

JUSTICE™

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Fighting Foreclosure

Justice™ Staff

Homes, businesses, farmland—all under foreclosure attack, and Americans are fearful, wondering where will it all end.

How will we piece things together again when (if?) our economy ever rebounds?

At the root of the scare is an enormous, unjust knowledge gap. Lawyers and judges understand mortgages and promissory notes and the obligations they create. Banks and other lenders certainly understand these things and the unpleasant consequence to both parties when borrowers default, triggering costly and frustrating foreclosures.

Nobody wins!

Amid internet furor about bank fraud and duplicitous dealings of government-connected financiers on Wall Street and other positions of financial power, the message that most needs to be heard begins with a question. "Why don't people understand the obligations created by signing a promissory note and mortgage deed?"

Surely there are tens of thousands of responsible people who simply cannot make monthly payments as they come due because of job losses or precipitous declines in business incomes of one sort or other, however a large segment of the "foreclosed populace" has caused the problem to grow beyond proportion *because of their own irresponsible borrowing*. If we are to recover from our present economic crisis, there simply must be a plan to implement public legal education so the victimization stops at the consumer ... instead of imagining that anti-fraud legislation is going to reign in the ubiquitous overreaching greed of lenders who will relentlessly continue to find ways to ensnare unwary buyers with burdensome finance agreements that reasonable people *who understand the law of mortgages and the consequences of default will not choose*.

Where is the cry for public legal education?

It is nowhere to be heard!

Yet, we cannot endure another generation of irresponsible borrowing.

And, certainly, we cannot continue to allow the unscrupulous practice of those who see all lenders as evil and every means to evade financial responsibility as just.

Evasion of financial responsibility, like evasion of moral responsibility (are they not the same, after all) is an unquestioned evil that may seem justified by those most

painfully impacted by foreclosure, but it's also a practice that undermines the legal rights of others who must pay higher interest rates and subsidize our government's ridiculous and unconstitutional financial bailouts by imposing higher taxes on our hard-earned dollars.

To imagine government intervention alone can solve our economic problems is to enter into a child's daydream. Indeed, if one could only fathom the depths of our present difficulties it would be clear to all that the problems we endure today are directly linked to government-fostered over-regulation that is undermining personal responsibility and has too long permitted subjugation of individual rights by the avarice of giant financial collectives that lead us by our naïve noses to believe "Big Brother" knows best.



Without Public Legal Education, how can we the People know what's best for us "legally speaking". We and our children have been denied the knowledge we need to understand how courts "make law" and how to use our legal power (our most essential human right) to constrain the further extension of judicially sanctioned social engineering that threatens to destroy our heritage of personal liberty.

Support candidates for public office who promise to put Public Legal Education in their campaign platforms so we the People can know how to *read* the obligations we enter into and avoid the adverse legal consequences and devastation that follows!

Without the knowledge of law and its due process rules, none of your God-given rights nor those guaranteed by state and federal constitutions can be enforced by those who either cannot afford the expense of legal representation or aren't sure they can trust the lawyers they can afford.

The knowledge of due process power is your most essential right!

Our government owes us this knowledge!

Demand it.

Support Justice™ Magazine.

China Holds Human Rights Lawyer Incommunicado

Freedom Now, Washington, DC

NEW LEGAL TEAM FILES PETITION TO UNITED NATIONS

One year ago today, Chinese authorities illegally detained one of China's most prominent human rights lawyers. The government is holding Gao Zhisheng incommunicado and has yet to officially arrest and charge him. His location is unknown.

Once named by the government as one of China's ten best lawyers, Gao became a target for the government after taking on politically sensitive cases relating to police corruption, land seizures, and religious freedom. Gao was convicted of "subversion" in 2006. In 2007, Chinese authorities detained and severely tortured Gao. Authorities threatened to kill him if he disclosed the details of his torture, which he subsequently did.

Professor Jerome Cohen of NYU Law School, and one of Gao's legal team, said, "We urge China to let Gao Zhisheng's family know where he is being held and why he is being detained, in accordance with Chinese law. He should immediately be granted access to counsel and either charged with a crime or released."

Gao's newly formed, international legal team filed a petition on his behalf to the UN Working Group on Enforced or Involuntary Disappearances today. The team hopes that the Working Group will ask China to make public Gao's location and recommend that the government immediately release him if they cannot charge him with a crime.

Gao's high-profile legal team of international human rights specialists includes Jerome A. Cohen, Irwin Cotler MP, David Matas, David Kilgour, and the NGO Freedom Now. Cohen is considered the United States' foremost expert in Chinese law and is both a professor at New York University Law School and Adjunct Senior Fellow at the Council on Foreign Relations. Cotler is a Member of Canada's Parliament and was formerly its Minister of Justice and Attorney General. He served as counsel to Nelson Mandela, in addition to other notable political prisoners. Matas is a distinguished human rights lawyer and serves as senior counsel to B'nai B'rith Canada. Kilgour is a former Member of Canada's Parliament,

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Secretary of State, Asia Pacific, and Chairman of the Canadian Parliament's Subcommittee on Human Rights and International Development. Freedom Now represents prisoners of conscience worldwide.

