

## Op-Ed. Response to Kirk Kirkpatrick threat of possible Unauthorized Practice of Law

by Art Patten, Waynesville, NC, December 8, 2012.

[**Editors Note:** This is an Op-Ed, (Opposite the Editorial page) on the subject of Kirk Kirkpatrick's accusations against this editor. Kirkpatrick's comments are transcribed from the Haywood County video of two commission meetings (re: [www.haywoodnc.net](http://www.haywoodnc.net)), and are presented in <http://haywoodtp.net/pubTP/T121022SE.pdf>, and <http://haywoodtp.net/pubTP/T121127.pdf> ]

This missive/Op Ed is in response to comments made by County Commissioner Kirk Kirkpatrick on two separate occasions, said comments were made, in response to questions posed by Monroe Miller, these questions were then misinterpreted as the possible Unauthorized Practice of Law hereafter in this missive abbreviated as UPL. Commissioner Kirkpatrick's comments pursuant to this matter are available on this site for your perusal.

After reviewing the entirety of Commissioner Kirkpatrick's comment's to Mr. Miller, I must surmise, that Commissioner Kirkpatrick was acting in the capacity of a legal Jurist, defined in **Black Law 4<sup>th</sup> edition** as "*One who is versed and skilled in the Law.* No where in the context of this definition does Blacks say one must be a licensed Attorney or a member of some elite, closed shop fraternity and private Guild known as a Bar Association, in order to be a Jurist. Hereafter in this missive Commissioner Kirkpatrick will be referred to as Jurist Kirkpatrick.

In Jurist Kirkpatrick's comments, he repeatedly implies Mr. Miller's questions may constitute the UPL, as he Mr. Miller, according to Jurist Kirkpatrick, may be acting in the venue of the commission's public comment section, as an unlicensed attorney.

Jurist Kirkpatrick's implied accusations, are so erroneously far a field from what in-fact constitutes the statutory definition of UPL, as defined in *N.C.G.S. Chapter 84*, as to beg the question, as to whether Jurist Kirkpatrick has a functional understanding of the elements of the charge of UPL.

First of all, let's address Jurist Kirkpatrick's implied accusations that Mr. Miller is an unlicensed Attorney. In point of fact, contrary to the brainwashing THE STATE and THE BAR would have you believe, there is no License to practice Law. License is defined as permission to do that which would otherwise be unlawful. Bar Agents / Attorner's such as Jurist Kirkpatrick have no document in their procession issued by THE STATE OF NORTH CAROLINA (a corporation) having the word License on any alleged document. What Bar Agents do have, is a Certification issued by The Supreme Court of The State of North Carolina, to practice law (*practice means they never really get it right as they are always practicing on us the hapless public*). The Supreme Court has no authority in Law or Statute to issue a License for anything, as all Licenses in This State, are issued under the authority of the Secretary of State. Certification/ Permission is defined in case Law at *Aldrich v. Syracuse 236 N.Y.S 614, 617, 134. 698*.

Ask any Bar Agent for his Bar Card and the word License never appears on this hallowed document. How can THE LAW, the real Law of The United States of America, which is the English common law, be licensed, as it applies to all men, who may use it unfettered, to govern their affairs and to chain the forays of an encroaching government into their personal affairs and liberties?

What Attorneys have done, is create an offshoot of THE LAW, which is private corporate By law. This inferior Statutory Scheme and By law, has been copy written by the American Bar the State Bar and by the Westlaw corporation, this By law was adopted when North Carolina formally accepted The North Carolina Bar Association and its copy written Statutes in 1933. This law only applies to Corporations, Trusts, Officers or Employees of Government, who by default, hold the political status as residents. These creations of THE STATE, are the only entities to which this Statutory Scheme applies! STATUTORY LAW IS NOT THE LAW OF THE UNITED STATES AND FREEMAN ARE NOT SUBJECT TO IT, UNLESS THEY AGREE BY MEANS OF DECEIT, TRICKERY AND RUSE, TO BE SUBJECT TO IT. THIS IS WHAT ATTORNEYS DO!

Maybe Mr. Miller had no standing to ask questions involving other Citizens problems with government within in the venue of the County Commissioners Meeting. Are County Commissioners' meetings undisclosed legal proceedings? It is a well known fact that County Commissioners in This State, were in fact magistrates, possibly as late as 1966. In many States, such as Tennessee, commissioners are magistrates, a booklet issued by the Tennessee school of government confirms this well known historical fact. Jurist Kirkpatrick, being a Bar Agent, is an officer of "The Court", by holding a second Office as vice-Chairman, is Jurist Kirkpatrick in violation of the Original intent of The Federal Constitution? This prohibition contained in the original 13<sup>th</sup> Amendment of the Federal Constitution, was in effect from 1819 to 1860 (*and may well still be in effect see hyper link*) forbid Attorneys / Esquires from holding any public office. Read about it here <http://www.thedailybeast.com/newsweek/2010/07/27/why-some-republicans-want-to-restore-the-13th-amendment.html>

While the aforementioned may be speculation, one thing is certain, Bar Agent Kirkpatrick has taken a oath to uphold the Statutes of THE STATE OF NORTH CAROLINA. This means that if Mr. Miller was committing an illegal act, such as UPL, Bar Agent/ Jurist Kirkpatrick, would be under a legal duty, much like a Police officer's who witnesses a crime, to then expeditiously report that crime. Failure to report a crime By a Public Officer could very well constitute a crime called Misprision, a very serious charge indeed. Jurist Kirkpatrick addresses Mr. Miller on this issue and says that he will not report Mr. Miller to the BAR for investigation for UPL. Is this because there is no crime to report? Mr. Miller, in point of fact, did nothing wrong.

