

## **APPENDIX**

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November 4, 2019

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2019

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**Appendix I** – “Exhibit J in Support of Motion to Vacate and Set Aside Order of Disbarment Index to the Record R. 1588 – 1604; evidence of communications, forwarding of mail, evidence of no stalking or spying, etc., and history of the grievant filed January 26, 2018 with State Bar Board and Supreme Court with record on December 3, 2018.

**Appendix J** – “Petitioner’s Filing” Respondent’s Sur-Reply to the State Bar of Georgia’s Response to Her Exceptions to the Special Master Report and Recommendation – Dated June 5<sup>th</sup> 2018 Index to the Record 1713-1725

**Appendix K** – Index to Record log

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## **Appendix A – October 7, 2019 Order of Discipline**

In the Supreme Court of Georgia

Decided: October 7, 2019

S19Y0527. IN THE MATTER OF SHERRI JEFFERSON.

PER CURIAM.

This disciplinary matter is before us on the State Disciplinary Review Board's report and recommendation that this Court disbar Sherri Jefferson (State Bar No. 387645) from the practice of law.<sup>1</sup> The formal complaint upon which these disciplinary proceedings were based alleged that Jefferson, who has been a member of the Bar since 2003, violated Rules 3.3, 4.2, 8.1, and 8.4 set forth in the

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<sup>1</sup> These disciplinary proceedings were commenced before July 1, 2018, and so the most recent revisions to Part IV of the Rules and Regulations for the Organization and Government of the State Bar of Georgia ("Bar Rules") do not apply. Rather,

the former rules shall continue to apply to disciplinary proceedings commenced before July 1, 2018 . . . provided that, after July 1, 2018, the State Disciplinary Board shall perform the functions and exercise the powers of the Investigative Panel under the former rules, and the State Disciplinary Review Board shall perform the functions and exercise the powers of the Review Panel under the former rules.

*In the Matter of Podvin*, 304 Ga. 378 n.1 (818 SE2d 651) (2018).

Georgia Rules of Professional Conduct. See Bar Rule 4-102 (d). The maximum sanction for a violation of each of the relevant rules is disbarment.

Jefferson filed, in response to the formal complaint, an answer and other pleadings. After the resolution of some preliminary matters, including Jefferson's challenges to the competency, qualifications, and impartiality of the special master, Patrick E. Longan, discovery was initiated. However, Jefferson failed to respond to discovery, and the State Bar moved to sanction Jefferson for her failure. The special master granted the motion for sanctions after a hearing at which Jefferson appeared but refused to testify on the grounds that she would be "pleading the Fifth Amendment." In its order, the special master struck Jefferson's answer, found her in default, and deemed the allegations of the complaint to be admitted. See former Bar Rule 4-212 (a) (facts alleged and violations charged in formal complaint shall be deemed admitted if respondent fails to file an answer).

In summary, the facts as found by the special master based on Jefferson's default show the following. Jefferson represented an individual from 2008 to 2010 in a custody modification action; during the representation, Jefferson and that individual were romantically involved. This relationship led to the filing of a disciplinary matter against Jefferson, but the matter was subsequently dismissed by this Court in 2014. During the pendency of that disciplinary matter, Jefferson's former client began dating another woman and, following the dismissal of that matter, Jefferson hired a private investigator to conduct an investigation including surreptitious surveillance of the former client, his son, and the other woman. Additionally, Jefferson falsely disparaged the other woman to the woman's employer, including making false and misleading statements about the custody proceeding.

Jefferson's actions led the former client and the other woman to file applications for criminal warrants against Jefferson on charges of stalking and defamation. During the warrant proceedings initiated by the former client, Jefferson made false statements to the

Magistrate Court of Houston County that she was bound to continue having contact with her former client due to being his attorney in a pending court case; that a visit to her former client in December 2014 was for legal purposes only; that the other woman was not supposed to have contact with the former client's son; and that the former client's and the other woman's alcohol consumption was in violation of the final order granting the former client custody. During the warrant proceedings initiated by the other woman in the Magistrate Court of Fulton County, Jefferson submitted writings in response, some of them sworn, including baseless and disparaging statements about the former client and the other woman and false statements about her communications with them and others. Jefferson also filed two verified complaints against the Georgia Governor and Attorney General in the United States District Court for the Northern District of Georgia challenging the constitutionality of the Georgia statutes authorizing the warrants described above. In the first complaint, she alleged that, as an attorney, she had conducted a child custody investigation involving

the other woman, and that the other woman had filed a falsified police report seeking a warrant. The allegations were false, except for Jefferson being an attorney, and Jefferson knew they were false. After the first complaint was dismissed, Jefferson made similar false allegations in a second complaint. Jefferson also communicated directly with the other woman concerning the disputes between them, despite Jefferson's knowledge that the woman was represented by counsel in connection with the warrant application as well as the bar grievance that she had made against Jefferson.

Based on Jefferson's conduct, the special master concluded that Jefferson had violated Rules 3.3 (a) (1) (knowingly making false statements to a tribunal), 4.2 (a) (knowingly communicating with a person represented by counsel), and 8.4 (a) (4) (engaging in professional conduct involving dishonesty, fraud, deceit, or misrepresentation). The special master also found that Jefferson had violated Rule 8.1 (a) (knowingly making false statements of material fact in connection with a disciplinary matter) in that she had made knowing misrepresentations of material fact in the course



of the disciplinary proceedings by falsely representing to the special master that she did not receive the Bar's discovery request in May 2017 and that she did not receive the Bar's motion for sanctions until September 2017.<sup>2</sup>

In recommending discipline, the special master considered the ABA Standards for Imposing Lawyer Sanctions, see *In the Matter of Morse*, 266 Ga. 652, 653 (470 SE2d 232) (1996), and found that the presumptive sanction for her conduct was disbarment. The special master also found the following aggravating factors, including: the existence of prior discipline, specifically, Jefferson's receipt of an Investigative Panel Reprimand in two cases in 2006; a selfish and dishonest motive, as Jefferson made misrepresentations to multiple tribunals with the intent to deceive and communicated with the other woman with the intent to intimidate her and otherwise affect the outcome of the relevant proceedings; a pattern of misconduct and

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<sup>2</sup> Alternatively to the findings reached as a result of the sanctions order, the special master inferred from Jefferson's invocation of her Fifth Amendment right against self-incrimination throughout the disciplinary proceedings that she had admitted the essential allegations of the charges against her. See footnote 4, *infra*.

the existence of multiple violations; bad faith obstruction of, and the submission of false statements in, the disciplinary proceedings; and the refusal to acknowledge the wrongful nature of her conduct. The only factor in mitigation recognized by the special master was the remoteness in time of Jefferson's prior disciplinary violations, and the special master excluded those prior violations from consideration in recommending sanctions. The special master recommended that Jefferson be disbarred.

