

Thursday, April 12, 2007

When people say that law practice is all about making money.

Â Â Image from Bureau of Engraving and Printing's website.Â After I started law school, Ralph Nader warned about the seduction of abandoning our ideals in exchange for having hundred dollar bills stuffed in our pockets by corporate law firms and other corporate interests.Â (Image from Bureau of Engraving and Printing's website.)Â Every once in awhile, people tell me how paramount is moneymaking in one's life.Â A close high schoolÂ friend, who never lacked money, urged me in 1985Â -- during my first job after college at a major commercial bank, when I told him of the strong discomfort I felt working in the belly of the capitalist beast while human rights violations ran rampant worldwide (including in Argentina, where the bank maintained a branch) -- to make as much money as I could. I hadn't spoken with him much before about social justice issues -- having fallen out of much contact during college -- so did not know if this underlined who we both were for a long time, or who we had each become. Â After taking the bar exam, I travelled for a few weeks in Southeast Asia, experiencing a combination of natural beauty in many places and vibrant cultures on the one hand and oppressive dictatorships, poverty and social injustice on the other. One evening, I visited the Kuala Lumpur home of two students I knew while at law school. The father -- who became wealthy through the export-import trade -- asked what I thought about Malaysia, and I told him of the many delights I found, tempered by the human rights situation. He asked me to keep my voice down about human rights, in case the neighbors heard me through the window (which was unlikely unlessÂ aÂ spy had been posted on the large yard). He tried to bring me back to earthÂ through thinking I would agree with his view that life is all about making money. I told him the concept of putting money above all else made no sense to me. Â My own interests in moneymaking were less about buying luxuries, and more about having enough financial freedom so as not to feel enslaved by my work (the phrase "golden handcuffs" comes to mind) and to enjoy the outdoors, travel, and the arts more than collecting possessions. Particularly from my human rights work in college, I feel it necessary to be willing to make financial sacrifices to protect social justice and to live a harmonious life that does as little harm to others as possible. Â I feel that people focused on moneymaking as the main goal in life should do so outside the law, so that the practice of law may help reduce human misery, rather than fostering or exacerbating it. However, not all of my fellow lawyers feel the same. One colleague proudly proclaimed a few years ago: "The law practice is all about making money, isn't it?" Â Earlier this month, in criminal court, I expressed surprise to a colleague that my client was not in the courthouse lockup, even though I had requested his presence for a critical hearing. The lawyer told me that I take my work too seriously, that it was just fine to waive my client's appearance in court (I beg to differ), and that our work is all about making money. I told him that my approach to practicing law -- while I bill significantly for my services -- isÂ to care about my clients and to seek justice for them. He asked me if lawyers are obliged to care so much for their clients. He was serious. Â The pressures to make money are perhaps greater today than ever. Housing prices (although we are now in more of a buyer's market than a year ago), college tuition, health care costs, and gas prices have far outpaced inflation and average cost of living increases. My view remains, though, that the law practice is not the place to pursue money interests at the expense of protecting social justice.Â Lawyers are artificially protected from competition by laws prohibiting the unauthorized practice of law, which, I believe, obligates lawyers all the more to uphold social justice. I believe that people should go outside the legal profession to have a singular focus on making money (and that nobody should make money at the expense of justice). Jon Katz.

Posted by Jon Katz in Jon's news & views at 01:15

To Advocates for the Rights of Pro Se Litigants -

As someone who has dedicated 18 of his 26 years of paralegal experience assisting Pro Se Litigants with their litigation needs, I am a staunch supporter of the RIGHT TO SELF-REPRESENTATION. The Sixth Amendment to the U.S. Constitution has been interpreted to provide EVERY AMERICAN with a CONSTITUTIONAL RIGHT to self-representation, if they so choose. That right should be enjoyed without fear of harassment, injustice or judicial prejudice. Furthermore, no law, regulation, or policy should exist to abridge or surreptitiously extinguish that right.

In support of the foregoing ideals, I founded a nonprofit, nonpartisan organization called PEOPLE UNITED FOR LEGAL SYSTEM EQUALITY (PULSE). The mission of PULSE is to preserve the right to self-representation, prevent prejudice and abuse against Pro Se Litigants by the Legal System, and advocate for fair and meaningful reforms that will facilitate a more favorable experience for the self-represented. PULSE intends to accomplish its agenda through grassroots mobilization, community awareness and education, public policy intervention, and providing legal assistance to select, "high impact" cases beneficial to protecting and expanding the rights of all Pro Se Litigants.

For PULSE to be effective, an active network of like-minded and vocal supporters from every state in the union must be formed. To that end, I submit for your review our PLEDGE OF SOLIDARITY. It can be accessed online at <http://www.gopetition.com/online/11773.html> or emailed as an attachment (contact me at pulse-for-justice@earthlink.net). I hope you will sign it, and respectfully request that you kindly distribute it to everyone you know who believes in JUSTICE for the self-litigant.

Contrary to the view of many judges and lawyers, those who opt to litigate their own legal matters without the aid of an attorney are not SECOND-CLASS CITIZENS, deserving of contempt and prejudice. Instead, they are BRAVE AMERICANS with an inalienable

right to have their legal cause adjudicated objectively and justly. For many, being a Pro Se Litigant can be a very difficult, time-consuming, and sometimes frightening endeavor; complicated by the pressures of earning a living, tending to a family, and coping with the other day-to-day responsibilities we all have. Those who attempt it should be revered, not scorned.

Pro Se Litigants have no less of a RIGHT TO DUE PROCESS under the U.S. Constitution as those individuals who utilize an attorney. In fact, nowhere in the Fifth or Fourteenth Amendments to the Constitution does it specify that the hiring of a lawyer is a prerequisite to exercising ones due process rights. Democracy dictates that we have the right to freely choose between self-representation and hiring an attorney to handle our legal matters without suffering humiliation, prejudice or penalization. After all, once the Legal System completes its adjudication of the subject claim, and the dust settles, the claimant and the respondent are the ones who must live with the results (good or bad), and not the judge, the lawyer or anyone else associated with the System.

LET'S ORGANIZE AND MOBILIZE TO TAKE BACK OUR COURTS from those certain lawyers, judges and court administrators who, in the interest of protecting the profitable LAWYER MONOPOLY, perpetuate a hostile and often abusive litigation experience calculated to discourage self-representation and make us "consumer slaves" dependent on lawyers to secure justice. STAND UP AND BE COUNTED by signing the Pledge of Solidarity! The more signatures collected, the more credibility the courts, legislatures, and the media will attribute to PULSE, its efforts to expose the injustices suffered by Pro Se Litigants, and its demands for meaningful remedies and reforms.

THANK YOU VERY MUCH FOR YOUR SUPPORT!!!

JOSEPH L. DELGADO
Founder and Executive Director
PEOPLE UNITED FOR LEGAL SYSTEM EQUALITY (PULSE)
Anonymous on Apr 12 2007, 23:39

Mr. Delgado's foregoing comment does not seem designed to reply to this blog entry. Nevertheless, his comment raises important issues concerning people's rights to represent themselves in court. I have not dealt with the issue much myself, other than when two or three public defender clients decided they wanted to defend themselves, and when some political activist clients decided that two would be represented by counsel and two on their own. These cases were in Maryland, which has caselaw strongly protecting the rights of criminal litigants to represent themselves.

Anonymous on Apr 13 2007, 09:10