Family Court Chronicles.com

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Opinion #25 *What the newspapers won't tell you!* Revised 6/27 7am June 25, 2007

Skullduggery at Family Court

BLACKLISTED

but not broken!

Family Court Chronicles is nearly shut down by an obsessed hearing master and a rogue administrator. We are saved only by faith, meditation and the intercession of our patron saint: Bugs Bunny.

BY GLENN CAMPBELL

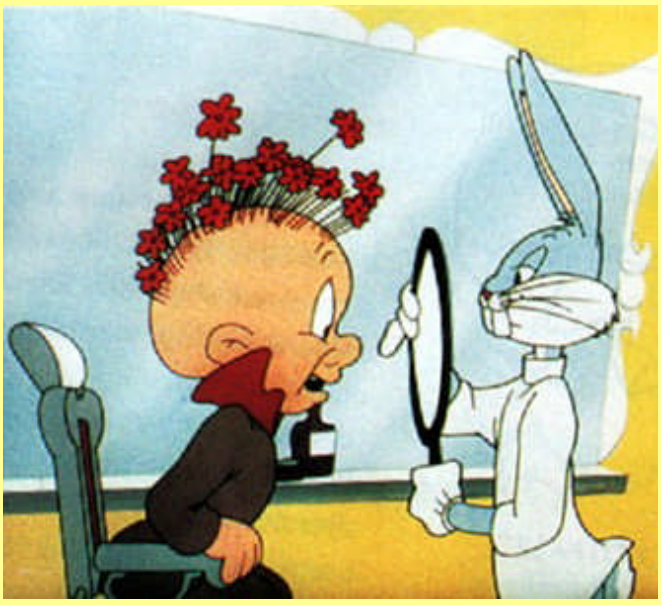
It seemed like the end of the line for the Family Court Guy.

On the morning of Wednesday, June 6, Acting Family Court Administrator John Jensen called me into a conference room at the courthouse and told me I was fired.

He didn't use that term, "fired"—He said, "The court will not contract with you."—but the meeting had all the hallmarks of a firing and certainly felt like it.

The funny thing was, I didn't even know that Jensen was my boss or that I could be fired. I had had no official interaction with him previously and I had no current business with the court.

I was an "independent family court observer." I came to court at my own initiative, on my own time and with my own meager resources. I was armed with Nevada law that said the courthouse and most hearings were open to the public. As whim directed me, I attended various proceedings in court, and from time to time I reported my observations on my website, FamilyCourtChronicles.com.



Bugs Bunny would never hurt anyone, but if you stick a gun down his rabbit hole, he's going to react.

For two years, I had been living a fragile subsistence existence to support this mission. Inspired by my visits to Third World countries and my readings on monastic life in the 15th Century, I managed to survive on a shoestring income. I was a modern Spartan warrior who owned little more than a laptop computer and a digital camera. I struggled mainly to pay the big health insurance bill for myself and my ex-family and to cough up the rent on a large air-conditioned storage unit where I worked and sometimes slept.

The one luxury of my ascetic

lifestyle was that no one could fire me or tell me what to do. That purity, however, was quickly slipping away.

About two months before my meeting with Jensen, I had completed an anonymous writing project for the court that I was actually paid for. It was a booklet entitled, "A Parent's Guide to Dependency Court." It described in very simple terms the legal process that parents go through when they are accused of abusing or neglecting their children. It was based loosely on a booklet I saw at a court in L.A. The idea was to make the process more transparent and less intimidating for people who had no experience in court. It would also save time for caseworkers and court officers who could hand the booklet to parents rather than explaining everything verbally.

When I received a county check for a project that I wanted to do anyway, it was an enormous boost to the morale of my entire staff: me, myself and I. This was the first time I had ever been paid for my writing. The real prospect loomed of not having to live on dollar burgers anymore but being able to afford the whole Big Mac combo.

The booklet was supervised by Gerald Hardcastle, the judge in charge of abuse/neglect cases, who had just left for vacation the day Jensen called me in. The booklet had gotten rave reviews. I had run it by the D.A., the Special Public Defender and other stakeholders to get their input, and everybody loved it.

Hopes Dashed

I made plans for a new proposal—a similar guide to Juvenile Justice. I had utopian dreams of a whole series of "User's Guides" that would clearly explain court processes to naïve and frightened litigants. The court certainly had no obligation to fund additional booklets, but virtually everyone in court agreed they would be useful. Since the first one was well-regarded, I thought similar proposals might at least be considered.

That changed when Jensen called me into the conference room. He said he had some good news and some bad news. The good news was that the dependency booklet was acceptable and would soon be distributed in the court. The bad news was that I could not be considered for any future booklets because "the judges" considered the content of my independent court website to be "disturbing."

It is important to note that my own website does not claim any official connection to the court. It is a project I do on my own time with my own resources, and it receives no funding or sanction from the court or county government. The dependency booklet was a separate project. It did not bear my name, and I did not mention it anywhere on my public website (which is still true, apart from this newsletter).

Jensen had a stack of printouts from my website in front of him, about a quarter-inch thick. Apparently, this was the evidence that had been used against me. Jensen allowed me to flip through the stack—an opportunity that is known in the legal world as "discovery." On top of the stack was an article I had posted only three days before, and below that was the next earlier article. Since I was talking to Jensen at the same time, I didn't have a chance to see what else was in the stack.

