



**About FACE NJ**

# FATHERS' & CHILDREN'S EQUALITY-NJ

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Hotline 609.786.FACE

## PRESIDENTS MESSAGE

by Michael Edward Fox, President FACE NJ

Just over two years ago **FACE NJ** was organized as a subsidiary of our Pennsylvania parent. Just like a maturing, growing child, or teenager, dependence ultimately becomes independence. With this inaugural issue of our own newsletter, we lay down principles and concepts to help parents and children understand their rights in family court and for family court judges to **PLEASE TAKE NOTICE** of same. Our objectives are clearly defined in our Mission Statement page 4 of this issue.

Rights come with a price tag. Thomas Jefferson said "the price of liberty is eternal vigilance." Vigilance is determined by one's ability to stay in the contest. Surprisingly, money isn't the answer. Our first meeting was attended by 23 people. Time served in family court varied from one month to 10 years. The legal costs were in excess of 3/4 of ONE MILLION DOLLARS. **FACE** exists because the system does not work and we are not alone. According to an article published on 8/17/93 in the Wall Street Journal, the cost of representation is beyond the resources of most individuals. It states that in Des Moines, Iowa, 53% of the litigants in family court represented themselves. In Wash, D.C. it is 88%. The article "The Lawyerless" is on page 5 of this issue of **About FACE NJ**.

N.J. courtrooms aren't any different. Representing yourself in Court can be scary business. Judges don't like it. That's unfortunate. Given the choice between an ineffective costly lawyer for representation and no lawyer and thus no representation, the practical choice is to represent oneself. The Latin term for same is Pro Se.

Now retired, Judge Ferrelli, (Burlington County), once said "in my 17 years on the bench, business is always bad and the children always need braces." Sad, but nevertheless true, the only thing that changes are the Docket numbers and litigant names. That's the bad news. The good news for members of **FACE** is that repetition is not without its benefits especially if one opts to handle their own case.

We actively stand by **FACE** members, in good standing, and support their Pro Se representation in a number of ways. We offer access to our own Pro Se kit, our own case law library. **FACE** offers assistance in filling out the various forms required by the court. We will teach you how to use the Rutgers law library too. The 3rd floor alcove, will become your home away from home. We'll critique your motion and offer suggestions to make it less emotional and more factual. If you don't know where to begin, we also offer, on disk, other member's pleadings or motions including appellate actions, and Hymerling's sample property settlement agreements (lawyers get it out of a book too don't they?). Specify 3 1/2 or 5 1/4 inch disk or supply your modem number and download protocol.

For those of you still in the dinosaur age, hard copy is still available. Make a copy of it. On the copy, scratch out what does not apply. Add what does. Use the ideas any way you wish, then get it typed. There are several commercial typing services. Expect to pay @ 15.00 per page. Alternatively, one can bang away on their Smith Corona, Olivetti or IBM Selectric.

Better still, for about the price of two lawyer's trips to the court house, one can acquire a computer, printer and software. If you are new at this, figure on an average of one trip a month to the court house until you are divorced. Then figure at least two trips a year until your child is age 18. As one can clearly see, the payback is very quick and of lasting duration.

Either way, if one is committed to being an active parent in your child's life and not just a paycheck, there is no free lunch. Time is money to you and any lawyer. As lawyers charge \$85.00 to \$250.00 per hour, one gets more bang for the buck by having a lawyer review a motion one has written, until one feels comfortable enough to be on one's own. This too is a national trend, though it is hush hush. More, later in a future a column.

Many lawyers report that they spend more time on the psychological aspects of divorce and custody than they do the legal. **FACE** offers support meetings for the psychological aspects and they are free and open to the public, not just members. Remember Dragnet? In a lawyer's presence, be a Sgt. Joe Friday, "just the facts mamm, just the facts." Lawyers will like it and so will your checkbook.

There is an old saying that there are no atheists in foxholes. We understand your problems and frustrations. We know first hand the heartache and disillusionment that accompanies separation and loss of contact with children and their parents and vice versa. Money isn't the answer; representation is. Remember, it is not the size of the dog in the fight; it's the SIZE of the fight in the dog. ☐

## THANKSGIVING AT GOVERNOR JIM'S

On Thanksgiving, 1992, a group of about thirty **FACE** members, some accompanied by their children or other family members, went to the governor's mansion, Drumthwacket, in Princeton, New Jersey. We wanted to let Governor Jim know that, while he was enjoying Thanksgiving dinner with his children and grandchildren, many of his constituents were being legally prohibited from similarly enjoying this holiday. While we were marching past the gates on this dreary, drizzly day, Governor Jim stayed inside his warm, cozy mansion and ignored us, even though we placed a direct call into his security desk asking to see him.

