

No. 20-25

IN THE SUPREME COURT OF THE UNITED STATES

ISIDORO RODRIGUEZ,

Petitioner,

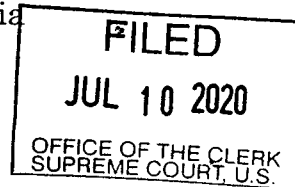
VS.

VIRGINIA STATE BAR DISCIPLINARY BOARD,

Respondent.
ORIGINAL

On Petition for A Writ of Certiorari to
the Supreme Court of the Commonwealth of Virginia

PETITION FOR WRIT OF CERTIORARI



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QUESTIONS PRESENTED FOR REVIEW

I. Whether the 1st, 5th, 7th, and 14th Amendments to the United States Constitution (“U.S. Const.”), the *Void Ab Initio Order Doctrine*, and the integrity and independence of the Commonwealth’s judicial system under Art. VI §§ 1, 5 & 7 of the Constitution of the Commonwealth of Virginia (“VA Const”), and VA Code § 54.1-3915 & § 54.1-3935A (1950 to 2017), has been violated by the denial of the Writ of Mandamus and Prohibition confirming the pattern and practice since 2006:

First, of the systemic denial of access to an impartial court so to not hold the Virginia State Bar Disciplinary Board’s (“VSBDB”) accountable for usurping judicial authority and jurisdiction to disbar Petitioner Isidoro Rodriguez in violation of the *Void Ab Initio Order Doctrine*?

Second, of the systemic denial of access to a statutory jury trial under VA Code § 18.2-499 & 500 so to not hold the VSBDB accountable for participating, cooperating and assisting the business conspiracy of Washington D.C. Attorneys/Lobbyist Eric Holder *et al.* to injure Petitioner Isidoro Rodriguez reputation and profession by the issuance of a *void ab initio order*?; and,

Third, of the systemic denial of access to a common-law jury trial so to not hold the VSBDB *et al.* accountable for malfeasance for the *void ab initio order*, as well as for lobbying to violate VA Const.’s amending procedures, to violate the prohibition on *ex post facto* laws, and to violate the prohibition on enacting special legislation granting the VSBDB immunity for a business conspiracy?

LIST OF ALL DIRECTLY RELATED PROCEEDINGS IN STATE AND FEDERAL COURTS WHICH HAVE SYSTEMICALLY DENIED ACCESS TO AN IMPARTIAL COURT TO RECIPROCALLY ENFORCE THE VSBDB VOID AD INITIO ORDER.

1. Isidoro Rodriguez v. General Assembly of the Commonwealth of Virginia, et al., S. Ct. VA No. 190579 (September 2, 2019); Fairfax County Circuit Court Case No. 2018-16227 (February 12, 2019).
2. Isidoro Rodriguez, Esq., v. Jane/John Does of the Virginia State Bar Disciplinary Board, et al., US Dist. Ct. ED VA 12-cv-663-JAB (April 12, 2013), *aff'd* 4th Cir USCA No 13-1638 (Nov. 2013), *cert. denied* 2014.
3. In the matter of Isidoro Rodriguez, US Sup. Ct. Docket No. D-02466 (May 26, 2010), *cert. denied*.
4. Isidoro and Irene Rodriguez v. Commissioner of Internal Revenue, US Tax Court Docket No. 10691-09, *cert. denied*; and, Isidoro Rodriguez v. Commissioner of Internal Revenue, US Tax Court Docket No. 11855-12, *cert. denied* 2014.
5. Isidoro Rodriguez v. Jack Harbeston, and Eric Holder et al., US Dist. Ct. WD Wash. No. 11-cv-1601 (JCC).
6. Irene Rodriguez and Isidoro Rodriguez v. Douglas Shulman, et al., D.C. Cir. Ct. No. 11-cv-1183(JEB).
7. In re Isidoro Rodriguez, U.S. Judicial Panel on Multidistrict Litigation, ML No. 2307 (December 14, 2011).
8. Isidoro Rodriguez v. US Tax Court, D.C. Cir. No. 10-1016, *cert. denied*, US Sup. Ct. No. 10-1066 (Closed, March 21, 2011).
9. Isidoro Rodriguez v. Virginia Employment Commission, US Sup Ct. Docket No. 09-954 (Cert. Denied March 19, 2010), S. Ct. VA Record No. 092494, and the Court of Appeals of Virginia, Record No. 0291-09-4.
10. Isidoro Rodriguez v. US Court of Appeals for the District of Columbia, (D.C. Cir. No. 08-7134) *cert. denied* No. 09-237 (November 2, 2009).
11. In the matter of Isidoro Rodriguez, Esq., (4th Cir. No. 06-9518), *cert. denied* No. 08-942 (March 20, 2009), injunction denied (March 24, 2009).
12. Isidoro Rodriguez v. Standing Committee on Attorney Discipline, (3rd Cir. No 08-8037), *cert. denied* No. 08-1121 (Closed, May 18, 2009).

