



FACE's Position on Divorce Commission Recommendations
page 3

Divorce Reform Legislation
page 7

FACE's Annual Directory of Organizations
page 10

Stuff Needed
page 11

VICE-PRESIDENT'S MESSAGE

FACE Helpline needs YOUR help!

We need people to help work on the FACE Helpline. Helpline coordinator Brian Rogers has done an excellent job, but it is unfair to expect him to continue doing it all alone.

If you can respond to callers for a few hours a week, please call Brian. It's not hard; it just takes some time. You will be briefed on our policies and procedures and can start helping right away.

Call Brian at 609/786-FACE, and he will explain the procedures to you.

Barbara LaMarra, Vice-President

Ethics

by Jeff Golden

Concerned about ethics within the legal system, the Supreme Court of New Jersey convened the New Jersey Ethics Committee (the "Michels Commission") to study judicial and attorney ethics and make recommendations for the improvement of ethics in New Jersey. The Michels Commission completed its work, and on July 14, 1994 the Supreme Court released a 42 page report of "Administrative Determinations Relating to the 1993 Report of the New Jersey Ethics Committee."

One of the Supreme Court's determinations was that attorney ethics complaints should be public. This does not mean that there will be a Better Business Bureau type source where the public can learn of complaints about lawyers. Complaints are not made public until the local District Ethics Committee (there are 16 around the state plus one in Trenton) has investigated and found the complaint to be valid. It is then a "formal" complaint and is made public.

That does not mean that you will ever hear about these complaints on the 11:00 o'clock news or read about them in the newspaper. The Office of Attorney Ethics in Trenton maintains the list of "Public Formal Complaints Against Attorneys." You can have a copy if you personally go to their office in the Hughes Justice Complex and ask for it.

A few weeks ago, I found an announcement in one of New Jersey's law journals that prominent Woodbury attorney, William Pearson, who was once the law partner of Gloucester County Family Court

Continued on page 8

Court Watching In New Jersey

The Next Time

Commentary by Joe Perretta

In Judge "X's" court room the other day, I hear something from his mouth that made me sick. In an order to show cause, the plaintiff testified that the child had been abused by the defendant several times. Judge "X" asked "Do you have any proof?" The plaintiff said that reports from several emergency room doctors existed. The plaintiff handed the reports to Judge "X" who read them. The plaintiff stated that the emergency room doctor had call DYFS, as required by law, due to the severity of the abuse to the child.

Judge "X" bellows that the doctor had to call DYFS and according to the doctor the abuse was serious. Then Judge "X" stated that the abuse had happened several times. "The next time this happens," Judge

"X" declares, "I will change custody." All this in a state that prides itself in that fact that it looks after the best interest of its children. No child in this or any other state should have to say that his legacy was a life of abuse.

Well, as my father would say, "I got to thinin' about that." Lets take this scenario one step further. Let us pretend that the defendant, in a fit of rage, beat the child to death. The plaintiff would be saddened by the loss of the child. The child's life was cut short in a senseless act of violence or a moment of uncontrollable anger.

And for the defendant, surely justice would prevail. The defendant would be tried and sentence to a long jail term. A stern faced criminal Judge would look down at the defendant and say "I will make an example of you by sentencing you to life in prison."

Ah, justice is served. Or is it? The child is dead. The plaintiff is childless. The defendant is in jail. But the real culprit still walks around with proverbial clean hands.

If you haven't guessed who the villain in this plot is by now I will tell you: Judge "X." He had the ability to protect an innocent child and didn't. Judge "X" changing custody would have saved the plaintiff the heartache of the loss of the child. Judge "X" could have saved the defendant from a life in prison. Yes, the real criminal in this scenario walks away without paying for his inaction.

For all the Judges in New Jersey who thought there would be no test at the end of this article, surprise!! What were the genders of the plaintiff and the defendant? Don't answer so quickly; this is a two part quiz. Why did you choose your answer? (Answer on page 10.)

Letters to FACE:

A few weeks ago, I entered the courthouse for a pro se hearing. Before long, I recognized five FACE members that had come to court watch for me. I immediately felt a sense of relief that there was someone there with me in what I felt was to be quite an ordeal.

The hearing went well and the presiding judge "worked" with me by being patient and listening to what I had to say.

Did the court watchers make a difference? In a word - yes. Lending their support made a difference on how I felt while presenting my case. They were witnesses to all the events, which included the opposing attorney's words and actions, in and outside the courtroom.

If you are pro se for a hearing, I highly recommend having someone observe the proceedings for you. Statements and actions made off the record may be at issue for future motions and/or ethics complaints. Additionally, court watchers can objectively critique your position and presentation to help make future pro se work more effective.

I gratefully thank those who attended my hearing, as it meant a lot to me.

Richard Gorish

About FACE NJ

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Jeffrey Golden Chief Information Officer
Christopher L. Pedrick Editor

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**WE ARE NOT LAWYERS. WE
CAN NOT AND DO NOT
REPRESENT ANYONE IN
COURT.**

If you find a competent, capable lawyer who understands your and your children's rights, who is willing and able to tenaciously fight to secure those rights, who completely understands the facts in your case, and who you can afford to pay, you should hire that person. If you can not find or afford to pay such a lawyer, we urge you to seek out all available resources to aid yourself in securing these rights.

POSITION PAPER**New Jersey Commission to Study the Law of Divorce**

by Jeffrey Golden

The New Jersey Commission to Study the Law of Divorce has completed its work. On Wednesday, March 15th, the Commission held a public meeting to release its seventy-two page preliminary report which includes twenty-one specific recommendations and ten general recommendations.

