

# **The Problem: Dishonesty and Corruption in our Legal System and our Government.**

## **The Solution: State Legislation**

Lawless America is a non-partisan coalition of organizations and individuals attempting to correct problems with our legal and judicial system and the problem of dishonest and/or corrupt government officials. Led by William M. Windsor and LawlessAmerica.com, a wide variety of people have combined forces to draft proposed state legislation that will fix many of the problems.

1. All court proceedings shall be recorded, and all parties shall have the right to do their own recording of all proceedings.

[Judges and attorneys get away with lies, concealing the tone of their comments, and falsifying court transcripts; this will be a tool to make them more accountable while protecting the fundamental rights of the parties.]

2. Each elected official and every government employee in the state, including all federal elected officials and federal employees operating in the state, shall be required to sign a Contract with the Citizens of the State and the United States that requires them to be honest at all times and defend the fundamental rights protected by the Constitution and Bill of Rights.

[This Contract makes all elected officials accountable to the people; they are essentially accountable to no one at this time.] Violation of the Contract will be presented to a Special Grand Jury.]

3. Judges must address all points raised by all parties in every court decision with a clear explanation with citation to determining facts, statutes, and case law.

[One of the dishonest/corrupt techniques used by judges is to ignore the issues, facts, and law. By forcing judges to address the issues, facts, statutes, and case law on each issue in their orders, judges will either treat the parties fairly or expose their corruption for all to see. When judges violate this provision, an aggrieved party will now have the ability to take the matter to a Special Grand Jury.]

4. Appellate judges must address all points of error in every appellate decision with a clear explanation with citation to determining facts, statutes, and case law.

[Appellate judges are even more dishonest than lower court judges when it comes to ignoring the issues, facts, statutes, and case law. By forcing judges to address the issues, facts, statutes, and case law, judges will either treat the parties fairly or expose their corruption for all to see. When judges violate this provision, an aggrieved party will now have the ability to take the matter to a Special Grand Jury.]

5. Judges must insist that people tell the truth in court with extreme consequences for those who don't.

[There are rules that will make the legal process infinitely more fair and less expensive. Judges must honor and enforce the rules. It is one of the only ways to get witnesses and attorneys to be more honest.]

6. Perjury is a cause of action that will be allowed in a civil suit with an automatic jury trial.

[Currently, people can lie repeatedly in court, and those damaged by the perjury have no recourse, and judges do nothing. Citizens need the ability to seek damages against witnesses in court who commit perjury.]

7. Attorneys must go by the letter of every law and every professional rule. Judges must subject attorneys to onerous consequences for violations.

[There are rules that will make the legal process infinitely more fair and less expensive. Judges must honor and enforce the rules. It is one of the only ways to get attorneys and judges to be honest.]

8. Attorneys who violate their Code of Professional Conduct shall be referred to a Special Grand Jury.

[Attorneys are a big part of the problem with the legal system. If they followed their Code of Professional Conduct, the legal system would be much fairer, and the expense of litigation would be dramatically reduced. Accountability by an independent Special Grand Jury should have amazing impact.]

9. "Motion practice" must be minimized. Judges must hold conferences and allow attorneys and pro se parties to communicate important issues directly to judges.

[In federal courts especially, judges avoid all contact with the attorneys and parties. They force the parties to file motions, responses, and replies to motion after motion. This runs up massive legal fees and provides infinite opportunities for misconduct and mistreatment of the parties.]

10. Judges may not dismiss a case or enter summary judgments when a jury trial has been requested.

[Judges corrupt the judicial process by depriving parties of a jury trial. Juries must make the decisions in legal matters -- not judges.]

11. All family court trials shall be by jury.

[Family court abuse and corruption is one of the most widely-criticized. Judges and their friends involved in the family court process create a situation ripe for injustice and corruption. We must remove the judges from this life-altering process for so many people. Let a jury of local citizens with their own families make these serious decisions.]

12. All court cases involving the government or a government employee must be trials by jury, and summary judgments will not be allowed in such cases to avoid the prejudice of a government employee judge having bias for another government employee.

[Bias must be protected against at all costs. It is only human nature for us to "protect our own." This must no longer be allowed.]

