

From:
Mikhael Lerman
Defendant
2462 Booksin Ave
San Jose CA, 95125

To:

8/05/2023

Re: Marriage of Lerman Case No.: 22FL000408

Dear Commissioner,

My name is Mikhael Lerman, and I am an inventor. As an inventor I thrive to change the world around me for a better world as much as I can.

I think that I am an honest person and I deeply believe that honesty must always win.

Circumstances in my life made that I was brought in a state court, against my will, for a divorce case where I am a self represented Defendant.

In Feb 2022, my 30 year plus wife, Celine Lerman, filed for a divorce for various motivations.

My soon to be ex-wife, Celine Lerman, hired Attorney Mrs. Eva Martelle, and brought me in front of the Judge Hon Vanessa Zecher. I have never heard about Hon Judge Zecher before Feb 2022.

Up front I told to Celine that I will be representing myself, and that I will not hire the services of a lawyer for my defense.

Also, I made this clear to Hon Judge Zecher, that I am representing myself, despite continuous pressure from many department of justice personals, and retired personals, that urged me to hired a lawyer.

In summary we are currently in a situation where I found myself in court as Defendant representing myself in front of 2 professional of the family law : Attorney Martelle and the Hon Judge Zecher.

I found that there is a connivance between Hon Judge Zecher and Mrs. Martelle that makes the trial unfair. I have indicated this in my pleading multiple times to Hon Judge Zecher.

On Oct 3rd, 2022, I have requested from the judge Zecher to disqualify. She rejected my request. See [**Exhibit SO Signed Orders.pdf**](#) PDF page 10 section 1.

I found that the process of establishing an order is wrong and that is one of the reasons, for which, I am writing this letter to the commission.

Prior to writing this letter I have addressed the issues to the Judge Zecher multiple times, in writing and also live in court.

On Jan 3, 2022, in court I complained for an unfair trial. In writing multiple times and I also asked the Judge to disqualify See

[**\[5\] dispute attorney fee oppose declaration eva and counter claim.pdf**](#)

1) Jul 11, 2022 to JULY 12, 2023: MULTIPLE VIOLATIONS OF RULE 5.125

(Dates: 7/11/2022, 11/7/2022, 12/2/2022, 2/2/2023, 7/12/2023)

Here how things are working, when one party is self represented, like me, and the other party is represented by an attorney. After ruling the judge Zecher will always ask the party that is represented by an attorney to draft the order.

This process is governed by rule 5.125.

I found that this rule is not respected neither by the opposing party's Attorney (Mrs. Martelle) neither by the Judge Mrs. Zecher.

I am talking about the process (FOAH: Findings and Order After Hearing) of establishing the order.

My complaint is not about the order content, which is irrelevant to this letter, but the process that is used for filing the order.

This leads to a situation where the party that has a representation “protects” the judge while drafting the order. In exchange the judge favors the Attorney that has drafted the order by approving it.

I'll give you an concrete example. On Nov 11, 2022, I made some statements during the hearing. Those statements are true but may be compromising Hon Judge Zecher. See PDF page 8 of [**Exhibit RF Respondent Findings.pdf**](#)

I wanted this statement to show in the final order because that was what was said during the hearing.

In this situation the corrupted process works this way:

The Party that has the Attorney representation will make sure that the statement that may compromise the Judge ("Defendant accused the court for misconduct etc.") is omitted from the draft of the order, in exchange the judge will sign the order drafted by the party that has the representation. That is a shielded protection of the Judge that forms the "absolute immunity". This absolute immunity is even stronger when both parties are represented by Lawyers.

In fine the party that has no representation loses in most cases even when they are right.

Exhibit CR Court Rule 5-125 Annotated.pdf PDF page 4, shows that both Mrs. Martelle and judge Zecher violate 5.125. on July 12, 2023.

In particular, Mrs. Martelle never execute section 5.125(e) "meet and confer". She ignores my (Respondent) objections. Hon Judge Zecher consistently sign the draft prepared by Mrs. Martelle without even reviewing my proposed draft.

FOAH signed Jul 11, 2022 see **Exhibit F1 FOAH hear 6-9-22 signed 7-11-22.pdf**

Problem: Do not conform with rule 5.125. The court gives an advantage to the prosecuting party and consistently 1) ask Attorney Martelle to draft the order. 2) Attorney Martelle consistently ignore my objections, 3) refuse to meet and confer in person or by phone. 4) The Judge Zecher always sign the draft of Mrs. Martelle.

