24-6183

IN THE UNITED STATES SUPREME COURT

ORIGINAL.

FILED
DEC 03 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. _____

ROBERT M. JOOST,

Petitioner

v.

BOARD OF BAR EXAMINERS, MASSACHUSETTS,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT FOR THE COMMONWEALTH OF MASSACHUSETTS

BRIEF OF THE PETITIONER

Robert M. Joost (pro se)
126 Border St. Unit 330
Boston, MA 02128
bobjparalegal@gmail.com

Question Presented

I. Whether, under the particular facts of this case, the Respondents and the Commonwealth of Massachusetts, have violated Petitioner's constitutional rights by refusing to allow him to take the bar exam because he does not have a formal education consisting of a four-year college degree and a three-year law school degree by an accredited ABA law school, when, in fact, Petitioner is fit and capable of representing clients in the courts and before other entities owing to his more than 50 years of legal experience in writing briefs, memorandum of law, complaints, etc.—including more than a dozen petitions for certiorari to this Court and several briefs to the several U.S. courts of appeals—and conducting trials when permitted, all of which is equal to, or better than a formal education, and in fact is more in line with "reading law" and apprenticeship that was in existence at the foundation of the United States?

II. Whether the Respondents and the Commonwealth of Massachusetts are violating Petitioner's constitutional rights by denying him the right to pursue his chosen occupation—that is, representing people in legal actions before the courts and other entities?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

There are no related cases.

TABLE OF CONTENTS

Index to Appendices

Table of Cases

Statutes and Rules

Supreme Judicial Court Rule 3:01 Section 1

Section 1. Filing Requirements for Admission

1.1 Admission by Written Uniform Bar Examination. Persons desiring admission to the bar of the Commonwealth by written examination in Massachusetts or a concurrent written exam in another Uniform Bar Examination jurisdiction shall petition by filing with the Clerk of the Supreme Judicial Court for the county of Suffolk:

1.1.1 Petition for Admission accompanied by the recommendation of a member of the bar of this Commonwealth or of any state, district or territory of the United States;
1.1.2 Petitioner's Statement;
1.1.3 Authorization Form;

1.1.4 Law School Certificate;
1.1.5 Multistate Professional Responsibility Examination Score Report that sets forth a passing scaled score that meets or exceeds the Massachusetts required score;
1.1.6 Two (2) Letters of Recommendation for Admission; and
1.1.7 Current Certificate(s) of Admission and Good Standing from the highest judicial court of each state, district, territory or foreign country to which the petitioner is admitted, if applicable

Supreme Judicial Court Rule 3:01 Section 3

3.1 Graduates of law schools in a state, district or territory of the United States.

3.1.1 *(section deleted)*
3.1.2 *College*. Each petitioner shall have completed the work acceptable for a bachelor's degree in a college or university, or have received an equivalent education in the opinion of the Board of Bar Examiners.
3.1.3 *Law School*. Each petitioner shall have graduated with a degree of bachelor of laws or juris doctor from a law school which, at the time of graduation, is approved by the American Bar Association or is authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor.

Other Authorities

IN THE
SUPREME COURT OF THE UNITED STATES

Petition for Writ of Certiorari

Petitioner respectfully prays that a writ of certiorari issue to review the judgement below.

Opinions Below

The opinion of the highest state court to review the merits appears at *Appendix* A to the Petition and is published at 495 Mass. 1006 (2024).

The opinion of the Single Justice of the Massachusetts Supreme Judicial Court to review the initial petition to take the bar exam appears at *Appendix* B and is unpublished.

Jurisdiction

The date on which the highest state court decided the instant case was November 19, 2024. A copy of that decision appears at Appendix A. No petition for rehearing was sought.

The jurisdiction of this Court is invoked under 28 USC § 1257(a)

Constitutional and Statutory Provisions Involved

Amendment V to the United States Constitution:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be

> subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation

Amendment XIV to the United States Constitution (in part):

> **Section 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

Petitioner Joost turned 80 on July 4, 2024. For more than 60 of those years he has constantly been involved in various litigations, sometimes in his own actions, but 90-plus percent in helping lawyers or litigants. That quasi "occupation" began right after his military service ended in 1963 when he began "hanging out" at times with Attorney Joseph Bevilaqua of Providence, Rhode Island, who later became the Chief Judge of the Rhode Island Supreme Court. During his lifetime, Joost has also been friends with, and worked closely with, many other lawyers, including one of Connecticut's most renown lawyers, the late James A. Wade, who began mentoring Joost in 1973. *See Dukes v. Warden*, 406 U.S. 250 (1972) (attorney for Petitioner Dukes).

