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The Windmill Attack

Definition

The “windmill attack” is a swindle involving 3 parties; a divorcing spouse (who uses accusations to win sympathy), a lawyer (who turns sham litigation into money) and a social worker (who turns a forensic report into sole custody). The trigger spouse wins control, money and revenge. The target spouse loses his* child/ren, freedom and reputation. *(In this summary, the target parent is male, but lawyers sell the strategy to both spouses).*

Operation

The heart of the windmill attack is fraud in the form of identity-theft; the abuser presents herself as the victim, using accusations to present her target as the abuser, and trades on the court's and Family Advocate's sympathy to win sole custody and maximum maintenance

Legality

The windmill attack is a black-market litigation strategy to batter the target into surrender and to manipulate the court and defeat the Children's Act based on a hyper-aggressive sequence of steps involving child abuse, criminal neglect, defamation, domestic violence, extortion, fraud and perjury.

Name

The “windmill attack” in chess¹ is a series of discovered-check-and-capture moves that pin the target and progressively strip him of his assets until he is isolated and defenceless and the game is won. Chess is a zero-sum war-game involving premeditated acts of aggression. Cooperation is not possible. Chess pieces have no feelings and are sacrificed for advantage.

Pathology

For antisocial personalities (a borderline personality disorder, narcissistic, psychopath or socio-path), divorces are also competitions and the parties also objects. The windmill attack involves a sequence of moves calculated to inflict the maximum pain possible on a vulnerable intimate partner for personal gain. It requires that the children of the marriage be psychologically abused and terrorised until their bond with the target parent is broken. It reflects a personality disorder in the trigger spouse and/or social worker and/or lawyer. It is a reminder that the legal

1 See, “Predator At The Chessboard: A Field Guide To Chess Tactics, Book I”, by Ward Farnsworth, lulu.com, 2012



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* Truth * Fairness * Mercy * Restoration *

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profession is 2nd most likely to attract functional psychopaths² who can use their unempathetic, ruthless, and charismatic personalities to win their cases³.

Prevalence of Pathology	Malicious spouses	Social Workers	Lawyers
General population 7-15%	> 7-15%	> 7-15%	> 7-15%

Parties

The windmill attack requires the collusion of 3 parties and the support or indifference of enablers and regulators.

Agent	Spouse	Lawyer (attorney / advocate)	Health-worker (social worker / psychologist)
Contribution	(tactical) accusations	(sham) litigation	(partial) forensic report
Enabler	Family & Friends	Courts (DoJ)	Family Advocate (DoJ)
Regulator	DSD	DoJ / Law Societies	DoJ / HPCSA / SACSSP

Critical Success Factors

The success of the windmill attack relies on the following key features;

1. The willingness of a spouse to destroy her co-parent and damage her children for personal gain
2. The willingness of the forensic social worker / psychologist to write a false report
3. The willingness of a lawyer to breach the Children's Act and embrace fraud and perjury
4. The willingness of courts / the Family Advocate to circumvent the Children's Act and repress the accused
5. The indifference of regulators
6. Secondary collusion by the target's lawyer/s and the supervising social worker
7. Information asymmetry in the courts and Family Advocate

Tactical Sequence

The windmill has defined steps, with cumulative benefits. The starting sequence can vary. It ends when the target spouse surrenders, leading to a one-sided settlement that is made an order of court.

01	02	03	04	05	06	07	08	09	10	11
Staged fight	Accusations	Claim money / deny contact	The Combined Summons	The Forensic Report	The Protection Order	Refusal to mediate	Rule 43	The Family Advocate's Report	The Settlement	The Divorce Order
Get house / Sole custody	Find fault / win sympathy	Maintenance / Sole Custody	Demands based on fault	Repeat accusation / deny child	Repress target, use fault	Leverage litigation	Benefits based on fault	Rubber-stamp status quo	Winner-takes-all/surrender	Max money, max control

Evolution

The elements and the sequence of the windmill attack evolved alongside the legislating governing divorce

1935	1979 7 1	1987 1990	1998	2005	2007 7 1	2010 4 1
Divorce Laws Amendment Act	Divorce Act	The Mediation in Certain Divorce Matters Act	Domestic Violence Act	Children's Act promulgated	Children's Act 1 st part	Children's Act remainder

