MEMORANDUM OF LAW RIGHT TO PRACTICE LAW

De-facto licenses are for de-facto civil law courts, not Courts Law or courts of equity.

The purpose of this memorandum is to bring to the attention of the court the "unalienable right" of the people to practice law in Common Law Courts of Record. Whereas de-facto civil law courts may require a license from the traitorous American BAR Association; Courts of Justice do not.

BRITISH ACCREDITED REGISTRAR

The American Bar Association *(*ABA*)* is an extension of the "*British Accredited Registrar*," a/k/a BAR.[1] The ABA was founded on August 21, 1878 and is an association of esquire-lawyers from the BAR, and was incorporated in 1909 in the state of Illinois. The state does not accredit the law schools or hold examinations and has no control or jurisdiction over the ABA or its members, the British Accredited Registrar, a foreign organization that maintains civil law does. Whereas the concealed 13th Amendment, ratified in 1819, prevents them from holding an "Office of Trust," see Memorandum of Law Original 13th Amendment.

The ABA accredits almost all law schools, holds their private examinations, selects the students they will accept in their organization, and issues them so-called licenses for a fee; but does not and cannot issue state licenses to lawyers.

The Bar is the only one that can punish or disbar a Lawyer and not the state. The ABA also selects 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. This is a tremendous amount of power for a private union to control and "the potential for the disastrous rise of misplaced power exists, and will persist."

The state bar card is not a license, it is a union dues card. The ABA is a professional Association like the actor's union, painters' union, etc. No other association, even doctors, issue their own license. All licenses are issued by the state. The American Bar Association is a private association, it cannot license anyone on behalf of the state.

N.Y. JUD. LAW §478: Practicing or appearing as attorney-at-law without being admitted and registered. Lawyers and attorneys are not licensed to practice law, the

[1] British Accreditation Registrar (BAR) is an independent institution that, assesses attests and monitors the technical competence of esquires, whose services are required. By awarding an accreditation. British Accreditation Registrar asserts that these bodies carry out their duties in accordance with applicable requirements and in a competent manner. In short: British Accreditation Registrar audits the auditors. All registered esquires are required to treat all British Accreditation Registrar information in confidence. These types of obligations are either directly set out in by-laws, procedure descriptions. If a BAR lawyer (*esquire*) violates the by-laws and procedures, they lose their de-facto license and cannot practice de-facto civil law in their de-facto courts.

"certificate" from the state supreme court: only authorizes, to practice law "in courts" as a member of the state judicial branch of government. And can only represent wards of the court,[2] infants, persons of unsound mind[3] (see corpus juris secundum, (C.J.S.) volume 7, section 4.[4]). A "certificate" is not a license to practice law as an occupation, nor to do business as a law firm. The state BAR is a non-governmental private association and dues must be current to sustain membership.

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 anyone without limitations.

RIGHT TO PRACTICE LAW IS A COMMON RIGHT

"The term Liberty ... denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of this own conscience. The established doctrine is that this liberty may not be interfered with, under the guise of protecting public interest, by legislative action."[5]

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process Clause of the Fourteenth Amendment".[6] "There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."[7] "The practice of law cannot be licensed by any state/State."[8] "The practice of law is an occupation of common right."[9]

"The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."[10] "... the right to file a lawsuit pro-se is one of the most important rights under the constitution and laws."[11]

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[2] Wards of court. Infants and persons of unsound mind. [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.] a *ward* is someone placed under the protection of a legal guardian

[3] LUNATIC. [Black's Law 4th edition] A person of deranged or unsound mind; a person whose mental faculties are in the condition called "lunacy"; one who possessed reason, but through disease, grief, or other cause has lost it. May mean all insane persons or persons of unsound mind, sometimes including and sometimes excluding idiots. [Oklahoma Natural Gas Corporation v. Lay, 175 Okl. 75, 51 P.2d 580, 582.]