FACE-NJ has examined the report. Here are the Commission's recommendations and our positions on them:

Specific Recommendations:**1. Legislation providing a new cause of action based on irreconcilable differences.**

New Jersey Statute 2A:34-2 now provides eight grounds for divorce: Adultery, desertion for twelve or more months, extreme cruelty after three months from the date of the last act of cruelty, ~~eighteen months separation~~ (commonly called "no-fault"), drug addiction or drunkenness for twelve or more months, institutionalization for mental illness for twenty-four or more months, imprisonment for eighteen or more months, and deviant sexual conduct. In practice, most divorces are now for extreme cruelty or eighteen months separation. In fact, because of the length of time that it takes for a divorce to work its way through the courts, the cause of action is often modified to eighteen months separation at the time the divorce is granted.

The Commission recommends a new ninth ground - irreconcilable differences - which could be granted in three months. Their rationale is that this "may permit two parties to begin to dissolve the marriage in a somewhat more amicable fashion."

FACE holds that no one should be forced to remain married to someone they don't wish to be married to, but that divorce should not be too fast or too easy, especially when children are involved. No-fault divorce now requires eighteen months of separation. No other grounds are necessary and all should be eliminated. Currently, the lawyers use this waiting time to stir up conflict

between the parties and make reconciliation impossible. This time should be used for mandatory counselling to determine if there are circumstances under which the marriage can be saved, and to develop a mutually acceptable parenting plan. (See recommendation number 3.)

If irreconcilable differences is enacted, it should only be available in marriages in which there are no children.

2. Legislation requiring certain parties who file for divorce to attend a mandatory education program.

This recommendation would require parents to attend classes about divorce, the legal process, the psychology of divorce, and new family structures that arise from divorce, and how parents can counsel their children. The program would stress the importance of keeping communications open between the parties.

FACE supports and endorses this recommendation.

3. Legislation requiring a parenting plan to be filed in divorce actions.

Rather than relying on court intervention, the parents would agree to a plan to provide their children with frequent and continuing contact with both parents following their separation.

FACE supports and endorses this recommendation.

4. Legislation requiring all parties during the divorce process to maintain certain insurance coverages.

This would prevent health and life insurance which the parties had during the marriage from being terminated by the party who maintained the coverage.

FACE supports this recommendation, providing that the cost of the insurance coverage is shared by the parties.

5. Legislation establishing a court referred mediation program.

This would establish a non-adversarial, informal process to assist the parties in obtaining a voluntary agreement which would be mutually acceptable. FACE has always supported

alternative dispute resolution in divorce, including mediation, providing that the lawyers do not participate in the process.

While mediation can be effective, it can not work if one of the parties refuses to participate in good faith. If one of the parties already has possession of the house, the car, the bank account and the children, and is told by his/her lawyer that there is nothing else to gain and s/he can only lose something s/he already has, s/he may attend mediation if ordered to do so, but not engage in negotiation.

FACE supports this recommendation providing that, if one of the parties fails to participate in good faith causing mediation to fail, the mediator may report that to the court, and custody can be reversed as an incentive to the recalcitrant party to cooperate.

6. Legislation amending the statutes to more accurately reflect the rights and responsibilities of the parents by changing the term "visitation" to "parenting time" where appropriate.

Hooray! The Commission recommends that the infamous "v" word should finally be eliminated. FACE heartily agrees, and recommends that the term "custody" should also be changed to "parenting time."

7. Legislation guaranteeing each parent equal access to his or her children's records.

Access to educational records in public schools (and other schools that receive any federal funding) is already guaranteed by the federal Family Educational Rights and Privacy Act (Public Law 93-380, Title 20, USCA Section 1232(g), also known as "FERPA"), but schools often do not cooperate with non-custodial parents nor know of their obligations under this law to do so. This would extend this most basic parents' right to all New Jersey schools, public or private, and extend this right to include access to health records.

FACE supports and endorses this recommendation, and suggests that it also be extended to include child care records.

8. Legislation clarifying the sanctions available to a judge for a violation of a visitation order.

This recommendation would establish a series of specific civil remedies for failure to comply with a visitation order including counsel fees against the party who violated the order, community service, compensatory time with the party who was deprived, or other economic sanctions.

This is good, but New Jersey Statute 2C:13-4 already provides criminal penalties for interference with a custody or visitation order. If interference is already a crime, would this legislation provide additional civil penalties, or just de-criminalize it?

The fact is that police, prosecutors and judges now refuse to enforce 2C:13-4. FACE knows of only one conviction for visitation interference since the law was enacted in October, 1990. Can law enforcement officials pick and choose which laws they are going to enforce? Murder and drug trafficking are illegal too, but we never heard of authorities refusing to enforce the laws against these crimes.

FACE supports this recommendation providing that the criminal statute remains in effect, and that law enforcement officials are educated and required to enforce *both* laws. Economic sanctions should be replaced with reversal of custody because economic harm to the custodial parent ultimately will also effect the children.

9. Legislation establishing a definitive time when a child is emancipated.

10. Legislation clarifying parental responsibilities for post-secondary education.

11. Legislation requiring the court to review child support orders when a child attends post-secondary education.

Recommendation 9 conflicts with recommendations 10 and 11, and the Commission notes this in the report. Number 9 would establish age eighteen or the completion of high school (which ever occurs later) as the age at which a child is emancipated and child support obligation terminates. Number 10 would make law of the twelve point test established in *Newburgh vs. Arrigo*, 88 N.J. 529 (1982), for when a child who is attending school past age eighteen remains unemancipated, and the non-

custodial parent is required to continue paying child support and contribute toward education expenses.