13. Judges may not ignore or change the rules of civil procedure.

[Judges may favor one attorney or party over another by selectively ignoring the rules or independently making their own after-the-fact rules. There are rules, and everyone must adhere to them. Judges must not be given the power to deprive a party or attorney of the protections and requirements of published rules.]

14. All orders must be signed by the judges involved.

[In many cases, the judges do not sign the orders. There is no way to know if the judges actually participated in the decision. Every order must be signed by the judges involved to prove that they participated

in the decision and to make the orders valid.]

15. All court decisions shall be published.

[Courts do not publish many of their orders. This keeps others from seeing their wrongdoing and mistakes. By publishing every decision, judges will have to do a better job, and they will be exposed to criticism by other judges and attorneys who identify their mistakes.]

16. The votes of each judge involved in a decision shall be made part of the public record.

[When multiple judges are involved, the parties and the public deserve to know how each voted.]

17. Judges must adhere to sentencing guidelines.

[There must be rules, and the place for a judge in the process is to go by the rules. We must minimize interpretation and freedom for judges to do whatever they want, because that is what has made our judicial system so unfair and corrupt.]

18. Campaign contributions are not allowed for funding judicial campaigns.

[Campaign contributions create the perfect opportunity for corrupting the judicial system. Elections for judges should be done with no contributions of any type allowed.]

19. There shall be no requirement of a legal degree and legal experience for judicial positions in cities, counties, and states.

[Lawyers are a big part of the problem with the legal system. Lawyers as judges come to the position with a built-in prejudice for their friend attorneys and may have a bias against attorneys they faced. If the participants in a case go by the rules and the law, any intelligent person can serve as judge. It is unfair to limit judge positions to attorneys.]

20. Parties may represent themselves in all legal proceedings in the State. Corporations, Limited Liability Companies, Partnerships, and other legal entities may also be represented by an officer of the corporation in legal proceedings, and representation by an attorney shall not be required.

[Statutes say that parties may represent themselves, but all of the attorneys involved in the law-making and judicial processes have twisted the intent of the law to force legal entities to spend zillions of dollars on attorneys. Pro se parties (those individuals who represent themselves) are generally discriminated against by judges, and this must not be allowed. Allowing legal entities to represent themselves will save billions of dollars in legal fees and will dramatically reduce the costs of operating the judicial system.]

21. A spouse may represent his or her spouse in legal proceedings if there is a properly executed power of attorney granting such right.

[Once again, judges ignore the law and refuse to allow an individual to be represented in court by someone pursuant to a power of attorney. This must be stopped. When a power of attorney grants a person to handle legal matters, it must apply to anyone in any legal matter, especially litigation.]

22. All pro se parties shall be given the ability to make electronic filings, if they choose.

[In most courts, only attorneys are allowed to file electronically. This also enables them to file just before midnight on a due date. Pro se parties are forced to print everything, and they have to file by the time the clerk's office closes (usually 5 pm or earlier). This inflates the cost for pro se parties, increases the costs of judicial personnel, and gives an unfair advantage to the attorneys. Pro se parties should take online training on how to use the electronic filing system, and they should have the option to save money and time by filing electronically.]

23. Pro se parties now represent approximately one-third of all parties in lawsuits. Each county in the State will establish an office with at least one staff attorney to assist pro se parties at no charge.

[Pro se parties usually cannot afford attorneys. Some courts provide assistance, but most don't. One-third of the citizens involved in the legal process must be helped.]

24. Each county shall have grand juries, and citizens will be able to directly present charges of government misconduct and corruption to a Special Grand Jury.

[Article of Amendment V of the Bill of Rights gives grand juries the power to deal with judicial and government wrongdoing through the power of Presentment. Not all states have county grand juries, but they are needed in every state in every county. Where grand juries do exist, government officials may block a citizen's access to the grand jury, and this will be fixed through this clause.]

A complaint for criminal conduct of a judge may be brought directly to the Special Grand Jury upon all the following prerequisites: (1) an affidavit of criminal conduct has been lodged with the appropriate prosecutorial entity within ninety (90) days of the commission of the alleged conduct; (2) the prosecutor declines to prosecute, or one hundred twenty (120) days has passed following the lodging of such affidavit and prosecution has not commenced; (3) an indictment, if sought, has not been specifically declined on the merits by a county Grand Jury; and (4) the criminal statute of limitations has not run.

