distribution and there are many times
22 conflict of interest. Which brings me to, I have to
23 plead the role of the victim. I am also a victim, and
24 instead of -- I was talking to somebody at one of the
25 newspapers and I said, I don't want to talk about it

1 because I would rather be objective about the whole
2 situation and they said, why don't you talk about it?
3 If you are a victim, that's the reason that you're
4 here. So my testimony is, and I'm going to be brief
5 about it, I hope, this is a memo that I wrote to
6 President Judge Paul Zavarrella, with whom I also had a
7 meeting and he was delightful, and I think that if
8 everybody could talk to one another I think that
9 perhaps we could develop some kind of a system that is
10 going to work for everybody.

11 I'm sorry, I want to go back to checks
12 and balances, speaking of a system that works. We
13 don't have any checks and balances in our domestic
14 relations courts in Pennsylvania. To keep the court on
15 an even keel, I would like to recommend that we look at
16 an advocate/ombudsman or somebody who can take the
17 overflow of complaints that are coming into the system,
18 into the courts. The Family Law Unit should be a
19 networking organization. Our family law counsel, which
20 is funded by Title IV-D money, whatever that means.
21 What is title IV-D money?

22 MS. WOOLLEY: Four D.

23 MS. ROSENFELD: IV-D. Okay, thank you.

24 MS. DAUTRICH: After the Federal
25 legislation that spawned the whole program.

1 MS. ROSENFELD: Okay.

2 MS. DAUTRICH: Roman numeral 4.

3 MS. ROSENFELD: Okay, where does it come
4 from and where does it go?

5 MS. WOOLLEY: It's a Federal law.

6 MS. DAUTRICH: If you look in the code
7 for Federal regulations, the Child Support Enforcement
8 Amendments, there have been a number of laws,
9 specifically '84, '85, and '88. See, it's a program
10 regulated by the Federal government that it's mandatory
11 for all 50 States that they must implement certain
12 things within certain times, et cetera. Child support
13 collection.

14 MS. ROSENFELD: Well, in Allegheny County
15 they were using the 1981 rule for collection of
16 arrearages until our organization challenged them and
17 asked them to bring it up to date, and it's now been
18 brought up to date, so I know that what little we are
19 doing we are being effective. But I really feel that
20 our family law counsel, which is funded by the Title
21 IV-D money, should get input or network with citizen
22 action groups to improve the system, and I'm just
23 wondering if there is some way that the people who are
24 concerned, like myself, or other citizen action groups,
25 could have some kind of communication with this family

1 law counsel, which I know does exist.

2 Just-Us In Justice has communicated with
3 professionals across the State and as far away as
4 California. As a matter of fact, I saw a judge on
5 Prime Time Live who said also that he felt that divorce
6 should be taken out of the adversary system, and so I
7 called him and told him about our new organization and
8 he sent us quite a nice donation and we've been in
9 touch. And this is what he said in his last letter. I
10 just received a letter from him and he said, "Everyone
11 I speak to shares a feeling that family matters should
12 be excised from the judicial system and this view cuts
13 across all political lines."

14 I'll read that again. "Everyone I speak
15 to shares the feeling that family matters should be
16 excised from the judicial system and this view cuts
17 across all political lines." I'm glad he said it, I
18 didn't. And he said to me -- I am jelling a book
19 called "Jurisimprudence" because I think it's funny as
20 well as sad. And he said, "Any input I can insert is
21 offered. Let's keep the line of communication open."

22 And I feel that this is a statement that
23 I'm making tongue-in-cheek, but I can communicate with
24 a judge in California but although a coalition of
25 organizations asked to meet with our administrative

1 judge in Allegheny County, it was declined because he
2 was too busy.

3 The Keystone State should initiate
4 mediation. I know they're talking about it. I know
5 that there is some talk about mediation. I would like
6 to have more information on that, if I could. But I
7 really feel to unclog the courts, to provide equitable
8 settlements and to take the courts out of the adversary
9 system, Pennsylvania could initiate a
10 mediation/arbitration panel that would address all the
11 problems with neutral moderators in the system and
12 provide the family court, with litigants in
13 Pennsylvania, justice for everybody - men, women, and
14 children.

15 I would also like to, for the older
16 women, too, I think that -- I'm sorry, I fall in the
17 cracks. I think that older women's issues are really
18 not addressed, and I'm going to run through this real
19 quickly, if I may. May I? It's a release and you can
20 each have copies of it. It's called "Older Women and
21 the Divorce F-laws." When the laws aren't working, I
22 call them flaws, f-laws. The Pennsylvania laws are
23 written and in place and when the court does not choose
24 to follow the laws, I think we have flaws in our
25 divorce court, especially for older women.

1 Again, the Pennsylvania Rules of Civil
2 Procedure, they are good. We have excellent laws that
3 are in place and in many cases they are just not being
4 followed. They are violated on a daily basis by
5 attorneys and court administrators, and that includes
6 judges, too.

7 Marital assets are not being divided
8 equitably, even though it's a guarantee of the 1980
9 Divorce Code. Older women have no health coverage
10 insurance or equitable division of pensions. Only one
11 year of alimony is awarded to many women, even after 10
12 to 30 years, plus they tell me that because there is a
13 precedence that has been set by somebody, but I think
14 that that has to be addressed, that has to be looked
15 at.

16 Dependent spouses without skills find it
17 very difficult to find employment, and older women are
18 often unemployable except in low-income jobs.
19 Dependent older spouses usually do not have access to
20 marital assets. Even though most attorneys say that
21 counsel fees are being paid by the ex-husband, it's
22 rare, and when the ex-husband pays the dependent
23 spouse's fees he also owns her counsel.

24 Now, I've heard a lot of controversy here
25 and it seems the shoe is on the other foot here. I

1 don't know what the problem is, but the way I see it is
2 the person with the inside track wins. The person I've
3 heard of little innuendoes like pet attorneys, and it's
4 who you know and it's the "Good Old Boy" network, and I
5 would like to see that all abolished and done away
6 with.

7 Attorneys take center stage in divorces.
8 That was what Judge Shaeffer said in California. They
9 charge excessive fees and often put liens on marital
10 property, leaving older spouses with no assets.
11 Attorneys control marital assets when they place escrow
12 in their names only or in their names and one of the
13 spouse's. Older spouses are routinely charged rent on
14 the marital home during litigation, which depletes
15 their portion of the assets. Dependent older spouses
16 who cannot afford mortgage and/or taxes are usually
17 awarded the house, which then has to go up for
18 Sheriff's sale because they just don't have the money
19 to buy it or to maintain it, and it sometimes gets
20 grabbed up and resold for profit by the person holding
21 the assets.

