

Trial Court Case No. 09-1-00469-2
Court of Appeals Case No.: 66158-2-I

THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION ONE

Anil Prasad,
Appellant,

v.

Julliet Prasad,
Respondent,

BRIEF OF APPELLANT

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COURT OF APPEALS
STATE OF WASHINGTON
FILED *WJ*

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A. Identification of Appellants

Appellant, Anil Prasad, by and through his attorney of record, Andreas Kischel, presents this motion to the Washington Court of Appeals, Division One.

B. Assignment of Error

1. The trial court erred in ruling that Appellant Anil Prasad's motion for reconsideration regarding attorney fees failed based on all the pleadings in this matter.
2. The trial court erred finding that Appellant Anil Prasad had financial resources to pay for Ms. Prasad's attorney fees.
3. The trial court erred finding that Respondent Julliet Prasad was entitled pursuant to RCW 26.09.140 to attorney fees.
4. The trial court erred finding that Respondent Julliet Prasad had financial needs for attorney's fees.
5. The trial court erred finding that Appellant Anil Prasad had ability to pay attorney fees.
6. The trial court erred finding that \$3,500 imposed on Appellant Anil Prasad was reasonable amount for the cost to the other party of defending legal proceedings.

7. The trial court erred in denying Appellant's motion to terminate spousal maintenance and modify child support.

8. The trial court erred in denying Appellant's motion for reconsideration and motion to terminate spousal maintenance and to modify child support without providing Appellant opportunity to be heard.

C. Issues Pertaining to Assignment of Error

1. Did Snohomish County Superior Court Honorable Commissioner abuse discretion when he granted the award of attorney fees to Respondent Julliet Prasad? (Assignment of Error 2,3,4,5,6)

2. Did Snohomish County Superior Court Honorable Commissioner abuse discretion when he denied Appellant's motion to terminate spousal maintenance and to modify child support without supporting his decision by any relevant provisions of RCW or any other Washington statutory or case law? (Assignment of Error 7).

3. Under Constitution of the State of Washington was Appellant's due process rights violated when Superior Court Commissioner denied both Appellant's motions without providing opportunity to be heard? (Assignment of Error 1,7, 8).

4. Under Constitution of the State of Washington was Appellant provided with unbiased and impartial tribunal? (Assignment of Error 1, 7, 8).

D. Standard of Appellate Review

A trial court abuses its discretion if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons.¹ A court necessarily abuses its discretion if its decision is based on an erroneous view of law.² The appearance of fairness doctrine applies to judicial and quasi-judicial decision makers.³ In family law matters the trial court is obliged to dispose of the property and liability of the parties in a manner that shall “appear just and equitable after considering all the factors”⁴

E. Statement of the Case

Procedural History

On August 5, 2010, Snohomish County Superior Court entered order granting exclusive use, control and management authority over

¹ *In re Marriage of Littlefield*, 133 Wn. 2d 39 (1997).

² *In re Marriage of Scanlon*, 109 Wn. App. 167 (2001).

³ *State v. Finch*, 137 Wash2d 792, 808, 975 P.2d 967 (1999) (Citing *State v. Post*, 118 Wash.2d 596, 619, 826 P.2d 172, 837 P.2d 599 (1992)).

⁴ *RCW 26.09.080*; *In Re Marriage of Brady*, 50 Wn. App. 728,731 P.2d 654 (1988).

the parties' restaurant known as Barlees Restaurant and Ashwin, Inc. and further restraining Appellant Anil Prasad from any contact with the Respondent Juliet Prasad and the restaurant, court's records, and imposing \$3,500.00 attorney fees on Appellant.⁵

On August 16, 2010 Appellant Anil Prasad filed Motion for Reconsideration of Attorney Fees and Motion to Terminate Spousal Maintenance and Modify Child Support with the Snohomish County Superior Court Clerk.⁶ On September 21, 2010 Appellant filed Memorandum of Authorities in support of his motions along with personal affidavit of the Appellant.⁷

On October 4, 2010 hearing was held at 9 a.m. on Motion for Reconsideration of Attorney Fees.⁸ Appellant was present with his attorney Andreas Kischel, and Respondent did not appear.⁹ Commissioner issued decision without oral argument denying Appellant's motion based on the pleadings founding his decision on the reason that although there was no response from Respondent, motion failed based on pleadings in this matter.¹⁰ The Commissioner further

⁵ *Clerk's Papers* Sub#146, pp.9-10.

