

JOHN REMINGTON GRAHAM

COUNSELOR AT LAW

212 West Franklin Avenue
Minneapolis, Minnesota 55404
November 3, 1980

John McCarthy, Esq.
Clerk of Supreme Court
St. Paul, Minnesota 55155

Dear Sir:

I enclose herewith my Attorney Registration Statement, together with my check payable in the amount of \$11.00 in satisfaction of my registration fee through April 1, 1981. I do so under protest on the ground that the registration fee constitutes an occupation tax imposed by judicial order, whereas taxation is indisputably and exclusively a legislative power under the Minnesota Constitution.

I acknowledge receipt of notice of the recent change of Rule 3 of the Rules of the Supreme Court for Continuing Legal Education of Members of the Bar pertaining to return of lawyers from restricted to active status, and the corresponding recent change of Rule 112 of the Rules of the State Board of Continuing Legal Education. I protest this change as constituting an additional encumbrance on licenses to practice law without adequate notice and hearing, the necessity for which was recognized by the Minnesota Supreme Court in Petition of the Minnesota State Bar Association, No. 45298, by way of an order entered in that matter on December 19, 1974, and setting a new hearing in the cause on January 31, 1975.

It is my desire to petition the Minnesota Supreme Court for an order abolishing the Continuing Legal Education Program altogether, or at least in present form, on account of the following considerations:

1. The said program creates an unconstitutional presumption of failure to comply with the ethical requirement of keeping current with the law, inasmuch as failure to take accredited courses does not imply failure to keep current in the law, and no credit is given for self-directed study, even if amply verified, the latter being the traditional method by which lawyers have fulfilled the ethical requirement of maintaining competence from time immemorial.
2. The said program is arbitrary, capricious, and unreasonable, because there has never been any evidence presented to the Court showing the necessity thereof as a means of maintaining the competence of the bar, even given the conditions of modern-day law practice; and also because the true motivation behind the measure is not maintenance of professional competence, but rather the establishment and encouragement of a business enterprise, an end properly legislative and not judicial.
3. The said program calls for the imposition of a judicial tax on the occupation of practicing law, contrary to elementary constitutional principle.

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4. The said program was imposed by order of the Minnesota Supreme Court in Petition of the Minnesota State Bar Association, No. 45298, entered on April 3, 1975, significantly in consequence of ex parte appearances of lawyers representing the petitioner, a private corporation, without notice to or consent of parties in opposition, and under circumstances in which at least one member of the Court was a corporate fiduciary of the petitioner, viz., a director.

Kindly determine and advise me of the procedure preferred by the Court for advancing the foregoing objections toward the end of abolition or modification of the said program.

Thanking you for your attention, I remain

Respectfully yours,

John Remington Franham

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OFFICE OF THE CLERK
Supreme Court of Minnesota
St. Paul, Minn.

JOHN MCCARTHY
CLERK
WAYNE TSCHIMPERLE
DEPUTY

2 December 1980

Mr. John Remington Graham
212 W. Franklin Ave.
Minneapolis, MN 55404

Dear Mr. Graham:

In re: Continuing Legal Education

We distributed your letter of 3 November to the court. The last line of your letter states, "Kindly determine and advise me of the procedure preferred by the Court for advancing the foregoing objections toward the end of abolition or modification of the said program."

Please be advised that the proper way of bringing matters to the attention of the court is by filing a petition with supporting affidavits in conformity with the published rules of the court.

Sincerely, v.

John McCarthy
John McCarthy, Clerk