My interaction with Jensen was cordial. He seemed to be trying to break the news to me in a compassionate way. The judges, he made clear, had no argument whatsoever with my previous project. It was well executed. But their unanimous approval of this one project (at the February judge's meeting) in no way implied that they were obligated to approve another.

I agreed, but I said I didn't think approval was the issue. All I expected was to be able to prepare and present such a proposal and that it be fairly considered. The judges, being judges, would make up their own minds about the proposal based on the evidence in front of them.

Jensen's position, however, was firm and unambiguous, and I asked him questions to make sure I fully understood what he was saying. Because of the disturbing content of the printouts in front of him, no proposal of mine of any kind would ever be considered by the judges for funding at any time in the future, regardless of the project's independent merit or value to the public. Furthermore, if I obtained my own funding for the project and completed the booklets independently, the court would not permit them to be distributed in the courthouse.

This decision, Jensen said, was not a reflection in any way on my past performance in writing the dependency booklet. The sole reason that no future proposal would be considered from me was the "disturbing" content of my own private website.

Jensen pointed to the first article on the stack as the main thing that got the judges upset. The article was titled, "Showdown at Morro Bay," and you can still find it on my site. (It is Essay #92 in my Philosophy section.) This article mentions pedophilia in the first paragraph, and it included, at the time of the printout, three photos of adolescent girls. (Now, there is only one.)

I was stunned and disappointed. Jensen's clear implication was that the judges thought I was a pedophile or had those tendencies, even though, if you read the article and have a rudimentary grasp of irony, that's not what it is really saying.

I understood, however, that Jensen was only a middleman. He said that he was speaking on behalf of Chief Judge Art Ritchie and "the judges," who he did not otherwise specify.

I had some sympathy for Jensen because he was apparently just a messenger. Judge Ritchie was the most respected judge in Family Court. I had never talked to him myself, but he was held in high esteem by everyone I knew. If he had made this decision himself, then clearly my goose was cooked.

I thanked Jensen for the information. I said that I had been half expecting this and that I was surprised it hadn't happened earlier.

Jensen emphasized that I was not being physically barred from the courthouse. I had the same right to be here as any other citizen. I was only barred from all future work for the court, based on those disturbing web pages.

We seemed to part on friendly terms.

In the two years I had been hanging around Family Court, I had never before

received any flack or interference from anyone. People often disagreed with what I wrote, and some—like children's advocate attorney Steve Hiltz—passed me in the hallways like ghosts, but before now no one had made any effort to stop me or withdraw privileges based on what I had written.

I even threatened to blow up the courthouse once (Opinion #9). I virtually begged the bailiffs to arrest me. I told them the NRS statute to charge me under and I voluntarily "assumed the position" for handcuffing, but they only laughed at me.

Until now, it seemed that the judges themselves were hardly even aware of my website. I was friendly with some of them, but they were not "surfers." Now, I had apparently crossed an invisible line and stepped on somebody's toes. The powers-that-be apparently regarded me as a problem, and the firm hand of oppression had finally come down upon me.

After the brief meeting with Jensen, I went downstairs to the courtroom I had intended to visit, but my heart wasn't in it and I couldn't pay attention to the proceedings. This really seemed like the end. I wondered if this whole two-year project had really been worth anything. Maybe it was an unhealthy personal obsession that had gotten out of hand.

I had little to show for my two years except a huge website that hardly anyone visited. When I ran an Area 51 website in the 1990s, the main page alone got 60,000 hits a day. My whole Family Court website was getting merely 1,000 hits a day, only a tiny fraction of which were actual readers who spent more than a few seconds on a page.

I labored mainly for my own amusement, but poverty was running me down. No money was likely to come from this. The whole traditional industry of "writing" had pretty much collapsed since the advent of the internet. (Who would pay for words when you can get them for free?) My one hope for a temporary gig doing what I liked had just evaporated. I was comfortable with a Spartan lifestyle for myself, but a lack of money meant that I couldn't help others, like the kids I cared about. How long could I—and they—go on like this?

In the dark depths of depression and despair, I began to think the unthinkable: I would have to get a job.

That's when I broke from reality and my sanity began slipping away. Hanging out in a courthouse for so long had poisoned my mind. Wheels began turning inside my skull in a counterintuitive way. I began hearing voices and started arguing with myself. I gesticulated wildly, asked myself unanswerable questions and made bold accusations at people who weren't there. I took all conventional wisdom and flipped it upside down as I turned minuses into pluses and liabilities into assets. I began twisting and distorting the very fabric of reality to serve my own personal needs.

In other words, I began to think like a lawyer.

What authority did Jensen have to fire me? How did I know that he really represented Ritchie's wishes? If some judges were against me, could I know their names or at least how many of them there were? Was it a quorum of the judges or just one or two? How could 13 judges make a such complicated decision in such a short period of time?

I searched my mental lexicon and came up with the perfect name for what had just happened to me: I had been "blacklisted." Joe McCarthy and the banning of Hollywood writers instantly came to mind. What a wonderful marketing concept!

Decisions of the judges are usually made at the monthly judge's meeting, which is public and that I had often attended. The meeting in June had been cancelled, so technically there was no opportunity for the judges to have made any such decision about me. Furthermore, there were only two business days between the first release of the main offensive article and my meeting with Jensen. Anyone who knows the court knows you can't get much consensus from the judges in two months, let alone two days.