Jefferson asked that the Review Board review the report and recommendation of the special master.<sup>3</sup> In its report and recommendation to this Court, the Review Board approved the special master's order on motion for sanctions striking Jefferson's answer to the formal complaint.<sup>4</sup> The Review Board further

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<sup>3</sup> Jefferson also asked for a de novo hearing before the Review Board. The Review Board denied the request. See former Bar Rule 4-218 (c) ("There shall be no de novo hearing before the Review Panel except by unanimous consent of the Panel.").

<sup>4</sup> The Review Board also concluded that, in a disciplinary proceeding, an adverse inference may be drawn against a respondent as result of his or her refusal to testify or respond to discovery in reliance on the Fifth Amendment right against self-incrimination. See *In the Matter of Henley*, 271 Ga. 21, 22

approved and incorporated the special master's findings of fact, and it agreed, with one exception, with the special master's conclusion that Jefferson violated the Bar Rules. More specifically, the Review Board agreed with the special master that Jefferson violated Rules 3.3 (a) (1), 4.2 (a), and 8.4 (a) (4), but it disagreed with the special master that Jefferson had violated Rule 8.1.<sup>5</sup> The Review Board recommends that Jefferson be disbarred from the practice of law.

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(2) (518 SE2d 418) (1999) (respondent risked the drawing of an adverse inference had he refused production of documents based upon his privilege against self-incrimination); *In the Matter of Redding*, 269 Ga. 537, 537 (501 SE2d 499) (1998) (a response in disciplinary proceedings invoking the Fifth Amendment may result in an adverse inference being drawn by the factfinder). Thus, the Review Board agreed with the special master that either the imposition of the sanctions order or the drawing of an adverse inference against Jefferson would have virtually the same outcome with regard to the findings in the case.

<sup>5</sup> The Review Board disagreed with the special master that Jefferson violated Rule 8.1 (a) because Jefferson's false statements regarding her receipt of discovery requests and the motion for sanctions did not occur until after the filing of the formal complaint. The Review Board agreed with the special master that Jefferson's conduct during the course of the proceedings was dishonest, disrespectful, and disruptive, and found that such conduct could be considered an aggravating factor in determining the appropriate level of discipline.

Notwithstanding the motion for sanctions resulting in her default, Jefferson now contends that, in light of OCGA § 15-19-32,<sup>6</sup> she may elect to have a superior court jury determine any material issues of fact before a judgment of disbarment is issued. She has filed a motion in this Court purporting to invoke such election. Notwithstanding OCGA § 15-19-32, “[t]he judicial branch of government has the inherent power to regulate the conduct of attorneys and supervise the practice of law[.]” *Henderson v. HSI Financial Svcs.*, 266 Ga. 844, 844 (1) (471 SE2d 885) (1996) (footnote omitted). This power includes attorney “discipline, suspension, and disbarment from the practice of law in this state.” *Id.* at 845 (1) (footnote omitted). See also *In re Oliver*, 261 Ga. 850, 851 (2) (413 SE2d 435) (1992) (“[M]atters relating to the practice of law, including the admission of practitioners, their discipline, suspension, and removal, are within the inherent and exclusive

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<sup>6</sup> OCGA § 15-19-32 (enacted 1963) provides: “The rules and regulations governing the unified state bar shall provide that before a final order of any nature or any judgment of disbarment is entered the attorney involved may elect to have any material issues of fact determined by a jury in the superior court of the county of his residence.”

power of this court.” (citation and punctuation omitted)); *Wallace v. Wallace*, 225 Ga. 102, 111-112 (3) (166 SE2d 718) (1969) (“[T]hat the legislature has in the past enacted statutes concerning the practice of law [does not] indicate that such is a legislative function. This court’s recognition of such legislative enactments . . . does not mean that this court intended to, or even could relinquish this judicial responsibility to the legislature.”). Jefferson is not entitled to a jury trial under the applicable Bar Rules. See *In re Ervin*, 271 Ga. 707, 708 (521 SE2d 561) (1999) (“[A]s jury trials are no longer permissible in disciplinary proceedings [given changes to the Bar Rules in 1997, respondent] lacks authority to make a jury trial demand.”). Accordingly, Jefferson’s motion is denied.

In her exceptions to the Review Board’s report,<sup>7</sup> Jefferson contends, among other things, that the special master’s report

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<sup>7</sup> Jefferson’s exceptions and her supporting memorandum contain no page references to the voluminous record of the disciplinary proceedings. See Supreme Court of Georgia Rules 19 (although the Court prescribes no particular arrangement for briefs, motions, or other papers, “page references to the record (R-) and transcript (T-) are essential”), 49 (filings in disciplinary matters should comply with Supreme Court rules). Thus, it is not apparent to

contained numerous misstatements of material fact. However, we agree with the Review Board that the special master did not abuse his discretion in striking Jefferson's answer and finding her in default for her willful failure to respond to discovery. See *In the Matter of Levine*, 303 Ga. 284, 288 (811 SE2d 349) (2018); *In the Matter of Burgess*, 293 Ga. 783, 784 (748 SE2d 916) (2013); *In the Matter of Browning-Baker*, 292 Ga. 809, 809-810 (741 SE2d 637) (2013). See also former Rule 4-212 (c) (both parties to disciplinary proceeding may engage in discovery under the rules of practice and procedure applicable to civil cases); OCGA § 9-11-37 (b) (2) (C) and (d) (1) (where party fails to serve answers to interrogatories or respond to request for inspection, court may make such orders as are just, including an order striking pleadings or rendering a judgment by default against disobedient party).

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us whether, or to what extent, many of Jefferson's arguments are supported by the record, nor whether the texts of numerous e-mails embedded within the body of the exceptions constitute an improper attempt to supplement the record. Given the sheer volume of Jefferson's exceptions, we do not list all of them here. To the extent we can understand her arguments, however, we find them to be without merit.

