

## MY INTERPRETATION AND ANALYSIS OF THE PhD THESIS:

### Structural Violence in the NH Family Court System: An Autoethnographic Exploration

**Systemic Violence** in the NH Family Division was documented and analyzed well enough to get one person a PhD about the matter - based on her experiences in a NH divorce. She identified various themes in the scientific analysis of her own case. She said:

#### Systemic Violence

"Theme 1. **Structural, cultural and direct violence** is prevalent throughout the majority of the data, emerging as the number one theme.

2. **Judicial power** maintains a strong presence throughout the data, including a negative impact on parents, children, their relationships, and culture.

Theme 3. **High rates of harm and injustice** are present throughout the majority of the data followed by **judicial abuse**.

#### **Public Policy**

Theme 4. The instances where **judicial discretion** is applied are closely related to the instances of **oppression, dominance, and control** throughout the data.

Theme 5. The occurrences of **judicial discretion** within the data closely align with **leverage points** which were identified throughout the data.

#### **Impact on Parents, Children, and Culture**

Theme 6. **Marginalization, socioeconomic disadvantage, deprivation**, jeopardized welfare of parents and children exist within the data, negatively affecting parents, children, and culture.

Theme 7. **Conflict escalates** and continues in proximity to the **denial of reality, reality denied and financial damage.**

Theme 8. **Adverse childhood experiences** due to judicial decision-making in the New Hampshire family court **negatively impact children, parents, and culture.**

Emphasis added. From the thesis.

“Denial of reality” by the way, describes “gaslighting,” a well studied behavior of narcissistic abusers.

Among the conclusions of the thesis is basically this: Judges compensated on a per diem basis are basically churning the cases - creating chaos in the context of the case for more money – more money for them, more money for their friends, prolonging what should be no more than a few months-long divorce proceeding into a years-long abusive control of one party to the litigation, abusive control of her life by the judge, causing poverty and psychological harm for women and children. [They can be men.]

“The findings further indicate questionable practices and ethical issues leading to adverse outcomes for parents and children embroiled in the judicial decision-making process need to be investigated to alleviate the negative impact of judicial decision-making on parents, children and our culture.” Id.

## **LEGAL ANALYSIS, INCORPORATING INFORMATION ABOUT DOMESTIC ABUSERS**

Based on a lot of new research about domestic violence over the last quarter century, and her own analysis her themes point toward to the very lay conclusion I have also come to recently, namely :

that the judge in her case probably had a "cluster B" personality disorder. In my words, and based on my own lay knowledge after probably hundreds of hours of research on the topic of narcissistic abuse, the judge himself is an **abuser of women**, an **abuser of**

**children**, and an **abuser of power**. He sided in virtually every decision with the abuser, often making rulings that violated the limits of his judicial authority in the case, violated her constitutional right, as well as committed crimes under NH law. Had he been related to her or in a relationship with her – his behavior fit into the NH definition of “domestic abuse.” Repeatedly, and over a period of many years, his behavior devastated the life of the PhD candidate (now a PhD).

My other conclusion **and** that of the PhD candidate was that his decisions financially benefited his friends, certainly not the mother or the children. The GAL, the lawyers involved in the case all were paid far more than is justifiable under the circumstances. **Although statutorily authorized in NH, in my mind, that includes GAL's. The entire concept of Guardians ad Litem shifts the blame to a third party for the judges' illegal abuse of power in making custody decisions.**

## **MY THEORY ABOUT WHY THIS IS HAPPENING IN THE FAMILY DIVISION**

Much research has shown that narcissists have a high incidence of narcissistic abuse. **They tend to do well in their careers. They are likely disproportionately over-represented in the judiciary.** They tend to have a grandiose sense of their own self-importance, lie, gaslight, control, and need constant praise and attention. It does not explain everything. There are [different varieties of narcissists](#), and not all present that way. Some present as victims. They are called “covert narcissists.” Normal (non-narcissistic) judges can be fooled by any narcissist, but narcissistic judges identify with them, side with them, and join in the fun of abusing the other party. For money.

