

## CONCLUSION -

# THE NOBEL PEACE PRIZE, PULITZER PRIZE AND DISBARMENT

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Morality, the World and the Universe are replete with startling contradictions. More than once in world history that which was believed to be irrefutably true was ultimately proven to be positively false. As demonstrated herein, the definitions of words are often construed by Courts to mean the precise opposite of the commonly accepted usage of the word. So too, it is with so-called "distinguished recognitions." Valid arguments may be made for the premise that what we tend to recognize as an "Honor" may in truth be a "Disgrace." Similarly, that which is widely considered a "Disgrace" may in fact really be an "Honor."

Consider the Nobel Peace Prize, the Pulitzer Prize, and the Disbarment of an attorney. The first two are widely recognized as honors and the last as a disgrace. In fact though, the exact reverse may be true of all three.

Let's first address the Nobel Peace Prize. Clearly, it must have been named after a great humanitarian. Based on the name of the Prize, one would think the person honored by its title, devoted their entire life to the furtherance of world peace, the elimination of conflict between nations, and the promotion of world tranquility. Well, not exactly. Actually, the guy's most significant accomplishment in life was that he invented Dynamite.

Alfred Nobel, the man who the Nobel Peace Prize is named after was born in 1833. His father worked with early versions of Torpedoes. Around 1860, Alfred began devoting himself to the study of explosives, including particularly the use of nitroglycerine. Ultimately, this led him to the invention of dynamite. He became known worldwide as the "merchant of death." Not exactly, your typical humanitarian. This of course raises significant issue as to whether all recipients of the Nobel Peace Prize have been honored or disgraced.

Turning now to the Pulitzer Prize, this recognition is widely recognized as one of the highest national honors in literature and journalism. Certainly, it must be named after a person who was devoted to conveying messages of profound literary truth with a genuine love of literary works. Well, not quite. The guy it's named after was a notorious yellow journalist in the late 19th

century who utilized the written word in his newspapers to amass a large personal fortune, even if it meant circulating false news to the general public.

Joseph Pulitzer, who the Pulitzer Prize is named after, was born in 1847. Around 1879, he purchased the St. Louis Dispatch and merged it with the St. Louis Post. In the early 1880s, he then purchased the New York World. His chief competition was notorious yellow journalist William Hearst. The coverage of the Spanish-American War in the 1890s, led to a major competition between Hearst's paper and Pulitzer's paper. Ultimately, they were both labeled as yellow journalists. Both amassed huge personal fortunes. Neither one of them was a true proponent of commendable literature. Rather, they both used the written word for the purpose of deceiving the public in order to profit personally. This of course raises significant issue as to whether all recipients of the Pulitzer Price have been honored or disgraced.

And now I turn to the distinguished recognition of Disbarment. It is widely considered to be a disgrace. In fact though, in numerous instances it can fairly be characterized as an honor and resume builder. One would be hard-pressed to find any rational person who today would consider the disbarment of a Jewish attorney in Berlin, Germany in 1935 to be a disgrace. Yet, at that time it was considered by the Germans to be a disgrace.

Similarly, there are numerous situations in the U.S. today where State Supreme Courts and State Bar disciplinary committees pursue an imprudent course, which is not unlike that of the German bars in the 1930s. They do so by disbaring lawyers who possess the courage to challenge illegal and unethical State Bar practices and schemes. They also disbar attorneys who courageously challenge the corruption of dishonest Judges. Their concept is to neutralize the attorney, in order to protect the perpetrators (i.e. State Bars). There are also numerous Judicial opinions dealing with bar admission cases where State Supreme Courts expressly assert the denial of a law license is justified because the Applicant instituted a civil suit alleging illegal conduct by the State Bar.

When disbarment or denial of admission is predicated upon a legal challenge to the licensing agency, the legal profession or the corruption of an individual Judge, the concept of "good moral character" is turned precisely on its head. That which is recognized as good, is really in truth bad, and that which is recognized as bad, is really in truth good.

I do not suggest that all lawyers who have been disbarred have been honored, rather than disgraced. I do genuinely believe most disbarred lawyers have been disgraced, including particularly those who stole client funds or betrayed the interests of their clients. By the same token, the imposition of attorney discipline based on amorphous notions that the lawyer engaged in conduct "prejudicial to the administration of justice" give rise to a fair

conclusion that in certain instances disbarment is an honor, and not a disgrace. In such cases, it reflects the lawyer's willingness to place at risk their own personal self-interest (i.e. lose a law license) in furtherance of the cause of morality, justice and/or the interests of their client.

Whenever I see a Judicial opinion indicating an attorney is being disciplined for engaging in conduct "prejudicial to the administration of justice" the bells and whistles go off. It's a meaningless phrase, because it means whatever the Court wants. Often it indicates the Court doesn't have anything concrete to pin on the attorney. They use the phrase when they have nothing else to work with. It becomes their justification for disciplining a lawyer simply because they don't like the ideas and opinions expressed by the attorney. If they had something more, they'd use it. Anything can be called "prejudicial to the administration of justice." It depends on how you define the term "justice."

In view of the fact that the best philosophical minds in the world have been unable to agree upon a uniform definition of the term "justice" for thousands of years, I think it's fair to say irrational State Supreme Court Justices don't have a chance. That states the matter mildly. The probability of State Bars and State Supreme Courts being able to successfully define the phrase "prejudicial to the administration of justice," is about equivalent to the chance of expecting them to do what's in the best interests of the public, rather than themselves. It's just not going to happen often enough. At most, it occurs on some occasions.

In light of the individuals whom the Nobel Peace Prize and Pulitzer Prize are named after, it is open to debate whether those recognitions are an honor or disgrace. Similarly, in light of the circumstances surrounding certain disbarments it is equally open to debate whether such is an honor or disgrace. It seems to me that if the legal profession seeks even a slight semblance of public respect, State Supreme Courts need to backtrack mighty quickly on their strong inclination to discipline lawyers who challenge the hypocrisy of the legal profession and Judiciary. Otherwise, the disciplinary process is nothing more than a self-serving mechanism to further financial interests of lawyers and political aspirations of the Judiciary. That's not what it's supposed to be. It's supposed to be a process to protect the interests of clients and the general public.

Regrettably, we are approaching a point where the interests of litigants and the general public are almost diametrically adverse to the interests of the legal profession and Judiciary. To the extent lawyers are disciplined for promoting the interests of their clients and the general public, even if it is at the expense of the legal profession or Judiciary, disbarment does in fact become an honor and resume builder. Quite, a high honor, might add.

One thing is certain. Whether you view disbarment as an honor or disgrace, you have to admit former President Bill Clinton proved one thing. "Sometimes" the real fun in life begins after disbarment. The operative term is "sometimes." As, it "usually" is with "everything." The operative term is "usually," which wholly negates the term "everything."

And so it goes on and on and on with word play and semantics.