For 37 of those 60 years (over 14 years, then nearly 23 years), Joost was involved on a continuous daily basis, 24/7, 365 days a year, in working on legal cases—either through discussion, research, drafting briefs, filing petitions or complaints or motions, and for several years, teaching legal research and procedure. Beginning in January, 2018, he has assisted Attorney Richard Chambers, Jr. in scores of cases dealing with, *inter alia*, constitutional issues and the civil rights of Attorney Chambers' clients. These cases are wide in variety: clients who were fired for refusing to take the COVID-19 vaccination on religious grounds (*see Bazinet v. Beth Israel Lahey Health, Inc.*, 113 F.4th 9 (1st Cir. 1024)); restauranteurs who were denied outdoor dining licenses because of their location in the primary Italian neighborhood of Boston, although every other area's restauranteurs were allowed outdoor dining; the constitutionality of the Commonwealth of Massachusetts recent ban on assault-type weapons; the revocation of a doctor's license-to-carry because of a misdemeanor conviction for OUI; the City of Salem, Massachusetts granting a variance to a restauranteur and then blocking the variance with parking meters; police officers discriminated against under USERRA based on their military service; negligence by hospital resulting in wrongful death; defense of a newspaper for published articles; constitutionality of Commonwealth's child support guidelines; habeas corpus proceedings under 28 USC § 2241; and so on.

These decades of constantly dealing with legal issues culminated in late 2023 when Joost attempted to apply to take the Massachusetts bar exam. The on-line State system wouldn't allow him to apply because he couldn't produce his four-year college and law school credentials—none of which he possesses. Joost then applied for a waiver of those requirements to the Commonwealth's Rules Committee. The Board of Bar Examiners objected and the waiver was denied.

Thereupon, Joost filed a petition for waiver before a single Justice of the Massachusetts Supreme Judicial Court, which Justice acts as a trial court in cases of original petitions. The single Justice, sans hearing, denied Joost's petition for waiver. *See* Appendix B. Per rule, Joost appealed to the full Supreme Judicial Court, which denied relief. See Appendix A.

In applying for the waiver, Joost provided a record in the Court Below as a small sample of his legal experience and acumen acquired over the decades of his so-called "paralegal" work. He filed an appendix consisting of a sample of his legal drafts for Attorney Chambers that had mostly been filed in the courts as is—an appendix of well over 200 pages—including a petition for writ of certiorari Joost had drafted for pro se petitioner Frank Locascio, *see* Supreme Court No. 17-7780. Joost also cited in the body of his brief to the Court Below his pro se filings, produced here as cited in the SJC brief:

CASES IN WHICH ROBERT M. JOOST FILED PRO SE BRIEFS IN THE U.S. SUPREME COURT AND APPELLATE COURTS

1. *Joost v. United States*, 444 U.S. 971 (1979)

2. *Joost v. U.S. Parole Commission*, 461 U.S. 934 (1983)

3. *Joost v. MacMahon*, 469 U.S. 1162 (1985)

4. *Joost v. U.S. Parole Commission*, 471 U.S. 1126 (1985)

[NB. This denial came after the Supreme Court ordered the Solicitor General in this case, and one or two others relating to the same issue (filing of a new notice of appeal) to respond to the issue in the petition. This case stems from the USPC denial of parole for impermissible reasons. *See, Joost v. U.S. Parole Commission,* 698 F.2d 418 (10th Cir. 1983) (*per curiam*) (reversed and remanded to the district court for further proceedings concerning whether the Commission used impermissible information to deny parole). Upon remand, and represented by counsel at oral arguments only, the district judge again denied relief. Thereafter, a series of post-judgment motions were filed, along with a notice of appeal. A certificate of appealability was eventually granted by the district judge. Both parties filed briefs back in the Tenth Circuit Court of Appeals. After a year, without reaching the merits, the appellate court summarily dismissed the appeal for failure to file a new notice of appeal after denial of the post-judgment motions. Joost and others complained vociferously about this technical violation, especially since no one had complained. Ironically, although it didn't do Joost any good, the Supreme Court eventually changed the rule relating to filing a second notice of appeal after the denial of post-judgment motions—just what Joost had been complaining about. *See* notes to 1993 Amendments of Rule 4, F.R.App.P., *id.* at note to paragraph (a)(4).

