

# *Attorney License Fraud*

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# ATTORNEY LICENSE FRAUD

ATTORNEY'S LICENSE??? AIN'T NO SUCH THING!!!  
Anonymous

## I. AS PER THE UNITED STATES SUPREME COURT;

1. The practice of Law CAN NOT be licensed by any state/State. Schware v. Board of Examiners, 353 U.S. 238, 239.
2. The Practice of Law is AN OCCUPATION OF COMMON RIGHT! Sims v. Aherns, 271 S.W. 720 (1925).

## II. The "CERTIFICATE" from the State Supreme Court;

1. ONLY authorizes,
  - A. To practice Law "IN COURTS" as a member of the STATE JUDICIAL BRANCH OF GOVERNMENT.
  - B. Can ONLY represent WARDS OF THE COURT.
    - 2) INFANTS
    - 3) PERSON OF UNSOUND MIND see CORPUS JURIS SECUNDUM, VOLUME 7, SECTION 4.
    - 4) A "CERTIFICATE" IS NOT A LICENSE....
      - a. To practice Law AS AN OCCUPATION.
      - b. Nor to DO BUSINESS AS A LAW FIRM!!!

## III. The "STATE BAR" CARD IS NOT A LICENSE!!!

- A. It is a "UNION DUES CARD"
- B. The "BAR" is a "PROFESSIONAL ASSOCIATION".
  1. Like the Actors Union, Painters Union, etc.
  2. No other association, EVEN DOCTORS, issues their own license. ALL ARE ISSUED BY THE STATE.
- C. It is a NON-GOVERNMENTAL PRIVATE ASSOCIATION.
  1. See Attorney General Dan Morales' letter.
  2. As per this letter; the State does not issue licenses and they are not issued by his office!

## IV. The State Bar is;

- A. An Unconstitutional Monopoly. Article 1, Section 26, Texas Bill of Rights.
- B. An ILLEGAL & CRIMINAL ENTERPRISE;
- C. Violates Article 2, Section 1, Separation of Powers clause of the Constitution.
- D. There is NO POWER OR AUTHORITY for the joining of Legislative, Judicial , or Executive as the BAR and SUPREME COURT OF TEXAS are doing. ALL MEMBERS OF BOTH ARE MONOPOLISTIC BAR MEMBERS!
- E. In violation of the RIGHT TO WORK LAWS of Texas.

## V. State Bar Rules .... at Article III, Section 2 ...

Enrollment in the State Bar: "Each person who becomes licensed to practice law is REQUIRED TO ENROLL IN THE STATE BAR WITHIN 10 DAYS "BEFORE" OR "AFTER" RECEIVING A LICENSE TO PRACTICE LAW.

ENROLLMENT IN THE BAR AND LICENSE ARE NOT THE SAME. THE BAR CAN NOT LICENSE ANYONE!!

It is quite simple to see that a great fraud and conspiracy has been perpetrated on the people of Texas and America. The American Bar is an offshoot from London Lawyer's Guild and was established by people with treasonous goals in mind. They have accomplished 98% of their goals. The NEW WORLD ORDER is in the saddle NOW. American Lawyers, (the small percent of honest ones) better clean house before the American People start the job for them ... or before their "NEW WORLD ORDER" bosses, the International Bankers, gain the remaining 2%. Texas and American Layers should check historical records. They will find that the first people "ELIMINATED" in a power shift (no matter who wins) are the lawyers and judges . . . for they always have proven themselves unworthy of any trust from either side!

*"Woe unto you" (A woe is a curse) "Lawyers! For you have taken away the key of knowledge; you entered not in yourselves, and them that were entering in you hindered..." Luke 11:52.*

#### VI. The AMERICAN BAR ASSOCIATION TRAITORS IN OUR MIDST:

The Founding Fathers who wrote our Constitution and formed our government, made it very clear that this was to be a FREE ENTERPRISE country and all Citizens to be equal under the Law and not a private capitalistic monopoly or cartel as they had experienced in Europe.

Under a free enterprise system, any Citizen who was willing to risk his time and finances, can go into business. The public with the freedom of choice, can patronize this business or decide they don't like the service or product and stay away; whereas, in a private or a capitalistic system, only the privileged elite can go into certain businesses or professions such as had been practiced in Europe for ages, making the public their CAPTIVE CUSTOMERS.

