

Natalia A. Sidiakina, PhD, MBA

746 Adobe Dr., Santa Rosa, CA 95404, Tel: (415) 302-9702, Fax: (707) 538-3729, E-mail: natalia@SelfRepresentedFool.org

Chief Justice George, Justice Baxter, Justice Chin, Justice Corrigan, Justice Kennard,
Justice Moreno, Justice Werdegar
The Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

Presiding Justice Ruvolo, Associate Justice Reardon, Associate Justice Rivera,
Associate Justice Sepulveda
Court of Appeal, First Appellate District, Division Four
350 McAllister Street
San Francisco, CA 94102

CC: James Benoit
P.O. Box 2979
Santa Rosa, CA 95405

CC: Siamak Navid
1533 Vine Street
Belmont, CA 94002

CC: Clerk of Sonoma Superior Court
600 Administration Drive, Room 108
Santa Rosa, CA 95403

July 12, 2008

RE: The Supreme Court of California, Case S157866;
Court of Appeal, Cases A114136, A119409, A119881, A119808, A120069;
Superior Court of Sonoma County, Case SFL-29989.

Dear Chief Justice George, Justice Baxter, Justice Chin, Justice Corrigan, Justice Kennard,
Justice Moreno, Justice Werdegar, Presiding Justice Ruvolo, Associate Justice Reardon, Associate
Justice Rivera, and Associate Justice Sepulveda:

I declare under the penalty of perjury under the laws of the State of California that everything I say in this letter is true and based on my personal experiences and knowledge. The sources of my knowledge are mostly cited and I believe them to be true. Attached copies of letters from my family doctor regarding my severe illness are true and accurate copies.

I pray for your fairness and conscience as those qualities are the cornerstones of humanity: they were confirmed only in humans and not in other animals¹. Unlike all men-created and always changing laws, fairness and conscience are as fundamental for humanity as the law of gravity for physics and the Universe. Fairness and conscience have been carried by the human race through thousands of years and tens of religions as the simple Golden Rule: “Treat others as you want to be treated. Don’t do to others what you would not want to be done upon yourself”.

It took me more than 5 months in different attempts to write this letter because I had panic attacks followed by profound depression and withdrawal each time I remembered how I was denigrated, ignored, bullied, and **tortured** during my divorce. Despite the medications I’ve been taking, my energy and my abilities to concentrate, think clearly, and express myself in English, which is my third language, have significantly deteriorated. Nonetheless, **I dare to write to you because this is my last option: you authorized this torture and you have the power to stop it.**

¹ Laursen L. (2008), Some Are More Equal. *Scientific American Mind*, February / March 2008, p.15.

You wouldn't want to be tortured for being ethical, honest, intelligent and courageous, so please stop my torture.

I apologized in advance for the discomfort this letter is likely to cause. You would not want to know that on September 14, 2007 **I was tortured by one of your own kind**, the family law trial judge James Bertoli of the Sonoma Superior Court. The torture was Judge Bertoli's punishment to me for telling the truth and for my requests for his disqualification in my divorce litigation. According to the *Code of Civil Procedure section 170.3(c)(5)*, Judge Bertoli had no authority to hear and decide the merits of my statement of his disqualification. But he did it anyway, enjoying inquisition and torturing me. During the torture, I saw him smiling. I wonder how many family law trial judges in California have antisocial personalities and whether they ever get tested on psychological profiles.

Dear Chief Justice George, do you remember a puddle of blood that you saw in a hallway of the main Los Angeles courthouse a few years ago, the blood left after a physician involved in a divorce had fatally shot his wife? I wish my husband shot me three years ago, when he started our divorce litigation, instead of forcing me to experience denigration, humiliation, and torture for three years.

As Judge Bertoli stated on November 9, 2007, **you had approved of his actions** by summarily denying my timely filed statutory Petitions for Writ, cases A114136, A119409, A119881 and my Petition for Review, case S157866. **That means that you, the highest judges of the State of California, legalized the torture.**

As a result of abuse and torture during my divorce, I have neither power nor intelligence any more: my brain functioning has profoundly deteriorated, and I have already developed severe anxiety, panic disorder, major depression, and a post-traumatic stress disorder.² I can no longer concentrate and think clearly. It is likely that after this letter I will be punished, tortured, and sent to jail for "contempt" of court. I would rather take my life than become a slave.³

Before I go, I would like you to know what I, Dr. Natalia A. Sidiakina, a Self-Represented Fool, felt during my torture. I volunteer to be tortured again and executed if any of you would like to see for yourself what a torture can do to an intelligent, honest, ethical, and courageous woman. I will make an excellent Guinea Pig because I used to be extremely intelligent, educated, and focused, probably top 0.01% of the population. Recording deterioration of my brain and personality by torture will be invaluable from the scientific point of view.

I call the hearing of September 14, 2007 before Judge Bertoli a **torture** because what happened on September 14, 2007, according to the United Nations Convention Against Torture, falls into the definition of torture.⁴ I use the word "torture" as it is appropriate even in the strictest

² Letters from my family doctor of April 29, 2007 and May 30, 2007 regarding my severe illness are posted on the web site www.SelfRepresentedFool.org and also attached to this letter.

³ According to the *US Constitution, Amendment XIII, section 1*, ratified by California in 1865, **all prisoners in California are slaves and, thus, the property of the State of California.**

⁴ Torture, according to the [United Nations Convention Against Torture](http://www.unhcr.org/refugees/refugees/4a626969.html), is "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has

definition as an action causing a failure of an organ. During the torture at the hearing on September 14, 2007 and as a result of that torture many times afterwards, I suffered severe panic attacks causing brain failures, which likely resulted in a permanent damage to my brain.⁵

As you know, there is no jury in the family law proceedings, and a divorce case gets assigned to one judge for all purposes. The fundamental requirement of the due process of law is to have an unbiased and competent judge ruling in the case. If the assigned judge is biased for any reason, the only way to have an impartial judge is to request a disqualification of the assigned judge.

An unbiased judge has no interest in the case and, therefore, will gladly recuse himself at the request of a party. A biased judge, to the contrary, has an interest in the outcome of the case and, therefore, wants to control the case. A biased judge, consequently, will likely refuse to recuse himself or herself and will harbor hostility against and seek to punish the party that requested disqualification.

After listening to Judge Bertoli at the hearings and analyzing his decision, I came to the conclusion that Judge Bertoli suffers from some kind of cognitive impairment. Several family law attorneys practicing in Sonoma County shared my conclusion. In fear of retaliation, no attorney dared to openly mention Judge Bertoli's condition. Since social behavior is a result of a complex cognition, the first signs of cognitive impairment involve inappropriate social behavior.

My husband, Siamak Navid, is a Muslim from Iran. He controls all community property and has access to large funds. In June of 2005, after 5.5 years of marriage, he told me that he wanted to be divorced. I did not want to go through divorce because I had a breast lump, which doctors suspected to be a cancer, and was expecting a surgery. My husband promised to take care of me and not to litigate the divorce. On July 3, 2005, he proposed a separation agreement, which we thoroughly discussed, agreed upon, co-wrote, and signed.⁶ He proposed and I agreed that the divorce judgment would be based on the separation agreement and that I would file the papers. I prepared and filed the papers a couple of weeks later. Then my husband told me that he had changed his mind and started the litigation.

Siamak Navid has been represented by three influential family law specialists, to whom he has paid over \$100,000 and one of whom, Bruce Schwartz, was a friend of Judge Rosenfield, originally assigned to the case. With the assistance of his attorneys, my husband punished me for

committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."^[2] In addition to state-sponsored torture, individuals or groups may inflict torture on others; however, the motive for torture can also be for the sadistic gratification of the torturer. See <http://en.wikipedia.org/wiki/Torture>

⁵ Brain imaging shows that stress and anxiety causes shrinking of the brain region called hippocampus, which is responsible for memory and cognitive functioning. See N. C. Andreasen, MD, PhD, (2004). *Brave New Brain*, Oxford University Press, at p. 289-295.

⁶ A copy of the notarized and recorded separation agreement of July 3, 2005 is posted on the web site www.SelfRepresentedFool.org .

his arrest for battery and domestic violence against me,⁷ successfully concealed and misrepresented the value of his separate and community property assets,^{8, 9, 10, 11} and received everything he wanted. My motions to re-open discovery were vigorously opposed by his attorneys Bruce Schwartz and Carla Boyd, and denied by Judge Rosenfield, who stated that, despite “re-opening discovery was in the interests of justice and equity”(VII RT 277:9-17)¹², he would not re-open it because “the Court hears [from Carla Boyd] ...that discovery ... apparently has been produced. ...Ms. Sidiakina has dug a hole here...”(VII RT 284:12-28). By the end of 2007, after I spent over \$50,000 in attorney’s fees from my separate property, I had nothing left, and my former attorneys dumped me.

After I discovered several perjuries in my husband’s Preliminary Declaration of Disclosure and several mistakes of fact and law made by my former attorneys, on December 28, 2006, I filed a motion for trial or evidentiary hearing on the contested issues of material facts in my case. My husband’s attorneys vigorously opposed it, and Judge Bertoli tentatively denied it on April 12, 2007 and continued the hearing. On May 7, 2007, I filed a motion for attorney’s fees from the community property because I physically could not represent myself. Per request of my husband’s attorney J. Benoit, Judge Bertoli removed my motions for attorney’s fees and for trial or evidentiary hearing from the calendar. After I called the clerk several times, my motions were scheduled AFTER my husband’s motion to enter summary judgment according to my husband’s terms, which was filed on August 1, 2007 and scheduled for hearing on September 14, 2007.