⁶ *Clerk's Papers* Sub#151, pp.46-48; *Clerk's Papers* Sub#152, pp.44-45

⁷ *Clerk's Papers* Sub#165, p. 5; *Clerk's Papers* Sub#164, p. 17

⁸ *Clerk's Papers* Sub#169, p. 50

⁹ *Clerk's Papers* Sub#169, p. 50

¹⁰ *Clerk's Papers* Sub#170, p. 14

denied the Appellant or his attorney an opportunity to be heard on the motion.¹¹

On October 18, 2010 hearing was held at 9 a.m. regarding motion to terminate spousal maintenance and to modify child support.¹² Appellant was present with his attorney Andreas Kischel, and Respondent did not appear.¹³ Commissioner issued decision without oral argument denying Appellant's motion stating that court already ruled on that motion and will not reconsider its decision.¹⁴ The Commissioner further denied the Appellant or his attorney an opportunity to be heard on the motion.¹⁵ On October 27, 2010 Appellant's attorney Andreas Kischel, WSBA 42435, timely filed notice of appeal with Washington State Court of Appeals Division 1.

F. Argument

1. Snohomish County Superior Court Commissioner abused discretion when he granted the award of attorney fees to Respondent Juliet Prasad

¹¹ Clerk's Papers Sub#169, p. 50

¹² Clerk's Papers Sub#173, p. 49

¹³ Clerk's Papers Sub#173, p. 49

¹⁴ Clerk's Papers Sub#173, p. 49

¹⁵ Clerk's Papers Sub#173, p. 49

RCW 26.09.140 in pertinent part provides: “The court from time to time after considering the financial resources of both parties may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this chapter and for reasonable attorney’s fees or other professional fees in connection therewith, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or enforcement or modification proceedings after entry of judgment.”

Counsel fees can be awarded on equitable grounds, in view of the situation of the parties.¹⁶ Whether allowance of attorney’s fees will be made in divorce proceedings primarily depends on financial needs of wife and husband’s ability to pay.¹⁷ A wife is not entitled to free litigation of divorce action.¹⁸ The statute relating to award of attorney’s fees and costs in divorce case does not require granting of attorney’s fees and costs to the wife.¹⁹ Payment of attorney’s fees is not right of one former spouse against the other.²⁰

¹⁶ *State v. Superior Court of King County*, 104 P. 771, 55 Wash. 347, 25 L.R.A., N.S., 387 (1909).

¹⁷ *Pollock v. Pollock*, 499 P.2d 231, 7 Wash. App. 394 (1972).

¹⁸ *Richards v. Richards*, 489 P.2d 928, 5 Wash.App. 609

¹⁹ *Startin v. Startin*, 481 P.2d 452, 4 Wash. App. 339 (1971).

²⁰ *Johnson v. Johnson*, 462 P.2d 956, 1 Wash. App. 527 (1969).

Wife is not entitled to free litigation at expense of husband when seeking divorce if she is financially able to pay expenses thereof.²¹ Wife in divorce action is generally allowed funds to prosecute or defend her action when test of wife's need and husband's ability to pay is satisfied.²² Allowance of fees to either party to divorce action is governed by need on one hand and financial ability to pay on the other, and that rule follows on appeal and proceedings to modify the divorce decree.²³ In allowing attorney's fees to the wife in a divorce action, the court in the exercise of its discretion must consider as primary factor the needs of the wife and the financial ability of the husband, and the wife is not entitled to free litigation.²⁴

Here, Respondent Juliet Prasad became financially able to pay for her attorney's costs and expenses when the court entered August 5, 2010 order giving her exclusive right to manage income generating property and access to such. At the same time, Appellant Anil Prasad lost all financial ability to make any payments to Respondent Juliet Prasad when he was ordered and restrained from the restaurant and its management. Such hasty financial change instantly created factual

²¹ *Gamache v. Gamache*, 409 P.2d 859, 66 Wash.2d 822 (1965).

²² *Bennett v. Bennett*, 387 P.2d 517, 63 Wash.2d 404 (1963).

²³ *Christopher v. Christopher*, 381 P.2d 115, 62 Wash.2d 82 (1963).

