



# National Coalition For Men (NCFM)

Since 1977

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September 2, 2020

## Sent Via U.S. Priority Mail, Tracking & Delivery Confirmation

Commission on Judicial Performance  
455 Golden Gate Avenue, Suite 14400  
San Francisco, California 94102

Re: Official Complaint of Judicial Misconduct & Discrimination  
Judge Linda Miller, Orange County Family Court  
Presiding Judge Lon Hurwitz, Orange County Family Court

To the California Commission on Judicial Performance,

This cover letter, addendum and exhibits constitute a formal complaint and a request for an investigation of Orange County Family Court Judge Linda Miller (Retired) of JAMS Mediation Services and Judge Lon Hurwitz, Presiding Judge, Orange County Family Court (OCFC).

The information, evidence and exhibits presented here combined with official public record documents and case files will reveal that Judge Linda Miller of the Orange County Family Court, now retired, is in violation of multiple Judicial Canons as well as violations of the California Rules of the Court, violations of the California Judicial Conduct Handbook, and potential violations of federal law.

The evidence will also reveal that Orange County Family Court Presiding Judge Lon Hurwitz failed at every aspect, to exercise proper and necessary supervisory oversight of Judge Miller, also in violation of Judicial Canons, the California Rules of the Court as well as multiple violations of the California Judicial Conduct Handbook.

Combined, their actions, discrimination and failures has decimated a family, caused irreparable financial devastation and facilitated the emotional and psychological abuse of two young children.

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*Committed to ending harmful gender-based stereotypes*

To the best of our knowledge the information in this and the attached related documents by NCFM and others is factual and based on official court documents, interviews, and provable events. Moreover, in our opinion, the information developed thus far has the appearance of discrimination, incompetence, gross malfeasance, maladministration, and criminality.

It is hoped that a fair and unbiased inquiry can be made and that this organization, the individual identified as the primary victim in this debacle, as well as other potential witnesses, including court employees will not be subjected to reprisals, retaliatory actions, manufactured actions, or other potential infringements on their free speech or other constitutional rights.

It is also hoped that there are no attempts to seal any portion of this case, or instances where official court records or documents are removed, tampered with, altered, or manufactured in this file.

Pursuant to the Judicial Code of Ethics, the following shall be noted. Canon 5 D (5) states, *“a judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.”*

Pursuant to the California Penal Code, the following sections; 115(a), 115.3, 132, 134, 135, 470(d), and Title 8 U.S. Code § 1324c, shall be noted with respect to the filing, altering or tampering with official records.

The potential violations involving the judicial officers named in this complaint, include, but are not limited to the following.

- Violations of the California Judicial Code of Ethics, Canon 1, Canon 2, Canon 3, & Canon 6.
- Title 42, U.S. Code § 1983 - Civil Rights Violations.
- Title 18, U.S. Code § 242 - Deprivation of Rights Under Color of Law.
- Violations of the 1<sup>st</sup>, 4<sup>th</sup>, 8<sup>th</sup>, & 14<sup>th</sup> Amendments of the United States Constitution.
- Violation of the California Rules of the Court, Rule 10.603, Failure of the Presiding Judge to Properly Supervise a Subordinate Judge.



## The National Coalition For Men

The National Coalition For Men (NCFM) is a 501(c)(3) educational nonprofit corporation established in 1977 and the nation's oldest men's human rights organization. Our members are men *and* women from a wide variety of professions across the globe, including, educators, medical professionals, attorneys, and retired law enforcement officers.

NCFM is committed to the removal of gender-based stereotypes, especially as they adversely impact boys, men, their families, and the women who love them, including, issues involving the criminal justice, and family court systems.

You can learn more about NCFM, our interests, activities, and numerous accomplishments by visiting our website, [www.ncfm.org](http://www.ncfm.org).

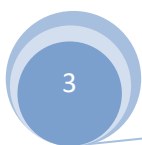
## The Family Law Case

This complaint primarily, but not exclusively, involves the high conflict divorce case of [REDACTED], Petitioner v. [REDACTED], Respondent, case # [REDACTED]. [REDACTED] marriage lasted just over 9 years, but the divorce case is now extending into its eleventh (11<sup>th</sup>) year, with over 150 court appearances, and [REDACTED] has expended over \$300,000 in this effort.

Judge Linda Miller, who was the predominant judicial officer in this divorce proceeding, ignored nearly 100 violations of court orders on the part of [REDACTED], never once sanctioning her for the countless intentional intrinsic frauds upon the court, numerous instances of perjury, filing false documents, and the intentional infliction of emotional and psychological abuse, (parental alienation) <sup>1 2 3 4</sup> of their [REDACTED] who were ages [REDACTED] at the time the divorce proceeding was initiated.

Additionally, the evidence in the case supported by official court documents, reveals that Judge Miller displayed an extraordinary level of incompetence, exceptionally negative and condescending demeanor, lack of professionalism, and open and unabashed discrimination and hostility towards [REDACTED] based on his gender.

Pursuant to the Judicial Code of Ethics, the following shall be noted. Canon 3B (5) states, “*a judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as (a) bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, sex.....*”



Judge Miller also kept in place a falsely procured restraining order against [REDACTED], commonly referred to as “the nuclear weapon of divorce,”<sup>5</sup> for a period of approximately six (6) years, with a few brief interruptions, despite the absence of any form of domestic violence or abuse,<sup>6</sup> and was only lifted by another judge after an official determination contained in a Minute Order that no evidence of domestic violence existed.

Judge Miller’s actions and [REDACTED] false assertions resulted in [REDACTED] having less than fifty (50) hours of visitation time with his [REDACTED] over a two-year period, and as such, she and others may be complicit in the continuous and ongoing emotional and psychological abuse of the [REDACTED] children as defined in the Child Abuse and Neglect Reporting Act, California Penal Code Sections 11164 - 11174.3<sup>7</sup>.

