

No. _____

In the
Supreme Court of the United States

Nevenka Obuskovic,

Petitioner,

v.

Kathleen L. Wood, Esq., Altman, Legband and
Mayrides, Joey H. Parnett, WOW Entertainment
Inc., Michael Nieschmidt, Esq., Nieschmidt Law
Office,

Respondents.

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Third Circuit**

PETITION FOR WRIT OF CERTIORARI

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Questions Presented for Review

Was Federal law violated under color of law, for violations of Fourteenth Amendment substantive and procedural Due Process and Equal Protection Under the Law, when husband's attorney working with family court judge discriminated against Petitioner wife denied Petitioner access to marital equitable distribution of business and personal marital monies preventing her from hiring counsel to represent and defend her in a divorce matter?

Was Fourteenth Amendment Due Process violated when Petitioner forced her to represent herself pro se, lacking knowledge and skills of an attorney, while her husband was unfairly allowed to access all monies from the marital business and marital equitable distribution to pay his licensed, practiced attorneys for the full duration of the divorce matter?

Defendants by their actions have made the Petitioner a tool to promote private welfare for themselves without the regard to Petitioner's constitutional rights. If anybody like the Petitioner could be robbed of their essential rights and have no voice, where the lower courts failed to correct this injustice, filing this single last exception presenting this petition to the Supreme Court is the last resort in this action.

If any person, men or women, can be easily deprived from their constitutional freedoms to fulfill the wishes of the rich litigant and their paid attorneys, then what is equality and freedom now than in 1837 during slavery?

The second question presented is whether it is Forced Labor, pursuant 18 U.S.C. §1589 (under involuntary servitude and peonage statutes) to deny Due Process and Equal Protection by forcing for years a mother of two on limited income to represent herself as her own attorney without prerequisite legal skills as an attorney, under threat, duress, coercion and consequences of magnitude, and without compensation while enriching the welfare of the Adversary litigants and depleting her assets without her control.

This Court has not addressed these issues.
This is the case of first impression.

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Petition for a Writ of Certiorari

I, Nevenka Obuskovic, respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit.

Opinions Below

The panel's opinion of the Third Circuit Court of Appeals (App. 1) is not reported. The opinion of the Federal District Court, New Jersey District, Trenton Vicinage, (App. 2) is not reported. The opinion of the Federal District Court, New Jersey District, Trenton Vicinage, (App. 3) is not reported.

Statement of Jurisdiction

The judgment of the Court of Appeals was entered on January 11, 2019. 28 U.S.C. §1254(1).

Constitutional and Statutory Provisions

Due Process Clause of the Fourteenth Amendment provides that no state shall "deprive any person of life, liberty, or property without due process of law." U.S. Constitution, amend. XIV, §1. This Court has held that liberty and property are "specially protected" by the Due Process Clause and included Equal Protection Under the Law.

N.J. Constitution, Article 1, §1, states: "All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring possessing, and protecting property, and of pursuing and obtaining safety and happiness".

The question raises the issue that the New Jersey Supreme Court has ruled time and again that litigants cannot be forced to trial in a divorce without counsel because it is a blatant denial of Due Process and Equal Protection. This seems to have been a problem that has been addressed before by the State Supreme Court. Yet, the lower New Jersey State family courts unfairly continue to force lower income or indigent litigants to trial in divorce cases without counsel, unfairly depriving them of Due Process and Equal Protection Under the Law, compelling them into Forced Labor.

Forced Labor, pursuant to 18 U.S.C. §1589, states:

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means— (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person; (2) by means of serious harm or threats of serious harm to that person or another person; (3) by means of the abuse or threatened abuse of law or legal process; or (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

(1) The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnapping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any term of years or life or both.

Statement of the Case

I. Brief Factual Background

In 1997 Petitioner Nevenka Obuskovic co-founded WOW Entertainment Inc. with her then husband Joey H. Parnett. She shared all operations and profits as co-founder with Parnett. Petitioner wrote and processed all payments at the office as well as other technical work required. Husband and Wife had no other employees except for themselves for the first five years of the company's existence. As partners we also shared the title and loan to a house.

