

Unbillable Hours

Small Justice . . . a film review

By Lisa Marie Macchi

I recently viewed the film titled *Small Justice*, subtitled "Little Justice in America's Family Courts." The film is being shown around the country and is believed to be the first to break the silence of America's injustice in the family courts.

The film begins with two quotations:

"Fathers who battered the mothers are TWICE as likely to seek sole custody of their children as are nonviolent fathers."

—American Psychological Association's Presidential Task Force on Violence and the Family

"Studies show that batterers have been able to convince authorities that the victim is unfit or undeserving of sole custody in 70 percent of challenged cases."

— American Judges Foundation, Domestic Violence and the Courtroom: Understanding the Problem, Knowing the Victim

Heartbreaking and horrific details of physical and sexual abuse suffered at the hands of the fathers are discussed by the children and by various experts working with the children. Several cases are highlighted and followed where the mother has detailed and documented sexual abuse by the father. In one case, the father had actually been listed on the sexual abuse registry. However, when these facts and allegations were brought before the family judges, the results were all the same: The children were taken away from the mothers and placed with the fathers. Many of the mothers were ordered to have no contact whatsoever with the children thereafter — no cards, no telephone calls, no visits.

What is the alternative for mom when the system she trusted and believed in fails her and her child? Women flee to protect the children from the fathers. One attorney/child advocate observed, "We have created a new class of criminals — mothers who protect their children."

Domestic violence studies show that abusive partners become abusive parents. Domestic abuse frequently involves control. What better way to control the mothers than to take control of the center of their universe: their children.

The film discusses the custody battle in the courtroom. Women who have been abused appear distraught, angry, and reactive. Men, on the other hand, appear calm and collected. The fathers are almost always appearing in court with an attorney while the mother frequently has to go to court on her own.

A New Hampshire judge is interviewed and emphasizes that these are the public's courtrooms, not the judge's courtrooms.

"Judges must be accountable for their behavior." However, several attorneys and child advocates are interviewed and detail the abuses occurring by judges misapplying and ignoring the law, resulting in a clear failure to protect children.

This film is an excellent example of how the public views the family court and should tell us all that changes are needed now, not at some future undefined time. Another pervasive theme is that "justice goes to the highest bidder."

An incredible chilling effect is pervasive throughout the court system.

When a woman mentions sexual abuse, in the family court, she loses. Many judges believe that sexual abuse within the family is acceptable, according to the film.

Karen Winner, writer of the book, *Divorced from Justice*, is also interviewed. Winner documents the continuous injustices occurring in the family court. She states that they occur as the result of no judicial accountability and no scrutiny by the public. The family courts are also largely ignored by the media.

A film on family court injustice would not be complete without an interview with Dr. Richard Gardiner, father of parental alienation syndrome (PAS).

Dr. Gardiner discusses the foundations of PAS, which hold that when children refuse visits with a parent it is because they have been programmed to say bad things about the noncustodial parent (*i.e.*, frequently the father) by the custodial parent (*i.e.*, generally the mother). Dr. Gardiner states that "children lie."

Dr. Gardiner's theories on PAS have become the meat and potatoes of the fathers' rights groups and the cornerstone of custody cases in which the other side, has alleged physical and/or sexual abuse. Dr. Gardiner recommended and accurately predicted that PAS would make it easier for more and more mothers to be incarcerated in its application to mothers in the family court.

The film is a 60-minute video available through Intermedia, telephone (800) 553-8336 or www.intermedia-inc.com.

Lisa Marie Macchi is an attorney in Boca Raton who concentrates her practice in the area of family mediation, family law litigation, and appeals. Macchi has been practicing law for 15 years and worked in the family division of the Superior Court in New Jersey prior to attending law school.

Cardillo honored for professionalism

The circuit and county judges of Collier County recently honored Naples attorney John P. Cardillo with the Donald E. Van Koughnet "Lion of the Law" Award for Professionalism.

The award was presented at the annual reception by the Collier County Bar for the judges of the Second District Court of Appeal. The award, presented by Chief Judge Hugh D. Hayes, was named after Donald E. Van Koughnet, an internationally renowned trial lawyer who relocated to Naples after serving as a trial attorney for the Department of Justice and special assistant to the U.S. attorney general, as well as being a confidant of several justices of the U.S. Supreme Court, including the late former



CARDILLO

Harry Blackmon.

Cardillo has practiced law in Naples for 31 years and has served the community and his profession as president of various civic and charitable organizations, including the Collier County Bar Association, the Naples Area Chamber of Commerce, the Collier County YMCA, the United Arts Council, Naples Leadership School, and Big Brothers of Collier County.

He also has chaired the Collier County Environmental Advisory Committee and served as a member of the Board of Trustees of Edison Community College. For two years he chaired The Florida Bar's Disciplinary Review Committee. He currently serves on the Advisory Board of the Gene and Mary Sarazen Foundation and the Board of Directors of the Neighborhood Health Clinic, a nonprofit medical service provider for the working poor.

Cardillo also served on The Florida Bar's Board of Governors from 1992 to



The Florida Bar Entertainment, Arts and Sports Law Section present

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COURSE CLASSIFICATION: INTERMEDIATE LEVEL

One Location: January 16, 2004 • Hyatt Regency Downtown
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Course No. 50263

8:45 a.m. – 9:00 a.m.

Late Registration

9:00 a.m. – 9:50 a.m.

Come One, Come All - See the Big Show: Advertising Regulations - Do's and Don'ts
Judith Equels, Senior Practice Management Advisor, Law Office Management Assistance Service (LOMAS), Tallahassee
Barry Oliver Chase, Miami

9:50 a.m. – 10:40 a.m.

Taming Lions the Hard Way: Tips on Professional Liability Insurance
Judith Equels, Senior Practice Management Advisor, Law Office Management Assistance Service (LOMAS), Tallahassee
Jay Weinstein, Weinstein, Jones & Associates

10:40 a.m. – 11:00 a.m.

Break

11:00 a.m. – 11:50 a.m.

Working Without a Net? The Inventory Attorney
Judith Equels, Senior Practice Management Advisor, Law Office Management Assistance Service (LOMAS), Tallahassee

12:00 noon – 1:30 p.m.

Lunch (Included in Registration)
EASL Executive Council Meeting (All Invited)

2:00 p.m. – 2:50 p.m.

Step Right Up, Kid. Take a Chance on the Midway: Procedures for Approval of Minors' Contracts
Honorable Maria Korvick, Miami
David Bercuson, Miami
Louis Tertocha, Miami

3:00 p.m. – 3:50 p.m.

A Cut off the top of the Box Receipts: Financing for Entertainment Projects
Alan Randolph, Mellon Bank

4:00 p.m. – 4:50 p.m.

The High-Wire Act: P2P File Sharing and Copyright Infringement
Elliot M. Zimmerman, Ft. Lauderdale

5:00 p.m. – 6:00 p.m.

Ringmaster's Reception (Included in Registration)
Darryl B. Cohen, EASL Section Chair, Atlanta, GA

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Register me for the "Dangerous Entertainment: A Legal Seminar for the Entertainment Lawyer" Seminar

(024) HYATT REGENCY DOWNTOWN, MIAMI (JANUARY 16, 2004)

TO REGISTER BY MAIL, SEND THIS FORM TO: The Florida Bar, Angela Froelich, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 with a check in the appropriate amount payable to The Florida Bar or credit card information filled in below. If you have questions, call 850/561-5633. ON SITE REGISTRATION, ADD \$15.00. On-site registration is by check only.

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