2 See, "[Diagnostic and Statistical Manual of Mental Disorders](#)",

Individuals [with psychopathic personality disorder] are arrogant and self-centered, and feel privileged and entitled. They have a grandiose, exaggerated sense of self-importance and they are primarily motivated by self-serving goals. They seek power over others and will manipulate, exploit, deceive, con, or otherwise take advantage of others, in order to inflict harm or to achieve their goals. They are callous and have little empathy for others' needs or feelings unless they coincide with their own. They show disregard for the rights, property, or safety of others and experience little or no remorse or guilt if they cause any harm or injury to others. They may act aggressively or sadistically toward others in pursuit of their personal agendas and appear to derive pleasure or satisfaction from humiliating, demeaning dominating, or hurting others. They also have the capacity for superficial charm and ingratiation when it suits their purposes. They profess and demonstrate minimal investment in conventional moral principles and they tend to disavow responsibility for their actions and to blame others for their own failures and shortcomings.

3 See "[Wisdom of Psychopaths](#)", by Kevin Dutton, University of Oxford psychologist



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Sham litigation /
Sole custody

Staged
fight / Sole
custody

HAP / Denial of Contact /
Sole custody

Accusations /
Sole custody

Forensic Report /
Parenting Plan / Sole
custody

South Africa's Law of Divorce

Historically, South Africa's path to divorce has been adversarial and artificial. Divorces were processed in the same way as civil disputes: motions began with claims of entitlement and blame and ended with demands for sanctions and benefits.

Industry impact

Divorces were contested. This was expensive. It attracted lawyers. Small firms tended to specialise in the money-spinner triad of divorce, Road Accident Fund insurance claims and commercial law. Divorces required accusations of misconduct.

Implication for Windmill Attack: accusations and litigation

The Windmill Attack has its roots in the sham litigation and contrived accusations of adultery that were required to get divorced. Adultery launched an industry involving tactical accusations, lawyers and private investigators:

1. Spouses who had privately agreed to divorce colluded with their lawyers to fabricate evidence of adultery.
2. A spouse who wanted a divorce that s/he expected to be contested could push her spouse into an affair, hire a private investigator and sue for sole custody and his assets. If he was faithful, a conniving private investigator could hire a woman, stage a compromising situation ("the honey trap") and take the incriminating photograph.

The Divorce Laws Amendment Act, 32 of 1935

The Act added imprisonment and insanity to adultery as the 3 grounds for divorce. The effect was to emphasise fault in the divorce and promote the award of sole custody and maintenance as the rewards of innocence. Objections grew as the flow of women into the work-place from the 1950's meant fewer housewives as natural custodians, financial independence and more office affairs. At the same time, men found that equating control with custody left them powerless to protect their contact and authority.

Implication for Windmill Attack: accusations and litigation

Malicious divorcing spouses benefited from this adversarial approach. It justified "trashing the target" and provided a path to money in the divorce. Malicious women benefited from maternity preference. The courts tended to award sole custody and maintenance to women, regardless of fault.

The Divorce Act, 70 of 1979

In 1979, "irretrievable breakdown" became the default ground for divorce, based on 1 year of separation. This did not replace fault. The trigger spouse could still explain the breakdown in terms of adultery or incarceration. The Act continued to reward sole custody and maintenance to the accuser. It introduced the concept of the "status quo".

Industry impact

The market for evidence of adultery shrank. Private investigators shifted to the then booming security industry.

Implication for Windmill Attack: accusations and/or staged fight

"Irretrievable breakdown" changed the litigation strategy. It was cheaper to stage a fight and expel the target spouse before the divorce than to hire a private investigator.

Trigger spouses were rewarded for inflating their standard of living and denying contact before the divorce. This added the staged fight, inflated expenses and denial of contact to the Windmill Attack.