Let's go back this year! Drumthwacket is located on Route 206 about a mile south of Princeton. We will meet there at 2:00 PM, so that, if we have other evening dinner commitments we can still keep them. Parking is very limited. Park on a nearby side street, and walk to the main Drumthwacket gate. For more information, directions, or car pooling, phone the **FACE NJ** HotLine -- 609.786.FACE and we'll call you back.. We hope to see you there! ☐

*The following story was written in September, 1991 by Jeff Golden, a **FACE** board member, after he was jailed for non-support. It has never been published before, but he did arrange for Judge Segal to receive a copy. The next time Jeff was in court, before anyone said anything, Judge Segal gave a copy to the opposition's lawyer and said 'Mr. Golden says that he was in Debtors' Prison. ... After reading this, I believe that, if I jail him again, Mr. Golden will just live in the jail. The jail is already too crowded, so we will not jail him again.'*

*The whole article is quite lengthy, so we will be serializing it in the next several **About FACE NJ** newsletters.*

## MY WEEKEND ADVENTURE

by Jeffrey Golden

On Friday, August 23, 1991, I was invited to be the guest of Camden County for a vacation. It would be at least a three day weekend, and possibly longer. All expenses were to be paid by the county. I would get to sample unusual cuisine and actually live with the local inhabitants. I would have to be careful though because, while most of the natives would be friendly, some of them could be dangerous. I didn't even have to bring any clothes because everything I needed would be provided for me. What an adventure this promised to be! This was an offer I couldn't refuse.

I was remanded to the custody of the sheriff and became prisoner number 91-5811 in the Camden County Correctional Facility, where I stayed for three days.

Camden County Correctional Facility -- what a misnomer. Nothing gets corrected there, and most of the inmates don't belong there. For them, jail is a waste of their time, the taxpayers' money, and a loss of the productivity that these people could be contributing to the community. It is a maximum security prison, a place to warehouse lives that have been caught in the big, profitable business called the legal system, sometimes through little or no fault of their own, and put them in suspended animation while the system figures out what else to do with them.

While this is an excellent place to keep the drug lords and people who kill or steal or rape or beat people up, I estimate that perhaps eighty percent of the people I met there don't belong there. They could more productively pay their debts to society in other ways or in another environment.

Some, like the drug users, really have done no harm to anyone but themselves. They should be in a hospital or treatment program, not a jail. By locking them up with the drug pushers and other users, they are in an environment where all they hear is talk about drugs and getting high and more places to get drugs when they get out.

How did I get into this mess? It was not unexpected. In fact, I was surprised that it didn't happen sooner. What was my crime? There was none. This is just the latest chapter in a long, unfortunate story that features a dozen lawyers and psychologists who all drive Mercedes-Benz convertibles and sedans with pretentious little windshield wipers on the headlights and have made a growth industry out of creating misery for others. This story of extended litigation has already cost me a fortune, and included ultimatums that I knew I could not fulfill, and threats of jail.

I was ordered by Judge Vincent Segal of the Superior Court of New Jersey to come to court on Friday, August 23rd, and bring \$500 in partial satisfaction of a financial obligation. I went to court as ordered to even though I didn't have \$500. I can no longer afford to pay lawyers, but I couldn't do any worse representing myself than lawyers have done for me, so I was there alone. The judge asked me a lot of questions about where I live, how much I pay for gasoline, and even how often I get a haircut. I suppose that Judge Segal didn't believe that I don't have the money because this time he sent me to jail. Maybe he thought that I could earn the money there.

I learned in elementary school that we don't have debtor's prisons in the United States because many of the early British colonists came here to escape debtors' prison in England, but that is where I was -- a twentieth century debtors' prison. I was being deprived of my liberty for non-payment of debt.

I have always been an adventurous person and I feel that I can survive anything. I grew up in Newark, New Jersey. The summer camp that I went to as a child is now a juvenile detention facility. As a teenager, I once slipped out of the seat of a roller coaster without being injured. I came out without a scratch from an auto accident where a 60,000 pound trailer-truck squashed my car like an accordion. I once spent a month travelling cross-country, camping on the roadside along the way. I escaped injury when an angry motorist pulled a gun on me following a roadway incident on the Schuylkill Expressway. And I've even travelled to Fort Lauderdale in February without hotel reservations. Surely I could survive anything they could dish out at the Camden County jail.

