REQUEST FOR WRITTEN CLARIFICATION

TO: Frank A. McGuire
Clerk of the Supreme Court
Supreme Court of California
350 McAllister Street
San Francisco 94102
California, USA

FROM: Edward J. Guenette
Private Attorney General: 18 U.S.C. 1964
c/o Compassionate Use Alliance, Calif. S.O.S. #12117
P.O. Box 157
Hayfork 96041-0157
California, USA

DATE: December 16, 2015 *A.D.*

Greetings Mr. McGuire:

Your letter dated September 23, 2015, referred us to *The State Bar of California*, with offices in San Francisco and Los Angeles, California (copy of that letter is attached).

We are quite concerned with that referral, and must object to same, because it appears to conflict directly with Section 6064 of the California Business and Professions Code ("CBPC"), to wit:

> 6064. (a) Upon certification by the examining committee that the applicant has fulfilled the requirements for admission to practice law, the Supreme Court may admit the applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. **A certificate of admission thereupon shall be given to the applicant by the clerk of the court.**
>
> (b) Upon certification by the examining committee that an applicant who is not lawfully present in the United States has fulfilled the requirements for admission to practice law, the Supreme Court may admit that applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. **A certificate of admission thereupon shall be given to the applicant by the clerk of the court.**

Our careful scrutiny of the latter Section 6064 forces us to conclude that *The State Bar of California* does not appear anywhere in the mandated chain of possession of each *"certificate of admission".*

On the contrary, both subsections (a) and (b) contain identical language clearly requiring each certificate of admission to be issued by the clerk of the court, and then conveyed directly to each attorney upon admission to practice law, as ordered by the California Supreme Court.

Moreover, we understand that the word "shall" implies a mandatory, imperative obligation, as contrasted with the word "may" which implies a discretionary option. Thus, after issuance of each certificate of admission, your Office is required to give *i.e.* to convey each certificate of admission directly to each applicant.

Insofar as our analysis above is true and correct in point of law and in point of fact, please explain why your letter of September 23, 2015, does not contain bad legal advice. It is our current understanding that clerks of court are prohibited from giving out *any* legal advice.

In particular, your letter appears to contain a serious error concerning the correct legal custodian of each certificate of admission after the Supreme Court admits an applicant to the practice of law in the State of California, after issuance by your Office of each certificate of admission, and after your Office conveys same to each admitted applicant.

***The State Bar of California* cannot be the proper legal custodian of *any* certificates of admission, as long as the State Bar Act effectively renders duly licensed attorneys as the legal custodians of same.**

Please understand that the People of California have a public interest in knowing whether or not the documents also known as "Bar Cards" do sufficiently comply with the stated requirements imposed upon all members of *The State Bar of California* by the State Bar Act.

We have carefully examined filed copies of two (2) such Bar cards for compliance with CBPC Sections 6064, 6067 and 6068, and it is painfully obvious to us that neither Bar card qualifies as a *valid* certificate of admission, and neither qualifies as a *valid* certificate of oath.

In particular, the key words "certificate", "oath", "license" and "indorse" are quite well defined in authoritative legal dictionaries.

The signature on the back of each Bar card merely indicates that the attorney has paid his/her membership dues. There is no mention of the Constitution of the United States, nor of the Constitution of the State of California, on either side of the Bar cards we have examined.

Therefore, any reasonable person is justified to conclude that all such Bar cards:

(1) are not valid licenses to practice law;
(2) are not valid certificates of admission; and,
(3) do not exhibit valid certificates of oath to support two large bodies of American Law.

All three elements are clearly required by CBPC sections 6064, 6067 and 6068. Those two large bodies of Law are matters of substance, not mere form and not a mere formality.

Please also know that we are not discussing some hypothetical situation here. On the contrary, we are now eyewitnesses to at least two (2) Bar cards which were produced in apparent response to two (2) proper SUBPOENAs issued by the Clerk of a California Superior Court for discovering proof of compliance with CBPC sections 6067 and 6068.