Married parents are not required by law to contribute financially to the education of their children. It is a choice they willingly make. Un-married parents deserve no less right. Assembly bill A-1790, which would prevent any judge from ordering any parent to pay for a child's post secondary education has already passed. The companion Senate bill S-1597 is currently under consideration by the Education Committee. FACE supports both of these bills.

FACE supports recommendation number 9, and objects to recommendations 10 and 11 unless *all* parents, regardless of marital status, are required to pay for their children's post-secondary education.

12. Legislation concerning rehabilitative alimony.

New Jersey Statute 2A:34-23 provides that a court may award either permanent alimony or rehabilitative alimony. Rehabilitative alimony is not now defined in the law, but the court considers it to be "alimony payable for a short, but specific and terminable period of time, which will cease when the recipient is ... in a position of self-support." *Turner vs. Turner*, 158 N.J. Super. 313, 314 (Ch. Div. 1978).

This recommendation would establish in the law that receipt of rehabilitative alimony be contingent on the recipient *actually receiving the education or training* that formed the basis for the award, and that, like permanent alimony, it would terminate upon remarriage of the spouse receiving it.

FACE supports this recommendation providing that it would also terminate if the recipient cohabitates or upon the death or disability of the spouse paying it.

13. Legislation authorizing the award of limited duration alimony.

FACE has long supported the establishment of a new form of "term alimony" as an alternative to permanent alimony. This would be payable for only a limited time, with no rehabilitation required nor expected. This would recognize that no one is entitled to a "free lunch," and that everyone, at some time in their life, must take responsibility for themselves. We are appalled when

young, healthy people are awarded permanent lifetime alimony which, because it will terminate upon remarriage, actually discourages recipients from getting on with their lives, and encourages cohabitation outside of marriage.

The Commission's recommendation does not establish such "term alimony," but merely establishes another form of alimony that will be even easier for a court to award. FACE does not support the Commission's recommendation in its present form.

14. Legislation including family court motions in the "frivolous lawsuit" statute.

When family court has failed to equitably resolve the disputes in a divorce, the party who has received the "short end" of the deal often returns to court with motions to try to correct the inequity. The court often characterizes these motions as "frivolous." The current frivolous lawsuit statute, N.J.S.A. 2A:15-59.1, covers a frivolous "complaint, counterclaim, cross-claim or defense," but not motions. This recommendation would allow a party who litigates against a "frivolous motion" to recover attorney fees and court costs.

FACE objects to this recommendation. Few if any of these motions are frivolous to the filer. They are only symptomatic of the failure of the judiciary to properly serve the public by resolving divorces in ways that both parties consider to be fair.

15. Legislation providing for wage withholding for alimony payments.

Need we even dignify this recommendation with any comment? Divorced people have already suffered enough violations of their privacy and intrusions into their personal lives. FACE objects.

16. Legislation providing an affirmative obligation on an ex-spouse to provide notice upon remarriage when the spouse is receiving alimony.

It is hard to believe that this is not already law. FACE supports this recommendation.

17. Legislation clarifying the equitable distribution of retirement benefits.

The Commission's commentary references a case in which, speculating on six different sets of contingencies, an actuary provided six different possible

values for a pension, ranging from \$21,974 to \$81,951. This recommendation would establish a method to standardize pension valuation.

FACE supports this recommendation providing that pensions will be evaluated based upon present value, and that both parties' access to the funds are equal. We will monitor what standards are established.

18. Legislation permitting retroactive changes in child support awards in certain circumstances.

The Commission's commentary cites a case in which a non-custodial father appealed to the court to retroactively modify child support to eliminate arrears accumulated for a year and a half for a child who, at age 13, had moved out of the custodial mother's house and into the father's house. The court refused to modify the arrearage because the statute prohibits such modifications. One of our members was only able to terminate child support for a twenty-five year old son after he had graduated from college, worked for a year, and collected unemployment for a year! This recommendation would eliminate such injustices, and FACE supports it.

19. Legislation amending the equitable distribution statute to clarify that the court must consider parental responsibilities for children by both parents and consider this factor separately from its consideration of a parent's length of absence from the job market.

The Commission's commentary on this recommendation is very brief and offers no examples of what the effects would be, other than that it is made "in order to advance the principles of fairness and gender neutrality which are inherent in modern law." If the result would be that the non-custodial parent's financial child support obligation would be considered when determining alimony obligation, or that alimony income would be considered when setting child support, FACE will support it. (See recommendation number 21.)

20. Legislation amending the equitable distribution statute to require the court to consider as an additional factor the extent to which either party deferred career goals thereby allowing the other party's earning capacity to be enhanced.

Although also citing "gender

neutrality and simple fairness" in this recommendation, the example given is "wife remains home for a number of years to care for the children and ... her earning capacity is ... adversely affected" while "husband has the ability to develop his own career and to have his own earning capacity enhanced." While FACE does not support this recommendation, we would not object to it as long as it considers only how much the husband's earning capacity actually was enhanced, not just that the opportunity existed.

21. Legislation requiring alimony to be included as income in calculating child support.

FACE supports this recommendation.

General Recommendations:

Here is an abbreviated version of the Commission's ten additional general recommendations:

1. The child support guidelines should be reexamined, clarified and studied to determine whether they should be modified.

