

THE
ATTORNEY
CONTRACT
METHOD

Using the System to Tie Up the System:

How to Stay Out of Prison

by Failing

to Hire an Attorney

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FIRST THINGS FIRST -- THE DE FACTO OFFICER DOCTRINE

Many public officers (including judges, magistrates, hearings officers, cops, commissioners, District Attorneys, Public Defenders, mayors) aren't properly in office, for technicalities like failure to sign and file their oath of office, or lack of residency in the district for the required time. Sometimes the office expires but they keep doing the job.

The “de facto officer doctrine” says that once you “engage” with a public officer, you waive the right to question whether he is properly in office - so if you wish to preserve the right to question whether these guys are qualified for office you **MUST** raise the issue **BEFORE** engaging with them. Something like: “First things first, sir. For the record, before I engage with you, I need to raise the issue of whether you are properly in office. Now what did you want to ask me?” Or, more simply: “Are you properly in office?” The first written pleading should begin with: “Pursuant to the de facto officer rule, the undersigned first raises the issue of whether all officers are properly in office.”

LOOKING FOR AN ATTORNEY

Here's the next thing to say:

“Your Honor, I want to hire an attorney before the next step in the proceedings. I wish to hire a private attorney, so I'm not asking for a public defender and I do not consent to one.”

That ought to put it on hold for a while. The judge is not supposed to assign you a public defender unless you ask for one.

Then go around to three or five attorneys, and tell them you are interested in obtaining their services (you can talk about “representation” vs. “assistance” at this point, or not -- at this point a detail like that doesn't matter) **BUT YOU INSIST THAT THEY MUST PUT INTO THE CONTRACT** (a) that the attorney agrees to protect all your Constitutional and other rights, including the ones you don't know about; (b) that the attorney will abide by all applicable Rules of Ethics and Codes of Conduct.

Perfectly reasonable clauses, but no attorney will sign.

“Your Honor, I've been negotiating to hire an attorney, and here's a list of everybody I've talked to, but so far I haven't found one who will take my case, but I'm still looking in good faith, and I need more time.”

That throws a major monkey wrench into the whole works.

Remember, you're not wasting your time trying to hire a lawyer -- you're exposing their corruption, one lawyer at a time. You're showing your good faith and their lack of it. More to the point, you're using up your “speedy trial” time while making sure it's *their* fault, NOT *your* fault.

If you're seeing them in person and it's taking too much time, you can do it over the phone instead.

The plan is to continue trying to hire a lawyer until the District Attorney's speedy trial deadline is up, and then move to dismiss (or suggest that the court dismiss on its own motion -- or suggest to the District Attorney that he ought to withdraw it).

A sample one-page contract is attached. Normally an attorney wants to present you with a contract to sign - but a contract is between equals – so why shouldn't you present the attorney with a contract to sign?

A PERFECTLY REASONABLE CONTRACT

The traditional rule is that a contract has four parts or elements: an offer, an acceptance, a time limit and a consideration. Another, more modern, version of this rule says that there are five elements: Agreement (offer and acceptance), Mutual/real assent, Consideration, Capacity, Legality. Here, offer and acceptance are blended into one because, in practice, very often they are not distinct steps. Another version says that intention of the parties that the contract should be governed by law is another element. Time limit can be important because otherwise I can perform my side, and wait forever for you to perform your side. So this contract has the traditional four parts.

Contracts can be unilateral (the offer is not accepted with words but by performance), or bilateral (the offer is accepted with words). This is a bilateral contract.

Don't worry if this seems complicated. In law school, an entire one-year class is devoted to Contracts.

The Clauses

“1. **PARTIES:** This contract is between the below-named Attorney and Client.”

We must identify the parties or we cannot have a contract between anyone in particular.

“Attorney has a license to practice law in the appropriate jurisdiction. Attorney agrees to show Client a copy of that license upon request.”

Attorneys are not licensed and supervised by the executive branch, the way doctors, hair-cutters and commercial drivers are. Instead, an attorney, upon passing the Bar Exam, is given a certificate by the state's Supreme Court, admitting him to the Bar, which is a private association. But attorneys are supposed to be licensed to practice law. Watch the attorney squirm while trying to explain this.

"Attorney knows the State and Federal Constitution and the law, and has sworn to uphold them."

There is a presumption that everyone knows the law. While that may have been true back when the law was the Ten Commandments, it is ludicrously false today. Nobody knows the law. However, let's hear the attorney say that. All attorneys are required to swear an oath (the wording is slightly different in each state) to uphold and defend the Constitutions and the law against all enemies foreign and domestic, to faithfully represent clients, to ensure Justice is served.

"Attorney has no conflict of interest."

See Corpus Juris Secundum (CJS), Volume 7, Section 4, Attorney & client: "The attorney's first duty is to the courts and the public, **not to the client**, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, **the former must yield to the latter.**"

Clients are called "wards" of the court when they are represented by attorneys. Why? (Hint: if you were competent, why would you need someone else to defend your rights for you?) Ask your attorney to show you a copy of your state's Supreme Court's Disciplinary Rules. Ask your attorney to show you the Code of Professional Responsibility (also published by the state Supreme Court), particularly Canons 1 - 9.

The attorney is supposed to follow all these rules anyway, but there's no significant penalty for violation. You can file a "complaint" with the Bar Association (other attorneys who are just as careless), and usually it will go nowhere. HOWEVER!!! With the contract in place, any violation is elevated to a **breach of contract** which you can then sue the attorney for, and drag him in front of a jury of peers – many of whom will have been screwed by an attorney at some point in the past.

Also take a look at CJS Part III "What Constitutes Practice of Law; Unlawful or Unauthorized Practice" Sections 29-42, pages 857-894. To quote from Section 30, pages 864-865: "The purpose of, and the justification for, excluding from the practice of law persons not admitted to the bar is the protection of the public from being advised and represented in legal matters by incompetent and unreliable persons over whom the **judicial department can exercise little control.**" So who controls your attorney? You? Or the "judicial department" ?

"2. **DUTIES:** Attorney agrees to: () Zealously represent Client within the bounds of the law"

This is Canon 7 of the Code of Professional Responsibility. (Perhaps you've seen the 1991 remake of Cape Fear, starring Robert DeNiro? Perhaps your attorney has?)

"() Provide Client with assistance of counsel, in the matter of: _____ ("the Business")."

Note the two checkboxes, indicating that you have a choice. There is a difference between "representation" and "assistance of counsel." The attorney-client relationship is a guardian-ward relationship. The client is assumed to be incompetent. That's why, if you hire an attorney, you are not allowed to speak in court. The Sixth Amendment to the Federal Constitution, as well as most State constitutions, (claim to) secure the right to "**assistance** of counsel." This means that you are the master of your case, you make all the decisions, you speak for yourself, and the attorney's job is to do research and give advice. Many judges don't want you to have assistance of counsel – they want you to be represented by an attorney who is controlled by the judicial branch (see CJS quoted above).

"The Business" here does not refer to commerce, but simply means busy-ness (as in parliamentary procedure: "Is there any more old business before we start on the new business?"). If you prefer another way of describing your legal affairs, that's fine.

"All work shall be done timely and in a professional workman like manner."

You would find this standard clause in a contract for someone to do your plumbing, build a deck, put a roof on your house – anything real.

"b. Protect all of Client's Constitutional and other rights, including the ones Client is not aware of."

It is highly likely that the attorney does not know all of your Constitutional rights. People who have spent their entire careers in Constitutional Law can still disagree on what your rights are in any particular case.

"Attorney agrees to provide a complete list of Client's rights upon request."

Oddly enough, for a country that calls itself free, out of nearly 300 million people and 1 million attorneys living today, plus all those who have gone before, and billions of words written by millions of attorneys and judges, nobody seems to have ever put together a complete list of our rights! Let the attorney try to explain this.

"c. Abide by all applicable laws, Administrative Rules, Rules of Conduct, Ethical Rules, Code(s) of Professional Responsibility and Court Rules. Any violation of any law, rule or code constitutes a breach of this contract."