The civil defendant in that case then timely attempted to file a proper MOTION TO COMPEL compliance with those SUBPOENAs, but we then witnessed Clerk's Office personnel **refuse to file** same.

Instead of conforming and stamping that MOTION and its companion MEMORANDUM IN SUPPORT OF MOTION TO COMPEL as "FILED" [*sic*], those personnel stamped those two pleadings as "RECEIVED" [*sic*] at the upper left margin of both pleadings, immediately after conferring with the Presiding Judge.

My office had previously demanded disclosure of certificates of oath required of both Bar "members", but neither replied with any evidence of those certificates; and, both are now PAST DUE, IN DEFAULT and legally estopped by their silence.

As you know or *should* already know, the U.S. Supreme Court has correctly held that the Petition Clause in the First Amendment guarantees a Right that is *"conservative of all other rights".*

There should now be no further debate that pleadings presented to the Superior Court of California constitute **petitions to government for redress of grievances**, as the latter phrase occurs in the First Amendment to the Constitution for the United States of America, as lawfully amended ("U.S. Constitution").

Thus, before confirming any more of the relevant details, we are presently persuaded to conclude that the refusal by Clerk's Office personnel to "file" that MOTION, and its supporting MEMORANDUM, very probably violated the Federal criminal statute at 18 U.S.C. 242 (a misdemeanor Federal offense).

The Petition Clause clearly guarantees a Fundamental Right that is expressly guaranteed by the U.S. Constitution.

It is not immediately apparent to us that the Presiding Judge was necessarily implicated in that Federal offense, however: that Judge did summarily DENY the MOTION TO COMPEL the following day, but without considering or allowing any written rebuttal(s) from the two Bar "members" in question.

That denial did imply that the MOTION and MEMORANDUM were considered "FILED" by the Presiding Judge. But, that denial did assume facts not in evidence in the official records of the Superior Court.

Nevertheless, on the merits, **the Superior Court of California has now ruled that the two (2) Bar cards in question did satisfy all requirements imposed by the State Bar Act**.

Moreover, the Presiding Judge who issued that ruling from the bench is also another State Bar "member" who has likewise refused to produce any evidence of past compliance with CBPC sections 6067 and 6068.

As such, the People of California now believe that elected Judge's documented refusal constitutes a clear conflict of interest justifying immediate recusal of that Judge.

Despite being duly elected to the bench, that Judge's candidate application forms probably contain one or more false claims of being a State Bar member *"in good standing"* when the absence of a valid certificate of oath calls for a contrary conclusion.

All such missing certificates have resulted in manifold and widespread frauds upon the Superior Court of California, upon the California Courts of Appeal, and upon the Supreme Court of California.

The People of California *ex rel.* Edward J. Guenette, Private Attorney General, now formally object to the plain error that is painfully evident in that Judge's erroneous ruling, and the conflict of interest that also exists for that Judge, for all of the reasons recited above and for all of the reasons also recited in the MOTION TO COMPEL and in the companion MEMORANDUM IN SUPPORT OF MOTION TO COMPEL discussed above.

We look forward with great anticipation to your prompt and legally correct response to all of the above. Because time is now of the essence, **please reply within 10 business days**.

Thank you very much for your timely professional consideration in this important matter which directly concerns statewide public interests.

Sincerely yours,

/s/ Edward J. Guenette

Edward J. Guenette, *Sui Juris*
Private Attorney General, Civil RICO:
Rotella v. Wood, 528 U.S. 549 (2000) (*objectives of Civil RICO*);
Compassionate Use Alliance, Unincorporated Nonprofit Association,
California Secretary of State #12117

Courtesy Copies:

Office of the Governor, State of California, Sacramento;
Office of the Attorney General, State of California, Sacramento;
Office of the Presiding Judge, Trinity County Superior Court; and,
Trinity County Sheriffs, Weaverville