UNWRITTEN RULES OF COURTESY, CIVILITY, AND LOCAL CUSTOM INDICATE A JUDICIAL PROPENSITY TOWARDS IMMORALITY

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It is commonly misunderstood by Judges and State Bars that a lawyer's first duty is to the Court. It is thought to encompass a duty of candor to the Court, civility in courtroom manner, respect, not being disruptive, preserving the dignity of the Court and a wide host of other aspects of so-called "professionalism." These duties are imposed in written rules of professional conduct, judicial opinions and also unwritten rules of general understanding amongst local lawyers in a State.

Perhaps greatly to the dismay of State Bars, local lawyers in a State and Judges, they must become acclimated and relegated to their proper station in the world. As a preliminary matter, the duty owed by a lawyer to the Court is subservient to his duty to GOD. However, there is no need to dwell on that point. The reason is, that I am sufficiently satisfied any lawyer or Judge (including the U.S. Supreme Court) disputing this premise will ultimately be provided by the Almighty with the necessary encouragement to change their viewpoint.

Okay, so now the lawyer's duty to the Court is bumped down to second at best. The next issue is determining where the lawyer's duty to his client is in comparison with any duty to the Court. The Judiciary contends that the duty to the Court is higher than the duty to the client. I'd say the two are about evenly tied. In either instance, particular circumstances of a case may place the duty to a client above the duty to the Court, or vice versa. To a large extent it depends on the client, the nature of the case, and whether the Judge deciding the case performs his duties morally, immorally, legally, or illegally.

Of course, a corrupt judge is owed no duty of any nature. Similarly, a corrupt judge supported by a cabal of appellate Justices who ignore concrete proof of corruption, eviscerates any alleged duty to the Judge or the appellate Court. By the same token, a lawyer who alleges such better be certain about the legitimacy of the accusation.

There are also times when the lawyer's duty to his client is terminated. Just as the lawyer has no duty to a corrupt judge, there is no duty to present false evidence on behalf of a dishonest client. A lawyer, who knowingly does so, is just as morally reprehensible as a corrupt Judge or even a State Bar.

The lawyer's duty to the Court broken down to its widest categorical divisions consists of written and unwritten rules. Judges mistakenly conclude that lawyers are immoral if they do not comply with "unwritten rules of understanding" or "local custom of attorneys." In truth, the reverse is true. The mere existence of unwritten rules constitutes an indicia of judicial propensity towards immorality.

The nature of unwritten rules is to promote the efforts of lawyers to "get along" with each other. They are thus subversive to the adversarial system of justice, which is predicated upon lawyers opposing each other to further the interests of their client. The inimical theory of Judges behind unwritten rules is that to reach resolutions in pending cases, local lawyers should willingly do the following. They should agree to extensions of time for filings by other attorneys; take into account personal plans of other lawyers when scheduling hearings, depositions and meetings; and waive objections to procedural defects in pleadings of other lawyers. Often the impact of these "understandings" is to compromise legitimate interests of the litigants. The essence of the unwritten rules is to encourage lawyers to be "cooperative" with each other. Unwritten rules are more poignantly and correctly understood by litigants to confirm the existence of what is known as a "Good Ol' Boy Network." Thus, the litigants quite properly perceive unwritten rules as the Judiciary's way of undermining justice and basic notions of fairness.

The same lawyer who unhesitatingly grants an extension to another lawyer who practices in the same geographic area, will promptly deny the same type of request if made by a pro se litigant. Therein, illustrates the main problem. The unwritten rules create an un-level playing field. They suffer from the infirmity of immorality because they allow lawyers to carve out for themselves benefits and privileges in litigation extending beyond the written law. In addition, the only lawyers who gain the benefits of these privileges are those willing to grant a quid pro quo to other local lawyers. If an attorney declines to cheerfully participate in and support the unwritten rules of professional conduct, they are branded as an outcast by their peers. This creates an increased probability for the imposition of professional discipline. In addition, Judges are typically governed by an unwritten local rule requiring them to ensure that lawyers who do not support interests of other lawyers have a decreased probability of winning cases. Practically speaking, the effect of all this is that lawyers and Judges have a choice. They can either provide unwavering support for the interests of other lawyers or suffer the consequences.

The ultimate victim of a lawyer who refuses to participate in promoting the unity and cohesiveness of the nefarious good ol' boy network is the lawyer's client. Clients suffer when lawyers are falsely labeled by peers and Judges as

renegades. In truth though, lawyers who give no heed to unwritten rules are engaging in noble moral conduct Thus, the unwritten rules of general understanding function to turn morality on its head. It is of course a quite despicable result, with the primary perpetrators of immorality being the Judges who compromise ethical principles by lending their power and strength to the good ol' boy network. Better they should help the litigants and public.