Sometime in early 2012 the Husband surreptitiously contacted and hired attorney Kathleen Wood, Esq. of law firm Altman, Legband & Mayrides, Somerset, New Jersey, as well as business lawyer Mr. Michael Nieschmidt, Esq., Monmouth Junction, New Jersey. He hired them to secure an advantage in the division of the marital assets for purposes of a divorce proceeding. The Husband moved out of the marital residence but kept coming back to the house to provoke incidents that would require police intervention.

At the same time the Husband forced Petitioner out of the WOW Entertainment business as a way to stop her from coming into the office so that he can hide the income, hide his girlfriend, and steal from the company.

His lawyer Ms. Wood would falsely present to the court that Petitioner was extorting the business, claiming that Petitioner hid thousands of dollars. The Husband claimed he was justified to not share any of the marital assets or allow Petitioner proper child support and spousal maintenance from the company she founded with the Defendant husband.

Ms. Wood threatened to seek court intervention if Petitioner did not hire an attorney immediately but offered no financial support from company assets and instructed her client not to give any, so Ms. Wood could control the litigation. During this period, Husband took monies from the WOW Entertainment business and used as an initial retainer for himself only. Ms. Wood then claimed there was no money from the business for Petitioner. Ms. Wood received over \$250,000.00 in total from the Husband paying from the WOW Entertainment business. As a result, Ms. Wood was promoted in her law firm from associate to partner. This is a matter of record.

Petitioner had no choice but to act as her own attorney without legal advice and no funds to engage in a laborious legal battle with trained lawyers who depleted her share of business assets for their own gain. Petitioner was given crumbs of money from the

marital residence equitable distribution to retain attorneys.

However, when her attorneys asked for more, Petitioner requested Ms. Wood to give her the monies. Ms. Wood would claim there was no more assets in the business or from the equitable distribution part of the marital residence. Petitioner tried to keep her litigation going, went through five (5) attorneys because of this, and according to attorney Ms. Wood, there was no more money to be had. There was always a problem for Petitioner when it came to obtaining money to pay her attorneys. However, it was never a problem for Ms. Wood to get paid.

The Husband was able to obtain over \$250,000.00 to retain counsel to litigate and prosecute his divorce case, through trial and to final judgment. Petitioner was only able to obtain approximately \$30,000.00 (from her part of home equity and controlled by Mrs. Wood) in total to litigate and prosecute/defend her divorce case. Petitioner was unable to participate in the divorce trial because she was too emotionally distressed because of inability to conduct a fair legal proceeding.

In May 2013 funds from Petitioner's home equity line of credit were claimed to help pay for litigation but Husband's attorney Wood retained control with the Family Court Judge's approval/order and decided not to release Petitioner share unless Ms. Wood approved the choice of her

own attorney. As per Mrs. Wood's request the family state judge issued an order three and a half years later in an effort to remove any evidence in expectation that the district federal court would grant a discovery. All of Petitioner's belongings were then purposely moved into storage without her knowledge in an effort to remove any documents against them. In addition, the husband as per Mrs. Wood's and Mr. Nieschmidt request issued a warning that the Petitioner would be arrested if she ever sets foot in the office of WOW Entertainment, her own business.

Petitioner could not stop their interference, conduct discovery or properly litigate the case with Ms. Wood controlling the purse strings, unless Petitioner filed a request with the court.

On January 10, 2013 the Petitioner was forced to file for divorce in order to be promised any legal support fees (this later proved to be fruitless). After the first motion the Petitioner filed to New Jersey as Pro Se in May 2013 and after she was forced to appear and legally argue against attorneys Mrs. Wood and Mr. Nieschmidt she realized that the courts were only interested in hearing what the attorneys had to say and that the court was unfair and biased towards her.

Petitioner was deprived of her property and freedom to make any free choice as guaranteed by Due Process and Equal Protection Under the Law. Using the law wrongfully against Petitioner, Ms.