In light of Jefferson's default, the facts alleged in the complaint were deemed admitted. See former Rule 4-212 (a); *In the Matter of Hawk*, 269 Ga. 165, 166 (496 SE2d 261) (1998) (as the special master struck respondent's answer for intentionally or consciously failing to act under the discovery rules, the facts alleged and violations charged in the formal complaint were deemed admitted). The factual findings of the special master, as approved by the Review Board, are consistent with the allegations of the complaint and the reasonable inferences to be drawn therefrom. See *Stroud v. Elias*, 247 Ga. 191, 193 (1) (275 SE2d 46) (1981) (a default on the part of the defendant serving to eliminate his answer to the complaint admits only the definite and certain allegations of the complaint and the fair inferences and conclusions of fact to be drawn therefrom).

We agree with the Review Board that these admitted facts support a finding that Jefferson violated Rules 3.3 (a) (1), 4.2 (a), and 8.4 (a) (4), a violation of any one of which is sufficient to support disbarment. Having reviewed the record, we agree with the Review Board that disbarment is the appropriate sanction. See *In the Matter*

*of Koehler*, 297 Ga. 794, 796 (778 SE2d 218) (2015) (disbarment was appropriate sanction where lawyer repeatedly asserted frivolous claims in multiple tribunals and made materially deceitful and misleading statements in court filings); *In the Matter of Minsk*, 296 Ga. 152, 153 (765 SE2d 361) (2014) (disbarment was appropriate sanction where lawyer had pattern of making knowingly false statements to his client, the court, and third parties); *In the Matter of Jones-Lewis*, 295 Ga. 861, 862 (764 SE2d 549) (2014) (disbarment was appropriate sanction where lawyer made false statements to juvenile court). It is hereby ordered that the name of Sherri Jefferson be removed from the rolls of persons authorized to practice law in the State of Georgia. Jefferson is reminded of her duties pursuant to former Bar Rule 4–219 (c).<sup>8</sup>

*Disbarred. All the Justices concur, except Benham, J., not participating.*

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<sup>8</sup> This provision is now located at Rule 4-219 (b).



**Appendix B – Order Denying Motion to Vacate and Set Aside and Stay –**

*November 4, 2019*



SUPREME COURT OF GEORGIA  
Case No. S19Y0527

November 4, 2019

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF SHERRI JEFFERSON.

On October 7, 2019, this Court entered an order disbarring Sherri Jefferson. Within the time allowed for a motion for reconsideration of that decision, Jefferson moved to vacate and set aside her disbarment. She has supported that motion with the filing of numerous exhibits, supplements, and memorandum. She has also objected to this Court's use of a per curiam opinion and requested that her disbarment be stayed pending "ruling on motion to vacate and set aside and/or appellate or federal review." Jefferson's motion to vacate and set aside her disbarment, and the other relief requested by Jefferson, is denied.

No matters remain pending in this case and no further action by this Court is required.

*All the Justices concur, except Benham, J., not participating.*

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Theresa S. Bane*, Clerk

**Appendix C – Amended Notice to Seek a Writ and Stay the Mandate filed**

*November 6, 2019*

In The  
Supreme Court of Georgia

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In re Sherri Jefferson, Appellee.  
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**AMENDED<sup>1</sup> NOTICE OF INTENT TO SEEK PETITION FOR WRIT OF  
CERTIORARI BEFORE THE SUPREME COURT OF THE UNITED  
STATES AND MOTION FOR ORDER STAYING THE MANDATE AND  
STAY OF REMITTITUR**  
----- • -----

Supreme Court Case No: S19Y0527

State Board No.: 6888 and 6889  
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SHERRI JEFFERSON

State Bar of Georgia #387645

249 Derby Drive

Riverdale, Georgia 30274

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<sup>1</sup> Amended Notice of Intent and Motion to Stay to add November 6, 2019 email communication from Judge T. C. Batten's office regarding their lack of knowledge or information, involvement or consent to the allegations of lying or being dishonest before his court in the handling of Jefferson v. Deal private citizen warrant constitutional challenge as alleged in the October 7, 2019 order to disbar.

Appellee/Respondent, Sherri Jefferson, hereby provides her amended notice of her intent to file a petition for writ of certiorari to the United States Supreme Court and moves this Court to enter an order, staying remittitur in this Court while she seeks said writ of certiorari in the United States Supreme Court. As applied, pursuant to 28 U.S.C. § 2101(f) and Federal Rule of Appellate Procedure 41(d)(2), she further moves this Court for an Order Staying the Mandate in this case for 90 days. The Court should stay the mandate because the certiorari petition will present a substantial question and there is good cause for a stay. See FRAP 41(d)(2)(A). The certiorari petition will not be frivolous and will not be filed for purposes of delay.

Georgia Supreme Court Rule 61 provides:

**STAY OF REMITTITUR.** Any party desiring to have the remittitur stayed in this Court in order to appeal to, or seek a writ of certiorari in the United States Supreme Court shall file in this Court a motion to stay the remittitur with a concise statement of the issues to be raised on appeal or in the petition for certiorari. Such notice shall be filed at the time of filing a motion for reconsideration or, if no motion for reconsideration is filed, within the time allowed for the filing of the same. See Rule 27.

A stay of remittitur will not be granted by this Court from the denial of a petition for certiorari. However, in addition, 28 U.S.C. § 2101 provides, in pertinent part:

(f) In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to obtain a writ of certiorari from the

Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court, and may be conditioned on the giving of security, approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay.

Appellee hereby provides notice of its intent to file a petition for writ of certiorari to the United States Supreme Court for review of this Court's decision dated October 7, 2019.

Appellee's petition must be filed no later than ninety (90) days from the date of the judgment or a decision on reconsideration of the judgment. 28 U.S.C. § 2101(c).

The filing of the petition for writ of certiorari to the United States Supreme Court does not prevent judgment of this Court from becoming final until the United States Supreme Court acts upon the petition, where no stay of mandate has been issued. *Glick v. Ballentine Produce, Inc.*, 397 F.2d 590 (8th Cir. 1968).