Again, just in case the attorney is a little thick, it's spelled out here that the attorney can be held to account for screwing you. An attorney normally is supposed to follow all these rules, but if they don't, there's nothing you can do about it other than to file a useless "complaint" with the other foxes who guard the same henhouse, the Bar Association. HOWEVER!!! If the attorney signs this contract, then any violation is elevated to a breach of contract and is then suable. A complaint to the Bar Association is only a minor annoyance, but the attorney truly fears being dragged in front of a jury of his peers. Many of the members of the jury will have been screwed by a lawyer at some time in their lives!

"Client agrees to timely pay Attorney's retainer, fees and expenses in: [check one] () lawful money of the United States () Federal Reserve Notes"

It's only reasonable to pay for services rendered.

"Lawful money of the United States" (as opposed to "legal tender") has always meant gold or silver coin. Attorneys don't want to admit that Federal Reserve Notes are not lawful money. The fact that there are two checkboxes here shows that you understand the difference.

"3. **TIME LIMIT:** This contract will go into effect immediately upon signature and is revocable by either party immediately upon notice to the other party."

You could make it irrevocable if you like.

"If Attorney revokes this contract before doing any work, the retainer is immediately refundable."

If you don't like this clause (what if the attorney does a tiny bit of work and then cancels?), change this to something you like.

"Consideration will be Attorney's retainer of \$_____, paid in: [check one] () lawful money of the United States () Federal Reserve Notes."

Again, rubbing in the point that Federal Reserve Notes are not lawful money of the United States.

"The terms of this contract are not dictated by a party with superior bargaining power, but are negotiable."

An "adhesion contract" is a standard-form contract which is presented on a "take it or leave it" basis, and gives the purchaser no ability to negotiate because of their unequal

bargaining position. For more about adhesion contracts, see Edwin W. Patterson, *The Delivery of a Life-Insurance Policy*, 33 Harvard Law Review 198, 222, n.106 (1919); Kessler, *Contracts of Adhesion: Some Thoughts About Freedom of Contract*, 43 Columbia Law Review 629 (1943); *Steven v. Fidelity & Casualty Co.*, 58 Cal. 2d 862, 882 n.10 (1962) (reciting history of concept of adhesion contract).

Just because a contract is an adhesion contract doesn't make it void or unenforceable, but any ambiguity in an adhesion contract is construed against the party that wrote it. Since you are the one coming up with the written contract, it would be absurd for you to claim that the attorney dictated the terms! Conversely, it would not be to your advantage to claim that you have superior bargaining power. So we say that the parties approach each other on equal terms, as they should.

“(Client does not have superior bargaining power. Attorney has superior bargaining power due to his membership in a labor union called the Bar Association, his special status, and his knowledge of the law and of the court.)”

Attorneys hate to hear the Bar Association referred to as a “labor union.” Too bad. It's true.

“If Attorney objects to any clause, Attorney will provide, as part of the negotiating process, a written explanation of why that clause is not acceptable.”

This is a reasonable thing to expect. If you object, tell me why you object. Let's see them explain why any clauses of this Contract are unacceptable!

HOW TO TALK TO THE ATTORNEYS

You won't give them any money, nor expect them to do any “work” or give you any “legal advice”, until AFTER you have a signed contract in place. Just like, for example, if you owned a vacant lot, you wouldn't let somebody start building a house on it until you had a contract. First things first. Let's agree on exactly what our relationship is and what we're going to do together, THEN start work.

The question to ask the attorney is this: “I was arrested, I was halfway arraigned, I'm still in pretrial [or whatever your situation is]. I want to hire an attorney for EITHER an attorney-client relationship OR an assistance-of-counsel relationship -- whichever will best protect my rights. I'm sure you have a standard form contract that you use for your clients, right? Since you're a professional, I'm sure you don't enter into a relationship or start work without a contract. Well, a contract is negotiated between equals, right? So I have some clauses that I would like to add to our mutual contract. Or, if you prefer, we can just use my standard-form contract instead of yours. Now, I'm perfectly willing to give you all the information you need to help you decide what work you're going to do for me, what you're going to charge, and so that we can mutually decide which kind of

relationship we're going to have, but I do not expect you to start work or give me any legal advice until after we have a signed contract in place, and conversely, of course, I'm not going to pay you a retainer until we have a contract.”

If that's not enough, you can add: “I am a free white citizen of [your state], my citizenship does not emanate from the Fourteenth Amendment. You are familiar with the rights of free white citizens, correct? I sure hope they didn't tell you in law school that all our rights come from the Fourteenth Amendment. Obviously, if that were true, nobody living before 1868 would have had any rights. You did learn in law school how to protect the rights of free white citizens under the Constitution, correct?”

“My position is that the statutes that I am being charged under were passed by the Legislature in its martial-rule capacity, in a military venue and martial-law jurisdiction. This is part of the Nature and Cause that I have demanded from the District Attorney in my Demand for Bill of Particulars. If it's true, then I am not the “person” named in the statute, because I am a free white citizen and I have never voluntarily entered into any type of relationship with the State that would subject me to a martial-law jurisdiction. You are comfortable presenting that defense, aren't you?”

That ought to be enough to scare off any attorney.

WHY WON'T THEY SIGN?

There is a very interesting set of reasons why no attorney will sign your contract.

A. If the attorney breaks the contract, he can be sued for Breach of Contract

Without a contract, if an attorney misbehaves, and violates his Code of Ethics (also called Rules of Professional Conduct in some states), normally all you can do is file a complaint with the Bar Association – i.e. the other foxes – and it will be ignored.

However, if the attorney has signed a CONTRACT saying that he will abide by the Code of Ethics, that changes the picture. Now, if the attorney violates the Code of Ethics, you can sue the attorney for breach of contract!

They KNOW they will probably violate the Code of Ethics, therefore they refuse to sign.

B. If the attorney doesn't break the contract, he will annoy the judge

The other thing the attorneys are afraid of, besides being sued by you for breach of contract, is getting on the wrong side of the judge. If the attorney upholds your Contract by zealously representing you within the bounds of the law, it will probably annoy the judge.

Therefore, the Contract puts the attorney in between a rock (the prospect of annoying the judge if he does his job right) and a hard place (the prospect of being sued by you for breach of contract if he doesn't do his job right).

FILING "A COMPLAINT" VS. "A CLAIM" AGAINST AN ATTORNEY

If an attorney has done you wrong and you wish redress, you must file a "CLAIM" against his BOND with the Bar Association. A "COMPLAINT" with the Bar Association is meaningless. It must be a "CLAIM" against his BOND.

SPEEDY TRIAL

Every state has a "speedy trial" statute, which provides something like "Every person in custody in this State shall be tried ... within 120 days from the date he was taken into custody ... Every person on bail or recognizance shall be tried ... within 160 days.... of a demand for trial." You must find your state's speedy trial statute.

If you wish to preserve the issue of lack of personal jurisdiction, don't actually ask the judge to do anything for you. Just made a factual statement - that you have been diligently interviewing attorneys and so far none of them would take your case. Then let the judge, on his own initiative, dismiss or reschedule. They'll have a real hard time trying to say you waived speedy trial.

After the time is up, contact the District Attorney and point it out, and tell him you are prepared to file a demand to dismiss. He will probably move to dismiss for lack of evidence or something, so he can save face and make his record look better (when a case is dropped for speedy trial reasons, it makes it look like he's not running his office well).

It's better to write to the District Attorney rather than call:

Dear District Attorney,

The arrest was in early September. It's now the end of November, and I have not yet been informed of the nature and cause of the accusation. I don't know much about law, but isn't there some kind of a speedy trial requirement?

I have been diligently negotiating in good faith to hire an attorney. Here is a list of the attorneys I have contacted:

. . .
. . .

Sincerely,

Joe Citizen

If the District Attorney doesn't dismiss, then ask the court for a writ of mandamus to order the District Attorney to withdraw the charges.

WHAT TO SAY TO THE JUDGE

Lay it all out and make it clear what your position is and where you are coming from.