I was not entirely unprepared. I've seen "The Big House", "Papillon", and "Bird Man of Alcatraz". I left letters with my mother and sister with instructions about what to do and who to contact if I am jailed.

And I had already planned how I would spend my jail time productively: I would learn to speak Spanish. I would teach illiterate prisoners to read and write. I would become the best jailhouse lawyer in the institution, flooding the courthouse with the pleadings of other prisoners until the other judges begged Judge Segal to let me go. And I would make the acquaintance of criminals because you can never tell when who you know might save you from being a mugging victim or when you might need the services of someone who is willing to engage in criminal activities for profit. I was ready for anything!

Prison society is clearly divided along racial lines. Outside of prison even prejudiced people are at least civil and courteous to people of other races and cultures, but inside the jail there are no pretenses of tolerance for others. For the most part, blacks only socialize with other blacks, hispanics with other hispanics, and whites with other whites. I consider myself to be completely unprejudiced, and I spoke with everyone who would speak to me.

There is also a clearly defined line of command among the prisoners. The biggest, baddest, most intimidating, most aggressive prisoners are at the top of the chain controlling the next weaker group of prisoners, and the smallest, weakest, meekest prisoners are at the bottom. I'm over six feet tall, but I am a non-violent person. I decided that, unless I was a victim of physical violence, I would not be intimidated by anyone.

With these goals and guidelines in mind, I went into the jail considering it to be almost like a college sociology class field trip. I was going to meet and talk with other prisoners and find out why they were there and what makes them tick. ☒

*To be continued in future issues of ...**About FACE NJ***

# PRO SE LITIGANT WINS CASE

Reprinted, with permission, from *The Press of Atlantic City*,  
9/27/93 written by W. F. Keough, Staff Writer

## VENTNOR MOM REVERSES COURT'S CUSTODY DECISION

Just after losing her second son in a bitter custody battle, a determined Eileen Barker acquainted herself with the law and embarked on a lonely quest to reverse the judge's decision.

"Start a new life...you don't have a chance," Eileen Barker's sixth and final attorney told the mother of two. It was 1991 and Barker had just watched the courts take her younger son, then 9 years old, and grant sole custody of the child to her ex-husband.

Superior Court Judge George Seltzer - who was being asked to settle a bitter custody dispute between the couple - said that it would be better if the boy were reunited with his 13 year old brother, who was also living with his father.

Seltzer also had refused to compel visitation between Barker, now living in Ventnor, and her older son, whom she hadn't been able to see regularly since her 1987 divorce.

Standing in the courtroom, Barker heard the judge's decision, followed by her attorney's parting advice. She listened while the judge referred to her stubborn, unbending nature as a factor in her losing physical custody of her younger boy.

The truth was, the court had yet to see how determined Eileen Barker could be.

"I just knew at that point I had to stand up for myself," Barker said of her decision that day to drop her lawyer and navigate - alone - the tricky waters of a legal appeal that she hoped would restore her standing in her sons' lives.

Several days after the judge's decision, Barker was dealt another setback when she read a copy of the order.

In the order, Seltzer also had stripped her of her legal rights to have a say in decisions regarding her sons lives - what schools they would attend, what doctors they would go to, even what sports they would play.

Even more remarkably, Seltzer's decision to remove Barker as a legal custodian had come without her ex-husband - Michael Barker, an attorney with the Atlantic City firm of Horn, Kaplan and Goldberg - even asking for it.

### PREPARING THE APPEAL

Eileen Barker, an unemployed city planner with no legal training, protested, but to no avail.

Dissatisfied, Barker began studying case law on custody trials, spending days in law libraries in Atlantic County and in northern New Jersey, where she lived for a while following the 1991 decision.

And during the annual convention of the New Jersey Bar Association last May in Atlantic City, Barker sneaked into a roomful of attorneys and took notes while they discussed how to argue appeals.

"I just walked right in, pretended I was a lawyer," she said, laughing, "It was very helpful."

When she was finished writing her appeal, it was a 200 page document that argued Seltzer had made several procedural

errors in removing her from joint legal custody without first hearing arguments on the issue.

But Barker wasn't finished. When she learned that the courts would hear her appeal she began preparing for the oral arguments she would have to make before the three-judge panel.