The remedy to this problem is to recognize that the Court is subservient and inferior in importance to the general public. This concept is not amorphous, but has been established as the bedrock foundation for our Constitution. It begins straightforwardly by stating who is in charge. The Constitution does this by use of the phrase "We, the People." The phrase "the People" delineates the vesting of sovereignty. The sovereign in any nation is the one in whom the supreme human power is vested. In a monarchy for instance, it would be the king. In an aristocracy, it would be the wealthy privileged elite.

However, the fact that in the U.S. the "People" are sovereign as a group, does not mean each citizen is individually a sovereign. Clearly, one person may not claim individual sovereignty and start ordering Judges what to do. That would make each person a king. Assuming without deciding that the Judiciary is willing to comply with the U.S. Constitution (which admittedly may be a faulty assumption) then it must be accepted that the Judiciary accepts the fact that the "People" as a group are sovereign. And if so, while each individual may not act as a sovereign or even on behalf of the sovereign, they are entitled to some appropriate recognition and treatment as a "component" of the sovereign.

I am concededly unable to fully determine with precision what the phrase "appropriate recognition and treatment" encompasses. However, it certainly does not mean each component of the sovereign (i.e. each person) is wholly subservient to a privileged class of lawyers. And that is what the unwritten rules of local custom and understanding effectuate. To allow continuance of such a regrettable state of affairs, effectively converts the U.S. Constitution into a document establishing an Aristocracy.

As stated, each component member of the sovereign (i.e. each citizen) cannot claim to be a king. However, it is equally apparent that Judges lack the constitutional power to establish an Aristocracy by granting benefits and privileges through use of unwritten rules and local custom to lawyers.

Thus, we now must totally chuck out all those unwritten rules of understanding and "wink of the eye" local custom that the lawyers have so gleefully been enjoying before the Courts at the expense of the litigants. This entails educating Judges as to their proper role of subservience to the sovereign "People." It also requires Judges to become acclimated regarding the proper

reasonable extent of their inferior power compared to the sovereign. When Judges attempt to increase their sphere of power beyond its limited role through use of unwritten rules, it is merely a transparent exemplification of their propensity towards immorality. This of course, raises the issue whether they possess the requisite good moral character to possess a law license.

The failure of the judiciary to publish its unwritten rules of understanding renders such rules offensive to morality. It results in litigants becoming victims of unwritten laws and rules, which they are not even privy to the existence of. These unwritten rules of the "good ol' boy network" are no less offensive than the concept of a State Supreme Court refusing to publish a dissenting opinion of a State Supreme Court Justice. But of course, that could never happen.

No State Supreme Court would ever refuse to publish a dissenting opinion of a validly elected or appointed judicial peer. Guess again. That was precisely the case in Guardianship of Danny Keffeler, Washington State Supreme Court Case No. 67680-1. In his dissenting opinion (which he had to publish on his own website due to the Court's refusal), Justice Richard B. Sanders wrote as follows:

> "I have requested the majority to publish its order and this dissenting opinion. However, the invitation was summarily declined.
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> I find this action particularly troubling in its own right.
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> The published judicial opinion is the "heart of the common law system." . . . . Courts ensure the legitimacy of their decisions by preparing and publishing opinions that explain and justify their reasoning.
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> The core reasons for publication are judicial accountability and uniformity in the impartial meting out of justice. But the majority in this proceeding has defenestrated these two values.
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> The common law maxim, "Cessante ratione legis cessat ipsa lex" - "When the reason for the law ceases, the law itself ceases" is a propos. . . . **The rule of law is too important to be so lightly sacrificed in the shadows of an unpublished opinion."** [282]

Similarly, the rule of law is too important to be covertly and secretly evaded at the expense of litigants through the use of unwritten rules of understanding, and "local custom" by attorneys in a State Bar. That which the public knows to be called the "Good Ol' Boy Network" does in fact exist. Denials of its existence by State Bars and Judges are no longer to any avail. The

Judicial conspiracies, which litigants or lawyers often allege to exist in various cases and which are discounted by State Bar officials and Courts as irrational allegations are in fact quite rational, truthful and correct. They exist. Unwritten immoral rules of local custom and reprehensible unwritten understandings between attorneys and Judges are indicative of widely accepted system-wide conspiracies to subvert the interests of litigants. They are immoral. They are wrong. They are unethical. And any State Bar or State Supreme Court Justice that supports the existence of unwritten rules lacks good moral character. Period. That is an absolute, irrefutable positive, truthful fact.

As stated in the Celine Dion song, "That's The Way It Is."