²⁴ *Schmidt v. Schmidt*, 321 P.2d 895, 51 Wash.2d 753 (1958).

impossibility on the part of Appellant Anil Prasad to generate any finances and hence Anil Prasad lacked any financial ability to pay for the Respondent's attorney's fees. Prior to August 5, 2010, court order, for the past several years Appellant was regularly involved seven days per week running Barlees Restaurant as a full time job and personal business. Barlees Restaurant is the only income generating community asset that enabled Appellant regular monthly payments in the amount of \$2,500 to Respondent Juliet Prasad. Appellant had no other source of income and fully and exclusively depended on the income generated from operation of Barlees Restaurant.

When Snohomish County Superior Court on August 5, 2010, entered temporary order granting exclusive use, control and management authority to Respondent Juliet Prasad, Appellant Anil Prasad was effectively left without work and any source of income to support himself and became financially unable to generate \$2,500 monthly amounts due to Respondent Juliet Prasad. Such court order further altered financial positions of the parties in that Respondent Juliet Prasad gained all control and access to community funds, whereas Appellant Anil Prasad was left without any source of income. As a result of such court order, Juliet Prasad became financially able to generate necessary finances to cover her attorney expenses.

Consequently, it is Appellant's position that imposition on him of the Respondent's attorney's fees in the amount of \$3,500.00 is an error because he is financially unable to pay such legal costs and expenses and because Respondent became financially able to cover such expenses by herself. For the foregoing reasons and authorities cited, the Appellant moves this Honorable Court to reverse Snohomish County Superior Court Order that awarded Respondent Julliet Prasad the attorney fees in the amount of \$3,500.

2. Snohomish County Superior Court Commissioner abused discretion when he denied Appellant's motion to terminate spousal maintenance and modify child support without supporting his decision by any relevant provisions of RCW or any other Washington statutory or case law.

a.) Spousal Maintenance

A decree respecting maintenance may be modified only upon a showing of a substantial change of circumstances.²⁵ The phrase "change of circumstances" refers to the financial ability of the obligor

²⁵ RCW 26.09.170(1)(b).

to pay vis-a-vis the needs of the recipient.²⁶ The determination of whether a substantial change of circumstances justifying modification has occurred is within the sound discretion of the trial court and will not be reversed on appeal absent an abuse of discretion.²⁷ Modification, including termination, of maintenance requires proof of a substantial, unanticipated change in circumstances.²⁸ The proper test is whether a substantial change in circumstances which was not within the contemplation of the parties has occurred.²⁹ The criterion for the allowance of alimony depends on two factors: (1) The necessities of the wife; (2) the financial ability of the husband.³⁰

Alimony is not a matter of right; when the wife has the ability to earn a living, it is not the policy of the law of this state to give her a perpetual lien on her divorced husband's future income.³¹ In the granting of alimony the court must be governed by the necessities of

²⁶ *Fox v. Fox*, 87 Wash.App. 782, 784, 942 P.2d 1084 (1997), citing *In re Marriage of Ochsner*, 47 Wash.App. 520, 524, 736 P.2d 292, review denied, 108 Wash.2d 1027 (1987).

²⁷ *Lambert v. Lambert*, 66 Wash.2d 503, 508, 403 P.2d 664 (1965); *In re Marriage of Ochsner*, 47 Wash.App. at 524-25, 736 P.2d 292.

²⁸ *In re the Marriage of Coyle*, 61 Wash.App. 653, 657, 811 P.2d 244 (1991), citing *In re Marriage of Ochsner*, 47 Wash.App. 520, 524, 736 P.2d 292, review denied, 108 Wash.2d 1027 (1987).

²⁹ *In re the Marriage of Coyle*, 61 Wash.App. 653, 659, 811 P.2d 244 (1991), citing *Wagner v. Wagner*, 95 Wash.2d 94, 98, 621 P.2d 1279 (1980).

³⁰ *Bartow v. Bartow*, 12 Wash.2d 408, 121 P.2d 962 (1942), citing *Holcomb v. Holcomb*, 53 Wash. 611, 102 P. 653; *Herrett v. Herrett*, 80 Wash. 474, 141 P. 1158.

