

Civil Harassment .com

Stopping Abuse of Civil Harassment Restraining Order Law

Defense against false Civil Harassment allegations

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Lobby to Reform Public Policy

We are interested in your story and your restraining order and would be grateful to receive a copy of it (you may delete any personal references on the form). are compiling data to demonstrate that the Legislature's intent is not being followed by the trial courts. Examples include deletions from the restraining order forms approved by the California Judicial Council, such as the striking by the judge or commissioner of the mandatory firearms prohibition and the personal conduct and stay away orders, or the addition of "other orders" that limit your constitutional rights of free speech and petition or

Response to Invitation to Comment about SEC Report

I am Fritz Koenig, participant in Civil Harassment .Com the only advocacy group dedicated to "Stopping Abuse of Civil Harassment Law" (address www.civilharassment.com)

Finding CCCP 527.6 itself is unconstitutional as a matter of law, and certainly as practiced throughout the State, we collect evidence of cases of abuse of the law to support petition for reform of the law and judicial practice. Thus interaction with the AOC and the Judicial Council is crucial to our mission.

About the May 2012 "Report on the Administrative Office of the Courts" by the Strategic Evaluation Committee, I submit now only a few of the comments I intend to make about the subject.

I've scanned about half of the report itself, and all the comments posted as of July 21, 2012. I've also read hundreds of appellate opinions, and obtained some type of exoneration three times for the three appeals in which I have been involved. (One full reversal, a partial reversal, and a declaration of a faulty order with mootness.)

I regret I have not had the time to create a formal response, so I hope the Judicial Council can find something useful in what is really merely a collection of my notes.

COMMENTS:

JUDICIAL INDEPENDENCE

David R, Lampe's 2008 proposal argues for "judicial independence" such as would support the Barons of France. Indeed it does not merely esteem the ability of a judge to be free of suffering for bravely deciding a case on the merits damn the popular view, instead it glorifies the fact that "One judge may apply the law differently than the judge in the next courtroom may apply the same law." thus enabling fiefdom and subjecting the citizens of this State to perhaps 1,800 different interpretations of the law without any method of predicting the interpretation before trial.

Talk about "control".

This is one State of California, and its citizens are free to travel and move about it with great ease. In fact, it is advantageous that they do so. The chaos presented by different application of the law from courtroom to courtroom only retards the welfare of the People, and perhaps to the better use of the fascists and authoritarians among us, instills fear in the populace.

The theory of a single "Enemy of the People" Judge Thomas Stockmann discovering a better truth and defying conventional views certainly has merit if that is the

your real property rights.

Name

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Please provide location, county, case number, etc. Unfortunately, we can not respond to all submissions.

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point. But by design, California certifies for citation almost none of its appellate opinions and none of the trial court judgements. In fact, any appellant attempting to circumvent the non-citation rule is subject to severe sanction. So a system of anarchy in the courts as we have now does not spread any new truth. Instead it encourages social isolation and retardation, and almost by design, quenches enlightenment and a pluralistic society.

Further, it is completely disingenuous to suggest that aberrant judgements are regulated by appeals, and elections, etc. Only for those with the resources and the sheer will to risk what they have does the appellate process of California offer even a change of such regulation. Just how many judges are voted out of office each cycle? How many even have opposition?

Furthermore, a trial judge overturned on a appeal can go right back into court and rule the same aberrant way in the next case place before him.

100 hundred of 8,000 petitions heard by the Supreme Court, indeed. What? 7,900 of those petitions were by murderers using the prison library? Not. Aberrant decisions unregulated. Yes.

A VOTE OF JUDGES

No.

The public comment process is not a vote by judges. But dozens of Judges provide comments sans any "statement of decision" to enlighten anyone with anything but their "vote". Perhaps the Judges would like to take a vote of the audience in their courtroom to decide a case?

PUBLIC COMMENT

The comments received are populated with contempt for a public comment process as initiated by the Chief Justice, yet a read of http://www.courts.ca.gov/documents/appendix_d.pdf, which is the June 2009 June 2008 Governance Process document, A. The Judicial Council, 3. Council Policymaking, states among other things, precisely that ".. [The Judicial Council develops policy in consultation with the **people of California** ...]

Such consultation is precisely what the Chief Justice has enabled by sending the report out for public comment.