“First things first: I don’t wish to waive any rights. Therefore, before I engage with you, I must raise the question of whether you are properly in office, otherwise I would be waiving the right to raise that issue. I read about that somewhere, it’s called the ‘de facto officer doctrine.’ Also we must establish exactly what office you are in and what the nature of your authority is. Do you hold the full judicial power of the State? [or, of the United States?] Where are the documents that prove this?”

(Optional)

“With all due respect for your abilities, I must insist on a free white Christian man judge. He must be free or he cannot make untainted decisions; he must be white in order to be a member of the common-law body politic, the “People” and their “Posterity” for whose benefit the Federal and State Constitutions were written; he must be Christian or his oath of office “So help me God” is of no effect; he must be a man to comply with common law and the Holy Bible. Any other judge sits on the bench by virtue of the Fourteenth and later Amendments (Nineteenth in the case of a woman). The Fourteenth and later Amendments were passed under martial-law conditions and are applicable only in a military venue and martial-law jurisdiction. Such a judge will not want to do anything but impose martial law measures over me. That would be illegal without my voluntary consent, and I do not consent. I will not accept any martial-law measures and I will not accept any judge who sits on the bench under a martial-law authority. Such a judge cannot possibly be fair and impartial.”

“By what authority do you claim to sit in judgment over me? Fourteenth and/or Nineteenth Amendments, yes or no?”

If the answer is yes: “You are operating outside the law by sitting in judgment over me. I can't stop you from doing what you want to do, but I want you to think very carefully about what you are doing and what it means for you to be operating outside the law.”

If the answer is no: “With all due respect, that cannot possibly be true, and I am willing to submit a brief explaining why.”

If I-dont-know: “Well, we’d better find out before we proceed.”

If no answer: “If you do not answer then you are creating the appearance of bias. Due process requires an impartial judge, who does not have even the appearance of bias.”

“Justice must satisfy the appearance of justice. Therefore, I want to know about any potential conflicts of interest. I will want to know whether you are a member of any clubs or other organizations along with the prosecutor. For example, if you and the prosecutor are both Masons, that would create the appearance of bias, since I am not a Mason.”

“Second, we must establish the nature and authority of the court, which as we all know is different from the judge. Is this a court of general jurisdiction or a court of limited jurisdiction?”

“Was this court created by the State or Federal Constitution, by a legislative body, by a military commander, or what? Where do I look to find the documents that prove this?”

“Next, I would like to raise the issue of the flag. The flag puts everyone on notice of what sovereign is ruling in this area and in what capacity. The symbolism of the yellow fringe, the brass eagle, the 50 stars, and so on, puts us on notice that this is considered a military venue and that the Commander-in-Chief of the United States is the sovereign here, operating in a martial-law capacity. It would be illegal for you to proceed in such a venue and jurisdiction without my voluntary consent, and I do not volunteer.”

“Next, I would like to remind you that I am still negotiating in good faith to find a lawyer. I do not wish to waive my right to counsel and I do not wish to ask for a public defender.”

You don't tell the judge about the contract -- on purpose. The judge isn't supposed to think you are working the system. The judge should think you're just negotiating in good faith to hire an attorney (which you are). The judge will probably assume that the attorneys just can't fit you into their schedule, or that your case is outside their expertise, or something like that.

WHAT IF THE JUDGE RAILROADS ME?

A. Contact the Court Administrator

Talk to the Court Administrator, they have a lot of clout. Be sure to point out that you're still negotiating in good faith to hire an attorney - you did not enter a plea - the judge steamrollered over your issue of personal jurisdiction by entering a plea for you (hopefully the Court Administrator knows that an accused who enters a plea thereby waives the right to raise the issue of personal jurisdiction, but if he doesn't, be sure to tell him) - the judge is acting as your attorney and therefore practicing law from the bench. Ask the Court Administrator by what authority judges enter a plea for an accused.

The prosecutor added a charge after the judge entered his fake plea? So you're scheduled to be tried for a charge that you haven't been arraigned for? Tell that to the Court

Administrator too. If it's a gun charge, you might also suggest that Article I Section 24 of the California Constitution probably includes the right to bear arms.

Phone up the courthouse and find out who the Court Administrator is. Make an appointment, go in and sit down and have a chat. Point out that you are still making diligent efforts to hire a private attorney but so far everybody you've interviewed has declined to take your case, and here the judge has gone and entered a plea for you, and he's not your attorney, and by entering a plea he has waived some of your rights (for example, the right to raise the issue of personal jurisdiction, and the right to enter a plea of not guilty by insanity -- not that you were going to, but the point is that such a plea has to be entered before a plea of not guilty, and the judge has foreclosed you from doing that) and besides that he has denied a motion that wasn't even a motion, and this all really doesn't seem right. You don't even have your attorney yet to protect you.

B. Contact the Bar Association

If the judge insists on forging ahead without giving you a chance to hire an attorney, then your next step is to send a letter to the Bar Association. A sample letter is attached. Addresses of the Bar Associations can be found at the end of this book. You know your story better than I do, so please fill in the details and take out the parts that don't fit. **YOU MUST INCLUDE THE NAME OF YOUR COUNTY** and preferably your case number and the name of the judge, so the Bar Association knows whom to rein in.

The strategy is this: The Bar Association wants its members to make money. Therefore, the Bar Association wants everybody to hire an attorney. Because of the judge's hastiness, you aren't getting a chance to hire an attorney, and that fact will upset the Bar Association because somebody is getting cut out of a job.

The Bar Association is very powerful - all the judges are members, and so is the D.A.. So they will probably contact the judge and slow him down so you can hire an attorney.

The letter to the Bar Association doesn't mention the contract, or the Bill of Particulars if you are using one, or any other funny stuff. **This is on purpose.** We don't want the Bar Association to think you are working the system. The Bar Association should think you're just negotiating in good faith to hire an attorney (which, of course, you are). They will probably assume that the attorneys just can't fit you into their schedule, or that your case is outside the expertise of the attorneys you have contacted so far, or something like that.

C. Preserve the issue for appeal

The other thing to do is to "preserve" the issue for appeal, which means "give the trial court an opportunity to understand and correct the error." **You must object** if the judge enters a plea for you, and explain what the problem is: the entry of a plea of "not guilty" waives your right to question personal jurisdiction (also the right to plead insanity), and you do not want the judge to waive any rights for you.

In case the Judge is a Mason

You could ask the judge if is a Mason. Also ask the prosecutor if he is a Mason. If they are, and you can get that on the record, it's a clear sign of bias.

In Case the Judge is Jewish: The Kol Nidre Oath

You could ask your Jewish judge if he has ever sworn the Kol Nidre oath.

See: <http://www.jewishencyclopedia.com/view.jsp?artid=340&letter=K>

"All vows, obligations, oaths, and anathemas, whether called 'onam,' onas,' or by any other name, which we may vow, or swear, or pledge, or whereby we may be bound, from this Day of Atonement until the next (whose happy coming we await), we do repent. May they be deemed absolved, forgiven, annulled, and void, and made of no effect; they shall not bind us nor have power over us. The vows shall not be reckoned vows; the obligations shall not be obligatory; nor the oaths be oaths."

"Practicing" Jews do this every day on Yom Kippur (Day of Atonement). So how can we believe the judge's oath to uphold the Constitution (which he swore as part of his qualifications for office)?

ARGERSINGER V. HAMLIN: WHY YOU CAN'T GO TO JAIL

Under the US Supreme Court case of *Argersinger v. Hamlin*, 407 U.S. 25, 92 S.Ct. 2006, 32 L.Ed.2d 530 (1972), you cannot be incarcerated, even for one day, if you were unrepresented at any stage of trial or sentencing and it wasn't your fault. The Court held at pages 37-40:

[46] We hold, therefore, that absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless he was represented by counsel at his trial.

* * *

[50] * * * Under the rule we announce today, every judge will know when the trial of a misdemeanor starts that no imprisonment may be imposed, even though local law permits it, unless the accused is represented by counsel. He will have a measure of the seriousness and gravity of the offense and therefore know when to name a lawyer to represent the accused before the trial starts.