⁷ Siamak Navid was arrested for battery and domestic violence on 9/7/03. The copy of police report is posted on the web site www.SelfRepresentedFool.org .

⁸ After his arrest for domestic violence against me on 9/7/03, on 9/9/03, Siamak Navid secretly withdrew \$30,000 from the checking account and gave this money to his brother, Babak Navid, for savings and investment, including investment in the second residence co-owned by Siamak Navid and Babak Navid at 1533 Vine St, Belmont, CA 94002. A copy of the bank record is posted on the web site www.SelfRepresentedFool.org .

⁹ On May 15, 2003, Siamak Navid secretly refinanced the family residence at 746 Adobe Drive, Santa Rosa, CA 95404 as UNMARRIED. Siamak Navid made fraudulent statements that he was UNMARRIED and employed at Agilent Technologies in Santa Rosa (he was terminated in 2002 and unemployed) to the Chase Bank, the Title Company, and the Public Notary. Copies of the Deed of Trust of 5/15/03 and Mortgage Loan Application of 5/15/03 are posted on the web site www.SelfRepresentedFool.org .

¹⁰ Siamak Navid, with the assistance of his attorney Bruce Schwartz, served me with his Preliminary Declaration of Disclosure, dated 8/15/05, in which he a) concealed the withdrawal of \$30,000 of the community funds from the checking account and investments of these funds by his brother, Babak Navid; b) concealed approximately \$330,000 of his and community investment in his second residence in Belmont, CA (Siamak Navid invested \$110,000 in 1997 in the residence in Belmont, which he also concealed in the Premarital Agreement of 12/9/1999, plus, during the marriage, Siamak Navid paid mortgage on the residence in Belmont with community funds during his brother’s unemployment); c) concealed the value of the pension plans, which had community property interest. A copy of the Preliminary Declaration of Disclosure is posted on the web site www.SelfRepresentedFool.org .

¹¹ I received my husband’s Final Declaration of Disclosure, filed 9/14/07, AFTER Judge Bertoli granted my husband’s motion for summary judgment at the hearing on 9/14/07. In his Final Declaration of Disclosure, Siamak Navid, with the assistance of his attorney James Benoit, misrepresented the value of his and community investment in the residence in Belmont (he stated the value as of 1997, which was approximately 1/3 of the value in 2007). A copy of the Final Declaration of Disclosure is posted on the web site www.SelfRepresentedFool.org .

¹² Reporter’s Transcript of hearing on 9/14/06, hereinafter referred to as VII RT, is filed with appeal case A119808 and posted on the web site www.SelfRepresentedFool.org .

After Judge Bertoli denied my right to due process of law, I knew that Judge Bertoli was biased against me. At the end of May of 2007, I requested Judge Bertoli's disqualification, but he refused to disqualify himself. I was convinced that Judge Bertoli was personally prejudiced against me and would not hesitate to send me to jail for filing pleading (Statement of Disqualification, filed 9/14/07 before the hearing), stating facts and logical conclusions from those facts proving that Judge Bertoli lied several times in his declaration under the penalty of perjury in order to remain a judge in my divorce case, to punish me, and to make decisions which my husband's attorneys requested. The day before the hearing, I borrowed \$1,000 from friends to bail myself out of jail. I could not sleep all night before the hearing.

Shortly before the hearings of all matters on September 14, 2007, I gave the keys of my car and a \$1,000 check for bail to my bankruptcy attorney Douglas Provencher, who was in the courtroom to address the bankruptcy issues, and asked Mr. Provencher to take care of my baby dog, who was in the car during the hearing. I told Mr. Provencher that I would hide in the parking lot and wait for him there. Mr. Provencher advised me that if I left, the outcome would be much worse for me and I would waive any opportunity to object.

On September 14, 2007, I was self-represented whereas my husband was represented by two influential family law attorneys, James Benoit and Carla Boyd. Judge Bertoli moved my case to the very end, after all other hearings that day. At the beginning of the hearing, Judge Bertoli stated: "...if it's what I think it is [statement of disqualification], Ms. Sidiakina, you're going to be prepared to argue as to why I shouldn't sanction you" (5RT 203:15-17)¹³. I expected that Judge Bertoli would punish me with all his cruelty and started having a panic attack with severe heart pain, migraine, and stomach cramps.

After Judge Bertoli stated: "I will say to you, Ms. Sidiakina, I have never been so insulted in my almost seven years on the bench", I lost my breath and could not say anything for few minutes. When I tried to speak, I had almost no voice (5RT 205:7-12). During the hearing, I advised Judge Bertoli multiple times that I was physically unable to represent myself, that I had an anxiety attack and could not think clearly, that I was terrified because Judge Bertoli could punish me by sending me to jail, that I could not handle Judge Bertoli's inquisition (5RT 205-211). My voice and hands were trembling and I was sweating so much that my top became completely wet.

I was unable to stand. I remained seated next to Mr. Provencher as it was the only place in the courtroom where I could remain without running out of the courtroom. Every time I looked at Judge Bertoli, I had an impulse to vomit. I had to put on sunglasses so I could close my eyes without exacerbating Judge Bertoli's anger. I was terrified of the thought that I could not control my body and could involuntarily urinate as a result of the bladder muscles spasms.

At one time during my answer to Judge Bertoli's interrogations, my voice broke, and I felt suffocating. Another time during the dialog between my husband's attorney James Benoit and Judge Bertoli, I could not breathe at all, and my heart hurt so bad that I felt I was dying. Then my brain went blank. I don't know how long it lasted, maybe few minutes. I lost the track of time and the dialog. Because of fear and distress, I was unable to remember words in English and properly say what I wanted to say. **I felt like a rat that is getting repeated electric shocks in the cage that it cannot escape.**

¹³ Transcript of the hearing of 9/14/07 is included in Reporter's Transcript, case A119808, Volume 5, hereinafter referred to as 5RT, and is also posted on the web site www.SelfRepresentedFool.org.

After the hearing, my body was shaking and I could barely walk out of the courtroom. Mr. Provencher walked me to my car and spent approximately 20 minutes with me to make sure I didn't lose consciousness. After that, I sat in my car for another hour before I was able to drive. That night I had another panic attack with severe chest pain, migraine and stomach cramps, and spent over 4 hours vomiting in the bathroom. **Since that hearing, every time I receive an envelope from the Sonoma Superior Court, I start having a panic attack.**

To amplify the torture, the former Presiding Judge Boyd of the Sonoma Superior Court refused to properly respond to my follow-up notice of disqualification of Judge Bertoli as a matter of law, which I personally delivered to Judge Boyd's chambers on October 2, 2007. I don't know how my husband's attorney Carla Boyd and Judge Boyd are related, but I know that Carla Boyd intentionally violated many procedural and local rules¹⁴, intentionally misrepresented the law and the facts to trial judges¹⁵, committed fraud, and perfectly got away with that. Judge Bertoli denied my requests for sanctions against her.¹⁶

Former Presiding Judge Boyd violated the *Code of Civil Procedure section 170.3 (c)(5)* and did not request the clerk to notify the executive officer of the Judicial Council of a need to select another judge to decide whether Judge Bertoli's refusal to recuse himself and his inquisition of me and torture were legally correct. Instead, former Presiding Judge Boyd sent my follow-up notice of disqualification directly to Judge Bertoli himself, which naturally resulted in more punishment and sanctions on October 3, 2007.

Because my husband started the litigation in our divorce, **I could not escape the courtroom, which to me represents the torture chambers. Consequently, I developed a number of brain diseases, which in animal studies are referred to as "learned helplessness"**¹⁷,¹⁸ **and in psychology and psychiatry are called "situational anxiety, panic disorder, major depression, and post-traumatic stress disorder"** (see my doctor's letters).

¹⁴ In flagrant violation of procedural and local rules requiring all pleadings to be served on the parties at least 5 days prior to hearings on motions, Carla Boyd did not serve my attorneys, but delivered her declarations and points and authorities directly to judge's chambers at the hearing day or one day prior to hearing, so neither I nor my attorneys saw them prior to hearings, knew the content, and could prepare to argue them. At the hearing on 7/11/06, Carla Boyd refused to provide my attorney financial information regarding my husband's income and assets, handed Judge Rosenfield her calculations of spousal support, and stated that she did not have a copy for my attorney. Judge Rosenfield used her calculations instead of calculations submitted by my attorney more than 5 days prior to hearing. At the hearing on 9/14/06, Carla Boyd argued that Judge Rosenfield should deny my motion to reopen discovery referring to points and authorities and declarations that neither my attorney nor I saw prior to hearing (VII RT 275:3-7, 277-278).

¹⁵ On 9/14/06, Carla Boyd misrepresented to Judge Rosenfield that my husband produced all requested financial records (VII RT 275:14-16). Based on that information, Judge Rosenfield denied my motion to reopen discovery (VII RT 284:19-23). On 1/22/06, Carla Boyd misrepresented in her letter to Judge Rosenfield that the settlement was reached on 10/31/06 and submitted for Judge Rosenfield's signature a fraudulent so-called "Stipulated Judgment" that neither party signed. This fraudulent "Stipulated Judgment" was signed by Judge Wong on 1/31/07 and entered as a judgment of dissolution on 2/2/07.

