

THE ART OF LEVERAGING THE JUDICIARY BRANCH OF GOVERNMENT

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The brave, noble art of leveraging the Judiciary branch of government for the public good requires recognition of three basic principles by any moral person embarking on such a quest, which are as follows.

1. While many Judges are honest, brave and highly ethical decision-makers, a large proportion of Judges are nothing more than Cowards.
2. Due to (1) above, any person who rationally challenges irrational, cognitively deficient Judicial decision-making tacitly accepts the prospect of being unfairly punished by immoral Judges whose cowardliness gives rise to a retaliatory nature within their persona, which is manifested by their commission of illegal, irrational acts under the guise of law.
3. In light of (1) and (2) above, successful achievement of leveraging the Judiciary requires extensive preparation both intellectually and regarding personal lifestyle, along with extensive contemplation of potential irrational and illegal acts that may be committed by certain Judges for the sole purpose of protecting their political position and furthering their own self-interest.

Leveraging the Judiciary branch of government requires placing it in a no-win position. It needs to be maneuvered into a conditional state, whereby, whatever move it makes of any nature, it comes up the loser. That is basically what Judges do regularly to litigants.

A prime example is the Judiciary's handling of civil litigation. What often occurs is as follows. The Judge falsely purports to be a fair decision maker. However, in truth the Judge's only goal is to avoid making a decision by getting the parties to settle. Employed as decision-makers, the act of deciding the presented issue is precisely what the Judge seeks to avoid. To accomplish this, the Judge will utilize tools of manipulation and leverage. Often the Judge's main modus operandi consists simply of delaying proceedings for the purpose of wearing down and weakening the litigants financially and emotionally. As legal fees mount, settlement positions of both litigants tend to relax.

Another immoral tactic used quite often by Judges consists of informally indicating how they would rule, if they were to rule. The concept here is to basically "decide without deciding." The Judge's informal message to counsel is

then communicated by them to the clients. This places at least one litigant in the position of knowing they will lose, if they don't settle. The effect of this invidious Judicial tactic is to render a ruling as a matter of substance, but to evade both the responsibility and ramifications of issuing a formal decision.

The Judiciary's main objective is to "look good" and "look fair," while concurrently maintaining its ability to "act bad" and "act unfair." Judges seek to portray themselves as "moral," while maintaining their ability to conduct themselves "immorally." When they accomplish these goals, the litigant is effectively positioned, so that no matter what move they make, they lose. If the litigant continues the litigation, legal fees mount and they will lose anyway. Thus, the litigant is faced with the only logical decision being to accept losses already incurred and settle the case. The incurred losses generally consist of legal fees paid and the emotional stress experienced due to the litigation. When the case is over, the litigant inwardly realizes they were effectively leveraged by the Judiciary. They also gain an understanding of basic principles of Risk/Reward and Cost/Benefit analysis. Often the litigant will properly characterize this in-depth understanding of how the Judiciary works in a simplistic and correct manner using the phrase, "The whole thing was such a Crock of Shit."

To leverage the Judiciary, the reformer must use tactics that encourage the Judiciary to rule fairly. Implementation of such is quite complex. You have to place the Judiciary in a position whereby furtherance of its own self-interest mandates conceding to rational reform. Above all, the reformer must concentrate efforts on making the Judiciary "look bad," if it does not decide the pending issue in the public's favor. Because above all else, the Judiciary can not afford to "look bad." It can afford to "act bad" and often seeks to do so. But, it can't afford to "look bad." If it "looks bad" that jeopardizes its ability to "act bad" in the future.

Since a high proportion of Judges perform their duties using manipulative techniques exemplifying a cowardly nature, they suffer from the infirmities of that trait. The reformer can use these infirmities to advantage the interests of the general public, whom he seeks to assist. Cowards only conduct themselves tyrannically when dealing with those who are weaker. That is the very nature of being a coward.

An example is that most of the so-called "No Nonsense" Judges we often hear about, are only of that nature when dealing with litigants who can not defend themselves. They generally will not conduct themselves in the abrasive manner characteristic of the "No Nonsense" persona when addressing Justices on higher courts or Legislators. Quite to the contrary, on such occasions these tyrants become individuals of extreme deference and respect to powerful

superiors. After all, their superiors are the ones who provide them with the ability to play the role of Cowardly Tyrant to litigants. The key in leveraging the Judiciary is to capitalize on its cowardly and irrational nature.

The best example of effectively leveraging the Judiciary was FDR's Court Packing Plan. The U.S. Supreme Court had been regularly striking down his proposed legislation. So, FDR had Congress propose expanding the number of Justices on the Court. That would dilute the power of individual Justices significantly. The result was that when the Justices were faced with the prospect of having their own personal power diminished, coupled with the public's overall perception of the Court being at risk, they totally caved in to FDR. By placing Judicial self-interest at risk, FDR got U.S. Supreme Court Justices to lose more than just a bit of their arrogant attitude.

Applying principles of Risk/Reward analysis, the Reward aspect of successfully leveraging the Judiciary is as follows. It consists of convincing the Judiciary on a given issue to render its decision in the public's favor and according to the law.