The Commission recommends that the background reports used to develop the guidelines should be made public, and that adjustments should be made for shared custody. They cite *Pascale vs. Pascale*, 274 N.J. Super, 429 (App. Div. 1994). FACE agrees.

2. The Administrative Office of the Courts has an opportunity to enhance its collection of statistical data in divorce matters.

FACE agrees and urges the AOC to do so.

3. The Supreme Court should consider assigning Family Part judges on the basis of the judges' preferences, abilities and experience.

FACE is undecided on this issue. Although we would like the fair, compassionate judges not to be rotated out of family court, we also want a method of getting rid of the poor judges regardless of their personal preference.

4. The Supreme Court should consider significantly increasing training for judges with regard to matrimonial and domestic violence matters.

FACE agrees and, Chief Justice Wilentz please note, we hereby volunteer our services for the purpose of training

judges.

5. The Administrative Office of the Courts should consider developing education programs for all divorce participants which would outline their rights, responsibilities, psychology of the divorce experience, the role of the judge, the role of the attorney and the structure of the attorney's fee. In addition, all litigants should be provided with a "pro se kit" in order that they may be able to file pleadings without the aid of legal counsel, if they so choose. Part of this kit should include a "users' guide" consisting of copies of the child support guidelines and court rules governing the guidelines, a glossary of terms, and pertinent information about the court's personnel, available programs and facilities.

FACE agrees.

6. The Commission encourages the assignment of more judges to handle the heavy caseload in Family Part.

FACE disagrees. All that is needed is to simplify the divorce process so that neither judges nor lawyers are needed in most cases.

7. The Family Court should consider economic sanctions on parties whose actions are unreasonable but which do not rise to the level of "bad faith" set forth in the frivolous lawsuit statute.

FACE disagrees. Economic sanctions against either parent will ultimately affect the children, too. (See recommendation number 14, above.)

8. The commission encourages the bench and bar to promote discovery and exchange of early settlement plans.

FACE agrees.

9. The commission encourages the Supreme Court to provide that a completed copy of the child support worksheet shall be provided to each party and shall be filed with the court.

FACE agrees, but isn't this already done?

10. The commission encourages the bench and bar to develop innovative ways to reduce legal fees in divorce cases.

FACE agrees, but can't the public also participate? FACE hereby volunteers.

What's Missing?

Over 100 witnesses testified at the Divorce Commission's five public hearings. The majority of them were non-custodial parents, mostly fathers, who complained of being reduced to visitors and paychecks in their own children's lives. Many said they were victims of false allegations of domestic violence. Virtually everyone said that the only winners in Family Court were the lawyers. Some of the Commission's recommendations reflect this testimony, but where did the rest of the recommendations come from?

The forward to the Commission's report includes this quotation:

"... [A]most three of five children feel rejected by at least one divorcing parent. The children of divorce often experience feelings of prolonged sadness, anger, depression, loss of interest in school, or delinquent behavior, sometimes taking the form of drug use or theft."

Wachel, Divorce Counselling: For the Sake of the Child, Legal Times, May 24, 1993, p. 29.

It concluded with a random list of issues raised by the public, including "... high cost of divorce, child support guidelines being reflective of time spent with children being supported, unaccountability of support payments, ... disincentive for attorneys to settle cases, problems of children deprived of time with a parent, ... harassment as a basis for complaint of domestic violence, ... cap on divorce costs, ... biases of persons working in the system, enforcement of visitation, false allegations of sexual abuse as a point of leverage, false allegations of domestic violence, ... and, always, the effect of all this on children of the marriage." Why were so few of these issues included in the recommendations?

We hereby submit the FACE addendum to the Divorce Commission's recommendations:

1. Legislation establishing a presumption of joint custody.

Children are not property and do not solely belong to either parent. Every child is entitled to two parents, four grandparents, and two complete extended families. To promote the concept of frequent, meaningful contact with both parents following their separation or divorce, we recommend legislation establishing joint legal custody and equal shared physical custody of children.

This should be scheduled in the parenting plan specified in Commission recommendation number 3.

Judges and lawyers say that joint custody can not be ordered unless both parents are willing to cooperate, but that is not true. They have no incentive to cooperate *without* joint custody. FACE's experience in cases in which joint custody was ordered has been very positive. One member with joint custody tells us that communication between him and his ex-wife is now better than it was at any time during their marriage.

Recognizing the negative effects of divorce and parental separation upon children, isn't it about time that we tried something new to prevent the destruction of the children?

2. Child support payable only for failure to fulfill parenting obligation.

When both parents are legally required to equally share the responsibility of raising children, the only time either should be required to pay financial child support to the other will be if one is unwilling or unable to fulfill that responsibility. This would compensate the other parent for lost wages and/or child care expense caused by the uncooperative parent.

3. The recipient should be required to account for how child support is spent for the child's benefit.

Under our present system, child support is stuffed down a black hole. There is no accountability. It would be unrealistic to expect the recipient to account for how every penny is spent, but it would be reasonable to have, perhaps, eighty percent of it accounted for. This should be eighty percent of the total child support, including both the non-custodial parent's contribution *and* the custodial parent's contribution.

4. Educate men as to what actions constitute domestic violence so they may recognize when they are victims of it.

Most men do not have the time to sit at home all day and learn about spousal abuse from Oprah and her guests, so they don't recognize when they are victims of actions defined as domestic violence under New Jersey's laws. The state should institute a program to educate men, beginning in elementary school, of acts that may be committed against them, and how to report it to the authorities so they may be protected.

