BEFORE THE UNITED STATES SUPREME COURT

WENDY ALISON NORA,
Movant-Prospective Petitioner,

v.

THE SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION,
Respondent.

EMERGENCY
MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI UNDER
28 U.S.C. SEC. 1257(a) AND SUPREME COURT RULE 13.3
DUE TO SUDDEN ONSET OF A MEDICAL CONDITION
LIMITING THE PERFORMANCE OF APPELLANT NORA
FROM SEPTEMBER 10, 2018 TO SEPTEMBER 20, 2018

TO: The Honorable Elena Kagan
Circuit Justice for the Seventh Circuit
1 First Street, NE
Washington, DC 20543

JURISDICTIONAL STATEMENT

Wendy Alison Nora ("Movant") intends to file a Petition for Writ of Certiorari to the Wisconsin Supreme Court under 28 U.S.C. sec. 1257(a) and Supreme Court Rule 13.3. This Motion is brought pursuant to Rules 21 and 22 of the Rules of the United States Supreme Court. Movant seeks an extension of time to file the Petition for Writ of Certiorari (the "Petition") from September 10, 2018 to September 20, 2018 under Rule 13.5

of the Rules of the United States Supreme Court for good cause shown.

The Petition for Certiorari will seek to have this Court review the March 30, 2018 Opinion and Order of the Wisconsin Supreme Court suspending Movant's admission to practice before the Wisconsin Supreme Court (the "Suspension Order") attached hereto as Exhibit A. On April 20, 2018, Movant filed her Revised Motion for Reconsideration ("Exhibit B"). On June 12, 2018, the Wisconsin Supreme Court denied the Movant's Motion for Reconsideration ("Exhibit C") but modified its contents, by deleting the parenthetical conclusion in ¶23 of the Suspension Order that Movant "had a prior disciplinary suspension for misconduct (dishonesty and improper litigation tactics). . ." The June 12, 2018 Order reads, in part:

> IT IS FURTHER ORDERED that the motion for reconsideration is denied, but the March 30, 2018 opinion in this matter, In re Disciplinary Proceedings Against Nora, 2018 WI 23, 380 Wis. 2d 311, 909 N.W.2d 155, is modified by deleting the parenthetical "(dishonesty and improper litigation tactics)" from paragraph 23 . . .

The deletion of the parenthetical phrase exposes the lack of lawful authority for the Suspension Order. When the parenthetical phrase was deleted, one of the few independent conclusions of the Wisconsin Supreme Court was removed,

leaving only the findings and conclusions of an actually biased referee, which was entered on the basis of a hearing which was undeniably terminated before Movant had completed presenting her defense.

The Wisconsin Supreme Court has the inherent responsibility to make an independent determination as to whether discipline, if any, should be imposed. *In re Disciplinary Proceedings Against Reitz*, 2005 WI 39, ¶ 74, 279 Wis.2d 550, 694 N.W.2d 894. Because Movant had not previously been suspended for dishonesty and improper litigation tactics, the conclusion that Movant "had a prior disciplinary suspension for misconduct that the referee concluded was similar to the misconduct at issue in the present proceeding" was effectively not reviewed and independently determined by the Wisconsin Supreme Court.

The deadline for Movant to file her Petition for Writ of Certiorari is September 10, 2018. Although Movant's Petition is of great significance to her as well as to her clients and former clients who are seeking judicial redress of their grievances, the issues for which Movant seeks review involve punishment for the exercise of her First Amendment Petition Rights accomplished by denying her Fourteenth Amendment Due

Process Rights in lawyer disciplinary proceedings.

Movant experienced the sudden onset of a medical condition on Sunday, September 2, 2018. This Motion is filed on an emergency basis based on the sudden onset of a medical condition which has delayed the completion of the Petition . The onset of the condition was after the 10 days prior to the filing deadline which this Court prefers under Supreme Court Rule 13.5.

Movant has conferred with her primary care clinic and has been advised that she should seek urgent care and that if her condition becomes severe, she should go to the hospital. Movant made an appointment to see her primary care physician on September 10, 2018. Movant declined to go to urgent care, so that she could prepare this Motion and shepherd it through the process. Movant requests an extension of 10 days to file the Petition for Certiorari, mindful that her condition may worsen.

Movant's recent symptoms interfered with the completion of the Petition in the format required for filing. Assessing the slower performance she has experienced since the onset of the symptoms, which worsened on Wednesday, September 5, 2018 and have been stable since then, Movant requests an extension of ten (10) additional days to file her Petition for the Writ of

Certiorari.

CASE STATUS

A. Status of the proceedings

The status of the proceedings is set forth in the Jurisdictional Statement.

B. Status of Movant's Admissions to Practice Law

Movant is a member of the bar of this Court, the United States Court of Appeals for the Eighth Circuit, and the Supreme Courts of Minnesota. Prior to the April 30, 2018 effective date of the March 30, 2018 Suspension Order, Movant was also admitted to the United States Court of Appeals for the Seventh Circuit, the United States District Courts for the Eastern and Western Districts of Wisconsin and the United States District Court for the District of Minnesota.

Reciprocal discipline based on the Wisconsin Supreme Court's March 30, 2018 Suspension Order effective April 30, 2018 was "automatically" ordered by the United States District Courts for the Eastern and Western Districts of Wisconsin and the United States District Court for the District of Minnesota between April 9, 2018 and May 31, 2018, necessitating the transfer of pending cases to new counsel for the protection of her clients. Movant may yet seek to obtain relief from the

"automatic" discipline in entered in the Federal District Courts reciprocally based on the Suspension Order.

