

# [Ethical codes and particular cases](https://assignbuster.com/ethical-codes-and-particular-cases/)

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Mcaliley v Florida Bar At issue is the definition of spurious or meritorious use of the legal system specifically in the realm of divorce proceedings. The issue of what is valid, where the line is drawn, and who draws the line between ‘ correct’ use of the legal system for divorce and ‘ incorrect’ use in divorce proceedings and beyond is vexing and compelling. To be effective in assessment concerning meritorious legal proceedings, one must perhaps look to the past for direction.
This case is unusual to the rule of law because it is rooted in personal autonomy. The focus of this overview is not on the merits of Mr. McAliley’s ‘ guilt or innocence’ but the court’s responsibility to remain keenly aware of its responsibility to remain consistent with dispensing justice. According to the case (Florida, 1997) Mr. McAliley filed:”  570 docket entries in the official Court records, including numerous Motions, Petitions, and Appeals by the Former Husband to which the Former Wife has been required to respond.” (No. 97-0418) The responsibility of the court, in this case, is to state precedent with respect to not actions but ‘ causes’ of these five-hundred seventy or so filings. As in the case of Perich v Hosanna-Tabor Evangelical Church and School (heretofore: US 533) (US 553), the object of interest is an ever-increasing invasion in citizen’s domestic (divorce) issues since around 1969. The court involving themselves in divorce, at the behest of the legislature through the ‘ emancipation of the Bolsheviks [circa 1917]’ finds difficulties dealing with complex marital issues; and rightly so. Whether or not Counselor McAliley overstepped his ‘ Ethical’ position under the rules of proper conduct is not the issue. The issue is the case being filed ‘ no-fault/minimal fault divorce’ in a Florida court in the first place. The meritorious or frivolous nature of Counselor McAliley’s is based squarely upon the opinion of the judge presiding. Court’s must be left measuring only the rule of law; not the sensitivities or emotional ebbs of flows of societal discontents.
Lawrence v Texas (US 558) seems to have drawn the line between government inspection and the limits of personal freedom of choice. For this paper, efforts were made to access the “ Oklahoma no-fault divorce Bill” of 1953 to pursue knowledge of legal precedent considering no-fault/minimal fault divorce. To date there is very little information. Before 1953 (in the USA), divorce was an institutional manner handled by the church or related institutions with exceptions for crimes related to adultery. There was a reason for not allowing the ‘ State’ into the affairs of marital arrangements and the acts of Counselor McAliley (570 filings) are quite supportive of the reason(s). Counselor McAliley’s actions should be understood in the context of ‘ social arrangements’ such as Lawrence v Texas (US 558) and be protected as such using a new ‘ marital exception’ with respect to US 553. For legal precedent of ‘ no-fault divorce’ we are led to the Bolshevik revolution (barring an epiphany from OK. no-fault proceedings) and the slashing of religious institutions considerable responsibility in handling divorce. In law, one must have or cite precedent. If the Communist Revolution of 1917 and the resulting ‘ making laws on a whim with no precedent’ (no-fault divorce) were followed, then the Supreme Court must hear a case for remanding divorce proceedings back to their fundamental beginnings. Maybe the future will never again hold the emotions of a divorce in her balance and, once again, be tasked with only interpreting rules of official law. Counselor McAliley actions were not acceptable for an Attorney. Maybe the Counselor’s actions will be the impetus for others in law to rethink the nature and relevance of ruling in divorce cases to begin with.
References
Florida Bar v McAliley (Florida No. 97-0418 Supreme Court of Florida) (1997)
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