³¹ *Berg v. Berg*, 72 Wash.2d 532, 533, 434 P.2d 1 (1967), citing *Warning v. Warning*, 40 Wash.2d 903, 247 P.2d 249 (1952); *Lockhart v. Lockhart*, 145 Wash. 210, 259 P. 385 (1927).

the wife and the financial abilities of the husband to pay.³² Further, it is not the policy of the law to place a permanent responsibility upon a divorced spouse to support a former wife; she is under an obligation to prepare herself so that she might become self-supporting.³³ Nor is the wife entitled to maintain her former standard of living as a matter of right.³⁴ It is the policy of this state to place a duty upon the wife to gain employment, if possible.³⁵ Alimony is now dependent upon the need of the wife and the financial ability of the husband.³⁶ Permanent alimony is disfavored in this state.³⁷ The only limitation on the maintenance award is that the amount and duration, in light of all the relevant factors, be just.³⁸ Of primary importance in the maintenance award are the parties' economic positions following the dissolution.³⁹

³² *Cleaver v. Cleaver*, 10 Wash.App. 14, 20, 516 P.2d 508 (1971), *Kelso v. Kelso*, 75 Wash.2d 24, 27, 448 P.2d 499 (1968).

³³ *Berg v. Berg*, 72 Wash.2d 532, 434 P.2d 1 (1967).

³⁴ *Friedlander v. Friedlander*, Supra, 80 Wash.2d at 297, 494 P.2d 208; *Morgan v. Morgan*, 59 Wash.2d 639, 644, 369 P.2d 516 (1962).

³⁵ *Dakin v. Dakin*, 62 Wash.2d 687, 692, 384 P.2d 639, 642 (1963).

³⁶ *Dreyer v. Dreyer*, 10 Wash.App. 624, 627, 519 P.2d 12 (1974), citing *Baker v. Baker*, 80 Wash.2d 736, 498 P.2d 315 (1972); *Friedlander v. Friedlander*, 80 Wash.2d 293, 494 P.2d 208 (1972); *Mayo v. Mayo*, 75 Wash.2d 36, 448 P.2d 926 (1968); *Kelso v. Kelso*, 75 Wash.2d 24, 448 P.2d 499 (1968); *Holloway v. Holloway*, 69 Wash.2d 243, 417 P.2d 961 (1966); *Morgan v. Morgan*, 59 Wash.2d 639, 369 P.2d 516 (1962); *Murray v. Murray*, 26 Wash.2d 370, 174 P.2d 296 (1946); *Cleaver v. Cleaver*, 10 Wash.App. 14, 516 P.2d 508 (1973).

³⁷ *Mose v. Mose*, 4 Wash.App. 204, 208, 480 P.2d 517 (1971), citing *Berg v. Berg*, 72 Wash.2d 532, 434 P.2d 1 (1967)

³⁸ *Spreen v. Spreen*, 107 Wash.App. 341, 347-48, 28 P.3d 769 (2001), citing *In re Marriage of Washburn*, 101 Wash.2d 168, 178, 677 P.2d 152 (1984).

³⁹ *DeRuwe v. DeRuwe*, 72 Wash.2d 404, 408, 433 P.2d 209 (1967)

Here, Petitioner Prasad lost all his income and full time gainful employment, due to August 5, 2010, Snohomish County Superior Court order. As of today, Petitioner Prasad was not able to find any other employment. For this reason, Petitioner Prasad lacks any financial resources and in near future faces bankruptcy. At the same time, Respondent Julliet Prasad by court August 5, 2010 order gained full and exclusive control over all income producing property. Thus, Respondent Julliet Prasad became financially able to self-support herself, while Petitioner lacks any financial resources. Furthermore, because of such change in positions and circumstances, Respondent Julliet Prasad has no need in Petitioner's further alimony and spousal maintenance payments. For the same reasons as outlined above, it would be factual impossibility to further require any alimony-spousal maintenance payments from Petitioner.

Because of Appellant's loss of income and lack of any financial resources, the trial court should have granted Appellant's request to terminate alimony-spousal maintenance payments to Respondent Julliet Prasad. Hence, this appellant respectfully moves this Honorable Court to reverse Trial Court's ruling that denied Appellant's request for termination of any further alimony-spousal maintenance to Respondent Julliet Prasad.

b.) Child Support

RCW 26.09.170 in pertinent part provides: “(5) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances: (a) if the order in practice works a severe economic hardship on either party or the child.”

