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# THE GOAL and THE STRATEGY

I have not written this book for mere posterity. I am seeking to achieve a clear and distinct goal. My goal is to constitutionalize the State Bar admissions process for the entire nation. The essence of my position is that pursuant to the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, the State Bar admissions process is unconstitutional. The reason is that licensed attorneys and Judges are held to a lower standard of conduct than a Nonattorney Bar Applicant. And yes, you read that right. Attorneys and Judges enjoy a lower standard of conduct than Nonattorney Bar Applicants.

This is because State Bar members are not required on a regular and periodic basis to provide the same type of character information required of Bar Applicants. In fact, there is no character assessment that is even faintly comparable to the initial admission process, for State Bar members when renewing their law license. It is my position the character questionnaire submitted by an individual when applying to the Bar becomes irrelevant to their "current" character, once they have been licensed for at least five years. People change over time. The Nonattorney Applicant by being required to complete the character questionnaire is held to a higher character standard than the licensed attorney, since the majority of Bar members have been licensed more than five years. The public is harmed by this irrational disparity.

Most State Supreme Courts have held that the burden of proving good character is on the Applicant when seeking admission, but on the Bar with respect to proving bad character for Disbarment. Once again, this irrationality results in the Bar member being held to a lower standard of conduct than the Applicant. The licensed attorney is subject to the ethical rules of conduct, but the Nonattorney Applicant is not. Such being the case, if indeed there is to be a disparity, then the Nonattorney should be held to a lower, rather than a higher standard of conduct compared to the licensed attorney. To hold otherwise, results in attainment of the license to practice law being an entitlement to engage in immoral conduct. The fact that State Bar members are subject to ethical rules of conduct can not rationally be construed as justification to exempt them from the character review required of a Nonattorney. If anything, such responsibility is cause for a more extensive, rather than diminished character review.

The ethical rules of conduct for attorneys do not penalize immoral conduct that can result in denial of admission for an Applicant. The ethical rules contain no requirement that licensed attorneys pay their debts, but candidates can be denied admission for failing to pay debts. The ethical rules contain no limit on the number of traffic tickets a licensed attorney may receive, but candidates can be denied admission for such trivial matters. Bar Applicants can be denied admission for being glib, facetious, obnoxious, the manner in which they left previous jobs, their attitude, what other attorneys say about them, high school suspensions, unsatisfied judgments, drinking alcohol, and even most incredibly for filing civil suits.

If indeed the Bar makes such inquiries of Applicants to protect the public, rather than to protect its' own anticompetitive economic interests as I assert, then how can the Bar rationally justify its failure to make similar inquiries of licensed attorneys and Judges on a periodic basis? Is the public's need for protection from incompetent lawyers diminished once admission to the Bar is attained? Do attorneys as a whole have a reputation amongst the general public as possessing better character than the average Nonattorney? The answers are, "It can't," "No," and "Not a chance."

**The specific goal I seek to achieve is that Bar Applicants should only be required to respond to character inquiries to the extent similar inquiries are made regularly of licensed attorneys**. It is further my position that both should have to answer whether they have ever been

convicted of a crime triable by jury. Naturally, a criminal conviction may be grounds for denial of admission to the Bar. The operative term is “may.” The determination would depend on the type of crime, the period of time lapsed since the criminal conduct was committed and the extent of the Applicant’s rehabilitation.

For purposes of addressing these points, I would typically exclude the “offense” of contempt. The reason for this is that contempt is typically not triable by a jury. It often is the result of an irrational Judge who simply does not like a litigant and imposes a contempt “conviction” in a certain instance even though such is legally beyond that Judge’s authority. Personality clashes between irrational Judges and highly skilled Pro Se litigants, are often the cause of contempt “convictions.” Such matters should not constitute grounds for denial of admission to the Bar. In fact, several U.S. Supreme Court Justices were at one time or another in their careers held in contempt of court, as will be demonstrated herein.