The Risk aspect is equally simplistic. It consists of accepting the fact that the cowardly nature of many Judges gives rise to a retaliatory nature within their persona. This then leads to the prospect that if you fail in your attempt to leverage the Judiciary, immoral Judges may unfairly punish you. Most Judges are no different than most humans. Being subject to basic principles of human nature, they will tend to repel a failed intellectual legal attack with vengeance. Armed with their contempt power, political support of prosecutors and attorneys, and an arsenal of conflicting statutes (which the Court may construe in any manner it pleases), it is not particularly difficult for Judges to gratify their interest in vengeance against any honest, ethical, citizen.

Upon becoming educated to the manner in which many (but, not all) Judges function, the reformer who is willing to accept the Risk of being unfairly punished by immoral, unethical Judges in the hope of effectuating positive reform on behalf of the public interest should do the following. Preparation consists of both intellectual education and personal lifestyle adaptability. Intellectually, you must be well-versed in law, history and philosophy. This is because they are all intertwined. This preparation not only provides you with knowledge, but of greater importance it enhances your own moral perspective. Additionally, it teaches you why and how the opposition functions from an immoral perspective.

In regards to personal lifestyle, there are only a few basic rules. First and foremost, you shouldn't be romantically involved with anyone. That's concededly a pretty tough one. As guys, we want to get our rocks off and I understand women have a similar desire. But, the bottom line is that whether

you're a male or female, anyone you are romantically involved with wants to know what you think. That's a real problem.

Romantic companions want to know your opinions and worse yet, they want to give you their opinions. A good marriage is undoubtedly the greatest blessing in life. Regrettably, it is totally incompatible with effectuating positive government reform. A good marriage is a partnership. To pursue political ideals effectively, you can't be bogged down by the opinionated input of a partner. Similarly, you can't be in a position where you have to constantly be answering all of their stupid-ass questions.

Okay, so the first basic rule in regards to lifestyle eliminates just about everybody. The second rule is that you need to do your best to develop your own moral perspective in a positive manner. This does not mean that your morals must conform to what society commonly accepts as good morals. However, it does mean that you must have a genuine belief that you are in the "Right" and that the moral principle you are seeking to achieve is important. It also means that since your primary focus must be on the moral principle you seek to achieve, for the most part you should not focus at all on specific individuals who wronged you in the past. As stated elsewhere, John Locke wrote in his Second Treatise of Government:

"And he that appeals to Heaven, must be sure that he has Right on his side; and a Right too that is worth the Trouble and Cost of the Appeal, as he will answer at a Tribunal, that cannot be deceived, and will be sure to retribute to every one according to the Mischiefs he hath created to his Fellow-Subjects; that is any part of Mankind."²⁸¹

The foregoing is an extremely important point. At some point in life, reformers like all other people, tend to turn to Prayer. The facts and circumstances will all be different, but the Prayer is generally the same. In one form or another it goes, "Please fix this thing GOD" or "Please help me GOD." That's a pretty common Prayer. When you say it, you want to be in a position of genuinely believing you are entitled to help, or at least willing to admit your own errors and change your ways if help is given.

In a nutshell, that is the way you leverage the Judiciary branch of government. You recognize that a lot of Judges (though not all) are cowards. You capitalize on the infirmities of that character trait. You accept the fact they may seek vengeance against you for exposing their irrationalities and cognitive deficiencies. You conduct yourself bravely. You conduct yourself to the best of your ability in conformity with what you genuinely believe constitutes good moral character, while recognizing that no one is perfect. You perform a

Risk/Reward analysis, and accept the prospect that immoral, unethical Judges may unfairly punish you if you lose. You prepare intellectually. Then, you attempt to place the Judiciary in a position whereby it either rules in your favor (i.e. the public wins) or alternatively it rules against you, which causes the Judiciary to look like total Crap to the public (i.e. the Judiciary loses).

A good hypothetical example in regards to the foregoing would be a person who attempts to reform the State Bar admissions process using the following legal theory. Either the State Bars open their doors to minorities, or alternatively they will lose Unauthorized Practice of Law prohibitions. If the reformer can make good on this concept, it functions as extremely good leverage. Essentially, the concept is that lawyers will lose the legal monopoly (i.e. UPL prohibitions), if they do not begin conducting the licensing process in a fair manner (i.e. reforming application of the so-called "Good Moral Character" standard for State Bar admissions).

Under this hypothetical, the Judiciary looks good to the general public if the admissions process is reformed, and it is in a position whereby it will lose immensely if it is not reformed. Of course, the latter potential outcome is predicated upon the reformer being able to make good on the assertion that UPL prohibitions can be broken and that is by no means a certainty.

It is obviously difficult, if not impossible to ascertain or predict how the above hypothetical might turn out. It is fair to say that given the uncertainty and unpredictability of all events in life and the Universe; Risk/Reward analysis is far from a precise science. Nevertheless, like all other aspects of life, you do your best to perform the task. And if an Appeal to Heaven becomes necessary by either Party, you want to do your best to be in the position of the "Right."

Like Bill Murray said in the movie, Groundhog Day:

"You make choices and you live with them."