

# Unauthorized Practice of Law

## The ABA Lie

Just how does a Good and Lawful Christian defend Himself when forced, against His Will, to stand and speak before the purported 'courts' now operating in the United States? Is He to be mute and say nothing, citing the Laws of God? Although every Christian has the Right to choose His own court, this is not so practical when he is forced by duress and coercion to 'appear' in a court He has not chosen nor recognizes as being subject to God's Laws. How can he 'appear' in an un-Godly court? Our answer to this is to do as Christ Jesus did when He was forced to stand before the judgment of the un-Godly. There is no set of Rules other than the example His Word has already laid out for Us. However, every Christian should have knowledge of how this world operates, and that includes the purported 'laws' and 'courts' being forced upon us over and above God's Sovereign Laws. To defend oneself is nearly impossible in their 'courts', and to seek the assistance of Godly counsel is not allowed by what they dare to call, but refuse to define, as the "unauthorized practice of law".

There may be much truth to the claim that the Fourteenth Amendment to the federal constitution was instigated by the legal professionals' trade union, now known as **The American Bar Association**. Many facts support the claim that this "Bar" monopoly was established in Christian America, immediately after Lincoln's (un)Civil War, to create and substitute a 'colorless' system of uniformed general slavery to replace the previous system of black slavery. This was to have been implemented by guaranteeing a monopoly of the courts for their own member attorneys, judges, and Municipal Corporations (City, County, and State). This monopolizing and unlawful labor union, **The Bar Association**, has forbidden anyone but their own exclusive member attorneys to give legal advice or representation, which has prevented any Good and Lawful Christian from being assisted in these purported 'Courts of Law' by a non-union lawyer or by a "non-lawyer", as used in their own terminology.

The result of their actions has converted the courts of Christian America into exclusive, private and closed "union shops", while allowing the funding for these closed membership and private "Courts" to come from forced public tax revenues. When you think about it, this is no different than the early American slavery conditions whereby black slaves were originally prohibited from learning to read and write. Education of any enslaved population, regardless of skin color, will make the people strong and knowledgeable, thereby enabling them to speak out in defense of their Rights. The unionization and privatization of our previous Christian based legal system by the **Bar(fly) Association**, with the resulting private control of our pre-Civil War courts, makes every Christian Man and Woman, and the public generally, a legal justice minority group, thereby denying us access for violations of our Christian Rights which are purportedly also under the protection of the 9th and 14th Amendments. To further protect federal government dominance of all purported 'law', their so-called but misnomered "law schools" are the only schools allowed to teach this purported 'law', thereby fulfilling the federal government's belief in the sovereign right to the Old English Doctrine of "The Law Is In My Mouth."

Government officials maintain control of the courts by "licensing" their purported lawyers. Bar Licensed Attorneys, in nearly every one of the Federalized States of the United States, do not receive their permission from the Secretary of State, the proper and lawful *de jure* sovereign state authority. Instead, they receive a "bar number" to practice law from the State Supreme Court, thereby making them "officers of the court" or "Officers in the Field". Could they have been the first organized group in America to openly adhere to and declare the number and mark of the beast? If a Bar Attorney disobeys the rules of the purported 'Court', or angers a judge, he can be dis-barred from the bench (no longer allowed to practice within the 'bar' or railing surrounding the court's seat of justice, where the judge sits and rules), or he may simply lose his "bar number", otherwise known as his "license to practice law."

Could it also be that all State Bar Associations act in violation of the Federal Anti-Trust and Anti-Monopoly Laws of the United States? The Bar(fly) Lawyers who serve within legislative bodies of the several States (*i.e.*, as Representatives and Senators, or even the President or Governor), being firstly sworn agents of the court, (the purported judicial branch of government) seem to be acting in violation of the separation of powers as defined by the Constitution for the United States of America and the Constitutions of the several States. It appears that this is both unconstitutional and a question of a 'conflict of interest' for those that make the laws to also judge the laws. Besides that, this makes them both judge and jury, a moral dilemma that has never been supported or voted upon by the

people. A perfect example is the abortion murder issue now being called "pro-choice". They made this purported 'law' and they also enforce it.