22 Protracted litigation is a ploy sometimes
23 to wear down a dependent older woman. As I heard
24 today, it happens with men, too. And with older women,
25 this is done so that she takes lesser time, sometimes

1 leaves without nothing, and many older spouses whose
2 ex-husbands are high paid executives, self-employed or
3 professional men are denied justice due to patronage,
4 and many of these older women may end up in taxpayer
5 funded programs, myself included.

6 Lenore Weitzman, a Harvard University
7 associate professor, concluded that dependent women
8 suffer a 73-percent decrease in their standard of
9 living in the first year after divorce while their
10 ex-spouses enjoy a 42-percent increase in their
11 standard of living. "What has happened to older
12 homemakers is that they have been cut off with only a
13 few years of alimony and no chance of decent
14 employment." That's quote, unquote. Older women in
15 Pennsylvania are routinely awarded only one year of
16 alimony.

17 True, a lot of blame can be placed on
18 paperwork. However, when more than 50 percent of all
19 marriages end in divorce, we all know that paperwork
20 can be more expeditiously handled through use of
21 computers, microfilm, stored in fire-proof files.

22 I just want to show to you, this is only
23 one-quarter of a piece of a docket in Allegheny County.
24 I want you to all see that. This is real cute. This
25 is how the dockets are entered. And in order to get

1 your history, you have to put this 14 by 18 docket book
2 on a copier in four different sections and then paste
3 them together and then try to read, try to read what is
4 on there. It's next to impossible. And in Allegheny
5 County, if you were divorced between 1980, your files
6 burned up in a fire. They never heard of fire files?
7 I can't believe that.

8 When questioned about case histories that
9 were recorded in this antiquated method, the reply from
10 a clerk was, "Well," she said chewing her gum, "you
11 have to look at it this way, it gives me a job." A
12 clerical worker's time could be better spent using 20th
13 century technology to record, safeguard and retrieve
14 records. By using these archaic methods which have not
15 changed in the last 200 years the courts have misused
16 taxpayer's money and funds from Federal, State, and
17 county government.

18 Now, I have to say that one of the court
19 administrators in Allegheny County said if they used
20 the new rules for collecting child support arrearages
21 they would lose 25 percent of their Federal funding.
22 But I see that they have upgraded the use of
23 collections. And it just seems that it's inconsistent.
24 There are poorer people, working class people who are
25 milked and bilked to pay their support and then there

1 are the exceptional spouses who are in the high earning
2 income bracket who don't pay any child support at all
3 or who have connections or contact or an inside track
4 with the courts and get the arrearages suspended.

5 I think this is very important. The
6 court of appeals in another State warned, "The law may
7 not be used as a handy vehicle for the summary disposal
8 of old and used wives." So using the wrong rules in
9 domestic relations court protracts litigation, and it's
10 unconstitutional.

11 Violations of more than 20 Pennsylvania
12 rules have been documented. Just-Us In Justice is an
13 advocacy group in Pittsburgh. We are attempting to
14 network with professionals, with legislators, judges,
15 attorneys, citizen action groups in an effort to
16 develop an equitable resolution for men, women and
17 children, with focus on older women. Pennsylvania
18 Representative Timothy Pesci introduced Resolution 8 to
19 establish a Special Domestic Relations Task Force to
20 investigate the injustices, and I think that has to be
21 used on a short-term basis to solve the problems of
22 most of the litigants who showed up Wednesday, Thursday
23 and Friday who have had extreme problems in the
24 Pennsylvania court system.

25 I think I am just going to bypass -- I

1 think if anybody reads the testimony on my personal
2 case I think that they'll find it very conclusive and I
3 don't think I want to air my dirty laundry, if you
4 don't mind.

5 Thank you.

6 CHAIRMAN CALTAGIRONE: Thank you, Dora
7 Lee.

8 Now, I do understand that there are some
9 other testifants that have arrived. Is Paul here?
10 Paul, do you want to come forward? And Mary Sue, is
11 Mary Sue here?

12 MS. ROSENFELD: No, I'm going to take
13 Mary Sue's place.

14 CHAIRMAN CALTAGIRONE: Okay.

15 MR. MARLYAK: My name is Paul, middle
16 initial L, Marlyak. I reside in Beaver County.
17 Specifically Koppel, Pennsylvania.

18 I must admit that I'm pretty awed by all
19 this, and I want to thank you people for the chance to
20 voice my opinions on certain items.

21 While I was started through the system
22 here back around Thanksgiving in 1990, and I have come
23 to realize all the shortcomings that are involved with
24 this system. It all started out with a falsified PFA
25 against myself to remove me from the place of residence

1 and away from the children, and as a result of this PFA
2 I was forced into having to file for custody of our
3 three sons, and having that as the only recourse I have
4 to prove the woman unfit in order to get the children
5 back. Okay. I understand I don't have much time. I'm
6 trying to make everything as brief as I can.

7 Never went before a court judge, on the
8 advice of my attorney. We reached an out-of-court
9 settlement on the PFA. As a result of this
10 out-of-court settlement, I was given extremely liberal
11 visitation with the children. For example, my wife at
12 the time was working part-time. Whenever she would be
13 at work I would be able to come home and take care of
14 the children, whenever she would come back I would have
15 to leave.

16 Earlier I mentioned a falsified PFA
17 because as the story goes on, I found out facts where
18 there was another man involved from her place of
19 employment, and all along I feel like I've been set up
20 and used by this system. And needless to say, shortly
21 after Christmas, as I was still coming up to the house
22 for this in-house visitation, she was leaving odds and
23 ends around that would suggest a man being there, okay.
24 So needless to say, I mentioned it to her, you know,
25 asked her if there was another guy involved and she

1 denied everything. And a couple days later she files a
2 contempt charge against this PFA stating that I
3 threatened to kill her in front of the children when
4 she came home from work, so forth and so on. And that
5 automatically got me zilch for like a month before we
6 went before the judge. All my out-of-court settlement
7 results of in-house visitation and everything was just
8 wiped off the slate. I had no access to the children,
9 no anything until we went before the judge again.

10 This time, after hopefully learning my
11 lesson the first time of not going before the judge, I
12 pressed my attorney to go before the judge. Well, I
13 kind of goofed up a little bit. I didn't actually get
14 before the judge but her attorney wanted to drop the
15 charges because there was nobody there to testify. She
16 didn't want my wife to take the stand. Okay. So
17 needless to say, they didn't want to agree to the first
18 original PFA agreements and so I had to settle for
19 less, which came down to three out of four weekends a
20 month and every Wednesday for three hours. Okay.
21 Needless to say, I accepted this and my attorney would
22 tell me, well, you know, you did file for custody.
23 This will come out more before Judge Kunselman in
24 Beaver County come custody, so I went along with the
25 system. Okay.

