



When one goes to court, there is the presumption that 'justice will be done'. One assumes that the judge will listen to both sides, look objectively at the evidence, and that the outcome will be fair. Sure there are compromised, corrupt or cynical individuals everywhere but one expects the highest standards from the courts. Beyond expectation, in divorce and custody cases, one *prays* for highest standards.

Since 2007, disturbing rulings have appeared in Family Court under Judge Keith E. Tanaka. Custody of children has been given to abusive parents; Family Court Rules have been bent beyond recognition; Court clients have been disallowed documents to defend themselves; Vexatious Litigant orders are issued against pro se litigants (court client is not allowed to file a document unless approved by the judge) – and extended to include all jurisdictions (all other courts); Emergency orders are issued without allowing hearing on the matter and without any evidence to support the allegation; Evidence has been ignored to favor of one side; Real property is given to one side but the other side is forced to keep the debt (like the mortgage); and Court officers and witnesses who've been caught lying are not held accountable. Attorneys have left Tanaka's courtroom muttering, "that's illegal" under their breath.

In all "fairness" perhaps there have been cases where Tanaka made just rulings; however, if he gave a single child to an abusive parent, that is against [Hawaii's statutory law](#). ¹ In essence, this is court sanctioned child abuse.

If Tanaka purposely indebted one party indefinitely by refusing to allow them to be removed from a home mortgage - while giving the other side full ownership - he has intentionally created harm. If he has disallowed Due Process, this is a violation of Constitutional Rights. [These are crimes](#). ² These cases exist. They are in the public record. Thus far, there has been no accountability and

if there has been oversight, it is out of the "sunshine" realm.

Nationwide Epidemic

Tanaka isn't alone in these types of rulings. Other islands have reported "renegade judges". On a larger scale, there is a nationwide epidemic on this issue. Protective parents are advised to silence reports of abuse. They are [advised to silence their children's reports](#) or risk losing custody.

[More than 58,000 children per year are ordered into unsupervised contact with an abusive parent](#)

after divorce.

3

In 2011, a [175-page U.S. Dept. of Justice report, authored by Daniel Saunder, Ph.D.](#) , again confirmed that Judges, Guardian ad Litems, Therapists and Social Workers send children into dangerous living situations.

4

Barry Goldstein, a nationally recognized DV expert, summarized the Saunder's Report in his article, "Time's Up!" (

[Part One](#)

,

[Part Two](#)

); reiterating that the "Department of Justice Report Demands Custody Court Reforms".

Goldstein said,

"Court officials quickly dismissed [complaints that custody courts were mishandling domestic violence cases] ...as coming from 'disgruntled litigants'...We began to see a pattern of outrageous decisions...a pattern of mistakes and outcomes that could not possibly benefit the children... The Saunders' study establishes that the custody courts are getting an intolerably high percentage of domestic violence custody cases wrong..."⁵

Something is terribly wrong in our family courts. Has Tanaka fallen into bed with the statistics? He's been educated. He supposedly knows the law. He has taken an oath. He has kids of his own. So why would he simplistically choose a side, ignore the evidence and clear the docket, even if that means placing a child in danger or harming a court client?

Defense of the Judiciary

When confronted with these very concerning situations in Hawaii's Family Court, the most common responses from members of the judiciary are:

1. File a complaint with the [Commission on Judicial Conduct](#) (COJC)
2. Appeal

For all we know, there are [many complaints sitting with the COJC](#) but chances are that you'll never see them. 6

Even if a judge is disciplined for misconduct, and it was made public by a decision of the Supreme Court, the faulty decisions in the case can only be remedied if the court client returns to court. It is unclear if the Legislators - who are positioned to give their approval (or lack thereof) for a judge's re- appointment – have access to these "Confidential" reports. It is believed that these reports are locked up unless a judge seeking re-appointment waives the right for confidentiality. Lack of transparency, Inadequate Discipline Imposed, and Public Participation were some of the reasons that

[nationally respected HALT \(Help Abolish Legal Tyranny\) gave Hawaii a D+ grade.](#)
[7](#)

It's true that an appeal can be filed; however, appeals are very technical legal proceedings and logically, court clients who have been stripped of all assets and emotionally devastated by the complete loss of their child, are sorely lacking resources to petition a higher court for redress. Typical estimates for these types of cases require \$35,000 to begin.