Narcissistic abusive parents can present to the family court playing the role of victim and alleging parental alienation, and some NH family courts have been happy to assist them by facilitating years-long judicial abuse of mother and child(ren), prolonging those cases for years, unconstitutional interfering with decisions of fit parents. The result is devastating consequences for the victims of narcissistic abuse and their children, with “structural violence”

perpetrated by the judges sitting on the case. I will write an entirely separate page about parental alienation, but know that the National Council of Juvenile and Family Court Judges recommends not permitting it into evidence or striking it from the record because the theory does not pass the Daubert / Kumho standard. Parents in Nh are being impoverished by courts ordering “reunification therapy,” not covered by insurance because it is unethical for psychologists in NH to engage in it. If they don’t cooperate, judges give the children to an abusive father.

My own theory is that abusive judges not only prolong the cases to line their own pockets and those of their friends, not infrequently to the point of devastating the lives of victims of narcissistic abuse. I am aware of far more than one case like the one described in the thesis. In another document recently in a case I was involved with before I retired, parental alienation was alleged in two different courts with two different judges. Because neither judge refused to schedule a trial over a period of YEARS until the parents coughed up the funds to line the pockets of the judges' friends for “evaluations” - not even permitted under statute or NH discovery rules - the case has dragged on for over five years. The judge summarily - and after entirely losing subject matter jurisdiction to do so - gave the abuser legal custody after the victim mother quit the game by removing herself from the jurisdiction of NH, leaving all parties living in places other than NH.

She had figured out the scheme a little differently. As denial of due process. The judge wouldn't even hear the case unless he got to pick his own witnesses. Both judges involved have thrown party witnesses out of their courtrooms and refused to let them testify in other cases. That behavior goes well beyond “abuse of discretion.” It is a fundamental denial of due process. And the “Professional Evaluators” that the judge picked were going to assist him in abusing mother/victim for years more to come. Still in legal limbo. NH does have a statute that says he can order counseling taking insurance into consideration. It is not intended to be used as a means of discovery by the non-party-to- the-case-judge, but upon final order, after a trial if the judge thinks it would be helpful. The statute is intended to help families, not hurt them. NH Judges should have zero ability to pick their own evaluators, Guardians ad Litem or anyone outside in cases. It is the parties' duty to pick witnesses and present the case to the judge.

The Complex Case docket has been recently dissolved when it was pointed out to others in NH government that divorce and custody matters are point-in-time determinations. There is little need to prolong a family law matter more than the few months it takes for parents and parties to do discovery and try even a high conflict case. Judges should be using

their power and authority to make a calendar with deadlines, enforce discovery rules, sanction parties that don't comply with discovery in a timely fashion, finalize the case with an uneven distribution of assets (for noncompliance with discovery if necessary), and enforce child support, as is written in the statute. Some ignore that duty altogether; instead they financially abuse the parent needing support, and it's called "judicial discretion." It is not. They are impoverishing women and children and it is **judicial abuse of women, judicial abuse of children, and judicial abuse of power.**

My very lay conclusion, based on studying and hearing about hundreds of case outcomes over the years is this: there are many, many NH judges throughout the NH court system that meet the qualifications of "narcissist abuser." Unconstitutional parts of the child custody statutes and child protection statutes give them cover to violate fundamental parental rights for years. They transfer at times the bulk of the marital estate to their friends in the process. They also trample the rights of non-custodial parents in DCYF cases.

Judicial discretion must be reined in so they stop harming families. Judicial immunity has to go. Completely eliminating judicial immunity when they fail to follow the plain wording of the NH statutes and where the statutes are unconstitutional on their face make decisions based on judicial discretion would go a long way to right some of the wrongs of abusive judges. Something also has to be done to keep abusers away from the Family Court benches. I would recommend that the governor and executive council demand psychological evaluations prior to appointment of judges to weed out abusers.

I am aware as of the writing of this page in June of 2020 of two different NH Family Division judges in different corners of the state abusing their power by failing to enforce felony level child support arrearages in two different Family Divisions. One judge has been removed from the case. The new judge in that case is entirely unaware of the felony-level non-support - because no parties live in the state and the mother refuses to recognize the jurisdiction of the NH Court. **Felony child support does not require a judicial order. A parent has the absolute duty to support a child.** Many more problems with that case.