Here, Appellant’s total loss of income caused him serious financial desperation and hardship. As of today, Appellant has no sources of income. For the same reason, Appellant is not able to continue further child support payments as ordered by trial court. Appellant requested that the trial court would modify child support payments amounts so as to allow him minimum child support payments permitted by the law until such time when he can find gainful employment, however Trial Court denied that request without any explanation for doing so. Because of Appellant’s loss of income and lack of any financial resources, the trial court should have granted Appellant’s request to modify child support payments to a minimum permitted by law. Therefore, Appellant respectfully moves this Honorable Court to reverse Trial Court’s ruling that denied Appellant’s request for child support modification.

3. Appellant was deprived of the opportunity to be heard in violation of due process requirements of United States Constitution and Washington State Constitution.

The due process requirement of an “opportunity to be heard” which must be “tailored to the capacities and circumstances of those who are to be heard” has strict demands.⁴⁰ It is a fundamental axiom of our system of jurisprudence that due process of law includes the right to participate in the proceedings.⁴¹ It is very clear from the record in the case at hand that the Superior Court Commissioner abused his discretion when he denied Petitioner the opportunity to be heard on his motion for reconsideration of attorney fees.

The Superior Court Commissioner’s act of denying hearing on the motion for reconsideration clearly departed from the accepted and usual course of judicial proceedings as to call for review by the appellate court. The case continued to conclusion without Appellant’s

⁴⁰ *In the Matter of Irma Lizotte v. John A. Johson, as Commissioner of the New York State Office of Children and Family Services, et al.*, 4 Misc. 3d 334, at 342; 777 N.Y.S.2d 580; 2004 N.Y. Misc. LEXIS 602 (2004) (citing *Yellen v. Baez*, 177 Misc. 2d 332, 336, 676 N.Y.S.2d 724 (1997) citing *Goldberg v. Kelly*, 397 U.S. 254, 268-269, 25 L. Ed. 2d 287, 90 S. Ct. 1011 (1970)).

⁴¹ *Yellen v. Baez*, 177 Misc. 2d 332, at 335; 676 N.Y.S.2d 724; 1997 N.Y. Misc. LEXIS 715 (1997).

ability to be heard and present his motion at the hearing, clearly in violation of the Appellant's due process rights. The tribunal's primary purpose and role is to administer justice and not to convert official proceedings into "drive through type services." "A good judge should do nothing of his own arbitrary will, nor on the dictate of his personal wishes, but should decide according to law and justice."⁴² "The hastening of justice is the stepmother of misfortune."⁴³

Here, the Superior Court Commissioner's disregard of the Petitioner's requests to have a motion hearing constitutes error in derogation of Washington State Constitution and Legislative Intent. Hence, the Superior Court Commissioner's denial of the Petitioners' request for a hearing on motion for reconsideration constitutes error and deprives the Appellant of fundamental due process rights afforded by United States Constitution and Washington State Constitution.

4. Appellant's Constitutional Due Process Rights To Fair Hearing By Impartial Tribunal Were Violated Because The Actions of Commissioner Lacked Impartiality And Exhibited Bias And Prejudice Towards Appellant.

⁴² Quoting from *Legal Thesaurus*, by William C. Burton, p. 306(2nd Ed., Macmillan, 1992).

⁴³ *Id.*

A fair trial in a fair tribunal is a basic requirement of due process.⁴⁴ Every procedure which would offer a possible temptation to the average man as a judge not to hold the balance nice, clear, and true upon denies the person due process of law.⁴⁵ The law goes further than requiring an impartial judge; it also requires that the judge appears to be impartial.⁴⁶ Past decisions of Washington state courts have applied the appearance of fairness doctrine when decision-making procedures have created an appearance of unfairness.⁴⁷ The doctrine seeks to prevent “the evil of a biased or potentially interested judge”⁴⁸ A judicial proceeding is valid only if it has an appearance of impartiality, such that a reasonably prudent and disinterested person would conclude that all parties obtained a fair, impartial, and neutral hearing.⁴⁹

In case at hand, from the record, it appears that Appellant Anil Prasad’s faith was predetermined by the Superior Court Commissioner before conclusion of the case because of actions of Commissioner.