1 Not only has she, you know, instituted a
2 false PFA, but also there had been child abuse involved
3 in our relationship, in our marriage, for over, well,
4 my oldest son is six years old, so I'd say at least the
5 past 5 1/2 years, and I decided finally instead of
6 trying to work things out between the family and trying
7 to discuss with her family, my family, keeping it
8 confidential, to finally go to the authorities about
9 this. And I first took the boys to their
10 pediatricians. I have three boys ages 3, 4 and 6. And
11 the one pediatrician reported that the Children and
12 Youth, that Children and Youth Services have filed an
13 indicated report to Mr. Lewis' office, I guess, because
14 I received a letter back from Mr. Lewis saying this
15 report was indicated, so forth and so on. And all I
16 get is, you know, well, she doesn't fall below minimum
17 guidelines, minimum standards set for a parent. It's a
18 shame that there have to be minimum guidelines when
19 children are at stake.

20 But anyhow, this abuse has been ongoing.
21 She moved from Beaver County to a neighboring county,
22 in Lawrence County, and after only about two talks with
23 the Children in Youth in Beaver County. So needless to
24 say, months have gone by already and it's approaching
25 May of 1991 in our custody hearing. She has -- we have

1 two days in court. For witnesses she brings a witness
2 from Children and Youth in Beaver County and a witness
3 from Children and Youth in Lawrence County. Beaver
4 County's Children and Youth worker basically said,
5 well, we only got to speak with the woman one time.
6 Everything seemed fine. She was in the process of
7 moving to another county, this and that. The Lawrence
8 County Children and Youth worker came up, testified,
9 all she has to do is be taught better parental skills.
10 In my eyes, you know, she just has to be taught to
11 cover up her own abuse to the children and make
12 excuses.

13 But anyhow, and they also recommended,
14 well, you know, she can't handle three children, boys
15 will be boys, you know, they are a handful. We
16 recommend her send them to day care to let the children
17 be in other environments during the day so she doesn't
18 have this problem with discipline. And here I am a
19 father being denied all this, but yet all these
20 different agencies and everybody else practically on
21 the face of the earth can have access to our children.

22 But anyhow, the result of the court order
23 in May was that I have every weekend visitation. They
24 took away my Wednesday visitation which the custody
25 officer prior to the judge awarded me and it gave

1 myself every weekend plus half the summer of school
2 vacation in the summer. And I enjoyed the first half
3 of this year's summer visitation with the children. On
4 the day of the visitation, my second oldest son,
5 Andrew, 4 years of age, had a little program from
6 preschool that we were sending him to. I ran across
7 the children and my wife in a parking lot. I went
8 there for a pack of cigarettes, she was there I guess
9 to buy cookies for the little ceremony they were
10 having. As they were leaving the store they were
11 screaming they wanted to see their papa, they wanted to
12 see their papa. So I finished checking out, I got out
13 to the parking lot, she was still getting the sons into
14 the car, I go up to the boys and I mentioned to them, I
15 said, I'll see you guys at school and this evening you
16 guys will come for the first half of the summer, you
17 know, trying to console them. Little did I know that
18 she runs to the borough police department and says that
19 I threatened to kill her and had a contract out on her
20 head. Okay.

21 So now here I am up against another
22 dilemma here. Okay. Out of this harassment charge
23 which was filed we went before a district magistrate.
24 I had myself an attorney, she had no attorney, she had
25 no witnesses. There were no witnesses because nothing

1 happened, and the recording officer who took down her
2 allegations didn't even bother coming in, and I was
3 found guilty of harassment. So needless to say, my
4 attorney was shocked at this and he told me, he says,
5 you're definitely going to go appeal this before the
6 judge. And I said, fine, so I'm in that process right
7 now.

8 Gee, I'm leaving out a whole lot.

9 The abuse continues. Back in on a Sunday
10 afternoon before I was to return him to my wife to be
11 questioned by the Children and Youth worker from
12 Lawrence County who was on weekend call. So I ran all
13 the children up and we spoke to her and I asked her
14 what can be done about this, I'm just being given the
15 run around. She said, well, have you ever considered
16 filing a PFA? I've heard a lot of talk about PFAs
17 today. I tried this. Two days later I go to Lawrence
18 County Court system to try to file a temporary PFA.
19 Judge McCracken in Lawrence County basically was a
20 Pontius Pilot and said, hey, you got a problem in
21 Beaver County, go back to Beaver County. He even
22 called in the Children and Youth worker to make sure
23 that she did mention this to me to, you know, file a
24 PFA since I don't meet Children and Youth -- since the
25 criteria doesn't meet Children and Youth's minimum

1 guidelines where it's really extremely life
2 threatening.

3 To me all this is a shame at what expense
4 for a mother, you know, and the court system I feel is
5 awfully discriminatory. Like I said earlier, I had to
6 go in and file for custody, which I had to prove her as
7 an unfit mother. She never had to prove me unfit for
8 anything. I've got a court order in front of me that
9 says rules for -- it's called an Appendix to Order.
10 "Certain rules of conduct generally are applicable in
11 custody matters," so forth and so on, "and are binding
12 on all parties. A breach of any rule could become the
13 subject of contempt proceedings or could constitute
14 grounds for the amendment of the order." Okay.

15 The system, I'll bring you up to what
16 really strikes me as being extremely contradictory.
17 Rule number 7, "The parties are reminded that minors
18 learn much from what they see or experience at the
19 hands of their parents or relatives. If minors are to
20 be taught proper moral, spiritual and ethical conduct,
21 it can't effectively be done if the parties themselves
22 indulge in questionable conduct." This was brought up
23 in child custody about her conduct and that everything
24 was just pooh-poohed away, for lack of a better word.
25 I would like to know, whose morals, whose spiritual and

1 whose ethical conduct are people looking at when it
2 goes before court? And like I said, I've been going
3 through this now for, shoot, at least 8 or 9 months, 10
4 months, and I could probably see you guys every day for
5 the next 9 months just to catch up on what's going on,
6 but it's totally unfair.

7 Like I said, earlier summer vacation, I
8 still had to pay her June and July support payment of
9 \$1,000 a month but yet I had custody of the children.
10 And I was told, well, I have to pay that to her because
11 she has to maintain the boys' residence. Okay, fine.
12 You know. While I was out of the house for this PFA I
13 paid support payments for three months. She used none
14 of those moneys to pay any bills. No mortgage payment,
15 no nothing. Again, she has that right to do with the
16 money as she sees fit to get her new household intact.

