

Divorce and Conflict

Statement of Purpose

I find that my signing of the the Judgement of Divorce did not end the legal battle. Rather, an ongoing analysis of the divorce proceedings has opened new battlegrounds for me, and has compelled me to engage in further conflict in order to fulfill a personal mission of justice for all. The present laws, statutes, rules, and procedures concerning divorce places divorcees in harms way of the legal system. Anger, first time exposure to the legal system, inexperience, and anxiety about the outcome of the divorce proceedings enables unscrupulous attorneys to exploit their clients in the adversarial setting of the current legal system. . At the end of the divorce process the divorcee has been drained of money, emotions, and time. The system is callous, unresponsive, and not accountable. The system runs in an unprofessional manner. I would lose my patient's if I scheduled appointments like a judge.

I am not an expert on divorce, and rely mainly on the personal experience of my divorce. I am sure that attorneys and psychologists experienced in the field of divorce, and many divorcees, will readily identify with what I write, and have far more horrendous accounts of their own experiences. I ask, "Why have the problems that I will write about been allowed to persist?" I see that my mission is to do something about the problem of divorce and conflict.

Family law needs to be overhauled in order to protect the citizens from the legal system. Should you be concerned? Over fifty percent of marriages end in divorce. There is a good chance that it could happen to you. I did not think that I would end up in divorce court. It was not a good experience. Talk to your friends who are divorced. You will hear their disdain for attorneys and the legal system. The family law attorneys will tell you a different tale about their contentious clients, and the difficult problems encountered when settling divorce cases. Who are you to believe? Who is right and who is wrong? We the people are wrong for letting the present legal system persist.

At various times I have acted for justice, and equality for all. While in the Navy I was outspoken to the higher command in pursuing better treatment for patients at the Camp Lejeune Naval Hospital. At medical meetings over the years I have spoken out concerning what is right. At this time I am beginning to understand what I must do in order to try to correct certain injustices concerning divorce and the legal system. It is going to be a long struggle, and I plan to be persistent. There is the immediate short term action that I am currently pursuing as evidenced by this web site. Long term changes are needed in order to protect we the people from the legal system. Current problems concerning divorce must be identified. The process of divorce must be analyzed and dissected. The cost effectiveness of each step in the process must be scrutinized. Ideas, opinions, attitudes, feelings, and the needs of society must be expressed in an open forum. Proposed solutions must be openly debated.

My first hand experience with divorce is limited to one occurrence. I saw how I was exploited by the attorneys because they were allowed to abuse the current legal system. Attorney misconduct committed against me by the court appointed mediator caused financial and emotional damage. I filed a grievance with the Attorney Grievance Commission, and they did

not follow the rules and abused the legal system in order to protect the mediator. I filed an appeal with the Michigan Supreme Court for a Writ of Mandamus to order the Grievance Commission to investigate my complaints against the mediator and to take action against him. The highest court in the state declined to hear my appeal. Truly a great loss for the citizens of Michigan. I was informed by an employee of the the Michigan Supreme Court that the type of Writ of Mandamus that I wanted had not been issued by the Court in 30 years.

I have recently filed a complaint of attorney misconduct against my ex-wife's attorney. I felt that the charges against her were more serious than the complaints against the mediator. This attorney was incompetent, lacked diligence, violated Michigan Court Rules, and abused the legal process. The only one who benefitted from her misconduct was the mediator, my counsel, and herself, because her behavior cost her client and myself more in legal fees. Fresh with its Michigan Supreme Court victory over me the Attorney Grievance Commission assigned this complaint to the same biased attorney who hurt the people of Michigan by closing my complaint against the mediator. However, this time he did not even request an explanation from her concerning her obvious misconduct.

Divorce is conflict. It is war. The rules of engagement and battle have been formulated by you the people, and honed by the legal system. It is fought in an arena defined by law, morality, religion, anger, revenge, antagonism, ignorance, anxiety, greed, exploitation, and personal profit to name a few. Why do you the people want to make life so difficult? Divorce is common. Over one half of all marriages end in divorce. I did not think that it could happen to me. It could happen to you.