5. Educate law enforcement officials to take domestic violence against men seriously.

Even if they recognize that they are being victimized, men are reluctant to report domestic violence to police because they fear that they won't be taken seriously or will be ridiculed. Police must be educated to treat male victims of domestic violence just as compassionately as female victims.

6. Legislation establishing criminal penalties for false allegations of domestic violence.

The serious crime of domestic violence is being trivialized by individuals who make false allegations for their own personal gain. Severe criminal penalties for false allegations will discourage this.

7. Legislation establishing criminal penalties for false allegations of child abuse and/or sexual abuse.

False allegations of child abuse *are* child abuse. Likewise, false allegations of sexual abuse *are* sexual abuse. Such improper allegations are often used to separate a child from a parent, and should be discouraged by severe criminal penalties and/or loss of custody.

8. Legislation establishing that attorney's fees in divorce should be limited to ten percent of the family's assets.

No one should be forced to become bankrupt or homeless to be divorced. Attorney's fees should be limited to ten percent of family assets. Alternatively, before marrying, couples should be required to establish an escrow account to finance their divorce, and attorney fees should be limited to the principal and accumulated interest in that account. The account could be released to the couple on their fiftieth wedding anniversary, or upon the death of one of the parties.

9. Legislation eliminating the concept of "marital property."

Eliminate joint bank accounts, jointly held property, and joint tax returns. Everything should be owned individually by the person in whose name it is titled, and upon the dissolution of marriage, each of the parties just keeps what is already his or hers. Spouses may give money or property to each other tax


Divorce Commission Legislation Introduced

On May 1, 1995, bills to make law of nineteen of the Divorce Commission's twenty-one recommendations were introduced in the New Jersey Assembly. Eighteen of them were introduced by Assemblyman Walter Kavanaugh of Somerville, who chaired the Divorce Commission. The nineteenth, establishing "irreconcilable differences" as a new cause of action in divorce, was introduced by Assemblyman Kip Bateman, also of Somerville.

No legislation has been introduced supporting the Divorce Commission's Recommendation Number 17 which would establish standards for evaluating pensions,

nor Number 10 which would require divorced parents, but not married parents, to be financially responsible for their children's post-secondary education. (A-1790 which would prohibit judges from ordering parents to pay for children's post-secondary education already passed the Assembly. Companion bill S-1597 is still pending in the Senate.)

FACE's position on each of the new bills is indicated in the accompanying chart.

New Jersey legislators are also urged to introduce bills in support of FACE's nine additional recommendations which were not addressed by the Divorce Commission. 

| Divorce Commission Recommendation | Bill Number | FACE's Position |
|--|-------------|----------------------|
| 1. Irreconcilable differences | A-2740 | Opposed |
| 2. Parents' education program | A-2741 | In favor |
| 3. Parenting plan | A-2743 | In favor |
| 4. Maintain insurance coverage | A-2739 | In favor if modified |
| 5. Mediation program | A-2744 | In favor if modified |
| 6. "Parenting time" | A-2742 | In favor |
| 7. Access to children's records | A-2746 | In favor |
| 8. visitation interference sanctions | A-2747 | In favor |
| 9. Emancipation at age 18 | A-2749 | In favor |
| 11. Review child support for students | A-2751 | Generally in favor |
| 12. Rehabilitative alimony | A-2748 | In favor if modified |
| 13. Limited duration alimony | A-2750 | Generally opposed |
| 14. Frivolous motions | A-2745 | Opposed |
| 15. Income withholding for alimony | A-2752 | Opposed |
| 16. Notification of remarriage | A-2753 | In favor |
| 18. Retroactive modification of support | A-2754 | In favor |
| 19. Equitable distribution - responsibilities for children | A-2755 | Generally in favor |
| 20. Equitable distribution - deferred career goals | A-2756 | Undecided |
| 21. Alimony in child support calculation | A-2757 | In favor |

Continued from page 6


free but, once given, it remains that person's property. There will then be no property for lawyers to fight over, and no alimony will ever be necessary.

What's The Score?

Of the Commission's thirty-one recommendations, FACE fully supports fourteen, supports seven with qualifications, is undecided on one, objects to one with qualifications, and

has unqualified objections to eight. But we have nine additional recommendations on issues that the Commission omitted. We consider these omissions to be issues on which we and the Commission disagree. So, of the grand total of forty issues, we agree at least to some extent on only twenty-one - not worthy of an overwhelming round of applause, but a good start.

FACE urges Governor Whitman, the Supreme Court Justices, and the

legislators who read About FACE-NJ to give serious consideration to our recommendations in addition to the Commission's. Surely these omissions by the Commission were inadvertent. 

The complete text of the Report of the Commission to Study the Laws of Divorce is available from the Office of Legislative Services in Trenton. Copies are also available from FACE. Please remit a check or money order for \$10.00 for each copy to cover the cost of photocopying and postage.

Continued from page 1

Judge Martin Herman, and who has a very active Family Court practice, had been "publicly reprimanded."

I went to the Office of Attorney Ethics and asked about this. Since the complaint had already been disposed of, it was not on their active list. They referred me to a Supreme Court order, cited as 139 N.J. 230 (February 9, 1995). All it says is that Mr. Pearson is "publicly reprimanded for violating RPC 8.4(b) (conduct prejudicial to the administration of justice)."

What does this mean? Did he back-date a legal document? Bribe a judge? Steal from a client? Influence a custody evaluator? There was no way of knowing.