17 So I just hope that not only do you
18 people listen to what everybody's saying here these
19 past few days but also hear what is behind some of
20 these, you know, talks people are giving. It's a real
21 shame. I've got a whole folder here hoping I would
22 have like an hour to spend with you guys but I know
23 you're pressed, but like I said, I'm pressing on with
24 trying for my rights with my children. Our children,
25 really.

1 One thing I would like to talk about, the
2 lady that was up here earlier in the green suit talking
3 about PFAs, she was from a women's center or something
4 like that?

5 MS. DAUTRICH: Neighborhood Legal
6 Services.

7 MR. MARLYAK: Oh, she was from Legal
8 Services. This thing with the PFA on behalf of a woman
9 against a man, in my experience attempting a PFA for
10 the children against a mother, going through Children
11 and Youth Services, there's an agency that the mother
12 and the children have to go through, the abusive parent
13 and the children go through. Why isn't there an agency
14 to check in on these PFAs to see if they're really
15 warranted? My wife attended classes for six weeks one
16 day a week. Now she has a certificate saying she
17 attended parental classes. They're not taking these
18 children off of her. They're letting her use them as
19 human guinea pigs, but yet she filed a PFA and started
20 this whole mess.

21 MS. WOOLLEY: Could we ask him to clarify
22 something?

23 BY MS. WOOLLEY: (Of Mr. Marlyak)

24 Q. You said that the Children and Youth
25 Agency made an indicated finding of abuse.

1 A. Yes. I have the letter here.

2 Q. Was that before your full custody
3 hearing?

4 A. Yes.

5 Q. Were you able to introduce that into
6 evidence?

7 A. I introduced that back in April or March
8 of this year to the custody officer, which is the step
9 before going before the judge.

10 Q. Right. Right.

11 A. And her attorney, by the way her attorney
12 is the district attorney of Beaver County, Theresa
13 Dukovich, who is partners with Children and Youth, who
14 is partners with Domestic Relations and the women's
15 center.

16 Q. She's testified before our committee. We
17 know who she is.

18 A. But anyhow, her attorney says, well,
19 she's scheduled to go to classes. We're going to
20 appeal this. And I asked my attorney about this and
21 she said she'll probably get off of it because all she
22 has to do is go through the set of motions to get over
23 it. It's sickening.

24 CHAIRMAN CALTAGIRONE: Let me just
25 mention this other information that you would like to

1 share with us, if there's additional information that
2 you'd like to share with us at any time, just let us
3 know and we'll accept it and make sure that it will be
4 copied for the rest of the members.

5 You have been wanting to be recognized.
6 Go ahead.

7 MS. SPINK: Claire Spink, S-P-I-N-K.

8 CHAIRMAN CALTAGIRONE: What county are
9 you from?

10 MS. SPINK: Allegheny.

11 Sometimes those temporary PFAs just give
12 a breathing spell for a situation that is just coming
13 to a head, coming to a boil and getting dangerous, and
14 I don't know about the permanent ones, but the
15 temporary ones sometimes give everybody a chance to
16 back off, look at things and work things out. So I
17 think the temporary ones are a pressure cooker kind of
18 thing.

19 CHAIRMAN CALTAGIRONE: If they're not
20 abused. You know, I've heard from both men and women
21 in the last three days, and we have heard from some
22 personal experiences, both Kathy and I, where in fact
23 they have been abused, and Representative Ritter
24 alluded to my home county, Berks County, evidently when
25 I wasn't here about 95 percent of these orders

1 temporary that are filed that become permanent. That
2 is absolutely untrue. That is an incorrect statement.
3 She doesn't really know what she's talking about.
4 She's from Lehigh, I'm from Berks. If she wants
5 correct information she certainly could have come to
6 me. But I don't like untruths, I don't like
7 half-truths. I like to deal in facts. That's what
8 we're all supposed to be all about as a committee and a
9 society, and I think that people, whoever they may be,
10 men or women, are abusing the system for their own
11 purposes. I think it's wrong and it has to stop and
12 something should be done to correct it.

13 And if we can, can we turn to Judith now,
14 unless there's something else that you wanted to
15 conclude.

16 MR. MARLYAK: Well, one last thing. You
17 mentioned if I had any records to turn over or
18 whatever.

19 CHAIRMAN CALTAGIRONE: Yes.

20 MR. MARLYAK: In order for me to get this
21 file I contacted the State Representative in Ambridge
22 and asked that they turn over my records to her. My
23 records consist of a daily journal, the court reports,
24 the doctor's receipts to check to documents of abuses
25 and this and that, and at least two dozen episodes have

1 occurred since all this happened. I would be willing
2 to hand these over and have you people make
3 mimeographed copies, if that helps, but as of now I'm
4 not prepared to do that. I didn't know what all this
5 would entail.

6 CHAIRMAN CALTAGIRONE: We can help you.

7 MR. MARLYAK: Thank you.

8 CHAIRMAN CALTAGIRONE: Just for your
9 information, I do have to get back for a meeting with
10 my attorney in Reading by 5:00 o'clock. If we could be
11 a little bit concise, and I really do want to hear the
12 rest of the testimony, and as you see, I can't dictate
13 to the other members to be present. I am trying to
14 stick it out with you, but if you could just oblige me
15 just a little bit I would certainly appreciate it
16 because I really do have to leave by 3:30. We can keep
17 the official court report going and we can have one of
18 the staffers conclude the meeting for me in my absence,
19 if you care to do that, but I do have to leave by 3:30
20 in order to get back for a meeting at my office.

21 Would you like to start?

22 MS. LANTZ: Yes, and I will be brief. I
23 would like to thank the House Judiciary Committee for
24 inviting me to testify before you today. I have
25 prepared a brief opening statement outlining a few of

1 the details of my divorce and ongoing settlement case
2 with regard to the undue length of time it is taking to
3 recover my own property to simply regain what
4 rightfully belongs to me.

5 I was separated from my husband in
6 September of '86 after more than 25 years of marriage,
7 during which time we together accumulated a significant
8 amount of property, including three parcels of real
9 estate, a tool and die manufacturing corporation, a
10 47-foot sailboat, and various financial investments.
11 The total valuation of the jointly owned property was
12 in excess of \$1.5 million, with very little
13 encumbrance. Five years have passed and not one penny
14 of those assets is under my control due to the
15 inequities of the current no-fault divorce laws. It is
16 all under my ex-husband's control.

