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Thank you for inviting me to this discussion. I consider its topics very important in our day and age. I have been researching for several years so far the absolute attorney monopoly established in the U.S. over the last century and the emerging (under the guidance of the ABA, I must say) attorney monopoly in my native Russia.

The first problem with the "bar and bench" monopoly in the United States that I see is detachment of the public from the topic of attorney regulation as obscure and uninteresting to the public. Maybe, the interest of the public is caused by the feeling of "learned helplessness" - inability to anything about this monopoly. There was a rebellion against that monopoly, the case *Turner v ABA* in 1975. Not surprisingly, it is not taught in law schools - the way it was handled by the court and what the court said about priorities of court power over public benefit.

The second problem is that the legal profession is using terms about itself and its regulation disguising the true legal and economic meaning of attorney licensing as an entry upon some public office of "officer of the court", with the attendant further myths. These myths need to be dismantled and the public needs to see what the attorney regulation system have come to be in this country. I have currently started to publish my work on uncovering the true legal meaning of this terminology for the legal community in Russia (in Russian) in a series of articles analyzing different aspects of the case of license suspension of Rudy Giuliani - trying to apply precedents of the U.S. Supreme Court and showing how many precedents on the very basic issues of attorney regulation the court in that case (and normally in such cases) has disregarded.

The reason for me choosing to address these issues in Russian first is to first reach an audience which is not indoctrinated by the ABA and ABA-controlled law schools and ABA-controlled licensing system in the mythological nonsense of the supposed "inherent power of courts to

regulate attorneys as officers of the court". In Russia the majority of lawyers are not regulated at all, and the regulated part (criminal defense attorneys) are not regulated by judges. Therefore, more honest, open and serious discussion of issues pertaining to attorney regulation in the US is possible, especially that the ABA exerts some efforts to instill the same model in all the post-Soviet countries, including Russia.

I respectfully disagree with the position of this paper that judges may sneak some new policy points after reading some law review articles into their decisions. I believe it is wrong and outside of the scope of authority of the judiciary to engage in policymaking and making new law - which is, unfortunately, all that the US Supreme Court and many other American courts are doing now. Policymaking is a strictly legislative function and should remain as such. All that judges are supposed to do is to strictly apply laws as they are written to facts of cases in front of them to resolve private disputes. That's it. If the law is not clear - declare it unconstitutional and send it back to the legislature to the redrafting block, but do not make your own policies from the bench, this is outside of authority of any judge in this country.

I also have to assert that legal education is abysmally bad in this country, and specifically because of attorney monopoly that requires law education to be done on the graduate degree level after an often useless but always expensive bachelor's degree, to make it more expensive and less accessible to poorer classes of people. In other countries legal education starts after high school, it IS a bachelor's degree, and people are able to get a good grounding in history and theory of the law, getting a full 4 years of bachelor of law, then 2 years of masters in law and more studies for "candidate" (PhD) and Doctor of law degree (Russia) instead of, like we have in the US, getting bits and pieces of precedents in the first and second year of law school before the rush of the upper class externships, trying to land the best job to pay of law school debt and trying to prepare for the bar exam. Also, having a J D degree myself, as well as polling other people who have gone through American law schools,

I know that - naturally, I guess - people who are in charge of perpetuating attorney monopoly in its current state (the ABA and ABA-certified law school faculties) do not teach the history of how that monopoly emerged in the US in the 1920s, nor about issues of its (un)constitutionality, nor its

impact on, or, rather, cause of, the growing justice gap in this country when the majority of Americans cannot afford legal services. It is no wonder to me that you could not engage Deans of law schools in this particular discussion. People who are part of the problem would not engage in a discussion that would seek to diagnose the problem with a goal of undoing it eventually. All of the above has to change. Monopolizing access to justice does not serve people's best interests. As to the "entrenched academicians" and "interlopers" that you refer to in your paper, I guess, I am one of those "interlopers".

I do not belong to any law school, I do not have any affiliation, I am not regulated (and influenced) by any licensing authority. I am doing my research completely independently and have been publishing what I want when I want for the audience I want in the form and language I want for a number of years. The opinions of the "entrenched academicians", by the way, are not very valuable any more, considering that they march in lockstep, as recent events showed, at the demand of political parties. That is not a definition of independent academia. It is funny how lawyers and judges try to monopolize interpretation of public laws.

"Legal opinions" are opinions about public laws, and lawyers do not hold any monopoly for the truth as to what public laws mean or what in those public laws is good or bad, or what should be changed, repealed or created. Mythologizing public laws by lawyers and judges for their personal and institutional benefit must stop. The same SCOTUS said a long time ago (*Grayned v City of Rockford*) that if the law is not clearly stated by the legislature so that an ordinary law abiding person can understand it for purposes of governing his daily routines in compliance with the law, and so as to give clear guidance to executive and judicial branches how to apply it, it is unconstitutional. That's it.