What audacity is it to think that upon one's say so, it is—the audacity of a judge accustomed to controlling others.

FAULTY FORM OF SEC RECOMMENDATIONS

The June 2008 Governance Process document further states that:

"all policy proposals submitted for council consideration by internal committees, advisory bodies, the Administrative Director, and staff should address the following:

- Beneficiaries of the policy;



Cameras and tripods are not weapons! — you lying idiots! — *in Memoriam, Reuter's cameraman* Namir Noor-Eldeen *mistaken for man with a gun*

- Results to be achieved;
- Costs to be incurred;
- Each corresponding judicial branch goal, objective, and anticipated outcome;
- Previous council action on the issue or policy;
- Comments from interested parties;
- Analysis of the benefits and risks of the proposals; and
- Analysis of the strengths and weaknesses of alternative options and an explanation of their implications."

For the most part the SEC report does not provide such information about the recommendations proffered. In this manner the SEC report indicates the committee performed the analysis using precisely the ad-hoc manner for which it rightly faults the AOC for using. There was a procedural metric clearly stated, yet the SEC committee appears to have not referenced that metric.

That is not to say the SEC report is not enormously useful. The report is enormously useful, but as Curtis E.A. Karnow's comments state, "it must be only the beginning of a serious analysis of the work of the AOC, not the end."

SERVICE

The Judges pound on the table that the AOC's primary purpose is to serve the judges, but one is pressed to find a charter document that uses the word "service" to describe the mission of the AOC or the Judicial Council.

Yet, the judges mysteriously conjure the term "service" over and over again, one even went so far as to declare that the AOC works for the judges. Just not true.

CONTROL

The judges are complaining about "control". Reading the Judge's statements of reactions to this "control" they sense, I would have thought I was talking instead to attorney's and parties who appear before trial judges. Such are the similar emotions and comments one hears on the courthouse steps ABOUT THE TRIAL JUDGES.

Judges are dictators.

No, judges are NOT restrained by principles of stare decisis, as suggested by "A Proposal for a New Judicial Organization- the California Independent Judges Alliance" By David R, Lampe 2008.

Judges can do and do just about whatever they want in court session. They are imperious and bombastic or mild and reserved, but with fully one fifth of appeals resulting in reversal, one can not say judges are restrained by anything. They do what they do, and the appellate courts can only clean up the messes made by the trial court. However, very few of the messes created by trial courts are reviewed by any appellate body. The parties just "take it" and suffer hugely from horrible

decisions made every single day across California.

To the extent "control" by other entities is needed to drive the judges towards The Good and The Just, such "control" is perfectly appropriate. And so it is authorized. The constitution explicitly authorizes the Judicial Council to "make rules".

One of the other submitted comments explains what is patently obvious: bribed with plenty of money in the past, the Judges did not squeal. Now that they don't have some resource, they attack someone who they believe does have the resource.

COURAGE

Most astonishing is the judge who decides to remain silent for "fear of retribution". Judges make over \$170,000 per year, are extremely difficult to unseat or remove, and essentially are set for life. For \$170, 000 per year with guaranteed pensions, most citizens would make license plates. Certainly there is retribution amongst the Judiciary, but really, how many pieces of silver are Judges willing to protect rather than make the right call and speak the Truth?

Judges are afraid of an open comment process? Really?

AOC MISMANAGEMENT – FAILED LEADERSHIP BY JUDICIAL COUNCIL

Indeed, the AOC has been mis-managed, indeed, the AOC has wasted at least a half BILLION dollars. But mismanagement by the operators of the AOC systems does not mean the entire structure of systems should be, or must be replaced.

Obviously, some systemic changes are needed to compensate for some people who were not capable of performing properly without some other systems and structures. Some other people might have been able to operate the leviathan systems as they are. But one can not depend on finding such people, so systemic review is good and necessary.

One awaits the Chief Justice to charter the SEC with the task of reviewing the judges, the Commission on Judicial Performance, and all the other parts of the California Judicial Branch.

Nothing contained herein is tendered as nor should it be considered as legal advice. What is legal is not necessarily justice. Almost all of reality is non-"published", ergo, what is legally affirmed is always a retarded misrepresentation of reality. Use at your own risk!