Within an hour or two, I was convinced that something was rotten. I seriously doubted that most of the judges were even aware of my allegedly offensive article, never mind being in agreement with Jensen on the actions to take. There simply wasn't enough time to canvas them all. Judge Ritchie, if he had indeed authorized Jensen to "fire" me, certainly wouldn't have approved of the naïve and foolish way that Jensen did it, which was basically a set-up for a First Amendment case.

Jensen never used the word "obscene" about my webpages, only "disturbing," but this was still a classic First Amendment situation: I was being denied the opportunity to do business with the government (or even *propose* business to government) based solely on what I had written or presented in an unrelated personal venue. Jensen had stated that the court had no issue whatsoever with the quality of my previous work, so my skills or performance were not in question. The sole reason that no future proposal of mine could be considered was the alleged objectionable content of a dossier that someone had secretly collected against me.

To a lawyer, the thought of obscenity evokes all sorts of voluptuous images of freedom of speech and validity of process. Who should determine what is obscene and what isn't? Should it be a panel of anonymous judges, meeting in secret and reviewing a distilled body of evidence divorced from its context? Should the author be allowed to participate in this trial and review the evidence against him?

To be fair, Jensen allowed me to glance through the dossier against me, but only for a few seconds and only after the decision had apparently already been made. Is this really adequate discovery?

Nearly every great work of literature has at some point been considered "obscene" or "disturbing." At what point does the alleged obscenity cross the threshold where political and economic decisions can be based on it?

I do not believe that any words I have written or any photos I have taken are obscene, but that's not really the issue in this case. The main question here is, what is the fair and valid process a court should you go through to reach this conclusion?

A Second Meeting

By mid-afternoon, I had decided to go back and see Jensen again. I had many questions for him. I wanted to know exactly what Ritchie's instructions were. I wanted to know how many judges had actually reviewed the printouts and found my work disturbing. Were there other people who had been permanently banned from proposals to the court, or was I the first? I could go on and on with my questions, and I had absolutely nothing to lose in asking them.

I told the receptionist that I wanted to speak with Jensen, and we met again in the same conference room. This meeting was *not* cordial. No voices were raised or expletives spoken, but Jensen was not going to answer my questions or engage in any form of debate. It was as though I had just been fired but had refused to go gracefully and had now rudely returned to appeal the decision. Jensen was not going to entertain any of it.

Jensen repeated that "The court will not contract with you." I told him I was not going to accept this decision. I don't recall what our parting words were, but he opened the door, gestured me out and said something to the effect of, "This meeting is over."

At that point, I didn't know how many judges were against me, if any at all. The only thing I knew for sure was that Jensen was an idiot.

I am a known figure in the court, and I am not exactly a wallflower about expressing my opinions. Jensen had previously acknowledged reading my newsletters, which include racy tabloid headlines and bold attacks on government-funded workers who I regard as incompetent. Historically, I am at my best when people or institutions try to suppress me. How could Jensen possibly believe that I would go away quietly?

If indeed I had become a political hot potato and the judges felt they needed to distance themselves from me, Jensen handled it in the stupidest way possible. No one with a brain would permanently and unconditionally ban someone from all future proposals; instead they would find a more delicate and lawyerly way to present it. Maybe they could delay the project due to "funding concerns" or some other false but plausible excuse.

Rather then attempting any subtlety, Jensen bulldozed straight ahead against the perceived enemy, me, and in the process gave me all the ammunition I needed for a bloody and extended P.R. war against court administration. In two short meetings, he laid out for me a fantastic buffet of free speech and due process issues, while totally removing any incentive for me to restrain myself.

I believe that Jensen is a very religious man. I don't mean this to refer to any specific religion. I don't know what he does on Sunday morning. It is more that he has a "religious attitude" which I detected nonverbally at our meetings and that I had experienced in other clashes with authority earlier in my life.

A "religious attitude" is a personality trait common to extremist zealots of any faith or political persuasion. I define it as a tendency to make broad and absolute moral judgments based on flimsy evidence, distorted logic and primarily the word of others. "Abortion is murder" and "All infidels must die," are the kind of absolutist statements you hear from zealots. A religious attitude allows you to join a crusade and fight fiercely on the front lines without personally understanding the logic of what you are fighting for.

Going into our meeting, Jensen seemed absolutely certain that my articles and photos were objectionable regardless of anything I might say and without honestly analyzing them himself. Even when our interaction was cordial, there was no room for negotiation or defense. Jensen knew without question what needed to be done, with the unwavering conviction and absolute self-assurance that only a blind zealot can have.

However, I did not believe that Jensen was responsible for the original complaint against me. A zealot like him may be fierce, but he cannot make the initial judgment that starts the crusade. Someone else has to provide him with programming. Someone had to put together that printed package of evidence against me. Someone had to wind up that big key in the middle of Jensen's back and start him going.

I couldn't imagine who this was. There was a judge or two who was a little off-center but none who had a known grudge against me. I had reported on many aspects of Family Court, but for the most part I have left the judges alone. I recognized that they were fallible humans who might or might not deserve to be there, but I had no great motivation to criticize any of them.

Working up a complaint against me in only two days required a significant amount of psychic energy from someone. Unless I had placed them at personal risk, most people wouldn't care enough about me to formulate an attack like this. Jensen and I never had a previous conflict, so the energy probably didn't start with him.

