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Commission on Judicial Conduct
61 Broadway, 12th Floor
New York, New York 10006

Re: Richmond Family Court Judge Terrence J. McElrath

Dear Commisioners:

Please find enclosed article regarding the state of the Family Court in Staten Island, from yesterday's Staten Island Advance.

I am requesting a thorough investigation of my complaints detailed in the memo, dated February 20, 2006, to former Attorney General Eliot Spitzer. I received no written reply from the Attorney General only a telephone call from the investigator who said first that "there was obvious misconduct and malfeasance in his opinion" and then five days later said his superiors had informed him that even if the Judiciary were to refer it to them, they would not be able to accept it.

I believe that no reasonable or ethical judge without a *preferred outcome* who was miminaly versed in the importance of parent-child relationships, stability, healing for familes of divorce, due process, justice, comity and judicial economy would ever have done what Judge McElrath did, namely,

1) vested subject matter jurisdiction in a needless duplicative initial custody do-over of a prior already judicially resolved custody determination given that Judge McElrath had subpoenaed the Supreme Court file of the case and which file included an order delegating a Judicial Hearing Officer by Administrative Judge Michael Pesce in 1996 to hear and determine custody and all other matters of the divorce;

2) or failed to create the space for opposing counsel and the law guardian to seriously entertain my attorney's offer of settlement immediately prior to the commencement of the Petitioner-Father's direct case—a settlement offer to be carried out with the assistance of the Seamen's Society for Families and Children already involved with the family (this proposal was offered by my attorney, former Family Court Judge Holt Meyer, after the Appellate Division refused to hear his appeal of Judge McElrath's ruling on jurisdiction and denial of our motion before him to dismiss the custody matter);

3) or proceeded to give the petitioner father ten hours of his valuable court's time for a reignited full scale custody battle in July and August of 1999,

4) and then after the father had not even rested his case and the judge had not even spoken to my children severely traumatized by their father's nine year war of attrition and scorched earth practices fully available for the judge's perusal in the Supreme Court file he had subpoenaed and despite the evidence to be inferred that this litigious siege had destroyed the children's ability to have a normal childhood and peaceful relationship with both parents,

5) and then have actually ordered the children to their father in Pennsylvania at the beginning of the school year *BEFORE HEARING A WORD OF MY CASE* on either the initial custody or the modification of custody standard.

Judge McElrath wants the press to believe he is a hardworking judge. Notice how he brags in the enclosed article about coming in to work at 7:30 a.m and still in court at 5:30 giving an interview to a reporter. This judge should be removed from the bench before he can damage any more families.

Judge McElrath accepted as the law of the case the farcical contention of a publicly paid law guardian and the aggressive attorney who had handled the father's failed appeal of child support the year before that I did not have any claim to *de jure* custodial status and the constitutional safeguards that accompany such status earned as a result of Supreme Court orders issued on September 18, 1996 which transcript was shown to the judge, the law guardian and opposing counsel.

Please see letter of May 10, 1999, and transcripts enclosed from September 18, 1996 and May 18, 1999.

Furthermore, Judge McElrath short-circuited my ability to perfect my appeal of the Family Court Hearing Examiner's ruling on jurisdiction for child support brought by the father after the wrongful process leading to the father being given custodial status. Judge McElrath refused to rule on my Objections filed protesting the Hearing Examiner's corresponding lack of jurisdiction over a similarly feigned first time out the gate child support proceeding brought by the father. The written ruling by Judge McElrath on my Objections would have been a necessary pre-condition to an appeal of child support.

Please see attached consequences to me in payments garnished from my state salary from 1999 to 2008. The financial damage pales in comparison to the loss of relationship with my children. They have suffered severe emotional abuse from the relentless parental alienation and brainwashing with cult-like impoverishment of thoughts and emotions for the critical thinking skills and emotional health of the children.

If this can happen to me, a lawyer, employed by the Judiciary, what are the chances of overcoming systemic duplication, delay and/or injustice caused to a layperson such as the mother cited in the article who "lost a full day's wages [of \$8.50 an hour] as a home health aide

for nothing.” I see Judge McElrath is still allowing litigants before him to go nowhere fast as they become increasingly more busy and broke fighting an impossible system.

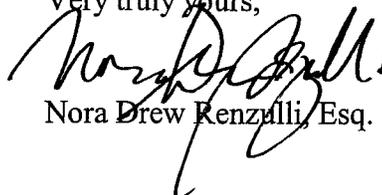
I hope that the members of the Commission are fully conversant with the problem of parental alienation. I would direct you to the work of Clawar and Rivlin, *Children Held Hostage: Dealing with Programmed and Brainwashed Children*. Judge McElrath disingenuously claimed not to understand that parental alienation could be caused by a noncustodial father against a custodial mother. Displaying further obstinance and unwillingness to take responsibility, he asserted that even if the children were alienated, he had no intention of learning how and why it had happened or what responsibility the court had to correct it. Nine months after moving the children and exposing them to a severely alienating out of state parent and before having heard a word of my case and before having written a single articulated ground or basis for having done it, Judge McElrath dismissively said on the record in response to my entreaties to deal with the ongoing alienation and interference with my ability to be a mother to my children, that “you can’t put toothpaste back in the tube.” That failure to take ownership of having personally contributed to squeezing it out of the tube stimulated me to exhaust all other possible remedies and take the step of bringing an Article 78 (writ of prohibition) against Judge McElrath. Please read the enclosed memo carefully to see how Attorney General Eliot Spitzer and his designees failed to vet this case for the blatant judicial abuse of power it represented and dove in to defend a judge in a matter that instead needed immediate surgical remedies and intervention and damage control, not further emotionally and financially costly adversarial litigation.

From what I have heard from another mother who has been the innocent target of a severely alienating and manipulative parent in Richmond County Family Court, Judge McElrath has not learned from his mistakes. This leads me to further conclude they were not “mistakes” but rather completely intentional and carried out knowingly and deliberately for reasons best known to the Judge himself.

I respectfully ask that the Commission’s focus be directed to comprehending the deception and manipulation of the court processes by Judge McElrath, and then when the means undertaken to justify unethical and illegal ends are identified, there need to be put into place effective remedies which include *truth telling and amends to me and to my children*. Please realize that I am not looking exclusively for the disciplining of the wrongdoers. That would be insufficient and it would leave the victims without justice. The hoax committed on the Family Court with the collusion of Judge McElrath, the late Norman Rosen and Law Guardian Richard Katz needs to be exposed and lessons taught and learned and restorative justice provided.

Please conduct a thorough investigation of this matter.

Very truly yours,



Nora Drew Renzulli, Esq.

Enc.