17 Since the date of separation, what with
18 the loss of salary from my corporation, loss of assets
19 and the associated rents, interest and dividends of
20 which he now enjoys 100 percent, my personal standard
21 of living has fallen by 75 percent.

22 The divorce was granted on February 27,
23 1990. There is a Master's hearing scheduled to begin
24 October 29, 1991 with an expected 12- to 16-month wait
25 for a Master's decision. What with potential appeal to

1 the State Superior Court and subsequent appeal to the
2 State Supreme Court, I can reasonably expect another
3 five years for settlement to actually take place. That
4 amounts to 10 years' time wasted to obtain what is in
5 fact my own property. A fifth of my adult life, during
6 which being without such property my life is not my own
7 and I have been caused to suffer severe financial
8 hardship, something I've never suffered before.

9 For example, statements and appraisals
10 more than six months old are considered obsolete. I
11 must regularly prepare income and expense statements,
12 maintain accounting and investigative activities, real
13 estate appraisals, equipment appraisals, with my
14 ex-husband fighting me every step of the way. In
15 addition to the legal fees, this is a great expense to
16 me personally. It is an enormous struggle not only to
17 research and prepare these documents but to bargain and
18 beg for the time to pay for these services. It is no
19 wonder that two-thirds of the women in this situation
20 give up and accept far less than an equitable
21 settlement because they cannot afford to continue this
22 seemingly endless process.

23 The current no-fault law was designed to
24 make divorce and settlement much easier. However, it
25 seems only to have elonged the process and permitted

1 one party to control and without consent rearrange
2 mutually owned assets for a grossly inordinate length
3 of time. Even criminals are guaranteed a fair and
4 speedy decision. Why not me? I feel that if
5 bifurcated divorces are to continue in the Commonwealth
6 of Pennsylvania, the settlement decision should go
7 directly before the county judge immediately upon the
8 divorce being granted, therefore bypassing the needless
9 delay and expense of the Master's hearing process.
10 Immediate judicial action should apply to strict
11 enforcement of child and spousal support orders, as
12 well appropriate division of all marital property. I
13 also feel that the Commonwealth of Pennsylvania should
14 create a separate Family Court system to deal strictly
15 with domestic civil cases and divorce property
16 settlement cases in particular.

17 In closing, let me add to the record two
18 items that serve as examples of undue, needless wastes
19 of time and money. Upon contacting Domestic Relations
20 at one time to inform them that my ex-husband was four
21 months in arrears, I was informed that it would take
22 eight months for my case to rise to the top of their
23 list of more than 400. Additionally in this process,
24 which thus far has gotten nowhere, my legal and other
25 professional services now exceed \$30,000. All this and

1 more simply to recover what is already my own. Please
2 imagine, if you will, what another five years will add
3 to this figure. Fair? Equitable? Easy? You decide.

4 Ladies and gentlemen, I thank you for
5 your time, and I'm available for your questions.

6 CHAIRMAN CALTAGIRONE: Thank you.

7 Do you want to start with the other
8 testimony?

9 MS. ROSENFELD: Yeah.

10 I would just like to say that Mary Sue
11 Johnson couldn't be here this afternoon because her
12 sister, who has been critically ill, is dying and she
13 asked me to come in her place, and I would just like to
14 say that Mary Sue has worked diligently, as have I, for
15 the past two years for Family Court reform, and I think
16 I want to add this, too, that we have both been red
17 flagged, and just for the record, we both have our
18 houses up for sheriff's sale, and if that's some kind
19 of punishment for the kind of work that we're doing, I
20 think it's undue, and I think that the committee should
21 address that also.

22 I would like to say that there are
23 another people from Mary Sue's county, I think Ms.
24 Goodwin from Armstrong--

25 MS. GOODWIN: Butler County.

1 MS. ROSENFELD: Butler County.
2 Armstrong, Butler. There is another -- we've collected
3 a lot of documentation, and before I get into Mary
4 Sue's case, Linda is also from Armstrong County and she
5 was a victim of abuse and after 10 years of court
6 hearings she also had a bifurcated divorce and still
7 has not received property settlement. She was forced
8 to leave her marital residence and her property behind
9 under a threat from the administrative judge, the
10 Honorable Roy House, who said he was going to hold her
11 in contempt of court and arrest her if she did not sign
12 the house over to her husband. Linda's ex-spouse has
13 total use of that property and he does not pay one
14 penny in rent. \$20,000 went into an escrow account and
15 her ex-husband and his attorney -- under the attorney's
16 name and the ex-husband's. The court deducted \$8,500
17 for taxes and mortgages -- which were arrears -- from
18 Linda's portion of the marital home, which was
19 appraised at \$110,000, which leaves her only \$11,500
20 and it's still in an escrow account and it's not even
21 in her name. Her attorney fees, court costs have
22 forced her to live at a near poverty level, and if it
23 were not for her family, Linda and her son Nicholas,
24 age 13, would actually be on the street. Street
25 people, as she said.

1 Linda has a bifurcated divorce, no
2 settlement. She wants to know, where is justice? And
3 she is here today and I just want her to stand up and
4 introduce herself.

5 MS. GOODWIN: Yes, I am Linda and I agree
6 to everything she said.

7 MS. ROSENFELD: And then again to move on
8 to Mary's, I think that there are so many problems in
9 the Family Court system, and I think for those of us
10 who are here today, for the people who are speaking
11 out, I hope that there are not repercussions. I hope
12 that this flag waving is not going to hurt us in the
13 long run. I hope that there will be some checks and
14 balances so that that does not happen.

15 On behalf of Mary Sue Johnson, I would
16 just like to say that she's really sorry that she
17 couldn't be here today and she does thank you for
18 giving me the opportunity to give her testimony this
19 afternoon regarding the injustices that she has
20 experienced in both Armstrong and Butler Counties, and
21 hers is really a nightmare. She was married in 1969
22 and she left her place of employment at her husband's
23 request. David Johnson is a vice president of a bank.
24 She left to become a full-time homemaker and mother to
25 his young daughter. He was widowed. In 1981, he

1 abandoned the marriage and moved out of the marital
2 residence. In 1985, he filed a complaint in divorce.

3 At this point, Mary Sue paid her attorney
4 a retainer fee and was told the fee was to take her to
5 the end of her case, which in fact would be returned to
6 her since the attorney said he would petition the court
7 for attorney's fees. Mary Sue placed her trust in the
8 attorney and the courts and she thought she was going
9 to be treated fairly and impartially, and that she
10 would be protected under the Divorce Code and the
11 Pennsylvania and U.S. Constitution. Instead, it was
12 the beginning of a nightmare and no end was in sight.

