

STREET GANGS AND OTHER MEMBERS OF THE JUDICIARY

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The problem of how to deal with street gang members is a pervasive and serious problem throughout the entire nation. Some street gang members are not even judicial officials, but this short article deals only with those who are.

The fact is that the Judiciary and its lawyers, as a matter of substance do in fact function just like Street Gangs. Like street gangs, they place paramount importance on the trait of loyalty, above and beyond anything else. It is unequivocally demanded and violation of such is not tolerated. A Judge or a lawyer is expected to have unswerving loyalty to political and economic interests of the Judiciary and the legal profession. Violation of this predicate means expulsion from the Gang, and expulsion from the Gang means personal ruin.

Lawyers are expected to be loyal and supportive of Judges in their State, and similarly, the Judges are expected to be loyal to the lawyers appearing before them. The interests of litigants, is negligible in comparison. However, this concept does mandate that litigant interests be given maximum lip-service importance as a matter of form in official judicial opinions, and public statements of the Judiciary and State Bar. However, as a matter of practicality and substance, litigant interests are of minimal importance. In truth, litigant interests are of utilization primarily only to the extent they function as a tangible benefit to the Gang. First, I will address the functioning of the Gang within the context of civil litigation and then within the context of criminal prosecutions.

Regarding civil litigation, a litigant with money represents a potential Gang asset. That money must be taken by the Gang. The manner of accomplishing this depends on the nature of the civil litigation. In a matrimonial case, a rich litigant must be persuaded by their attorney about how right they are and how wrong their spouse is. Lawyers representing both spouses are expected to do what is necessary to accomplish this. Chances are it won't be difficult, since in light of the fact that the two spouses are getting a divorce, they will eagerly give their ready agreement and money to anyone who opposes their spouse in any manner.

The rich litigant going through a divorce may take comfort in the fact that so long as the money flows, their lawyer will pursue their interests most zealously and aggressively. The lawyer will do this by filing lots of paperwork with the court, sending lots of letters to opposing counsel and will do everything legally possible to satisfy the litigant's desire to attack the other spouse in the

most vicious and acrimonious nature. However, once the money runs out both lawyers are expected to promptly advise their clients they are being unreasonable and irrational and that the case should be settled. At that time, both lawyers are expected by the Gang to promptly abandon the interests and positions of their client and instead stress the merits of the opposing spouse's positions to their client. The sole intent when the money runs out is to bring the case to a rapid conclusion.

Thus, the fulcrum for the Gang to effectively utilize the lives of people going through a divorce to benefit the Gang is twofold. Maximize conflict while the money to pay legal fees exists, and then betray their client's position when the money runs out. The ultimate goal of both members of the Gang is to shift monetary assets from the marriage to the legal profession. The Court's primary role in divorces is to assist the attorneys in effectuating this transfer of assets. The Judge's assistance will consist of delaying rulings, delaying hearings, promoting extensive discovery and requiring full briefing on all legal issues. The purpose of such is to drive the legal fees higher.

However, once the marital assets have been successfully transferred to the Gang in the form of legal fees and once the money runs out, the trial court Judge must then adopt a different role. He must then issue rulings immediately, preclude further discovery, and deny extension requests regarding hearings or trial. The Court's goal at that point is to bring the case to a rapid conclusion without regard to the interests or future of the families involved. The reason is simple. Since the money is gone, the case is no longer a Gang asset, but instead becomes a liability. The Gang requires that all liabilities be discharged immediately.

Often, a matrimonial case does not involve only financial issues, but also involves matters pertaining to children, such as custody and visitation. From the perspective of the Gang this is not a bad thing, but rather a good thing. The Gang considers Children to be extremely valuable commodities who can benefit the legal profession immensely. Gang members are expected to utilize children in a manner that maximizes their economic and financial efficiency. They do so in the following way.