Using the now well-studied traits of narcissism, the effects of those traits need to be added to the definition of "domestic abuse."

A good place to learn and understand about narcissistic abuse is a youtube channel called [Dr. Ramani](#). Her videos are short, she has clear explanations lay people can easily understand.

## JUDICIAL INTERFERENCE WITH CONSTITUTIONALLY PROTECTED FREEDOM OF MOVEMENT, DESCRIBED IN THESIS.

,[Freedom of movement](#) has been judicially recognized as a fundamental Constitutional right for 150 years now. In *Paul v. Virginia*, 75 U.S. 168 (1869). It is the reason bail hearings are pretty much mandated on the first business day after an arrest in the criminal system.

RSA 461-A:12 states “A parent shall not relocate a child without a court order unless relocation is necessary to protect the safety of the parent or child, or both.” **Unconstitutional** on its face.

RSA 461-A:12 permits a judge in NH to interfere with freedom of movement prohibited not only by the constitution, but by the NH criminal definition of “interference with freedom” under criminal code RSA 633. The definition of “domestic violence” in NH RSA 170-B incorporates the criminal definition of RSA 633 into “domestic violence.” Interference with freedom as defined by the criminal code. Giving the judges the “discretionary” power to deny constitutional rights, to commit crimes, and abuse people under the definition of “domestic violence” only serves to facilitate and enable structural violence and corruption in the court - and it does so with complete judicial immunity. To the extent that the NH Supreme Court has rejected this woman's multiple appeals on the matter, it shows they are part of the problem as well.

My personal opinion is that current configuration of the judiciary gives the court the motivation to protect the **APPEARANCE of the moral authority and dignity of the court. No one in power cares about or is protecting the ACTUAL moral authority and dignity of the court. They do it by controlling the outcome of the case at the trial level. My experience has been that the NH Supreme Court either dismisses an appeal altogether on a technicality if the errors are egregious enough, or simply does not mention them in an opinion.**

The current system gives the judges free license to commit “structural violence” against women and and children and get away with it under the guise of “judicial discretion.” Discretion has limits. When a statute is facially unconstitutional - as **RSA 461-A:12 was, and it was the major point of litigation. Moreover, it was the major method of the power of**

**the judge to control her, causing inability of the woman to work for a multi-year divorce proceeding.** Her money, intended to be spent on acquiring a PhD, was instead transferred to the court, the father in fines and attorney fees, the Guardian ad Litem, and the judge, court appeal fees, lawyer fees, leaving a once-financially comfortable woman with a life plan almost homeless. The judge proscribed where she could SLEEP for years.

I described in another document and in another case of the criminal judicial abuse of power as “the judge is literally attempting to starve the woman back to the jurisdiction of NH.”

### **THE COURTS ARE MORE THE PROBLEM**

NH has a bulky, overpopulated, virtually volunteer lay legislature. Many don't realize that the legislature configured that way winds up sucking the life out of the “Live Free or Die” motto of the state. They don't understand or bother to check the wording of the NH Constitution or the US Constitution when considering legislation. Years ago, one legislator told me “don't talk to me about the constitution.” Many state reps have churned through it during my time in NH having little knowledge or regard for the Constitution – either the NH Constitution or the federal Constitution. Specifically, I've watched many NH Child and Family Law Committee hearings where members blithely pass about anything DCYF wanted with respect to child protection. Many unconstitutional things are going in that statute alone, costing NH taxpayers unwarranted millions of dollars a year.

The courts are the problem. The NH Supreme Court has by fiat (Supreme Court Opinion [Unification of the New Hampshire Bar](#), 109 N.H. 260 (1968) gutted the power of the legislative and executive branches to check the power of the court. For over fifty years, that power has been unchecked by the other two branches of government. It happened in all fifty states over a period of about 15 years. (From memory – source: [The Dark Side: a Law Treatise on Judging, With Memoir](#), Caroline Douglas, J.D (2009) Her book explains it far better than I could in a web page.

If NH can't get attorneys or members of the judiciary – including the NH Supreme Court – to even look at the constitutional violations of right in a case such as described by the thesis of one woman, the NH Judiciary is fundamentally broken.

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