The EUROPEAN BANKERS and FINANCIAL CARTELS decided to change AMERICA to the same system that they had so they could take over this government too, and sent some British lawyers over here to organize an American Bar Association on the same order as the English Bar where only Lords can be Judges and determine who shall practice law.

In 1909 they incorporated this TRAITOROUS group in the state of Illinois and had the State Legislature (which was under the control of lawyers) to pass an unconstitutional law that only members of this powerful union of lawyers, called the ABA, could practice law and hold all the key positions in law enforcement and the making of laws. At that time, Illinois became an outlaw state and for all practical purposes, they seceded from the United states of America.

VII. The BAR ASSOCIATION then sent organizers to all the other states and explained to the lawyers there how much more profitable and secure it would be for them, as lawyers, to join this union and be protected by its bylaws and cannons. They issued to the lawyers in each state a charter from the Illinois organization. California joined in 1927 and a few reluctant states and their lawyers waited until the 1930's to join when the treasonous act became DE FACTO and the Citizen's became captives. Under this system, the lawyers could guarantee prejudged decisions for the privileged class against the lower class. This was all made possible by the AMERICAN BAR ASSOCIATION establishing the English Magna Carta and Lord Coke' s rulings in favor of the class system in American Court.

#### VIII. The AMERICAN BAR ASSOCIATION:

Destroyed all semblance of Justice in the American courts. They have slanted all of their codes, published by the AMERICAN BAR ASSOCIATION to favor the right and have unlawfully substituted them in place of Constitutional Laws.

What is the real difference between the dreaded "klansmen" in white robes and fiery crosses and the ABA "Klansmen" in their BLACK ROBES sitting on the bench? Aren't they as dictatorial as the KGB and GESTAPO are accused of being? This has as fulfilled Orwell's prediction for 1984 and made it a fact, THE BLACK ROBE CULT.

Various groups that have been unlawfully stone walled by the ABA and the courts suggest we join hands and file an initiative to abolish the Bar Association as there are 17 states where Citizens have the Right to do this by the voting process. If we can do this it will destroy, the power of the Bar in America with a similar method they used to gain their power, state by state. Any Citizens who live in one of these 17 states, can do this, and if not in one of these states you can contribute to other states that can.

Who is going to run the Courts and practice law if we outlaw the BAR? The CONSTITUTIONAL COMMON LAW COURTS and COMMON LAW non-Union COUNSELOR'S. I would like to remind you that the Constitution was written in plain English and the Statutes passed by Congress were also in plain English, with the intent of Congress how each law should be used and not the opinions of various Judges as the codes list.

Any normal person can read the Constitution and Statutes and understand them without any trouble. The public in California was shocked to learn that the State Government has no control or jurisdiction over the Bar Association or its members. The state does not accredit the law schools or hold Bar examinations.

They do not issue state licenses to LAWYER'S. The Bar Association accredits all the law schools, holds their private examinations and selects the students they will accept in their organization and issues them a so-called State license but keeps the fees for themselves.

The Bar is the only one that can punish or disbar a Lawyer. They also select the lawyers that they consider qualified for Judgeships and various other offices in the State.

Only the Bar Association or their designated committees can remove any of these lawyers from public office. The State Legislature will not change this system as they are also a designated committee of the Bar.

On August 21, 1984, Rose Bird, Chief Justice of the California State Supreme Court, another of the Bar Associations Judicial Committee's, stated in essence that the Bar should determine the legality of initiatives before they were allowed to go on the ballot. This is contrary to both State and Federal Constitutions, as well as the Laws of this Nation instituted By and For the People as a Sovereign UNITY of Independent State's of We The People, not a fraudulent Corporate entity of Lawyers.

This is a tremendous amount of power for a PRIVATE union that is incorporated and headquartered in Illinois to hold over the Citizens of California or any other state.

The only recourse is through this initiative process and vote by the people. After the Founding Fathers had formed the Constitution, outlining the laws as to the way our government was to be run, Thomas Jefferson said, in essence, "This proves that plain people, if given the chance, can enact laws and run a government as well as or better than royalty and the bluebloods of Europe."

The American people must stop thinking that lawyers are better than they are and can do a better job than they can before the courts of America. Under the Common Law and the Laws of America, nowhere is it expressly given for anyone to have the power or the right to form a Corporation.