And attorneys? Have they lodged a complaint? Perhaps there's the rare jewel but attorneys rarely bite the hand that feeds them. When their complaint against a judge sees the light of day (the judge is notified), it will have a radical impact on their success in the courtroom; their bottom-line.

What about the Legislature?

In fact these issues have been brought before the Legislature and the [resulting legislation](#) ⁸ (a well supported audit of

[cases like the ones mentioned above](#)

[9](#)

) was

[killed on a technicality.](#)

10

Judge Keith E. Tanaka—Third World Justice?

Written by AngelGroup

Certain legislators such as Sen. Gabbard, Rep. Mizuno, Rep. Thielan and Sen. Chun-Oakland, among others¹¹, vowed to continue informational briefings and have kept their word. Disbelief of horrific case outcomes quickly faded as substantiation was offered. Listening to story after story, (including a few from Maui), the room has been brought to tears numerous times. The next meeting will be held in October. ¹²

Due to "Separation of Powers" the legislator's hands have been tied...until now. Soon, they will vote on whether Tanaka's track record is deserving of re-appointment to the family court.

It's believed that the 'higher-ups' in the Judiciary will not hold Tanaka responsible his crimes against the people of Hawaii. It might be more politically palatable to re- assign him to traffic court, where the fate of Hawaii's keiki is not imminently at stake. I'm sure they hoped he'd perform well but now they know better. Tanaka's skill and integrity is in question and marred by controversy. The 2nd Circuit pineapple is rotting from within. Is it better to cut losses and bring some 'oath- worthy' blood to the bench? If the Judiciary truly cares about Tanaka's seeming third world approach to law, they could shake loose some legal loopholes to fix his mistakes.

The [court of public opinion has been invited](#) to have their say¹³. Please [contact the Senate Judiciary and Labor Committee](#)
¹⁴

and let them know how you feel about Tanaka's petition for another 6-years in the family court.

If you've had your own experiences in Maui Family Court with Judge Tanaka (good or bad), please take a moment to fill out the [Judicial Evaluation Retention Form.](#) ¹⁵

Use your voice. Now is the time.

1. [Haw. Rev. Stat. § 571-46](#)

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2. <http://www.law.cornell.edu/wex/tort>
3. <http://leadershipcouncil.org/1/med/PR3.html> , and <http://www.protectiveparents.com/research.html>
4. [U.S. Dept. of Justice Report \(Saunders Report\)](#)
5. "*Time's Up! Department of Justice Report Demands Custody Court Reforms*", by Barry Goldstein
Part 1: <http://www.angelgroup.org/what-were-doing/759-times-up-part-1>
Part 2: <http://angelgroup.org/what-were-doing/760-times-up-part-2>
6. [COJC Annual Report](#)
7. [HALT Report](#)
8. http://www.capitol.hawaii.gov/session2010/bills/SCR91_.pdf
9. http://www.capitol.hawaii.gov/session2010/testimony/SCR91_TESTIMONY_HMS-JGO_03-30-10.PDF
10. <http://www.hawaiinewsnow.com/global/story.asp?s=12395042>
11. Legislator Contact Info:

Sen. Mike Gabbard - sengabbard@capitol.hawaii.gov

Rep. John Mizuno - repmizuno@capitol.hawaii.gov

Rep. Cynthia Thielen - repthielen@capitol.hawaii.gov

Sen. Suzanne Chun Oakland - senchunoakland@capitol.hawaii.gov

12. **Family Court Intervention Working Group** – Oct. 17, 2012 at 4:30 in Conference Room 229. [Contact Sharon Moriwaki](#) for more

information

13. [Press Release](#)
14. [Senate Committee on Judiciary and Labor](#)
15. [Judicial Evaluation Retention Form](#)