FOAH signed Nov 7, 2022 see **Exhibit F3 FOAH hear 10-11-22 signed 11-7-22.pdf**

Problem: Do not conform with rule 5.125. The court gives an advantage to the prosecuting party and consistently 1) ask Attorney Martelle to draft the order. 2) Attorney Martelle consistently ignore my objections, 3) refuse to meet and confer in person or by phone. 4) The Judge Zecher always sign the draft of Mrs. Martelle.

FOAH of hearing Nov 21, 2022 signed Dec 2, 2022, see **Exhibit FX FOAH hear 11-21-22 signed 12-02-2022.pdf**

Problem: Do not conform with rule 5.125. I made some statements during the hearing. Those statements are true but may be compromising Hon Judge Zecher. Attorney Martelle will ensure that those statement don't show in the text of the order. The Judge Zecher approves the omission of my findings.

The court gives an advantage to the prosecuting party and consistently 1) ask Attorney Martelle to draft the order. 2) Attorney Martelle consistently ignore my objections, 3) refuse to meet and confer in person or by phone. 4) The Judge Zecher always sign the draft of Mrs. Martelle.

FOAH signed **Feb 2, 2023** see [**Exhibit F4 FOAH hear 01-03-23 signed 02-02-23.pdf**](#)

Problem: Do not conform with rule 5.125. The court gives an advantage to the prosecuting party and consistently 1) ask Attorney Martelle to draft the order. 2) Attorney Martelle consistently ignore my objections, 3) refuse to meet and confer in person or by phone. 4) The Judge Zecher always sign the draft of Mrs. Martelle.

FOAH signed **Feb 23, 2023** see [**Exhibit FY FOAH hear 02-15-23 signed 02-23-23.pdf**](#)

Problem: Do not conform with rule 5.125. The court gives an advantage to the prosecuting party and consistently 1) ask Attorney Martelle to draft the order. 2) Attorney Martelle consistently ignore my objections, 3) refuse to meet and confer in person or by phone. 4) The Judge Zecher always sign the draft of Mrs. Martelle.

FOAH signed **Jul 12, 2023** see [**Exhibit F5 FOAH hear 06-20-23 signed 07-12-23.pdf**](#)

Problem: Do not conform with rule 5.125. The court gives an advantage to the prosecuting party and consistently 1) ask Attorney Martelle to draft the order. 2) Attorney Martelle consistently ignore my objections, 3) refuse to meet and confer in person or by phone. 4) The Judge Zecher always sign the draft of Mrs. Martelle.

In summary: In those FOAHs above: my proposed draft were generally ignored, Mrs. Martelle refused to “meet and confer” as required by the rule 5.125(e). In some cases the delays in rule 5.125 were not respected by the Judge Zecher, prematurely signing the orders. Basically, in the orders, the team Zecher-Martelle, makes sure that only the prosecutor side of the findings are showing. My findings when they are true are not showing. There is no way to discuss meet and confer to overcome this issue.

See [**Exhibit SO Signed Orders.pdf**](#)

See [**letter judge foah status conf june 20.pdf**](#)

2) APR 24, 2023: EXPARTE COMMUNICATION VZECHER@SCSCOURT.ORG

In addition, I found that Hon Judge Zecher and the Attorney Martelle, have a secret channel of communication, that I discovered only after the trial of April 5, 2023.

I suspect that Mrs. Zecher tells Mrs. Martelle, with this channel, explicitly or non-explicitly:

- What to file?
- When to file?
- How to file?
- Where to file?
- And if the Judge will grant the request or not.

For that purpose I provide an evidence of this channel of communication in the message: **Exhibit EX ex parte communication.pdf**.

It is likely that Hon Judge Zecher and Mrs. Martelle adjust their positions before each hearing via this secret channel of communication VZecher@scscourt.org. This communication leaves me no chance to win the case.

This exhibit shows that Hon Judge Zecher and Attorney Martelle, communicate with the email VZecher@scscourt.org. This private communication was unknown to me until the date of this message: Apr 24, 2023.

Mrs. Zecher and Mrs. Martelle are both from the same profession. They work together on a regular basis. They see each other frequently in court on different cases. They will continue to work together after this case is finished. Judge Zecher grants to Mrs. Martelle a preferred treatment. This is unfair to me the self represented defendant. This ex parte communication is prohibited as it makes the trial unfair.

The California Rules of Court. Rule 3.1200 (et seq.) of the California Rules of Court addresses ex parte communication in the context of civil cases.