Regaining my balance over the next couple of days, I started sending emails, writing letters and formulating battle plans. I wrote a letter to Judge Ritchie recounting what Jensen had told me on his behalf and asking Ritchie if these were indeed his intentions. I was betting they weren't. Whatever instructions the chief judge may have issued, I assumed that they had been grossly distorted by Jensen.

Still, things didn't look good for my user guide proposal, which I hadn't even written yet. When the conflict level gets too high, the tendency of officials in any organization is to hunker down and avoid making any decisions at all. I could easily go to war with Jensen, but that wasn't going to give me an avenue for presenting my proposal. Whether my "blacklisting" was valid or not, my project seemed effectively dead because the organizational tension level had now gone through the roof.

A Helpful User

In emails to others, I spoke openly about quitting this game and going home to Boston. An anonymous user on my website seemed to concur. On Saturday, July 9, he (or she) posted a comment at the bottom of my Entity page: "Go Back to Boston. You are done here."

This user was probably right. I had given it two years, which was plenty to

spend on any non-revenue project. My hopes for funding hadn't materialized, and I had garnered little support or recognition outside the courthouse. Everything has to have its ending, and maybe this was as good as time as any.

"Go Back to Boston. You are done here."

The comment was signed, "I am who I am."

Who would write a comment like that? It implies both some animosity and some inside knowledge, but among the resident court staff, I didn't have many enemies.

What didn't make sense was the Boston reference, since my inclination to retreat there did not appear on my website, only in the emails I sent out to fairly trusted parties. The comment was almost gloating, like when the evil villain twirls his moustache and laughs that cackling laugh after tying poor Nell to the railroad tracks.

I meditated on the Boston comment during the course of an afternoon nap. Cartoon characters drifted through my head as I reviewed the usual suspects: Road Runner? No, he just wants to run down the highway going "Beep! Beep!" Wile E. Coyote? Maybe; he's got evil intent and plenty of useful products from Acme. Foghorn Leghorn? Daffy Duck? Yosemite Sam? Elmer Fudd?.... How do you find the culprit?

I was definitely the Bugs Bunny in this affair. Bugs is never the initial aggressor in any conflict—just like sweet, innocent me. He's a reactionary, not a revolutionary. Bugs just wants to be left alone to do his thing, but if someone sticks a gun down his rabbit hole, he's going to react. That's when you see what Bugs is made of and how self-destructive the other guy is. When Fudd pulls the trigger, you can be sure, one way or another, the bullet is going to come back and hit him in the rear.

In a Bugs Bunny frame of mind, I got up and went back to my computer.

Shhhhh! Be vewy vewy quiet. I'm hunting Elmer!

Tracing the Comment

Technically, I do not have the ability to track individual visitors to my website, nor do I usually have the inclination to. I have a program that provides hit statistics, but it only breaks down users by internet provider (IP). For example, all of Clark County Government, including both court-houses, falls under a single IP address: 198.200.132.69. I can tell when someone from the county has visited one of my web pages but usually not who among the county's 10,000 employees it is. I may glance at this activity occasionally, but with 1,000 hits a day, I don't have time to dwell on what my visitors are doing.

When someone posts a comment to one of my webpages, my software automatically records the date and time of the comment along with the IP address. I almost never look at this info even for negative comments, both because it is none of my business and because there aren't enough hours in the day.

The Boston comment, however, intrigued me on a number of levels, and the stakes were high enough to relieve me of any reticence. This user almost seemed to be reading my mind, or at least my mind of a couple days before. He was giving me relevant and useful advice that I could either accept or reject: Go Back to Boston. This user knew about my predicament, but I was sure the comment did not reflect the personality of anybody who I directly sent an email to. I knew all those people.

There was something immature in the tone of the message and in the nom de plume: "I am who I am." To me, the pseudonym conveyed a sense that in fact the user didn't know who he was.

By tracing the IP address, 68.224.41.92, I found the user came from a Cox Communications node in Las Vegas. Like the Clark County IP, this probably covered thousands of users—various homes and businesses in an unknown part of Las Vegas.

However, there was only a single user among those thousands who was actually looking at my site. I knew it was one user, not several, because most of the hits were chained together (one page leading to another page leading to another).

This user turned out to be one of the most active visitors who has ever browsed my site. Beginning at 10:49 pm on May 23, this user visited large swathes of both my Family Court website and my photography site, RoamingPhotos.com. He visited my court website almost every day between May 23 and June 9.

This pattern of activity was unusual. I have several dedicated readers who visit my site almost every day, but their pattern is more repetitive. Typically, a user will stumble on my family court site through Google, and if it is something they like, they might spend an hour there on their first or second visit. After that, fatigue sets in and they usually revert to a much lower level of activity. If they return to the site on a daily basis, it is usually because they have bookmarked the MediaStream page. They may look at new documents listed there, but they don't usually go beyond them. It may be weeks or months before they attempt to dive again into the massive body of archive material.

The Cox user's activity was broader, more constant and more motivated. Paradoxically, it was also more shallow. Sometimes, he visited the site in 2 or 3 separate sessions over the course of a day. He usually hit several pages during each visit, but he rarely dwelled for long on any one. In other words, he was looking at many pages superficially but not spending much time reading my work.

The hit activity conveyed the impression to me that this was someone who was obsessed with my website while not really being interested in its content. The activity could be described as a search pattern rather than the slower actions of a truly committed reader. You might also describe it as "lurking," as though he was hanging around waiting for something to happen.