Corporations are given birth because of ignorance on the part of the American people and are operating under implied consent and power which they have usurped and otherwise stolen from the people. BY RIGHT AND LAW THEY HAVE NO POWER, AUTHORITY OR JURISDICTION, and must be put out of business by the good Citizens of America in their fight for FREEDOM.

We cannot hope to reclaim our Country if we continue to let that beast stay in our bed and in our homes, it is imperative that we remove this demon from its throne and put OUR CONSTITUTIONAL COMMON LAW COURT'S and JUSTICE SYSTEM back into effect. We must stop worrying about what someone else will think, this is our country and we have foreign entities attempting to take control of us and our Nation.

These children of satan have nothing good in store for any of us, and those who are ignorant enough to believe their lies, deceit, and conspiracy, deserve just what they receive because they ask for it.

#### IX. MOST LAWYER'S are OUR ENEMY:

The small handful that are good must get on the right side and help us win our war, or they are not on our side. There can be no more sitting on the fence, people must decide which side they are on and fight.

Lawyers that claim to be on our side and later found out to be traitors, must be put to death as this is just what they have planned for all Americans, who do not abide by their rules and regulations. Americans cannot win the war if they allow traitors to infiltrate our ranks and get away with it. The enemy Americans are fighting is a deadly enemy, that cares nothing for anyone out of their own ranks, and if you turn your back on them, you could be their next victim.

#### X. "TREASON"

##### LAWYER AND LAWYER-JUDGE COURTS ARE UNCONSTITUTIONAL:

Since the BIGGEST CRIMES in the world are committed IN the courtrooms by lawyers and lawyer-judges AGAINST the people in unconstitutional courts, we, the people, must protect ourselves where we need the most protection, in the courtrooms, FROM the LAWYERS and LAWYER-JUDGES.

The courts are always ruling AGAINST the people, as the lawyers and their bar associations, which are affiliated with each other INTERNATIONALLY, have joined in an INTERNATIONAL CONSPIRACY AGAINST THE PEOPLE of the UNITED STATES OF AMERICA to DESTROY THE UNITED STATES OF AMERICA FROM WITHIN (TREASON).

They have already taken over the courts and the government, and ALL political parties, where they all take orders from ONE FRONT OFFICE, the offices of the internationally affiliated bar associations, make a ONE PARTY "SYSTEM", the BAR ASSOCIATION PARTY.

This necessitated an URGENT need to form a 2nd political party, the ANTI LAWYER PARTY, where all lawyers and those who attended law school are barred from this 2nd party (ALP).

All the states have unconstitutional aristocratic courts, as their constitutions and/or unconstitutional "lawyer systems" require judges to be lawyers, creating a RULING CLASS, which is FORBIDDEN by Article IV, Section 4, of the U.S. Constitution, the 13th Amendment and Article I, Section 26 of the Texas Constitution.

XII . The U. S. Constitution GUARANTEES to every state in this union a REPUBLICAN FORM of government. Any other form of government is FORBIDDEN. No public office or branch of government can be limited to a RULING CLASS of any kind, or the states become ARISTOCRACIES and NOT republics. Also, the lawyers have made themselves 1st. Class Citizens, where many public offices and branches of government are open to lawyers only.

All other people are limited to only two branches of government and to only certain offices in those two branches of government, making all people who are non-lawyers into 2nd class subject citizens.

When the courts belong to the people, as the United States Constitution REQUIRES (Article IV, Section 4) we, the people, will NEVER rule against themselves.

In these unconstitutional courts foreign tribunals (hoodlum centers), "men" in black dresses, that are unconstitutional ROBES OF NOBILITY (Article 1, Sections 9 and 10, with a lot of hanky panky and hocus pocus, dispense a perverted IDIOTology, where the people are terrorized by members of the

BLACK ROBE CULT (lawyers and lawyer judges) in the courtrooms.

The legislative branch of government does NOT have the Constitutional Power to issue Court Orders or any other kind of Orders.

ONLY presidents and governors have the Constitutional Power to grant PARDONS, but lawyers and lawyer-judges are unconstitutionally granting PARDONS with "immunity from prosecution."