5. *In re Robert Joost*, 474 U.S. 814 (1985)

6. *Joost v. O'Brien*, 475 U.S. 1111 (1986)

7. *U.S. v. Joost*, 94 F.3d 640 (1st Cir. 1996)

8. *Joost v. United States*, 519 U.S. 874 (1996)

9. *U.S. v. Joost*, 133 F.3d 125 (1st Cir. 1998)

10. *Joost v. United States*, 523 U.S. 1087 (1998)

11. *Joost v. United States*, 226 Fed.Appx. 12 (1st Cir. 2007)

12. *Joost v. Apker*, 553 U.S. 1074 (2008)

13. *Joost v. United States*, 551 U.S. 1122 (2007)

14. *Joost v. United States*, 559 U.S. 986 (2010)

15. *Joost v. Cornell Correction, Inc.* 15 F.3d 1311 (1st Cir. 2000)

16. [In the early 1980s, Joost drafted another certiorari petition for an inmate in the U.S. Penitentiary at Leavenworth, Kansas, whose issue on certiorari concerned the question of the proper enforcement of the "dual sovereignty" doctrine. While the Solicitor General declined to file a Response, the Supreme Court ordered the Solicitor General to do so. Thereafter, the Court declined to grant certiorari. Joost does not recall the name of the case or the exact time, as he assisted on hundreds of pro se filings during the 1970s and 1980s.]

SAMPLE OF JOOST'S TRIAL EXPERIENCES

On several occasions through the past 50 years, Joost has either conducted lengthy trials or evidentiary hearings *pro se* or as co-counsel. A few examples are as follows:

(a) Docket No. H-524, Hartford, Connecticut (United States District Court)

Joost and others were indicted in the above-numbered case. The late James A. Wade, a renown Connecticut attorney, was appointed as Joost's counsel and conducted the first trial. Joost was convicted in the case and sentenced to life imprisonment.

(i) In 1974 new evidence came to light that tended to question Joost's guilt. In early 1975 a new trial evidentiary hearing was held. Joost requested that he be allowed to be co-counsel with Attorney Wade. The trial judge, Hon. T. Emmet Clarie, refused. Consequently, Joost proceeded *pro se*. On the first day of the hearing, Joost examined two prominent Justice Department officials on the witness stand. At the end of the day, Judge Clarie spoke highly to Attorney Wade of Joost's trial conduct and reversed his order and allowed Joost co-counsel status. Joost forthwith allowed Attorney Wade to take over the hearing, only reserving the right to question two particular witnesses.

The hearing lasted over two weeks. The Government presented a new witness—a former codefendant—when their chance came to present evidence. Joost cross-examined this witness. The result of Joost's cross-examination was that Judge Clarie ordered that two prominent Connecticut lawyers, whose names arose in the case during Joost's cross-examination, be summoned to the court hearing the first thing the next morning. Judge Clarie

took testimony from both lawyers the next morning. At the end of their testimony, Judge Clarie called a temporary halt to the hearing. Then, on April 18, 1975, without resuming the hearing, Judge Clarie vacated the convictions and ordered a new trial. *See United States v. Guillette,* 404 F.Supp. 1360 (D. Conn.)

(ii) A new trial was held in 1975 before the Hon. Jon Newman, later the Chief Judge of the Second Circuit Court of Appeals. Judge Newman allowed Joost co-counsel status. Again, Joost examined or cross-examined only two witnesses—the Government's chief witness and an alarm expert. The trial lasted approximately six weeks. The jury deliberated for six days. They acquitted Joost of two of the three counts, and were unable to reach a verdict on the main conspiracy count.

(iii) The Hon. Lloyd F. MacMahon of the District of New York was brought in to conduct a third trial. Judge MacMahon would not allow Joost to be co-counsel and therefore Joost conducted the entire trial of three weeks *pro se*. Joost was convicted. At sentencing, Judge MacMahon stated that but for a twist of fate, Joost would have been sitting on the bench instead of standing before it. He sentenced Joost to 25 years imprisonment, not life as had been done at the first sentence.