I called back the Office of Attorney Ethics. I told them that the order was like saying 'John Doe committed a crime and has been punished for it' without saying what the crime or the punishment was. Did John Doe drive 30 miles per hour in a 25 zone, or did he kill someone? When I see Mr. Pearson walking down the street, should I check for a weapon bulging under his coat or should I make sure I still have my wallet after he passes by?

They checked their files, and I was told that Mr. Pearson "engaged in non-consensual sexual conduct with a matrimonial client in his law office." I did not ask and they did not say whether the client was male or female.

Now the real question: Why was there not one word about this in the Gloucester County Times, the Courier-Post or the Philadelphia Inquirer? If a non-lawyer had engaged in "non-consensual sexual conduct," he would be labeled a rapist, and his photo would be plastered all over the front page.

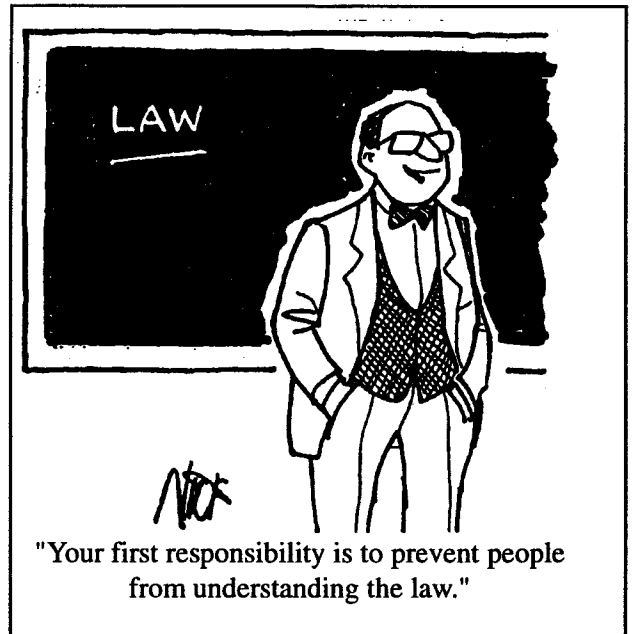
I saw Mr. Pearson in the Gloucester County Courthouse a few days ago. He is still practicing law and no one seems to be treating him any differently than before he was "publicly reprimanded." His only punishment was

to "reimburse the Disciplinary Oversight Committee for appropriate administrative costs incurred."

On May 5, 1995, Judge Herman interrupted a hearing to welcome Mr. Pearson and some family members into his courtroom. While upstanding, law-abiding litigants sat cooling their heels, Judge Herman presided while Mr. Pearson's nephew was sworn in as a lawyer. We hope he won't be following in all of his uncle's footsteps.

A more recent edition of the same law journal reported that former First Assistant Gloucester County Prosecutor Lawrence G. Magid was "publicly reprimanded" because he "struck and kicked a woman" who "also was employed by the Prosecutor's Office and had been dating Magid for several months." (In Re Magid, D-98, March 31, 1995) Even though this was domestic violence under New Jersey law, Mr. Magid was only charged with simple assault, and was fined and sentenced to one year probation. Although "the court cautioned the bar that it will suspend attorneys convicted of committing an act of domestic violence in future cases," Mr. Magid also is still practicing law.

The same edition of that law journal reported that Camden family lawyer Salvatore Principato was also publicly reprimanded for an act of domestic violence. (In Re Principato, D-64, March 31, 1995) Mr. Principato had engaged in a "social relationship, which later developed into a sexual relationship" with a female client who, in February, 1990, "was referred to [him] by a battered women's shelter." "In August, 1991," a month after their "intimate relationship" had ended, he




The Wall Street Journal, Reprinted with permission

went to her home and "pinned her against a wall with a mattress and pummelled the mattress 10 or 15 times, never striking her directly, but placing her in fear for her life." He, too, was charged only with simple assault and fined.

Aside from abusing a woman in an act of domestic violence, Salvatore Principato used a battered women's shelter to pimp for him, and engaged in a sexual relationship with a client. Why is he allowed to continue practicing law? Maybe it was because of the outstanding job done by the lawyer who represented him at his Disciplinary Review Board hearing: his uncle, prominent and influential Camden family lawyer Saverio R. Principato.

Why aren't Pearson, Magid and Principato in jail? If a non-lawyer had done what they did, that's where he'd be.

And what about judges? The Michels Committee recommended that all ethics complaints should be public, but judicial complaints are still private.

This dual standard must end. "Officers of the Court" can't be permitted to rape their clients and batter their girlfriends without appropriate punishment while non-lawyers are criminally prosecuted and jailed. The news media must summon the courage to bring this to the public's attention. 

COMPLAIN!

by *Barbara LaMarra*

Have you been to Court and been treated unfairly by the Judge, or have you been denied due process? The judge would not let you or your attorney speak, or present your defense or your position? Do not let this go on without making a complaint to:

Mr. Patrick Monahan
Advisory Committee on Judicial Conduct
Hughes Justice Complex
CN 037
Trenton, NJ 08625

Also send copies of your letter to:

The Honorable Christine Whitman
Governor of New Jersey
State House
Trenton, NJ 08625

Chief Justice Robert N. Wilentz
Supreme Court of New Jersey
Hughes Justice Complex
CN 970
Trenton, NJ 08625

Senator William L. Gormley,
Chairman
Judiciary Committee
1333 Atlantic Ave., Suite 303
Atlantic City, NJ 08401

New Jersey State Bar Association
One Constitution Square
New Brunswick, NJ 08901-1500

... and the Assignment Judge of the county there the hearing took place.