At 10:26 pm on June 3, the Cox user discovered the new philosophy article I had just uploaded and was still editing: "Showdown at Morro Bay." He subsequently returned to this article 15 times over the course of the next week

On Saturday, June 9, the day he posted the "Go Back to Boston" comment, he visited my website in four separate sessions, beginning at 10:22am, 1:56pm, 5:03pm and 9:47pm.

Could there be some agitation in this activity? Remember that I was "fired" by Jensen on Wednesday, June 6. By Friday, June 8, I was already making a lot of noise about it. On Saturday, the Cox user was preoccupied with my website virtually all day. At 1:57pm, he posted the "Go Back to Boston" comment, and later that afternoon he visited the Morro Bay article four more times.

I believe this is the user who brought the article to the attention of John Jensen on June 4 or 5 and who whipped up Jensen's moral outrage.

The printed version of the article that Jensen showed me was a very early draft, probably printed late on Sunday June 3 or early Monday June 4. (I could have checked the bottom of the page for the printing date, but I didn't have long enough to look at it.) I knew instantly that this was a draft version because it included three photographs that I subsequently removed. (We'll talk about those photos later.) The number of users who saw the article on Sunday was very small and mostly out-of-state. Apart from the Cox user, all those visitors hit the page once and didn't return to it.

This article was a very popular one on the county IP on Monday and Tuesday. I was flattered by this activity, because—perhaps naively—I thought this article was one of the best I had ever written. Of course, due to the density of activity on the county IP, I had no idea exactly who was visiting the page and whether they were friend or foe. However, one county user did rate the essay as a "5", which means "One of the best things I have ever read."

Based on his activity, I believe the Cox user was a court regular and was the source of the printout that Jensen had in front of him. This was the person who was somehow motivated enough to research and assemble the package of evidence against me, using a substantial amount of his own free time.

Who would revisit an article 15 times? Even if you love it, you are only going to reread it maybe once or twice. You would return to the article repeatedly over multiple days only if you had some personal stake in its status—like if you made a complaint about it and you were worried that the article would change and your complaint would be rendered invalid.

So now I had a smoking gun. I knew that the initial complaint against me was generated by a Las Vegas Cox user who was lurking on my website for 10 days looking for something. Whatever he was searching for, the "Showdown at Morro Bay" article obviously fit the bill. As soon as I uploaded it in draft form, he jumped on it, then he obsessed over it for the entire following week.

Identity Revealed

So who was this lurking internet user collecting evidence against me? He was juvenile hearing master Stephen Compan on his home computer.

(A hearing master isn't technically a judge but he looks and acts like one in relatively minor matters like juvenile crime. He is hired instead of elected and his decisions are subject to review by an elected judge.)

In legal terms, I think I can prove this identification by a "preponderance of evidence" but not "beyond a reasonable doubt." The evidence here wouldn't convict Compan in criminal proceedings, because there might have been thousands of other users on that Cox node, but it would probably be sufficient proof for civil proceedings. I contend that the lesser standard is adequate for Family Court Chronicles. After all, Compan himself can always deny this activity. If he does, I will certainly give him space for that response.

I knew the Cox user was Compan because he repeatedly accessed my website by Googling "stephen compan." (My hit logs show the web page that a user is referred from.) Furthermore, this user returned nearly every day to my own generic "Stephen Compan" page—as though he was expecting me to post something bad there. Who else but Stephen Compan would be that obsessed with Stephen Compan?

Once I knew who the Cox user was, everything else fell into place.

The Underlying Conflict

On May 17, about three weeks before my encounter with Jensen, I wrote a private email critical of juvenile hearing master Stephen Compan. I sent it to the head juvenile Public Defender and the head juvenile District Attorney. It started:

Susan and Teresa --

This is a one-way communication. I don't expect either of you to respond in any direct way, but maybe you can nudge me back to center if I have gone off the deep end.

I have grave misgivings about the quality of Process in Steve Compan's courtroom.

I went on to describe "four fairly concrete procedural defects" in Compan's courtroom behavior. I said that he (1) "continuously interrupts the closing arguments of both the State and the Defense," (2) "issues verdicts that appear arbitrary," (3) "unnecessarily yells at, browbeats and humiliates adjudicated youth and sometimes even lawyers," and (4) "reveals far too much of his personal life when lecturing each adjudicated kid."

I said: "Beyond these four points, I have many misgivings about Compan's overall judgment, maturity and judicial temperament. I seriously doubt he would have got this job without [Judge Steven] Jones juicing him in, and I think his personality is inappropriate for it."

I didn't mark the email as confidential, and I expected it to be discussed within each department, but I didn't anticipate the extent that it would be forwarded around juvenile court. Around May 22, someone gave the email to Compan himself.

On May 23, I visited Compan's courtroom as an observer during a routine morning calendar. Unaware that the email had been leaked to him, I approached his bench after the cases had finished. I wanted to make an appointment with him so I could directly express the concerns outlined in my email. When I asked to meet with him, he said, "No." He then started yelling at me for the email. He said that I wasn't his boss; the judges were. He then ordered me out of his courtroom.

I was not upset by this. Although I hadn't expected him to receive the email, it was okay to me that he did. At least my concerns had now been expressed to him, and he had a fair chance to remedy them. I felt at that point that my mission was done. The matter was now in Compan's own hands.

That same evening, May 23, Compan began his search of the internet for damaging information to use against me.