The rules limit communication between parties and the judge or court officials outside of formal court proceedings.

Define specific circumstances under which ex parte communication might be allowed, often requiring a showing of urgency or necessity.

Also I found that Mrs. Martelle redact the FOAH when she was not asked to do so during the hearing. Likely instructed ex parte to do so after the hearing completed.

In summary, there is a mechanism that permits Hon Judge Zecher to communicate freely with Mrs. Martelle without my monitoring or supervision of the content of the communication.

This corrupted mechanism allows Hon Judge Zecher to protect the petitioner's Attorney Mrs. Eva Martelle, from counter-prosecution.

This mechanism is based on the violation of the rule 5.125 (FOAH) and on the violation of 3.1200 (et seq.) (ex parte communication).

3) PROTECTION OF COLLEAGUE HON EDWARD MILLS

The Attorney Edward Mills was appointed as temporary judge for the purpose of conducting a settlement conference in my case (Lerman). I have opposed this appointment and filed a peremptory challenge. A declaration of Mr. Mills showed that he worked for compensation in connection with the office of Mrs. Martelle. The way Mr. Mills was selected was questionable. It is likely that he was proposed by Mrs. Martelle. This constitutes a maneuver for an unfair trial. At the settlement conference Mr. Mills has disqualify himself and the conference ended without settlement. However the motion for the peremptory challenge was rejected by a referee of Judge Zecher, Mrs. **Atanaska Georgieva**, with the justification:

“Hon. Edward Mills is no longer SOC officer and there is no indication of him assigned to your case”.

This statement refers to the time of the review, which is not relevant. I challenged Mr. Edward Mills when he was assigned to my case when I filed the challenge.

This request should have been granted automatically per Code of Civil Procedure section 170.6.

A PATTERN EXISTS FOR PROTECTING COLLEAGUES

The following shows that there is a continuous pattern of the same behavior of Judge Zecher, protecting her colleagues : Attorney Bradford Baugh, Attorney Edward Mills, and Attorney Eva Martelle.

The Judge has a history with being disqualified. In particular with the case of Attorney Bradford Baugh. case# 2002-1-FL-109142, Alan W. Nudelman (Petitioner) vs Pamela K. Nudelman (Respondent). See

Exhibit DI disqualification Of Judge Zecher.pdf.

While she was still an attorney, Vanessa Zecher acted as a private judge. She was disqualified by Bill Dresser in a divorce case involv-

ing former Santa Clara County Prosecutor Alan Nudelman who was known for illegally recording hearings to get a jump on the court reporter, as he demanded his wife, Pamela, work for free as his secretary at night typing up the transcripts before the criminal defense attorney could get a copy. This gave prosecutor Nudelman an unfair advantage and denied the criminal defense team, and their client, due process.

In the above case Mrs. Zecher protected her colleague Attorney Bradford Baugh who was representing Mr. Alan Nudelman.

My case is similar and Judge Zecher is protecting the prosecuting party's Attorney Mrs Martelle, which in return protects the Judge, from charges.

Interestingly, in those two cases (Lerman and Nudelman) only the prosecuting party is represented with an Attorney:

Case 2002-1-FL-109142 : Bradford Baugh is representing Petitioner Alan Nudelman and Respondent is Pro-SE

Case 22FL000408: Mrs. Eva Martelle is representing Petitioner Celine Lerman and Respondent is Pro-SE.

In both cases (Lerman and Nudelman) Judge Zecher protects the party with the representation, in a such way that the Attorney's frauds are blocked from being heard and reviewed.

4) 11/2/2022: Unfair trial at the Settlement Conference

A settlement conference was scheduled on 11/2/2022. I found that Mrs. Martelle was not respecting the rule for the settlement conference. She needed to send the brief at the minimum 5 days before the settlement conference. She sent the brief less than 24 hours before the settlement conference time. I requested sanctions to Judge Zecher, who ignored my request. See "Argument 3: Misconduct of the Attorney Mrs Eva Martelle" in PDF page 3 of

[\[13\] Arguments for spousal and out of the pocke.pdf](#)

Also See "Unfair trial at the Settlement Conference" in PDF page 6 of

[\[5\] dispute attorney fee oppose declaration eva and counter claim.pdf](#)

5) 6/21/2022 : Status Conference : Untimed Questionnaire

I found that Mrs. Martelle was not respecting the delay rule for the Status conference, which require the paperwork to be served no later than 10 calendar days before the Status or Case Resolution Conference. A status conference was scheduled on 6/21/2022.