1. Collect (or fabricate) evidence of adultery and/or
2. Stage a fight and take possession of the house and children
3. Increase pre-divorce costs of living

The Mediation in Certain Divorce Matters Act, 24 of 1987



In 1990, the office of the Family Advocate was created, supposedly to protect children in divorces. It opened the door to hostile aggressive parenting and parental alienation syndrome. By looking to preserve the status quo, it encouraged the staged fight by which the trigger parent obtained sole custody. By adding the interview with the children to the path to the divorce, the spouse wanting sole custody needed the child/ren to disavow the co-parent. A calculating spouse who denied her co-parent contact with his child early enough could successfully argue by the time of the interview, say 6 months later, that sole custody had become the norm.

Implication for Windmill Attack: HAP and PAS

1. Stage fight to evict the target parent
2. HAP to deny contact as much and as early as possible where the trigger party has demanded sole custody.
3. PAS to have child/ren validate sole custody
4. Accusations to use as cover for withholding the child/ren

Domestic Violence Act 116 of 1998

The Domestic Violence Act gave the malicious spouse enormous power. It provides the complainant with quasi-divorce outcomes; sole custody and income on the widest possible grounds. By removing checks and balances and transferring the onus of proof to the defendant, it opened the door to false accusations. By delaying the hearing for 10 days after the interim order, the complainant was guaranteed an advantage. By acting as if the absent defendant was guilty and putting the onus on him to prove his innocence at the hearing, the malicious spouse captured the state on her side. The Act reinforced the maternity preference principle by defining men as the abuser and women as victims and protectors of the child.

The Act opened the door wide to the windmill attack, replacing accusations of adultery requiring proof with accusations of domestic violence requiring mere assertion.

1. Its procedures were fully subsidised and free to complainants. The complainant was freed from paying for a lawyer for the hearing, since the onus was on the defendant. The defendant had to pay for a lawyer
2. It removed the barriers of entry to malicious or false accusations.
3. It maximised the range of accusations that would justify a court order.
4. It limited and effectively eliminated the risk of sanctions for the initial perjury
5. It transferred the burden of proof to the accused.
6. It offered immediate and material benefits to a spouse, matching the divorce order (sole custody, denial of contact, possession of the property and income)
7. It allocated all of the state's coercive powers to the complainant against the defendant
8. It permanently impaired the accused's reputation and ability to defend and enforce his rights
9. It identified men as the danger and women as the victims and protectors of children.
10. It gave Magistrates the opportunity to exercise private vengeances on men.
11. It gave the complaint control over the child/ren and the time to coach them to lie.
12. It justified the complaint's collecting support and resources from her family to attack the target.
13. It lent the complainant's accusations the appearance of government approval.
14. It gave the complainant a cover for approaching the social worker for a slanted report.
15. It gave adjudicative bodies a rationale to ignore s6(4).
16. It circumvented the Children's Act, waiving the need for mediation and alternative dispute resolution.
17. It forced the accused into defensive litigation, abandoning mediation and the path of the Children's Act
18. It legitimised the complainant's use of lawyers, and her abandoning mediation.
19. It made the accused the default victim of errors in court procedure.
20. It established a tradition of official gender bias before the advent of the Children's Act.
21. It polarised the situation and isolated the defendant
22. It effectively criminalised self-defence.
23. It offered a status quo that would become the norm for the divorce.
24. It legitimised state violence as the response to family breakdown.
25. It allowed legal representation in matters involving children.



26. It multiplied the punishments imposed on the accused for the same event
27. It subsidised the accusations but made no provision for legal aid for the accused.
28. It made no representation in his absence.
29. It encouraged strict sanctions from the court, without allowing for mercy, mediation or investigation
30. It was universally adopted by Government
31. It justified pre-emptive strikes and gave first-mover advantage to the accuser
32. It removed the discretion of the police and prosecutor to show mercy to the defendant
33. it imposed strict liability (liability without culpability) before and after the issuing of the interim order.

Implications for Windmill Attack: staged fight, false accusations, quasi-divorce order and status quo

With these advantages available easily and for free, and legal fees available for themselves, lawyers quickly built the protection order for domestic violence into their divorces strategies, thereby increasing the conflict norm. (The standard lag between the Combined Summons and protection order is 3 - 4 months).