The petition for writ of certiorari alone does not stop remittitur. *Byrne v. Roemer*, 847 F.2d 1130 (5th Cir. 1988). However, Rule 61 of the Rules of the Georgia Supreme Court and 28 U.S.C. § 2101(f) empower this Court to stay remittitur, pending a decision by the United States Supreme Court on Appellant's petition for writ of certiorari. Appellee respectfully moves this Court to exercise its power to

stay remittitur in this important case, pending her application for review by the United States Supreme Court.

I. IMPORTANT ISSUES TO STAY MANDATE AND REMITTUR AND STATEMENT OF THE ISSUES TO BE RAISED BY WRIT OF CERTIORARI.

The October 7, 2019 Order of Disbarment contravenes Supreme Court of the United States precedent, and violates the fundamental, civil and constitutional rights of the appellee. See. *Spevack v. Klein*, 385 U.S. 511 (1967). *In re Ruffalo*, 390 U.S. 544 (1968) and in the matter *North Carolina Board of Dental Examiners v FTC*, 135 S. Ct. 1101 (2015), to name a few.

**In its petition for writ of certiorari to the United States Supreme Court, Appellee intends to address, confront and raise the following facts and issues:**

1. On October 7, 2019 the Supreme Court of Georgia entered an order of disbarment by virtue of default against the appellee.
  - a. The Court, State Bar of Georgia, Special Master, and Review Board denied appellee an unconflicted and impartial trier of fact and her Rule 4-213 hearing, review board hearing, oral argument and OCGA 15-19-32 trial by jury. On September 11, 2017 she was noticed for a September 18, 2017 sanction hearing for failure to comply with discovery even though the scheduling order concluded all discovery

on October 31, 2017. The sanction hearing was held on September 18, 2017 nine months after the complaint was answered by the appellee and more than 6 months after she was entitled to an evidentiary hearing. The sanction hearing never discussed the merits of the case only discovery issues. **[See Transcript of September 18, 2017 and R. 1009-1030 and 1031-1057]**. The appellee did appear at the sanction hearing and under oath she testified. She also provided a written response to the motion for sanctions. Plus, she filed written objections and she made objections on the record regarding denial of due process because of the conflicted special master and denial of an evidentiary hearing. **[See R. 177-211, 270-305, 260-269, 791-801, 827-841 and 774-790]**

2. On October 7, 2019 the Supreme Court of Georgia issued an order of disbarment by virtue of default citing purported violations of rules of professional conduct pursuant to the Georgia Code of Professional Canons: *Rules 3.3, 4.2, 8.1 and 8.4.*
3. The appellee sought reappointment of the special master, but her request properly before the Board and copied to this court were denied. **See R. 177-211, 260-269, 270-320-321, 322-326, 327-329, 576-586, 689-702, 711-725, 726-739, 740-753, 774-790, 802-819, 791-801, 1179-1190, 1567-1578,**



**1579-1587, 1633-1642, 1643-1652, 1653-1671, 1713-1725, and 1735-**

**1762].** In fact, in a responsive pleading filed by the State Bar of Georgia, in February 2017 Mr. Cobb, the prosecutor, now retired, wrote Ms. Bridget Bagley and said that the conflicts although apparent will not deny due process because he will file a request for discovery, then will allege that the appellee failed to comply with discovery, then will seek a sanction and because he will win by virtue of default this court will deny review. **[R.**

**320-321, 322-326 and 327-329]**

4. Six months later, in August he filed a Motion for Sanctions. **[R. 409-411, and 607-679]**

5. **In reliance upon the October 7, 2019 order to disbar the appellee, the Supreme Court of Georgia grossly incorrectly states the following:**

- a. That the appellee had a romantic relationship with a client, which is false and contradicted by the record in the case. **R. 75-100, 114-162 and 1271-1365.** Moreover, the grievant states in his own statement that he last saw the appellee six years prior to 2014. Finally, the record proves that on January 16, 2009, the appellee contacted the State Bar of Georgia ethics department to seek permission to represent the grievant whom she had befriended year earlier. The parties were not dating when he sought legal representation in a custody case to

retain custody of his son. He had been divorced 11 years before the parties met and had custody of his child following his divorce. His wife removed the child from a church trip in another state. He sought assistance from the Georgia court to retain custody when she returned to Georgia. The parties had not dated during or after legal representation. Rebecca Hall of the State Bar of Georgia provided a written response to the appellee, which she delivered to all parties including the presiding judge, opposing side, guardian ad litem and the grievant. The appellee successfully represented the grievant from 2009-2011 to include before the Court of Appeals and won his case without incident. . **R. 75-100, 114-162 and 1271-1365 and see**

**October 8, 2019 Motion to Vacate and Set Aside October 7, 2019 Order of Disbarment.**

- b. That the appellee spied and subject said person to stalking, which is contradicted by the record in the case. Furthermore, the appellee was never prosecuted or convicted of any of these offenses. **R. 75-100, 114-162 and 1271-1365.**
- c. That the appellee violated Rule 4.2 when she communicated with a person under legal representation on March 2, 2015 knowing that the person filed a bar complaint against the appellee. This is contradicted

by the record because Wolanda Shelton served the appellee with the State Bar of Georgia bar complaint 26 days **after** March 2, 2015 on March 28, 2015 via email. Moreover, the appellee's sole communication with the person was via a written mailed response to her private citizen warrant and malicious prosecution that filed against the appellee pro se and therefore was not subject to legal representation for such legal proceeding against the appellee. **R. 75-100, 114-162, 1271-1365 and October 8, 2019 Motion to Vacate and Set Aside Order of Disbarment.**

- d. The Supreme Court order of disbarment also asserts that the appellee violated Rule 8.4 when she lied to the federal court in a filing asserting that the woman in the case filed a police report against her. The court's order eludes that a tribunal or court found the appellee to be dishonest in its filing of a constitutional challenge to the private citizen warrant statute when she filed her action in 2015 and asserts that the woman filed a police report against her. The Supreme Court of Georgia October 7, 2019 order states that no such police report was filed and that the appellee lied to the court. This is an untrue statement by this court. Moreover, no Court has ever issued any finding, ruling, order, decision, instruction, directive or comment

regarding the facts or merits of the *Jefferson v. Deal* filing in case 1:15-cv-02226 TCB Doe v. Deal et al. The court orders addressed proceeding without cost, and use of the name Jane Doe. To my best knowledge and belief an order for recusal was entered within the same or separately. Therefore, the Supreme Court order is replete with factual and legal inaccuracies and gross misstatements of material fact relied upon to the detriment of the appellee to try to support violation of Rule 8.1 and/or Rule 8.4.