¹⁶ See 5RT 219:18-24.

¹⁷ N. C. Andreasen, MD, PhD, (2004). *Brave New Brain*, Oxford University Press, at p. 237-238.

¹⁸ Higgins, E.S. (2008). The New Genetics of Mental Illness. *Scientific American Mind*, June/July 2008, p. 41, at p.45-46.

Dear Chief Justice George, I trusted that you meant what you wrote yourself in *Elkins v. Superior Court (Elkins)* (2007) 41 Cal.4th 1337:

“Courts must earn the public trust”.¹⁹ (bold added).

“... family law litigants should not be subjected to second-class status or deprived of access to justice.”²⁰ (bold added).

“When the two policies collide head-on, the strong public policy favoring disposition on the merits outweighs the competing policy favoring judicial efficiency”.²¹ (bold added)

You expressed your concerns with **“court procedures that do not permit family law litigants to tell their story, a circumstance reported by litigants to diminish their confidence in the courts.** (Judicial Council of Cal., Admin. Off. Of Courts, Rep. on Trust and Confidence in the California Courts (2006) Phase II, pp. 31-36 [self-represented litigants [citation] express[ed] frustration that they did not have a chance to fully explain their side of the story to the judge [citation]; [citation] **public trust and confidence in the courts.....will continue to be negatively affected [by] procedures [that] do not permit [litigants] to tell their story at some length and in their own words [citation]”**.²² (bold added).

Dear Chief Justice George, did you really mean what you wrote and said? Would you like to be denied justice because you cannot afford exorbitant fees? Along with my Petition for Review, case S157866, I filed a Request for Fee Waiver. You ignored my attached explanation why I did not have \$655 for filing fee and personally denied my request. Then you summarily denied my petition for review and authorized my torture. Over 405,000 of self-represented Californians earn less than \$2,000 per month²³. To me and over 405,000 of Californians \$655 is an exorbitant amount.

I filed 2 appeals, cases A119808 and A120069, because there are at least 42 procedural and substantive errors that took place in the trial court. I also filed an Application for Extension of Time to file Appellant’s Opening Briefs to August 2, 2008 because I am severely ill as a result of abuse and torture and am physically unable to prepare 2 briefs earlier. I attached two letters from my family doctor and my declaration to my Application for Extension of Time.

My doctor’s letter of May 29, 2008 (Attachment 1), stated: **“My patient, Natalia Sidiakina, is suffering from severe migraine headaches and panic attacks. She is [in] need of a 60 day extension until August 2, 2008 to prepare her legal papers”**. (bold added).

My doctor’s letter of April 29, 2008 (Attachment 2), stated: **“It is unrealistic to expect that Ms. Sidiakina will be able to properly represent herself in the legal writings or hearings without legal representation and without effective medications.** I am, therefore, respectfully

¹⁹ *Elkins v. Superior Court (Elkins)* (2007) 41 Cal.4th 1337 at p. 1368.

²⁰ *Id.* at p. 1368

²¹ *Id.* at p. 1365.

²² *Id.* at p. 1367-1368.

²³ Handling Cases Involving Self-Represented Litigants, *A Benchguide for Judicial Officers*, January 2007, p. 1-2.

requesting that the Court take this information into account in setting deadlines for submission of briefs, as well as court dates.” (bold added).

Dear Presiding Justice Ruvolo, why did you ignore my doctor’s letters and personally denied my Application for Extension of Time? Would you like to be denied justice because you became ill at no fault of your own? I received a notice stating that if I fail to file appeal in my case A119808 by 7/18/08, the appeal will be dismissed. I didn’t even get a notice regarding my second appeal, case A120069. I found out on the court’s web site that my Application for Extension of Time was denied in that case also. What happened goes against your public statements in *Harding v. Collazo* (1986) 177 Cal.App.3d 1044, 1061:

“It has always been the policy of the courts in California to resolve a dispute on the merits of the case rather than allowing a dismissal on technicality”.

I understand why my husband, Siamak Navid, enjoys torturing me- he is a homosexual Muslim from Iran, and for him I have always been a property, a domestic slave like his mother.²⁴ In his culture, not obedient slaves must be tortured. I also understand why my husband’s attorneys enjoy torturing me- they are making good money, my husband has paid over \$100,000 for their work. I also understand why the Sonoma County family law trial judge James Bertoli enjoys torturing me- he has some kind of cognitive impairment that disables his cognition and makes him antisocial. Under his rule, 44 recognized gangs with over 4,500 documented members and participants, mostly juveniles, happily flourish in Sonoma County.²⁵

But why did you, the highest rulers of the State of California, authorize and legalize my torture and deny me a chance to present my case? Was it a simple error or an intention? Do you really wish to promote injustice?

If it was an error, please correct it on your own motion and stop my torture. Please reconsider your denial of my Application for Extension of Time to File Appellant’s Opening Brief to August 2, 2008. The trial court has an inherent power to correct its own errors on its own motion, as you said yourself in *Le Francois v. Goel (Le Fnacois)* (2005) 35 Cal.4th 1094 and in *In re Marriage of Barthold* (2008) 158 Cal.App.4th 1301 at p.1303. If, according to you, the trial court has such inherent power, it would be an absurdity to suggest that the high courts lack such power.

I realize that the Supreme Court has the discretion in deciding whether to review or not a Petition for Review. But, according to the *Code of Civil Procedure section 170.3(d)* “the determination of the question of the disqualification of a judge is not an appealable order and may be reviewed **only** by a writ of mandate from the appropriate court of appeal...”. (bold added).

²⁴ After I became married and lived for some time with my parents-in-law, I found out that my husband’s mother had no property, no checking account, no credit, could not drive a car, had no driver’s license, and had no involvement in any financial decisions. Most of business and personal issues were not disclosed to her. Her function in the family was the one of the domestic slave: she cooked and cleaned for her husband, my husband, and his brother. My father-in-law did not flush the toilet after himself because this was my mother-in-law’s job. When my mother-in-law was sick or had pain, she was punished by ignorance and not taken to the doctor. When my husband fell off the bicycle and broke his leg, he and his father blamed my mother-in-law and told me that it was her fault that my husband broke his leg.

²⁵ Source: Santa Rosa Police, see article in Press Democrat of 10/06/07 at <http://www1.pressdemocrat.com/article/20071006/NEWS/71006307/1033/NEWS01>

Moreover, the *California Constitution, Article 6, section 14* states in part that “Decisions of the Supreme Court and courts of appeal that determine causes shall be in writing **with reasons stated**”. (bold added). **Thus, it is a violation of the California law for the Court of Appeal to summarily deny the statutory Petition for Writ.**

Currently, over 95% of all filed Petitions for Writ are summarily denied by the Court of Appeal in California. Due to exorbitant attorney’s fees for preparation of a Petition for Writ (over \$10,000 in most cases), **the vast majority of filed Petitions for Writ are statutory required petitions and the only way to have an issue reviewed by the Court of Appeal.**

If the Court of Appeal willfully violates the California laws, including the California Constitution, because of the lack of manpower to speedily handle ALL cases, why would you expect the trial courts, with even fewer resources and manpower, to follow the California law?

It is an absurdity and hypocrisy when you, the highest judges of the State of California, ignore the California law for the sake of efficiency, but require the lowest courts and the trial judges to follow the California law and, thus, give up efficiency.

How can you talk about “the due process of law” and at the same time authorize prejudiced judges to rule the lives of Californians and torture them for requesting disqualification of an abusive judge?

I pray for your conscience: Please do not betray the people of California, please do not violate the California laws. Please consider ALL statutory Petitions for Writ on their merits, as required by law, because the majority of those petitions are requests for review of an unlawful denial of a request for disqualification of the prejudiced trial judge. **If you adjudicate on the merits ALL filed Petitions for Writ, you will reduce your workload by more than half,** because most of Appeals will not be filed or will have significantly fewer issues to adjudicate.

Please follow the *Code of Civil Procedure section 170.3(d)* and, for the sake of your own efficiency and to conserve your own time and resources, review on the merits my timely filed statutory Petitions for Writ and stay my pending appeals until issues presented in Petitions for Writ become adjudicated on their merits. Both my appeals, cases A119808 and A120069 will become unnecessary and, thus, moot after you review my Petitions for Writ.

Perhaps, in your eyes I am nothing, not even a human, just an unnamed member of the low class of self-represented litigants. You, probably, think that it was my own fault that I got married, trusted my husband, was honest, and, consequently, became a Self-Represented Fool. I was foolish enough to believe that the truth is important and that the trial judges should follow the California law. All my efforts to find fairness and justice in the California judicial branch were either ignored or I was punished for telling the truth and following the written law. I learned that the family law trial judges in California have absolute power and their word is the law.

