

Title:

The Black Plague In California - Private Judges And The New Court System

Word Count:

831

Summary:

Fleas from underground black rats almost brought down the human race in the dark ages. A similar infection is spreading through the courts of California, where private judges are at work undermining the state's court system. The plague is spreading rapidly.

Initially touted as a solution to an over burdened court system, private judges are now threatening to take over the system itself. Controversy about the use of private judges has heated to the boiling point in recent y...

Keywords:

private judge, divorce, custody, California courts, Sue Talia, family support, attorney, judges

Article Body:

Fleas from underground black rats almost brought down the human race in the dark ages. A similar infection is spreading through the courts of California, where private judges are at work undermining the state's court system. The plague is spreading rapidly.

Initially touted as a solution to an over burdened court system, private judges are now threatening to take over the system itself. Controversy about the use of private judges has heated to the boiling point in recent years. Government analysts and the media have expressed increasing alarm that a double tiered system, where wealth dictates law, is already in place.

One such private judge, M. Sue Talia of Contra Costa County in California, admits that such a "NEW SYSTEM" does in fact exist and its powerful influence is rapidly expanding.

Talia proclaims that an "underground system" is necessary to fight the bureaucracy and special interest groups that work with the legislature. On the website promoting her book (ironically titled), "How to Avoid the Divorce from Hell", Talia states that such an underground system "is currently and quietly solving the problems of thousands of divorcing couples."

Talia is not a Judge. She has never been sworn in as a judge in California or any other state. She is a hired gun for the wealthy; a divorce lawyer who is making \$350-\$500 an hour selling herself as a Judge for Hire. Talia describes her practice as "high end family law".

She dons a black magistrate's robe and presides over "hearings" in a mock courtroom she has set up in her private chambers. She cloaks herself in this revered garment without having been bestowed the honor of a public trust. Like all of her covert fraternity, she has taken no oath of office. She is not bound by a code of ethics and a set of procedural standards. Despite standing court orders requiring it, often no court reporter is present.

This "Judge's" niche is servicing high powered wealthy men who want to get the advantage in the divorce arena. In her thirty years as an attorney, she has collected a cadre of friends and collaborators who satisfy the customer by skewing custody evaluations and termination of family support.

Talia explains how THE SYSTEM works:

"...an underground system will have to evolve, promoted by the forward-thinking lawyers, mediators, and individuals who insist on a better solution and are willing to operate outside the system to create it...the beauty of such an underground system is that it builds its own success, creating a track record of better results, lower cost, and more satisfied customers."

THE SYSTEM'S "satisfied customers" are sending big numbers of referrals to these private judges. According to a scathing article by Michael Hiltzik, in the Los Angeles Times in March of 2006 titled, "Private Justice Can Be Yours if you're Rich," these judges are carrying at least 20 cases at a time.

California law is unique. It allows a layman attorney to conduct actual trials. Once a stipulation is signed, this attorney takes on the power of a Superior Court Judge. Yet, they are safe from the watchdog. The Commission on Judicial Performance has no authority over private judges.

The metamorphosis is now complete. In the blink of an eye and without scrutiny, a private attorney takes on the power of a Superior Court Judge. Now, they have the power to issue court orders that are nearly inescapable. They cannot be removed and their order cannot be overturned. For the disfavored litigant caught in the NEW SYSTEM, there is NO EXIT.

"Private judging is an oxymoron because these judges are businessmen. They are

in it for the money." Says State Appellate Judge Anthony Klein. Not surprisingly, these judges position themselves in enclaves where their rich clientele reside. Talia for example, has positioned herself in the wealthy San Francisco Bay area communities of Danville, and exclusive Blackhawk. These well healed nests create hundreds of millions of dollars for private judges every year. Los Angeles Supreme Court Judge Robert Holfern calls this system "evil".

There is an inherent bias in favor of the person who holds the purse strings, and that bias can take the insidious path to retribution and revenge. A Judge who holds absolute authority in a courtroom with no accountability is afforded a dangerous amount of power. The lure of taking on the robe of the Grand Inquisitor, with the promise of lucrative referrals, may be difficult for some to refuse.

History has taught us more than once that when a system is infected, it is not long before the entire system crumbles. If we wait too long, it will be too late.

Talia brags about the virulence of the NEW SYSTEM:

"When it [the New System] comes knocking at the door of official recognition (as any new institution ultimately must), it is hard for the entrenched bureaucracies to do anything but acquiesce with as much grace as they can muster. M. Sue Talia "<http://www.divorcefromhell.com/>