

About Law and Lawyers and Practice Thereof



By Anna Von Reitz

From time to time we get accused of "practicing law without a license". As with other licenses, we don't need a license to practice law.

We also get "returning lawyers" ---- Bar Attorneys and former Judges and Magistrates who are disillusioned or who have one way or another stumbled on the truth for themselves, and who are looking for a way forward. We all need to be able to shepherd these people into a new life along with the rest of us. So here, first of all, is a good succinct run down of the facts provided by Kelby Smith:

"The practice of law cannot be licensed by any state/State. Schwere v. Board of Examiners, United States Reports 353 U.S. pgs. 238, 239. In Sims v. Aherns, 271 S.W. 720 (1925) "The practice of law is an occupation of common right." Oklahoma Court Rules and Procedures, Title 12, sec. 2017 (C) "If an infant or incompetent person does not have a duly appointed representative he may sue by his next friend or by a guardian ad litem." Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar (377 U.S. 1); Gideon v. Wainwright 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425. Litigants may be assisted by unlicensed layman during judicial proceedings. NAACP v. Button (371 U.S. 415); United Mineworkers of America v. Gibbs (383 U.S. 715); and Johnson v. Avery 89 S. Ct. 747 (1969). Members of groups who are competent non lawyers can assist other members of the group achieve the goals of the group in court without being charged with "Unauthorized practice of law."

And furthermore, former Bar Attorneys who revoke their membership in the Bar, can continue to function lawfully as Counselors of Law. The one thing they can't do is speak directly for anyone who is not an infant or otherwise incompetent, and instead must "stand at the elbow" of the actual litigant, giving blow-by-blow advice.

Loss of a Bar Card does not mean the Soup Kitchen for former Bar Attorneys. For many, death to the lies and frauds is a new lease on life and a new relationship with law in all its many forms.

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