13. Isidoro Rodriguez v. US Court of Appeals for the 2nd Circuit, (2nd Cir. No 08-90089); *cert. denied* No. 08-942 (Closed, July 31, 2009).
14. Isidoro Rodriguez, Esq. v. Editor-in-Chief, Legal Times, et al., DC Dist. Ct. No 07-cv-0975 (PF), DC Ct App. N. 07-5334, injunction denied SC Ct. No. 07A601, *cert. denied* US Sup Ct. 08-411(Closed, 2008).
15. In re Isidoro Rodriguez, U.S. Dist. Ct. for the E. D. VA, Docket No. 1:08-mc-00022, May 28, 2008.
16. Isidoro Rodriguez v. Supreme Court of Virginia et al., (S. Ct. No. 07-419, November 2, 2007); and Isidoro Rodriguez v. Supreme Court of Virginia, (Va. Sup. Ct No. 07-0283), *cert denied* Nos. 07-A142 and 07A370 (2007).
17. Isidoro Rodriguez v. Devis and VA State Bar, VA Sup Ct. No. 06052, *cert. denied* US Sup Ct. Nos. 06A619/06-875 (Closed, October 2006).
18. Isidoro Rodriguez v. Pereira, 163 F. Appx. 227 (4th Cir. 2006), *cert. denied*, 549 U.S. 954 (2006).
19. Isidoro Rodriguez v. Guy Vander Jagt, et al., Sup. Ct. of Va. No 040941/040942, *cert. denied*, No. 04-867 (Feb. 28, 2005).
20. Isidoro Rodriguez v. HFP Inc., et al., 77 F. Appx. 663 (4th Cir. 2003), *cert. denied* 541 U.S. 903 (2004).
21. Isidoro Rodriguez-Hazbun v. National Center for Missing & Exploited Children et al, D.C. No. 03-120(RWR); D.C. Cir. No. 03-5092, *cert. denied* USSC No. 03-301 (2006).

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CITATIONS TO OPINIONS BELOW

The Supreme Court of Virginia's ("S. Ct. VA") unpublished *void* order refusing the Petition for Appeal in Isidoro Rodriguez v. Virginia State Bar Disciplinary Board, S. Ct. VA No. 191136, was issued on March 2, 2020 (App-1).¹ The Fairfax County Circuit Court's *void* unpublished prefiling injunction order (App-2) and *void* summary dismissal order (App-4) in Isidoro Rodriguez v. Virginia State Bar Disciplinary Board, Case No. CL 2018-16433, was issued on June 28, 2019.

STATEMENT OF JURISDICTION

The *void* unpublished order of the S. Ct. VA refusing the petition for appeal was entered on March 2, 2020 (App-1). Federal jurisdiction is invoked:

First, pursuant to 28 U.S.C. 1257(a) to ensure that the Commonwealth of Virginia's ("Virginia") judicial system does provide access to an impartial court and trial by jury to enforce the right to *due process* and equal protection of the laws under the First, Fifth, Seventh and Fourteenth Amendment to the United States Constitution, Art. IV §§ 1, 5, & 7 VA Const., and VA Code § 54.1-3915 (App-24) & § 54.1-3935A (1950 to 2017) (App-25), and the *Void Ab Initio Order Doctrine* [See Marbury v. Madison, 1 Crunch 137, 140 (1803)]; and,