We must flood these offices with correspondence whenever we are denied our rights, or dissatisfied by the Courts or the people who run them. If you just let it go, it will just continue to go on and on and on. . .



FACE Meetings

There are two kinds of FACE meetings, and we take this opportunity to again explain the difference.

Our general meeting is held at 7:00 PM on the second Tuesday of each month at the Cherry Hill Free Public Library. This is a business meeting. We usually have a guest speaker or a program at this meeting, and provide introductory information to prospective members.

The library is a public facility, so this meeting must be open to the public. Since we can't restrict attendance, we often do not know who all of the people attending are. You are advised not to discuss at this meeting any aspect of your case that may be confidential.

We also have several support meetings each month. The schedule and locations are on the back page of this newsletter. These also begin at 7:00 PM.

Support meetings are held at the private homes of our members, so we are able to control who attends. This is where members can openly discuss their case and receive strategic help. Prospective members and invited guests may attend and observe, but pro-se

support is only provided to members. Please phone in advance if you plan to attend a support meeting so the host-member may adequately plan for the meeting.

In recent months, some FACE support meetings have become very crowded. To reduce this, we are again looking for a new support meeting site. Camden or Burlington County is preferred, but any location would be welcome. The host is expected only to provide use of his/her living room once a month and a pot of coffee. We ask for a six month commitment so we can effectively

publicize the meeting. If you can be a support meeting host, please choose a day and let us know by calling FACE at 609.786.FACE.

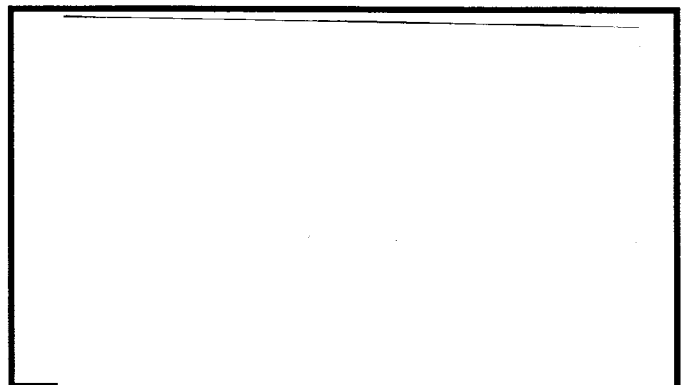
"Adversarial child custody cases are nothing short of state-sanctioned child abuse. Caring children would be more humane."

"Use of mental health professionals is rarely useful to the Court and a waste of time."

"Two weekends a month and two weeks in the summer is simply insufficient."

Judge Richard Jamborsky, Circuit Court of Fairfax County, Virginia, testifying before the U.S. Commission on Child and Family Welfare, March 28, 1995

Advertisement



**FACE'S ANNUAL DIRECTORY
OF FAMILY RIGHTS AND
LEGAL REFORM ORGANIZATIONS
IN NEW JERSEY**

Coalition for Family Justice, Inc.
P.O. Box 684
Voorhees, NJ 08043
609/751-6575

Fathers' and Children's Equality - NJ (FACE-NJ)
P.O. Box 2471
Cinnaminson, NJ 08077
609/786-FACE

Fathers' Rights Action Committee (FRAC)
908/874-7589

Fathers United for Equal Rights and Women's Coalition (FUER)
P.O. Box 2340
Elizabeth, NJ 07207
908/295-7591


FRAC National
10 Bretton Way
Mount Laurel, NJ 08054
609/231-7755

Grandparents Count
P.O. Box 219-P, Berlin Rd., Suite 246
Cherry Hill, NJ 08034
609/795-6454

National Congress for Legal Reform
P.O. Box 318
Flanders, NJ 07836

New Jersey Council for Children's Rights (NJCCR)
P.O. Box 615
Wayne, NJ 07474
201/694-9323

People Against Corruption and Tyranny (PACT)
c/o 460 1/2 Alden St.
Orange, NJ 07050
201/678-7195

If information about your organization is incorrect or omitted, send corrections to FACE Directory, P.O. Box 2471, Cinnaminson, NJ 08077. 

Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often the real loser -- in fees, expenses and waste of time."

Abraham Lincoln, 1850

UPCOMING EVENTS

Friday, June 16, 1995 - 7:00 AM to 3:00 PM:

"Father-less Day" Rallies in front of the county courthouses in Camden, Mount Holly, Woodbury, Atlantic City, Toms River and Trenton, and the Hughes Justice Complex in Trenton.

Fathers' Rights Newline
P.O. Box 713
Havertown, PA 19083
215/879-4099

In conjunction with rallies in Philadelphia and the suburban Pennsylvania counties, FACE will spotlight Family Court's discrimination and injustice that ignores fathers' importance to their children's well-being and makes Fathers's Day (June 18th) a meaningless hypocrisy. Prepare your own sign (no sticks, please) for issues important to you, or carry one of ours. Stay for an hour, or all day if you can. Be prepared to be interviewed by the news media.

Call FACE-NJ Hotline 609/786-FACE for details on New Jersey rallies.

August 1 through 6, 1995:

National Congress for Legal Reform - Annual Convention, Chicago, IL

As usual, NCLR's annual convention will be at the same time and place as the American Bar Association's. Educational seminars and anti-ABA demonstrations.