Citizens are not permitted to act like people in the courts. The Citizen (2nd class) is told that he does not know how to fill out fancy lawyer forms; that he is not trained in the law; that he does not know court rules and procedures; etc.

This is unconstitutional (1st. Amendment) as it denies the Citizen access to the courts, which are supposed to belong to the people. Instead, all "THE COURTS are owned by lawyers (TRAITORS) internationally.

Under this unconstitutional "lawyer system" , only HEARSAY SUBSTITUTES (lawyers), NOT under oath, have access to the courts, even though ONLY sworn testimony and evidence can be presented in court. Anything else is Bill of Attainder, NOT permitted under the U.S. Constitution (Article 1, Sections 9 and 10).

The U.S. Constitution does NOT give anyone the right to a lawyer or the right to counsel, or the right to any other HEARSAY SUBSTITUTE. The 6th Amendment is very SPECIFIC, that the accused ONLY has the right to the ASSISTANCE of counsel and this ASSISTANCE of counsel CAN BE ANY-ONE THE ACCUSED CHOOSES WITHOUT LIMITATION.

## XII. LAWYERS and LAWYER-JUDGES:

Created unconstitutional "lawyer system" pre-trial "Motions" and "Hearings" to have eternal EXTORTIONISTIC litigation, which is BARRATRY and also is in violation of the U.S. Constitution, and Article 1, Section 14 of the Texas Constitution as this places defendants in DOUBLE JEOPARDY a hundred times over. Defendants only have a right to A TRIAL, NOT TRIALS. The multitude of pre-trials are actually pre-trials for the pre-trials and pre-trials for the pre-trials, benefiting the lawyers only.

These pre-trial and post-trials too, started with the TAKEOVER of the courts by the INTERNATIONALLY affiliated Bar Associations, in a CONSPIRACY. Before this, defendants only had a trial, NOT TRIALS.

When a criminal is freed on a TECHNICALITY, HE IS FREED BECAUSE OF A FIX and a PAY-OFF, as a defendant can only be freed if found innocent BY A JURY NOT BY ANY "TECHNICALITY".

Whenever a lawyer is involved in a case directly or indirectly, as a litigant or assisting in counsel, ALL LAWYER-JUDGES HAVE TO DISQUALIFY THEMSELVES, AS THERE CANNOT BE A CONSTITUTIONAL TRIAL and also there would be a violation of the conflict of interest laws, along with the violation of separation of powers and checks and balances, because "OFFICERS" OF THE COURT ARE ON BOTH SIDES OF THE BENCH.

These same LAWYER-judges are awarding or approving LAWYER FEES, directly and indirectly, amounting to BILLIONS OF DOLLARS annually, all in violation of conflict of interest laws.

Since crime and treason are against the law, and the lawyer profession is a crooked profession, a LEGAL BOUNTY should be placed on ALL LAWYERS (betrayers) and all those who are aiding and abetting these TRAITORS, the lawyers.

As long as there are lawyers, there will never be any law, constitution or justice. There will only be

MOB RULE, RULE BY A MOB OF LAWYERS (TRAITORS).

#### XIV. CASE "LAW" IS UNCONSTITUTIONAL:

As CASE "LAW" IS ENACTED BY THE JUDICIAL BRANCH OF GOVERNMENT.

When a lawyer-judge instructs, directs, or gives orders to a jury, the lawyer-judge is TAMPERING WITH THE JURY. He also tampers with testimony when he orders the answers to be either "yes" or "no". The lawyer-judge also tampers, fixes, and rigs the trial when he orders anything stricken from the record, or when he "rules" certain evidence and the truth to be inadmissible. This makes the trial and transcripts FIXED and RIGGED, because the jury does not hear the REAL TRUTH and ALL THE FACTS. Juries are made into puppets by the lawyers and lawyer-judges.

All lawyers are automatically in the judicial branch of government, as they have the unconstitutional TITLE OF NOBILITY (Article 1 Sections 9 and 10), "Officer of the court".

Citizens have to be elected or hired to be in any branch of government but no non-lawyer Citizens are limited to only 2 of the 3 branches of government. Lawyers, as 1st class citizens, can be hired or elected to any of the three branches of government. Lawyers, "Officers of the Court", in the Judicial Branch, are unconstitutionally in 2 branches of government AT THE SAME TIME whenever they are hired or elected to the executive or legislative branches. This is a violation of the separation of powers, checks and balances, and the conflict of interest laws.