[51] The run of misdemeanors will not be affected by today's ruling. But in those that end up in the actual deprivation of a person's liberty, the accused will receive the benefit of the "the guiding hand of counsel" so necessary when one's liberty is in jeopardy.

DEMANDING THE NATURE AND CAUSE OF THE ACCUSATION

Under the Sixth Amendment, and many State Constitutions, you have the right to know the “nature and cause” of the accusation against you. When people ask for this, often the answer is, “Duh, what do you mean, nature and cause?”

If they're asking you to explain “nature and cause,” then you could just say that the judge and prosecutor are deemed to know the law, and it's not your job to teach them what “nature and cause” means. In fact, if they do not know something as elementary as what the “nature and cause of the accusation” is, then they are plainly unqualified for their jobs and ought to be fired for the protection of the public.

The phrase “nature and cause” appears in the Sixth Amendment, which only binds the Federal government (disregarding the extension to the States through the Fourteenth Amendment, which you don't necessarily want to claim.) However, you have the same right through common law and through Article I Section 24 of the California Constitution, or the corresponding clause of your state constitution.

“Cause of action” means all the “elements” of the crime - for example, if the charge is larceny, the indictment must state that you took someone's property and physically moved it, and intended to deprive the rightful possessor of it permanently. If any of the elements is missing, the accusatory instrument fails to state an offense.

Please note that, since the statute only charges an offense against a “person,” an additional element is personhood - but “person” is a legal conclusion rather than a fact. What facts is the prosecutor relying on to conclude that you are the “person” subject to the statute? In a statutory jurisdiction, where the statutes were passed under the legislature's military or martial-law or martial-rule powers, the facts making you a “person” subject to those powers are an element of the cause of action. By alleging the conclusion of “person” but failing to allege the facts making you a “person” the accusatory instrument is skeletal or incomplete.

You are demanding a description of the charges against you in sufficient detail to enable you to prepare your defense. Defense means refutation. In order to refute the prosecutor's conclusion that you a “person” subject to the statute, you need to know what facts the prosecutor is relying on to support that conclusion, so that you can rebut them.

From Bouvier's Law Dictionary, 1856 Edition:

CAUSE, practice. A Contested question before a court of justice; it is a Suit or action. Causes are civil or criminal. Wood's Civ. Law, 302; Code, 2, 416. 20

CAUSE OF ACTION. By this phrase is understood the right to bring an action, which implies, that there is some person in existence who can assert, and also a person who can lawfully be sued; for example, where the

payee of a bill was dead at the time when it fell due, it was held the cause of action did not accrue, and consequently the statute of limitations did not begin to run until letters of administration had been obtained by some one. 4 Bing. 686.

2. There is no cause of action till the claimant can legally sue, therefore the statute of limitations does not run from the making of a promise, if it were to perform something at a future time, but only from the expiration of that time, though, when the obligor promises to pay on demand, or generally, without specifying day, he may be sued immediately, and then the cause of action has accrued. 5 Bar. & Cr. 860; 8 Dowl. & R. 346. When a wrong has been committed, or a breach of duty has occurred, the cause of action has accrued, though the claimant may be ignorant of it. 3 Barn. & Ald. 288, 626 5 B. & C. 259; 4 C. & P. 127.

SPECIAL APPEARANCE – IN PROPRIA PERSONA

In order to remain *in propria persona* and keep special appearance, you must not do anything that is “inconsistent with lack of personal jurisdiction.” Basically this means (1) do not answer the complaint on the merits and (2) do not ask the court for any kind of relief - i.e. do not invoke the power of the court to do something for your benefit.

The standard is not to do anything that is “inconsistent with lack of personal jurisdiction.” Clearly, such actions as answering on the merits, and invoking the power of the court to get remedy for damages committed outside court (i.e. suing someone or counterclaiming), are INconsistent with lack of personal jurisdiction. On the other hand, such actions as asking for clarification of what is being said to you, and raising the question of personal jurisdiction itself, ARE consistent with lack of jurisdiction. (A court has a special “jurisdiction to determine its jurisdiction.”) So if you ask for a writ, it MUST be in the context of these limited purposes (clarification of what is being said and deciding the question of personal jurisdiction) and for no other purpose.

From Bouvier's Law Dictionary, 1856 Edition:

PROPRIA PERSONA. In his own person. It is a rule in pleading that pleas to the jurisdiction of the court must be pleaded in propria persona, because, if pleaded by attorney, they admit the jurisdiction, as an attorney is an officer of the court, and he is presumed to plead after having obtained leave, which admits the jurisdiction. Lawes on Pl. 91.

2. An appearance may be in propria persona, and need not be by attorney.

See also “appearance” http://www.constitution.org/bouv/bouvier_a.htm

MISC. NOTES:

The public defender must be relying on a statute that says that a “person” (or perhaps an “individual”) can be assigned a public defender. Now the same questions that are in the Bill of Particulars come up. What facts is the P.D. relying on to support his conclusion that you are a “person” who can be assigned an attorney? You can ask the P.D. the same questions. You cannot make a decision whether to accept or reject his offer of an attorney until you know what venue he is operating in, etc. (Also, the acceptance of an attorney - specifically, the filing of pleadings by an attorney - admits the jurisdiction of the court and would convert your special appearance to a general appearance.)

Then we have the issue of the qualifications of the Public Defender. Does he have an Oath of Office, signed and kept in the proper place (usually the Archives maintained by the Secretary of State)? Is he holding over in an expired office, etc.?

There should not be any one-sided communication with the court (it's a principle of fairness) so anything that goes to the court should also go to the other side; AND you should give the court a Certificate of Service that you served the other side. The judge will disregard anything filed in court that does not have a Certificate of Service (or Affidavit of Service). In fact, the clerk might reject it.

The original Demand for Bill of Particulars goes to the District Attorney. There is plenty of case law on Bill of Particulars. The cases say things like “Discovery is about what the prosecutor knows; the Bill of Particulars is about what he claims.”

If the transcript of what was said in court does not accurately reflect what was said, you can correct the court reporter by filing an affidavit with the court: “On this date I spoke these words”. I believe this is not “inconsistent with lack of personal jurisdiction” because it is only a statement of the truth and does not ask for anything. However, you would be wise to add a statement that your intent is to remain in propria persona, making special appearance only for the purpose of challenging personal jurisdiction.

It's better if the party that caused the problem corrects it. The easy way would be to have a chat with the attorney and point out that she has committed a fraud upon the court, and ask her to write a corrected report that omits the phrase “waived his right to an attorney” and says only that you were unable to come to a meeting of the minds with that particular attorney (regarding the details of the contractual relationship and what work would be performed), but that you are still negotiating in good faith to hire a private attorney. As long as the attorney's “error” is cured, you are willing to overlook it; but if it is not cured after being brought to her attention, then it is obviously not an error, it is a fraud upon the court, and you have every right to make out a criminal complaint against this attorney, bring it to the attention of the Department of Justice, and otherwise make noise about it.

The hard way would be to file an Affidavit giving your version of what was said, and let the judge decide between two conflicting stories. The judge ought to decide in your favor simply because your version is sworn and the attorney's version is not.