[4] If We consult the latest Corpus Juris Secundurr (C.J.S.) legal encyclopedia, volume 7, section 4, We will find that an attorney's first duty is to the courts and the public; not the client: According to Section 2 in said Section 7, we find that clients are "wards of the court:"

[5] Meyer v. Nebraska, 262 U.S. 390, 399, 400

[6] Schware v. Board of Bar Examiners, 353 U.S. 232 (1957)

[7] Sherar v. Cullen, 481 F. 2d 946 (1973)

[8] Schware v. Board of Examiners, United State Reports 353 U.S. pages 238, 239

[9] Sims v. Aherns, 271 SW 720 (1925)

[10] Davis v. Wechler, 263 U.S. 22, 24; Stromberb v. California, 283 U.S. 359; NAACP v. Alabama, 375 U.S. 449

[11] Elmore v. McCammon (1986) 640 F. Supp. 905

RIGHT TO ASSIST

"Litigants can be assisted by unlicensed laymen during judicial proceedings."[12] "A next friend is a person who represents someone who is unable to tend to his or her own interest."[13] "Members of groups who are competent non-lawyers can assist other members of the group achieve the goals of the group in court without being charged with "unauthorized practice of law."[14]

ATTORNEYS PRACTICE PRETEND LAW[15] AND ARE UNSKILLED[16] IN THE LAW OF THE LAND

"All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..."[17] "All laws, rules and practices which are repugnant to the Constitution are null and void"[18]

"The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law."[19] "The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose, since its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed, insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it."[20] "There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent."[21]

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[12] Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377 U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425
[13] Federal Rules of Civil Procedures, Rule 17, 28 USCA "Next Friend"
[14] NAACP v. Button, 371 U.S. 415); United Mineworkers of America v. Gibbs, 383 U.S. 715; and Johnson v. Avery, 89 S. Ct. 747 (1969)
[15] Statutes
[16] INCOMPETENCY. Lack of ability, legal qualification, or fitness to discharge the required duty. In re Leonard's Estate, 95 Mich. 295, 54 N.W. 1082.
[17] Rodriques v. Ray Donavan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985)
[18] Marbury v. Madison, 5th US (2 Cranch) 137, 180
[19] Self v. Rhay, 61 Wn (2d) 261
[20] Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886)
[21] Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.

"Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself."[22] "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice."[23] "A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution."[24] "The State cannot diminish rights of the people."[25]

"The Claim and exercise of a Constitutional Right cannot be converted into a crime."[26] "If the state converts a liberty into a privilege the citizen can engage in the right with impunity"[27]

BAR lawyers believe that Congress and Judiciary can abrogate the "Common Law" via the "Rules Enabling Act" and thereby change the Constitution that we the People ordained and established. They believe that only BAR lawyers can practice law; They believe that codes, rules, and regulations can be applied upon the People; They believe that civil law court precedence applies like law; They believe that the state can control the Peoples behavior; They believe we are under Roman law; They practice pretend law and are oblivious to the "*Law of the Land*" as they inadvertently destroy and suppress our Courts of Justice!

CONCLUSION: The people have an unalienable right to practice law, any officer of the court that moves to prevent plaintiffs unalienable right to do so, wars against both the State and United States Constitution, and commits violence against the People. De-facto licenses are for de-facto civil law courts, not courts of Law or courts of equity. The "unalienable right" of the people to practice law in Common Law Courts of Record cannot be abrogated. Whereas de-facto civil law courts may require a de-facto license from the traitorous American BAR Association, courts of Justice do not and cannot require a license!

[22] Mugler v. Kansas 123 U.S. 623, 659-60
[23] Davis v. Wechsler, 263 US 22, at 24
[24] Murdock v. Pennsylvania, 319 U.S. 105, at 113
[25] Hertado v. California, 110 U.S. 516
[26] Miller v. U.S. , 230 F 2d 486. 489
[27] Shuttlesworth v Birmingham , 373 USs 262