It's interesting to note that some States had passed 'laws' to prohibit the "practice of law" by non-union (non-Bar member) attorneys shortly after 1933 when President Roosevelt instituted the amended "Trading with the Enemy Act", Title 12 sec.95 (a) and (b), therein declaring the people to be enemies of the U.S. federal government. Since 1933, all State Bar Associations claim the 'law' forbids any ordinary "citizen" to practice law or give legal advice to anyone, yet none of these prohibitions has ever been legally or lawfully defined by any of the State Statutes purportedly implementing these 'laws'. Any Good and Lawful Christian who would dare to defy their edict is threatened with the alleged civil penalty of "unauthorized practice of law." Again, no State Statute has yet to define the "unauthorized practice of law." However, **Black's Law Dictionary**, 6th ed. page 1172, defines the "practice of law" as:

**"A person engages in the "practice of law" by maintaining an office where he is held out to be an attorney, using a letterhead describing himself as an attorney, counseling clients in legal matters, negotiating with opposing counsel about pending litigation, and fixing and collecting fees for services rendered by his associate."**

In Florida, a full search of all the **Florida Statutes (1998)** for the words "unauthorized practice of law" yields only the following:

**CHAPTER 626, INSURANCE FIELD REPRESENTATIVES AND OPERATIONS, 626.854, "Public adjuster" defined; prohibitions.--The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.**

**CHAPTER 117, NOTARIES PUBLIC, 117.01, Appointment, application, suspension, revocation, application fee, bond, and oath. (4) The Governor may suspend a notary public for any of the grounds provided in s. 7, Art. IV of the State Constitution. Grounds constituting malfeasance, misfeasance, or neglect of duty include, but are not limited to, the following: (f) Unauthorized practice of law.**

Note that the "unauthorized practice of law" only applies to "Public Insurance Adjusters" and "Notaries Public" which are State regulated and licensed 'professions'. A further search of the **Florida Statutes** reveals that a "professional" attorney is regulated by the **Florida Supreme Court**, to wit:

**TITLE XXXII, REGULATION OF PROFESSIONS AND OCCUPATIONS, CHAPTER 454, ATTORNEYS AT LAW, 454.021 Attorneys; admission to practice law; Supreme Court to govern and regulate. (1) Admissions of attorneys and counselors to practice law in the state is hereby declared to be a judicial function. (2) The Supreme Court of Florida, being the highest court of said state, is the proper court to govern and regulate admissions of attorneys and counselors to practice law in said state.**

Just how does the Florida Supreme Court "govern and regulate" professional attorneys? They must be admitted to the "Bar", of course. A professional attorney has an established business office and collects fees for his business in order to commercially 'practice law' and to be considered a 'professional attorney'. In the Florida **Rules of the Supreme Court Relating to Admissions to the Bar** (397 So.2d 627), Article I, Section 1 states:

**"The admission of attorneys to the practice of the profession of law is a judicial function. All individuals who seek the privilege of practicing law in the State of Florida shall submit to the Florida Bar Examination."**

Note the words used above, specifically "the practice of the profession of law", a State "privilege". This does not say "the practice of law". No 'law' within the **Florida Statutes** or **Rules of the Supreme Court** prohibits "the practice of law" by those who are not professional attorneys (counselors for hire) or are not other State regulated professionals (such as Notaries or Insurance Adjusters). So then, just what is the "unauthorized practice of law" and exactly whom does it apply to? Apparently, and according to the **Florida Statutes** (1998) as cited above, this applies only those who are licensed professionals of some kind registered or licensed with the State of Florida as such. Any Good and Lawful Christian who is not licensed by the State and who wishes to practice law with no commercial compensation or gain is not regulated by these statutes and, therefore, is not 'legally' involved with the "unauthorized practice of law".