In 2004, 80% of the family law cases had at least one unrepresented party by the time of disposition²⁶. Since 2004, the hourly rate of attorney’s fees has gone up, whereas the economic conditions in California deteriorated. In 2008, it is likely that more than 90% of the civil cases

²⁶ *Elkins v. Superior Court (Elkins)* (2007) 41 Cal.4th 1337 at p. 1368.

involving individuals have at least one unrepresented party by the time of disposition²⁷. For millions of self-represented nothings, the California laws are unenforceable, they exist only on paper.²⁸ **Is it democratic and fair to deny justice to over 90% of Californians?**

Because I am a self-represented nothing, I was denied discovery and denied a trial or an evidentiary hearing on the contested issues of material facts in my divorce litigation in the Sonoma Superior Court. My husband, who was represented by three influential family law attorneys, successfully concealed and misrepresented the value of his separate and community property assets and received everything he wanted. I received what nothings deserve- denigration, intimidation, and torture. I hate violence and hope that the horror of my divorce, the abuse and torture that I have been subjected to would get attention of the California judges and the Legislature. What happened to me and is happening to millions of un-humanized self-represented Californians²⁹ is so fundamentally wrong, unjust, and inhumane, that it reminds the treatment of “the enemies of the working class” during Stalin in the Soviet Union and the treatment of the Jewish people during Hitler in Germany.

One of the lessons I learned is to never be married in California because people change and it takes just one spouse to start the divorce litigation. Then the other spouse cannot escape the courtroom, unless he or she is willing to accept a grossly unfair settlement. Since most Californians cannot afford to pay over \$50,000 for experienced family law attorney’s services, the choice is really simple: accept an unfair settlement, i.e. give up your humanity and need for fairness and conscience, or go through the horrors of being a self-represented litigant.

Pursuant to the *US Constitution, Amendment XIII*, ratified by California on December 15, 1985, **slavery is legalized in the US and, accordingly, in California as a punishment turning all prisoners, including children, into slaves** and, consequently, property of the State of California. **Legalizing torture is only a logical step in the same direction.**

²⁷ The vast majority (over 90%) of Californians earn less than \$100,000 per year before taxes or, assuming 50 working weeks per year, 40 hours per week, \$50.00 per hour. Assuming a 25% tax rate, the after-tax earnings of the vast majority of Californians are \$37.50 per hour. The vast majority of the experienced trial lawyers in California charge over \$300/hour, which is 8 times greater than the hourly earnings of the vast majority of Californians. For one hour of the attorney’s time, the vast majority of Californian has to work more than one day. Let’s assume that an average civil case has a trial of 3 days and 3 hearings on 3 motions. For every hour of trial, a competent trial attorney would spend at least 3 hours of preparation, including research of legal issues and writing the trial briefs. For every motion, a competent trial attorney would spend at least 2 hours on paperwork and 2 hours in the trial court. In addition, attorney would spend at least 8 hours on meetings with the client, 2 days on depositions (1 day for each litigant), 8 hours on other discovery, and 10 hours on correspondence with another party and settlement efforts.

Thus, at the very minimum, an average civil case would require 150 hours of attorney’s time or \$45,000 from the litigant. A competent trial attorney would require a \$5,000 to \$10,000 retainer. The vast majority of Californians should work more than $150 \times 8 = 1200$ hours or 150 full days or 5 months to make money to pay for attorney’s fees in an average civil case. It is not a surprise that the vast majority of the honest working Californians (over 90%) simply cannot afford legal representation and become self-represented litigants at some time during the litigation.

²⁸ In fiscal 2005-2006, 9.2 million cases were filed in the trial courts, according to Fact Sheet, California Judicial Branch, January 2008, p.3.

²⁹ In California trial courts’ family law departments alone, over 150,000 divorces are filed each year. Source: Sherman, E. (2005). *How to Do Your Own Divorce in California*. Nolo Press, p.11.

The current legal system in California leads California to tyranny.

I immigrated to the US from Russia in 1994 because I believed the myths of “democracy” and “equal access to justice” in California. I learned from my own experience that the word “demo” in reality is “money”, and **“democracy” in reality is “moneycracy”**. The phrase “equal access to justice” in reality is **“equal access to judge”**. **When the so-called “justice” is whatever the trial judge decides regardless of the law and the truth, it is a pure injustice.**

After I was tortured, I was foolish enough to seek justice in the Court of Appeal and the Supreme Court. There I learned again that being a self-represented litigant is being ignored. Given exorbitant, unreasonable, and unconscionable legal fees, over 90% of Californians are currently self-represented or will become self-represented before the conclusion of their civil litigation. That means that **justice is or will be denied to over 90% of Californians.**

“... factors that can give birth to tyranny occur when groups who seek to instill democratic and humane social values do not succeed. When a social system collapses, people will be more open to alternatives, even those that previously seemed unattractive. Moreover, **when the collapse of a system wreaks such havoc that a regular and predictable social life becomes impossible, the promise of a rigid and hierarchical order becomes more alluring**”³⁰. (bold added).

As Chief Justice George noted several times in his public speeches, **the Supreme Court is backlogged for three years with the death penalty cases. I estimate that the Court of Appeal has less than one fourth of the human resources to review all filed cases**³¹. Consequently, less than 5% of the filed Petitions for Writ and Petitions for Review are actually reviewed in the Court of Appeal and the Supreme Court. Due to exorbitant legal costs, most of the filed Petitions for Writ are statutory petitions and the only way to have certain issues, such as denial of disqualification of a trial judge, reviewed by the Court of Appeal. **After a summary denial of a statutory Petition for Writ, the prejudiced trial judge who refused to recuse himself is at liberty to do whatever he or she wants.**

When the reviewing courts do not have funds and, therefore, manpower to review all submitted cases, it is a state of anarchy and despotism. Instead of having one tyrant, **the State of California has 1,598 trial judges as tyrants.** For stability, one tyrant is much better than 1,598. Perhaps, this is exactly what is quietly happening in the State of California: the anarchy is reaching its peak before turning into a tyranny.

If anyone wonders how an ordinary person becomes a violent abuser, the answer is astonishingly simple: violence is an exercise of power, and power acts on humans as the drug cocaine. Researchers define power as “an individual’s relative capacity to modify other’s states by

³⁰ Haslam, S.A. and Reicher, S.D. (2005). The Psychology of Tyranny. *Scientific American Mind*, 9/21/05, on the web at www.sciam.com/article.cfm?id=the-psychology-of-tyranny&print=true

³¹ I filed 3 statutory Petitions for Writ, all of them were summarily denied. Using the consequently assigned case numbers, I calculated that there are on average 19-20 cases per day filed in the Court of Appeal, First Appellate District, Division Four. It is physically impossible for 4 Justices to review 19-20 cases per day. I don’t know the number of research attorneys reviewing cases in the Court of Appeal, First Appellate District, Division Four, but I know that the number is grossly inadequate to handle the workload.

providing or withholding resources or administering punishments”.³² On the neurobiological level, addiction to power is almost identical to addiction to cocaine. Experience of power is associated with high dopamine levels, irritability, impulsivity, aggression, stereotyped thinking, antisocial behavior, and “awareness that one can act at will without interference or serious social consequences”.^{33, 34, 35, 36}

Power is a legalized drug: on the neurobiological level, the exercise of power, even the feeling of power, arouses the pleasure-reward circuitry mediated by dopamine in the brain structures called basal ganglia and specifically nucleus accumbens. The higher the power an individual has, the stronger the addiction. Power corrupts, and absolute power corrupts absolutely, unless an individual makes consciousness efforts to steer his or her power towards the benefits of the society.

The typical example of power addiction is the history of French Revolution and Napoleon, who was a soldier when the revolution started and who ended the revolution and the French Republic by becoming the Emperor. “The more power that [Napoleon] Bonoparte gets, the more he wants. And it escalates step by step. Never too much at once, always step by step, gradually, and always with Napoleon looking back and saying, remember I am going to protect the gains of the revolution, they are safe with me”.³⁷ Shortly before crowning himself as the Emperor in 1804, Napoleon Bonoparte said: “I have tasted command, and I cannot give it up... The Revolution is over. I am the Revolution”.³⁸

The neurotransmission of emotions of fear and vigilance initiated by stress hormones and neurotransmitters in the brain area called amygdala³⁹ can overflow and disrupt the reasoning activity in the prefrontal area of the brain. The interplay of signals coming from different pathways and involving multiple neurotransmitters and hormones can explain why the desire for tyranny and brutality can overcome the desire for morality and conscience.

The higher the stress the person is experiencing, the more excited the brain areas of amygdala and the limbic system become, the more stress hormones and neurotransmitters are released in the body, the stronger the electrochemical signals of stress hormones and neurotransmitters become.⁴⁰ At a certain point, the brain’s cognition regions, including the prefrontal cortex, become overwhelmed by the stress signaling. The composite signaling becomes analogous to the “white noise” in physics, specifically radio signals transmission, when many signals interfere and make it impossible to distinguish information.

³² Keltner, D., Gruenfeld, D.H., Anderson, C. (2003) Power, Approach and Inhibition. *Psychological Review*, Vol. 110, No. 2, 265-284 at p. 265, on the web at

<http://socrates.berkeley.edu/~keltner/publications/keltner.power.psychreview.2003.pdf>

³³ *Ibid.* at p. 269, 271-273,

³⁴ Andreasen, N.C., MD, PhD, (2004) *Brave New Brain*. Oxford University Press, at p. 52, 79-81.

³⁵ “*Scientific American Mind*”, April/May 2008, p.14.

³⁶ Sergio, P. (2008) Cocaine Addiction. *Scientific American Mind*, April/May 2008, p.54-57.