Investigative grand juries may compel evidence and subpoena witnesses; may compel production of documents filed under seal; may inspect records, documents, correspondence, and books of any department, agency, board, bureau, commission, institution, or authority of the state or any of its political subdivisions; and may require the production of records, documents, correspondence, and books of any person, firm, or corporation which relate directly or indirectly to the subject of the investigation being conducted by the investigative grand jury. Each Special Grand Jury shall have exclusive power to retain non-governmental advisors, special prosecutors, and investigators, as needed, who shall serve no longer than one year, after which term said officers shall be ineligible. Notwithstanding the one year, a special prosecutor may be retained to prosecute current cases in which they are involved through all appeals and any complaints for judicial misconduct.

[This provides terms for the implementation of this clause.]

25. Special Grand Juries shall be responsible to ensure that government officials are honest above all else. The Special Grand Jury shall require active investigation of politicians for corrupt behavior.

[This is essential if we are to minimize corruption. The power must be in the hands of the citizens.]

26. All judicial misconduct complaints will be handled by a Special Grand Jury. The judicial system will cease “policing” itself. All judicial complaints will be made public.

[Expecting judges to discipline their friends (fellow judges) is not at all right. Complaints are also kept confidential. A Grand Jury composed of citizens from the county will ensure fair consideration of the issues. Making the complaints public will allow others to see the complaints that have been made, and it should serve as a deterrent to those who might commit misconduct.]

27. All attorney misconduct complaints will be handled by a Special Grand Jury. The association of attorneys (Bar Association) will cease being the sole means of “policing” attorneys. All attorney complaints will be made public.

[Just as with judges as discussed immediately above, expecting the association of attorneys to discipline their members isn't the independent way that complaints should be handled. Citizens probably are not aware that the Bar Association is nothing but an association; it isn't a government entity. Attorneys do massive damage to people, and the way to minimize this is to make attorneys accountable to a jury of citizens from the county.]

28. Judges may be removed from office for cause. Cause shall include deliberate violation of law, fraud, conspiracy, intentional violation of due process of law, deliberate disregard of material facts, using erroneous law, ignoring valid precedents, judicial acts without jurisdiction, blocking of a lawful conclusion of a case, or any deliberate violation of the Constitutions of the State or the United States and the Bill of Rights as well as dishonesty.

[The reports of proven judicial corruption nationwide are staggering; the scary part is all the corruption that the judges are able to hide. The only way to keep judges honest is to have a Grand Jury and the power to remove judges for cause.]

29. Complaints about foreclosure fraud may be presented to a Special Grand Jury.

[Foreclosure fraud is a form of government-assisted corruption. Those in danger of losing their biggest asset need help and fast. We the people need to protect them.]

30. Parties may present claims of attorney misconduct, judicial misconduct, clerk's office misconduct, and law enforcement misconduct to a Special Grand Jury.

[Attorneys, judges, judicial staff, clerks of court, and law enforcement all commit misconduct, and a Special Grand Jury provides the independent tribunal that the citizens need.]

31. Complaints about Child Protective Services (CPS) and other state agencies may be presented to a Special Grand Jury.

[Government corruption may take place in any agency. CPS is an area where abuse is often alleged.]

32. It shall be a child's right to be raised by his parent(s), free from government intrusion; have an attorney of his choice; be heard in court personally; be allowed to report abuse and know that the system will protect them; be protected from mental and physical abuse by guardians as well as the judicial system; and receive justice.

[Currently, the way children and their families are treated by the judicial system is a crime in and of itself. We the people must protect families and the children. These rights must be mandated because the existing system is hopelessly broken.]

33. No child may be taken from family without evidence and a hearing.

[Children are being removed from their homes at the whim of people. This life-altering decision must first be made in court and decided by a jury. We cannot allow families to be torn apart by people who should have no authority to take such serious action.]

34. All children deserve to live a childhood free from abuse, exploitation, and government interference during custody litigation.

[Custody litigation is devastating to many. The children must be protected not damaged by the system.]