Wood and Mr. Nieschmidt persisted in torturing Petitioner.

They filed numerous applications against Petitioner not only to deprive her of her property, assets, income, home, credit cards, business, and funds for proper education and health care for her children and herself, but to also deplete her funds to pay themselves. It was clear that the litigation and funds was controlled by attorney Wood, with the approval of the Family Court Judge.

As a result of the divorce trial on September 2015, the Petitioner would not appear if she did not have a lawyer to accompany her suspecting legal traps would be sprung by Mrs. Wood in the courtroom that she could not properly assess or argue in her behalf. Furthermore, the Petitioner was suffering severe emotional trauma caused by the inability to have counsel, was deprived of fair spousal support, fair equitable distribution of the WOW Entertainment business, fair distribution of the marital residence, and a fair and "even playing field" with regard to obtaining any legal fees to litigate her divorce matter. Instead, Petitioner was forced to represent herself, pro se. She was forced to represent herself for almost five (5) years under threat, duress, coercion, prolonged severe emotional distress that causes adverse health effects. The World Health Organization's definition of health is "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." They assert that physical and mental

well-being is a human right, enabling a life without limitation or restriction.

In addition the Petitioner had to complete the tasks without any compensation as any attorney would have received. As a result, the Husband's attorney, Ms. Wood, received well over \$250,000.00 in legal fees to conduct a unfair divorce case for her client against the Petitioner, that violated Due Process and Equal Protection Under the Fourteenth Amendment. In addition, an unknown amount was received for legal services by an additional attorney Mr. Nieschmidt.

II. Relevant Proceedings Below

Petitioner, pro se, filed suit in the District Court of the United States, District of New Jersey for money damages for Civil Rights violations and other causes of action. The District Judge allowed Petitioner right to amend her complaint twice because he claimed Petitioner's causes of action needed to be more clearly stated.

The District Court stated that Petitioner did not present her claims for Due Process and Equal Protection violations adequately, but disallowed discovery so Petitioner could support her claims more eloquently.

Petitioner contended throughout the state divorce case, her federal case seeking damages, and her appeal to the Third Circuit Court of Appeals that she was forced to represent herself as her own attorney, without the prerequisite skills, and

without any form of compensation. Petitioner was “steamrolled” by practiced attorneys who played “fast and loose” with the court process.

Even though she did not exactly state it as Forced Labor throughout the state case, the case before the Federal District Court, and later specifically defining it in the Court of Appeals, Petitioner constantly made numerous references that she was forced to represent herself without any legal background. Petitioner contends she was subjected to Forced Labor as a result.

Petitioner asserts what is the point of the Constitution if it fails to protect one’s rights in the home and her business, when an individual is going through a divorce. Petitioner was forced to be her own attorney, without compensation, that allowed her Husband and his attorney to benefit financially.

The Husband falsely undervalued the WOW Entertainment, Inc. business at approximately \$20,000, even though valued at over \$1 Million on Dunn & Bradstreet, while paying his attorneys over \$250,000.00 in legal fees from said business.

Under 18 U.S.C. §1589 (a), (b) and (c), Petitioner contends she was subjected to Forced Labor under section (a)(3), by means of the **abuse or threatened abuse of law or legal process**, and section (c)(1) whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure

on another person to cause that person to take some action or refrain from taking some action.

III. Additional Facts

Pursuant to section (b) Husband's attorney, Ms. Wood knowingly benefitted, financially from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described.

By being forced to represent herself in a complicated divorce matter and then divorce trial, without prerequisite skills and legal knowledge, constituting denial of Due Process and Equal Protection

Under the Law, Petitioner was subjected to serious harm, including nonphysical that resulted in physical illness, psychological harm and financial harm, in violation of 18 U.S.C. §1589 (c) (2).