1. Stage fight, evict the target parent
2. Use fight as grounds for complaints for protection order
3. Get protection order that mimics combined summons
4. HAP to withhold the child/ren and establish sole custody as the status quo
5. Use the protection order to demonise and repress the target

The Children's Act, 38 of 2005

By prohibiting confrontation and requiring conciliation in matters concerning children, a handful of sections changed the economics of the South African divorce industry in 4 ways:

1. **Default Path**; drawn-out litigation and court orders were replaced by consensus and faster settlements.
2. **Default Parties**; mediators (primarily, social workers) replaced litigators (primarily, attorneys).
3. **Default Pay-off**; joint parenting, shared residence and 50|50 contact replaced winner-takes-all.
4. **Default Price**; the invoice rate reduced from R2 000 to R500 p.h., with shorter terms and fewer people.

s6(4) of the Children's Act made mediation the default path to the divorce. It made parents equal, ending maternity preference and making 50|50 contact and shared residence the default outcome. Some bias remained. The Act gave mothers full parental rights, no matter their behaviour, whereas the rights of unmarried fathers depend on their performance. By immunising women from the consequences of misconduct (such as child abuse, false accusations, hostile aggressive parenting, domestic violence and perjury, it encouraged high-conflict divorces and the windmill attack. By requiring parenting plans to be overseen by a social worker at least, it encouraged malicious divorcing spouses to groom and lawyers to commission social workers to give false reports. With sole custody being the traditional route to maximum maintenance, malicious divorcing spouses saw that shared residence minimised their post-divorce income (and the potential for emotional revenge and economic blackmail).

The Beneficiaries

Impact

The beneficiaries of s6(4) were children, healthy parents, mediators and the court system.

1. Children were spared the trauma of watching their parents fight and being used as weapons.
2. Parents were spared economic, emotional and reputational damage.
3. Mediators (primarily social workers)
4. The courts (and Dept. of Justice and taxpayers) were spared the time and cost of unnecessary friction.

Response of the Beneficiaries

The beneficiaries did not overnight and completely shift to mediation however after 2005. The staggered advent of the Children's Act led to uncertainty. The habit of referring disputes to lawyers held. Lawyers took the opportunity of client ignorance to capture the case, either by concealing s6(4) or by sabotaging mediation. Social workers did not routinely push divorces towards mediation. Courts, including the Family Advocate, continued to tolerate and sometimes to require litigation. This had many causes: habits, bribes, financial incentives, people-pleasing



attitudes, fear of confrontation, fear of backlash, condonation of the status quo etc. The effect was to weaken the benefit of the Children’s Act to society in general and children in particular.

The Losers

Impact by profession

1. Advocates saw their fees from divorces disappear completely. Mediation led to out of court settlements that made the High Court and advocates redundant. The R20 000 per divorce became 0. The individual losses at the high end (the malicious clients who fought the most) could be enormous. A specialist advocate giving 10 days a month to divorces at 10 000 per day lost R1.2 million a year.
2. Attorneys saw their Industry income shrink by R1,9 billion pa (based on a 190 000 decline in fees per average divorce x 10 000 clients). The individual losses could be enormous. A specialist divorce attorney at the high end, charging R500 000 in fees to 1 new high-conflict client a month, lost R6 million a year.
3. Social workers saw mixed effects. Gross industry income was hardly affected. There was a shift in income from forensic social workers to mediating social workers as the parties turned to out of court settlements. The workload of mediators increased as parties found them to be a cheaper substitute for lawyers. Forensic social workers lost R200 million pa (based on R10 000 fees for reports and supervision x 20 000 divorces). A specialist forensic social worker in private practice at the high end, charging R15 000 for 1 new high-conflict client a week, lost R780 000 a year.
4. Malicious divorcing spouse lost the ability to legally punish the ex for the rejection of the divorce with public humiliation, denial of the child and maintenance. A vengeful spouse could no longer hope to lawfully destroy her former intimate partner by stripping him of his children and using her control to poison them against him or to use them for money.

Industry response

Lawyers and forensic health workers saw the threat that mediation posed to their divorce and post-divorce income. Unlike private investigators in 1979, however, lawyers and health-workers had nowhere else to go. Fortunately for them, the lengthy process of drafting the Children’s Act and the slow and staggered process of implementing gave them ample time to see the loopholes and prepare.