District attorneys and State's attorneys have taken over the Grand Juries FROM the people, where the people are DENIED ACCESS to the grand juries when they attempt to present evidence of crimes committed in the courtrooms by the lawyers and lawyerjudges. TRY TAKING THIS MATERIAL TO THE GRAND JURIES!

The U.S. Constitution, being the Supreme Fundamental Law, is not and CANNOT be ambiguous as to be interpreted, or it would be a worthless piece of paper and we would have millions of interpretations (unconstitutional amendments) instead of the few we have now. That is why all judges and public servants are SWORN TO SUPPORT the U. S. Constitution, NOT interpret it.

Imagine hypothetically how stupid it would be if any constitution stated, "that the judicial branch of government has the power to interpret this constitution."

ORGANIZED CRIME never existed until the BAR ASSOCIATION took over OUR COURTS and OUR GOVERNMENT. Now crime is organized internationally, just as the Bar Associations are organized. Some of their international affiliations include but not limited to the INTERNATIONAL JUDICIAL ASSOCIATION; INTERNATIONAL TRIAL LAWYERS ASSOCIATION; WORLD PEACE THROUGH LAW CENTER; WORLD ASSEMBLY OF JUDGES; et al. This means that the Bar Associations are not only the INTERNATIONAL CRIME SYNDICATE, but also the INTERNATIONAL WORLD GOVERNMENT and INTERNATIONAL COMMUNIST PARTY.

#### XV. Under INTERNATIONAL ORDERS:

ALL LAWYERS, whether they left law school yesterday or 50 years ago, are EXACTLY THE SAME. All lawyers have to file the same motions and follow the same procedures in using the same unconstitutional "lawyer system" of hanky panky and hocus pocus, and to DESTROY THE UNITED STATES OF AMERICA FROM WITHIN by always ruling AGAINST THE PEOPLE. ALL LAWYERS AND LAWYER-JUDGES ARE GUILTY OF "TREASON".

In probate, the lawyers place themselves in everyone's will and estate. When there are minor children as heirs, the lawyer-judges appoint a lawyer (a child molesting Fagin) for EACH CHILD and, at times, the lawyer fees EXCEED the total amount of the estate.

An OUTRAGEOUS amount of TAX "MONEY" is directly and indirectly STOLEN BY LAWYERS. Money that is budgeted to County Boards, School Boards and other local and federal agencies eventually finds its way into the pockets of lawyers, as ALL of these agencies are "TRICKED" and "FORCED" into ETERNAL EXTORTIONISTIC LITIGATION.

In all elections, VOTE AGAINST ALL LAWYERS. Never vote for a lawyer. Vote FOR NON-LAWYERS ONLY. If only lawyers are running for election to the same office, do NOT vote for any of them, as most are ALL ALIKE. All lawyers are programmed to be "TRAITORS AND INHUMAN CLONES".

WALK SOFTLY AMERICANS AND CARRY A BIG STICK.

Most importantly don't be afraid to use it. We are under vicious assault and we must make use of every resource we have, or give into their slavery. COPY AND SPREAD WIDELY, SEND COPIES TO THE CRIMINAL LAWYERS AND LAWYER-JUDGES.

Anonymous

### ADDENDUM 7/23/03

Ralph Winterrowd of Alaska climbed on this horse late last year or early this year when he stumbled across U.S. Supreme Court cases that prohibit incarceration unless someone has "assistance of counsel" -- Sixth Amendment, U.S. Constitution, and corresponding provisions in most state constitutions. The strategy Ralph developed has Alaska courts on the ropes. The defendant in a traffic or criminal case that may result in incarceration refuses to answer or enter a plea. When asked if he has an understands charges against him, his reply is, "I would like to answer your question, but I am not learned in law and do not have assistance of counsel so must respectfully decline." When asked to enter a plea, he says approximately the same thing. If the judge attempts to appoint an attorney, the defendant offers a contract for assistance of counsel and tries to qualify the attorney with a few choice questions, beginning with, "Are you qualified to provide assistance of counsel?" To date no judge has permitted all the qualifying questions to be asked and no attorney has been willing to sign the contract, which requires him or her to "protect and defend" all of the defendants constitutionally secured rights.

