

JUSTICE™

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Bowling for Justice

Justice™ Staff

As if we didn't have more important legal issues to consider, lawmakers are challenging football's Bowl Championship Series under anti-trust laws.

1st and 10!

It'll be interesting to see where this goes as lawmakers pass the ball back-and-forth over questions such as, "How many games should there be in the playoff?"

When Justice™ first read about this, we were amazed, amused, and bewildered.

Does the Constitution provide authority for federal regulation of college football?

Let's see. Some players are significantly larger and faster than other, less talented players. And, clearly, some teams are far better at scoring under pressure. Perhaps we need legislation to give weaker teams and smaller, clumsier players a chance to compete more effectively.

Or, perhaps people like Sen. Orin Hatch, who wants to regulate the playoffs should be told, "There are more important things for Congress to deal with right now!"

Citizen Justice

Justice™ Staff

In Port-au-Prince, Haiti, where Justice™ visited many years ago to find poverty that escapes description, people are without a vision as to justice, mercy, or guidance that will provide the stability needed for that nation to survive its heritage of murderous politics Papa Doc style.

Distrust of government is nothing new to Haitians, so citizen justice is common.

A man "believed" to be a thief is left dead in the street, his head crushed by a concrete block that lies nearby, stained with his blood.

The Haitian people are angry.

They are not angry at the earthquake.

They are angry at the consequence of their political heritage of corruption.

Just 40 years ago the government of that tropical island nation, as beautiful as you could imagine back in those days (if you looked beyond abject poverty that would defy typical Americans to imagine), was no government at all. It was a nation subject to the will of a handful of murdering thugs who stole the best of everything and left the people to languish in cities stained with garbage ridden streets and gutters in which raw sewage ran.

So, it is any wonder that the people take justice into their own hands?

We send money and food for survivors of the earthquake, and surely we should.

However, the thing most needed by the Haitian People (and other Caribbeans) is *leadership* and a vision of jurisprudence to encourage confidence in government.

Where law and order fail their duty, mob rule raises its ugly head of necessity. It is not mob rule at fault, but the abdication of those whose duty it is to provide the citizenry with the protections of law that is fairly and effectively administered.



Much of what you see in the photo above depicts the conditions in Haiti as they were *before* the earthquake, poverty impossible to understand except by those who have been there. Yes, the earthquake has devastated the western regions local to the Port-au-Prince area, yet the rest of Haiti suffers, also. Scenes as you see above are commonplace throughout the nation and in the Dominican Republic to the East on that same island of Hispaniola. Only an invasion of reason and justice can save its people from the continued horrors it has experienced at the hands of unjust rule.

Justice™ advocates support for Haiti and her earthquake victims, but calls upon the legal community to investigate and repair the generational damage done by past regimes that destroyed public confidence in the orderly administration of justice.

Rescue comes in many forms.

Water Justice

Justice™ Staff

What if you couldn't afford a drink of water?

That question is something like asking, "What does it cost to remain alive?"

The issue being debated by Blue Planet Project's Maude Barlow and others is this very question.

Should water be provided free of cost?

Or, in the alternative, how should those who sell water for profits be regulated?

Justice™ recently visited western states here in the U.S. where water truly is one

of our dwindling commodities. California depends on aquifers far to the east as far as Colorado and New Mexico. A Colorado River Compact regulates the sharing of water between seven Colorado River Basin states and, at least for the foreseeable future, there is enough potable water for life to continue "out west".

But, in many other parts of the world there is insufficient potable water to sustain life.

Barlow says a child dies every 8 seconds somewhere in the world because the water is not fit to drink!

Is water a "public trust" like air, so our jurisprudence may legitimately regulate its availability and quality? Barlow says yes.

Plant life can be sustained without water that is potable. Water for irrigation need not meet the quality standards required for human consumption. At present, much of the potable water available for human consumption is being used for irrigation, reducing the amount of drinkable water.

The demand outstrips the supply.

And, there's no relief in sight as world population continues to expand.

Water cannot be distributed without an infrastructure and attendant costs that must be recovered either directly by those consuming the resource or indirectly by taxing those who consume the resource.

As with other such debates, partisans of the opposing quarters argue as to cost. Those favoring privatization argue that the market provides the most cost-effective means, while those who fear the market urge stricter government control or the outright take-over of all supplies.

Robert F. Kennedy, Jr., founder of the Waterkeeper Alliance, reportedly said that privatizing water supply is morally wrong, that water is a "public trust asset".

While Justice™ agrees that the problem is a pressing one with dire consequence if we refuse to deal with it promptly and effectively, one way or another, thought must be given to where we draw the line.

If food is a "public trust asset", then is not water also?

And, if food, then clothing, shelter, etc.

Decisions such as these require one to revisit the fundamentals of jurisprudence, the underpinnings of justice and geometry of good government that alone legitimize the exercise of government power over the will of humans, both individually and collectively. Unless we predicate our rule on sound principles, rather than demands of exigent circumstance, we cannot hope to secure for future generations the best result that is, or ought to be, our highest aspiration.