Second, pursuant to Article III U. S. Const. and 28 U.S.C. § 2403(b) under the Court's supervisory authority to stop the systemic denial of access to an impartial Virginia and Federal court so to not hold the VSBDB for usurping of judicial power,

¹(App-) references are to pages in the Appendix.

systemic denial of access to a trial by jury under VA Code § 18.2-499 & § 500, and systemic denial of access to a common law trial of acts outside of legal authority and scope of employment, *see Christopher v. Harbury*, 536 US 403, 412-418 (2002), *See also Gutierrez de Martinez v. Lamagno and DEA*, 515 US 417, 115 S.Ct. 2227, 132 L. Ed. 2d 375 (1995)].

STATEMENT REQUIRED BY S. CT. RULE 29.4

The Court is informed that 28 U.S.C. §2403(b), does apply because of the systemic denial of access to an impartial court to assist a business conspiracy in violation of the First, Fifth, Seventh, and Fourteenth Amendments to the US Const, the *Void Ab Initio Order Doctrine*, and VA Const. This was compounded by the VSBDB lobbying: (a) for the retroactive adoption of the 1998 unconstitutional S. Ct. VA rule Part 6, § IV, ¶ 13 (“VA S. Ct. Rules”) establishing the VSBDB as a “kangaroo court” and to appoint VSBDB members as “judges”; and, (b) after 2017 for special legislation to grant the VSBDB immunity for participating in a business conspiracy.

The petition is served upon the Attorney General of the Virginia, as well as the VSBDB, because neither the General Assembly of the Commonwealth of Virginia (“General Assembly”) nor the S. Ct. VA has certified to the Attorney General that these constitutional challenges were raised in the Writ of Mandamus and Prohibition, *See Isidoro Rodriguez v. General Assembly of the Commonwealth of Virginia, et al.*, S. Ct. VA No. 190579 (09/02/2019); Fairfax C. Cir. Ct. No. 2018-16227 (02/12/2019).

US CONSTITUTIONAL PROVISIONS INVOLVED

First Amendment to the United States Constitution.

Fifth Amendment to the United States Constitution.

Seventh Amendment to the United States Constitution.

Fourteenth Amendment to the United States Constitution.

CONSTITUTION OF THE VIRGINIA INVOLVED

Article I § 5 VA Const.

Article I § 9 VA Const.

Article IV § 1 VA Const.

Article IV § 14 ¶3(18) VA Const.

Article VI § 1 VA Const.

Article VI § 5 VA Const

Article VI § 7 VA Const.

Article XII § 1 VA Const.

VA CODE PROVISIONS INVOLVED

VA Code § 8.01-223.2 (2017). Special legislation to grant immunity.

VA Code § 18.2-499. Business Conspiracy and jury trial.

VA Code § 18.2-500. Injunction authorized.

VA Code § 54.1-3909. Court Rules authorized.

VA Code § 54.1-3915. Restrictions as to rules and regulations.

VA Code 54.1-3932. Lien for fees.

VA Code § 54.1-3934. Revocation of license by Board.

VA Code § 54.1-3935 (1950-2017). Procedure for revocation of license before a court.

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STATEMENT OF THE CASE

a. When Federal Question Raised.

Petitioner Isidoro Rodriguez (“Rodriguez”) raised the federal questions in the Writ of Mandamus and Prohibition and its amendment at page 1 thru 15, filed on November 28, 2018, and on February 19, 2019 with the Fairfax Ct. Cir. Ct. They were raised again in the Petition for Appeal to the S. Ct. VA on August 28, 2019, and during oral argument on February 21, 2020.

The courts below never addressed the challenge to the systemic denial of access to an impartial court, as well as the denial of the right to *due process* and equal protection of the laws in violation of the Art. I § 5 and Art. VI §§ 1, 5, & 7 VA Const., and the *Void Ab Initio Order Doctrine*.

b. Material Facts.