She sat in on several appellate court cases, watching how attorneys argued, observing the judges she would have to appear before. "I don't even think attorneys do that," she said of her research leading up to her trial.

Finally, Barker, a halting timid public speaker, decided she needed help developing her presentation. For three days, she practiced speech lessons with an actress friend.

Finally, on June 14, Barker appeared before the review court. Arguing against Barker in the appeal case were two lawyers from her husband's firm. Barker admits being awed by what she was about to attempt.

"They were great lawyers, my ex-husband (who was a witness in the original trial) is a great attorney," she said. "But I wasn't nervous, I was excited, it was adrenaline."

### WINNING THE REVERSAL

While Barker's appeal was made on a wide range of issues, the appeals panel selected one point in reversing Seltzer's ruling.

In a Sept. 1, opinion, the appeals panel, siding with Eileen Barker, wrote that Seltzer's change of custody was "procedurally improper because it was never an issue in the case and because Ms. Barker was therefore denied the opportunity to present evidence on the issue.

In a Sept. 7 letter to Eileen Barker and attorneys for her ex-husband, Seltzer restored joint custody.

"I was amazed, after all I'd been through, I felt justified in appealing," she said. For Eileen Barker and the numerous parents' and children's rights groups that supported her, the decision was a victory for noncustodial parents everywhere.

Members of the advocacy groups said the appellate court's opinion that all parents - custodial or not - have rights to information about their children's schools, doctors and activities was extremely important.

"This obligation has absolutely nothing to do with the custodial arrangement", the court opinion stated. "It is (Eileen) Barker's right as a parent to be given this basic information about her children."

Bruce Eden, director of the New Jersey Council for Children's Rights, said the appellate court ruling reaffirms Barker's right to have a say in her children's future.

### SHORT SIGHTED RULING

Attorneys for Michael Barker said they viewed the reversal of Seltzer's opinion as a short sighted ruling that did not take into account the Barkers' bitter divorce and the bitterness that had seeped into their custody battle.

"With all due respect, I think that a family court judge who has an opportunity to hear all the testimony in a custody case can, at conclusion of the trial, decide that two particular parents can't successfully communicate about their children. There's too much baggage," said Kathleen Vella, Michael Barker's lawyer. Vella said she feels judges using their discretion, should be allowed to make decisions based on their knowledge and observations of a certain case.

But Eden whose organization supports "every child's right to two parents," said judges' powers should be reined in by the Legislature. ☐



## Fathers' And Children's Equality, Inc. - NJ MISSION STATEMENT



Fathers' and Children's Equality is a non-profit children's advocacy organization, and a self-help and support group for non-custodial parents. Our Mission is to:

**minimize the emotional upheaval experienced by children during and after parental separation, and**

**promote every child's Civil Right to equal access to both parents and extended families regardless of the parents' marital status, and**

**end the adversarial process in divorce and custody matters.**

### **Our Goals are to:**

promote equal parental responsibility for children's nurturing,  
promote equal parental responsibility for children's financial needs,  
encourage alternatives to divorce,  
promote the position that children are not property,  
end parental alienation,  
eliminate profit motivation in custody disputes,  
provide positive parenting role models for separating families,  
prevent the use of false child and/or spousal abuse allegations as leverage in custody disputes,  
establish mandatory penalties for false allegations of child and/or spousal abuse,  
promote equal treatment of Family Court litigants, and  
enforce existing laws providing gender equality in Family Court.

Adopted September 27, 1993 by the Board of Directors.

## **SECOND ANNUAL FACE HALLOWEEN PARTY AT JUDGE SEGAL'S HOUSE**

*By Jeffrey Golden*

About 25 **FACE NJ** members conducted a demonstration in front of Camden County Family Court Judge Segal's Cherry Hill home on Halloween, 1992. We had extended to the judge the courtesy of letting him know we would be there. He responded by leaving his home for the day with his family and hiding like a rat. He did, however, leave a plainclothes State Trooper to welcome us, had at least one of his neighbors videotaping us, and warned others that there would be a bunch of lawless radicals there on Halloween and that was why he had to cancel a children's Halloween party that allegedly had been planned. We demonstrated peacefully for about two hours, gave Halloween treats to all of the neighborhood kids, and told anyone who asked about Segal's violations of parents' and children's Civil Rights.