Is this the appropriate way for a judicial employee—one who is passing judgment every day on the actions of others—to respond to legitimate criticism?

According to courthouse rumor, which I believe is accurate, after Compan found the Morro Bay article, he told people in his courtroom that he was going to use it against me.

The Morro Bay article may be a threat to the morals of the court, but is this the appropriate way for it to come to the court's attention? For 10 days prior to the article's existence, Compan had been actively searching for evidence against me. On June 3, he found what he was looking for, within hours of its creation, before it had even had a chance to offend anyone else. Is this really an honest investigation to protect the court and public, or is it an out-of-control prosecutor with a personal grudge trying desperately to find evidence against his enemy?

In my May 17 email, I said that I planned to write to Compan about his behavior. I said: "I was ready to write the letter last night, but the cooler side of my brain prevailed, and I have now decided to wait a few weeks. As you might have surmised, I don't shy away from this kind of battle. However, I also have a practical consideration: My juvenile justice booklet hasn't yet been approved by the judges, and if I shake things up too much right now, I might jinx the deal."

Armed with this information, Compan then set out to deliberately sabotage me in exactly the area where he now knew I was vulnerable.

Wouldn't it have been easier just to address the concerns in my email?

A Legacy of Jones

Judge Steven Jones is a very generous man. He used to be the powerful chief judge of Family Court until he was brought down to earth by an unsubstantiated domestic violence charge last summer. As chief judge, Jones did not hesitate to help out his friends. When a relative needed assistance with a real estate deal in 2003, Jones stepped in. He let the relative use his judicial chambers and his implied personal endorsement. (*Review-Journal*, 7/12/06.) If the relative, Thomas Cecrle, had a criminal record and later defaulted on the deal, it wasn't Jones fault. The point is, he's a generous man who likes to help people.

In 2004, when a hearing master with a long history of mediocre performance was at risk of losing her job for making a juvenile defendant disrobe in court, Jones was generous enough to give her a second chance. Thanks to Jones, Sylvia Beller is still with us as a hearing master for child support. Three months after Jones' decision not to fire her, he received $4500 in campaign contributions from her husband. (*Review-Journal*, 8/13/06) Was this a payoff, or was the husband merely expressing his gratitude for Jones' generosity?

Around 2001, when Jones' best friend, Stephen Compan, was facing tough times, Jones got him a ~$100k/year job as a juvenile hearing master.

I don't know the exact circumstances of Compan's hiring, because it didn't make the newspapers. What is apparent, however, is that Compan had little background in juvenile justice. His primary qualification for the job appears to have been his special relationship with Jones.

I would like to know how many other candidates were considered for this position. Who reviewed the candidates and made the selection? Were Compan's skills clearly superior of those of the other candidates? I confess that I don't know for a fact that Compan was unfairly chosen, because I wasn't active in the courthouse at the time. Maybe he was the best qualified candidate who just happened to be a friend of Jones.

However, I was active in 2006 during Jones' dramatic fall from grace. Jones lost his position as chief judge (but not his job as judge, which he still holds) after being accused of throwing his live-in girlfriend against a wall. The charge turned out to be bogus and was deliberately fabricated by the girlfriend. However, the incident itself wasn't as interesting as the behavioral patterns revealed at trial.

I was the only journalist or observer who attended both of Jones' domestic violence trials. There was a Family Court trial in June to determine if a Temporary Protective Order (TPO) was needed. After a full-day trial and apparently credible testimony against Jones by his girlfriend, the visiting judge sided with Jones and the TPO was denied. In September, there was a trial in municipal court on the underlying domestic violence charge. After two days of testimony and a total recantation by the girlfriend, that criminal charge was dismissed.

In my view, the testimony at these trials showed Jones completely innocent of domestic violence but habitually guilty of abusing his official power. He used it to get privileges for himself and jobs for his unqualified friends.

In Feb. 2000, when Jones met a waitress he liked on the staff at Hooters (the restaurant, not the casino, which didn't yet exist), he had his bailiff contact her to set up a date for him. (The bailiff told her something to the effect of, "A very important judge would like to meet you.") Within three months, she was living with Jones and quit her job at Hooters.

It seemed like a classic White-Knight-meets-Cinderella fairytale, and maybe they should have lived happily ever after, but things didn't turn out quite that way. The ex-Hooters girl seemed to chafe under Jones' benevolent protection. She lapsed into alcoholism. She seemed to lack identity and direction, which at least she had at Hooters.

To try to remedy this problem, Chief Judge Jones—generous man that he is—got her a job in his courthouse. She became a fill-in Judicial Executive Assistant (JEA), which is the chief secretary to a judge.

At the TPO trial, the girlfriend spoke with great pride about her job. At the later criminal trial, it was revealed that she was often too drunk to go to work, and her attendance was spotty at best. Although, she may not have worked for Jones directly, she certainly would not have had obtained or retained the position without the active generosity of her Big Daddy.

The girlfriend's drug of choice was vodka, and at the second trial she acknowledged drinking three fifths of it prior to the alleged domestic violence. She had started drinking in the morning at her "job" at Family Court, which she attended for only a couple of hours. By late afternoon, she was wailing on Jones at home for all his perceived defects. Yes, it was domestic abuse, but it was the petite Hooters girl beating on the linebacker-size Jones, who was nearly powerless to defend himself.

