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November 1, 2014

Elizabeth Brekhus, Esq.
President, Marin County Bar Association
101 Lucas Valley Road, Ste. 326
San Rafael, CA 94903

Ross Town Council
P.O. Box 320
Ross, CA 94957

Re: Official Brekhus Comments at 10/27/14 Judicial Council Meeting

Dear Mrs. Brekhus:

I am writing with respect to your “official” (as opposed to personal) statements to the California Judicial Council on October 27, 2014, urging the Judicial Council to dismiss as “meritless” almost two decades of public concerns about the Marin Family Court.

Although I am now a Mount Shasta resident, I have practiced family law in Marin County for over 15 years, lived in Ross, and my children attended the Ross School.

As a longtime advocate for investigation and reform of the Marin Court, I am familiar with the problems in the Marin Court, and the audits of the Marin Court.

You are the President of the Marin County Bar Association, and the Mayor of the Town of Ross. As such, I am certain you would agree you have an obligation to your constituents to be **fully informed and accurate** when speaking about matters which affect those you serve. I am concerned that your official October 27, 2014 Judicial Council comments were neither informed nor accurate, and will operate to a) place the entire Marin public, including your Ross constituents and their children, at continued risk in the Marin Superior Court; and b) undermine the ability of lawyers to properly represent their clients in the Marin Court.

I would like to give you the opportunity to properly educate yourself about our concerns, retract incorrect statements made by you in your **official** capacity, and take responsible, appropriate action to protect the interests of those you serve. To this end, I would like to meet with you to further discuss these matters and provide information to you. Ultimately, you are the one who has put your reputation on the line and the public at risk, and ultimately you will be held responsible for your actions and comments.

While you ponder this request for a meeting, I am requesting that you, in your official capacity as both President of the MCBA and Mayor of Ross, confirm in writing that prior to making your official comments to the Judicial Council both you and MCBA director Barbara Monty undertook to investigate the matters set forth in my June 9, 2014 letter to the Governor, Attorney General, Judicial Council and others (attached hereto) detailing the denial of basic due process rights by Judge Beverly Wood, and the resulting creation/perpetuation of falsified court records by Marin Court Executive Officer Kim Turner and Wood. As you must be aware, the events detailed in that letter –particularly the documented creation and perpetuation of backdated/falsified Marin court records, and ongoing denial of requests for a Notice of Entry of order-- formed the basis for the latest concerns about misconduct in the Marin Court, and resulted in the referral of those concerns to the Judicial Council by the Governor, Attorney General and Marin County Counsel.

I am also requesting that you a) identify the “three independent investigations, reviews and audits that have all concluded that claims of judicial misconduct, cronyism, waste of public funds, favoritism and bias are all unfounded and baseless allegations” to which you were referring in your official Judicial Council comments; b) confirm in writing that you actually read the audits before making your comments; and c) reference the specific passages in those three audits supporting your claim that there were investigations of judicial misconduct, cronyism, waste of public funds, favoritism and bias in the Marin Court, resulting in conclusions that allegations thereof were "unfounded and baseless". Those are very strong words/assurances, coming from the MCBA president and Ross mayor.

Finally, in light of your and MCBA director Barbara Monty’s unequivocal statements that the MCBA disagrees with the longtime claims of judicial misconduct, cronyism, bias, and favoritism in the Marin Superior Court, please also consider this a formal request that you review and publish on the MCBA website all attorney surveys regarding the Marin bench undertaken by the MCBA since 1997-- --along with specific comments about specific judges. The 1999 MCBA survey comments were scathing regarding cronyism and bias in the Marin Family Court. I don’t believe subsequent MCBA audit results were ever released to MCBA members or the public but in light of your public comments they should be now. You and Ms. Monty may also wish to review the 2004 Marin County Women Lawyers Association survey which reportedly included the following attorney comments:

"In general, the family law division of the court is incestuous and the judges give far too much deference and bias to attorneys with whom they have prior relationships. Overall the Marin branch is FAR below other counties where I have practiced."

"It is unfortunate that the bench in Marin is so controlling. They control the local bar association, with the members of that Board fearful to say or do anything that might conceivably alienate the judges. Justice and truth take a back seat to sucking up. The speech given by the last [Bar Association] president, where he said that the mission of the local bar should be to support local judges "right or wrong" shocked everyone in the room. Having an independent judiciary is one thing, allowing courtroom wrongs or bias and not policing your own is another."

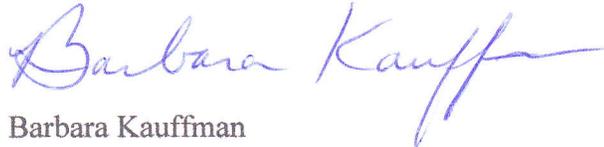
"Marin is like some Southern backwater county where you need a local (in-county) counsel if you practice law two counties down the road."

"Whenever there is any criticism, the judges say: 'It is the disgruntled litigants'. True those who lose are distressed. The question is: did they lose fair and square or were they unfairly treated by a judge who showed bias. Lumping those categories together denigrates and devalues those with valid "fairness and equal treatment" claims and wipes out those legitimate claims. Sadly the judges and newspapers do not distinguish between the two."

"Most disturbing is a general sense that the judges believe they can do anything they want in a case with virtual impunity. The average litigant does not have the funds to appeal an adverse ruling. Lawyers do not want to risk the bench's wrath by challenging an adverse ruling. As a result there is little respect for the bench. The bona fide "practice of law" has become extremely difficult and frustrating."

I look forward to hearing from you about the important issues I have raised.

Very Truly Yours,



Barbara Kauffman

cc: Judicial Council
Ross Town Council
Barbara Monty