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Whether water is a “public trust asset” or just another commodity like beef and soy beans, the decisions our leaders make as to its regulation should be based not on political expedience but on sound policy in strict obedience to principles of law that promote the balance of power between government control and individual liberty.

Justice™ invites your comments.

How to Hire a Lawyer

(Continued from Previous Issue)

Dr. Frederick D. Graves, JD

How do you select an attorney?

Advice of a friend?

Yellow pages?

Lawyer referral service?

Results?

Let's look at it a different way. How do you select a mechanic to work on your car? What do you look for?

Smiling face?

Clean coveralls?

Nice business card?

Results?

Of course! It's *results* you want.

The bottom line, whether you're taking your car for repairs or entrusting your life and financial future to a lawyer, is finding someone who can *deliver results!*

A lawyer's reputation at the yacht or country club means nothing if he can't win in court when the chips are down, if he won't stand up to the judge when the judge makes a bad ruling, if he's more interested in cases he's handling for other clients who can afford to pay for more of his time, etc.

How can you tell who's good or not?

What are the characteristics of a “good lawyer”?

Results ... *first and foremost!*

Which, of course, begs the question: How can I know a lawyer will get results for me in court *before* we go to court?

There is no way to be absolutely certain what *anyone* will do in the future, no matter what promises or guarantees they give, yet there are several things you can do to reduce your risk and improve the odds in our favor when hiring a lawyer to go to bat for you in court. Some are fairly obvious. A few may seem a bit odd at first, yet as you read through the rest of this series you'll see there are really only a few variables at work in the process.

There's always a degree of predictability when you must choose between a lawyer who *tells* you he can win your case and the lawyer who can *show* you how it's done!

That, in a nutshell, is the most important factor to look for.

When searching for a lawyer to fight for you in court, you'll always be choosing between those who *say* they can win and those who can *explain* what they will *do* to win, i.e., those clever enough to be able to *show* you what it takes to win!

Competence is in proof, not promises.

Competence includes:

- Conviction,
- Commitment,
- Courage, and
- Capability

Let's examine these four characteristics of competence one-at-a-time.

Conviction

A competent lawyer is convinced of the “right” of clients he's hired to represent and has a *conviction* about it that will drive him to do his very best.

If he's not convinced and convicted, he will not fight like a tiger when the chips are down, and he's the “wrong” lawyer for you!

No lawyer will pit his heart and soul into a fight unless his heart and soul are already in it.

Lawyers do their best work when they're convinced and convicted the case is worth winning, that it's right, that it's good, that it's the “proper thing to do”, something they're willing to stand for, stand behind, and stand “in the gap” about – *no matter what the personal adverse consequences may be.*

Remember this: Winning in court usually means *standing up to the judge!* In most cases, winning requires making objections when the judge makes errors or allows your opponent to make errors. Failure to object enthusiastically and repeatedly is a sure sign that the lawyer isn't fighting for you.

Good lawyers are ready to fight with the judge, because that's what it usually takes to win in court – putting the judge to task, demanding that the rules be enforced by the judge and the opponent, threatening appeal when they aren't.

In my more than 23 years as a lawyer, I encountered countless lawyers who didn't believe in their clients' cases yet took their client's money and promised to fight for them. It was obvious to me from the way they handled the case (and caved in when the judge got upset) that they didn't care one way or the other, *so long as they got paid for their time.*

Not all are like this, of course, but some are, and you cannot afford to hire one who isn't going to stand up for you, even against the judge!

Some lawyers I met were slovenly, lazy, doing only the minimum amount of work necessary to be paid for their time ... and getting paid was their only motive for handling their clients' cases.

Beware of sheep in wolves' clothing!

I even encountered lawyers who *knew* from the outset they could not win! They dragged their clients through hell, draining pockets and life savings, grabbing all they could get, only to announce at the close of a case, after the judge rendered a verdict against their clients, “There was no way we could have known this was going to happen.” I heard those *exact* words from a prominent lawyer one afternoon, as he tried to comfort clients he had known for months were beyond all hope of winning against me. He had a team of three other lawyers working the case with him, and all were being paid by his hopeless clients. I knew he knew he could not win, but this old warrior refused to tell his clients the truth because, of course, that would mean the money would stop coming in!

If the lawyer you consult isn't convinced of the “rightness” of your case, he isn't the “right lawyer” for you.

Beware of sheep in wolves' clothing.

Lawsuits are a battle not a parlor game.

You need a fighter who believes in what he's fighting for and cares about winning, because if two combatants come head-to-head, one with conviction in his cause and the other lackadaisical about the whole matter, the one convinced of his cause will fight *harder* when the chips are on the table – and that's what you *must* have, if you want to win.

You *need* a wolf to fight for you.

If the lawyer you consult only *seems* to be a wolf, hiding a fluffy, fearful, and flimsy will within his seemingly aggressive exterior, *move on!*

To be continued ...

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Justice™ Magazine
c/o Dr. Frederick D. Graves, JD
816 SE Dolphin Drive
Stuart, Florida 34996
Phone Toll Free: 866-Law-Easy
Fax Toll Free: 866-446-5112