13 Before continuing, I already said David
14 Johnson is a vice president of a small town bank in
15 Kittanning and has tried to maintain an image of
16 respectability. He yields clout, he has financial
17 influence in the community, and Mary Sue feels that his
18 position with the bank played a very important role in
19 her inability to receive fair and impartial treatment
20 and equitable distribution of their marital assets.

21 His influence in the court was first
22 apparent when she filed for support in the Armstrong
23 County Domestic Relations Office. Domestic Relations
24 did the following: They, one, refused to serve her
25 husband at his business address, and it was the only

1 address that she had. And because they did not want to
2 embarrass him, they said that they could not send it to
3 his business address. She served him finally in July
4 of 1985 at his business address that was given to the
5 Domestic Relations.

6 Three, they notarized her signature on an
7 incomplete -- they took her signature on an incompleated
8 form in July of '85 and without her presence and
9 without allowing her to complete the questions as to
10 her husband's income and other pertinent questions as
11 to her need for support, they asked her to sign a blank
12 statement.

13 Four, the hearing officer failed to
14 prepare a conference summary at the conclusion of the
15 support conference when no agreement was reached as
16 required. I have copies of all these for you. She has
17 all the rules. Civil rules of procedure that were
18 violated with all these, which I'm not going to read
19 because I don't think it makes any difference. They
20 are in here for you to see. That's Rule of Civil
21 Procedure 1910.18.

22 Okay, the Master's hearing. The
23 influence along with the conflict of interest and
24 collusion continued when the Master's hearing was held
25 in December of 1985.

1 One. She continually told the Master at
2 the hearing -- she was told that a Master's hearing
3 would not be held to determine equitable distribution
4 because they wanted to settle out of court and they
5 told her, oh, you don't have to worry about it, then
6 she was give one-half day's notice orally of the
7 Master's hearing that was held, which is in violation
8 of the Armstrong County Rule 113.5 requiring 10 days'
9 notice to give her proper time to prepare as a witness.

10 The Master did not record a date for the
11 hearing in the court records, as required by
12 Pennsylvania Rules of Civil Procedure 1920.51(E), nor
13 did the Master report show how notice was sent, as
14 required by the Pennsylvania Rules of Civil Procedure
15 1920.53(B)(ii). The Master brought a malfunctioning
16 home tape recorder, much like this one right here, to
17 record the testimony which he ran by himself and
18 voluntarily turned off and on the record. Armstrong
19 County Local Rule 1133.4 states, "When the case is
20 heard by the Master, the testimony shall be by a
21 stenographer and shall be sworn in by the Master and a
22 transcript of the testimony shall be certified by the
23 stenographer and the Master.

24 I was divorced before there was Master's
25 hearings, but what is this Master's hearing today? If

1 you don't have \$1,500 you can't have a Master's
2 hearing? And why do we have judges? What do we need
3 Master's for? Why?

4 CHAIRMAN CALTAGIRONE: I agree.

5 MS. DAUTRICH: Because the judges have so
6 much to do they have subjudicial officers. This is
7 what the judges -- this is the claim of the judges.

8 MS. ROSENFELD: I heard that the judge on
9 my case heard 83 cases a year. That's not a big load.

10 MS. DAUTRICH: It depends on how long the
11 cases would take.

12 CHAIRMAN CALTAGIRONE: I am going to
13 interrupt. I am going to skedaddle back to Berks
14 County. I am going to put these two fine attorneys in
15 charge to collect the rest of the testimony.

16 And let me just say this before I leave.
17 This is not the end. This is just the beginning.

18 (Applause.)

19 MS. ROSENFELD: Good.

20 CHAIRMAN CALTAGIRONE: And I would hope
21 that we could get as many of the counties around the
22 State as organized as humanly possible so that we can
23 communicate, number one, on a collective basis that if
24 there's additional information or additional cases that
25 can be told, that if need be we will continue to hold

1 some additional hearings. We are requesting other
2 agencies and judges that want to appear, to be fair, to
3 have them come in and testify. I would hope that, and
4 let me just say this in all fairness to everybody here,
5 I want everybody to behave themselves, to act
6 appropriately and accordingly. You have a cause, you
7 have something that you believe in, and I don't think
8 that it would be appropriate for anybody to act out and
9 cause a problem for anybody that's trying to get the
10 message across to the appropriate people both in
11 Harrisburg and in the media.

12 And with that I've got to get on the
13 road, but you're in capable hands.

14 MS. DAUTRICH: If I may just add or
15 possibly answer your question.

16 MS. ROSENFELD: Yes.

17 MS. DAUTRICH: The rules relating to
18 divorce are found in the 1920 rules of the Rules of
19 Civil Procedure. State rules and the local county
20 rules. They provide that there shall be Masters, two
21 kinds of Masters sometimes, some to hear just fault
22 grounds for divorce and some to hear equitable
23 distribution matters, alimony, APL. That is a system
24 set up in the Rules of Civil Procedure for the
25 disposition of divorces. Now, the Rules of Civil

1 Procedure are put out by the -- they are not put out by
2 the legislature. They are to administer the law as in
3 the Divorce Code. So what you're talking about is
4 something that can be remedied perhaps by rule.

5 MS. WOOLLEY: And there are also some
6 counties where it doesn't cost \$1,500 to have a
7 Master's hearing.

8 MS. DAUTRICH: Yes.

9 MS. WOOLLEY: There are counties like
10 Dauphin County where every litigant files a \$75
11 additional fee, a filing fee for the divorce and that
12 goes into a pool so none of our litigants have to pay
13 for Masters. Other counties have those systems, and
14 part of the objective of these hearings is to identify
15 positive practices in some of our counties in an
16 attempt to influence other counties, and much of this
17 is local rule adoption and statewide rule adoption
18 versus anything that we can do legislatively. But to
19 identify positive programs which help litigants and
20 avoid costly proceedings, and that's one of the
21 objectives of the members.

22 MS. ROSENFELD: Who writes the rules for
23 Pennsylvania rules?

24 MS. WOOLLEY: The Pennsylvania Supreme
25 Court appoints a Family -- there's a subcommittee,

1 Family Rules Committee of the Civil Procedural Rules
2 Committee composed of attorneys and judges who write
3 those rules. They're subject to public comment and
4 adopted.