The United States Court of Appeals for the Seventh Circuit issued an Order to Show Cause why reciprocal discipline should not be imposed based on the Suspension Order on April 12, 2018, to which Movant responded. Reciprocal discipline was entered by the Seventh Circuit Court of Appeals on May 31, 2018. The Seventh Circuit Court of Appeals will be notified of the entry of the modification of the original Suspension Order in which the Supreme Court of Wisconsin withdraw of the parenthetical in language in ¶23 which mistakenly concluded that Movant had previously been disciplined for dishonesty and improper litigation tactics (Exhibit C).

C. The questions for review

The questions for review by this Court and a brief statement of the legal authority in support of the Petition are

1. Whether the quasi-criminal nature of lawyer disciplinary proceedings requires reversal of the Suspension Order because the prosecution knowingly relied on forged documents, authenticated by perjured affidavits.

> In *Napue v. Illinois*, 360 U.S. 264, 269-270, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959), the United States Supreme Court held that it is a Due Process violation for the prosecution to obtain a conviction on testimony it knew to be perjured.

2. Whether the Due Process Clause of the Fourteenth Amendment to the *United States Constitution* requires a full hearing before an unbiased tribunal in a lawyer disciplinary matter.

> In *State v. Hersh*, 73 Wis.2d 390, 398, 243 N.W.2d 178, 182 (1976), the Wisconsin Supreme Court held that an attorney's constitutional due process rights involved "only his right to prior notice of charges, his right to prepare to defend these charges and his right to a full hearing on these charges." The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242, 100 S.Ct. 1610, 64 L.Ed.2d 182 (1980).

3. Whether the disciplinary proceedings against the Petitioner are punishment for lawfully exercising her right to Petition the Judiciary for Redress of Grievances under the First Amendment to the *United States Constitution.*

> In *Bordenkircher v. Haynes*, 434 U.S. 357, 363, 98 S.Ct. 663, 54 L.Ed.2d 604 (1978) the United States Supreme Court held, "To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort . . . and for an agent of the State to pursue a course of action whose objective is to penalize a person's reliance on his legal rights is "patently unconstitutional."

D. The importance of the issues

Movant is actually innocent of the charges upon which the Suspension Order was entered. The Suspension Order is the result of violations of her Fourteenth Amendment Rights to Due Process by prosecutorial misconduct and proceedings which were terminated before Movant's defense was fully presented by an actually biased referee who is bound by the Wisconsin Code of

Professional Conduct to cooperate with the prosecution. The prosecution and conviction was undertaken in order to punish Movant for the exercise of her First Amendment Right to Petition the Judiciary for Redress of Grievances (Petition Rights).

Movant's only direct appeal was taken to the Wisconsin Supreme Court which controls the entire investigatory, charging, and adjudicative process and then acts as the sole appellate court, subject only to this Court's discretionary review. The Petition for Writ of Certiorari is the Movant's only opportunity to be heard in proceedings not entirely controlled by the Wisconsin Supreme Court.

REASONS FOR GRANTING THE EXTENSION

I. Movant's Petition will raise important issues for review.

Movant seeks to have this Court consider granting the Writ of Certiorari to review the unconstitutional proceedings in conducted by the Wisconsin Supreme Court. The requested extension will allow her Petition to be prepared and filed. If the Court believes that the Petition should be granted to clarify the extent of attorneys' Due Process Rights in disciplinary proceedings, it will have the opportunity to do so in this case.

Movant has been presently been deprived of her right to practice law in Wisconsin state courts and four (4) federal jurisdictions as the result of the Wisconsin proceedings which were brought in in retaliation for her lawful exercise of her Petition Rights in proceedings as the result of the denial of her Due Process Rights.

II. If the extension is not granted, Movant will lose her opportunity to have her Petition considered by the Court, but the opposing party will not suffer any loss if the extension is granted.

The requested extension of ten (10) days to file the Petition unfortunately became necessary despite Movant's best efforts to prepare and file her Petition on or before September 10, 2018. If the extension is not granted, Movant will lose her right to file her Petition which is terminal. If the extension is granted, the opposing party will suffer no loss whatsoever. This Court's processes will be delayed by ten (10) days.

CONCLUSION

The Circuit Justice is asked to exercise her discretion to allow Movant to file her Petition on or before September 20, 2018 for good cause shown above.

Dated at Madison, Wisconsin this 7th day of September 7, 2018.

Respectfully submitted,

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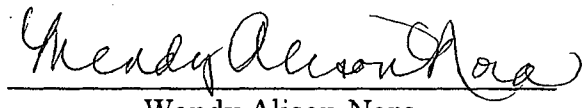

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UNSWORN DECLARATION OF UNDER PENALTY OF PERJURY

Wendy Alison Nora declares, under penalty of perjury of the laws of the United States of America, pursuant to 28 U.S.C. sec. 1746, that the facts set forth above are true of her own personal knowledge, except where stated upon information or belief and where stated upon information or belief, she believes those statements to be true. She further states that the Exhibits attached hereto are true and correct copies of what they purport to be.

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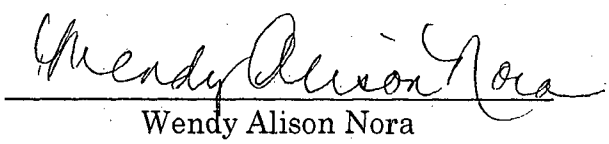

Wendy Alison Nora