It is no secret that orders of protection are routinely abused in family law matters, for tactical purposes or as a tool used to exact revenge. A number of prominent national advocacy groups<sup>8</sup>, scholarly articles, law review articles, and editorials opine that false or non-meritorious restraining orders occur in approximately 40% to 90% of family law cases depending on the jurisdiction and individual state law<sup>9</sup>. Also, it is widely known that many family law attorneys routinely advise female clients to ‘go down to the courthouse and get a restraining order’,<sup>10</sup> as if someone was going to the grocery store to pick up a loaf of bread.

Currently, Judge Miller’s State Bar License is in ‘Inactive’<sup>11</sup> status and she is no longer a public officer, but is employed as a Mediation Hearing Officer, therefore is not beholden to any state oversight or regulatory agency, however her actions while she was a Family Court Judge are subject to the commission’s jurisdiction. As such, this scenario is the perfect storm for unbridled corruption, and may necessitate a referral to the FBI Orange County Public Corruption Task Force.

Despite the blatant display of gender bias on the part of Judge Miller as well as the extraordinary high level of complaints<sup>12 13</sup>, Presiding Judge Lon Hurwitz<sup>14 15</sup> failed in his responsibilities to report, sanction, or remove Judge Miller for her incompetence, egregious and discriminatory conduct and actions.

Pursuant to the Judicial Code of Ethics, the following shall be noted. Canon 3C (4) states, “*a judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to ensure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities.*”

A marriage that lasted a little over nine (9) years, and a divorce action now going into its eleventh (11<sup>th</sup>) year would certainly be an example of a violation of this judicial canon.

Based on a well-publicized and litigated <sup>16 17 18</sup> history of the lack of transparency on the part of the Judicial Commission, and the well-publicized history of incompetence, misconduct, and corruption in the Orange County Family Court, <sup>19 20</sup> it is necessary, in the public interest and safety, to provide and share this information with news agencies and public interest advocacy groups <sup>21</sup>.

Consequently, NCFM requests a formal investigation of Judge Miller and Judge Hurwitz.

We respectfully request a written response to this complaint within ten business days from its receipt, including any notifications to any other oversight body or prosecutorial agency.

Respectfully,

  
President

HC/MC/mc

Addendum & Exhibits

cc: FBI Orange County Public Corruption Task Force  
The Office of the California State Auditor  
Judicial Watch, Washington DC  
The Orange County Register  
The Voice of OC  
Commission on Judicial Performance Reform Project

## Links/References/Footnotes

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- <sup>1</sup> Parental Alienation Study Group, <https://pasg.info/>
- <sup>2</sup> International Support Network for Alienated Families, <https://isnaf.info/>
- <sup>3</sup> <https://www.jmichaelbone.com/>
- <sup>4</sup> <https://www.youtube.com/watch?v=6jPdav5cfMg&list=PL7CE6F6FE9D470E08>
- <sup>5</sup> <https://dadsdivorce.com/articles/the-nuclear-weapon-of-divorce-orders-of-protection/>
- <sup>6</sup> <https://dadsdivorce.com/articles/restraining-orders-out-of-control/>
- <sup>7</sup> California Penal Code  
[https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=2.&article=2.5](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=2.&article=2.5)
- <sup>8</sup> Stop Abusive & Violent Environments, <http://www.saveservices.org/wp-content/uploads/2010/03/SAVE-VAWA-Restraining-Orders.pdf>
- <sup>9</sup> Stop Abusive & Violent Environments, <http://www.saveservices.org/pdf/SAVE-Incentives-for-False-Allegations.pdf>
- <sup>10</sup> The Huffington Post, “The misuse of orders of protection by women when going through a divorce....”  
[https://www.huffpost.com/entry/order-of-protection-and-j\\_b\\_974970?guccounter=1](https://www.huffpost.com/entry/order-of-protection-and-j_b_974970?guccounter=1)
- <sup>11</sup> <http://members.calbar.ca.gov/fal/Licensee/Detail/57559>
- <sup>12</sup> <http://www.therobingroom.com/california/Judge.aspx?id=3061>
- <sup>13</sup> [http://www.robeprobe.com/find\\_judges\\_result2.php?page=1&judge\\_id=2233](http://www.robeprobe.com/find_judges_result2.php?page=1&judge_id=2233)
- <sup>14</sup> [https://www.robeprobe.com/find\\_judges\\_result2.php?judge\\_id=6555&judge\\_Lon\\_Hurwitz](https://www.robeprobe.com/find_judges_result2.php?judge_id=6555&judge_Lon_Hurwitz)
- <sup>15</sup> <http://www.therobingroom.com/california/Judge.aspx?id=14650>
- <sup>16</sup> Judicial Watch, <https://www.judicialwatch.org/corruption-chronicles/state-agency-disciplines-judges-fights-keep-operating-secrecy-56-yrs/>
- <sup>17</sup> <http://www.sanjoseinside.com/2016/08/12/first-ever-state-audit-aims-to-hold-judges-accountable/>
- <sup>18</sup> Judicial Watch, <https://www.judicialwatch.org/wp-content/uploads/2017/08/CJPAmicus-Brief-July-25-2017.pdf>
- <sup>19</sup> <http://family-court-corruption.com/child-custody/orange-county-da-todd-spitzer-to-break-up-family-court-corruption/>
- <sup>20</sup> Orange County Register, <https://www.ocregister.com/2013/07/26/fbi-confirms-oc-public-corruption-task-force/>
- <sup>21</sup> <https://www.divorcecorp.com/>

