

THE SUPREME COURT OF SOUTH CAROLINA

IN THE MATTER OF:) Docket # 2002-DE-L-0711
Robert Barnwell Clarkson))
Respondent) Return to Show Cause Order

Respondent Robert Clarkson hereby files his Return to the Show Cause Order of this Court dated December 7, 2007.

1. The facts are generally not disputed. Defendant Robert Clarkson for three decades assisted pro se litigants in thousands of cases, mostly against the IRS. Defendant advised, counseled and furnished ready-to-use pleadings and has guided pro se litigants on how to use pleading.

2. Clarkson now uses his website www.patriotnetwork.info to dissimulate his packaged pleadings. Generally, Defendant draws up the initial pleadings for each problem, post the samples on his web and the tax victims draw their own pleading with Clarkson's advice.

Dozens of similar websites and advice services are on the web. Many licensed lawyers' un-bundle legal services and have the same services as this defendant. However, most of these websites are run by unlicensed paralegals and many are awful.

3. Clarkson is not a licensed lawyer, does not claim to be one except by error as he admitted at the hearing before this Court in May 2004.

Clarkson does advise and assist pro se litigants but this is not practicing law.

I The Statistics

4. Due to changes in our society and economy, the increased education levels of the people and the spreading reach of regulatory agencies, more Americans are representing themselves in courts.

Every single person (100%) who goes before a court or administrative tribunal will ask somebody to assist him. Therefore an industry has arisen of professional paralegals whom advise and assist the pro se's. These paralegals are unregulated and except for bankruptcy court, unrevealed. However, Clarkson's work is widely recognized and the federal judges are well aware of his involvement.

5. The numbers are overwhelming against the Office of Disciplinary Counsel.

The majority of cases filed in the SC courts are consumer debt collections. Almost all of these are filed and prosecuted by managers of the lending companies under SC Code **§ 33-1-103**. Every one of these paralegals received advice and packaged pleading from somebody, mostly his boss, not a licensed attorney.

§ 33-1-103. Designation of representation in magistrates' court; unauthorized practice of law. "A corporation or partnership, as defined in this section, may designate an employee or principal of the corporation or partnership to represent it in magistrates' court. This designation must be in writing and must be submitted to the magistrate at the time the initial pleading in the case is filed by the party. Notwithstanding the provisions of Chapter 5 of Title 40 or any other

provision of law, the person so designated, while representing the corporation or partnership in magistrates' court, is not engaging in the unauthorized practice of law"

Clarkson of course does not fall under this law but it does reflect the change in our legal system. Clarkson's defense is this policy should be expanded.

Also, state law provides that law enforcement supervisors can prosecute traffic infractions in Magistrates' Court. Shortly after this law was passed, Clarkson had a speeding ticket in Greenwood SC. The supervisor did not appear and the Trooper prosecuted Defendant without any objection.

The Magistrates are charged with moving the cases along. The power of the authorities in Columbia only reaches so far.

6. Our Summary Courts recognize and assist pro se parties who are the majority of litigants. Again, nobody goes before any tribunal without asking advice from somebody.

A majority of cases filed in US Tax Court and Bankruptcy Court are without licensed lawyers. The courts, especially in South Carolina, accommodate the pro se's.

7. No law exist that prohibits Clarkson or the thousands of other paralegals from assisting those representing themselves or publishing turn-key case work.

If this Honorable Court should find such prohibition does exist, then the law should be changed to reflect the change in society. Otherwise, thousands of honest citizens would be turned into criminals and the good paralegals would not be helping

thousands of litigants through the maze of the courts. Then the burden on the courts would increase.

II Sentencing

8. The genius of America is that reform bubbles up from below. Half the world's population wants to move here. Maybe our founding fathers were on to something.

This editorial appeared in The (Columbia) State:

Try re-reading state's constitution

Three years ago, Attorney General Henry McMaster sent shock waves through our state's legal and political communities when he intervened in a lawsuit largely on behalf of the person suing the state.

As he explained at the time, his job is not to defend the General Assembly but rather to defend the state's constitution as he is to oppose an individual who violates our laws.

We are delighted to see that this wasn't a fluke.

Earlier this month, Mr. McMaster once again sided with constitutional gadfly Ed Sloan (or, more accurately, with the constitution), who is challenging the Legislature's way of doing business.

In his latest suit, Mr. Sloan argues that five laws passes this year violate the constitutional prohibition on laws that apply to a single county and that four others violate the single subject rule, which prohibits stringing unrelated measures together in a single bill...

We hope the Legislature will reconsider... We'd like to think our Legislature is capable of admitting when it's wrong, rather than forcing the court to force it to obey the constitution that every legislator swore an oath to "preserve, protect, and defend."

9. According to the above newspaper article, the legislature passed several unconstitutional laws and a "constitutional gadfly" sued to have this Court declare them unconstitutional.

Well, every member of the legislature knew these enactments had bobtails which violate the state's governing document. The Governor clearly told everybody that in his veto message. Even our great attorney general did nothing at first.

A private citizen brought the action. Then our brave AG joined in. But why did not our state officials start the case? Bureaucracies, as well known, cannot move. Some outside force must push for reform.

10. For better or worse, Robert Barnwell Clarkson is trying to reform the tax laws, in particular the procedures. The Department of Revenue (DOR) is a bully, is known to take advantage of little people, beating up on tax victims who are known not to have the resources to protect their interest. The taxes in dispute in very few DOR cases equal the fees of tax professionals.