Lawyers had 3 responses available when a spouse approached them seeking a divorce;

Quality	Action	Incidence
Lawful	Disclose s6(4) and refer clients to mediation	None known
Passive Breach	Conceal s6(4) and continue in the traditional manner.	Many
Active Breach	Form an alliance with a forensic social worker to produce the windmill attack.	Some

The divorce industry overwhelmingly chose the 2nd and 3rd responses, preserving their incomes by collectively keeping divorces within litigation, especially the most valuable divorces of all; the high-conflict divorces where a malicious spouse sought to maximise income and deny parental contact. In these situations, fees could exceed R1 million. Tacitly, divorce lawyers allowed the presence of active breaching, since they reserved their own income through passive breaching. As a result, 25 years after the Mediation in Certain Divorces Act and 10 years after the Children’s Act, not one lawyer blew the whistle on the Windmill Attack.

Implication for the Windmill Attack: (partial) Forensic Reports

Lawyers induced health workers, or vice versa, to add false forensic reports to protection orders, completing the modern windmill attack. Social workers, being cheaper and more numerous than psychologists, and also weakly regulated by the SACSSP, became the default provider of the (false) forensic report.

1. Maximise living expenses to justify post-divorce maintenance levels
2. Commence with staged fight and high conflict divorce, because S6(4) has no sanctions for doing so
3. Refuse mediation, because S6(4) has no sanctions for doing so
4. Pursue sole custody and high maintenance through litigation, because no sanctions for doing so



5. Commission false report from social worker or psychologist, to justify one-sided parenting plan
6. Deny contact with children because no sanction before a court order
7. Alienate children from target spouse to justify forensic report and unfair settlement to Family Advocate

Windmill Attack

Operation

Each party embraces crime. The divorcing spouse makes tactical accusations (whether true or not) to destroy her spouse that will also damage her child. The attorney and social-worker embrace child abuse, defamation, domestic violence, fraud and perjury. They specifically accept the risk of the target parent being emotionally and economically destroyed to the point of sequestration, and the children being permanently damaged, to the point of suicide.

Roles

Participation in the scheme offers explicit benefits that tempt the parties to break the law. It also offers secret benefits that tempt the parties to cheat the others by concealing material information that would discourage them from participating

Lawyer	<i>Contributes her knowledge of the procedural loopholes that allow the client to make false accusations and make the victim pay her costs. She obtains the protection order, Rule 43, Family Advocate’s report and final settlement. She also commissions the forensic report.</i>
<i>Explicit benefit</i>	The lawyer <u>explicitly</u> incites the spouse to escalate her accusations and demands. She uses her legal knowledge to plot a path that bypasses the normal checks and balances against perjury. The more extreme they are, the more sympathy her client will enjoy in the courts and the bigger their pay-off will be, while the target exhausts his resources in defending himself and loses his ability to protect his rights. In this case, the attorney can charge the client more than R500 000.
<i>Secret benefit</i>	The lawyer benefits <u>secretly</u> as well. The more she encourages the spouse to make false and extreme accusations, the higher her own fees will be. The more and longer the target fights to defend himself from the false and extreme accusations, the busier the lawyer will be. This transfers more of the expected pay-off from the target to the lawyer, leaving the client with less. In addition, if the target defends himself with counter-accusations, the more her client will need her to defend them. An attorney can play the emotions or greed of a bitter and naive client, trap her into making accusations that backfire, and end up gaining all of her gains from the divorce as legal fees for herself. In this case, the attorney can charge her client more than R1 million.
<i>Cheat</i>	If the lawyer conceals s6(4), as well as the penalties for child abuse, defamation, fraud and perjury to dispel any doubts from the spouse
Spouse	<i>Contributes her intimate knowledge of the target spouse and control of the child. In return for making exaggerated, false or unfair accusations she expects the court to award her sole custody, the marital assets and income. She incites the attorney and health-worker to champion her in return for money.</i>