35. The statute of limitations shall be eliminated in cases of sexual assault against children. The statute of limitations shall be eliminated in cases of perjury and fraud upon the courts.

[Laws must not be used to deprive citizens of recourse for wrongdoing.]



36. Judges must recuse themselves in specific circumstances, including if they are party to a lawsuit with a litigant. Bias can be demonstrated by actions in a lawsuit. All complaints of judicial bias will be resolved by a Special Grand Jury if a party chooses to pursue the matter after a judge refuses to recuse himself/herself.

[One of the areas of great abuse by judges is their refusal to recuse themselves. Once again, if judges went by the rules, the system would be fair...but they don't. Judges rarely recuse themselves when outsiders would feel the judge has bias that should require them to recuse themselves. Judges must be encouraged to abide by the rules and the intent of the recusal process, and if they fail to recuse themselves three times when a Special Grand Jury says they should have, they should be removed from office.]

37. No immunities shall be extended to any judge in this State except as is specifically set forth in this Law. The theory of judicial immunity is to protect judges from frivolous and harassing actions. However, deliberate violation of law, fraud, conspiracy, intentional violation of due process of law, deliberate disregard of material facts, judicial acts without jurisdiction, blocking of a lawful conclusion of a case, or any deliberate violation of the Constitutions of Florida or the United States and the Bill of Rights and dishonesty are violations by judges that are not frivolous or harassing. A Special Grand Jury's responsibility shall include determining, on an objective standard, whether a civil suit against a judge would be frivolous and harassing, or fall within the exclusions of immunity as set forth herein, and whether there is probable cause of criminal conduct by the judge complained of. Special Grand Juries shall also have the power to independently pursue charges against any government officials through the power of Presentment.

[Judges have manufactured claims of immunity for themselves using a case from the 1800's that is archaic and not really even applicable. Judges must not be allowed to corruptly, maliciously break laws, ignore laws and the facts, and abuse parties. They must be held accountable for their wrongs just as each of us is held accountable. If judges don't like this risk, then they should get real jobs like we all do.]

38. Should the Special Grand Jury find probable cause of criminal conduct on the part of any judge against whom a complaint is docketed, it shall have the power to indict such judge except where double jeopardy attaches. The Special Grand Jury shall, without *voir dire* beyond personal relationship, cause to be impaneled twelve special trial jurors, plus alternates, which trial jurors shall be instructed that they have power to judge both law and fact. The Special Grand Jury shall also select a non-governmental special prosecutor and a judge with no more than four years on the bench from a county other than that of the defendant judge. The trial jury shall be selected from the same pool of jury candidates as any regular jury. The special prosecutor shall thereafter prosecute the cause to a conclusion, having all the powers of any other prosecutor within this State. Upon conviction, the special trial jury shall have exclusive power of sentencing (limited to incarceration, fines and/or community service), which shall be derived by an average of the sentences of the trial jurors.

[This procedure is essential for the effective implementation of this Law.]

39. No judge complained of or sued civilly shall be defended at public expense or by any elected or appointed public counsel, nor shall any judge be reimbursed from public funds for any losses sustained under this Law.

[Currently, the government office responsible for taking action against a judge is also the office that provides counsel to represent judges at the taxpayer's expense. Judges should have to pay for their own legal counsel, or represent themselves, just as we the people have to do.]

40. Any judge or government official removed from office shall not thereafter serve in any government or judicial position. Retirement for such removed officials shall not exceed one-half of the benefits to which such person would have otherwise been entitled.

[We must cease giving outrageous benefits to those who commit wrongdoing.]

41. Attorneys and government employees will not be eligible to serve on a Special Grand Jury.

[Attorneys and government officials have an automatic conflict of interest and a natural bias for one of their own. Attorneys may also be risking their careers due to reprisals from a judge or government

official that they take action against.]

42. All Bar documents must be public record.

[Nothing in the legal world should be secret, especially complaints about participants in the legal process.]

43. The Model Code of Professional Conduct for attorneys shall become law, and the Bar Association will cease to have the authority to discipline attorneys except as members of their club.