Mrs. Martelle was required to send the status conference questionnaire 10 days before the status conference of 6/21/2022, which is 6/11/2022. She completed sending the questionnaire on 6/15/2022. This didn't let me enough time to prepare my defense. See the annotated document in PDF pages 3 and 4 of

[Exhibit SQ Status Conference Untimed submission.pdf](#)

I requested the Judge Zecher, to give me time to prepare my defense. The Judge ignored my request.

6) NOV, 7 2022: ABUSIVE GRANT OF ATTORNEY FEES

Hon Judge Zecher and Mrs. Martelle are colleagues. A colleague by definition is a person with whom one works in a profession. Hon Judge Zecher is spontaneously more friendly with Mrs. Martelle than with me.

On Nov, 7 2022, despite that the attorney fees were paid from the community accounts, Judge Zecher granted additional \$25,000 to pay the office of Mrs. Martelle for some obscure justifications. Obviously Hon Vanessa Zecher is paying her friend Mrs. Eva Martelle.

The bottom line is that I paid the attorney fees twice. One time from the community accounts before being split and one time after the accounts were split.

This was done to "influence" Respondent in his defense, for refrain me from filing motions for my defense, AKA "motion after motion".

"I PLEASE YOU AND YOU PLEASE ME AND BOTH OF US WE ARE GOING TO SCREW MR. LERMAN"

The relation between the Judge Zecher and the Attorney Martelle is in the form of : "I give you and you give me". Mrs Martelle make sure that nothing negative against the Judge is showing in the order when she draft it. In return the Judge Zecher award the office of Mrs Martelle with generous attorney fees. Also Judge Zecher guaranties that the draft of Mrs. Martelle is signed.

This action is to influence the process of the trial and is corrupted.

See **[Exhibit SO Signed Orders.pdf](#)** PDF page 10 section 3.

7) SEP 28, 2022, Nov 7, 2022: INTIMIDATION AND THREADS

The hearing of Sep 28, 2022, lasted less than a minute and ended with a quick deliberation. In this hearing The Judge Zecher would not let me talk.

See [Exhibit TR transcript stevenson.pdf](#)

This transcript shows the connivance between the 2 colleagues: Judge Zecher and Attorney Martelle.

In the hearing of **11/7/2022**, the court “warned” Defendant from filing “motion after motion”, using the same language of Petitioner's attorney Mrs Martelle.

This warning represents a thread and an intimidation that is not permitted in the law. See PDF page 5, line 6 in

[\[5\] dispute attorney fee oppose declaration eva and counter claim.pdf](#)

DEFENDANT'S CLAIMS OF MISCONDUCT ARE NOT REVIEWED

The process is further corrupted and Defendant's claims are generally not reviewed during the hearings when they concern a misconduct of the Attorney or the Judge. See

[\[16\] Unfair trial.pdf](#), [16] DEFENDANT'S DECLARATION FOR UNFAIR TRIAL, CONNIVANCE AND CONSPIRACY AGAINST RIGHTS

[\[13\] Arguments for spousal and out of the pocke.pdf](#), [13] RESPONDENT'S ARGUMENTS FOR ENDING SPOUSAL SUPPORT AND REQUEST FOR OUT OF THE POCKET EXPENSES TO BE PAID BY PETITIONER. See PDF page 3, Misconduct of the Attorney Mrs Eva Martelle.

BROUGHT UP THE ISSUES IN THE COURT

I brought up those issues in the hearing of Nov 21, 2022. However those issues were not addressed by the court. See PDF page 8 of

[Exhibit RF Respondent Findings.pdf](#).

8) PERCEPTION OF A CORRUPTED JUDGE

Finally **exhibit X** shows that Hon Judge Zecher is perceived as a corrupted Judge in Santa Clara county. Hon Judge Zecher refused to disqualify when I requested her to do so, with the MOTION FOR PEREMPTORY CHALLENGE on Oct 3rd, 2022, see

[Motion For Peremptory Challenge with POS.pdf](#). I am not comfortable with that situation, and I request again the disqualification of Hon Judge Zecher in this case.

CONCLUSION

It is requested that Mrs. Zecher be disqualified in the present proceeding AKA Marriage of Lerman Case No.: 22FL000408.

It is requested to stay the proceeding of Case No.: 22FL000408, until determination.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Respectfully,

Mikhael Lerman

Defendant.



Dated: 8/05/2023