As well known, Clarkson does not charge for his work.

11. Clarkson has been found by two federal agencies to be totally and permanently disabled due to PTSD and brain damage from horrible events in the Vietnam War. This reformer maintains his stability by fighting powerful government bureaucracies.

12. In the first round of instant case, the underlying issue was what is clearly stated in this second round: the preparation of pleading by an unlicensed paralegal. Clarkson could have brought up the real issue and thereby ending up with a Supreme Court decision on this subject.

However, the facts were not on the record but mainly Defendant was facing a potential heavy sentence and therefore, did not bring up firmly the real issue.

5. For our free and open society to continue its great success, we need the self-appointed zealots.

6. Now, those who sail in uncharged waters make more mistakes than those who follow the well-beaten path. Human progress is made by those who push the envelope but errors are made.

An excessive sentence on those who advocate change will stifle innovation.

Change and gadflies must be tolerated by the establishment. New ideas and reforms ninety percent of the time do more harm than good or at least make no improvement. But that is why we pay for a Supreme Court. Every major change eventually comes before this Court. An automobile must have an accelerator and a brake.

15. This defendant has always played by the rules in his constant battles with many government agencies. Nowhere in Clarkson's website, publications or speeches does he advocate disruptive behavior or even impoliteness.

Clarkson request that if this court should it find him in contempt, that the sentence not be unnecessary long.

III The problem and The Solution

16. Self-representation and non-lawyer assistance are here to stay. No court can stop it. The question is regulation.

Respondent is this state's greatest expert on this issue and will give some legal advice on the problem.

17. Respondent agrees with the ODC more than Ms. Seymour. More than anybody else, Clarkson sees the carnage the paralegals do giving out so much bad advice, worthless packaged pleadings at huge fees.

With three decades of extensive experience with the problem of unregulated paralegal charging to assist the self-represented, Clarkson has no recommendation. The Justices will have to earn their pay.

18. However, Respondent will suggest some considerations:

- A. The military has a policy of "Do not ask, do not tell".
- B. Any law outlawing assistance by paralegals will not and can not be enforceable generally. Manufacturing disrespect for the law is a much, much greater danger to society than even the worse paralegal (and many very bad ones are active).

Specifically this Court can outlaw one citizen as Defendant. But this will have no effect except on him.

- C. The Bankruptcy Court requires petitioners to identify non-lawyers who assist for pay. This in Respondent's experienced opinion is the closest to a solution. However, Clarkson weasels out of this provision because he does not charge any fees for assisting.
- D. Licensing and regulation of paralegals will be a problem. However, representation before regulatory bodies by non-

lawyers should be expanded especially in tax cases,
particularly for small amounts.

IV Disputed matters

19. The cases used by the ODC in their petition dated 7 Dec deal with taxpayers in Florida who are writing their own pleadings with only advice from Defendant. Besides, those cases are in federal courts which are able to police their own system. Any legal work done was in Florida.

The federal courts are well aware of Clarkson's work and have never spoken against him. He has in effect tacit approval. In any event, with Clarkson helping, the cases move along smoothly without the disruptions the other paralegals cause.

20. In an identical case with the same facts and defendant, Clarkson has been found guilty of contempt and fined \$500. In case number 07-ALJ-17-0257-CC, ALJ Paige Gossett rendered a criminal sentence. Therefore, this case violates the double jeopardy provisions in the US and SC Constitutions.

21. Clarkson is vigorously contesting the accusation that alleges that he controlled or managed any case, especially before the SC Department of Revenue. The taxpayers took their pleading off the website and typed the pleadings themselves or hired a typist. They are competent individuals who did their own work, knew what they were doing and signed everything.

Clarkson does not have a folder on Gary Chapman or copies of any of his work. Clarkson has no way to manage this or any case.

The pro se litigants must do their own work. Clarkson only advises generally and post sample pleadings on his web for anybody to use.

In the Chapman case, he used positions from Peymon, a Patriot Paralegal in California and another paralegal. The web has many sites with turnkey pleadings.

22. Defendant's work is part of the political operations of a political action group. Clarkson wrote the initial briefs in many cases and posted them on his website so any taxpayer in this grand state could copy and use to protect himself. This was not a tax or legal effort but Defendant exercising his right to free speech.

Clarkson's political protests may be different than other political clubs but these are still a protest of the tax system as a whole. Defendant has a Constitutional Right to publish whatever he wants on his website.

23. Clarkson's website will be the main evidence of the prosecution. Defendant's publications are designed for those active in the Freedom Movement and may seem strange to government officials. This is a political website and Clarkson needs to explain why it covers certain matters, legal or otherwise.

24. As in his defense in the first hearing in this case, Clarkson has obeyed the rules, was polite, had respect for all parties, etc. Defendant hopes this Court will find that he has

been open, candid and honest. The prosecution has presented no evidence that Defendant was deceitful, sneaky or deceptive.

V Conclusion

25. As Clarkson will explain in his other pleadings, he requests that the disbarment order of May 15, 1978 be withdrawn and that Clarkson be allowed to voluntarily resign from the bar association due to an acquired mental disorder caused directly by his honorable service in the United States Army.

Finally, Robert Clarkson asks this court to find that preparation of pleadings to post on the internet by non-lawyers is not the practice of law; or if it is, then the law should be changed.

CERTIFICATE OF SERVICE: I do hereby certify that I sent properly a copy of this pleading to the opposing council.

Date: 26 Dec 07

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