Jones retreated to his bedroom upstairs, but his girlfriend followed him and wedged herself in the door as he tried to close it. He pried her fingers from the door jam and pushed her away with the minimum force necessary to allow him to close the door. She crumpled in the hallway from her own drunkenness. "It's on, fucker!" she yelled. "911!" She then made her way downstairs where she dialed that sacred number. She instantly thought better of it, however, and hung up.

That's when panic set in. She knew the police would be coming even if she hadn't said anything. They had been to this house many times before. It may have been the vodka thinking for her, but she made a fateful decision: Before the police arrived, she set about deliberately injuring herself to get Jones in trouble.

With Jones still locked in his room, she rubbed her own face violently against the carpet until she vomited from the pain. She thumbed herself around the eye socket to try to give herself a black eye. She went to the kitchen and ate some sharp cheddar cheese to hide the smell of alcohol. (It had to be *sharp* cheddar, she emphasized at trial; other kinds wouldn't work.) Then she sat downstairs and waited for the police.

Jones wasn't even a Bugs Bunny in this affair. He didn't react, he only withdrew as best he could from his girlfriend's drunken aggression. He did nothing criminally wrong in this incident, but in another sense he created the whole milieu.

The only trouble with setting yourself up as a White Knight or a god is you can never be perfect enough for the people you are serving. They pray to you, curse you, make sacrifices to you and expect you to save them instead of trying to save themselves. Sometimes they demand that the god repair things that no god can be expected to address, like problems of missing purpose that are inside themselves.

I think the girlfriend would have been better off emotionally if she had stayed at Hooters. Everyone likes to be generous, but too much generosity can disrupt the natural ecology and equilibrium of people's identity. If you feed the pigeons in a city park, they may be grateful, but over time they will become dependent on you, will take you for granted and will probably be discouraged from defining their own place in the world.

The Missing Process

What was lost in all of Jones' generosity was "process." Process is what the court system is built on. Whenever you face a problem, there is supposed to be a process you go through to reach a resolution. A trial is one kind of process. One party or the other may not like the outcome, but the important thing is for the trial to be seen as fair. If the process is valid, then you can't argue with the outcome.

Likewise, there is a process for choosing judges: They are elected by the people. You may not approve of this form of selection, but that's the process currently defined in Nevada law. The process would be illegitimate if we found that a judicial election had been rigged. In that case, all of that judge's subsequent rulings would be called into doubt.

There is also a process for selecting hearing masters. Supposedly, they are chosen for their skills, experience and competence. An employment ad is published. A number of candidates are interviewed and a committee without any personal connection to the candidates makes a recommendation. That is the legitimate process that permits us to claim we have chosen the "best" candidate.

If you short-circuit the process and the job goes to the best friend of the chief judge, there is plenty of room for doubt. This could in fact be the best candidate, but how do we know? At the least, the candidate has a huge burden to prove himself and much cause for humility.

Short circuiting any process may be convenient right now, but it can have dire long-term effects.

A JEA is the top of the heap in the court secretarial world. Some people work for years to achieve that level of responsibility, but Jones promoted his girlfriend there directly from Hooters without the bother of all the intermediate steps. What message does this send to other present and aspiring JEA's? At the least it says: Sleep with the judge if you want to get ahead. It cheapens their profession and makes a mockery of the difficult process everyone else has to go through.

Furthermore, when you bypass the intermediate steps, are you really getting the best JEA or hearing master for the money? The real risk when people are appointed by nepotism or patronage is that you get stuck with somebody of insufficient experience and inappropriate temperament who simply isn't suited to the job.

No selection process is perfect and every judge and hearing master (and family court observer) has their flaws. For example, juvenile hearing master Thomas Leeds, in the courtroom next to Compan's, has a long way to go in the entertainment department. Do you know what it is like to sit in on his juvenile hearings? Boring! His rulings today are exactly the same as his rulings on the same issues yesterday and six months ago. Day in, day out, it's the same routine.

Unfortunately, that's what the law is all about.

Compan's hearings, however, are always entertaining, because you never know from one day to the next what mood he'll be in. Several attorneys

have mentioned this to me: He is calm one day and a tyrant the next, and his demeanor changes when I or a member of the press is in the courtroom. Compan makes very few references to the law, and he doesn't clearly explain his rulings. Instead, the observer has the distinct impression that Compan is ruling based on however he feels at the moment, somehow believing that "judicial discretion" and the power of his position give him the right to do anything he wants.

While Leeds is predictable, Compan is not. This makes it extremely difficult for either side to prepare a case for trial, because the best case in the world might not win you anything. Compan won't even permit closing arguments; he feels, instead, that he needs to interrupt them and assert himself at every opportunity.

What is the point in either side preparing any case at all? Why not skip the evidence and the law and just throw the dice?

The Article

So what should we say about that article that lead to my blacklisting: "Showdown at Morro Bay"? Is it "disturbing" or "obscene"? Does it reflect bad judgment on my part? Is its content objectionable enough that the administration should exclude me from all future business proposals to the judges?

The article is still on my website—#92 in the Philosophy section—so you are free to decide for yourself.

There have been some changes to the text since the article was first printed by Compan, but they were minor. I might have changed words, added or removed sentences and fixed typos. I didn't keep track of my changes because I wasn't expecting an inquisition. There were no significant changes to the structure and overall content of the piece. I essentially wrote it in a single draft, then diddled with the details thereafter.