³⁷ History of Napoleon Empire at http://www.pbs.org/empires/napoleon/n_politic/frenchrev/page_2.html

³⁸ History of Napoleon Empire at http://www.pbs.org/empires/napoleon/n_politic/frenchrev/page_1.html

³⁹ Carpenter, S. (2008) Buried Prejudice. *Scientific American Mind*, April / May 2008, p.33-39.

⁴⁰ Andreasen, N.C., MD, PhD, (2004) *Brave New Brain*. Oxford University Press, at p. 285-298, 235-239.

When stress overwhelms a person, cognition gets suppressed, and a person starts behaving like a stressed animal. When consciousness is suppressed, the ordinary people feel increased pleasure and “high” when they commit aggressive or violent acts. That’s why during the anarchy people become extremely violent, during the times of stressful events parents are more likely to abuse their children.⁴¹ After the prolonged extremely stressful events people become depressed and withdrawn and allow all sorts of injustices take place.

There is nothing that feels better for an abused person than getting even: not only the need for fairness gets satisfied on the cognitive level, but also the high of dopamine creates the feeling of extreme pleasure and stress relief. There was nothing that felt better for the bullied children at Columbine High School than shooting their torturers. There is nothing that would feel better for an abused litigant than to get even with his abuser, the trial judge.

The simplicity of turning a dysfunctional democracy into a tyranny is astonishing. In social research experiments, it takes less than 6 days.⁴² “The fundamental concept in social science is Power, in the same sense that Energy is the fundamental concept in physics... The laws of social dynamics are laws which can only be stated in terms of power.”⁴³

History is rich with examples of dysfunctional democracies turned into tyrannies: French Republic proclaimed after the French Revolution of 1792 turned into the “Reign of Terror”, which, in combination with the war in Europe, led to the tyranny of Napoleon, who in 1804 crowned himself as the Emperor of the French. Napoleon frequently stated: “A man like me troubles himself little about the lives of a million men.”⁴⁴

After the Russian Revolution of February 1917, the failure of the democratic Provisional Government to establish order, in combination with the World War I, led to the seizure of power by Bolsheviks in October 1917⁴⁵, tyranny of Lenin and, sequentially, Stalin, and the KGB repressions. In 1929-1933, the chaotic failure of the democratic republic of Weimar led to the election and tyranny of Hitler⁴⁶, the rise of Nazism, the repression of the Jewish people, and the World War II. **“In each case, the rejection of democracy can be traced back to political strategy that deliberately sought to break down groups and strip them of power.”**⁴⁷

At the peak of anarchy and the trial judges’ despotism, the majority of the people of California will likely join the gangs, take their guns, and start shooting the trial judges. Then the Governor will declare martial law, put the troops on the streets, and terminate all civil rights. The State of California will become a tyranny.

⁴¹ Dr. Forward, S. (1990) *Toxic Parents*, Bantam Books, p.137, 141-144.

⁴² Haslam, S.A. and Reicher, S.D. (2005) The Psychology of Tyranny. *Scientific American Mind*, 9/21/05, on the web at www.sciam.com/article.cfm?id=the-psychology-of-tyranny&print=true

⁴³ Russell, B. (1938) *Power: A new social analysis*. London: Allen and Unwin, at p. 10.

⁴⁴ History of Napoleon Empire at http://www.pbs.org/empires/napoleon/n_politic/frenchrev/page_2.html

⁴⁵ Dr. White, J.D. “The Russian Revolution of February 1917: The Question of Organization and Spontaneity” at <http://www.users.globalnet.co.uk/~semp/revolution.htm>

⁴⁶ “Weimar Republic” at http://en.wikipedia.org/wiki/Weimar_Republic

⁴⁷ Haslam, S.A. and Reicher, S.D. (2005) The Psychology of Tyranny. *Scientific American Mind*, 9/21/05, on the web at www.sciam.com/article.cfm?id=the-psychology-of-tyranny&print=true

The current legal system in California turns children into slaves.

Children are the easiest and safest target for abuse because they cannot get even. Children abused by their parents or relatives will never hurt their abusers because their families are the only source of love and affection there is. In 1988, 1 of every 10 children in the US was molested by a trusted family member.⁴⁸ Now, because of the increased stress in life (war in Iraq, high oil prices, economic instability, etc.), the number of sexually abused children is much higher.⁴⁹

In California, children are the least powerful and the most discriminated and abused human beings: they have neither free education, nor free health services, nor free legal services, and they cannot work and make money, except in rare circumstances. Even if they make some money, their guardians or parents control the money. That's why abused children hurt and kill themselves: an act of hurting or killing oneself is an exercise of power. When no other action of power is available, the ultimate power of taking your own life gives a person the highest pleasure and satisfaction. Consequently, when abused children reach adolescence and realize that they have the power to kill themselves, they fantasize about suicide and many of them exercise this ultimate power.

The logical chain is as follows: married parents change with time and stop loving each other. They have extreme stress from work and life (37% of employees in the US are bullied at work⁵⁰) plus they have to go to the trial court to get a divorce. Parents need to provide for their children and, consequently, over 95% of parents in California cannot afford continuous legal representation. When parents become self-represented, they lose their human identity in the eyes of the trial judge and the court system. As non-humans, they get denigrated, humiliated, and abused by the court system. Consequently, parents become extremely distressed and either abuse their children or get withdrawn for many months or even years.

Lack of parental attention and prolonged stress during childhood and adolescence make children more vulnerable to depression and addictions through epigenetic mechanisms.⁵¹ Prolonged stress also damages cognitive functioning and memory through epigenetic mechanisms⁵², interfering with the normal development of the prefrontal cortex and amygdala areas of the brain⁵³. An average divorce in California lasts about 3 years⁵⁴. After 3 years of abuse or neglect, children become depressed and suicidal or aggressive and violent⁵⁵ towards their peers, younger siblings, or pets. When they reach adolescence, they are likely to either commit suicide or become antisocial.

⁴⁸ Dr. Forward, S. (1990) *Toxic Parents*. Bantam Books, p.144-152., p.140.

⁴⁹ See also: Hamilton, M.A. (2008) *Justice Denied- What America Must Do To Protect Its Children*

⁵⁰ Kim, J.N. (2008) The Cubicle Bully. *Scientific American Mind*, July/July 2008, p.13.

⁵¹ Higgins, E.S. (2008) The New Genetics of Mental Illness. *Scientific American Mind*, June/July 2008, p.41-47.

⁵² Levine, A. (2008) Unmasking Memory Genes. *Scientific American Mind*, June/July 2008, p.49-51.

⁵³ Canli, T. (2008) The Character Code. Genes of the Psyche. *Scientific American Mind*, February/May 2008, p.53 at p.56.

⁵⁴ Source: personal experience, legal research (published cases), and surveys of friends.

⁵⁵ Canli, T. (2008) The Character Code. Genes of the Psyche. *Scientific American Mind*, February/May 2008, p.53 at p.56.

Children learn the environment by following an example provided by adults. Learning and novelty seeking behavior is necessary for survival and, therefore, is adaptable. On the neurological level, such behavior is mediated by neurotransmitter dopamine⁵⁶ and involves an increased activity in the pleasure-reward circuitry of the brain. Also, learning and novelty seeking helps combat stress, anxiety, and memory loss through epigenetic mechanisms⁵⁷. Children feel pleasure and reward from learning and novelty seeking and some, like many scientists, for example, can even become addicted to this behavior.

Children mostly learn by example and mimic adults by experimentation as children prepare for adult life. Children in California will inevitably try alcohol and illegal drugs in adolescence because adults frequently use them and they are widely available. Many juveniles will develop an addiction to alcohol and drugs simply because they are predisposed through genetics or because their brain epigenetics makes them extremely vulnerable⁵⁸. Stress and resulting inhibition of cognition diminish one's awareness of developing an addiction. As a result of stress and addictions, children's overall cognition and, therefore, conscience and social behavior get suppressed. Antisocial actions lead children into the juvenile court and into jails, where children get more abused and stressed and become more violent and antisocial.

The need to maintain security in prisons makes it necessary to have bright lights at all times, which necessarily disturbs the natural sleeping pattern and, consequently, the development and normal functioning of the brain regions such as amygdala, pituitary, prefrontal cortex and other areas of the brain.⁵⁹ As a result of damaged and malfunctioning amygdala, pituitary, and prefrontal cortex, jailed children become permanently socially disabled expressing constant aggressive and violent behavior⁶⁰. Finally, they become repeated offenders and end up in jails for long periods of time.

“With at least 2,381 children sentenced to life without the possibility of parole, the US is the only remaining nation continuing to impose the sentence, which violates international law [U.N. Convention on the Rights of the Child]. ... Children of color in the US are 10 times more likely to receive life without parole than white child offenders. In some states, including California, the rate is 20 to 1”⁶¹.

As the ultimate result, the California court system grows a huge number of imprisoned slaves, 170,000 in 2008⁶², which, of course, is good for the tyrants and the ones who use the slave labor.

⁵⁶ Canli, T. (2008) The Character Code. Genes of the Psyche. *Scientific American Mind*, February/May 2008, p.53 at p.56.

⁵⁷ Levine, A. (2008) Unmasking Memory Genes. *Scientific American Mind*, June/July 2008, p.49-51.

⁵⁸ Higgins, E.S. (2008) The New Genetics of Mental Illness. *Scientific American Mind*, June/July 2008, p.41 at p. 45-46.