- e. The record is devoid of any evidence that the appellee lied and further the order of the Supreme Court of Georgia proves the court, state bar of Georgia, special master and review board denied due process when they failed to review the record in the case or review any pleadings including the exceptions to the special master and review board report because **R. 46-162 and 1271-1365** provides evidence that on **February 7, 2015 that the woman filed a police report No. 15038186500 before the City of Atlanta Police Department Zone 3, that was replete with false accusations against the appellee that warranted the appellee contacting the employer to adduce information to prove that appellee never appeared on school property, never contacted the woman at school and no emails or**

**calls to the school were made by the appellee,. Etc. The grievant also filed, caused to be filed and or participated in other filings in other jurisdictions to include January 19, 2015, February 4, 2015, and February 27, 2015,** that if either the Supreme Court, state bar of Georgia office of general counsel, special master or the review board had considered any of the appellee's pleadings or responses that was readily available in said filings, the court would have dismissed the action and denied any relief. In addition, appellee responded accordingly in her initial response to the grievance.

- f. On October 7, 2019 the state bar or someone from their office stamped filed in the US District Court, Northern Division the October 7, 2019 order to disbar the appellee. The order cited that she lied before the court in her constitutional challenge to the private citizen warrant before the United State District court. The state bar or someone cause said order to be filed to seek disbarment of the appellee by that court. So, she sent a written request to Judge Batten and counsel for the State in the Jefferson v. Deal case to garner information regarding the allegations presented in the October 7, 2019 order that asserts that she lied and based upon said that she would suffer disbarment. The court responded below that it had nothing to

do with making the allegations, raising any concerns, participation in the allegations or claims, or offering any statements, evidence or information regarding those allegations. It is clear that the allegation are fabricated by the Office of General Counsel, its staff and agents and upheld by this court in violation of the appellee's civil and constitutional rights.

-----Original Message-----

From: Suzy Edwards <Suzy\_Edwards@gand.uscourts.gov>  
To: Attysjjeff <attysjjeff@aol.com>  
Cc: Uzma Wiggins <Uzma\_Wiggins@gand.uscourts.gov>; Lori Burgess <Lori\_Burgess@gand.uscourts.gov>; Judith Motz <Judith\_Motz@gand.uscourts.gov>  
Sent: Wed, Nov 6, 2019 3:30 pm  
Subject: RE: Order of Court

**Ms. Jefferson:** Let me be more clear: I have nothing to give you. I know nothing about this. Neither Judge Batten nor anyone else in his chambers was involved in this matter in any way.

Thank you.

**Suzy Edwards**

Courtroom Deputy Clerk to  
The Honorable Timothy C. Batten, Sr.

U.S. District Court  
Northern District of Georgia  
(404) 215-1422 (Atlanta)  
(678) 423-3021 (Newnan)

From: Attysjjeff <attysjjeff@aol.com>  
Sent: Wednesday, November 06, 2019 3:17 PM  
To: Suzy Edwards <Suzy\_Edwards@gand.uscourts.gov>; attysjjeff@aol.com  
Cc: Uzma Wiggins <Uzma\_Wiggins@gand.uscourts.gov>; Lori Burgess <Lori\_Burgess@gand.uscourts.gov>; Judith Motz <Judith\_Motz@gand.uscourts.gov>  
Subject: Re: Order of Court

**Ms. Edwards,**

I am not asking you to determine whether the Supreme Court case is on the docket, I know that it is not on the docket. I am asking your office to turn over the statement, order, hearing records, or information that you gave to the State Bar of

Georgia that said that I lied to your court in 2015 in the deal case. What information did your office give them to make then advance that claim against me under Rule 8.1 as I never lied, and was never accused by this office of lying or by the court. In other words, ask Judge Batten to provide to you what order he issued regarding a lie or dishonest act that I committed during self representation in Jefferson v. Deal that would lead the Bar to accuse me of lying to his tribunal as nothing in the order references such and I have all of the order from 2015.

- g. The Order of Disbarment falsely states that the appellee failed to testify before the special master at the sanction hearing and failed to file discovery. Both of these statements are false. The record in this case proves that the appellee was served with Discovery on September 5, 2017 and filed her responses the same day. **R. 567-605**; That the appellee also filed responses to the Motion for Sanctions on September 6, 2017, attended the sanction hearing and testified on the record. **R. 1009-1030 and the sanction record transcript of September 18, 2017.** The appellee discovery responses raised general and specific objections, which includes her Fifth Amendment, but she answers all of the questions completely. Three questions give rise to clarity, which neither the state bar nor special master provided or addressed the overreaching issue.
- h. The sanction hearing was held on September 18, 2017 nine months after the complaint was answer and more than 6 months after the appellee was entitled to an evidentiary hearing. The sanction hearing

never discussed the merits of the case only discovery issues. [See **Transcript of September 18, 2017 and R. 1009-1030 and 1031-1057**]. The appellee did appear and under oath she testified and provided a written response to the motion for sanctions. Plus, she also filed written objections and made objections on the record regarding denial of due process because of the conflicted special master and denial of an evidentiary hearing. [See **R. 177-211, 270-305, 260-269, 791-801, 827-841 and 774-790**].

6. The October 7, 2019 order and the proceedings below denied the petitioner due process and is replete with factual and legal inaccuracies to the detriment of the petitioner, which denied her due process.
  - a. Before the court is a Report and Recommendation issued by Anthony Askew, Chairman of the State Review Board. Said report upholds the judgment by virtue of default to subject the appellee to discipline for allegation of violations of Rules 3.3, 4.2, 8.1 and 8.4. Mr. Askew serves the state of Georgia as a “special assistance state attorney” and during the periods that the appellee filed her federal case and during these proceedings, he served as a special state attorney by litigating a case before the federal court for copyright violations. The special



master had a more than a dozen conflicts as did the office of general counsel.

- b. The premise of his report and recommendations rest upon allegations made by only the State Bar of Georgia that the appellee made a false statement to a tribunal before the federal court in the private citizen warrant challenge to its constitutionality as noted in the October 7, 2019 order.