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<i>Explicit benefit</i>	The spouse will explicitly demonise her target to dispel any sympathy from the lawyer and social worker, presents herself as the better parent and represent her search for money as a desire for revenge. She can expect the house and sole custody by alleging fault. Sole custody (primary residence) delivers the maximum maintenance income.
<i>Secret benefit</i>	The spouse will conceal her role in the break-down in the relationship.
<i>Cheat</i>	If the spouse is the party at fault or a child-abuser, she can trick the attorney and social worker to cover up the fault/child abuse and blame it on the target. She can use the lawyer to make false accusations of domestic violence and use the social worker to plant false accusations in the mouths of the child.
Social Worker	<i>Contributes the forensic report that corroborates the false accusations and separates the target parent from his house and child.</i>
<i>Explicit benefit</i>	The social worker charges for the forensic report that becomes the official basis for the divorcing spouse's demands for sole custody/primary residence, and therefore for maximum punishment, maintenance and control.
<i>Secret benefit</i>	The social worker is charging the spouse more for a false report and giving less; her individual report can be challenged and reports in general are no longer automatically credible in court. The social worker also expects to get a payback from the lawyer she wrote the report for and the social worker the attorney chooses to supervise the target's contact.
<i>Criminal neglect</i>	If conceals s6(4) from client and spouse, as well as the Children's Act penalties for child abuse, or fails to warn the spouse that if she succeeds in grooming the child, her child will be psychological damaged (and may attempt suicide or make life-compromising future choices) and probably reject her in the future and (2) if she is caught inciting a false report, it can extinguish her claim for custody and assets

Motivations

In addition to money, there are 2 other factors that encourage the participants to enter the scheme

	Economic	+ Psychological	+ False belief
Spouse	Money	Revenge for rejection (e.g. is BPD, Narcissistic, Psychopath) Fear of exposure for misconduct (e.g. is Bipolar) No empathy for victim or child (e.g. is a sociopath)	That attorney is on her side That social worker is on her side
Attorney	Money	Deght in manipulation ⁴ No empathy for victim or child (e.g. is a sociopath)	That spouse really is victim That forensic report is credible
Social Worker	Money	No empathy for victim or child (e.g. is a sociopath)	That spouse really is victim That attorney can prevent criminal charges

Impact on the professions

The divorcing spouse turns malice into a money-making machine for 3rd parties. To protect themselves from exposure, the scheme participants incite other parties to collude in the windmill attack by taking a cut.

Legal Profession

⁴ [Wisdom of Psychopaths](#) by University of Oxford psychologist Kevin Dutton



The attorney turns the spouse's accusations into court actions, forcing the target to abandon the mediation path of the Children's Act and defend himself in court. This is the economic purpose of the windmill attack.

1. The attacking attorney invites the defending attorney to collude in the windmill attack in return for collecting legal fees from the target. The fees are above the divorce norm.
2. The attacking and defending attorneys each invite an advocate (R200 000 or more) to collude if there is enough money to involve the high court. In turn, the advocate can pressurise the defending attorney to limit his defence and stretch out the case.
3. In this way, one attorney can corrupt a further 3 lawyers whose income was cut by the Children's Act, to rob mediators of their due income and defeat s6(4) by perpetuating the litigation approach.

Social worker's Profession

The health-worker turns the spouse's accusations into a forensic report. She forces the target to pay for supervised contact and a report in self-defence.

1. Typically, the attacking lawyer chooses the supervising social worker, who becomes the de facto source of the responding forensic report. This supervising social worker is chosen because he has already colluded before. The offer of supervision is the reward for collusion. In this way, the forensic social worker, whose income was cut by the Children's Act, incite supervising social workers to betray their mediation colleagues and perpetuate the litigation approach that is prohibited by s6(4).
2. In return for the opportunity (perhaps R50 000+ for supervision and R15 000 for the report), the supervising social worker confirms the original report, or avoids it, or counters it weakly at best, but does not disclose the possibility of the windmill attack strategy, HAP and forensic fraud. As a result, the target remains in supervised contact for the remainder of the divorce proceedings and the social worker collects his fees. In this way, one attorney can corrupt the forensic and the supervising social worker.
3. The quality of the false forensic report is, by definition, poor. As the "counterfeit" report enters circulation, without a means to test good from bad, courts are discouraged from relying on any report. Knowing this, ethical social workers invest less in their reports, leading to a general debasement in reports and a loss of credibility from the profession.