⁵⁹ Leitzell, K. (2008) Irritable? Take a Nap. Sleep Deprivation Leads to Heightened Emotions. *Scientific American Mind*, February/May 2008, p.10.

⁶⁰ Canli, T. (2008) The Character Code. Genes of the Psyche. *Scientific American Mind*, February/May 2008, p.53 at p.56.

⁶¹ “Sentencing Children to Die in Prison” in *USFmagazine*, Spring 2008, p.8.

⁶² Hatton, N. (2008) A Voice for Prison Reform. *USFmagazine*, Spring 2008, p.14.

The current legal system in California is inhumane and immoral and, as such, supports the inhumane and immoral actions including torture.

Some of the fundamental premises of conscience and morality are that: 1) being honest is right, 2) being dishonest is wrong, and 3) promoting dishonesty is wrong and immoral.

Fair and conscientious behavior gets established in early childhood and involves the activation of reasoning and emotion pathways in the prefrontal cortex⁶³. The honest people value the truth and the law that is based on morality and also believe that the truth and the law matter in the trial court. That's why the honest people choose to be honest, choose not to break the law intentionally, try to learn the law, and come to the trial court to achieve justice. **Honest people believe that a trial judge will resolve their legal problem and, thus, elevate their suffering as much as they believe that a doctor will resolve their health problem and elevate their physical pain.**

The honest people work and earn the market rate income for their services, unless the honest people are independently wealthy as a result of inheritance, prior achievements, prior investments, or luck. The vast majority of Californians (over 90%) earns less than \$100,000 per year before taxes and cannot afford to pay over \$50,000 for continuous legal representation and become self-represented litigants at some time during the litigation (see footnote 27).

The dishonest people, on the other hand, know that in the trial court the truth and the law are irrelevant, and what matters is the influence of their attorney. That's why the dishonest people steal, lie, and intentionally violate the law, so they can have enough money to hire an influential attorney. The more skilled at dishonesty the person is, the more likely he/she will steal and/or fraudulently obtain enough money to have continuous representation. As a result, almost all wily dishonest people are represented and the vast majority of their victims, the honest people, are self-represented.

Attorneys need to make the living, and their long-term customers are the dishonest people. The "good" attorney is the one who wins the case for his/her customer. Attorneys need to win their cases to maintain their "good" reputation. Therefore, attorneys need to win cases for the dishonest people. The only way to do so for an attorney is to support and advocate the position of their dishonest customers, which necessary forces attorneys to be dishonest themselves. The dishonest and money-seeking attorneys have a direct conflict of interest with the honest and self-represented litigants. Consequently, attorneys are biased against the honest and self-represented litigants.

All California judges are former lawyers with at least 10 years of experience, members of the California State Bar, as required by the *California Constitution, Article 6, section 15*. Therefore, the vast majority of the California trial judges were practicing attorneys immediately prior to becoming judges. As a result, the vast majority of the California trial judges have a strong inherent and most of the times implicit bias against the honest and self-represented litigants. To justify mistreatment of self-represented litigants, the trial judges, like abusive parents, project their own incompetence and dishonesty onto honest self-represented litigants.⁶⁴

⁶³ Moll, J. and de Oliveira-Souza, R. (2008) When Morality is Hard to Like. *Scientific American Mind*, February / March 2008, p.30-35.

⁶⁴ Dr. Forward, S. (1990) *Toxic Parents*. Bantam Books, p.178-179.

The California trial judges do not have any motivation to maintain their competence in the ever-changing codes, assuming they had such competence when they became the judges. Trial judges don't have to take tests checking their knowledge of the law. If a trial judge makes an error, whether this error is procedural or substantive, any error is presumed "harmless" (according to the *Code of Civil Procedure section 475*), and an incorrect ruling or judgment cannot be set aside unless the court finds that the ruling resulted in a "miscarriage of justice" (according to the *California Constitution, Article 6, section 13*).

As I learned through my own experience and experience of other self-represented divorcing spouses, **trial judges do whatever they want regardless of the law, and they have an absolute power because they are covered by the principle of "Judicial Immunity", which in reality is Judicial Impunity.** Although the Court of Appeal and the Supreme Court have authority to reverse the decisions of the trial judges, neither the Court of Appeal, nor the Supreme Court have manpower and, thus, physical ability to review all filed cases.

So why would a trial judge bother to waste his/her precious time to learn the law when he/she is: 1) not responsible for the consequences of his/her ignorance of the law and 2) not rewarded for the competence in the law? **The lack of motivation inevitably leads to the lack of competence. Consequently, an incompetent trial judge will always choose the version or interpretation of the law provided by an attorney versus the reading of the statutory and case law provided by a self-represented litigant.**

Naturally, all judges see themselves as a social group as they all belong to the California Judges Association. Human wisdom is stated in the proverb: "Birds of a feather flock together". Research in psychology shows that the more power a group or a particular person has, the more likely that powerful group or person will abuse that power and intentionally inflict pain and suffering on powerless group or person.⁶⁵ Research in neuroscience shows that, like cocaine, aggressive behavior and inflicting pain on someone increase the levels of dopamine and, therefore, create a feeling of pleasure and reward.⁶⁶ Addictive behaviors get established throughout lifetime and involve the activation of pleasure and reward pathways in ventral tegmental area and nucleus accumbens.⁶⁷

Family law judges have practically absolute power in the trial courts. There is no jury in the family law courts, thus, the trial judges have ample opportunity to satisfy their dopamine cravings by mistreating self-represented spouses. Within a short period of time, as with any drug or activity which stimulates the pleasure and reward centers in the brain, the mistreatment of self-represented litigants becomes an addiction and an absolutely necessary behavior for the family law judges. In summary, for the family law judges, mistreatment of self-represented spouses becomes what a drug-fix is for cocaine addicts.

It is likely that the trial court judges do not see the mistreatment of self-represented litigants as immoral and unconscionable, as their perceptions of morality and conscience were necessarily changed by their own addiction to abusive behavior and by the lack of punishment.

⁶⁵ Haslam, A. and Reicher, S.D. (2005) The Psychology of Tyranny. *Scientific American Mind*, 9/21/05, found at <http://www.sciam.com/acticle.cfm?id=the-psychology-of-tyranny&print=true>

⁶⁶ *Scientific American Mind*, April/May 2008, p. 14.

⁶⁷ Sergo, P. (2008) New Weapons Against Cocaine Addiction. *Scientific American Mind*, Aril / May 2008, p.54.

The inhumane treatment from the trial judges comes almost naturally because collectively, as California judges, you stereotyped, dehumanized, and objectified people like me, Dr. Natalia A. Sidiakina, as a “Self-Represented Litigant”.

As California judges, you created commissions and task forces to minimize the impact of the annoying and disturbing “self-represented litigants” on the court system. Characteristically, none of the many created commissions and task forces with the bright names such as “Fair Administration of Justice” or “To Improve Fairness and Efficiency in California Family Law Cases” has appointed members who have experience being those self-represented litigants in California family law cases or who are psychologists or psychiatrists treating those self-represented litigants after they were intimidated, humiliated, denigrated, and psychologically abused by the trial judges.

The very absence of the self-represented litigants or psychologists or psychiatrists in such commissions conclusively proves that, to California judges and the court system, the “self-represented litigants” are non-humans, and, therefore, their opinions or feelings are irrelevant.

Judges as a group perceive “Self-Represented Litigants” as a force imposing a huge burden and, therefore, threat upon the court system. **“The most atrocities occur when people believe they are acting nobly to defend a threatening enemy”**⁶⁸. When California judges as a group stereotype millions of Californians as “Self-Represented Litigants”, then people at every level of the judicial group “help to foster a collective culture of hate and are responsible for its consequences”⁶⁹.

When an honest and conscientious trial judge becomes shocked by the outrageous lies or aggressive and life-threatening behavior of a represented party and acts honestly and humanely toward a self-represented party, the court system punishes such a trial judge for being honest, conscientious, and humane by **removing** the honest and conscientious judge from the office and publishing such stories as examples of “inappropriate” judicial behavior in the official guidelines⁷⁰, ⁷¹, ⁷². The official guidelines also cited cases in which judges were **censured** for being cruel and

⁶⁸ Haslam, A. and Reicher, S.D. (2005) The Psychology of Tyranny. *Scientific American Mind*, 9/21/05, found at <http://www.sciam.com/acticle.cfm?id=the-psychology-of-tyranny&print=true>

⁶⁹ *Ibid.*

⁷⁰ Judge Hyde was removed from the office for having conscience: when Judge Hyde observed an abusive husband during the domestic violence hearing showing to his wife that he would cut her throat, Judge Hyde did what any normal person with conscience would do- he tried to prevent a murder of an innocent wife. After learning that wife wanted to get divorced from the abuser and potential murderer, Judge Hyde showed wife where to file the papers and explained to her how to fill out the fee waiver form. Apparently, Commission on Judicial Performance would rather have a murder than a conscientious judge. See: Handling Cases Involving Self-Represented Litigants. *A Benchguide for Judicial Officers*, January 2007, p. 3-13.