7. The October 7, 2019 order of disbarment contravenes Supreme Court of the United States precedent as articulated in *Spevack v. Klein*, 385 U.S. 511 (1967). *In re Ruffalo*, 390 U.S. 544 (1968) and in the matter *North Carolina Board of Dental Examiners v FTC*, 135 S. Ct. 1101 (2015), to name a few.

8. Violation of Due Process Under Rule 4.2

- a. Over the course of four years, the bar changed the allegations in support of implicating Rule 4.2 including after filing of the formal complaint, sanction hearing and report, special master report and review board report and recommendation for discipline. [R. 3-45, 1068-1138, 1366-1437, 1797-1817 and 1841-1843 also see R. 1271-1365]

- b. The bar initially said that the appellee received service of a bar complaint on or about March 2, 2015 and had knowingly communicated with parties under legal representation thereafter. However, when presented with evidence to refute these contentions, which included a copy of the initial communication from the Bar of the grievance dated March 28, 2015 that was sent via email from Wolanda Shelton, the bar changed those facts and alleged that the appellee communicated with a person under legal representation on January 26, 2015.
- c. When presented with evidence that the person was not subject to legal representation on January 26, 2015 when the appellee served her letter via U.S. mail and that their lawyer had contacted the appellee after service and her email was sent and available as of January 27, 2015 , the bar then changed their allegation to assert that the appellee communicated with a person under legal representation on February 13, 2015 when she served her response to litigation upon the pro se plaintiff/petitioner.
- d. Then, when the bar received evidence that the party had proceeded pro se before the court and that the evidence proved that she filed, paid for and was the only party and person named as the

representative in that action, the bar changed their allegations in support of Rule 4.2 to assert that that the appellee contacted the party when she served the party with the January 26, 2015 letter that had been returned due to the incorrect zip code.

e. When the appellee produced evidence that the letter originally mailed on January 26, 2015 had returned with an incorrect zip code and that she immediately resent the letter directly from the post office where she received the returned mail, the bar alleged that she violated rule 4.2 When she produced evidence that the person was not subject to legal representation on those matters, that said communications were never directed to their attention, but that they were copied on the communication. Moreover, the evidence proved that the person was not subject to legal representation on those matters and that they were unrelated to the matters that they would become represented.

f. Unable to satisfy their claims for violation of Rule 4.2, the bar alleged that by virtue of default that the appellee engaged in misconduct.

9. Violation of Due Process Under Rule 3.3 before, during, and after filing of formal complaint, special master report, review board report and recommendation.

- a. The best that the appellee can glean from the Bar's continuing changes in allegations to implicate misconduct of Rule 3.3, is that she allegedly violated some act or engaged in a conduct with a court, administrator or tribunal during representation of a client. However, the bar has never presented any facts regarding the specific court, the action or the parties to the proceedings, the nature of the proceedings, or the specific act that constituted misconduct. Moreover, the Bar has never provided the name of the "client." **R. 3-45, 1068-1138, 1366-1437, 1458-1566, 1797-1817 and 1841-1843 also see R. 1271-1365]**
- b. Throughout the course of the proceedings, the Bar has been asked to give notice of the charges and the specific facts in support thereof, but to no avail. **R. 3-45, 1068-1138, 1366-1437, 1458-1566, 1797-1817 and 1841-1843 also see R. 1271-1365]**
- c. First, the Bar alleged that the client was an individual, then when the appellee produced evidence that she had not represented said person before any tribunal subject to the complaint, the bar claimed that she was the actual client and that she had not been honest with a tribunal. Again, failing to state the facts that implicate the rule of misconduct. Then, failing to do so alleged that by virtue of default that she violated the rules.

10. Violation of Due Process Under Rule 8.1 and 8.4 before, during, and after filing of formal complaint, special master report, review board report and recommendation

- a. The bar overcharged the appellee in the formal complaint under both Rule 8.1 and Rule 8.4, but then changed the facts in support of these accusations during the course of the proceedings, including falsely asserting that the appellee violated the rule when she filed her Motion to Dismiss, then when she said that she did not receive Discovery, that she changed her mailing address, and a host of other statements found in their reports, orders, sanction, special master report and review board report and recommendation and facts in support of brief for discipline and the October 7, 2019 order of disbarment.
- b. The Bar never produced any facts in support of the allegations of misconduct of these Rules. Over the course of four years [from notice of investigation to formal complaint to special master and review board report] the allegations in support of violations of these rules changed repeatedly, making it impossible for the appellee to know what she is accused of doing. The Bar initially claimed that the appellee provided a false statement to the tribunal during litigation in 2015, when asked to state with particularity the nature of the

proceedings, the court, the date of the litigation and parties, the Bar failed.

c. After presenting evidence of no false statements, no evidence of any proceedings and no existence of transcripts, recordings, testimony or affidavits, etc., the Bar changed their allegations during the sanction for discovery briefing and added new allegations and then changed again during the report and recommendations of the special master and review boards. The new allegations to support alleged violations of these rules denied the appellee due process. **R. 3-45, 1068-1138, 1366-1437, 1458-1566, 1797-1817 and 1841-1843 also see R. 1271-1365]**

d. The Bar alleged that the appellee gave a false statement to them during these proceedings and are now asserting that is the facts in support of violation of Rules 8.1 and 8.4. The first time that the appellee was presented with these allegations was after a finding of judgment by virtue of default.

11. The October 7, 2019 order of disbarment and the proceedings below denied and violated the appellee rights under her First, Fifth, and Fourteenth Amendments under the U.S. and Georgia Constitution.