Article IX of the **Pennsylvania Declaration of Rights** in 1776 guaranteed "[t]hat in all prosecutions for criminal offenses, a man hath a right to be heard by himself and his counsel.....". The "unauthorized practice of law" in Pennsylvania is presented in their codes as **Title 42 Pa. C.S.A.**, Rules of Professional Conduct, Rule 5.5. Unauthorized Practice of Law; to wit,

**"A lawyer shall not: (a) aid a non-lawyer in the unauthorized practice of law; or, (b) practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction."**

Where does this Statute say that any non-Bar member is prohibited from 'practicing law'? Pennsylvania has no purported 'law' prohibiting the "unauthorized practice of law" because there is no authority to make such a 'law'. The national Constitution makes no such prohibition. A Good and Lawful Christian's Right to represent himself in any court or to have a counselor of his choice (an attorney-in-fact) is a Right secured by Christian common Law and purportedly also guaranteed by our national constitution.

It is a well established fact, repeated to us over and over again by the 'courts', that Federal law supersedes all State law, thereby holding all state law on this instant issue moot. The federal **Administrative Procedure Act**, Title 5, U.S.C., Sec.555(b) states, to wit:

**"A person compelled to appear in person before an agency or representative thereof is entitled to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified representative. A party is entitled to appear in person or by or with counsel or other duly qualified representative in an agency proceeding. So far as the orderly conduct of public business permits, an interested person may appear before an agency or its responsible employees for the presentation, adjustment, or determination of an issue, request, or controversy in a proceeding, whether interlocutory, summary, or otherwise, or in connection with an agency function. With due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it. This subsection does not grant or deny a person who is not a lawyer the right to appear for or represent others before an agency or in an agency proceeding."**

This law was challenged by the **Florida Bar Association** in the case of Sperry v. State of Florida, *ex rel* the Florida Bar..... 373 U.S. 379, 83 S. Ct. 1322, 10 L.Ed.2d 428 (1963). The case involved a non-attorney who was authorized to represent clients before the United States Patent Office. **The Florida Bar**(flies) claimed that non-attorney Sperry was violating Florida's "Practice-of-law" statute. The U.S. Supreme Court ruled that the Supremacy Clause of the United States Constitution gave federal laws supremacy over conflicting state laws. The Court said:

**"despite protests of the bar, Congress in enacting the Administrative Procedure Act refused to limit the right to practice before the administrative agencies to lawyers;"**

The **Vermont Declaration of Rights** (Art. X) in 1777 protected the right of self-representation with virtually identical language.

The **Georgia Constitution**, Art. LVIII, in 1777 declared that its provisions barring the unauthorized practice of law were "not intended to exclude any person from that inherent privilege of every freeman, the liberty to plead his own cause." In 1798, Georgia included in its revised Constitution, Art. III, ° 8, a provision that protected the right of the accused to defend "by himself or counsel, or both."

In 1780, the **Massachusetts Declaration of Rights**, Art. XII, provided that the accused had a right to be heard "by himself, or his counsel at his election."

The **New Hampshire Bill of Rights** (Art. XV) in 1783 affirmed the right of the accused "to be fully heard in his defence by himself, and counsel."

In 1792, the **Delaware Constitution** (Art. I, ° 7) preserved the right in language modeled after Art. IX of the Pennsylvania Declaration of Rights. Other state constitutions did not express in literal terms a right of self-representation, but those documents granted all defense rights to the accused personally and phrased the right of counsel in such fashion as to imply the existence of the antecedent liberty.

If a Good and Lawful Christian is forced to stand before their purported 'courts' but is not allowed to choose His Own counsel, then perhaps He should question the validity of their purported 'laws' by quoting their own 'law' to them, to wit:

**"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." -Title 42 U. S. C. Sec. 1983**

This report is based on an article by *Joyce Rosenwald* and compiled by *Anthony Wayne* for *Lawgiver.Org*