In 2003 Washington, D.C. Lobbyist/Attorney Eric Holder and Washington, D.C. Lobbyist Jack Harbeston (“Holder *et al.*”) violated VA Code §§ 18.2-499 & 500 (App-23) by entering Virginia to “combine, associate, agree, and mutually” file two VSBDB bar complaints to injure Rodriguez’s federal civil litigation practice, reputation, profession, right to employment and statutory property rights.

The two bar complaints state they were filed:

First, for Rodriguez litigating to enforce a statutory Choate Virginia Attorney’s Lien on *treasure trove* under VA Code § 54.1-3932 (1950) (App-10). See Isidoro Rodriguez v. HFP Inc., et al., 77 F. Appx. 663 (4th Cir. 2003), cert. denied 541 U.S. 903 (2004); Isidoro Rodriguez v. Guy Vander Jagt, et al., Sup. Ct. of Va. No 040941/040942,

cert. denied, No. 04-867 (Feb. 28, 2005)²; and,

Second, for Rodriguez litigating to enforce the rights of a father under Hague Convention on the Civil Aspects of International Child Abduction Oct. 1980, T.I.A.A. No 11,670, 19 I.L.M. 1501 (App-7 and App-17) (“Treaty”), VA Code, and Joint Custody Agreement to protect his US citizen Son from being forced from Virginia in 2002 to a “zone of war” in the Republic of Colombia (App-17), Isidoro Rodriguez-Hazbun v. National Center for Missing & Exploited Children et al, D.C. No. 03-120(RWR); D.C. Cir. No. 03-5092, *cert. denied* USSC No. 03-301 (2006).

At the outset, Rodriguez challenged the judicial authority and jurisdiction of the VSBDB (See <http://www.liamsdad.org/others/isidoro.shtml>).

In response, in violation of VA Code §§ 18.2-499 & 500 (App-23) the VSBDB did “combine, associate, agree, and mutually” participated in the business conspiracy by issuing in 2006 a *void ab initio order* to injure Rodriguez for litigating to enforce his statutory rights.

Subsequently, as part of the business conspiracy Rodriguez was disbarred from

²In addition to the conflicting financial interest of the Washington D.C. Lobbyist/Law Firms Oligarchy’s, Eric Holder was motivated by an animus to Rodriguez’s litigation challenging the U.S. Department of Justice’s policy to grant immunity to government employees and attorneys for acts of malfeasance outside the scope of legal authority and employment. Martinez v. Lamagno and DEA, 515 U.S. 417, 115 S.Ct. 2227, 132 L.Ed. 2d 375 (1995) (this Court reversed the 4th Circuit USCA and rejected DOJ’s surreal argument that a DEA agent was acting within his scope of employment while DWI and having sex), See Cooperativa Multiactiva de Empeados de Distribuidores de Drogas (Coopservir Ltda.) v. Newcomb, et al, D.C. Cir. No 99-5190, S Ct. No 99-1893 (2000) (President Clinton’s Executive Order a prohibited bill of attainder); See Organization JD Ltda. v. Assist U.S. Attorney Arthur P. Hui and DOJ, 2nd Cir. No. 93-6019 and 96-6145 (1996) (2nd Cir. Order held that a DOJ Assistant U.S. Attorneys can be held accountable for violations of the Electronic Communications Privacy Act; and, Lopez v. First Union, 129 F3rd. 1186 (11th Cir. 1997) (11th Cir. held that DOJ and financial institution can be held accountable for violation of the Right to Financial Privacy Act).

federal practice from 2006 to 2010 by the summary reciprocal enforcement of the VSBDB *void ab initio* order in violation of the *Void Ab Initio Order Doctrine* under Marbury v. Madison, 1 Crunch 137, 140 (1803), by the Office of the Clerk the United States Supreme Court, the U.S. Court of Appeals for the 2nd, 3rd, 4th, DC and Federal Circuit, the U.S. Dist. Court for the ED VA, and U.S. Tax Court (page I, ii, iii). Also, as part of the business conspiracy in 2006 Rodriguez was deprived of his property by: (a) the Internal Revenue Service and U.S. Tax Court's reciprocal enforcement of the VSBDB *void ab initio* order to declare "frivolous" and then to strike Rodriguez's litigation expenses-to thereby assess "taxes greater then allowed by law," See Isidoro and Irene Rodriguez v. Commissioner of Internal Revenue, US Tax Court Docket No. 10691-09, *cert. denied*; and, Isidoro Rodriguez v. Commissioner of Internal Revenue, US Tax Court Docket No. 11855-12, *cert. denied* 2014; and, (b) by the Virginia Employment Commission reciprocal enforcement of the VSBDB *void ab initio* order to deny Rodriguez unemployment compensation benefits.

