
TESTIMONY OF:

ELEANOR S. GOODWIN

CASE # FC 88-1161
BUTLER COUNTY, PA

SEPTEMBER 13, 1991

**TESTIMONY OF: ELEANOR S. GOODWIN
BUTLER COUNTY, PA
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BOOK 21 P. 369**

Good afternoon and thank you for inviting me. First I would like to introduce myself - I am Eleanor Goodwin from Butler County. I filed for a divorce, PFA and an injunction to protect the multi-million dollar estate during the divorce proceedings on December 6, 1988.

As I speak today, I am no longer seeking a divorce. There will be no equitable distribution. Spousal support was awarded but never paid. My home valued in excess of 1 million dollars is gone, sold at sheriff sale. A second home sits in ruins awaiting the same fate. All of the assets acquired during a 10 year marriage are gone and yet, I NEVER RECEIVED ONE CENT!

I have over \$98,000 in legal fees of which \$83,000 remain unpaid, forcing me to file bankruptcy. I have been in two states and three counties and now I am in FEDERAL COURT because nothing was ever resolved by the Butler County Courts! I now have in excess of \$300,000 in judgments filed against me, yet I was NOT responsible for most of these debts. I filed a complaint against my first attorney with the Disciplinary Board. He retaliated by accepting a foreclosure action naming me as a DEFENDANT to this action. He knew I was NOT. The Judge knew I was NOT, yet he refused to dismiss the complaint against me and a judgment was entered regardless. I filed a second complaint with the Disciplinary Board and that too was dismissed. My credit has been ruined, my life has been hanging in limbo for over 32 months, the marital assets are gone forever and I have lost all faith in the judicial system. A Supreme Court Judge proudly boasted "PENNSYLVANIA IS THE GRANDDADDY OF THE RULES OF CIVIL PROCEDURE". Well Pennsylvania it is a sad commentary what you have allowed to happen. The stories we have heard today all tell of the abuses of those Rules and the devastating effects the citizens of this Commonwealth have endured in our courts. I am no different.

My husband was a self made multi-millionaire who knew how to play the legal game. He could afford top notch legal counsel. He knew he could drag out litigation until I was defeated financially, emotionally and mentally. He knew the system could be manipulated and he became the Master. He knew the system DOES NOT WORK! He knew he could purge himself of contempt and continue to do whatever he wanted. He vowed I

would receive "nothing" and he kept that vow until the end. He was killed in Butler County on May 11, 1991. Had this not happened I have to wonder if I would still be in the Butler County Courts another 32 months?

The nightmare began in Butler County when the first Judge denied the PFA, denied an injunction to protect the assets and further took no action when I asked to withdraw the divorce complaint, due to health problems my husband developed. Because Butler refused to take jurisdiction, (which is inconsistent with the Rules of Civil Procedure as well as the PA Divorce Code) this allowed my husband to flee to Florida with most of the assets where he promptly filed for and was granted a divorce. I filed an appeal and the divorce was reversed and remanded to the lower court. This caused \$31,000 in legal fees as my husband continued to file a total of 95 actions in Florida trying to obtain a divorce and gain jurisdiction. Florida refused to take jurisdiction citing PA was the proper forum and should proceed.

On December 8, 1988, two days after I filed for divorce in PA, my husband gave his son from a former marriage all stock in a real estate venture worth 1.5 million dollars without any consideration. This was clearly a fraudulent conveyance in an effort to defeat equitable distribution and should have been declared null and void. It was not. I filed an equity suit to protect my interests. This property was sold with the proceeds going into an escrow account. The attorneys opened the account, never told me how much money was in the account or where the account was! I have recently filed a suit in Federal court to have this resolved as his son, who was a party to the fraud, is now claiming all rights to the money.