(b) Docket No. 94-056, United States v. Joost (District of Rhode Island)

Joost was charged with conspiracy. Joost filed all pre-trial motions and conducted all pre-trial hearings. One motion in particular involved a challenge to the jury selection process and the statutes relevant thereto, including expert opinions and several charts.

Joost conducted *pro se* the jury trial that lasted over two weeks. Joost was convicted, and perfected *pro se* an appeal to the First Circuit Court of Appeals.

(c) Docket No. 94-055, United States v. Joost (District of Rhode Island).

Joost was charged with being a felon in possession of a firearm. There was an entrapment defense, but the trial judge refused to give such an instruction to the jury. Just prior to trial, Joost was convinced by stand-by counsel that counsel ought to be allowed to conduct the trial.

Joost was convicted. However, on appeal the First Circuit Court of Appeals set aside the conviction and ordered a new trial. *See United States v. Joost*, 92 F.3d 7 (1st Cir. 1996).

Former trial counsel resigned. Joost conducted the new trial *pro se* before a new judge, who found Joost competent to represent himself and that

he knew all the rules and procedures to conduct the defense. Joost was reconvicted and perfected his own appeal to the First Circuit Court of Appeals, which upheld the conviction. *See United States v. Joost*, 133 F.3d 125 (1st Cir. 1998)

Reasons for Granting the Petition

I.

UNDER THE FACTS OF THIS CASE, IT'S UNCONTITUTIONAL TO REQUIRE PETITIONER TO HAVE A FORMAL EDUCATION IN ORDER TO TAKE THE BAR EXAM

The Founding Lawmakers, who drafted the Constitution—none of whom had even heard of law schools—must be squirming in their resting places should they be monitoring Petitioner Joost's situation. At the time the Constitution and Bill of Rights were ratified, attending a "law school" wasn't required in order to practice law. Even a license wasn't required as far as Petitioner can ascertain.

Of course, it must be recognized that for hundreds of years those who wanted to practice law didn't go to law schools in order to become a lawyer. They "read law". That is, they did an apprenticeship in a lawyer's office for several years and learned lawyering in that manner. In a New York *Times* article ("The Lawyer's Apprentice") dated July 30, 2014, reporter Sean Patrick Farrell wrote:

> "Before the prevalence of law schools in the 1870s, apprenticeships were the primary way to become a lawyer. 'Stop and think of some of the great lawyers in American history,' said Daniel R. Coquillette, a law professor at Boston College who teaches and writes in the areas of legal history and professional responsibility. 'John Adams, Chief Justice Marshall, Abraham Lincoln, Thomas Jefferson. They didn't go to law school at all.'
>
> The earliest law schools, Mr. Coquillette said, worked in tandem with apprenticeships, a practice he noted is returning as many law schools move toward externships for third-year students."

In fact, several states today still allow the practice of law without a law school education, basically using the apprenticeship method. As the *Wikipedia* site notes about the subject:

> "Reading law was the method used in common law countries, particularly the United States, for people to prepare for and enter the legal profession before the advent of law schools. It consisted of an extended internship or apprenticeship under the tutelage or mentoring of an experienced lawyer. The practice largely died out in the early 20th century."

The article goes on to note that law schools were rare in the Founding years until the late nineteenth century. It notes that 13 Justices of the Supreme Court never graduated from law school, 13 U.S. Presidents who were lawyers never attended law school, and even one of America's most famous lawyers, Clarence Darrow, never went to law school. The great Abraham Lincoln told a young man in 1855:

> "If you are absolutely determined to make a lawyer of yourself the thing is more than half done already. It is a small matter whether you read with any one or not. I did not read with anyone. Get the books and read and study them in their every feature, and that is the main thing. It is no consequence to be in a large town while you are reading. I read at New Salem, which never had three hundred people in it. The books and your

> capacity for understanding them are just the same in all places. [...] Always bear in mind that your own resolution to succeed is more important than any other one thing."