[There is a conflict of interest to have the association of attorneys disciplining their members for actions that affect citizens of the state. The vast majority of problems with the legal system and dishonest and corrupt government officials are with attorneys. Many attorneys ignore their so-called rules of conduct, and nothing is done about it. By making law out of the rules they are supposed to operate by, the citizens will have a much better chance of a fairer legal system.]

44. The Code of Judicial Conduct shall become law, and fellow judges shall cease to have authority to discipline judges.

[There is a conflict of interest to have judges in charge of reviewing complaints against their fellow judges for actions that affect citizens of the state. Many of the problems with the legal system and dishonest and corrupt government officials are with judges who are attorneys. Many judges ignore their so-called code of conduct, and nothing is done about it. By making law out of the Code they are supposed to operate by, the citizens will have a much better chance of a fairer legal system.]

45. All attorneys and judges must pass a competency exam on constitutional principles, particularly rights.

[States must ensure that qualified people are in place.]

46. Impose requirements for bonds on all attorneys and judges, which they pay for out of their own pockets, and make it easy for their victims to file complaints reviewed only by the Special Grand Jury.

[This will clean up a lot of corruption and dishonesty.]

47. This Law applies to federal courts as well as state, county, and local courts, because federal courts and federal judges are allowed to operate in the state as a guest of the state.

[Federal courts must not be allowed to operate in a dishonest or corrupt manner. Federal employees functioning in our state must abide by our state's laws.]

48. Corruption must be minimized in government. [The government has not been able to effectively deal with corruption in government. We must put the power to deal with corruption into the hands of the people. The provisions of this law are designed to do just that.]

49. Whenever a criminal matter is raised in family court, that matter must pass to a criminal court where all normal criminal due process procedures, etc. apply.

50. Hearsay shall not be allowed in family courts.

51. Custody should be automatically 50/50 unless there is proven abuse or neglect.

52. Grandparents shall be listed on all birth certificates, and grandparents shall have automatic custody rights if their child is unable and they are willing and able. Grandparents are not always a good answer, but they should be looked at FIRST, and not as a second thought.

53. There shall be no statute of limitations for child abuse.

54. There shall be no statute of limitations for fraud.

55. There shall be no statute of limitations for new evidence in a criminal matter.

56. A Citizens Review Panel shall be established to monitor all children and family matters.

57. No child, teen, or young adult may be forced into residential treatment facilities and forced to take drugs without parental authorization.

58. Child support, custody, and visitation shall be treated as one issue in family court.

59. Child support shall be based upon an ability to pay. There shall be no child support in a 50/50 custody arrangement.

60. If a parent cannot pay child support, that parent shall not be jailed. Parents who do not pay child support may be sued for fraud, and if a jury determines that

fraud was committed, a judgment may be entered against the parent, and the court may revoke the driving privileges of the parent.

61. No one shall be jailed for non-payment of anything.
62. All children and family court proceedings should be public. The only ones they are protecting are the criminals.
63. Children shall be taken from parents only in extreme situations of abuse or neglect, and those decisions shall be made only by a jury after a full evidentiary trial.
64. Civil court requirement of a preponderance of probability shall be required in family court.
65. Where accusations of abuse are falsely made, there should be sanctions and criminal charges filed
66. There shall be no custody rights granted to convicted domestic abusers. This is how they gain ground to further manipulate their victims.
67. Anyone who feels their court experience was improper may have their case reviewed by a Special Regulatory Grand Jury.
68. So-called “parental alienation” shall not be considered child abuse.
69. Any citizen may file criminal charges by submitting a Criminal Warrant Application to a magistrate court. The Accuser shall serve as the “prosecutor” at a hearing before a magistrate court with a jury. If the magistrate court finds probable cause, the matter shall be referred to the prosecuting attorney for prosecution.
70. Officer Involved Domestic Violence matters shall be addressed with detailed procedures established by each police department.
71. No one shall be placed on any child abuse registry without a jury trial and a conviction for child abuse.
72. A “Safe at Home” program shall be established to protect citizens by having their addresses and contact information suppressed.
73. There shall never be a gag order issued by any judge.
74. All courts shall always be open.
75. No person may be named a vexatious litigant without a finding by a jury.

For more information, contact William M. Windsor. Bill Windsor and GRIP will edit your state's statutes upon request to incorporate these changes in a state's existing laws.