A few matters should be addressed about how I will be proceeding. Chapters 1-14, provide an overview of the attorney licensing process, including its' history, how it works and other related topics. In Chapter 15, I present and analyze the irrational and disturbing opinions of numerous writers who authored articles in the magazine known as the "Bar Examiner," from its first issue in the early 1930s to the mid-1940s. That magazine is the official publication of the NCBE (National Conference of Bar Examiners). I have carefully selected what I believe to be key quotes from the publication. It is my intent to demonstrate through citation to these articles, that the admissions process was not intended to protect the public, but rather instead to foster anticompetitive and wrongful, prejudicial notions of the State Bars. Some of the things published in the Bar Examiner are nothing short of detestably incredible.

Chapter 16 addresses the close nexus between McCarthyism and the State Bar admissions process. Chapter 17 describes six warning signs that suggest a State Bar is trying to control litigation outcomes, by leveraging the personal and professional lives of the attorneys they license. Chapter 18 presents key U.S. Supreme Court Bar admission cases. Chapter 19 explores whether the Judiciary can withstand scrutiny under its' own moral character standard. Chapter 20 provides what I believe is the most comprehensive analysis of Bar admission cases ever published in this nation. I have carefully scrutinized hundreds of opinions from all states, and selected key citations from them. I then render my own analysis. I have done so for the purpose of demonstrating that the Bars still persist in promoting the detestable values promoted by the NCBE and its’ magazine, the “Bar Examiner,” in the 1930s. In addition, I seek to demonstrate there is a propensity of the State Bars to usurp well-accepted case precedent of the United States Supreme Court and also their own State Supreme Courts. Chapter 21 contains biographical information of selected U.S. Supreme Court Justices. I concentrate on any aspect of their background that might cause a State Bar to deny them admission on moral character grounds. Chapter 22 presents U.S. Supreme Court opinion excerpts in which the Justices criticize each other. Chapter 23 presents a series of excerpts from the U.S. Senate Confirmation Hearings pertaining to the appointment of Clarence Thomas to the U.S. Supreme Court. During the course of those Hearings, he properly and severely chastised the unfairness of the investigative process with respect to U.S. Supreme Court appointees. His criticism is even more valid with respect to Bar admissions. Chapter 24 discusses what is known as the "Judicial Function Exception." The Appendix includes Bar admission forms.

Take a look at the Bar admission forms and questions asked. See if you can fill the application out with an absolute certainty that your answers are complete and accurate. Try to probe your memory for those questions that require you to think back more than 10 years in your life, and consider what you should do if you can’t remember the requested facts. If you're over 35 years of age, you probably don’t have even a miniscule chance of completing every single application question completely and accurately. Look at Question #19 on the Alabama application that inquires about your Father’s occupation and your Mother’s occupation, and consider whether facts about your mother and father are really any of the State Bar’s business. Most of the other questions are similarly irrational. If after looking at most of the application, you still think the questions are reasonable, then take a look at Question #53, which is

characteristic of a question included on many State Bar applications. I submit there is not one single reader of this book or individual ever admitted to any State Bar who has ever answered this type of question completely and accurately. The reason is that the question is logistically impossible to answer. It reads as follows:

> *"Is there any other incident(s) or occurrence(s) in your life, which is not otherwise referred to in this application, which has bearing, either directly or indirectly, upon your character and fitness for admission to the Bar?"*

My general strategy can be summed up as follows. Demonstrate by analyzing articles in the "Bar Examiner" that the admissions process was designed to foster the enhancement of State Bar power and monetary interests of attorneys at the expense of the public, and also to foster wrongful, prejudicial notions. In conjunction with this is the corollary that the admissions process is not intended to protect the general public. Then demonstrate by analyzing contemporary Bar admission cases that the admissions process has not changed all that significantly, from the original intent as it existed in the 1930s. I also will demonstrate how the moral character standard currently utilized, is so irrational, that even the Judiciary itself, and U.S. Supreme Court Justices can not satisfy it. This will prove that there is a dire need for change and reform. The process needs to become constitutional in nature. The change and reform I propose is simply that licensed attorneys and Judges cannot be held to a lower standard of moral character than the Nonattorney Bar Applicant. So simple of a premise that any State Supreme Court moron should be able to understand it.