In May, 1989 I was awarded spousal support. My husband refused to appear at the hearing, yet three days later filed exceptions and demanded a de novo hearing. As of May, 1991 a hearing was NOT held, support was NEVER paid. A hearing for contempt was scheduled for March, 1991. I appeared, my husband refused. I asked the hearings officer why he wouldn't put a judgment against property my husband owned and he replied "HE WASN'T TAUGHT THAT". He finally concluded by saying "YOU MAY END UP A PAUPER, YOU MAY SPEND SEVERAL THOUSAND DOLLARS, YOUR HEALTH WILL SUFFER, BUT DON'T GIVE UP, THE SYSTEM WORKS, THAT'S WHY I AM PAID BIG BUCKS! Well the system didn't work as the support due was in excess of \$50,000. Within two weeks of my husband's death, I was notified the matter should now to taken up with his estate and not the Domestic Relations Office.

I petitioned the Butler Courts to begin equitable distribution in May, 1989 while there were still assets. The Judge ordered briefs to be filed regarding jurisdiction which delayed the process further. My attorneys filed ours - my husband's attorney ignored the order and finally the Judge ignored it as well. In May, 1990 a Master was appointed. Hearings were scheduled but my husband refused to file the inventory and other financial information as well as appearing. This went on until September 20, 1990 when I was given our home that was due to be foreclosed on September 26, 1990! I immediately filed exceptions and as of May, 1991 they were never heard. Unknown to me, the attorneys agreed by stipulation that the Master would be paid \$110.00 an hour, which is contrary to the Local Rules of Court for Butler County, whereas the Rules state the Master shall be paid \$40.00 an hour and not to exceed 150.00!

Prior to the equitable distribution hearing, I filed numerous petitions trying in vain to protect what I could. I petitioned that my husband's sons be named as additional defendants since he was using them to remove, sell and hide assets under their names and in bogus corporations. The Judge had the complaint "under advisement" for 15 months thereby allowing the assets to continue to be removed by my husband's sons at his direction.

In the interim I filed other petitions requesting injunctions to prevent my husband from raping the estate and to post a bond to protect my interests. The Judge stated he did not think my husband could post a bond! My husband continued to remove, sell and hide assets. At one of the hearings the Judge waved his hand in the air and stated "THAT WAS YESTERDAY, WHAT DO YOU WANT"? I WANTED THE ASSETS PROTECTED! He cautioned my husband to stop. My husband ignored the order and again another petition was filed requesting contempt charges be brought. The Judge found him in contempt of court and allowed him to purge himself of this wrongdoing by posting \$7500.00 with the prothonotary's office. This was to be used for equitable distribution. What an investment for my husband - he had removed over 1 million dollars of assets already! The \$7500.00 was then used to pay the Master's fees. When my husband was killed, his attorney decided he should not have to file a claim against the estate. He could be paid with the balance of that money! The Judge thought that was fair and awarded him counsel fees. I RECEIVED NOTHING!

As of November, 1990 I was unable to afford an attorney and could not pay the ones I had previously. I was forced to act pro se. I petitioned for counsel fees and was denied. I petitioned the court then appoint me counsel. The Judge replied "THERE ARE SUBSTANTIAL MARITAL ASSETS, THEREFORE THIS PETITION IS DENIED". Yet this was the same Judge who found my husband in contempt for removing the marital assets a few months earlier! He knew I did not have access to the assets. It was not my choice

to become a pro se litigant - it was the Courts by their refusal to adhere to the Rules of Civil Procedure and the PA Divorce Code when they refused to award counsel fees and when they refused to enforce spousal support for over two years! This is a blatant violation and it cannot not be ignored!