The article tells the true story of my trip to the ocean with two adolescent girls and the power struggles we had along the way. I am proud of this article and think it will stand the test of time. I am pleased with both the literary work and my handling of the conflicts described. If I had it to do again, the only thing I might change would be to travel with more documentation, but I'm not even too concerned about that. Interacting with adolescents is always a survivalist adventure. There are going to be unexpected crises along the way and you have to learn to deal with them on the fly.

I considered the expedition a great success, and I would do it again. The thing you have to realize about these girls—and most kids who pass through Family Court—is that the chaos level of their home lives is high and trauma is the norm. I don't have to be too concerned with subtleties on a trip like this; just having everyone survive with no permanent physical injuries is accomplishment enough.

The principle cause of juvenile crime is the absence of effective parents in the lives of adolescents. Most of these kids are basically left to raise themselves with little real guidance. The article describes my own limited attempt to step in as a parent. Yes, it can be messy. Sometimes, you have to get down in the dirt and engage in guerilla combat with the person you are trying to protect. Hopefully you don't have to do it often, but sometimes you have to stop making threats and actually use your weapons. Raising children can be war, and you have to be up for it or the little buggers will walk all over you.

It is ironic that Compan chose this specific article to discredit me with. He is supposed to be a juvenile justice authority, issuing verdicts and guiding the lives of troubled young people. It is obvious, however, that he has never actually dealt with adolescents personally. If he had, my own experiences might not have seemed so troubling to him.

The Disturbing Photo

The printed article that was shown to me by Jensen included three photographs from the expedition. Only one of them is still present in the online article. It shows a distant view of two unidentifiable girls on the beach. One of them is splashing in the waves and the other is standing on shore apparently talking on her cellphone—just as I describe in the article.

Another photo, which I decided to remove, showed the two girls locked inside our rental car with me obviously locked outside, as I also describe in the article. I removed both this photo and the third one because the girls were too identifiable.

The third photo showed a girl in a bathing suit on a lifeguard tower. She is posed on one knee above the big words, "KEEP OFF." Her mop of hair obscures most of her face, revealing only her Cheshire smile.

Jensen specifically pointed to this photo as being "disturbing" to "the judges."

You have to work hard to make it so.

My intention in taking the photo was to illustrate a real element of this girl's personality. The unoccupied lifeguard tower had "KEEP OFF" plastered all over it, but the girl climbed it anyway. She is obviously one who has little respect for rules.

If you are in a prurient frame of mind, however, maybe you'll see an underage girl in a form-fitting bathing suit and a provocative pose, poised above the suggestive words, "KEEP OFF," as though she was some kind of forbidden fruit.

I didn't see any sexual connotation at the time I took the photo or when I first posted it. I respectfully suggest that any prurient content is not in the eye of the photographer or in the scene in front of him but in the minds of a web lurker who is specifically searching for pornographic imagery and a zealous court administrator who is following his orders.

My two active websites are massive. On RoamingPhotos.com, there are close to 4000 photos, all of them taken and edited by me within the past year and a half. On FamilyCourtChronicles.com, there a couple hundred more photos, plus 93 philosophy articles, 24 newsletters and hundreds of other miscellaneous documents authored by me. On my inactive archive websites, you'll find literally thousands of additional documents I wrote in previous years. I'm a writin' and picture takin' fool! No human but me has been through it all, and even I couldn't

tolerate repeating the exercise.

When there is essentially an infinite number of documents and photographs to choose from, and someone with a grudge goes through my oeuvre to pick out disturbing material, is the final dossier really a reflection of my own inner world or that of the person who made the selection?

The Court Process

Every month, the judges at Family Court have a meeting, which is usually pretty boring. Matters of court administration are brought before them, and the judges vote.

If I am truly to be banned for life from all future proposals to the court, that would seem to be the proper process for such a decision to be made. The judges, being judges, are familiar with this sort of thing: Evidence is presented and arguments are made, then the bench makes a decision.

There are always zealots who, in their quest to "protect" others, want to bypass the established process. It happened during the Red scares of the 1950s: The Communist threat was seen as so dire and menacing that the usual Constitutional processes could be suspended. Blacklisting resulted.

I feel proud to tie myself to that wonderful imagery, and I have Acting Family Court Administrator John Jensen to thank for it. Do you know he's in the running to become the real Family Court Administrator? I understand the decision is coming close to the wire even as we speak.

You know who I'm rooting for? Jensen! He will guarantee fabulous material to Family Court Chronicles for years to come. He will entertain our readers as we dog his every inevitable misstep. He will join Steve Hiltz as an inexhaustible comic resource.

Appeal for Work

In the meantime, I'm looking for work. After considering Compan's advice, I have decided not to go back to Boston. No, sir, I am not "done here." I have created this cartoon character, Family Court Guy, and I have an obligation to put him through a few more episodes.

But I'm still having trouble making ends meet. Short of an actual "job," which probably doesn't match my constitution, I am perfectly capable of doing "work" of any kind on an ad-hoc basis for anyone who needs me.

Maybe my longer-term specialty could be something along the lines of "Combat Babysitter." I could address urgent family and household needs of any kind, from transportation and simple babysitting to high-level "wraparound" services. Kids out of control? Maybe I can help. At least I can hold down the fort while you and the Mrs. take a well-earned vacation.

Reasonable rates. Discretion and confidentiality guaranteed.

Think about it. 812-0400

—G.C.

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