ONE MAN'S STORY

Dear Sirs, I am charged with driving under the DUI, I wasn't even transporting myself at the time of arrest, the police were looking for someone wearing a bulletproof vest, which I had on as I had just went shooting at a local gun range with my nephew and another neighborhood child (17yrs). When I was arrested the police officer said I would be getting my target rifle and pistols back, because they were in a locked tail end of a pickup truck and I guess that means I was within their Martial Law rules, well when the prosecutor saw this he decided to also charge me with CARRYING A CONCEALED WEAPON! I went to "the tribunal" and was absolutely railroaded, they would not even let me read my statement in court, or my demand for bill of particulars, I now have a appointment to "talk" to the district attorney" through a mediator and need to know what to do, I have only made special appearances, I have not entered a plea, I have told the court they have no personal jurisdiction over me as I am a state Citizen of California, though I do have the number of the beast, my question is thus, I believe the Tribunal is just going to say sorry were going to just find you guilty and you can appeal it, in the meantime my life is ruined, I want to find out all I can and open a business helping Citizens charged with this kind of bull, I have served the alleged deputy prosecutor with the demand for bill of particulars and my statement in court, I also served the "court" with the same plus a demand for a "White Christian Male Judge." I also served them with a demand to have all charges dropped as on the first time I was required to be in court, I was in the right place at the right time, after three hours of sitting there I asked the bailiff what was going on, she said she was very sorry for the inconvenience and the "court" should have made an announcement, but you are on this list and you are not required to be here, the "court" would be in touch by mail, the next day I called the court thinking something is wrong here, SURE ENOUGH, THEY HAD ISSUED A BENCH WARRANT FOR MY ARREST!! So you can see what kind of nazis I'm dealing with, I immediately went into the same court and everything stopped, I asked what was going on, they apologized for the mess up it was their fault, and the "she-devil" vacated the bench warrant. In that I am terminally ill, I have very little money, they sent me to the public defenders office, I thought I could use their own resources to do my leg work. This "attorney" said he would not even file those papers, he would not let me choose the defense of my choice! Then in court he tried to sell me down the river by telling the she-devil that I was here Pro Se, Of course I made it REAL CLEAR I was here in Propria Persona, speaking as myself not for myself, and that I need to have the bill answered before I could make any plea, as I do not understand the nature of the charges, that's when she postponed everything till I could "talk" to the D.A which is scheduled for the 3rd of Oct. My next court appearance is the 16th of Oct. and I am running out of energy. If this tribunal takes my money I will not be able to feed my 5 children and I'm afraid any Jail time for carrying a concealed weapon, will kill me as I am on chemotharapy and very weak I can not eat on a schedule also the state will take my 5 home schooled children who are very naive and well protected from the evils of this world and POISON them with misinformation or let them watch T.V! As you can see I'm in a real pickle here, I have a boat I am trying to sell to get money, how can I force the D.A. to answer the bill? My letter to the court is VERY WELL WORDED and so is the bill.....Please help, this

county is THE MOST LIBERAL, ANTI GUN, in Kalifornia, I even had a lawyer, who has been elected judge tell me they really are a bunch of NAZI's "His own words" I have watched what goes on in "court" all the "judges" and d.a. and even the public defenders are all real cozy, laughing and having fun while they incarcerate folks for very little, how about this...they get all these illegal aliens from Mexico in there for driving without a license and insurance...they are found guilty and put on the \$100 a month program, not even a question as to how they got here! No, its o.k. to be illegal, just pay the money, we'll let you stay her even though you are illegal! This goes on all day, it's enough to make me sicker than I am.

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That contract you sent me has been Real fun, I've had two lawyers refuse to stand up for my bill of particulars, they both KNEW the deal, they got all red then I showed them the contract and they said I can't sign this, I said what clause is it that's bothering you? and then they almost ran out of here! I did get some good information from them though. Can you imagine WHY WOULD THE SCUMMY LAWYERS NOT ACCEPT F.R.N.S. to just submit the bill and argue that I have a constitutional right to know this stuff? Next question, next time I go to court, I submitted to the court a DEMAND FOR A CHRISTIAN MALE JUDGE, should I just stick to that issue if they do not heed my DEMAND? Or do you think I will have a new judge this time?

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Went to court 01/04 two thousand and seven I.T.Y.O.O. Lord, went to jail, as the Lord wanted, for two hours, bailed out, went home, when the commissioner demanded that I be jailed because he (jewboy) was not convinced I would show up at later court hearings, because I said they were enforcing martial law rule against me. The Public Defender jumped up (real Hot) and said You can't arrest him he has made all his appearances, I have never seen this happen before! I said this is why I do not want a Jewish person sitting in judgment of me, it's just like Pontius Pilate, why don't you just pray the Kol Nidre oath right now, you are not Christian! You cannot sit in judgment of me! The whole courtroom erupted! He was stunned!!!! He was flabbergasted! I was arrested and released quickly as I started preachin to all the negros and Mexicans - they wanted to get me out of there a.s.a.p. They were listening in on the room monitor and were all STUNNED as to what I had to say!!! Even the deputies were in agreement!!!! WE LIVE IN A POLICE STATE!!! I was treated with a lot of respect (MARINES) I do not know, the D.A called me today and wants to jump in. I filed the Writ, they fought me all the way, I had to make 5 copies. The Public Defender ACTUALLY INTERRUPTED THE PROCEEDING TO TELL ME THAT THEY HAVE LISTED ALL MY OBJECTIONS! THEY ARE LIARS AND THE CHILDREN OF SATAN AND I will not be fooled! I will now hit the P.D. with a bill of particulars, I believe I am in mortal danger, you would have to see it to believe it! Everybody in an uproar, everytime I say Martial Law and Police State they shit!!!! I AM NOT SUBTLE ABOUT THE FACT THAT I AM BEING CHARGED WITH MARTIAL LAW STATUTES, PASSED UNDER THE LEGISLATURE BY MARTIAL LAW-RULE, IN A MILITARY VENUE IN A MARTIAL LAW JURISDICTION!! EVERYBODY IS SHITTING!!! WHAT'S NEXT????

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Dear Mr. Joseph L. Spaeth, My name is Joseph F. E. IV sui juris In propria persona, I am a Preamble state (C)itizen of the California Republic. You may remember me as I "went through" all your "Public Pretenders" in Aug/Sept. of 2006. Remember I was unable to find an honest attorney on my own, and was then forced to try your motley crew

of "lawyers" and was also unable to find an honest "lawyer" among the whole lot of them, not one! They were all unwilling to sign my simpleton 1/2 page "Contract" I wrote up, basically asking if they would at least be willing to "Defend my rights, even the ones I don't know about." I was shocked and saddened to say the least, I thought "lawyers" like you really cared and were not like the money grubbing attorneys I had been interviewing! They would race by my house to pick up their retainer in cash, they wanted me to sign a Contract, normal stuff when getting into business with *persons, yet were unwilling to sign mine! Even with the cash retainer right in front of them, their greed and happiness apparent at my misfortune of running into the *M.C.C.C.C. they were unwilling to sign my Contract, a few said they did not want the job because *M.C.C.C.C. were a bunch of Nazi's and not easy to deal with (Now I understand!) and never saw the Contract. Most did and simply refused to protect my rights, **you could tell in their beady dark eyes they wanted the money stacked in front of them, but none dared sign the Contract to "Defend all my rights, even the ones I know nothing about."** I thought "How strange." As a last resort before court, I went into the Public Defenders office, I was given an appointment to talk with MICHAEL LIZO SCHROETTNER, 10 minutes before court started? He never even asked me if I was innocent, he assumed I was #1 Subject to the statutes, and #2 That I was guilty as charged! I was taken aback at his wanton disregard for Truth, Justice, and the American Way. His "great legal advice" was: "sign this, the D.A. will drop everything except the lower D.W.I. and pay a fine, 10 days of community service, stop you're done." I asked if he would sign my Contract, he replied NO! He never asked if I understood the Nature and Cause of the alleged statutory charges, (which I did not) I had a Bill Of Particulars for the D.A. to answer, to make more clear and definite the Nature and Cause of the charges. He said "I'm not going to file those papers!" at which time I said O.K. then you can't be MY lawyer! We all left the room, I proceeded to court to make my SPECIAL APPEARANCE. As I was going up to talk to the "referee" MR. MICHAEL LIZO SCHROETTNER snuck up and said in Latin to (I believe) referee Beverly Wood, this guy is Pro-Se! I was mortified! He had just attempted to waive my personal jurisdiction and venue issues, he had just seen a few minutes prior as if he was on the team of *M.C.C.C.C.! I objected and filled the court into the fact that I was actually making a Special Appearance and I was there in Propria Persona, but it seems his little trick to suck me into the system worked, as I have been labeled Pro-Se ever since, even though, all my Affidavits, Demands, statements, actions, words, would prove otherwise. He has caused me untold aggravation and heartache, let alone mental anguish. I wrote you an email about this awhile ago. Just this week, I was in court STILL 1.5 yrs later trying to correct the problem MR SCHROETTNER started for me by lying in a court of law. He read my papers and knew exactly what they meant, he did what he did out of malice or racism or hatred for sovereign state Citizens, which he could never be? I was in "court" talking to Appointee "Judge" (wink-wink) Paul M. Haakenson about the same issues, the beginner District Attorney was trying to quash my subpoena to have Eddy Barbarian on the stand in my upcoming trial, he is STILL unwilling to disclose the Nature and cause of the skeletal accusations he has made, obviously in Propria Persona and without a lawyer to defend my rights and unable to speak your bastardized English know as legalese and with every so called "judge" at the *M.C.C.C.C. in jackboot step with the Martial Law they selectively enforce on the ignorant Hispanic immigrant workers/American-Africans (60% of the