5 MS. ROSENFELD: I know Judge Wettick from
6 Allegheny County--

7 MS. WOOLLEY: He's a member of the Rules
8 Committee.

9 MS. ROSENFELD: Right. Right. And that
10 bothers me. Okay.

11 MS. DAUTRICH: But also there are ways,
12 if someone wants to proceed to a Master and cannot
13 afford, if there's a deposit required, which is
14 sometimes what is done in other counties, like \$500 or
15 \$1,000, there are ways to file for interim relief, for
16 special relief to have the more affluent spouse put
17 forth the money to have the Master's hearing and
18 proceed. Because in some counties you can't proceed to
19 a Master unless you have a certain amount posted with
20 the court.

21 MS. ROSENFELD: A good argument for me to
22 say that we have to take this whole mess out of the
23 court system.

24 MS. DAUTRICH: And put it where?

25 MS. ROSENFELD: In arbitration/mediation.

1 I don't think that we should have all this protracted
2 litigation with all these fees on top of fees. It's
3 really not working for the litigants. It really isn't,
4 and I think there has to be a better way. I have spent
5 like two years of my life doing a lot of research and I
6 have a lot of answers which is I know, and I just don't
7 feel that I want to write them down and hand them to
8 somebody, because this has happened in the past, so
9 they can pick it up and present these ideas as theirs,
10 but I would like to see a better resolution and I'm
11 sure the people who are here, who are present today,
12 those of you who are left, I'm sure can, and I know
13 that there is discussion now both at the family law
14 unit level about mediation. I know that that's
15 ongoing.

16 But to get back to Mary Sue Johnson's
17 case, the Master brought a malfunctioning tape recorder
18 and he turned it off and on at will, which is totally
19 against the Rules of Civil Procedure. Totally. The
20 transcript of that December 19, 1985 was never
21 certified, and then the tapes were erased in February
22 1986 before the Master filed the record transcript and
23 report recommendation. So over 150 days late. And
24 there's an exhibit in here. You don't have one of
25 these. I want Representative Caltagirone to have them,

1 too. She made these for everybody here, so you might
2 as well just take them all.

3 To erase the tapes, never have his
4 hearings certified is in violation of the Pennsylvania
5 Rules of Judicial Administration, 500.13. I'm sure you
6 realize that, right? Is that correct? Is that
7 correct?

8 MS. DAUTRICH: Related to the Rules of
9 Civil Procedure?

10 MS. ROSENFELD: Correct. That the
11 transcript or the hearing was never certified.

12 MS. DAUTRICH: Do you have the Rules of
13 Civil Procedure with you? I can't--

14 MS. ROSENFELD: Yeah, it says in the
15 Rules of Civil Procedure that you cannot do that. You
16 cannot do that. You cannot have a home tape recorder,
17 you cannot erase the tapes, you cannot have a
18 transcript which is not certified. Why did they do
19 these things?

20 She was denied copies of the transcript
21 by both her attorney and the Prothonotary's Office 20
22 months after it was transcribed. She was denied a
23 complete copy of the Master's report and recommendation
24 until April '88, almost two years later, and got a copy
25 when another person went to the Armstrong County

1 Prothonotary's Office and got it for her. She wasn't
2 actually allowed. She went into the office of the
3 Prothonotary's Office and they said, no, we can't give
4 you a copy. And then a friend of a friend of hers went
5 in and got her a copy of her own transcript.

6 The Master barred her from entering her
7 inventory and appraisal at the equitable
8 distribution hearing and admitted only her husband's
9 incorrectly filed inventory and appraisal. The
10 value of all marital assets except the marital
11 residence as of the separation date. In 1985, at the
12 time action commenced, as required by the Pennsylvania
13 Rules of Civil Procedure. The Master allowed the
14 attorneys to go off the record with important facts to
15 determine the value of the bank stock, which was in
16 violation of another rule that requires agreements of
17 attorneys relating to business of the court that they
18 should be in writing. Her husband's attorney knowingly
19 gave an erroneous value of the worth of the bank stocks
20 and in the papers that were filed with the court. The
21 Master awarded the Valley National Bank stock to her
22 husband and showed it to be worth only \$38,000 when it
23 was actually worth \$143,000 at the time of his award,
24 and the recommendation due to a bank manager which was
25 known prior to the Master's hearing.

1 The Master awarded her, Mary Sue, the
2 residence, which she wanted sold within the equitable
3 division framework so that she could relocate near her
4 family. Unfortunately, her sister is now dying, and
5 the marital residence was awarded to her with back
6 taxes, interest and penalties that were due prior to
7 the equitable distribution hearing and they were to
8 have been paid by her vice president of a bank
9 ex-husband because she agreed to accept the report. He
10 testified he had been paying the taxes since the
11 separation and he wasn't. And she was only awarded one
12 year of alimony after 18 years of marriage. I mean,
13 here she married a vice president of a bank, raised his
14 child and she got one year of alimony?

15 All of the exceptions taken to the
16 Master's award were refused by the President Judge of
17 Armstrong County, who was a former law partner of her
18 ex-husband's attorney. He should have recused himself.
19 Here you have her husband's attorney and the judge
20 sitting on the case, former law partners. He should
21 have recused himself. They should have given her a
22 change of venue.

23 The marital residence was awarded to Mary
24 Sue and would be going up for sheriff's sale in 3 1/2
25 months. Now, isn't that ironic? Can I ask you

1 something? The two of us, you know, married to men who
2 have a lot of money and a lot of clout and we're both
3 having our houses sheriff's sold. Now, isn't that
4 ironic? Don't you find that really ironic?

5 MS. DAUTRICH: Was there a mortgage on
6 the marital residence?

7 MS. ROSENFELD: No. There's no mortgage
8 on hers or mine, just taxes.

9 MS. WOOLLEY: Is it a tax sale?

10 MS. ROSENFELD: Just taxes.

11 MS. DAUTRICH: Okay, so taxes.

12 MS. ROSENFELD: Her husband was supposed
13 to, he didn't, and this is what they do. They say, oh
14 sure, I'm taking care of it, they don't and then the
15 house goes up for tax sale and the dependent spouse
16 says, where am I going to get the money? And they lose
17 their homes. They lose their homes, and this is
18 happening all over the State.

19 What I'm upset about is that we have
20 spent our time, our energy and our money developing a
21 group, getting input from other people to find out what
22 is wrong with the system. That really isn't our job.
23 And the payback is we're both having our houses sheriff
24 sold?