So long as marital assets exist to pay legal fees, children can be effectively utilized by the Gang to indefinitely prolong the proceedings. The Gang will want the children subjected to extensive psychological examinations, counseling sessions and perhaps judicial monitoring. The goal of the Gang members is to effectuate an emotional break down of the children to the maximum extent possible for the purpose of prolonging the litigation until such time as the marital assets are expended upon the attorneys. Naturally, for public propaganda purposes the Gang must ostensibly and vigorously assert the best

interests of the children require that such steps be taken. The Gang will sanctimoniously contend that the interests of the children are of primary importance beyond anything else, even though such is of minimal concern to them. To the Gang, the children are a means to effectuate the conveyance of marital assets to the legal profession.

However, once the marital assets are fully expended, the children are no longer of worth to the Gang. At that time, the goal of all Gang members including both attorneys and the Judge is simply to end the litigation. From their perspective, this means that the children must be legally disposed of in any manner. This is because, to the Gang, the children at that time have become nothing more than a wholly expended commodity. Multiple alternatives exist at this time. If the parties settle, the children can be taken care of by the settlement. Alternatively, if the parties don't settle, the Court can give the children to the mother, the father, or the State. Whichever decision is made regarding that matter is meaningless and irrelevant to the Gang. The bottom line is that once the money is gone, and the marital assets successfully conveyed to the legal profession, the case must end. It's simple as that.

So long as marital assets continue to exist, the Gang will adopt the position that all appeals and motions for reconsideration should be promoted and encouraged to the maximum extent possible. But, once marital assets are expended, it is the job of the Gang members to lie to the losing litigant by telling them that all meritworthy legal appeals are meritless.

If either spouse decides to not use an attorney, but instead decides to proceed Pro Se, that is perceived by the Gang members as a public statement that they refuse to make the appropriate financial protection contribution to the Gang. It's essentially the equivalent of a store owner who refuses to pay protection money to a local gang and then finds his store destroyed by them. In consequence, the Judge is expected to rule against a Pro Se spouse on all issues without regard to the law, assuming, the other spouse is represented by an attorney.

If both parties decide to proceed Pro Se then from the perspective of the Gang they are doing nothing but infringing upon the Court's time. Such a case must be concluded particularly expeditiously by the Court, since it is doing nothing more than wasting Gang resources from inception. All legal arguments from both sides are to be ignored by the Court and the Judge is expected to simply render any decision that is quick and easy.

Turning now to another type of civil litigation, I examine the personal injury case. In these cases, the plaintiff normally does not pay their lawyer out of their pocket. Instead, the lawyer gets a contingency fee, based upon a percentage of the monetary damages recovered from the defendant. Typically,

although not always the defendant in a personal injury case is a corporation. Unlike plaintiff's attorney, the defense attorney will not be paid on a contingency basis, but rather on an hourly basis. For every hour they spend on the case, the defense attorney will be paid.

Gang goals in a personal injury case are designed to effectuate transfer of corporate assets to the legal profession. This requires that the case must ultimately be brought to trial or settled, but not too quickly. The reason for this is that since defense attorneys are paid on an hourly basis, they only benefit if the litigation is prolonged extensively. The Court is expected to ensure defense attorneys receive their "fair" share of corporate assets by delaying any trial, preferably for several years. The Judge will accomplish this by strategic scheduling of hearings, briefings and filing requirements. This fulfills the trial court Judge's duty of loyalty to the defense attorneys.

However, both the trial court Judge and the defense attorneys have a concomitant duty of loyalty to the plaintiff's attorneys. After all, they are fellow members of the Gang and entitled to their "fair" share of corporate assets. The trial court Judge and defense attorneys will fulfill this duty of loyalty to their peer by ultimately allowing the case to go to trial or getting it settled. It's only fair. The defense attorneys made their money as the beneficiaries of a prolonged litigation. It allowed them to be paid at their hourly rate for substantial hours worked. Thus, Plaintiff's attorneys are similarly entitled to have their crack at the corporate assets. So ultimately, most personal injury cases will probably proceed to trial, or settle, but not for a long time. In this manner, the defense attorneys appropriate their share of corporate assets and plaintiff's attorneys will have an opportunity to appropriate their share at trial or through the course of settlement. And in fact, if the plaintiff litigant wins at trial, it is not impossible or inconceivable that even the Plaintiff will end up with a little bit of money after deducting the contingency fee, and related "costs." Not too much though. The big bucks are reserved for the Gang.

