

STATE OF SOUTH CAROLINA
BEFORE THE SUPREME COURT

IN THE MATTER OF:

)	Docket # 2002-DE-L-0711
Robert Barnwell Clarkson)	
Respondent)	Reply to Petition for Contempt

Robert Clarkson hereby replies to Petition for Revocation of Suspended Sentence and for Rule to Show Cause by Office of Disciplinary Counsel.

1. Clarkson requests a hearing and appointed stand-by counsel.
2. For the most part, the facts are undisputed. However, we do have some facts that are in dispute, mostly statistics from the court administration. Further, Clarkson disputes that he controlled or managed any case in the last 29 years except for immediate family.
3. The only issue in this case in Clarkson's opinion is the legality of paralegals assisting pro se litigants. This is the same, underlying issue in the court's order dated May 25, 2004. In Clarkson's opinion, the statistics from the court administration will force the honorable ODC to dismiss this case?
4. The Office of Disciplinary Council does an important and vital job in our state and is wholeheartedly supported by defendant. Clarkson has information and statistics that can support them greatly.
5. The facts are that Clarkson for thirty years has been a paralegal writing briefs, assisting taxpayers and coaching pro se litigants. His work has been open, widely known and no surprise to anybody. Defendant has assisted in possibly 10,000 cases. Much of his work is on public display on his website. Clarkson does not deny his website, asserts that it is under his control and he alone is responsible for the contents therein.

Obviously, Clarkson believes he is correct and will vigorously defend his position. The numbers on court filings in South Carolina courts destroy any argument that the ODC has.

6. The question now is for the orderly disposition of this case. Clarkson asks for a hearing in this case. Judge Patterson in Greenville, SC was the hearing officer in the previous case. By mistake, the ODC gave Clarkson a different group of exhibits than the Judge. Judge Patterson's order was so clear and well-written that Clarkson was able to figure out the mistake of the ODC and move forward.

In the last case, Magistrate Hugh Welborn of Anderson was appointed stand-by counsel. Clarkson ran his own case but stand-by counsel did an excellent job communicating with the government.

7. As the specific cases listed in the petition for contempt, the government claims that Clarkson's assistance to Gary Chapman et al was UPL.

- A. For the last twenty five years Defendant has helped Chapman with tax matters. Mr. Chapman is an active participant in the PN political activities and is very familiar with Clarkson's political beliefs. Obviously he supports this political action group. Due to the nature of Clarkson's activities, Chapman was very aware that Clarkson did not control or manage this case.
- B. SC DOR charged Clarkson with contempt of court before Judge Paige Gossett, Administrative Law Judge. She found Clarkson guilty and fined his \$500. That case and instant case are identical and should be merged together when Clarkson files his appeal in the DOR case.

Attorney Ron Urban of SC DOR did an excellent job prosecuting Clarkson and placed most of the vital facts on record. He made some errors in characterization of the facts. Judge Gossett wrote an excellent written order which had a very acute description of Clarkson ideas, facts and positions. Defendant assumes that the transcript in that case would be used in instant case also.

- C. Clarkson denies managing or controlling Chapman's case before the ALC. Generally, for most cases particularly DOR cases, Clarkson wrote the briefs or pleadings in the first case of whatever court he was in and then posted his work on his website. Thereafter the tax victim or whatever paralegal that is helping him draws the pleadings by themselves. Frequently they can consult Clarkson for his advice. Most take Defendant's classes on self-representation.

Under the First Amendment of the United States Constitution, Defendant has a right to put on his political website anything he wants to put on there. DOR may not like the little people standing up to these bullies but the people of South Carolina have rights. If Clarkson teaches them their rights, he is protected by the Constitution regardless of the opinions of ODC and DOR.

- D. Respondent is accused of doing legal work for Sherry Barry who won three cases before the US 11th Circuit of the Court Appeals. Ms. Barry is a well experienced paralegal with a degree in that field. For years she has handled her own legal work. Clarkson gave her legal advice, but she ignored half of it. She a retained attorney for some cases and Clarkson advised him, due to his decades of experience.