On Halloween, 1993, we conducted the second annual Segal Halloween demonstration. This time, we did not announce our intentions in advance. About ten of us, some in masks or costumes, arrived at about 2:30 PM on this cold, drizzly afternoon. When we first arrived, Linda Segal, his wife, threatened to spray us with their lawn sprinkler. There is a notorious precedent for this: Isn't that what Sheriff "Bull" Connor did with fire hoses

during the Civil Rights demonstrations in Birmingham, Alabama in the 1960's? We did not leave, and the sprinklers were not turned on.

Again, we gave treats to all the neighborhood Trick-or-Treaters, held up our picket signs to the dozens of cars that slowed down or stopped to read them, and explained our position to all of the neighbors who passed by. Some neighborhood teenagers even joined in our march for a while.

One of the neighbors complained that this is the second year that we are doing this and told one of us to "Get a life." We told him that is exactly what we would like to do -- If we, as he was, could be with our own children on this joyful holiday, that is where we would be. We were here only because Segal, and other judges like him, unjustly prohibit our children and us from enjoying Halloween together.

At one point, Linda "Bull" Segal, obviously annoyed by our presence, tried to circumvent us by passing out Halloween candy through the side garage door. When we passed by and commented on the not one, but two Mercedes Benz automobiles in the garage and brand new station wagon in the driveway, she quickly lowered the door. Linda, are you embarrassed by what your husband's \$100,000 per year salary, paid with our taxes, can buy?

As long as Judge Segal and his colleagues continue to violate children's Civil Right to enjoy a meaningful parent-child relationship with both of their parents and continue to disenfranchise parents and reduce them to visitors and paychecks in their own children's lives, **FACE NJ** will continue to consider them fair game, especially on special days for children like Halloween. ☒

## THE LAWYERLESS

*More People Represent Themselves in Court, But Is Justice Served?*

*Attorneys Get Too Expensive In Many Family Cases; Self-Helpers Clog System*

*The Arnie Becker Syndrome*

By Junda Woo

As reported in the WALL STREET JOURNAL Aug. 17, 1993

Dressed in a white T-shirt and flouncy miniskirt, Susan McHugo-Inouye looks flustered as she rises to speak. She hesitates and looks around for help like a junior high-school student giving her first oral report?

But this is no classroom, it is a courtroom, and the scene of a bitter child-custody dispute. Although Mrs. McHugo-Inouye appears to gain confidence part way through her presentation, her argument seems disturbingly disorganized and short on legal reasoning, especially compared with that of her opposing counsel. When he interrupts her to object, she clearly is thrown off balance. He summarizes the case in a memorandum to the judge; she does not.

Two weeks later, the judge issues his decision. She loses.

### Stumbling Along

They are the lawyerless, and more and more of them are demonstrating their limited skills - not to mention their casual dress-in courtrooms across the country.

Especially in family court, the numbers are exploding. In Des Moines, Iowa, 53% of all such cases feature litigants representing themselves. In Washington D.C., The figure is 88%. As these hordes of nonlawyers stumble along, they clog systems that aren't designed to accommodate amateurs, creating a host of new challenges for court administrators.

The lawyerless often aren't flying solo by choice. A family lawyer often can collect \$10,000 for a complex case, a hefty chunk of it up front and nonrefundable. After the economy began to slow five years ago, the percentage of nonlawyers in such cases began increasing sharply.

Meanwhile divorce rates remain high. Lawyers haven't lowered Their fees to lure back the lost business, either. Plenty of higher-income people still are getting divorced and paying hourly rates of \$100 and higher and priced themselves out of the [middle-class] market." says California Superior Court Judge Roderic Duncan, who wrote a book on navigating the state's municipal courts without an attorney. "They're not interested in that kind of work."

### Absentee Lawyers

This of course raises broader questions about obtaining justice. "A system that presupposes the existence of two represented parties is breaking down," contends Sara-Ann Determan, moderator of a sparsely attended panel on middle-class legal services at the recent American Bar Association convention.

The head of a leading attorneys' group, the American Academy of Matrimonial Lawyers, is unapologetic. "I wish this were a world where, realistically, the poor could have the same

justice as the people who aren't poor, but that's not the world," Arthur E. Balbirer. "It's a shame, Justice sometimes is expensive."

If you can't afford to pay, there are few alternatives. Legal-aid budgets are drained as it is, with legal-assistance groups routinely turning away all divorce and custody work. And private lawyers despite much public horn-blowing about pro bono work, are showing no inclination to fill the void. Many attorneys consider family law emotionally draining and excessively time-consuming.