Geng He, Gao's wife, now living in New York after fleeing China, stated, "Zhisheng is being persecuted for giving a voice to those that China wished to silence."

[The cause of Justice is always under attack. Join us to promote greater public understanding of the Rule of Law and the principles and practices of due process that make justice possible. ... ed]

How to Hire a Lawyer

Dr. Frederick D. Graves, JD

Of all the professions in this world, why do lawyers get the worst rap?

Lawyer jokes proliferate – in the movies, on the job, at the barber shop, everywhere!

Why is a drowning lawyer safe from shark attack? Professional courtesy!

Why?

That's the question *you* should be asking if you're facing legal problems and need to hire a lawyer to represent you ... because you need to know the answer. You need to know that lawyer jokes proliferate because far too many lawyers (and, dare we add judges, as well?) are dishonest, money-grubbing, professional liars.

How do you know when a lawyer is lying? His lips are moving!

Not all lawyers deserve the bad press they get, but the fact that there *is* so much bad press out there ought to alert you to the fact that at least some of the members of the legal profession are sharks who can't be trusted ... and you need to know how to sort out the good ones and how to keep them on the right track while they represent you in court.

This series of articles will help you with both challenges – how to hire and how to manage lawyers.

I know about dishonest lawyers first-hand. More than half the lawsuits I've handled these past 20 years resulted in my being required to fight lying lawyers or biased judges (who are, after all, nothing more than ordinary lawyers gussied up in fancy black robes) just to get at the truth!

One shouldn't have to fight so hard to prove the truth, yet that's what the legal profession has become – a guild of men and women divided into two camps: (1) lawyers who try to get at the truth and (2) lawyers who try to hide it.

I want to help you protect yourself from other members of my profession.

This series of articles, therefore, will give you some practical tips what to look for, things to remember, things you ought to ask, and things you absolutely must insist upon.

I want you never to forget that some, but certainly not all, lawyers are

- corrupt
- stupid
- lazy
- wimps

who give in to authority figures without a fight. Not all, mind you. But, some are, and you need to choose wisely when you need to be able to rely on your lawyer to fight for you without reservation!

NOTE: Many lawyers are honest, clever, hard-working professionals dedicated to proving the truth and enforcing the law for the sake of their clients. They are committed to protect your due process rights from the liars and thieves who want only to win at any cost. They will sacrifice their own reputations and stand up to the "powers that be" in local politics for the sake of helping those who truly deserve to win. They will fight for justice, no matter whose toes they must step on to get it, upholding the Rule of Law and honoring the principles of American Justice.

Finding such an honest, competent, industrious, legal word-warrior and managing him or her so your goal is clearly understood and the necessary time and resources are expended in pursuit of victory in court is your goal.

To achieve these objectives you need to understand lawyers, and who better to tell you about them than me?

Self-Interest

All lawyers are interested in making money, advancing in their chosen profession, and keeping themselves outside the web of their client's troubles so they can go home at night and leave the worries of their job behind at the office.

You'll do much better if you keep these realities in mind, because they are common to all us lawyers ... good and bad.

We are probably not going to change any more than human nature in general is going to change any time soon.

No matter how much we want to help you, we also want to help ourselves and our families and our loved ones. If you meet a lawyer who tells you he's only interested in helping you and doesn't care about himself, run like the wind! He lies!

Try not to see self-interest as a negative thing and consider it, instead, as a useful key to understanding and managing your lawyer (or your bookkeeper, or your dentist, or your spouse, or your children, or anyone else on this planet, for that

matter). We all dream of a world where everyone wants to serve us selflessly, but in reality it simply doesn't happen. The few times someone offers to do something for nothing are times when we need to see the red flags flying! Everyone operates out of self-interest. If we're wise we'll see this is a characteristic of the human race common to all of us. Knowing this truth can give us an advantage when we're trying to get what we want from other people. Getting what you want from others is no more difficult than discovering what other people want and doing what you can to see they get it (or, at least, believe they'll get it) by doing what *you* want.

Lawyers are human (it's true) and therefore predictable to some degree. We are very much like everyone else. We all operate out of self-interest (including those who lie and deny it and, therefore, should *never* be trusted).

Use this fact to gain insight into whether the lawyer you're hiring is going to do what he promises. If he says he can win your case for a mere \$500, ask him to put it in writing, and you'll quickly discover he's only trying to shine a light up your skirt. Know that you get what you pay for but that you can easily pay too much for too little, in which case you do not get what you pay for.

I never met a lawyer who could win a case, however simple, for only a \$500 fee.

I've met some willing to work *pro bono*, i.e., for free, now and then.

I've met a few who reduce their rates for people who really can't afford to pay full scale.

But, I've never met a lawyer worth his salt who charged as little as \$500 to do anything more than write a few letters and make a few phone calls. It's too easy to make much more, so by remembering the lawyer you are consulting with isn't in this business to do charity work for people who can afford to pay, you avoid the trap into which so many people fall as the lawyer says, "Oh, we'll take your case for a retainer of ... let's see ... can you make an initial deposit of \$500?"

To be continued ...

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