

JULY 2012

ARE YOU GETTING THIS NEWSLETTER

INTERNATIONAL FATHERS RIGHTS FOUNDATION

This is my wish for you:
Comfort on difficult days,
smiles when sadness intrudes,
rainbows to follow the
clouds, laughter to kiss your
lips, sunsets to warm your
heart, hugs when spirits sag,
beauty for your eyes to see,
friendships to brighten your
being, faith so that you can
believe, confidence for when
you doubt, courage to know
yourself, patience to accept
the truth, Love to complete
your life

Thinking like a Lawyer

Consider what it means to “think like a lawyer.” It’s meaning to look at the source of law that is principally statutes and court decisions and deciding according to law resources determining applicable rules, sending facts, and applying rules to fact. The legal rule cannot always be read from a single statute or precedents, analyze them, compare them to facts, and revisit statutes and precedents in light of the facts, which then examine facts in light of the law. The end result is to bring facts and law together.

Substantive law as distinguished from Procedural law determines rights and duties abstractly. Civil procedure translates those abstract statements of rights and duties into determinations of rights and duties in individual cases. Some form of “legal reasoning” is universal among modern legal systems in America and known as “Thinking like a lawyer.” In Germany and Korea it is called Legal Thinking. One introductory text provides a concise definition of legal reasoning in the United States, one must:

1. Identify the applicable sources of law, usually statutes and judicial decisions.
2. Analyze these sources of law to determine the applicable rules of law and the policies underlying those rules.
3. Synthesize the applicable rules of law into current structure in which the more specific rules are grouped under the more general ones
4. Research the available facts.
5. Apply the structure of the rules to the facts to ascertain the rights or duties created by the facts, using the policies underlying the rules to resolve difficult cases.

There is no need to apologize for thinking like a lawyer. Thinking like a lawyer helps reach just solutions to legal problems. It is what makes positive law a constraint on law abuse. Those charged with applying the law to others and those subjects to the law, who apply it to themselves in their daily lives, cannot easily escape it or bend it to their own needs when they are required to apply it syllogistically.

INTERNATIONAL FATHERS RIGHTS FOUNDATION

“It’s pretty hard to be efficient without being obnoxious.”

www.internationalfathersrightsfoundatio.com

"I've learned that: goodbyes will always hurt, pictures can never replace being there, memories forget the **hard** times, words can never replace feelings, and heroes often go unsung"

FAIRNESS

Fairness can readily be couched in the language of freedom. Finding a unifying theory of law that balances demands for fairness against daily freedoms seems inevitably to lead to a legal rule or process for every social interaction. Freedom has always been pretty in hands of people who link their personal interest with a purported public goal. Here is something to think about "we all declare freedom and liberty, but in using the same word, we do not all mean the same thing." This idea is lost to our age. It is only a reinstatement to assert that when advancing the cause of freedom, law today is all prosecution and no protection. We are free to do what we want, but only as long as we don't wade into this abyss sea and no one around descries. We will never fix our schools, or make health care affordable or even re-energize democracy, or revive the can do spirit that made America great, unless the American law is rebuilt restored, to protect the freedom in our daily choices!!!

www.commongood.org

Life without Lawyers

American exceptionalism is fading, not because we rejected the explicit "credo of our culture" the belief in the power of the individual. Indeed much of modern law is advanced in the name of individual rights. What changed is that the scope of law now stifles our freedom of self-invention. The American difference is not civil liberties or democratic rights other cultures have come to have similar legal rights, but the fact that other societies are constrained by the yoke of cultural constraints about people's place in society. All services and activities of the community, even the ability to respond to immediate threats are the responsibility of a powerful "stranger" called our government. A culture of legal fear is not what our founders had in mind when they created the legal framework for a free society. Law is supposed to support free choice, and not to impede choices all day long. Slowly but surely legal self consciousness, awareness is killing our culture. Here we stand facing the challenges of the twenty-first century without any conception of law that actually allows us to harness our personal power, to meet those challenges. Now what's needed is to rebuild the structures of law that, while sorting out the needs of an independent society revives the one constant essential resurgence that made our country so great "and that is you ask," the power of individual freedom

Women gather together to wear silly hats, eat dainty food, and forget how unresponsive their husbands are. Men gather to talk sports, eat heavy food, and forget how demanding their wives are. Only where children gather is there any real chance of fun.

FAILURE IS UNIMPORTANT. IT TAKES COURAGE TO MAKE A FOOL OF YOURSELF.

"You can avoid having ulcers by adapting to the situation: If you fall in the mud puddle, check your pockets for fish."