Marriage and divorce were once controlled by religious law and edicts. Many religions forbid divorce. In this country it is now governed by civil law. However, there are serious flaws in the legal process of divorce, which harmed me, and what I would like to address. A significant change in the attitude towards divorce has been the removal of marriage and divorce from the religious arena to the civil arena. No fault divorce is now the law in the State of Michigan. No fault divorce is the law, but the adversary system remains concerning the process of divorce. The plaintiff sues the defendant for divorce in the circuit court. Plaintiff vs. defendant is the heart of the adversary legal process. Why should the plaintiff have to sue the defendant for divorce? It is a forgone conclusion that the divorce will be granted, because that is what the law of no fault divorce dictates. Divorce is about the division of marital assets. The law should be explicit in stating how marital assets should be divided in order to prevent attorneys from making the division of marital assets a contentious prolonged legal process.

The legal documents concerning the divorce should not be titled plaintiff vs. defendant. I feel that the legal document should be titled in a random order "The divorce concerning Jane Doe referred to as party A and John Doe referred to as party B" in order to be neutral concerning who instigated the divorce, and to diminish the adversarial nature of the action.

Should the divorce process start in circuit court? Perhaps, it should begin in a different legal arena, with different legal rules that are designed to reduce, not promote legal conflict. With

rules that are designed to minimize the legal process rather than maximize it. Rules to reduce the conflict, reduce the animosity, control the legal fees.

In some cases it would be best if a single party, a facilitator, told the couple how the assets should be legally divided and parenting issues settled. A single attorney to counsel the couple. At this time it is forbidden by the Michigan Code of Professional Conduct for a single attorney to represent a couple. It is an act of attorney misconduct. There has been disciplinary action and reprimands against attorneys who have represented both sides in a divorce. It is mandated that the couple enter the adversarial process. The judge should read and make sure the judgement of divorce is legally correct before he signs it. The judge's signature on the judgement of divorce should mean that the legal rights of both parties involved in a divorce are protected by the court. In my case the judge could not have read the judgement of divorce because he signed it within a couple of minutes after he received it.

Why should the family law judge be the least desirable judgeship in the circuit court, and have the least experienced judge appointed to the position? A position on the family law bench is the starting point for the novice judge. A difficult job dealing with angry anxious people drawn into conflict. The job requirements and personal criteria needed to fill the position of family law judge have to be well defined. Perhaps, some current family law judges would not be qualified for the job if the job criteria was well defined. The judge's work should be subject to review. How are family law judges evaluated, and by whom? The input should be from both practicing attorneys, and the court's subjects who are the divorcees. I feel that the court's subjects should be given a detailed evaluation form concerning their judge at the conclusion of the divorce proceedings.

The judge expressed anger several times that my case was taking so long. He should have taken the initiative, and asked why the case was taking so long. He should have taken us to his chambers to clarify his interpretation of contentious legal matters such as the division of marital assets.

I had a mediator who was substandard and incompetent. Not fit for the job. Michigan Court Rules ordered the judge to appoint the unprofessional attorney that my counsel and opposing counsel selected. I now understand how I was exploited by my counsel. The attorneys were guilty of abuse of legal power in presenting the Judgement of Divorce to the judge without the mediator being paid as specified in the Michigan Court Rules. I did not pay the mediator because of his substandard and unprofessional job performance. He committed acts of attorney misconduct, which the Supreme Court of Michigan allowed.

The checks and balances built into the current system were abused by both counsels for their own personal gain, and to protect the mediator. The current system needs more check points that cannot be so easily evaded.

I was never given the opportunity to inform the Court of the terrible job performed by the mediator. A comprehensive evaluation form should be filled out following mediation concerning the performance of the mediator. This should be part of a public court record

concerning mediators.

The mediator in my case committed acts of attorney misconduct. I filed a complaint concerning the mediator's acts of attorney misconduct with the Michigan Attorney Grievance Commission. Again, the cover up. The Attorney Grievance Commission closed the file without a proper investigation. I appealed to the Michigan Supreme Court for a Writ of Mandamus to order the Attorney Grievance Commission to proceed with my charges of attorney misconduct against the mediator. I spoke to the office of the Clerk of the Court before I filed my appeal with the Michigan Supreme Court. I was told that it would be futile to file an appeal, because the Michigan Supreme Court had not issued such an order in over thirty years. I filed anyway. The filing fee was \$375. The mediator should be disciplined for his acts of attorney misconduct. Disciplining the mediator is necessary in order to protect the public, and the integrity of the legal system. That is why I have been persistent in pursuing the complaint against the mediator. I feel that counsel for my ex-wife committed more serious acts of attorney misconduct. You decide with the information that I have provided you.

Changes are needed. Act to reform the legal system before it is too late for you. Do not allow yourself to be placed in harms way of the legal system.

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