12. The October 7, 2019 order of disbarment is premised upon fabricated story and facts presented by the Office of General Counsel to the detriment of the appellee by falsely implicating that she violated an order, directive, instruction, hearing transcript, ruling, decision and/or eluded a finding that she violated Rule 8.1 and Rule 8.4 by falsifying or false swearing before the federal Court in its pleading and complaint in *Re. Jefferson v. Deal* Case No. case 1:15-cv-02226

13. The Supreme Court of Georgia order is in violation of OCGA 15-19-32, OCGA 9-11-60, and the First, Fourteen and Fifth Amendment of the U.S. Constitution. Moreover, the order is replete with factual inaccuracies, which if proven true would reverse or vacate the decision. The order proves that this court did not review the hearing record, the proceeding record in this case or any of appellee filings. Moreover, the ruling in this case further demonstrates the disparity against black lawyers and is supported by the Appendix in this case and filings before the *Supreme Court of Georgia on December 27, 2018*. Plus, *In re Denise Hemmann* had over five cases before this court, including a recent case where in the bar agreed to a public reprimand on her fifth offense. The facts are false, but even if were true, which they are not, would not warrant disbarment. Especially, on a default judgment where the attorney responded to a formal complaint, all motions,

and attended the sanction hearing on discovery, plus filed her discovery responses and then requested an evidentiary hearing, a review board hearing and a trial under OCGA 15-19-32 and oral argument by this court and all opportunities to access to justice and due process were denied.

14. Respectfully, this reliance proves that the court did not review the hearing record of September 18, 2017 or review the appellee responses to the motion, attendance at the sanction hearing or her pleadings and objections filed immediately after the hearing of September 18, 2017, which solely addressed discovery and not the merits of the case. **[See.R. 569-575, 587-602, 603-615, 670-679, 680-686, 726-739, 774-790, 1009-1030 and 1031-1057]**

15. The record is devoid of any evidence of disparaging communications to or about anyone. Moreover, the record fails to cite any disparaging communications and First Amendment would guide this process. **[R. 3-45, 1366-1437, 1447-1457]**

16. There is not one court order, citation, or statement or any governing body, law enforcement or judge that accused appellee of making a false statement to anyone. The State Bar fabricated the story and prosecuted the story and by virtue of default entered judgment against the appellee. **[See R. 3-45 and 1366-1437]**



## **REASONS FOR GRANTING MOTION TO STAY AND REMITTUR**

The reasons for granting the STAY AND REMITTUR are squared in, to include but not limited, to

1. Supreme Court of Georgia order of disbarment violates due process and contravenes Supreme Court of the United States precedent under the 14<sup>th</sup> Amendment See *In Re Ruffalo*, 390 U.S. 544 (1968).
2. Supreme Court of Georgia order of disbarment contravenes Supreme Court of the United States Precedent in *Spevack v. Klein* and Fifth Amendment. 385 U.S. 511 (1967).
3. Supreme Court of Georgia order of disbarment violates the Petition Clause of the First Amendment
4. Supreme Court of Georgia order of disbarment violates due process under the Fifth and Fourteenth Amendments of the U.S. and Georgia Constitution denial of fair and full participation and impartial trier of facts and contravenes Supreme Court of the United States precedent in *North Carolina Board of Dental Examiners v. F.T.C.* 135 S. Ct. 1101 (2015).

## **ISSUES**

1. Whether the Supreme Court of Georgia order of disbarment violates the Fifth Amendment Against Self Incrimination

2. Whether the Supreme Court of Georgia order of disbarment denied appellee due process.
3. Whether the Supreme Court of Georgia violated the appellee's constitutional rights under the Fifth and Fourteenth Amendment to the U.S. and Georgia constitution when it denied the appellee an unconflicted and reappointment of a special master or review board members who were conflicted or subject to disqualification or recusal.
4. Whether the Supreme Court of Georgia erred when it issued a non-controversy per curiam order to disbar an attorney who timely raised constitutional violations under the First, Fifth and Fourteenth Amendment of the U.S. Constitution and Georgia.
5. Whether the Supreme Court of Georgia erred when it upheld the decision to deny the appellee an evidentiary hearing, review board hearing, a trial by jury and/ or oral argument.
6. Whether the Supreme Court of Georgia committed erred when it knowingly denied equal protection under the 14th Amendment to the appellee as applied and on its face
7. Whether the Supreme Court of Georgia abused its discretion when it ordered disbarment by virtue of default where the appellee had complied with discovery, attended sanction hearing, and testified before the court.

8        Whether the Court erred when it denied appellee a jury trial under OCGA 15-19-32 and did the State Bar of Georgia violated Rule 11, 18, 15, and 25 and are the Georgia Professional Rules of Conduct Rules 3.3, 4.2 and 8.1 constitutionally void for vagueness as-applied and facially. [See Appellee's Motion for Jury Under OCGA 15-19-32 filed in Supreme Court of Georgia]

9        Whether the State Bar has impermissibly subjected the appellee to discipline based upon acts protected by the First Amendment in violation of her constitutional rights and whether such rules are void under the overbreadth doctrine. Violation of Equal Protection As-Applied and Facially: Discrimination and Disparate Impact [See R. 3-45, 1366-1437]

10      Did the State Bar of Georgia and its Disciplinary Board violate respondent's rights as applied and facially under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution and the State of Georgia when they engaged in the arbitrary, capricious and discriminatory prosecution, enforcement and discipline where evidence proves that Mr. Cobb, Mr. Askew and the Office of the General Counsel and the staff prosecute and discipline attorneys differently by race and law school of attendance. [See Appellee's Pleading "Disparity and Discrimination" Dated December 27, 2018]

Violation of Equal Protection and Due Process and Failure to Give Notice of Charges and Denial of Evidentiary Hearing

11 Did the State Bar of Georgia Board of Discipline/Office of General Counsel violate respondent's rights under In re Ruffalo and deny Equal Protection and Due Process under the Fifth and Fourteenth Amendment of the U.S. Constitution and the State of Georgia when they knowingly advanced a formal complaint relying upon one set of alleged facts/allegations/inferences with implication of rules and then changed these 'facts' and the rules implicated without notice to the respondent, thereby making it impossible for her to defend against allegations of misconduct when she could never determine which facts and rules were implicated because the Bar added new charges against the respondent after and during the commencement of the purported proceedings, thereby failing to give respondent reasonable notice of all charges against her when determining that she was accused of violating the rules of professional conduct and subject to deprivation of her license to practice law? [See R. 3-45, 1058-1067, 1366-1437, 1797-1817, 1841-1843 and 1068-1138]

12 Did the Disciplinary Board of the State Bar of Georgia violate Respondent's right to Due Process under the Fifth and Fourteenth Amendment of the U.S. Constitution and the state of Georgia when they

denied her request for an evidentiary hearing as required by the Rules and ruled to disbar her based solely upon sanctions decided by the conflicted special master? [See R. 48-74, 75-100, 116-142, 143-176 and 1271-1365]