business at least) MR MICHAEL LIZO SCHROETTNER Deputy Public Pretender did of his own free will, AGAIN, open his lying mouth while I was making arguments with Paul Haakenson! I was defending my status as Preamble De Jure State sovereign Citizen, and used MR. SCHROETTNER as a the example he "is" as a 2nd class 14th amendment (c)itizen with rights bestowed and metered out to him by the government, his status as 2nd class (c)itizen is artificial and contrary to the original Constitution his race had no Citizenship till 1848, where as I was claiming BIRTHRIGHT Citizenship, hence I am the boss, and the government gets rights and existence FROM ME! Well I meant no ill will towards MR. SCHROETTNER, he was the only 14th amendment (c)itizen in view and I was tiring to make a point. MR. SCHROETTNER, became very agitated that I would point out his second class situation as statutory slave/guru, he actually interjected in my proceedings AGAIN! And with a threatening voice said something like "You better watch it" or something along those lines, I'm not sure as I became scared and lost my train of thought, and was nervous as he was sitting behind and to the right of me, I was afraid his animal instincts would overcome him, and I might be hurt, he was very mad about his social status. i.e. Federal (c)itizen. I feel because of him, I lost my argument, this "is" the second time he has ruined things for me, I demand a formal apology in writing, a letter with certified duplicate to give to the court, explaining his wrong doings in the past, as to maybe still be able to rectify the untold grief this man has caused for me. I need these letters A.S.A.P. as in Monday by say 10:00 A.M. as I have "court," everything "is" on the record and I have witnesses in both situations, please be prompt and forthcoming with these letters. The most important being that he MR SCHROETTNER write a letter to the court correcting his FIRST MISTAKE AND LYING as in pro-se! I demand a phone call, and an email confirming receipt. I would also like MR SCHROETTNER to stay out of any so called "court" I may be in as I need no more of his immature foolishness, he acts like it's my fault he "is" a 2nd class (c)itizen with few rights, prove otherwise.

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Dear Mary [Public Defender], Is there some little 170.6 (thing) that is keeping them after me 1.6 yrs later? Can I submit a paper to make this foolishness stop, that I don't know about? How do YOU think they can keep this up when even they say they 45 days to do so? What is the deal, any ideas? Why me, I have tried to hire an attorney, still am, if they are willing to force me to trial without an attorney now, why not then? (does the court record say YOU'RE my attorney?) Why can Dufficy say again, and again and again, am I not saying something right is there, some sort of Martial law language I need to know, I have objected every time, but I am guessing that isn't on the record or something? I mean the records says I've been arraigned and I haven't, the record says I pleaded not guilty to a charge I don't understand the Nature and Cause of, I even know the record says (short break) meaning they did not type down what I said!!!! I want to AUDIO RECORD THIS SHAM OF A TRIAL, no wonder I overheard the D.A. say she could convict a ham sandwich (said so I could hear) why are you a part of such evil? Why not make yourself FEEL better, and do the right thing, you know all my law is valid, I am being conned, They may be loading the "jury" with lodge members I have 5 beautiful little 14th amendment (c)itizen children, think of them without a daddy, how can you sleep? What "is" it that starts the 45 day period? What if I were your son, would you allow this? I can always change your name in the book, it's already being written by a real writer. I don't want to put you on the stand

but I have to. To get to the bottom of this evil. You must understand I love my country I joined the Marines and REQUESTED #1to be infantry #2 put in Lebanon at the Marine Barracks (1983) I was young stupid and Patriotic, idiotic! I love my country if I was willing to do that, you know I'm willing to crawl through the trenches of this court, with the leeches, and maggots crawling on me....let me know, pulling time sounds great, ...I put in writing that I was not waving time are you telling me that if I wave time that one time (and one other)they got 45 more days!!!! This is an abomination! Did YOU let me screw up as to get a case? Mary? NOW... I'm starting to get it.....MY GOD!! Mary, do you ever think about these things?or is it ok because I'm Goyim?

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You need to see these transcripts you will die with laughter at the animal YOU created. I remember telling the last Judge Graham (elected real deal) I said "Judge, I don't want to make it like I'm suckin up to you or anything, but you're the only person who has treated me with respect" "I'm not saying you're NOT a crook or anything, because I believe YOU ARE part of all this" I also had one "judge" Dufis-sey, he was afraid of me, I saw him sneaking a peek to see if I was there, I pointed at him to let him know I saw him, when he came out I said "what are you doing here? You're no good, I've filed a Demand for Free White Christian Male Judge, I filed an Affidavit of Prejudice, I've written the Judicial Review Board over you, YOU DON'T EVEN TRY TO ACT UNBIASED, you should be ashamed of yourself for ripping all these ignorant people off, HANG YOUR HEAD IN DISGRACE," he just took all the abuse stunned! Once I found out about the contempt rules, I pushed them, I kept interrupting people, then I would apologize "I'm sorry about that but the D.A. is a liar, and won't tell me the what venue she is prosecuting me under," stuff like that. I told the Judge Graham cracker "part of my defense is that this is a criminal operation taking place here and I can prove the court records are completely different from facts and I can prove it to the jury," he said "you won't say any such thing to the jury," I said "well this is going to be one for the records, no honest lawyers, no nature and cause, no plea, no arraignment -- now I can't use the defense of my choice? Why are you wasting your time?" Not long after that he decided to drop charges, they made it like it was because the cop had been in trouble (I was given an INTEROFFICE MEMO from the D.A. talking about the cop in trouble) my "interpreter" (a jewess) just happened to get it somehow? HMMMMMM the judge made sure to say I WASN'T "getting off" because of the reason the Defendant thinks" but **case dismissed**, now I'm fighting to get my drivers license back (no charge) so I can turn it BACK IN WHILE VIDEOTAPING for future jury's, seems there is no requirement in Kalifornia for even a 14th amendment citizen to have one other than if you work for the state or for hire, I have statutes from 1929, 1936, and 1939 which specifically EXCLUDE me, I have also learned you can turn an infraction into a misdemeanor so driving without insurance can now be overcome, I will probably have someone put plates on the truck as to not attract attention, I think it was good that it was in Marin, that way the locals don't know me so well, I'm afraid they set my brother up full tilt, just to screw him over all charges were dropped except for the harassing a police office which is B.S. also that case is March 28th I believe in Greenwood Inn or Johnson County, I'm sure they will drop again, or maybe they ARE throwing this one cop under the bus to avoid future lawsuits I don't know. Again if anyone in the Bay area needs help I'm available for "backup." Did I tell you I hit Graham with a writ of Habeas Corpus he

would NOT take or accept it ??? Is that legal?? Then I filed one on him at lunch, the "official one" they had there? Anyway I need those transcripts cuz I'm sure I was violated in major \$\$\$Money\$\$ ways, I got to get those transcripts, I start out all nice and ignorant and end up abusing them in the end.