In cases of serious injury, poor clients can get a lawyer by giving him or her a percentage of an ultimate damage award; but such fees aren't permitted in family-law cases.

### New York Policy Shift

So few volunteers step forward. Says Mr. Balbirer: "It's like asking a corporate executive. 'Why don't you, for two months, give your salary to the homeless?' Not to be a wise guy, but if we're going to say that, we should apply that standard down the line."

Another reason some litigants shun lawyers might be called the Arnie Becker syndrome, after the unctuous attorney in TV's "L.A. Law." Many are leery of slippery divorce lawyers-with some justification. A 1992 study by the New York State Department of Consumer Affairs found a "pattern" of certain divorce lawyers litigating excessively just to ratchet up fees. Others unscrupulously demanded payments on the brink of trial. Still others overcharged, then abandoned clients when the money ran out, according to the report. Acting on the study, New York's highest court yesterday tightened several family law regulations.

Nevertheless, for some, like Mrs. McHugo-Inouye, the experience of going without a lawyer is nightmarish. An unemployed teacher of English as a second language, Mrs. McHugo-Inouye says she couldn't afford a lawyer to fight her ex-husband's demand for custody of their twin daughters. "I could have borrowed from my parents, but I didn't want to," she says. They had already lent her money during a previous custody battle with her ex-husband. This was either the fourth or fifth dispute for the couple - the parents can't even agree on that. The girls, 12 years old at the time, had lived temporarily with their father for almost a year. He wanted permanent custody and had retained an attorney to get it. The showdown took place at the Family Court, Fifth Circuit, in Kauai, Hawaii.

From the moment she filed papers stating that she no longer had a lawyer. Mrs. McHugo-Inouye says, she knew she was in trouble. She says a court clerk made her retype the entire form, because instead of using the words *pro se*, she had used the *pro per*, a equivalent Latin phrase used in many states to describe someone representing herself. "They hand you a form and say nothing." Mrs. McHugo-Inouye says. "If you ask for assistance, it's like it's really troublesome." The "Kauai court administrator says he doubts this occurred.

In any case, many self-represented litigants can recount similar experiences. In part that is because courts are so under-funded and overloaded that it is a genuine strain to give self-help litigants the extra attention they need. And many of the lawyerless test the court's patience. They turn in briefs scrawled in longhand. Present arguments hysterically and display unrealistic expectations about just how much the system can do for them. Mrs. McHugo-Inouye, for instance, was disappointed that court staff wouldn't let her borrow a typewriter to retype filings.

Continued on page 6

## No Special Treatment

Even if they want to help, court employees, judges and attorneys are hamstrung by ethics codes that require the court to remain neutral and refrain from coaching or helping any party. It can be painful for workers and judges to see opportunities they know nothing about. But it is also improper for judges to give a break to an unrepresented litigant just because he or she doesn't know the law.

"You can't say, 'I'm going to weigh this person's argument 60% because they are unrepresented, and I'll weigh the attorney's argument 40%,'" says Judge Clifford L. Nakea, who presided over Mrs. McHugo-Inouye's case.

Mrs. McHugo-Inouye's biggest mistake was a whopper. On the day of final arguments, she had been under the impression that Judge Nakea would simply interview her daughters on the day of the court session and announce his ruling later. Instead, the judge finished interviewing the girls, entered the courtroom and asked Mrs. McHugo-Inouye and the opposing attorney to begin final arguments. Judge Nakea explained that all sides had agreed on such a trial during an earlier conference. Somehow, Mrs. McHugo-Inouye didn't get the message. Small wonder she seemed unprepared and distracted during her seven-minute argument.

"If you don't know what the procedures are in the court system, you get killed," says Barbara E. Handschu, former head of the New York state bar's family-law section. "You get all sorts of complications that lay people may not realize." In divorce cases, for instance, the tax and insurance ramifications of splitting up can get extremely arcane.

## Some Success Stories

Still, not every lawyerless litigant gets pummeled. Deborah Crosby, a high-school drawing teacher in Chappaqua, N.Y., was divorced in 1987 but is still battling her ex-husband in a messy visitation dispute. She used lawyers for most of the fight but last October she decided she had had enough: "In one year, I'd spent \$30,000 for nothing - absolutely nothing. So I said, 'How could it be worse if I represented myself?'"

She felt confident she could do so because she has a master's degree - albeit in art education - and enjoys research. Ms. Crosby contacted a group of legal-reform activists for tactical advice. She discovered a free law library at the local courthouse. By the time a major hearing rolled around in June, she was comfortable citing precedents and objecting to irrelevant testimony. "I've learned a lot," she says.