13 Whether judgment by virtue of default, which subjects an attorney to discipline and loss of property interest is a violation of the Petition Clause of the First Amendment and violation of the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution and Georgia. [R. 1271-1365, 1702-1734, 1818-1883 and Exceptions and brief filed before this Court dated December 27, 2018]

14 Does the State Bar of Georgia Office of General Counsel and its Boards failure to comply with the Disciplinary Procedures and Rules governing proceedings and evidentiary hearings necessitate remand or a new trial? {See Appellee's Motion to Remand filed December 27, 2018]

15. Did the State Bar of Georgia Board of Discipline/Office of General Counsel err when it imposed new discretionary charges and violations upon respondent without affording her the full panoply of rights to which a respondent facing loss of license to practice law is entitled during disciplinary proceedings and without considering the factors it was statutorily required to consider under the Rules of Professional Misconduct

and First Amendment, Fifth and Fourteenth Amendments? [R. 3-45, 1366-1437, 1797-1817, 1841-1843, 1068-1138]

Acts of Bad Faith, Conflict of Interest and Failure of Duties of Prosecutor, Clerk, Special Master and Board Members

16. Did the Disciplinary Board of the State Bar of Georgia violate Respondent's right to Due Process under the Fifth and Fourteenth Amendment of the U.S. Constitution and Georgia when they failed to grant her Motion for Recusal of the Special Master where, based on the totality of the circumstances, the special master's impartiality reasonably could have been questioned where a reasonable person would think that its failure to recuse tended to undermine public confidence in the administration of justice? [See R. 177-211, 260-269, 270-320-321, 322-326, 327-329, 576-586, 689-702, 711-725, 726-739, 740-753, 774-790, 802-819, 791-801, 1179-1190, 1567-1578, 1579-1587, 1633-1642, 1643-1652, 1653-1671, 1713-1725, and 1735-1762].

17 Whether the Special Master abused his discretion when he failed to give timely notice to attend a motion for sanctions hearing and then, granted the Office of General Counsel Motion for Sanctions, and entered an order dismissing respondent's Answer and denied her timely filed and served discovery request upon the grievant/State Bar and third parties of interest to

the case, thereby subjecting respondent by virtue of default, to discipline for violating the code of professional responsibility when she had answered discovery, timely raised sworn written and in-court objections [never ruled upon by the special master], invoked her Fifth Amendment privilege, had also responded to the Motion for Sanctions and attended the sanction hearing ? [See R. 687-688, 1058-1067, 587-602, 603-615, 670-679, 680-686, 740-753, 1009-1030-1031-1057 and 774-790]

18. Did the Disciplinary Board of the State Bar of Georgia violate Respondent's right to Due Process and Equal Protection under the Fifth and Fourteenth Amendment of the U.S. Constitution and Georgia when they failed to review, consider or rule upon her objections to the appointment or assignment of the members of the investigative panel and the review board, which included members with conflicts of interest supported by fact and law, where, based on the totality of the circumstances, their impartiality reasonably could have been questioned where a reasonable person would think that its failure to recuse tended to undermine public confidence in the administration of justice? See R. 177-211, 260-269, 270-320-321, 322-326, 327-329, 576-586, 689-702, 711-725, 726-739, 740-753, 774-790, 802-819,

791-801, 1179-1190, 1567-1578, 1579-1587, 1633-1642, 1643-1652, 1653-1671, 1713-1725, and 1735-1762].

19 Did the Disciplinary Board of the State Bar of Georgia violate Respondent's right to Due Process and Equal Protection under the Fifth and Fourteenth Amendment of the U.S. Constitution when the Office of General Counsel, the Investigative Panel, Special Master and the Review Board failed to conduct investigations, review and engage in neutral fact finding into the allegations against the respondent, failed to consider all evidence favorable to the respondent, dismissed her Answer and denied her discovery request upon the grievant and the bar, failed to give their duties precedence, and violated their oath to be neutral trier of fact to fulfill their responsibility to hear and decide the matters assigned to them and to dispose of all disciplinary matters fairly, promptly, and efficiently thereby undermining public confidence in the administration of justice? R. 3-45 and 1271-1365]

20 Did the Disciplinary Board of the State Bar of Georgia violate Respondent's right to Due Process under the Fifth and Fourteenth Amendment of the U.S. Constitution when they knowingly, recklessly and in bad faith advanced a frivolous bar complaint by forcing the respondent to change her address to engage in forum shopping of a special master,



mischaracterized information from the grievance report while intentionally omitting and downplaying other relevant information that was inconsistent with and non-supportive of their pre-determined result to seek disbarment?  
[See R. 48-74, 75-100 and 1271-1365]

21. Did the Clerk of the Disciplinary Board violate the Respondent's rights to Due Process under the Fifth and Fourteenth Amendment of the U.S. Constitution when she knowingly refused to comply with the governing rules, with particularity Rule 3, 11 and 14 and to fairly, promptly, and efficiently administer her duties, thereby undermining public confidence in the administration of justice? [See R. 963-972]

#### FURTHER CONSIDERATION

**A. Appellee Will Sustain Irreparable Harm.**

This Court should stay remittitur to prevent irreparable harm to Appellee.

*See, Barnes v. E-Systems, Inc. Group Hosp. Medical & Surgical Ins. Plan*, 501 U.S. 1301, 112 S.Ct. 1 (1991) (finding irreparable harm must be considered when deciding whether to stay judgment).

**B. A Stay Will Serve the Public Interest.**

This Court should grant a stay of remittitur to serve the public interest.

*Barnes v. E-Systems, Inc. Group Hosp. Medical & Surgical Ins. Plan*, 501

U.S. 1301, 112 S.Ct. 1 (1991) (finding that the interests of the public may be considered when deciding whether to stay judgment

**WHEREFORE, as a result, this Court should grant Appellee's motion to stay, mandate and remittitur.**

This 6<sup>th</sup> day of November 2019

/s/ Sherri Jefferson  
SBGA 387645  
Efile: attysjjeff@aol.com

**CERTIFICATE OF SERVICE**

I hereby serve a copy of the within pleading upon opposing counsel as follows:

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This 6<sup>th</sup> day of November 2019

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**Additional material  
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