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I told the "judge" that I appreciated he would at least give me a little time to talk, but that I knew he was still "in" on everything and still a criminal part of the Marin kounty kriminal kourt R.I.C.O system! Anyway they were trying to force me to trial, I said "I'm going to show the jury that you sir are no more than a thief and a liar, that the kourt record was 180 degrees different from the truth, if you want to waste your time go ahead, #1 I do not understand the nature of the charges in regards to personal jurisdiction and venue #2 I never entered a plea and it is unlawful for you to enter one for me when I don't understand the nature of the charges #3 I can not find an honest attorney to sign my simpleton contract, proving your all a bunch of thieves working together to rip people off, YOU ARE NOT AN HONORABLE MAN SIR ands you know it, and by the way My God is stronger than your god, mine created yours, so do as you wish, I'm sure you will, but I'm not a "person" as described in the statute I am unrepresented and I don't understand the form of English you use so I'm really not certain of anything other than all attorneys are crooks I will prove to the jury with my Demands, affidavits of truth, etc etc, that you are making things up for the court record, by the way sir am I free to go.....no, O.K. I'm serving you this here Petition for Writ of Habeas Corpus, now go get an honest judge, maybe he will let me go"--he would not accept my Writ, I objected. Time for lunch.....I went down to the clerk, she had a writ (from the kourt) right there I filled it out and had the judge served, after lunch he came out. The prosecution was trying to get the judge to let the office off without testifying, because they could never get the cop there to testify because he knew he was in trouble for leaving the guns in the car overnight, I said this MUST be military law, #1 you are flying a military flag, I don't understand a thing, I get no lawyer to defend my rights, and now you are not going to let me question my accuser, this kourt is insane!! Go ahead this will be fun, what a waste of time on your part!.....er.....**case dismissed**, until you read the transcripts you can't understand how much trouble I caused them, every lawyer at the public pretenders refused my contract as did 1000 others! I also had a collection can with "Campaign to hire an honest attorney" on it right out in front of me, pretty funny stuff, I wish I had the jing to get the records, cuz once I realized that the only way to be in contempt is to say NO or YES, I would just abuse them, I would not stand for a scum judge, I always sat, I would not answer questions I would ask them, I would interrupt anytime I wanted (often to be barked at) then I would interrupt again.....it became fun, bottom line "is" I don't understand anything and can't find one stinkin honest money grubbing lawyer to protect my rights? I went through every single con-missioner, and "judge" they had to offer, I even caught one judge looking to see if I was in the kourt.....I saw him and waved and pointed at him and laughed, you could tell he wanted to get away from me.....all because of you! Good work guys! Wait till you read where I told the "judge" to hang his head in disgrace, and you too Mrs. Prosecutor, your all just ripping these stupid people off (as I pointed to the audience)....they hung their heads, not kidding

ATTORNEY/CLIENT CONTRACT

1. PARTIES: This contract is between the below-named Attorney and Client. Attorney has a license to practice law in the appropriate jurisdiction. Attorney agrees to show Client a copy of that license upon request. Attorney knows the State and Federal Constitution and the law, and has sworn to uphold them. Attorney is honest. Attorney has no conflict of interest. Both parties are in good faith at all times.

2. DUTIES: Attorney agrees to:

- a. [check one] Zealously represent Client within the bounds of the law
 Provide Client with assistance of counsel, in the matter of:

_____ (“the Business”).
All work shall be done timely and in a professional workman like manner.

- b. Protect all of Client’s Constitutional and other rights, including the ones Client is not aware of. Attorney agrees to provide a complete list of Client’s rights upon request.
- c. Abide by all applicable laws, Administrative Rules, Rules of Conduct, Ethical Rules, Code(s) of Professional Responsibility and Court Rules. Any violation of any law, rule or code constitutes a breach of this contract.

Client agrees to timely pay Attorney’s retainer, fees and expenses in: [check one]
 lawful money of the United States Federal Reserve Notes

3. TIME LIMIT: This contract will go into effect immediately upon signature and is revocable by either party immediately upon notice to the other party. If Attorney revokes this contract before doing any work, the retainer is immediately refundable.

4. CONSIDERATION: Consideration will be Attorney’s retainer of \$_____, paid in: [check one] lawful money of the United States Federal Reserve Notes.

5. NOT AN ADHESION CONTRACT: The terms of this contract are not dictated by a party with superior bargaining power, but are negotiable. (Client does not have superior bargaining power. Attorney has superior bargaining power due to his membership in a labor union called the Bar Association; his special status; and his knowledge of the law and of the court.) If Attorney objects to any clause, Attorney will provide, as part of the negotiating process, a written explanation of why that clause is not acceptable.

(Attorney)

(date)

(Client)

(date)

Joe Citizen
1234 Downthe Street
Bartertown, ST 12345

November 4, 2006

State Bar Association
123 Easy Street
Carthage, ST 54321

RE: Case No. 0102030405, Auschwitz County, Judge Mengele

Sirs:

I am having some difficulty with the Court here. Recently, I was arrested for reasons I don't fully understand.

I immediately began to try to hire an attorney. I don't want a public defender, I want to hire a private attorney, I have the money and I want the best service I can get. So far, all the attorneys I have interviewed have been unable to take my case, for scheduling reasons or whatever. However, I am still diligently contacting and interviewing attorneys. If you want, I can send you a list of the attorneys I have interviewed so far.

I filed some preliminary paperwork in court, pro se, even though I haven't been able to hire an attorney yet.

Then I was arraigned. I said I didn't understand the charges and I was trying to hire an attorney. The judge entered a plea for me.

It seems to me this is illegal, as I wasn't standing mute. It waives my right to deal with jurisdiction issues, and somebody told me that it also waives my right to raise an insanity defense - not that I was going to, but the point is, it waives rights that I don't even know about. And what about my right to have an attorney to guide me? If I had had an attorney, he might have known how to object.

I am still trying to hire an attorney, but the court and the D.A. are pushing ahead. After the arraignment, the D.A. added some more charges. I haven't been arraigned for the new charges yet, but the trial is already scheduled.

I thought the way it works in America is, when you are arrested, the first thing you do is hire an attorney to help protect your rights, THEN the court proceeds.

Also, I thought that the plea is entered first, THEN the D.A. decides what the charges are. If I had an attorney, he'd know how to object.

I am still diligently contacting and interviewing attorneys in an attempt to hire one. I offered one attorney five times his normal retainer! But apparently they are booked up solid.

Whatever you can do to help my situation, I would appreciate it.

Sincerely,

Joe Citizen

BAR ASSOCIATION ADDRESSES

Alabama State Bar • 415 Dexter Avenue • P.O. Box 671 • Montgomery, AL 36104 •
Tel: (334) 269-1515 • Fax: (334) 261-6310

Alaska Bar Association • PO Box 100279 • Anchorage, AK 99510-0279 •
550 W. 7th Ave., Suite 1900, Anchorage, AK 99501 •
Tel: (907) 272-7469 • Fax: (907) 2722932

State Bar of Arizona • 4201 N. 24th Street, Suite 200 • Phoenix, Arizona 85016-6288 •
1-866-48-AZBAR (toll-free outside Maricopa County) •
Tel: (602) 252-4804 • Fax: (602) 271-4930

State Bar of Arizona, Southern Regional Office/Tucson • 320 South Convent •
Tucson, Arizona 85701-2215 •
Tel: (520) 623-9944 • Fax: (520) 623-9974

Arkansas State Bar Association • 400 W. Markham, Suite 401 • Little Rock, AR 72201
Tel: (501) 375-4605 • Fax: (501) 375-4901

California State Bar Association • 180 Howard Street • San Francisco, CA 94104 • Tel:
Tel: (415) 538-2000 • Fax: (415) 538-2304

Colorado Bar Association • 1900 Grant Street, #950 • Denver, CO 80203 •
Tel: (303) 860-1115 • Fax: (303) 894-0821

Connecticut State Bar Association • 30 Bank Street • New Britain, CT 06050-0350 •
Tel: (860) 223-4400 • Fax: (860) 223-4488

Delaware State Bar Association • 201 Orange Street, Suite 1100 • Wilmington, DE
19801 • Tel: (302) 658-5279 • Fax: (302) 658-5212

District of Columbia Bar • 1250 H Street, NW, 6th FL • Washington, DC 20005-3908
Tel: (202) 737-4700 • Fax: (202) 626-3471