President Lincoln's advice stands up 168 years later. Reading the common law and understanding it is the most important aspect of being a capable lawyer worthy of protecting the interests of one's clients. Attending an ABA accredited law school is not indicative that a person has enough knowledge to practice law. In fact, according to the ABA's website, in 2023 79.18% of first-time takers of the several states' bar exam passed on their first attempt. That means that nearly 21% failed to pass the bar exam. One in five law school graduates, it could be argued, didn't learn enough in law school to get a license to practice law. Of course, there's little doubt that many of these failures led to boning up on law school subjects in order to pass subsequent attempts at the bar exam. Without doubt, even those that passed on their first attempt boned up on various subjects before taking the exam.

Indubitably, Joost's particular case is a rare one—i.e., it would be rare to see a case where a bar applicant has decades of experience in litigation. As rare as it is, the SJC found "knowledge of the law" of 50-plus years no substitute for a formal "legal education" of a mere three years with no practical experience. *Appendix A,* p. 3. It's difficult to understand that reasoning in the face of history and common sense. A recent young law school graduate who passes the bar exam and is given a license to practice by a state certainly, in most cases, cannot hang up a shingle and

began practicing law on their own; the fact is that they usually join a law practice and begin a period of apprenticeship. In that respect, Petitioner needn't do the same, for he has over 50 years of apprenticeship.

The Court Below posited that they had the authority to make the rules qualifying one to practice law in the Commonwealth, *id.*, a statement Joost doesn't contest herein because it's irrelevant to the questions presented. Citing to one of the SJC's prior opinions, the Court Below noted their rules for practice of law "do not violate the equal protection or due process protections contained in the Federal and State Constitutions 'so long as they have a rational connection with an applicant's fitness or capacity to practice law.'" *Id.*

But in denying Joost a waiver, the SJC violated that proposition. Joost's experience demonstrates that he is fit to practice law and has the capacity to practice law. It would be rare indeed to find a graduated student fresh out of law school—who automatically can take the bar exam—to have the legal knowledge and ability that Joost possesses. Despite his capacity, Joost is being denied the ability to take the bar exam simply because he didn't have the hundreds of thousands of dollars to get a formal education, but instead had to resort to the *lowly* route of serving an apprenticeship with practicing lawyers and "reading law".

The Court has noted in a prior case, *Schware v. Board of Bar Examiners of the State of New Mexico*, 353 U.S. 232 (1957) (denial of due process to bar an applicant from becoming a lawyer because of their past under a "good moral character" test), that "A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment." *Id.* 238-239. The Court noted that they weren't going to discuss in that particular case whether the right to practice law was a "'right'" or a "'privilege'", but, "it is sufficient to say that a person cannot be prevented from practicing except for valid reasons. Certainly, the practice of law is not a matter of the State's grace." *Id.* 239 fn. 5. But a state can "require high standards of qualification, such as good moral character or proficiency in its law, before it admits an applicant to the bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law." *Id.* 239. The review of "good moral character must be for conduct that occurred at times near to the application." *Id.* 243. "[L]egislation laying down general conditions of an arbitrary or discriminatory character may, like other legislation, fall afoul of the Fourteenth Amendment." *Id.* 248 (Justice Frankfurter, and two other Justices, *concurring*). The concurring Justices further said that "Refusal to allow a man to qualify himself for the profession on a wholly

arbitrary standard or on a consideration that offends the dictates of reason offends the Due Process Clause."

As Petitioner Joost pointed out to the SJC, their own line of decisions relative to the practice of law centered on knowledge of the law. TEST THE KNOWLEDGE, NOT FROM WHENCE IT CAME, is Joost's entire point. If he can pass the bar exam, and the other ethical and rules tests the Commonwealth requires, then why shouldn't Joost be as qualified as anyone who obtained their knowledge from a school rather than through apprenticeship?

Simply put, under the facts of this case, the SJC's decision to deny Joost the opportunity to take the bar exam is a violation of his constitutional rights as noted in this Court's prior decisions cited above.

II.

