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

Attention: Laura Archilla-Soto
Assistant Administrative Officer

Re: Richmond Family Court Judge Terrence J. McElrath

Dear Commisioners:

Thank you for acknowledging receipt of my complaint, dated December 22, 2008, on January 5, 2009. See enclosed for your reference.

I am moved to provide you with a copy of the Obituary of Judge M.Holt Meyer from yesterday's *Staten Island Advance*. Former Judge Meyer represented me from June to August 1999 while he practiced law in retirement after 22 years on the very bench in Richmond County on which the target of this complaint, Judge Terrence J. McElrath, sat as his successor.

Judge McElrath, nevertheless, chose to defy reason, the law and the Constitution, and openly ignore Mr. Meyer's pleas to deescalate the coming duplicate custody battle which Judge McElrath was about to unleash on the wrong standard. Rather than listen to reason, Judge McElrath chose to participate with eyes wide open in broad daylight in a scheme to subvert the system and rule of law. This subversion was accomplished by presiding over duplicate litigation over initial custody. The res judicata governing initial custody determination to me, the mother, had obviously and transparently been decided by the Supreme Court three years before this ruse was being run in Family Court that it did not exist. Judge McElrath knowingly used an obscure chink in the judgement, a judgement which incorporated by reference multiple references to the custodial mother and non custodial father and the context of a completed divorce, custody, support and equitable distribution case. Judge McElrath rationalized proceeding on the basis of form over substance as if I had never been granted custodial status or had acquired the due process advantage of a custodial parent and pulled the rug out from under the three years of contested litigation in Supreme Court.

The inadvertent absence of the boiler plate decretal paragraph on custody in the judgement of divorce caused by the negligence of both attorneys, neither of whom remained as counsel of record in the Family Court manipulation, was deliberately exploited by Judge McElrath in order to create a "make weight" procedurally for the judge to get the kids moved to Pennsylvania

without having to rule on what was the significant change of circumstance after all and without having to lay a basis for an out of state move on the modification of custody standard *after* hearing from both sides. Mr. Meyer explained to me at the time that this deliberate "make weight" advantage in ruling in favor of the father was his take on understanding Judge McElrath's insistence on denying the obvious existence of my legal status as de jure custodial parent..

This Emperor's New Clothes scheme hatched by the late Norman J. Rosen, Esq., attorney for my former husband Ronald Renzulli, received pivotal assistance from the publicly paid Law Guardian, Richard J. Katz, Esq., who was assigned by Judge McElrath to represent the children. Katz, incidentally, later recanted his farfetched 1999 claim that no custodial parent status existed prior to the court ordered move of the children in his affirmation filed with Judge Maltese in July of 2000. Katz stated (and impeached himself with inconsistent sworn statements) that of course I, the mother, had custody since 1996. Katz, nevertheless, did nothing to acknowledge the need for mitigation of the heavy damage which had taken place under his officer of the court watch. The fraudulent out of state move had brought with it a year of hostile aggressive parenting by the father and new stepmother and the many exclusionary maneuvers carried out by these new gatekeepers of the children two states away.

Katz added insult to injury when he fought against my request that Judge McElrath bring in Stanley Clawar, an ABA commissioned author and national expert to analyze the mental status of the children a year later in order to recommend solutions once Judge Maltese ruled on July 14, 2000 on nunc pro tunc custody to me as of September of 1996 to dispell all unfounded doubts in the mind of Judge McElrath who had said the earlier writings of Judge Maltese were not binding on him and "just dicta."

My goals in life are simple--to raise my children with love and to perform my work with excellence. I have had the mindtwirling misfortune of being a scapegoated attorney and employee of the state court system for "casting aspersions" against the official perpetrators of this fraud on the court. My ability to raise my family with love and achieve excellence in my work life has been severely compromised and is a consequence of Judge McElrath's dishonorable conduct. Judge McElrath knew or should have known he was abusing his power without subject matter jurisdiction over initial custody and orchestrating the glorification of form over substance to accomplish his thinly veiled fraud on (and with) the court.

The reasonable judge standard should be based on what former Family Court Judge M. Holt Meyer, when evaluating whether Judge McElrath, knew or should have known. Judge Meyer, ret. shared his opinion with me that Judge McElrath was knowingly acting without subject matter jurisdiction, acting in his judicial capacity, and violating my right to due process.

No reasonable Family Court judge could have pretended that he could entertain a case of initial custody in the Family Court under the circumstances before Judge McElrath in 1999 without duplicating what had already been accomplished in Supreme Court three years before. The evidence would have been more than sufficient for the reasonable judge to know that Administrative Judge Michael Pesce had designated JHO Royal Radin to hear and determine

custody by order dated September 18, 1996 and the evidence by transcipt and by subpoening the Supreme Court file (which Judge McElrath did) before moving the children would have been more than sufficient to show that a judicial declaration of custody to me had taken place on that date.

Why was the word of the mother (myself) who was and is an officer of the court protesting on the record multiple times before Judge McElrath from March until May of 1999 that I was the legal custodial parent prior to my retaining Judge Meyer, ret. not sufficient or credible about the operative material issue. I was not just the de facto custodial parent since the father left nine years before, but also the de jure custodial parent for the three years since JHO Radin pronounced custody to me. This de jure determination by JHO Radin was made on the record in the presence of my attorney and myself in Supreme Court and in the presence of my former husband and his attorney, who were uttering no protest and filing no appeal of this ruling ever until they pretend it did not exist with Judge McElrath?

Judge McElrath knew that former Judge M. Holt Meyer filed an appeal in July of 1999 of McElrath's decision in June 1999 denying our motion to dismiss and that the Appellate Division had declined to entertain it on the grounds that it was not a "final" ruling in July of 1999..

Judge McElrath knew or should have known that former Judge M. Holt Meyer was trying to salvage family relationships via a hiatus from litigation and by enlisting court monitored family systems counseling at the Seamen's Society for Families and Children prior to the onset of the custody trial. Judge McElrath, nevertheless, refused to empower non-litigious, family healing efforts and solutions after the Appellate Division failed to entertain the appeal on jurisdictional grounds and we were looking down the barrel of a contested custody trial on the wrong standard.

Former Judge Meyer knew that the Rosen/Katz scheme was a blatant effort to flip custody and child support by exploiting and fanning the flames of teenage rebellion underneath the disempowering ruse that I didn't even have legal custody. The obvious context was that a fourteen year old boy was being excessively empowered to be defiant to me, his mother, and parroting his father's contempt and completely unwarranted disrespect for me to his detriment and to his need for stability and adult-imposed limits at a crucial developmental stage in life.

I believe the Commission needs to send a message to Judge McElrath that defiance of the rule of law and consorting with those who would defraud the system comes with severe consequences and the human damage produced in my children and to my family and in my life and my career and ultimately to the system and society were all needless and intolerable.

Please let me know what further information you need to investigate my complaint.

Respectfully submitted,

Nora Drew Renzulli, Esq.

Enc.