For the last several years I've been working on the subject from the "attorney v. non-attorney counsel" perspective. Various Oklahoma statutes, as well as corresponding statutes in Kansas, Colorado and other states, uses "attorney or counsel" in the disjunctive -- they are two different things. And as it turns out, "practice of law", "attorney at law" and other such terms are terms of art -- they don't necessarily mean what ordinary people think. Attorneys at law are officers of courts where they practice, and the "practice of law" designates the exclusive province of attorneys at law. Traditionally there are also "private attorneys" who aren't attorneys at law -- they aren't officers of courts where they practice. The attorney at law, as an officer of court, holds a quasi-government office.

Analogously, a notary public is an officer of the state that commissions him although he doesn't hold an elected or appointed position where he has to report to work on a regular basis.

Oklahoma rules of procedure also recognizes "next friend" assistance of counsel.

Things were already pretty well nailed down, but along came Ralph. Ralph learned historic terminology relative to the subject so was able to track back via West Publishing. Historically, attorney at law and counselor at law were two distinct offices. Attorneys at law "represent" clients by more or less standing in the defendant's shoes where counselors at law "protect and defend" the defendant. The counselor at law provides "assistance of counsel" without necessarily putting a gag on the defendant; the defendant gets to participate in his own defense.

Via the 1789 judiciary act, Congress specified that anyone subjected to a civil suit was entitled to defend himself, retain assistance of counsel, or retain services of an attorney at law.



The 1789 judiciary act was three years before ratification of the Bill of Rights -- three years before the Sixth Amendment was in place. We can assume that the original statute articulated common practice in civil and well as criminal matters, and it most assuredly sheds light on the "assistance of counsel" clause in the Sixth Amendment.

As we visited, Ralph and I developed three questions:

1. Who is entitled to assistance of counsel?
2. Are those entitled to assistance of counsel also entitled to effective assistance of counsel?
3. Who has standing to provide assistance of counsel?

There are other conspicuous questions but I like the KISS principle; those three serve my purpose.

Last week I submitted a request to one of our Oklahoma Supreme Court justices to add my name to the Supreme Court registry as "counselor at law." I included the request letter with a cover letter to the chief justice and the president and executive director of the Oklahoma Bar Association.

Let's go back to Alaska for a moment: Ralph about has the Alaska Bar Association & Alaska attorneys in the dumpster.

Attorneys are theoretically "attorneys and counselors at law." What nobody in the contemporary world understands is that they are two distinct & different capacities. It's like having two different coats, one worn for one purpose and the other for another. Historically, attorneys at law couldn't represent criminal defendants -- only counselors at law could provide "assistance of counsel." In other words, assistance of counsel in the criminal context is "protect and defend," not "represent."

Per Alaska law, once a candidate passed the bar exam, the board of governors could approve the candidate as an attorney at law and counselor at law. However, the Alaska board of governors merely approved attorneys at law, not counselors at law so Alaska has no counselors at law. But to complicate things even more, the board of governors was abolished in about 1976, yet admission requirements still require board of governors approval. Since there has been no board of governors, few if any of Alaska's attorney have been properly admitted as attorneys at law and are therefore not qualified to practice law in Alaska.

Needless to say, Alaska attorneys as a whole aren't too happy with the course of events, but Ralph has also been pleasantly surprised as several have contacted him privately to give encouragement. They're about as upset with the Alaska court system as anybody can be -- if it has to be brought down to straighten it out, fine. He has also been privately contacted by at least one judge who asked for copies of his exhibits.

My contention is this: The Oklahoma bar consolidation order of 1939, issued by former Chief Justice Danner, is a void order and should be vacated.

Why? Because it ignored and is contrary to "declaratory and restrictive clauses" in the Constitution of the State of Oklahoma and events since then evidence conspiracy to suppress and overthrow both the Constitution of the United States and the Constitution of the State of Oklahoma.

The letters were mailed Friday. Every so often yesterday I looked to the south, thinking there might be smoke on the horizon over the Oklahoma capitol.

Frank Taucher of Tulsa has been working on the attorney business in Oklahoma for the last two or three years & we might have him speak to the issue Friday. Frank has learned that few if any of Oklahoma's attorneys have proper oaths on file & has successfully run several out of courtrooms.

