

## JUDICIAL DISCRETION

# THE REAL DEL VECCHIO DAMAGE

*It isn't abuse of his staff that we need to worry about, but abuse of his litigants.*

BY GLENN CAMPBELL

If we weren't already suffering from Halverson fatigue, the formal ethics complaint against Judge Nicholas Del Vecchio would make fascinating reading. Here's yet another elected judge crudely abusing his/her staff in every conceivable way. The only essential difference is that Halverson was caught early, while Del Vecchio has been doing it for years.

I won't bother to say "allegedly" anymore. The complaints against both judges come from so many sources that I don't seriously question their veracity

These judges are typical sociopaths: people who were abused as children and who grew up with an irrational and often self-destructive urge to abuse others. None of the reported improprieties really gained them anything. These weren't clever Machiavellians coolly manipul-

ing others to achieve world domination; they were hurt little children in grown-up bodies who were suddenly given too much power. Without supervision, they naturally used that power to try to fill the bottomless void inside them.

It was easy for them to become judges because they never had to prove their competence. They only had to get elected.

Del Vecchio was a tad more clever in being able to present a charming exterior when he wanted to—to the press and to people he perceived as powerful. This gave him a longer half-life than Halverson and probably resulted in much greater damage to the public.

While the formal complaint against Del Vecchio focuses on abuse of his staff, I have deeper concerns. What about the job he was hired to do?

I feel comfortable saying aloud what the complaint only hints at. In the seven years he has been on the bench, many or most of his rulings were deeply prejudiced. They were based not on the merits of the case or the interests of children but on his own petty emotional needs.

Instead of ruling on the evidence in front of him, he routinely based his custody and procedural decisions on

which lawyer had taken him to lunch, which one had donated to his election campaign and which one he had a grudge against.

He had a bias against "old" lawyers—those with more experience and prestige than he ever had. He favored, however, lawyers from his former organization, Equal Rights for Divorced Fathers, which he kept in active contact with after becoming judge. They usually got what they wanted in his courtroom.

With his pro-father bias, women often got the short end of his decisions. That is, unless one was good-looking and provocatively dressed, in which case the father bias was easily overruled. As the story goes, divorce attorneys quickly got wise to this and encouraged their female clients to dress accordingly.

Can I prove these biases in court? Unfortunately, it would be difficult.

Every judge has a degree of "judicial discretion." This is his right to rule any way he damn well pleases within the boundaries of the law. Custody decisions are generally a matter of judicial discretion, since there is no simple formula for deciding who is the better parent. You just have to have faith in the judge's wisdom.

I suspect that a lot of children have been forced into destructive custody arrangements by Del Vecchio's biases, but this is hard to prove in any specific case. It's like proving your cancer was caused by the power lines over your house and not by natural means. Without reading a judge's mind, bias can only be inferred by his other words and actions.

The formal complaint contains plenty of this circumstantial evidence, but I propose a simpler standard: The Free Lunch Test. In seven years of lunches, how many of them were bought for him by lawyers?

This is perhaps the saddest of the allegations against Del Vecchio: his insistence that lawyers who wanted his favor had to buy him lunch. It reveals the desperation of a hurt little boy who thinks he can get positive attention only by coercing it from others.

—G.C.