By traditional legal standards, she has made some mistakes. She wasted a lot of time writing up a subpoena that she never served. She lost a battle to avoid paying her husband's legal costs after he won an appeal that she had initiated. But she has also argued calmly before hearing examiners and fended off her ex-husband's efforts to get more visiting time with the children. Also, in a fairly difficult maneuver, she managed to get a new law guardian appointed for them.

Would she hire an attorney now, if she had the money? Laughing, she says, "I've been burned so seriously, it's like asking me if I would ever remarry. It would have to be an incredible attorney, with an incredible background."

## To the Rescue

Despite Ms. Crosby's experience, most legal experts agree that people who march into court without lawyers are at a disadvantage - and one that is likely to become a fixture of the new legal environment, especially for the poor. As of 1990, only one legal-aid worker existed for every 7,808 people below the government's poverty line, while one private attorney existed for every 339 U.S. citizens.

If there is any help on the way, it is likely to come in the form of innovations by court systems to make self-representation

easier and more effective. In Maricopa Superior Court in Phoenix, the court's new services include a do-it-yourself divorce video, which plays almost continuously in a courthouse waiting room, and an on-the-spot attorney who charges \$20 for a half-hour preparation session. In one branch of the court, there is a touch-screen computer that asks a series of questions and prints out completed court filings. The computer features an on-screen legal dictionary, and even plays Vivaldi when it is idle.

Most important, the court provides paralegal consultations, free of charge. The paralegal, David Bishop, operates out of a claustrophobic office decorated with thank-you notes. He hears people's tales, tells them what forms they need and fills out the forms on a computer.

For one man who recently complained that his toddler had been snatched by the boy's mother. Mr. Bishop completed a paper to confirm child custody, a parent-child access petition and a petition to establish child support. He also wrote a to-do list and handed it over with meticulous explanations, down to where to get the forms notarized (the bank across the street is cheaper than the courthouse notary).

## Fistfights In The Courthouse

But Mr. Bishop is overwhelmed. Litigants must vie to be one of the first seven callers the day before an appointment, a set-up that drives some people to cheat by getting all their friends to phone, too. And even with the appointment system, Mr. Bishop often doesn't get to all seven litigants.

The backup is so nerve-rattling that sheriff's deputies are summoned about once a week to break up fistfights among the waiting. "One person will say, my child custody is more important than your car, lady," says Judge Barry Silverman. "And they'll duke it out." More than 700 callers are left stranded every month.

*Reprinted with permission of the Wall Street Journal* 

## OTHER INFORMATION

Anyone interested in submitting articles for publication in the next edition of *About FACE NJ*, Please send the information, preferably on disk, to:

**About FACE NJ**  
PO Box 2471  
Cinnaminson, NJ 08077

Articles **MUST BE** submitted no later than December 15, 1993 if they are to be considered for the next publication.

Buttons are available for court watching. Members, call the **FACE NJ** hotline and place a request. 609.786.FACE (3223).

**FACE NJ** will be changing the services available on the **HOTLINE** soon! We are in the process of setting up a voicemail system. The same number will be used, but there will be mail boxes and announcements available while you are on-line.

Call the Office of Legislative Services/The Office of Public Information and have your name added to the list of people receiving the New Jersey Legislative Calendar. The calendar states when bills are being considered and voted on and the proposals beign presented. We need to let the Legislature know we are watching them! Call 1-800-792-8630 TODAY! The call is free and the information is invaluable.

## WHY FACE WORKS...

"The preparation of petitions must never be considered the exclusive prerogative of the lawyer. Laymen — in and out of prison — should be allowed to act as "next friend" to any person in the preparation of any paper or document or claim, so long as he does not hold himself out as practicing Law or as being a member of the Bar.. Reasonable access to the courts is a right (secured by the Constitution and the laws of the United States), being guaranteed as against state action by the due process clause of the Fourteenth Amendment." *Johnson v. Avery*, 393 US. 483,89 S.Ct.747 (1969)

Members of groups who are competent non-lawyers can assist other members of the group achieve the goals of the group in court without being charged with "unauthorized practice of law"..."A state cannot, by invoking the power to regulate the professional conduct of attorneys, infringe in any way the right of individuals and the public to be fairly represented in lawsuits authorized by Congress to effectuate a basic public interest. Laymen cannot be expected to know how to protect their rights when dealing with practiced and careful adversaries (*Gideon v. Wainwright*, 372 U.S. 335), and for them to associate together to help one another to preserve and enforce rights granted them under federal laws cannot be condemned as a threat to legal ethics." *Brotherhood of Railway Trainmen v. Virginia ex rel. Virginia State Bar*, 377 U.S.1,7