⁷¹ Judge Ryan was removed from the office for being honest and having conscience: when Judge Ryan realized that the represented defendant, who hit and ran, was lying to the jury, Judge Ryan interrupted a perjured testimony and allowed the jury to see the evidence that showed the truth. Commission decided that it was inappropriate for a judge to be honest and to show the truth to the jury. Judge had to give a lying defendant an opportunity to cook up another lie and tell it to the jury. See: Handling Cases Involving Self-Represented Litigants. *A Benchguide for Judicial Officers*, January 2007, p. 3-14.

⁷² In *Wegner v. Commission on Judicial Performance* (1981) 29 Cal.3d 615, at p. 632, The Supreme Court stated that the judge is not allowed to conduct his own collateral investigation to find out the truth even

demeaning toward self-represented litigants⁷³. Apparently, being honest and conscientious for a trial judge is worse than being cruel and demeaning toward a self-represented litigant. Not surprisingly, most trial judges treat self-represented litigants with ignorance, disrespect, intimidation, and plain cruelty and abuse.

The highest judges of the State of California, would anyone of you like to come to a doctor in hopes of finding a cure for your health problem and a relief from your pain only to find out that the doctor stereotypes you as an annoying liar and a drunk who wastes the doctor's time? How would you feel if that doctor ignores what you say about your symptoms and, instead, gives you a medicine that causes you more pain? How would you feel if that doctor keeps causing you suffering until you give up and say that you are a liar and a drunk? You will never want to see that doctor again. At least, any normal person would and, probably, can find a competent and conscientious doctor. Not so with a judge. A self-represented party gets assigned to a trial judge and has no choice, even when that trial judge is incompetent, prejudiced, and antisocial.

Most trial judges will not admit that they are biased against self-represented litigants. When such bias is implicit, it affects people's decisions in exercise of power: people who exhibit implicit bias toward another group tend to deny that group financial resources, employment, and even life-saving medications. Like judges who do not acknowledge their bias against self-represented parties, "most physicians did not acknowledge racial bias, but on average they showed (on an implicit bias test) a moderate to large implicit anti-black bias. And the greater a physician's racial bias, the less likely he or she was to give a black patient ... the [life-saving] thrombolytic drugs."⁷⁴

It is terrible that the immoral and inhumane behavior of the trial judges remains unknown because most of the time hundreds of thousands of self-represented litigants are so terrified and mentally crushed that they become consumed by the fear of retaliation, "learned helplessness", and withdrawal and do not report judicial abuse.

What is more horrifying is that even when self-represented litigants report abusive behavior of the trial judges to the Commission on Judicial Performance, their complaints are being ignored because the Commission is understaffed and physically unable to review all complaints. **According to the Commission's official web site, there is only one person who is processing new complaints.** Five out of 11 members of the Commission on Judicial Performance are judges themselves, 6 are influential people who never had an experience of being self-represented before a trial judge. Finally, only 2-4% of complaints result in any sanctions, and almost all "sanctions" are just private letters to the judges. Conclusively, the Commission on Judicial Performance is a dysfunctional sham.

Due to the absolute monopoly of the State Bar of California, a public corporation, on the legal representation and the practice of law in California, the members of the State Bar can uncontrollably charge unreasonable, unconscionable, and exorbitant rates for their services, most

when the judge suspects that one party is lying under the penalty of perjury. "Handling Cases Involving Self-Represented Litigants", *A Benchguide for Judicial Officers*, January 2007, p. 3-14.

⁷³ Handling Cases Involving Self-Represented Litigants. *A Benchguide for Judicial Officers*, January 2007, p. 3-15.

⁷⁴ Carpenter, S. (2008) Buried Prejudice. *Scientific American Mind*, April/May 2008, p.33, 36-37.

of the time 16 times greater than the median hourly income of Californians.⁷⁵ The State Bar reports that the ratio of poor people to legal aid attorneys in California is 10,000 to 1.⁷⁶

The Association of Certified Family Law Specialists stated in 2007 that there was “**the ever-widening two-tiered justice system** -- that for litigants who can afford to opt out of the public court system and retain private judges who do not impose **unreasonable and arbitrary deadlines** and that for those who cannot afford to do so.”⁷⁷ As a self-represented litigant, I learned from my own experience that **California of today is the land of two classes: the high class of people who can afford continuous representation by influential attorneys at the rate of over \$300 per hour and the low class of those who cannot afford continuous representation.**

For the “self-represented” class or over 90% of Californians, the California laws are simply unenforceable and the phrase “equal access to justice” is a profound lie. In California of today, there is an equal access to a trial judge, and not to justice. Consequently, the members of the “self-represented” class have no practical property rights as their property can easily be taken from them against their will by a trial judge at the request of a represented party.

Since being self-represented means being subjected to bullying, denigration, humiliation and psychological abuse, being self-represented is actually worse than non-appearing in court. The vast majority of the surveyed self-represented litigants reported that being in the courtroom was extremely distressing, horrifying, and even the worst experience in their lives.⁷⁸ The psychological traumas resulting from the judicial abuse cause severe brain diseases in self-represented litigants such as anxiety, depression, panic attacks, and symptoms of post-traumatic stress disorder. Undoubtedly, the trial judges actively support the legal profession by conveying the message that the only way to survive the litigation is to be represented.

In summary, in the trial court, the honest self-represented people learn the reality that the truth and the law are irrelevant and lose their cases against the dishonest people. The legal remedy of the appeal is available to the self-represented litigants only in theory. Because self-represented litigants are almost NEVER legally-experienced⁷⁹ and always have brain malfunctioning due to emotional involvement, distress, and high anxiety caused either by litigation itself or unfair rulings of the trial court, it is physically impossible for self-represented litigants to prepare good-quality briefs for an appeal in 2-3 months. **I could not find a single published case in which the prevailing party was a self-represented non-lawyer in the Court of Appeal.** If anyone knows of such a case, please let me know, and I will post it on www.SelfRepresentedFool.org .

As the final result, the California legal system discourages the honesty and encourages the dishonesty. **Thus, the California legal system is immoral.**

⁷⁵ Assuming the median income in California at \$50,000 per year or \$1,000 per week or \$25 per hour before tax, at the tax rate of 25%, the median hourly income is \$18.75, whereas the median hourly rate for services of an experienced family law specialist is \$300, which is 16 times greater.

⁷⁶ Handling Cases Involving Self-Represented Litigants. *A Benchguide for Judicial Officers*, January 2007, p. 1-2, 1-3.

⁷⁷ *Elkins v. Superior Court (Elkins)* (2007) 41 Cal.4th 1337 at p.1370 FN 19.

⁷⁸ See “Handling Cases Involving Self-Represented Litigants”, *A Benchguide for Judicial Officers*, January 2007, p. 6-9, 6-19, 6-20.

⁷⁹ No attorney will represent himself/herself because he/she knows that it would mean losing the case. “**The one who represents himself has a fool for a client**”- the most popular lawyers’ joke.

An immoral legal system inevitably defends itself by suppressing and punishing those who have enough courage to tell the truth. The more immoral the system is, the more intimidating, cruel, and inhumane the punishment is. **The California legal system degraded to torturing self-represented litigants like me who dare to disagree, speak up, and tell the truth.** The current California legal system is not much different from the Stalin's or Hitler's legal systems.

The current legal system in California promotes domestic violence against women.

Violence is the exercise of power and, as such, is addictive. In family settings, a more powerful spouse can “modify other's states by providing or withholding resources or administering punishments”⁸⁰. In case of domestic violence against women, the more powerful spouse is a husband, who controls financial resources and, consequently, social status.

Most men's violent and abusive behavior in family settings, as contrary to supportive and providing behavior, results from the suppression of cognition by stress or other means (alcohol, drugs, etc.)⁸¹. Suppressed cognition allows anger to erupt at whoever is handy and less powerful, making the wife and children easy targets. Frequently under stress, the suppressed anger of men, who were abused as children, gets expressed through domestic abuse and violence.⁸² Stress is increasing generally in California due to war in Iraq, rising oil and food prices, financial crisis, home equity deterioration, foreclosures, exorbitant health insurance costs, economic stagnation, transferring of high-tech manufacturing and research to Asia, resulting unemployment, etc.

Stress from work is also increasing because most employees have bosses and peers who bully them also because of the stress and because bullying is pleasurable and addictive as it increases the dopamine levels in the brain⁸³. 37% of the US employees, or the majority of potential non-bullies assuming a 50/50 ratio, are bullied at work⁸⁴. Unlike sexual harassment, **bullying has no legal remedy in California** and is dismissed as “interpersonal conflict” between employees. Because bullying is addictive and because bullies have no motivation to stop it, the number of bullied at work employees will be increasing. Therefore, the number of stressed employed men (and women) with suppressed cognition in California will be also increasing.

Abusive husbands are unlikely to seek divorce or change their addictive violent behavior as long as things are going their way in the family settings. An abused wife in California is extremely unlikely to report domestic violence because such reporting will necessarily result in her husband's arrest and, consequently, an inevitable divorce, her financial downfall, and the high likelihood of her becoming homeless and even losing custody of her children. After divorce, housewives will struggle to find employment even at low wages of less than \$15/hour and will likely be bullied at work. **For many women, a bullying husband is less threatening than bullies at work.**

Husband's arrest for domestic violence can result in a criminal case against husband or a dismissal. If the abused wife presses charges, her husband, who controls financial resources, will hire an influential criminal law attorney to defend him. After hearings and a trial, the abusive

⁸⁰ Keltner, D., Gruenfeld, D.H., Anderson, C. (2003) Power, Approach and Inhibition. *Psychological Review*, Vol. 110, No. 2, 265-284 at p. 265, on the web at <http://socrates.berkeley.edu/~keltner/publications/keltner.power.psychreview.2003.pdf>

⁸¹ Dr. Forward, S. (1990) *Toxic Parents*. Bantam Books, p.3, 120, 124, 137

⁸² Dr. Forward, S. (1990) *Toxic Parents*. Bantam Books, p.3, 120, 124, 137.