District of Columbia Bar Association • 1819 H Street, NW, 12th FL • Washington, DC
20006-3690 • Tel: (202) 223-6600 • Fax: (202) 293-3388

The Florida Bar • 651 E. Jefferson Street • Tallahassee, FL •
Tel: (850) 561-5600 • Fax: (850) 561-5827

Georgia State Bar • 800 The Hurt Building • 50 Hurt Plaza • Atlanta, GA 30303 •
Tel: (800) 334-6865 • Fax: (404) 527-8717

Hawaii State Bar Association • 1132 Bishop St., Ste.906 • Honolulu, HI 96813 •

Tel: (808) 537-1868 • Fax: (808) 521-7936

Idaho State Bar • P.O. Box 895 • 525 W. Jefferson Street, Boise, ID 83701 •
Tel: (208) 334-4500 • Fax: (208) 334-4515

Illinois State Bar Association • 424 S. Second Street • Springfield, IL 62701 •
Tel: (217) 525-1760 • Fax: (217) 525-0712

Indiana State Bar Association • 107 N. Pennsylvania St., Suite 200 • Indianapolis, IN
46204-2199 • Tel: (317) 639-5465 • Fax: (317) 266-2588

Iowa State Bar Association • 521 E. Locust, Suite 300 • Des Moines, IA 50309-1939
Tel: (515) 243-3179 • Fax: (515) 243-2511

Kansas State Bar Association • 1200 Harrison Street • P.O. Box 1037 • Topeka, KS
66612 • Tel: (913) 234-5696 • Fax: (913) 234-3813

Kentucky Bar Association • 514 West Main Street • Frankfort, KY 40601-1883 •
Tel: (502) 564-3795 • Fax: (502) 564-3225

Louisiana State Bar Association • 601 St. Charles Avenue • New Orleans, LA 70130
Tel: (504) 566-1600 • Fax: (504) 566-0930

Maine State Bar Association • 124 State Street • P.O. Box 788 • Augusta, ME 04330 •
Tel: (207) 622-7523 • Fax: (207) 623-0083

Maryland State Bar Association • 520 W. Fayette Street • Baltimore, MD 21201 •
Tel: (410) 685-7878 • Fax: (410) 837-0518

Massachusetts Bar Association • 20 West Street • Boston, MA 02111-1218 •
Tel: (617) 338-0500 • Fax: (617) 338-0650

State Bar of Michigan • 306 Townsend Street • Lansing, MI 48933-2083 •
Tel: (517) 372-9030 • Fax: (517) 372-2410

Minnesota State Bar Association • 514 Nicollet Mall • Suite 300 • Minneapolis, MN
55402 • Tel: (612) 333-1183 • Fax: (612) 333-4927

The Mississippi Bar • 643 N. State Street • P.O. Box 2168 • Jackson, MS 39225-2168 •
Tel: (601) 948-4471 • Fax: (601) 355-8635

Missouri State Bar Association • 326 Monroe • Jefferson City, MO 65102 •
Tel: (635) 635-4128 • Fax: (635) 635-2811

State Bar of Montana • 46 N. Last Chance Gulch, Suite 2A • P.O. Box 577 • Helena,
MT 59624 • Tel: (406) 442-7660 • Fax: (406) 442-7763

Nebraska State Bar Association • 635 S. 14th Street, 2nd Floor • P.O. Box 81809 • Lincoln, NE 68501 • Tel: (402) 475-7091 • Fax: (402) 475-7098

State Bar of Nevada • 600 E. Charleston Blvd. • Las Vegas, NV 89104 • Tel: (702) 382-2200 • Fax: (702) 385-2878

New Hampshire State Bar Association • 112 Pleasant Street • Concord, NH 03301 • Tel: (603) 224-6942 • Fax: (603) 224-2910

New Jersey State Bar Association • One Constitution Square • New Brunswick, NJ 08901-1500 • Tel: (908) 249-5000 • Fax: (908) 249-2815

State Bar of New Mexico • 121 Tijeras Street, NE • P.O. Box 25883 • Albuquerque, NM 87102 • Tel: (505) 842-6132 • Fax: (505) 843-8765

New York State Bar Association • One Elk Street • Albany, NY 12207 • Tel: (518) 487-5557 • Fax: (518) 487-5564

North Carolina Bar Association • 8000 Weston Pkwy • Cary, NC 27513 • Tel: (919) 677-0561 • Fax: (919) 677-0761

North Carolina State Bar • 208 Fayetteville Street Mall • Raleigh, NC 27601 • Tel: (919) 828-4620 • Fax: (919) 821-9168

State Bar Association of North Dakota • P.O. Box 2136 • Bismarck, ND 58502-2136 • Tel: (701) 255-1404 • Fax: (701) 224-1621

Ohio State Bar Association • 1700 Lake Shore Drive • P.O. Box 1562 • Columbus, OH 43216-6562 • Tel: (614) 487-2050 • Fax: (614) 487-1008

Oklahoma Bar Association • 1901 N. Lincoln • Oklahoma City, OK 73105 • Tel: (405) 524-2365 • Fax: (405) 524-1115

Oregon State Bar • 5200 SW Meadows Road • Lake Oswego, OR 97035 • Tel: (503) 620-0222 • Fax: (503) 684-1366

Pennsylvania State Bar Association • 100 South Street • P.O. Box 186 • Harrisburg, PA 17108-0186 • Tel: (717) 238-6715 • Fax: (717) 238-1204

Puerto Rico Bar Association • P.O. Box 1900 • San Juan, PR 00902 • Tel: (809) 721-3358 • Fax: (809) 725-0330

Rhode Island State Bar Association • 115 Cedar Street • Providence, RI 02903 • Tel: (401) 421-5740 • Fax: (401) 421-2703

South Carolina Bar • 950 Taylor Street • P.O. Box 608 • Columbia, SC 29202 •
Tel: (803) 799-6653 • Fax: (803) 799-4118

South Dakota State Bar Association • 222 E. Capitol • Pierre, SD 57501 •
Tel: (605) 224-7554 • Fax: (605) 224-0282

Tennessee Bar Association • 3622 West End Avenue • Nashville, TN 37205-2403 •
Tel: (615) 383-7421 • Fax: (615) 297-8058

Texas - State Bar of Texas • 1414 Colorado • P.O. Box 12487 • Austin, TX 78711-2487
Tel: (512) 463-1463 • Fax: (512) 473-2295

Utah State Bar • 645 S. 200 East • Salt Lake City, UT 84111-3834 •
Tel: (801) 531-9077 • Fax: (801) 531-0660

Vermont State Bar Association • 35-37 Court Street • P.O. Box 100 • Montpelier, VT
05602 • Tel: (802) 223-2020 • Fax: (802) 223-1573

Virgin Islands Bar Association • P.O. Box 4108 • Christiansted, USVI 340 •
Tel: (809) 778-7497 • Fax: (809) 773-5060

Virginia Bar Association • 7th & Franklin Building • 701 E. Franklin St., Suite 1120 •
Richmond, VA 23219 • Tel: (804) 644-0041 • Fax: (804) 644-0052

Virginia State Bar • 707 E. Main Street, Suite 1500 • Richmond, VA 23219-2803 •
Tel: (804) 775-0500 • Fax: (804) 775-0501

Washington State Bar Association • 500 Westin Bldg. • 2001 6th Avenue • Seattle, WA
98121-2599 • Tel: (206) 727-8200 • Fax: (206) 727-8320

West Virginia State Bar Association • 2006 Kanawha Boulevard E • Charleston, WV
25311 • Tel: (304) 558-2456 • Fax: (304) 558-2467

West Virginia Bar Association • Route 1, Box 18 • P. O. Box 180A • Charleston, WV
25339 • Tel: (304) 342-1474 • Fax: (304) 342-1474

Wisconsin State Bar Association • 402 W. Wilson • Madison, WI 53703 •
Tel: (608) 250-6101 • Fax: (608) 257-5502

Wyoming State Bar • 500 Randall Avenue • P.O. Box 109 • Cheyenne, WY 82001 •
Tel: (307) 632-9061 • Fax: (307) 632-3737