I now address the Gang's functioning in the criminal law context. First and foremost, is the necessity for prosecutors and defense attorneys to work well together. The last thing the Gang needs in the context of a criminal case is an adversarial proceeding. The bottom line is that defense attorneys can only subsist economically if prosecutors charge people with crimes. Prosecutors are thus valuable sources of revenue for defense attorneys. The more prosecutors charge people with crimes, the more people defense attorneys have to defend. Thus, there exists an ironically disturbing financial incentive for defense attorneys to encourage prosecutors to charge people with crimes.

Similar to matrimonial cases, there are two types of criminal defendants. Those who have money and those who don't. The latter is more common than

the former. Criminal defendants with money constitute an economic windfall for defense attorneys. Faced with the prospect of incarceration, such defendants will willingly relinquish all their financial assets to escape imprisonment. In these cases, prosecutors will be expected to assist defense attorneys with effectuating a transfer of the defendant's assets to the defense attorney. This constitutes a fulfillment of the prosecutor's duty of loyalty to his fellow Gang member, the defense attorney. This prosecutorial duty of loyalty to the Gang continues to exist so long as sufficient financial assets of the defendant continue to be transferred to the Gang. In accordance, criminal defendants with substantial amounts of money, in all but the worst types of cases, can be expected to enjoy acquittals and lenient sentences as a reward for making substantial financial contributions to the Gang.

Since prosecutors fulfill their duty of loyalty to their fellow defense attorney Gang members with respect to criminal defendants who have money, defense attorneys are similarly expected to fulfill their concomitant duty of loyalty to prosecutors when defending people who don't have money. Such defendants typically have their defense paid for by the State. In some States, private attorneys represent them and in other States public defenders represent them. The difference is irrelevant.

Criminal defendants without money, whether innocent or guilty of the alleged offense, represent nothing more than a financial liability to all members of the Gang. And all liabilities must be expeditiously discharged. Like people going through a divorce who don't have money, these defendants whether innocent or guilty must be quickly disposed of in any manner. The defense attorney in these cases fulfills his duty of loyalty to the Gang by waiving important objections, declining to investigate facts, failing to interview witnesses and giving their brethren prosecutors the quick and easy criminal conviction they seek.

After all, fair is fair. The prosecutors help the defense attorneys out when dealing with criminal defendants who have money, so the defense attorneys must ensure that criminal defendants without money be convicted quickly and easily. This makes the prosecutors look good.

Lastly, I note the following predicate, which applies in any case. Whether civil litigation or criminal, the litigant or defendant needs to understand that at the trial court level they are dealing with multiple Judges. Each one of these Judges is a member of the Gang. The attorney representing the litigant is a Judge of the litigant. Opposing counsel is a Judge of the litigant. And of course, the trial court Judge even has a nominal role as a Judge.

As a result of this, the outcome of cases that don't settle will be decided before they go to trial. Before the litigants set foot in the courtroom on the day

of trial, the matter will have already been decided. The trial itself is nothing more than window dressing. The decision will have been made based on phone calls and conferences between the attorneys, and meetings between the attorneys and the Court. The litigants will be excluded from knowing with certainty what really went on during these meetings and phone calls.

Throughout the meetings and phone calls, each of the various Judges of the litigants (the attorneys and the Judge) will decide how the case is going to proceed if it goes to trial. The discussions will be largely determinative in deciding which attorney will sell out their client, the extent of the sell out, and the manner in which the sell out is to be effectuated. If the case is to be tried before a jury, these unwritten off-the-record understandings will largely determine how evidential rulings are to be made at trial by the Court. In this manner, the jury will be effectively neutralized and blindly guided to render a decision in conformity with the Gang's decision made long beforehand.

Because the last thing the Gang needs is to have its whole master plan of asset acquisition frustrated by a jury. Too much work goes into the thing to allow something that outrageous to occur.