⁴⁴ *State v. Madry*, 8 Wash.App. 61, 68, 504 P.2d 1156 (1972)

⁴⁵ *Id.*, at 68-69, citing *Tumey v. State of Ohio*, 273 U.S. 510, 532, 47 S.Ct. 437, 444, 71 L.Ed. 749 (1972).

⁴⁶ *State v. Post*, 118 Wash.2d 596, 618, 826 P.2d 172 (1992) (Citing *State v. Madry*, 8 Wash.App. 61, 70, 504 P.2d 1156 (1972)).

⁴⁷ *Id.*, at 619 citing *Smith v. Skagit Cy.*, 75 Wash.2d 715, 453 P.2d 832 (1969).

⁴⁸ *State v. Finch*, 137 Wash.2d 792, 808, 975 P.2d 967 (1999).

⁴⁹ *State v. Ra*, 144 Wash.App. 688, 705, 175 P.3d 609 (2008) citing *State v. Bilal*, 77 Wash.App. 720, 722, 893 P.2d 674 (1995) (quoting *State v. Ladenburg*, 67 Wash.App. 749, 754-55, 840 P.2d 228 (1992)).

There is no plausible explanation for the Commissioner hasty ruling other than that the tribunal was convinced of Appellant's liability to the Respondent for attorney fees well before conclusion of the hearings. Operating at such a fast pace, as the Commissioner did in Appellant Prasad's matter, clearly indicates predetermination of liability of Appellant to the Respondent in this matter before the start and conclusion of the hearings. Appellant's case was decided in less than one minute without any explanation or giving Appellant opportunity to be heard. Thus, the Superior Court Commissioner's bias toward Appellant Anil Prasad was clearly reflected at the time of fact finding and conclusions of law. Therefore, Appellant Anil Prasad did not receive fair hearing in his case because the Snohomish County Superior Court Commissioner was biased and partial.

G. Conclusion

For the reasons set out above, Appellant Anil Prasad requests that Washington State Court of Appeals Division 1 finds that the Snohomish County Superior Court Commissioner erred in awarding Respondent Julliet Prasad attorney fees in the amount of \$3,500 and that decision is reversed. Further, Petitioner Anil Prasad requests that Washington State Court of Appeals Division 1 finds that the

Snohomish County Superior Court Commissioner erred in denying Appellant's motion to terminate spousal maintenance and to modify child support, and that decision by the Commissioner of denying Appellant's motion is reversed.

Furthermore, Appellant requests that Washington State Court of Appeals Division 1 finds that the Snohomish County Superior Court Commissioner erred in denying Appellant's Motions because the Court Commissioner acted in abuse of discretion and deprived the Appellant of the opportunity to be heard in violation of due process. Finally, Appellant requests the Washington State Court of Appeals Division 1 finds that Appellant did not receive fair hearing and that the Snohomish County Superior court was not impartial, and thus its decision should be reversed.

Respectfully submitted this 2nd day of March, 2011.



Andreas Kischel, WSBA 42435
Pro Bono Attorney for Appellant

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THE COURT OF APPEALS
OF THE
STATE OF WASHINGTON
DIVISION ONE

ANIL PRASAD,

Appellant,

vs.

JULIET PRASAD,

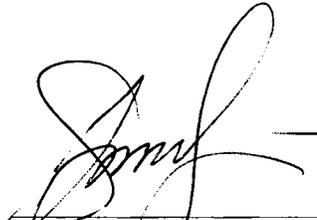
Respondent.

) Trial Court Case No.: 07-3-02636-5
)
) Court of Appeals No.: 66158-2-1
)
)
) RETURN OF SERVICE
)
) **CLERK'S ACTION REQUIRED**

I, SVETLANA SENNIKOVA, do hereby affirm that on the 2nd Day of March, 2011 I **PERSONALLY** mailed copy of Appellant Anil Prasad's brief to Respondent Juliet Prasad at the following address: 8963 49th Avenue W, Mukilteo, WA 98275.

I declare under penalty of perjury under the laws of the State of Washington: That I am now and at all times herein mentioned a citizen of the United States and resident of the State of Washington, over the age of eighteen years.

Dated this 2nd day of March 2011.


SVETLANA SENNIKOVA

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COURT OF APPEALS DIVISION ONE
STATE OF WASHINGTON
FILED