Argument

I. Petitioner's Fourteenth Amendment Rights to Due Process and Equal Protection Under the Law were violated by the State Courts, and Federal Courts and had her property rights stripped, therefore, has no Adequate Remedy at Law

The consequences of Petitioner being unable to retain counsel in her state divorce case because of financial interference by Husband's attorney and

allowed by State Court Judge was catastrophic. The Supreme Court recognized the right to defend is fundamental, notwithstanding an individual's status. See *McVeigh v. United States*, 78 U.S. (1 Wall.) 259 (1870) (reversing district court's order to strike claim and answer in forfeiture action, where order effectively denied respondent a hearing). See also *Windsor v. McVeigh*, 93 U.S. 274, 277 (1876) ("This is a principle of natural justice ..A sentence of a court pronounced against a party without hearing him, or giving him an opportunity to be heard, is not a judicial determination of his rights, and is not entitled to respect in any other tribunal."). Where a person can be sued, he is entitled to defend himself against that suit. *McVeigh*, 78 U.S. at 267. See also *Windsor*, 93 U.S. at 277 ("Wherever one is assailed in his person or property, there he may defend.").

To say that courts have inherent power to deny all right to defend an action and to render decrees without any hearing whatever is, in the nature of things, to convert the court exercising such an authority into an instrument of wrong and oppression, and hence strip it of that attribute of justice upon which the exercise of judicial power necessarily depends. *Hovey v. Elliot*, 167 U.S. 409, 414 (1897).

The aggrieved party must have the opportunity to present her case and have its merits fairly judged¹.

¹ *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 433

The New Jersey Supreme Court and lower appellate courts have ruled that one cannot be forced to trial in a divorce without counsel.

As in Petitioner's case, the state and then the Federal trial judge constantly and repeatedly refers to the Plaintiff's state of mind and mental health concerns, in some cases, mocking the Plaintiff because she did not show up for trial. See, *Olszewski v. Olszewski*, Docket No. A-2000-11T1, 2013 WL 1337615, *1, *9 (App. Div. April 4, 2013) (citing *Benson v. Sebelius*, 771 F.Supp.2d 68, 78 (D.D.C. 2011)(applying *Burton* to civil case).

The New Jersey Appellate Division in *Ridge at Back Brook, LLC v. Klenert*, 437 N.J. Super. 90, 99 (App. Div. 2014) that a self-represented litigant was deprived of a meaningful opportunity to be heard. It is "fundamental that the court system... protect the procedural rights of all litigants and to accord procedural due process to all litigants". These are nice words. But, they are never enforced in New Jersey family courts, whether woman or man.

The New Jersey Supreme Court held that "many litigants who come before our courts in domestic proceedings are unrepresented by counsel; many are unfamiliar with the courts and with their rights. Sifting through their testimony *requires a high degree of patience and care*.

The pressures of heavy calendars and volatile proceedings may impede the court's willingness to afford much leeway to a party whose testimony may seem disjointed or irrelevant. "But the rights of the parties to a full and fair hearing are paramount."

J.D. v. M.D.F., 207 N.J. 458, 481 (2011). “The court system is obliged to protect the procedural rights of all litigants and to accord procedural due process to all litigants”. *Rubin v. Rubin*, 188 N.J. Super. 155, 159 (App. Div. 1982). **Petitioner was defrauded out of those rights.**

Petitioner was entitled to notice and opportunity to be heard before losing any liberty or property rights under color of law². In *Lynch v. Household Finance*, 405 U.S. 438, 552 (1972):

The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth a "personal" right, whether the "property" in question be a welfare check, a home, or a savings account. In fact, a fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other. That rights in property are basic civil rights has long been recognized. J. Locke, *Of Civil Government* 82-85 (1924); J. Adams, *A Defense of the Constitutions of Government of the United States of America*, in F. Coker, *Democracy, Liberty, and Property* 121-132 (1942); 1 W. Blackstone, *Commentaries* *138-140. Congress recognized these rights in 1871 when it

² *Sniadach v. Family Finance*, 395 U.S. 337, 348 (1969)

enacted the predecessor of § 1983 and 1343 (3).