⁸³ *Scientific American Mind*, April/May 2008, p.14.

⁸⁴ Kim, J.N. (2008) The Cubicle Bully. *Scientific American Mind*, July/July 2008, p.13.

husband will be either free or in jail. Being in prison will necessarily result in husband's loss of employment and financial crisis for the family. The jailed abusive husband will hate his wife, will hire an influential family law attorney, will direct his attorney to transfer all family funds and assets to ensure that wife would not have access to them, and will file for divorce. The family is likely to lose its residence because the main breadwinner and the mortgage payer will be gone. Naturally, no housewife wants that. According to the family law center of Sonoma County, more than 50% of arrests for domestic violence result in dismissals prior to the establishment of a case.

If the arrest results in a dismissal, especially after the case was tried, the arrested husband will have more stress from the arrest and the court hearings and will naturally harbor a lot of hostility and anger against his wife. Moreover, the balance of power in the family will be changed by the arrest, and the arrested husband will no longer be satisfied with his marriage. Since the abusive husband controls his family's financial resources, he will hide and transfer the family assets in the secret preparation for divorce. He will hire an influential family law attorney and then will file for divorce requesting custody of the children, no spousal support and no attorney's fees to his wife. It will be extremely unlikely for his abused wife to have sufficient separate property assets and separate income to maintain continuous legal representation. Consequently, she will become self-represented shortly after the beginning of the divorce.

During the trial, the abusive husband's attorney will lie to the judge and will make the wife look like an alcoholic, a drug addict, and a completely unfit parent. The family law trial judge will ignore any evidence and pleadings submitted by the self-represented wife. After divorce, the abusive husband will remain living in the family residence with the children, and his abused ex-wife will likely receive no or minimal spousal support and no property because the major portion or all of the community property will be used to pay for the abusive husband's attorney's fees.

Women are more vulnerable to stress and twice as likely as men to develop anxiety and depression under stress⁸⁵. Any infection, even minor flu or cold, will necessarily exacerbate the stress on the body. If the abused wife was employed during the marriage, she is likely to lose her employment because she will likely develop severe anxiety and major depression as a result of the stress during her divorce litigation. A depressed woman will have an impaired cognition and no energy to look for a new employment. The current medications for depression take several weeks to have a clinical effect, and only 40%-50% of antidepressants work. Because of the side effects and ineffectiveness, a depressed woman will have to try 2-3 different medications to find the one that works. This will take a few months. While being depressed with no funds and no legal knowledge, the abused wife will not be able to either hire an appellate attorney or self-represent herself in appeal and prepare in 1-3 months a good quality Appellant's Opening Brief. As a result, the injustice created by the trial judge will become permanent.

In conclusion, **the abused wife will report domestic violence ONLY when she fears for her own or her children's lives.** In wealthy Marin County, for instance, domestic violence against women was growing quietly in the past years and is currently a primary type of violent crime accounting for 30% of violent crime cases (over 60% of violent crime arrests)⁸⁶. **Thus, the current legal system with its unrealistic deadlines and exorbitant legal fees implicitly promotes domestic violence against women.**

⁸⁵ National Institute of Mental Health official web site; Andreasen, N.C., MD, PhD, (2004) *Brave New Brain*. Oxford University Press, at p. 237-238.

⁸⁶ *Cal. Courts Rev.*, Spring 2008, p.8. At dismissal rate of 50%, DV arrests represent 60% of violent crimes.

California is in the state of emergency now.

The only logical conclusion is that the State of California is in the state of emergency. **Unless the adequate funds are received from the US Government and unless the judges recognize and actively try to offset their implicit bias against self-represented people, the anarchy in California will lead to tyranny to maintain stability and order. Torture is the first and necessary element of tyranny.**

I certainly don't know whether you, as the highest rulers of the State of California, favor tyranny over anarchy. I don't know what you would like for your children and the future generations of Californians. The only thing I know for sure is that neither fairness nor conscience can exist during anarchy or tyranny or slavery. **That's why I pray for your fairness and conscience: you have the power to steer California toward democracy.**

Recognizing the implicit bias helped physicians to offset it. "People who report a strong personal motivation to be non-prejudiced tend to harbor less implicit bias. And some studies indicate that people who are good at using logic and willpower to control their more primitive urges, such as trained mediators, exhibit less implicit bias. Brain research suggests that **the people who are best at inhibiting implicit stereotypes are those who are especially skilled at detecting mismatches between their intentions and their actions**".⁸⁷ (bold added).

It is much easier to review a couple of cases involving self-represented litigants than to review tens of thousands of them. It is good to maintain public delusion of justice and fairness and make public statements such as:

"Rigid rule following is not always consistent with a court's function to see that justice is done. Cognizant of the **strong policy favoring the disposition of cases on their merits** [citations], judges usually consider whether to exercise their discretion in applying local court rules and frequently consider documents which have been untimely filed".⁸⁸ (bold added).

"When the two policies collide head-on, the strong public policy favoring disposition on the merits outweighs the competing policy favoring judicial efficiency".⁸⁹ (bold added)

"That a procedure is efficient and moves cases through the system is admirable, but even more important is for the courts to provide fair and accessible justice. ... What we observed three decades ago remains true today: "While the speedy disposition of cases is desirable, speed is not always compatible with justice. ... Domestic relations litigation, one of the most important and sensitive tasks a judge faces, too often is given the low-man-on-the-totem-pole treatment"".⁹⁰ (bold added).

The Supreme Court is concerned that "[Citation] Members [of the State Bar] uniformly report that their clients [**family law litigants**] **are stunned to be told that they will not get to tell their story to the judge** [citation], **and express** [citation] **shock, anxiety and outrage** [citation] **along with the belief that** [citation] **they had been denied their right to have their case heard by a judicial officer** [citation]. Overwhelmingly, practitioners criticized the rule and order [of the

⁸⁷ Carpenter, S. (2008) Buried Prejudice. *Scientific American Mind*, April/May 2008, p.33, at p.38.

⁸⁸ *Elkins v. Superior Court (Elkins)* (2007) 41 Cal.4th 1337 at p.1364.

⁸⁹ *Id.* at p. 1365.

⁹⁰ *Id.* at p. 1366.

Contra Costa Superior Court] for creating what their clients understood to be **a lesser standard of justice for family law litigants.**"⁹¹ (bold added).

The Supreme Court affirms that "... **family law litigants should not be subjected to second-class status or deprived of access to justice.**"⁹² (bold added).

The problem is that such statements are delusions or shams because **in the current legal system for over 90% of Californians justice is physically impossible.** The current legal system in California is detrimentally damaged and completely dysfunctional. It needs a paradigm shift to become functional and to support democracy.

The following conditions should not exist in California because they contradict with the meaning of democracy and justice or make democracy and justice impossible:

1. Slavery and torture because they are immoral and inhumane.
2. Unregulated monopoly on the legal representation because it immediately deprives the vast majority of Californians of any representation. Californians should have a freedom of choice and should be represented by any people they trust.
3. Trial judges chosen only from former practicing attorneys because it inevitably creates a bias in favor of litigants represented by attorneys. Trial judges should be scholars and thinkers concerned about social justice.
4. Judicial terms of more than 6 years because of the addiction to power and, consequently, development of stereotyped thinking and antisocial behavior. There should be continuous education, testing of cognitive abilities, and psychological evaluation of the judges.
5. Unreasonable deadlines and time limits for filing appeals and related briefs and correcting the errors that resulted in a miscarriage of justice because it allows injustice for self-represented litigants, especially women, to flourish and promotes domestic violence against women.
6. Imprisonment of children and juveniles because it detrimentally damages their brains and leads to continuous antisocial behavior.
7. Imprisonment of sick people who are addicted to any drugs because there is absolutely no scientific or medical basis for distinguishing between an addiction to power or sweets and an addiction to cocaine⁹³ or any other drugs, legal or illegal. Any addiction is a biological brain disease and not a failure of character or willpower.
8. Death penalty because it creates impossible financial burden on the society and depletes resources of the court system.

I pray for your fairness and conscience: Please use your power and the trust invested in you by the people of California, turn your best intensions into actions, and initiate the necessary paradigm shift. Please reconsider your denial of my request for an extension of time to file Appellant's Opening Briefs and review my filed statutory Petitions for Writ.

Respectfully Yours,

Natalia A. Sidiakina

⁹¹ *Id.* at p. 1367

⁹² *Id.* at p. 1368

⁹³ Sweets activate pleasure and reward pathways in the brain and, therefore, are addictive. Experiments with rats showed that sugar is more addictive than cocaine (cocaine-addicted rats switched to sugar). See Dvoskin, R. (2008) Sweeter Than Cocaine. *Scientific American Mind*, April/May 2008, p.16; also Conti, L. (2008) Faux Sugar: Bittersweet. *Scientific American Mind*, June/July 2008, p. 14.