

An Open Letter to the Illinois Judges Association

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**Proposal: To Illinois Judges Association
How to Avoid the "No Comment" Pit - The Real Way. Getting Started.
Proposed Topics / Initiatives for *The Gavel* / IJA / Criticism Response Committee**

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Dear Hon. Dickler, Gillespie, Judge Robert J. Anderson and other IJA Leaders;

In the August, 2008 issue of *The Gavel*, Hon. J. Anderson poses to the Illinois Judiciary the question of every judge's worst nightmare: "On Monday morning, you place a defendant on probation pursuant to a plea agreement on a domestic violence case. On Monday evening, he kills his wife. As you walk into the courthouse the next day, a reporter approaches you and asks you a question about the case. What do you say?" J. Anderson goes on to suggest a judicious approach to sidestep discussing the issue at hand: Say that you can't. Later it is encouraged that, in essence, should you be a party to such a horrible event, you might need to make use of judicial supports: "If any reason you feel that you are being unfairly criticized in the media about a case, remember that you can call the IJA Criticism Response Committee. The Committee was set up to assist Judges in responding to unfair criticism."

--Without addressing the problematic underlying issues of this approach, I suggest that certain policies and procedures be put into place so that these events, and the resulting need to resort to a Criticism Response Team, might be avoided entirely.

The question is: Are there means by which judges may better predict outcomes and the behavior of litigants? A related question is: Was there someone who had information or knowledge which might have prevented the adverse outcome? In other potentially adverse events, one might have seen a litigant immediately prior to her suicide, or of her

murdering her children in a postpartum delusional or psychotic state. Had such a litigant just been in your courtroom, and under your jurisdiction, but you let them slip out, having not taken advantage of the opportunity to order an evaluation, treatment or other care? In the case given by J. Anderson, one might have expected that the victim might have protested the release. It is possible that through the use of a simple psychological screening survey, a judge might have better data on which to decide such cases. But consider the reverse: What if the ultimate victim, be it by suicide, or homicide of her children, could have been predicted and protected? What if you, the sitting judge, had been told by a family member of the risk posed by a delusional family member? And what do you do when an adult child is alleged to be delusional by their mother? Do you just shrug it off, thinking you have no duty of care to investigate more carefully? I have come to raising these questions, having expected that the courts would have in place some sort of process by which these issues can be systematically addressed. I had hoped that the judges in the courtrooms had been trained sufficiently to pay full attention and consideration to family members who state that their relatives have diagnosed psychiatric disorders. How many of the petitioners seeking Orders of Protection, are, in fact, not the subject of abuse, but delusions and causing themselves and even their "respondent", substantive harm? Do judges even ask this question to themselves? It seems not. I presumed that screening instruments were available to make determinations about if a litigant were suffering from depression, and the often related persecutory delusional thought disorder. There are many such instruments available. One is the Edinburgh Postnatal Depression Scale. I am not suggesting that this instrument is the only or best solution to all the above problems. Tests often have flaws or limits to their usefulness. Personnel must be trained in their use or the results are of less useful.

There is, however, one source of information readily available, underutilized and generally at no cost: Mothers.

That's right; I urge that the Illinois Judiciary be more open to listening to the mothers in your courts, and especially those of adult children, of daughters with a history of mental illness, postpartum depression, refusal to take medication needed for mental stability; and/or other historic and well known clinical indicators. I suggest that, were judges to merely judiciously follow up on the advice of mothers, instead of discounting them, you will increase the likelihood of locating and more correctly addressing, the real needs of litigants suffering from mental disorders.

In the well known case of the postpartum suicide of Melanie Blocker Stokes, her mother, Carol Blocker, was pleading for special care to be given. She had raised the young woman, known her over her life, and was the most accurate reporter available. Carol Blocker knew how abnormal the current behavior was. Carol knew that her daughter had not taken her medications, and Melanie told her mother that she had suicidal intent. But no one listened to Carol, and Melanie "succeeded" in taking her own life. In a more recent example, in Ohio, Amber Hill murdered her two little daughters a few months ago. Amber's mother, knowing her daughter was suffering from severe depression, had been desperately trying to get her adult child under medical care, but the supports weren't there. The grandmother was left suffering the death of her grandchildren, due to the fact that no one heeded her warning. In the March, 2008 issue of *The Gavel*, you posted a short piece by Judge Tourtelot. In this piece he described the "light of" his life, his daughters:

"HEY DADDY, WANNA PLAY?"

By Judge John D. Tourtelot

--Hey daddy, wanna play? These were the words yelled at me by my daughter, Kristin; one of three that are the light of my life. Her squeaky voice and toothless grin beckoned me. Here is a little girl who puts 24 hours of play into 10 hours of daylight. It seems that

when I last looked upon her she was a small infant, barely able to walk or speak. Now, her dirty knees and grape mustache call out. I dare not glance away for fear that when our eyes meet again she will be a young lady.

All too many of us mothers and grandmothers are being denied the same "light" of our lives. Despite that we do not even dare to glance away, our beloved children and grandchildren are gone. In some cases, the grandchildren have been taken off the face of the earth by a mentally ill mother, the adult child of a grandmother who will always grieve. In other cases, the daughter takes herself away, leaving both her mother and child with the terrible loss. At other times, the mentally ill adult daughter, no longer taking her medication, experiencing post partum related disorders, becomes so delusional as to actually think that her loving mother means her harm.

Such cases are moving through your courts at this time. There are adult daughters who are mentally ill, and the judges fail to comprehend the true nature of the litigation in front of them. The judges are reinforcing the delusional fears by their behavior, and causing the mentally ill party to suffer the loss of significant supports, and help which the grandchildren of depressed mothers especially need. In such cases, everyone suffers. This includes the judges, who, having failed to listen to the mothers, might ultimately, or perhaps even soon, find themselves wanting to make use of the Judicial Criticism Response Committee; instead. At that time, statements to the effect that no comment is allowed, ring hollow and cruel. I ask that I be allowed to work with your group so as to develop procedures and policies to help protect our daughters and grandchildren from the ravages of mental illness; when these individuals appear under your jurisdiction.

Respectfully Submitted,
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