On a different front, Bob Schulz & the We the People Foundation are ramping up the "petition for redress of grievance." Read the article at <http://www.givemeliberty.org/>

Here's the thought for the day: If you aren't having fun, you aren't doing it right.

Dan Meador

## Should you hire an attorney?

These are taken from the Corpus Juris Secundum (the complete restatement of the entire American Law as developed by all reported cases - sometimes referred to as the 'Lawyer's Bible').

That is a question that each must answer for themselves. However, before making that decision, you might wish to consider the following questions and answers:

1. To what or whom is an attorney's first duty?

§ 4 ATTORNEY & CLIENT 7 C.J.S.

### § 4 ATTORNEY & CLIENT

7 C. J. S.

→ His first duty is to the courts and the public, not to the client,<sup>55</sup> and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter.<sup>56</sup>

The office of attorney is indispensable to the administration of justice and is intimate and

peculiar in its relation to, and vital to the well-being of, the court.<sup>57</sup> An attorney has a duty to aid the court in seeing that actions and proceedings in which he is engaged as counsel are conducted in a dignified and orderly manner, free from passion and personal animosities, and that all causes brought to an issue are tried and decided on their merits only;<sup>58</sup> to aid the court

Converted text:

*His first duty is to the courts and the public not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter.*

2. What is the legal relationship between an attorney and his/her client?

### §§ 2-3 ATTORNEY & CLIENT

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and the term is synonymous with "attorney."<sup>14</sup> Therefore, anyone advertising himself as a lawyer holds himself out to be an attorney, an attorney at law, or counselor at law.<sup>15</sup>

If one appears before any court in the interest of another and moves the court to action with respect to any matter before it of a legal nature, such person appears as an "advocate", as that term is generally understood.<sup>16</sup> The phrase "as an advocate in a representative capacity," as used in the statute regulating the practice of law, implies a representation distinct from officer or other regular administrative corporate employee representation.<sup>17</sup>

In England and her colonies a "barrister" is a person entitled to practice as an advocate or counsel in the superior courts.<sup>18</sup> A "solicitor" is a person whose business it is to be employed in the care and management of suits depending in courts of chancery.<sup>19</sup> In the great majority of the states of the Union, where law and equity are both administered by the same court, it has naturally come about that the two offices of attorney at law and solicitor in chancery have practically been consolidated, although in the federal equity practice the term "solicitor" is in

general use; but in some states the office of solicitor in chancery is a distinct and separate office from that of attorney at law.<sup>20</sup>

→ A client is one who applies to a lawyer or counselor for advice and direction in a question of law, or commits his cause to his management in prosecuting a claim or defending against a suit in a court of justice;<sup>21</sup> one who retains the attorney, is responsible to him for his fees, and to whom the attorney is responsible for the management of the suit;<sup>22</sup> one who communicates facts to an attorney expecting professional advice.<sup>23</sup> Clients are also called "wards of the court" in regard to their relationship with their attorneys.<sup>24</sup>

← ward of court

### § 3. Nature of Right to Practice

While it has been broadly stated that the right to practice law is not a natural or constitutional right, but is in the nature of a privilege or franchise, the practice of law is not a matter of grace but of right for one who is qualified by his learning and moral character.

#### Library References

Attorney and Client ⇔ 14.

The right to practice law is not a natural or constitutional right.<sup>25</sup> Nor is the right to practice

### 3. What is a ward of the court?

→ **Wards of court.** Infants and persons of unsound mind placed by the court under the care of a guardian. *Davis' Committee v. Loney*, 290 Ky. 644, 162 S.W.2d 189, 190. Their rights must be guarded jealously. *Montgomery v. Erie R. Co.*, C.C.A.N.J., 97 F.2d 289, 292. See *Guardianship*.

(Are you an infant or person of unsound mind?)

### 4. Do you need to challenge jurisdiction?

Better read the following, particularly "...because if pleaded by an attorney....."

→ **In propria persona** /in prɔwpriə pɔrsɔwnə/. In one's own proper person. It was formerly a rule in pleading that pleas to the jurisdiction of the court must be plead *in propria persona*, because if pleaded by attorney they admit the jurisdiction, as an attorney is an officer of the court, and he is presumed to plead after having obtained leave, which admits the jurisdiction. See *Pro se*.