Petitioner was entitled to counsel of choice at all proceedings. Given that she was deprived of the means for counsel of choice is a deprivation of her liberty and property rights. This deleteriously affected her entire divorce case because it denied her Due Process Right to discovery and presenting witnesses on her behalf.

Any law or ruling, state or federal, that gives the man a financial advantage with respect to a woman is unconstitutional. *Frontiero v. Richardson*, 411 U.S. 677, 687-88 (1973).

The consequences of Petitioner being unable to retain counsel in her state divorce case because of financial interference by Husband's attorney and allowed by State Court Judge was catastrophic. The Supreme Court recognized the right to defend is fundamental, notwithstanding an individual's status. See *McVeigh v. United States*, 78 U.S. (1 Wall.) 259 (1870) (reversing district court's order to strike claim and answer in forfeiture action, where order effectively denied respondent a hearing). See also *Windsor v. McVeigh*, 93 U.S. 274, 277 (1876) ("This is a principal of natural justice A sentence of a court pronounced against a party without hearing him, or giving him an opportunity to be heard, is not a judicial determination of his rights, and is not entitled to respect in any other tribunal."). Where a person can be sued, he is entitled to defend himself against that suit. *McVeigh*, 78 U.S. at 267. See also *Windsor*, 93 U.S. at 277 ("Wherever one is

assailed in his person or property, there he may defend."). To say that courts have inherent power to deny all right to defend an action and to render decrees without any hearing whatever is, in the nature of things, to convert the court exercising such an authority into an instrument of wrong and oppression, and hence strip it of that attribute of justice upon which the exercise of judicial power necessarily depends. *Hovey v. Elliot*, 167 U.S. 409, 414 (1897).

The aggrieved party must have the opportunity to present her case and have its merits fairly judged³.

II. Petitioner was subjected to Forced Labor as a pro se litigant forced to represent herself in a complicated state divorce matter, without compensation, and that substantially financially benefitted her Husband and his attorneys

Petitioner was subjected to Forced Labor in violation of 18 U.S.C. §1589, having to represent herself, pro se, without compensation for five (5) years, all the while her Husband and attorneys have benefitted substantially from the litigation. Since lawyers are appointed pro bono to represent indigent litigants, it is impermissible as a constitutional matter, at least in civil cases.

³ *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 433 (1982).

Appointments have been found unconstitutional as a violation of due process, as a taking of property by the government without just compensation, and as an involuntary servitude in violation of the thirteenth amendment.⁴

The New Jersey Supreme Court held that assignment of an attorney to represent an indigent without compensation for services does not constitute involuntary servitude or peonage. *State v. Rush*, 46 N.J. 399, 217 A.2d 441, 21 A.L.R.3d 804 (1966). New Jersey seems to have conflicting caselaw on the subject⁵. Traditionally, courts faced with the question of whether service was "involuntary" have looked to the threatened consequences of a refusal to serve, rather than to the voluntariness of the initial agreement to work or to the actual mental state of

⁴ *In re Nine Applications for Appointment of Counsel in Title VII Proceedings*, 475 F. Supp. 87 (N.D. Ala. 1979); *Davison v. Joseph Home & Co.*, 265 F. Supp. 750, 752 (W.D. Pa. 1967) (dictum) (citing *United States v. Leser*, 233 F. Supp. 535 (S.D. Cal. 1964)); *Bedford v. Salt Lake County*, 22 Utah 2d 12, 447 P.2d 193 (1968); *Menin v. Menin*, 79 Misc. 2d 285, 359 N.Y.S.2d 721 (Sup. Ct. 1974), aff'd, 372 N.Y.S.2d 985 (1975); cf. *Allison v. Wilson*, 277 F. Supp. 271, 274 (N.D. Cal. 1967) (court cannot compel attorney to serve indigent client in frivolous action). See also *Note, Indigents' Right to Appointed Counsel in Civil Litigation*, 66 Geo. L.J. 113, 138-39 (1977). But see *Note, The Indigent's "Right" to Counsel in Civil Cases*, 43 Fordham L. Rev. 989, 1004-06 (1975).