Jurist Kirkpatrick then suggests Mr. Miller seek legal council in this matter. This is impressive! Jurist Kirkpatrick knows the difference between effective council as delineated in the 5<sup>th</sup> Article of Amendment of the U.S. constitution and legal representation which appears no where in any constitution. Representation is what an Attorney does for a corporation, when he enters into a case as the Attorney of Record. Council, which is a constitutional term, means anyone, such as a Lawyer and non Bar Agent, who is not required to be an Attorney, and who is also skilled and knowledgeable in The Law.

Under the doctrine of effective assistance of council, lead council does not have to be a member of the Bar fraternity. Lead Council/ Non Bar Agent may draft moving court papers ,which the Attorney of Record, then may submit. Plainly said again, you don't have to be a Bar Agent if you're listed as council on the moving court documents, and any Attorney of Record may submit said papers drafted By Non Bar Agents acting as council.

I mention this to illuminate the annotated histories regarding the UPL. The UPL statute in and of itself is **NOT** the law, under the Statutory Scheme, the case law pursuant to the Statute, is the law, along with the legislative intent, all these qualifiers and legal factors are carefully and surreptitiously tucked away in the Legislative Archives, in addition to the annotated histories regarding the Statute, which are available, only if one has a Westlaw Subscription, which will cost Non Bar Agents about \$1,500.00 per month. Luckily Super Citizen Miller has people who care about him and have such subscriptions and the legal expertise to prevent him from being railroaded by an elite monopoly and Guild, on a totally bogus charge.

A quick look in *N.C.G.S. Chapter 84* shows that UPL is the preparation of wills, trusts, and moving court papers, and the giving of a “legal opinion”, which translated, means speculation as to what the outcome of a case, or judgment may be. Mr. Miller, was **NOT** engaged in any of these essential elements aforementioned, while all he was merely exercising was his First Article of Amendment and Constitutionally Protected rights, under the Constitution of the United States of America, whilst he was addressing his public servants in the context of an ostensibly “Open public forum”.

The paramount question then arises, as to the intent of Jurist Kirkpatrick’s warnings and attempts to suppress Mr. Miller’s inquiries. Is Jurist Kirkpatrick attempting to shut down a line of questioning, which might reveal malfeasance on the part of the Commission? If Jurist Kirkpatrick believes Mr. Miller is committing a crime, why doesn’t Jurist Kirkpatrick report him? Attorneys don’t do things out of the kindness of their hearts; they do things out of expedience, greed, avarice, and political self aggrandizement.

Indeed the Prima Facie evidence, as to the intent of Jurist Kirkpatrick’s threats to Mr. Miller, appear to be baseless threats, in order to intimidate Mr. Miller and quash a line of questioning, that very well might reveal things Jurist Kirkpatrick doesn’t want the public to know. Public Shielding by an Officer of the court/public official, is addressed in *N.C.G.S. Chapter 14*.

There is an old adage that says if you point an accusatory finger at someone else, you may have three more pointing back at you. Jurist Kirkpatrick, in the act of insinuating that Mr. Miller may be engaged in UPL, is indeed himself, precariously treading into the very gray area, that he indirectly implies Mr. Miller has entered. The giving of a legal opinion while wearing the hat of a public official, is exactly why it was the intent of the framers of this Republic, through the original 13<sup>th</sup> amendment, that mandates Attorneys not hold any Public Office of trust, as an inevitable conflict would arise.

Not only has Mr. Miller received threats and harassment from the Commissioners, he has also received veiled threats of jury tampering by Haywood County District Attorney Michael Bonfoey. Mr. Miller, acting within the authority any public Citizen has under law, gave a verified criminal complainant against a Public Official, to the Foreman of the Grand Jury. No law precludes this act at all. The reader on this site can access audio link - [http://haywoodtp.net/pubII/120511\\_004Bonfoey.MP3](http://haywoodtp.net/pubII/120511_004Bonfoey.MP3) - proving Mr., Bonfoey and his staff are subverting and misapplying Statutes, that apply and relate to the Grand Jury. During this recorded meeting, Mr. Bonfoey, again attempts to intimidate Citizen Miller and his witnesses, Terry Ramey, by saying that only he, Bonfoey, being D.A., has access to the Grand Jury. The Oath jurors take, allows them to take complainants from any Citizen who has knowledge of a crime committed by any Public Official and to say anything to the contrary, is legally absurd and goes against all the precepts of American Juris Prudence as it relates to the Grand Jury.

Inclosing the afore mentioned Public Officials, have engaged in an active pattern of legal harassment, intimidation and official oppression when dealing with Mr. Miller. This attitude of intimidation has thrived during a period of great public apathy over the last 80 years, as Citizens have acquiesced their primary responsibility in the exercising over sight, over those who are appointed to operate in the Public Trust. Public officials have a fiduciary responsibility and duty to protect the Public Trust.

Our Public Officials have been left unchecked to operate under their own devices for the last 80 years, since the socialist FDR, created all Republican Government into an Administrative Law State, which has then been ruled by a private closed shop Guild called the BAR Association, whose agents, have infested all three branches of Government and have relegated Citizens, to feudal serfs on a corporate government plantation.

What are 3 million Attorneys at the bottom of the ocean? A very good start indeed. In order to restore a Republican form of government, we must prevent the elite fraternity and closed shop Guild known as the BAR Association, from doing exactly what they have done, infect all three branches of the government our founders gave us. I urge people to research the original 13<sup>th</sup> amendment of the United States Constitution and to not vote for any Attorney who seeks any Public Office of Trust.

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