IT'S A VIOLATION OF PETITIONER'S CONSTITUTIONAL RIGHTS TO DENY HIM THE RIGHT TO PERSUE HIS OCCUPATION

In *Greene v. McElroy*, 360 U.S. 474, 492 (1960) the Court stated that "the right to hold specific private employment and to follow a chosen profession free from unreasonable governmental interference comes within the 'liberty' and 'property' concepts of the Fifth Amendment." *Also see, Meyer v. Nebraska*, 262 U.S. 390, 399 (1923) (the liberty that a citizen enjoys under the Fourteenth

Amendment encompasses the right "to engage in any of the common occupations of life" and it may not be interfered with "under the guise of protecting the public interest, by legislative action which is arbitrary or without reasonable relation to some purpose within the competency of the state to effect") (citations omitted). In that vein, citing to a plethora of settled-law, this Court held in *Shelton v. Tucker*, 364 U.S. 479, 488 (1960) that in cases where a state attempts to require certain conditions be met before allowing a citizen to practice their profession or occupation that "even though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved."

The Commonwealth's legitimate end in this case—whether Joost has the knowledge and ability to represent clients' interests before the courts and other entities—can be "more narrowly achieved" simply by allowing him to take the bar exam, the same as the Commonwealth does for a person who has a mere three-year law experience in a *school* and no practical experience.

To deny Joost the right to take the bar exam—*as applied* to the particulars of this case—would be a denial of his constitutional rights to engage in a lawful occupation.

Moreover, "'the right of the individual ... to engage in any of the common occupations of life'" has long been recognized as being one of the guarantees under the Fourteenth Amendment as it pertains to the concept of liberty. *Board of Regents v. Roth,* 404 U.S. 564, 572 (1972) (quoting *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)). Even as far back as 1884 Mr. Justice Bradley wrote in his concurrence in *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746, 762 that the right to practice an occupation "is an unalienable right; it was formulated as such under the phrase 'pursuit of happiness' in the declaration of independence [sic]. ... The right is a large ingredient of the civil liberty of the citizen." Likewise, in *Smith v. Texas*, 233 U.S. 630 (1914) the Court recognized that "all men are entitled to the equal protection of the law in their right to work for the support of themselves and families." *Id.* at 641.

> In so far as a man is deprived of the right to labor, his liberty is restricted, his capacity to earn wages and acquire property is lessened, and he is denied the protection which the law affords those who are permitted to work. Liberty means more than freedom from servitude, and the constitutional guaranty is an assurance that the citizen shall be protected in the right to use his powers of mind and body in any lawful calling.

Id. 636.

Even the Commonwealth's own jurisprudence recognized this tenet. "[T]he right to engage in any lawful occupation is an aspect of the liberty and property interests protected by the substantive reach of the due process clause of the

Fourteenth Amendment to the United States Constitution and analogous provisions of our State Constitution." *Welter v. Board of Registration in Medicine*, 490 Mass. 718, 724 (2022) (cites omitted), *cert. denied* 143 S.Ct. 2561. The right to engage in any particular business is a "property right" protected by common law and several Federal and Commonwealth constitutional provisions. *Reeves v. Scott*, 324 Mass. 594, 598 (1949). Unfortunately, in Joost's case the Court Below failed to follow their own case law, never mind this Court's jurisprudence.

Joost has a constitutional right to practice law—an "occupation" that he has been engaged in for virtually his entire life. While the Commonwealth may or may not have the right to ensure that Joost has the knowledge to practice law—and such is not conceded herein, mainly because the right may be that of the consumer's, not the state—all that needs to be done is to test Joost's knowledge, just as the Commonwealth does for those with a more formal education. The fact that Joost obtained his equal education by less formal means ought not be held against him.

CONCLUSION

For any or all of the above reasons, the Court ought to grant a writ of certiorari.

RESPECTFULLY SUBMITTED

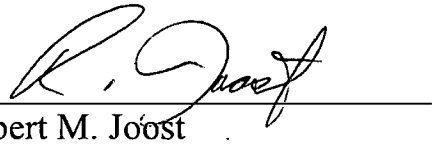
Dated: 12-3-24

/s/ ROBERT M. JOOST (pro se)

126 Border St., Unit 330
Boston, MA 02128
bobjparalegal@gmail.com

Certificate of Service

Robert M. Joost hereby certifies under the pain and penalties of perjury that on the above date he has mailed via first-class postage a copy of the foregoing Motion to Proceed in Forma Pauperis and the Petition for a Writ of Certiorari to the Respondent, Board of Bar Examiners of Massachusetts by mailing a copy of each document to said Respondent at their stated address of One Pemberton Square, Suite 5-140, Boston, MA 02108.



Robert M. Joost