25 Her attorney refused to petition the

1 court as she requested under Section 403 of the Divorce
2 Code for nondisclosure of assets and tax liability.
3 I'm going to read this fast. She was shocked to
4 discover that while the litigation was ongoing, the
5 Master in this case sold a home to her husband for
6 \$57,500 in cash. It was recorded in Armstrong County
7 on January 16, 1987, and the exhibit is in here. This
8 in itself is a conflict of interest. While she got a
9 bifurcated divorce and got no settlement and no equity,
10 her husband bought a home, paid for it in cash which
11 was executed by the Master on the case. Is that not a
12 conflict of interest? This all transpired before this
13 1987 court order ruling out any exceptions taken to the
14 Master's award requesting that the marital home be sold
15 and that the Valley National Bank stock be equitably
16 divided. Her husband's attorney also signed on this
17 deed, further compounding the impropriety and collusion
18 since this took place without her knowledge while she
19 was still waiting for a ruling on her exceptions to the
20 Master's award, which is a violation of Judicial Canon
21 5.C(1).

22 As she continued to seek justice, the
23 obstacles continued. The district attorney of
24 Armstrong County ordered her out of his public office.
25 He said, "Out." Just like Shakespeare, "Out, out,

1 damned spot."

2 A Butler County attorney accepted \$795 to
3 open up her property settlement under the Divorce Code
4 extrinsic fraud and refused to file anything. He was
5 in collusion with the previous attorney to keep him on
6 the record and then removed himself from the case and
7 he kept her money and he didn't file anything at all
8 for her. The president judge of Armstrong County
9 denied her petition for reinstatement of alimony and
10 denied her petition for a stay of taxes on the marital
11 residence, agreeing with her ex-husband's attorney
12 that, and this is what the judge said, I brought my
13 financial problems on myself. I mean, here's a woman
14 in an 18-year marriage, she hadn't been out in the
15 workforce and the judge says to her in his opinion that
16 she brought her financial problems on herself?
17 Unbelievable.

18 The same judge signed a petition for
19 enforcement from her ex-husband's attorney on October
20 4, 1990 and heard on October 8, 1990, Columbus Day, a
21 legal holiday, before she even received a copy of the
22 petition to defend herself, further convoluting the
23 case. Court records and her extensive documentation
24 clearly indicate that Armstrong County Court has
25 continuously acted for the sole benefit of her

1 ex-husband and has acted to obstruct justice and deny
2 her equity. The Judicial Inquiry and Review Board
3 advised Mary Sue Johnson that failure to comply with
4 procedural rules is a legal error which is redressable
5 through the normal judicial process. However, the
6 Supreme Court must address the fact that when the
7 courts do not follow the rules, the appeal process does
8 not work. Why must Mary Sue Johnson be in court for
9 over five years and be expected to bear the costly
10 burdens of appeals and stress when the court is guilty
11 of violating the rules and Constitution?

12 Thank you.

13 MS. DAUTRICH: Thank you.

14 MS. WOOLLEY: Even though we're not
15 elected Representatives, we'll adjourn the hearing.
16 Thank you.

17 MS. ROSENFELD: Could you just answer
18 that question before we leave the floor?

19 MS. WOOLLEY: Could you repeat the
20 question, please?

21 MS. ROSENFELD: Sure. I mean, she's not
22 here and she's going to say to me, well, what did they
23 answer you and I'm not going to be able to give her an
24 answer.

25 The Judicial Inquiry and Review Board

1 advised her that failure to comply with procedural
2 rules is a legal area which is redressable through the
3 normal judicial process. And she's asking, when the
4 courts don't follow the rules, the appeal process
5 doesn't work. She said, why must she be in court for
6 over five years and be expected to bear the costly
7 burdens of all these appeals and stress when the court
8 is guilty of violating the rules and the Constitution?

9 MS. WOOLLEY: One of the objectives of
10 this hearing, as I said earlier, is to focus on local
11 administration and judicial compliance of local rules
12 and the statewide rules.

13 MS. ROSENFELD: Good.

14 MS. WOOLLEY: We are going to have future
15 hearings with members of the Bar, the judiciary,
16 members of the Family Law Rules Committee of the
17 Supreme Court, and address the complaints of lack of
18 compliance with the rules, rules which permit Master's
19 reports to be filed 14 months after the hearing is
20 heard--

21 MS. ROSENFELD: Are there going to be
22 sanctions for people like the administrators and judges
23 and attorneys who don't follow the rules?

24 MS. WOOLLEY: That is up to the Supreme
25 Court. We do not have the legislative capacity to

1 impose--

2 MS. ROSENFELD: Oh.

3 MS. WOOLLEY: I'm telling you what the
4 law is. I'm not telling you that's my opinion, that's
5 the law. The way the State Constitution is written,
6 and we've seen a number of judicial decisions on this
7 point, we cannot affect the conduct of attorneys, the
8 conduct of judges, nor the procedure in which they
9 practice.

10 MS. ROSENFELD: We need a citizen
11 referendum, I think. Negotiation and referendum, I
12 think.

13 MS. WOOLLEY: It's going to require a
14 change to the Constitution. One of the things that the
15 legislature has tried to do is reform the judicial
16 discipline system in Pennsylvania. We've struggled for
17 120 years and the court system struck it down.

18 MS. ROSENFELD: Yes, we know.

19 MS. WOOLLEY: Because of a number of
20 mistakes made by the State Department in advertising,
21 so we've got to start that struggle all over again.

22 MS. DAUTRICH: I think sometimes what
23 I've heard in these proceedings and what I observed too
24 is it's not just the system that is flawed but it's
25 human beings and the way they operate the system that

1 is flawed.

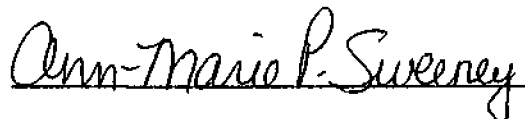
2 MS. ROSENFELD: Well, they abuse the
3 system.

4 MS. DAUTRICH: Because I have heard
5 everybody here ask for accountability of individuals
6 because these are -- judges are public servants. They
7 are servants of the people, which is something that I
8 think--

9 MS. ROSENFELD: Where is their
10 responsibility? We have to eliminate discretion.
11 Judges cannot have discretion over peoples' lives.
12 That's why I feel we need a panel or a better way to
13 address family law. I'm sure that the legal process
14 has to be upgraded and renovated, but Family Court
15 definitely needs a whole new way to handle divorce.
16 Really.

17 (Whereupon, the proceedings were
18 concluded at 3:50 p.m.)
19
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21
22
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25

1 I hereby certify that the proceedings
2 and evidence are contained fully and accurately in the
3 notes taken by me during the hearing of the within
4 cause, and that this is a true and correct transcript
5 of the same.

6
7 

8 ANN-MARIE P. SWEENEY
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