In December, 1989 an agreement was reached between my husband and myself, whereas he would give up the exclusive possession of my condominium in Florida that the Butler County Courts gave him. In return I would allow the sale of a property (that was fraudulently conveyed to his son) to proceed as long as the funds were held in escrow. My attorney assured me a court order was being prepared and not to worry. In May, 1990 my husband finally removed himself from the condo along with all of the built in appliances, the furniture and totally destroyed the interior, leaving the condo in foreclosure. I began filing petitions in November, 1990 to get my property back because my attorney would not do anything for 16 months already! Butler County ignored my petitions! In desperation I filed a petition for a pre-trial conference. The Judge answered "THIS COURT HAS NO INTENTIONS OF EVER HAVING A PRE TRIAL CONFERENCE WITH YOU". I have lost a second home along with all of the equity I had in it. It is being foreclosed this month and I do not have the funds to again save it. Nor would the courts do anything to protect the property!

Perhaps William Gladstone said it best when he said "JUSTICE DELAYED IS JUSTICE DENIED". Through out the 32 months I have been in the Butler County Courts I have found, with or without counsel, petitions are routinely ignored or denied regardless of the urgency or the merits. I have been deprived of the basic right to have my day in court, to be heard or to have my property protected! I have often said a bad decision is better than no decision. Without a decision from the courts you cannot go on. You are completely shut out of the due process which we are guaranteed under the Constitution of the United States! THIS IS NO FAULT IN PENNSYLVANIA TODAY AND IT DOESN'T WORK!

I have been an eyewitness to the greatest travesty of injustice that a court can inflict on one person. I have felt as a hostage surely must feel being at the mercy of a malevolent captor. I have felt more abused by the very courts I sought refuge in than I did in an unhappy marriage that had to end. I feel I have been held hostage for 32 months and at the mercy of a Judge who has no regard or perhaps worse, knowledge of the Rules of Civil Procedure, the PA Divorce Code and the Constitution of the United States. He has abused his position under the guise of "discretion of the court" which is a cop out for incompetence and personal bias against certain litigants! WHERE ARE THE CHECKS AND BALANCES IN FAMILY COURT? WHERE DOES ONE GO TO GET EQUITY OR JUSTICE IF NOT THE COURTS? WHAT GOOD ARE THE RULES OR THE DIVORCE CODE IF THE JUDGES CAN ARBITRARILY ABANDON THEM AND RUN AMOK WITHOUT ANY ACCOUNTABILITY?

I would like to conclude by sharing with you the last day I was in the Butler County Courts. I was given a telefax that was forwarded to the Butler County Police Department from the Florida Police advising my husband intended "to kill me at the May 7, 1991 hearing and any police officer who attempted to stop him". I notified the Judge, the President Judge and District Attorney of Butler County by fax. **THE FAX WAS IGNORED BY ALL OF THE ABOVE!** I then called the District Attorney and demanded police protection as I knew my husband meant what he said. He had made death threats and attempts against me beginning in December, 1988 when I filed for a divorce. Upon entering the courthouse I was searched and led under armed guard to the courtroom. The Judge appeared briefly in what appeared to be a bullet proof vest and announced to the attorneys they should come into his chambers. I sat alone in the courtroom. His final decision - he would give the matters some thought and one of the attorneys should call him the following week!

FOUR DAYS LATER MY HUSBAND WAS KILLED IN A SHOOT OUT WITH POLICE IN BUTLER COUNTY. When they recovered his body and began to inventory his vehicle they found two body bags, an arsenal of sophisticated high powered weapons, a crossbow, knives and thousands of rounds of ammunition. He had been stalking me as evidenced by photos he had taken, along with items to indicate that he had not only planned to kill me, he had planned to torture me first.

He stated at the very first hearing **"SHE SHOULD BE DEAD, SOMEONE OTTA KILL HER AND I WILL NEVER MAKE ANY CONCESSIONS"**. He never did. After 32 months in the Butler County Court they never did nor did they allow me the protections available under the laws of this Commonwealth. There is no justifiable reason any one should have to live under the conditions I have. Fear and uncertainty prevailed my life, the court prolonged my misery and in the end I feel they helped kill my husband by aiding him in his madness. If the Court of Common Pleas of Butler County followed the Rules of Civil Procedure or the PA Divorce Code this could have been averted. It could have been settled if the Judge assigned to this case acted responsibly and in accordance with the laws, instead he blatantly ignored those laws in which he is sworn to uphold. I will never recover the financial losses I have been forced to sustain and in time I will recover from the trauma of the last 32 months but I will never accept the fact that this is how our court system is suppose to be.