Clarkson has the right to puff his work as he sees fit. He can put on his political website political jargon aimed at a particular audience or downright lies, according to Attorney Urban. Clarkson's statement about his great work in writing Ms. Barry's briefs was a political statement and not something that would standup under oath.

- E. Guido Improta is an excellent legal writer who received much assistant from Respondent. However he wrote his own brief, managed his own case, etc. Clarkson has no papers or copies of pleadings on this case in his office or under his control.

In almost all the cases where he advises, the member is responsible for record keeping and knows in advance that Clarkson has nothing pertaining to the case under his control except Clarkson memory. At age 60 his memory is not very dependable.

How can Clarkson manage a case if he does not have any files? Clarkson has no control of these cases for various reasons.

- F. Marilyn Wallace aka Marilyn Freeman received help from Clarkson on her administrative claims. She has a retained attorney for the lawsuit who receives much advice from Clarkson. The complaint on the website was a draft for her and model for others. The actual lawsuit should be posted by now.

In case Respondent has not mentioned it before, he has many years of experience and is a resource for many licensed lawyers.

8. Clarkson mostly does administrative work which is not covered by the UPL law. His work before tax court and other administrative law courts should be legalized. ALC's have relaxed procedures, easy operations and seldom handle important matters. Several occupations are already allowed to represent people before administrative courts, mostly CPA's. The law on this needs to be updated to reflect modern society.

9. Clarkson is an expert on tax procedure and has a right to hold himself out as a specialist in political actions. Patriot Network is a political action group with the goal or purpose to Restore Constitutional Government. One part of that is tax reform.

The allegations of the prosecutrix cover areas protected by the free speech provisions of the SC Constitution. Clarkson can publish anything he wants on his website and newsletter.

10. Statistics on Self-representation with Paralegal Assistance in SC Courts

Note: These numbers at this time are incomplete and only estimates. Final statistics will be submitted as soon as possible.

- a. The vast majority of cases filed in SC courts consist of consumer debt collection. Under the new law SC code section _____, finance company managers can represent the large international banking corporations, etc. These credit managers are not lawyers, not licensed anywhere, but do formally represent corporations. These junior executives receive the advice, assistance and standardized pleadings from other managers who are non-licensed paralegals. Almost all of the debt collections are prosecuted by non-lawyers
- b. Under law, supervisors in law enforcement agencies can prosecute traffic ticket cases in Magistrate's Court. Almost all traffic tickets are prosecuted by non-lawyers. The police officers receive assistance, advice, training and standardized pleading from paralegals that are unlicensed. In my traffic ticket case, the case was prosecuted by the ticketing officer.

- c. Over 80% of the taxpayers before the US Tax Court are pro se. All of these people have received advice and assistance, mostly from unlicensed paralegals
- d. As an expert in this issue, Defendant can testify to the court that 100% of pro se litigants in all courts receive advice and assistance from somebody, mostly unlicensed paralegals.

11. Below is Clarkson's letter to Judge Gossett dated September 28, which outlines his case? A successful prosecution of Defendant would criminalize much normal behavior by law-abiding citizens. Any decision outlawing paralegals would be widely disobeyed and cause loss of respect for our court system. The people need to respect our judicial system for government to work.

In his long and colorful career, Clarkson has never been found or accused of disrespect for the rule of law, the court system or even those who prosecute him (except twice by accident). In his own way, Defendant actually is a positive influence on the legal system on his native state.

12. Clarkson provides legal advice all day long in numerous capacities. His website now has a section on "womenfolk advice." (There is a long story behind this.) Now Clarkson is also giving relationship advice without a license.

13. In conclusion Respondent request that this case be dismissed or a hearing be held so he can introduce more information and argument into this case.

Certificate of Service: I do hereby certify that on this date, a copy of this pleading was send properly to opposing attorney.

November 9, 2007

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