Based on this evidence of the systemic denial of access to an impartial court to assist the business conspiracy and violation of th *Void Ab Initio Order*, Rodriguez filed litigation under VA Code §§ 18.2-499 & 500 (App-23). Isidoro Rodriguez v. Jack Harbeston, and Eric Holder et al., US Dist. Ct. WD Wash. No. 11-cv-1601 (JCC) (2011). See Isidoro Rodriguez, Esq. v. Editor-in-Chief, Legal Times, et al., DC Dist. Ct. No 07-cv-0975 (PF), DC Ct App. N. 07-5334, injunction denied SC Ct. No. 07A601, *cert. denied* US Sup Ct 08-411(Closed, 2008).

After the repeated summary dismissal's refusing to stop the business conspiracy

and the reciprocal enforcement of the VSBDB *void ab initio* order, Rodriguez in 2012 file under VA Code §§ 18.2-499 & 500 (App-23), as well as under *Bivens* and RICO, see *Isidoro Rodriguez, Esq., v. Jane/John Does of the Virginia State Bar Disciplinary Board, et al.* US Dist. Ct. ED VA 12-cv-663-JAB (April 12, 2013), *aff'd* 4th Cir USCA No 13-1638 (Nov. 2013), *cert. denied* 2014. But there too, the Hon. Judge John A. Gibney, Jr. did deny access to an impartial court: (1) by not disqualifying himself because the Judge's wife was a member of the Defendant VSBDB; (2) by granting absolute immunity, by granting summary dismissal, and by granting a nationwide Federal prefiling injunction of any future litigation for violation of the VA Const, VA Code; and, (3) by holding a lack of jurisdiction in Virginia to enforce VA Code §§ 18.2-499 & 500 (App-23)-- despite the evidence that Holder *et al.* entered Virginia to file the two fraudulent VSBDB bar complaints. See also *Isidoro Rodriguez v. Devis and VA State Bar*, VA Sup Ct. No. 06052, *cert. denied* US Sup Ct. Nos. 06A619/06-875 (Closed, October 2006); *Isidoro Rodriguez v. Pereira*, 163 F. Appx. 227 (4th Cir. 2006), *cert. denied*, 549 U.S. 954 (2006).

Based on this evidence of the systemic denial of access to an impartial court, Rodriguez did petition prior to the opening of the General Assembly each January from 2010 to 2019 (See <http://t.co/slv7pz3zd5>), for redress of the grievances for the VSBDB violation of the *Void Ab Initio Order Doctrine*. After receiving no response to the petitions for grievances, Rodriguez filed on May 15, 2016, a Complaint with the Inter-American Commission on Human Rights, No. P-926-16/MC-367-16, for violation of the right to *due process* and equal protection of the laws under Art. VI §§ 1, 5 & 7 VA

Const., and the *Void Ab Initio Order Doctrine* by the absolute grant of immunity to government attorneys and judges. (See also January 2017 United Nations Complaint (www.isidororodriguez.com)).

In response, the VSBDB *et al.* used the cronyism and political influence in the legal profession of Virginia to surreptitiously lobby the General Assembly after 2017:

(a) in violation of the prohibition on *ex post facto laws*, to enact a retroactive amendment adopting the 1998 unconstitutional S. Ct. VA Court Rules Part 6, § IV, ¶13 creating the VSBDB as a “kangaroo court” and permitting the S. Ct. VA to appoint VSBDB members as judges (App-26); and,

(b) in violation of the prohibition under Art. IV § 14, ¶3(18) VA Const. (See VA Code § 8.01-223.2 (2017) (App-22) to enact special legislation granting the VSBDB immunity for the business conspiracies (See VA Code § 8.01-223.2 (2017) (App-22) (see also General Assembly 2019 HB 2111, introduced on January 5, 2019, four (4) days after Rodriguez petitioned the Fairfax County members of the General Assembly)).