⁵ American courts exercising their contempt power when an attorney refuses to accept or proceed under an appointment generally do not impose imprisonment as a punishment, choosing at most to disbar the attorney. See, e.g., *State v. Frankel*, 119 N.J. Super. 579, 293 A.2d 196 (1972), cert. denied, 409 U.S. 1125 (1973); *State v. Corey*, 117 N.J. Super. 296, 284 A.2d 395 (1971).

the servitor at the time of service. The possibility of civil damages for breach of an employment contract is not so harsh as to render a performance of labor involuntary; in contrast, labor is involuntary when, as in the case of peonage, "law or force compels performance." In rare instances courts have been required to decide whether threatened consequences of a refusal to provide services short of force or confinement are coercive enough to render a servitude "involuntary."⁶

An attorney's duty to represent indigent clients for free is a matter of "public service". In this instant matter, Petitioner is not an attorney, nor is she involved in "public service" when being forced to represent herself in a divorce case where there are financial and liberty consequences of magnitude.

Regardless of the nature of the case, the substantial state interest in assuring fairness in the administration of justice would justify the states in providing legal assistance to litigants⁷.

The layman's inability to overcome the intricacy of the adjudicative process, which gives rise to a constitutional guarantee of counsel in criminal prosecutions, equally impedes effective access of uncounseled litigants to the judicial process in civil cases. See *Goldberg v. Kelly*, 397 U.S. 254, 270 (1970); *Caston v. Sears, Roebuck & Co.*, 556 F.2d 1305, 1308 (5th Cir. 1977).

⁶ See, e.g., *Pollock v. Williams*, 322 U.S. 4 (1944)

⁷ *Goldfarb v. Virginia State Bar*, 421 U.S. 773, 792 (1975).

Because states hold a monopoly over techniques of dispute settlement in certain civil cases, the states are forbidden in such instances to impose court fees that have the effect of denying indigents access to the courts. See *Boddie v. Connecticut*, 401 U.S. 371 (1971) (divorce decrees).

A state may reasonably determine that adjudicative complexity, although not rising to the level of a constitutional violation, impedes the access of uncounseled indigents to expeditious resolution of civil disputes. The resultant state interest in providing attorneys to impecunious litigants in civil suits will not be diminished in the case of a plaintiff who voluntarily comes into court, inasmuch as his inability to redress an injury causes an involuntary loss equal to that of a civil defendant who is unable effectively to protect his interests in court. See *Schlagenhauf v. Holder*, 379 U.S. 104, 114 (1964).

Forcing Petitioner to labor as a pro se attorney having no legal skills, and without compensation, in what can only be termed coercive and frivolous litigation caused by the Husband and his attorneys for five (5) years, constituted an unlawful taking from Petitioner's time and resources.⁸

As can be seen, attorneys cannot be forced into involuntary servitude to represent indigent litigants in civil cases. It constitutes compulsory labor. Hence, Petitioner should not have been forced into involuntary servitude/forced labor to represent

⁸ *Williamson v. Vardeman*, 674 F.2d 1211, 1216 (8th Cir. 1982)

herself as her own attorney, pro se, in a civil/divorce/family court matter that involved financial and emotional consequences of magnitude. Petitioner's second language is English. Her first language is Serbian. It becomes an endless duty for a non-lawyer to respond to court litigation, without compensation, especially where monies were available to Petitioner for hiring her own counsel and maintaining her own counsel, but were obstructed.