SEE ALSO THE FOLLOWING U.S. SUPREME COURT CASES:

*United Mine Workers v. Illinois Bar Association*,  
389 U.S. 217

*NAACP v. Button*, 371 U.S. 415

*Sierra Club v. Norton*, 92 S.Ct. 1561

*United Mine Workers v. Gibbs*, 383 U.S. 715

*Faretta v. California*, 422 U.S. 806

It was held that a State may not pass statutes prohibiting the unauthorized practice of law or to interfere with the Right of the Freedom of Speech, secured in the First Amendment. Anyone, not a lawyer, trying to help another gain access to the courts cannot be denied the right under Freedom of Speech or Due Process and Equal Protection of the Laws.

If there is any truth to the old proverb that "One who is his own lawyer has a fool for a client" the Supreme Courts by its opinion today, now bestows a constitutional right to one to make a Fool of himself. (Justice Blackmun) *Faretta v. California*, 422 U.S. 806 (1972)

"Pro Se complaints, according to the Supreme Court are held to less stringent standards than formal pleadings by lawyers." *Jenkins v. McKeithen*, 395 U.S. 411 421 (1961); *Haines v. Kerner*, 92 S.Ct.594 (1972)

The pleading of one who pleads pro se for the protection of civil rights should be liberally construed.

*Blood v. Margis*, 322 F. 2d 1086 (1971)

## COURT WATCHING

There are 3 main reasons for court watching:

1. The **FACE** member who's case we are watching becomes more self-confident knowing that there are people sitting behind him/her are in support of him/her.

2. For people who have never been to court and will become *pro se litigants*, representing themselves without a lawyer, court watching becomes Law School 101. They get to see what happens in court, what other pro se litigants do, what lawyers do in other cases, what the judge does, what works, and what doesn't work.

3. The judge sees that the **FACE** pro se litigant is not a "Lone Wolf;" there is a group of people in the court room, all wearing **FACE** buttons, supporting him/her. Also, the judge knows that if he/she violates the **FACE** litigants rights or denies him/her due process, the **FACE** court watchers will write complaints to the Advisory Panel on Judicial Conduct, the Administrative Office of the Courts, or the Senate Judiciary Committee.

Barbara LaMarra is our court watching coordinator. If you are available to court watch, phone her for information on where and when **FACE** members will be in court. If you would like **FACE** members to court watch for you, please let Barbara know when and where at least one week in advance. Her phone number is 609-858-4272.

*It is considered proper etiquette for you to court watch for others if you wish them to court watch for you. ☒*



## MEMBERSHIP APPLICATION

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

PLEASE CHECK ONE:

- standard annually, \$65\*  family annually, \$75  sponsor annually, \$100 or more  
 I can't join now, but please accept my tax deductible contribution of \$ \_\_\_\_\_

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- \* 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)

## PHONE NUMBERS

**FACE NJ** Hotline 609.786.FACE  
Atlantic City Hotline 609.645.1355  
**FACE** Pennsylvania Hotline 215.688.4788



Micheal Edward Fox President  
Barbara LaMarra Vice President  
Theodore C. Vanderlaan Secretary  
Christopher L. Pedrick Treasurer/Editor  
Jeffrey Golden Chief Information Officer

We are in need of a meeting place in Northern Burlington County, preferably in Burlington City or Willingboro. We meet in homes because the material discussed is private and we are better able to control the attendance. If you wish to volunteer your home, please contact us on the **FACE NJ** Hotline.

## MEETING SCHEDULE

**General Membership Meeting**  
Second Tuesday of each month  
Cherry Hill Library, Kings Highway, next to Richman's  
Cherry Hill, NJ

**Board of Directors Meeting**  
open to all **FACE** members  
Fourth Monday of each month

### Support Meetings:

*Atlantic County*  
Second Monday of each month  
Jewish Community Center  
Jerome Avenue, near the Margate Bridge  
Margate, NJ

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

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

*All meetings  
start at 7:00 PM*

*Phone for information and directions*

*Forwarding and Address Correction Requested*



P.O. BOX 2471 • Cinnaminson, NJ 08077