Contact: National Congress for Legal Reform, P.O. Box 318, Flanders, NJ 07836

Sunday, September 3, 1995 (Labor Day Weekend):

March on Capitol Hill, Washington, DC


We the People will deliver to the U.S. Congress a petition demanding open hearings on the current system of justice and our Constitutional Rights.


Contact: Citizens Against Legal Loopholes (CALL), P.O. Box 361, Del Mar, CA 92014, 619/755-9319, FAX 619/481-8264

Public hearings on pending legislation:

There are more bills concerning family law reform pending in the New Jersey legislature now than at any time in recent history. All of them will be debated in committee in Trenton, and YOU have the right to testify and express your opinion. Hearings will be announced in the Legislative Calendar. To get on the mailing list, contact:

Office of Legislative Services
CN-068
Trenton, NJ 08625-0068
609/292-4840 or 800/792-8630

You will receive calendars once or twice per week. Check for bills that are important to us. Notice may be very short (sometimes 24 hours or less), but make every effort to get to Trenton to testify on our bills. 

Answer from page 2: The plaintiff was the man. Why? Because if a father had custody of a child and an accusation of any form of abuse was merely alleged, there would be no next time. Bet you got them all right! 

FACE Membership

Regular FACE-NJ membership is \$65.00 per year. Some prospective members who have been victimized by Family Court may find it difficult to pay that much at one time. For them, we have a payment plan. Submit \$25.00 with your membership application, and we will bill you for two more \$25.00 payments.

Family membership is \$75.00 per year. This includes a second newsletter subscription for a friend or relative. Include the name, address and phone number for the second subscription with your membership application.

Patrons are members who donate \$100.00 or more per year.

FACE is a non-profit 501(c)(3) organization. If you participate in United Way or ~~another charitable giving program~~ at your place of employment,

please call us at 609/786-FACE for our donor option number in your area. Donations received in this way may be applied in lieu of membership dues, if you notify us.

A special one-time \$10.00 membership program is available to current members of NJCCR, and is valid until the end of current NJCCR membership, but not more than one year. With your FACE membership application, submit the back page of your most recent NJCCR newsletter (no copies) with the intact mailing label indicating your membership expiration date, and a check for \$10.00.

Subscription to About FACE-NJ without membership is \$25.00 per year.

~~Please use the membership~~ application, below.

Stuff Needed

One thing that we all know that Family Court victims don't have enough of is money. We need all of the other things that families need, but we don't have money to pay for them. Sometimes a lack of some material possession can prevent the existence of a parent-child relationship. Some of us do have other things besides money that our families used to use, but have outgrown or grown tired of. If only there was a way for us to trade ...

Now there is! In this column, we will list the things that your fellow FACE members need, but can't buy. If you have these items and no longer need them, we will put you in touch with one another.

Right now, FACE members need:

- Child car safety seat
- Bunk beds
- Refrigerator

And don't forget, FACE always needs your or your company's surplus or obsolete personal computers and printers.

If you have any of these items and no longer need them, call FACE at 609.786.FACE.

Fathers and Children's Equality - NJ is a nonprofit 501(c)(3) organization. We have no paid staff; we are an all volunteer group. Our only sources of income are membership dues, subscriptions, advertising and donations.



MEMBERSHIP APPLICATION

Help us help you...Join today and together we can make a difference.

PLEASE CHECK: New Membership Renewal Newsletter Subscription Only (\$25);
 standard annually, \$65* family annually, \$75 sponsor annually, \$100 or more
 I can't join now, but please accept my tax deductible contribution of \$ _____

name _____ date _____

address _____

city _____ state _____ zip _____

county _____ phone _____

- * Remit in full or send \$25, you will be billed for 2 more payments of \$25, total \$75
Mail application and payment to: FACE NJ, P.O. Box 2471, Cinnaminson, NJ 08077
- You can use my name as a supporter for legislative purposes. (Please check)

FACE-NJ HOT-LINE
609.786.FACE

FACE Pennsylvania:

| | |
|-------------------|--------------|
| Philadelphia | 215.355.4054 |
| Delaware Valley | 610.688.4748 |
| Bucks County | 215.322.3464 |
| Domestic Violence | 215.333.3773 |



DIRECTORS

| | |
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| Michael Edward Fox | President |
| Barbara LaMarra | Vice President |
| Christopher L. Pedrick | Treasurer/Editor |
| Jeffrey Golden | Chief Information Officer |
| Brian Rogers | Communications Coordinator |

MEETING SCHEDULE

All meetings begin at 7:00 PM
Phone for information and directions

General Membership Meeting:

Second Tuesday of each month
Cherry Hill Free Public Library,
Kings Highway(next to Richman's)
Cherry Hill, NJ

Support Meetings:

Mercer County

First Monday of each month
Charles Forberg
Hamilton Township, NJ
609-584-1887

Board of Directors Meeting:

Third Thursday of each month
Open to all **FACE** members.
Please call for location.

Camden County

Third Monday of each month
George and Barbara LaMarra
Westmont, NJ
609-858-4272

"I firmly believe that
any man's finest hour is that
moment when he has
worked his heart out in a
good cause and lies
exhausted on the field of
battle, victorious."
Vince Lombardi

Gloucester County

Fourth Thursday of each month
Harold Doty
Mullica Hill, NJ
609-478-4478

Legislators and Policymakers:
See FACE-NJ's Position Paper on the
Report of the New Jersey Commission
to Study the Laws of Divorce on page 3.

Forwarding and Address Correction Requested

P.O. Box 2471
Cinnaminson, NJ 08077



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