Before I turn the floor over to you, I would like to say thank you Martin J. O'Brien. Without you I would not be here today.

And thank you for listening.

ELEANOR S. GOODWIN
CASE NO. FC 88-1161, Book 21, P. 369
COUNTY: BUTLER, PA
JUDGE: MARTIN J. O'BRIEN

VIOLATIONS OF RULES OF CIVIL PROCEDURE.
PENNSYLVANIA DIVORCE CODE
BUTLER COUNTY LOCAL RULES

JURISDICTION:

PA Divorce Code
301 - 301 (a), 301.1 - 1, 5, C

Rules of Civil Procedure
1920.6 - Multiple Actions

EQUITABLE DISTRIBUTION:

PA Divorce Code
403 (a), (d) - Injunction

Rules of Civil Procedure
1920.2 - Venue
1920.31 (a), (1) 2, (B) (1) Joinder of Related Claims.
Alimony Pendente Lite,
Counsel Fees, Expenses*

4019 C - Sanctions*
1920.33 (a) 4-(c) Joinder of Related Claims.
Distribution of Property*
4019 C Sanctions*
1920.22 (b) - Discovery
1920.34 - Joinder of Parties
1920.43 (a), (1), (2), (3) Special Relief
1920.44 & 1910.14 Defendant Leaving Jurisdiction. Security.

SUPPORT:

Rules of Civil Procedure
1910.2 - Venue
1910.7 (b) - Jurisdiction in Pleading
1910.11 (f), (g), (1), 2, (i) Conference
1910.12 (e), (g) - Exceptions
1910.20 - Enforcement * 23 Pa CS §4348(n) - Posting Bond,
23 Pa CS §4348 (b)
1910.23 A, B, C, - Judgment for Arrears. Execution.
1910.21 (a), (c), (d) - Civil Contempt
1910.24 1, 2 - Stay of Proceedings
1910.25 - Special Relief
1910.26 - Form of Complaint. Order. Income & Expense

OTHER:

PA Divorce Code:

401 A-K9 - Decree of Court

401.1 - Effect of Agreement Between Parties

502 - Alimony

503 1-7 - Enforcement

305 A - Trial By Jury

Rules of Civil Procedure:

212 - Pre Trial Conference

1920.55 (a),(c) - Master's Report. Notice. Exceptions

1920.72 (a) Counter Affidavit

1920.42 C,(1),2, Counter Affidavit

Butler County Local Rules

Pre Trial Conference

Master's Fees

CODE OF JUDICIAL CONDUCT
VIOLATIONS OF CODE IN BULTER COUNTY

CANON 1: A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.

A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

CANON 2: A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS ACTIVITIES.

A. A Judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow his family, social or other relationships to influence his judicial conduct or judgment.

CANON 3 - A JUDGE SHOULD PERFORM THE DUTIES OF HIS OFFICE IMPARTIALLY AND DILLIGENTLY.

A. ADJUDICATIVE RESPONSIBILITIES:

1. A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor or fear of criticism.

2. A judge should maintain order and decorum in proceedings before him.

3. A judge should be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom he deals in his official capacity, of his staff, court officials and others subject to his direction and control.

4. A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law, except as authorized by law, must not consider ex-parte communications concerning pending proceedings.

5. A judge should dispose promptly of the business of the court.

B. ADMINISTRATIVE RESPONSIBILITIES.

3. A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

C. DISQUALIFICATION.

1. A judge should disqualify himself in a proceedings in which his impartiality might reasonably be questioned, including but not limited to instances where:

a. he has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings.