Pro bono publico has been extended beyond criminal defense to a wide range of civil actions, including involuntary transfer of elderly patients from a hospital to a nursing home, *marital dissolutions*, terminations of parental rights, adoptions, paternity disputes, contested deeds, civil contempt, evictions, and prisoner exposure to cruel and unusual punishment⁹. Petitioner was not

⁹ *Smiley v. Smiley*, 356 N.Y.S.2d 733, 733 (N.Y. App. Div. 1974)(marital dissolution); *Jacox v. Jacox*, 350 N.Y.S.2d 435, 436 (N.Y. App. Div. 1973)(marital dissolution); *Bartlett v. Kitchin*, 352 N.Y.S.2d 110, 112 (N.Y. Sup. 1973)(marital dissolution); *Emerson v. Emerson*, 308 N.Y.S.2d 69, 70 (N.Y. App. Div. 1970)(marital dissolution). *In re Ella B.*, 285 N.E.2d 288, 289 (N.Y. 1972); *In re Luscier's Welfare*, 524 P.2d 906, 907 (Wash. 1974); *State ex rel. v. Lemaster v. Oakley*, 203 S.E.2d 140, 141 (W. Va. 1974); *V.F. v. State*, 666 P.2d 42, 43-44 (Alaska 1983); *Ex rel. D.B.*, 385 So.2d 83, 87 (Fla. 1980). *In re Adoption of R.I.*, 312 A.2d 601, 601 (Pa. 1973). *Salas v. Cortez*, 593 P.2d 226, 228 (Cal. 1979). *In re Goreson v. Gallagher*, 485 N.Y.S.2d 664, 665 (N.Y. App. Div. 1985). *Otton v. Zaborac*, 525 P.2d 537, 537-38 (Alaska 1974); *In re Williams v. Williams*, 458 N.Y.S.2d. 641, 642 (N.Y. App. Div. 1983). *Hotel Martha Washington Mgmt. Co. v. Swinick*, 322 N.Y.S.2d 139, 140 (N.Y. App. Term 1971). *Lofton v. Delassandri*, 3 Fed.App'x. 658, 661 (10th Cir. 2001).

afforded this service, because she allegedly had too much money according to opposition counsel and the Court, even though she was left indigent.

III. Reasons for Granting the Petition

This Court should act to safeguard Petitioner and all other litigants similarly situated from New Jersey family court violations of denying litigants marital assets and resources, whether business or personal, to “even the playing field” so each party has equivalent counsel.

Hence, this Court should also act to safeguard Petitioner and all other litigants similarly situated from New Jersey family court violations of substantive and procedural Due Process and Equal Protection Under the Law guaranteed by the Fourteenth Amendment.

In this case the wrongful acts and conduct are unconstitutional acts violating Constitutional law, common law, state law, and constitutionally protected liberty and property interests. As a deterrent to the misdeeds, this Court should reverse the lower Courts’ decisions, allow Petitioner to commence her lawsuit against the Defendants, and under this unique circumstance, order that Petitioner be granted equivalent sums of money from marital assets that her Husband and his attorney obtained from marital assets, wherein they denied Petitioner and “even playing field”.

In this case Petitioner, a female, was subjected to Forced Labor, in violation of 18 U.S.C. §1589. The Fourteenth Amendment Due Process and Equal Protection Clauses, along with the prohibitions of the involuntary servitude/peonage/Forced Labor statutes should be interpreted as a deterrent to violations of her protected liberty and property interests, and deterrent to the misdeeds for which Congress allows claims for Fourteenth Amendment violations and violations under 18 U.S.C. §1589.

Moreover, letting the issue percolate in the lower courts could countenance further constitutional violations, criminal acts, and other grievous misdeeds.

This Court should act to guard against that. If the right to be free of Fourteenth Amendment Due Process and Equal Protection violations Forced Labor, which violates Due Process and Equal Protection, is truly specially protected rights, let it be so, since in this instance it is discriminatory against women and divorced women as well as men with similar circumstances.

Finally, this case is an appropriate vehicle to be treated summarily and impose a ruling against the State of New Jersey, specifically the Family Court system, because the claim is simple. Petitioner cannot be forced to hearings or trial without counsel, cannot be forced to represent herself for years without compensation (or monies obtained from her business in order to pay competent, effective counsel), otherwise this would be a violation of

liberty and property interests that are intricately intertwined. So is the statute to be interpreted. So are its parallels. And, there are no factual nor procedural issues directly relevant herein.

Conclusion

The Court should grant a writ of certiorari and summarily reverse the decision below.

Respectfully submitted,

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