Test for secondary collusion

The test for collusion by the professionals hired by the target is practical—do they expose and stop the windmill attack? The most direct response is criminal charges for fraud and perjury. Criminal charges effectively end the accusations and costs of windmill attack. Few (if any) lawyers go this route. Criminal charges are investigated by the police and prosecuted by the state, so there is no income potential for the target's lawyers. By contrast, by moving the case from the civil to the criminal court, it ends their income. There is therefore no economic upside and much economic downside for exposing and stopping the windmill attack.

It is, of course, possible that the professionals that the target hires are ineffective because they do not see the windmill attack, or know of it or how to overcome it, not because they are colluding. Over time, as the windmill becomes more known and more easily available, this becomes less likely.

Impact on the target

When the implicit offer of extra money tempts even the professionals (the lawyers and social workers) that the target hires to collude in the windmill attack, or the professionals are ineffective, the target will find himself paying for services that do not solve the problem. The services will respond superficially to the symptoms of the windmill attack without exposing the strategy or undoing the false accusations.

The net effect of implicit collusion (or simple ignorance) is to burden the target spouse with inflated costs by making him pay for extra services that are ineffective. This explains why almost every client approaches the JRC with the same story – "my ex took my kids and my lawyer took my money".



Black market alternative (the Windmill Attack)

2. Path (amounts averaged, in 000's) 1. Parties

1. Spouse 1 approaches divorce attorney 1
 1. Spouse 1 stages fight and expels Spouse 2 from home
 2. Attorney 1 sends Spouse 2 demand for money / denial of contact
 3. Spouse 2 appoints Attorney 2 to defend claim
2. Attorney 1 sends Spouse 2 Combined Summons
 1. Spouse 2 appoints defending attorney 2 to defend summons
3. Attorney 1 secretly commissions forensic report(s)
4. Spouse 1 makes accusations (child abuse and/or domestic violence)
 1. Spouse 2 appoints defending attorney 2 to defend accusations
5. Spouse 2 attempts mediation
 1. Spouse 1 makes nominal effort
 2. Attorney 1 repudiates mediation
6. Spouse 1 applies for interim protection order
 1. Spouse 2 appoints Attorney 2 to defend interim Protection Order
 2. Attorney 1 produces forensic report
 3. Attorney 1 procures Domestic Violence Protection Order
 4. Spouse 2 pays for supervised contact
 5. Attorney 2 commissions forensic report(s) in response
7. Spouse 1 demands maintenance / denies contact
 1. Spouse 1 appoints attorney to claim money
 2. Spouse 2 appoint attorney to defend claim
8. Attorney 1 and Advocate 1 apply for Rule 43
 1. Spouse 2 appoints Attorney 2 and Advocate 2 to defend Rule 43
 2. Court orders Spouse 2 to pay court costs + legal fees of Spouse 1
9. Attorneys prepare for contested divorce
 1. Attorney 1 appoints Advocate 1
 2. Attorney 2 appoints Advocate 2 in response
10. Spouse 1 brings children to Family Advocate
 1. Family Advocate endorses status quo
 2. Spouse 2 surrenders and settles
 1. Spouse 1—sole custody, no maintenance, max contact
 2. Spouse 2—no custody, high maintenance, no contact
11. Parties settle: 3. pay-off
 1. Parties lodge parenting plan with Family Advocate
 2. Parties make settlement uncontested order of court
 3. Court makes divorce order
12. Parties appoint case manager
 1. Disputes and amendments

Spouse 1			Spouse 2		
Att	Adv.	SW	Att	Adv.	SW
20					
			30		
20					
			30		
10		10			
			50		
					5
5					
			30		
5					
					40
					15
20					
			20		
20	40				
			30	30	
-270	-50		270	50	
60			100		
60					
			100		
20			30		
10		5	10		5
10			10		
10	10		10	10	
		5			10
		5			10
0	0	25	720	90	85
	25			895	
	0			810	
			810		

4. Price: Cost to Spouse 1 / Spouse 2

Attorney turnover

Legal Industry turnover, in 000's 8,100,000 from 10,000 cases at