Based this evidence Rodriguez filed the Complaint for a Writ of Mandamus and Prohibition to compel the VSBDB to either explain under what it acts as a “court” or to enjoin it usurping judicial authority (*Isidoro Rodriguez v. Virginia State Bar Disciplinary Board*, Fairfax County Circuit Court, Case No. CL 2018-16433). See also *Isidoro Rodriguez v. General Assembly of the Virginia, et al.*, Fairfax County Circuit Court, Case No. CL 2018-16227).

In written and oral responses the VSBDB in obfuscated and failed to cite any authority under VA Const., or VA Code for their sitting as a “court” and acting as

“judges.” But rather, the VSBDB obtusely assert in violation of the prohibitions under Art. VI § 5 VA Const. and VA Code § 54.1-3915 (1950 to present), that the delegation of rule making authority under VA Code § 54.1-3909 (1950) gave to the S. Ct. VA the power to issue court rules giving the VSBDB judicial authority and jurisdiction to create the VSBDB as a “court,” and to appoint VSBDB members as judges. Furthermore, the VSBDB arrogantly defied the *Void Ab Initio Order Doctrine* by arguing that Rodriguez lacked standing to challenge the VSBDB 2006 *Void Ad Initio Order*.

Without addressing this evidence of the systemic denial of access to an impartial court to violate the U.S. and VA Const., as well as VA Code, the Fairfax County Circuit Court issued a summary prefilng injunction order (App-2) and a summary dismissal order of the Writ of Mandamus and Prohibition (App-4) on June 28, 2019. The Petition for Appeal was refused by the S. Ct. VA on March 2, 2020 (App-1).

REASONS FOR GRANTING THE WRIT OF CERTIORARI

There has been repeated violation of the First, Fifth, Seventh and Fourteenth Amendment to the United States Constitution, the VA Const., VA Code, and the *Void Ab Initio Order Doctrine*, by Fairfax County Circuit Court’s systemic denial of access to an impartial court and trial by a jury: (1) so to not hold the VSBDB accountable for a *void ab initio order* usurping judicial power to assist Holder *et al*’s business conspiracy; (2) to not enjoin an *ex post facto* amendment (App-26); and, to not enjoin special legislation granting immunity (App-22).

I. THE SYSTEMIC DENIAL OF ACCESS TO AN IMPARTIAL COURT.

A. Violations of the 5th and 14th Amendment to US Const., and Void Ab Initio Order Doctrine by the systemic denial of access to an impartial court.

The Complaint for a Writ of Mandamus and Prohibition Court is founded upon records (page I, ii, and iii) evidencing the violation of the *Void Ab Initio Order Doctrine* by the systemic denial of access to an impartial court, the systemic denial to a statutory, and the systemic denial to a common law jury trial, so to not hold the VSBDB accountable for usurping of jurisdiction and judicial authority by the issuance in 2006 of the VSBDB *Void Ab Initio Order* (App- 6) to further Holder *et al.*'s business conspiracy.

This evidence of the willful violation of the limitations and prohibitions under Art. VI §§ 1, 5 & 7 VA., and VA Code VA Code § 54.1-3935A (1950-2017), is confirmed by the VSBDB argument that under VA Code § 54.1-3909 (1950) delegation of rule making authority the S. Ct. VA had the power to issue rules establishing the VSBDB as a "court" and for the S. Ct VA to appoint VSBDB members as judges with jurisdiction to discipline an attorney.

Furthermore, VSBDB argument confirms the willful violation of the controlling 1923 precedent under *Legal Club of Lynchburg v. A.H. Light*, 137 VA 249, 430, 119 S.E. 55 (1923), citing *Fisher's Case*, 6 Leigh (33 Va.) 619 (1835), that the power to either suspend or revoke an attorney's license in all of Virginia, must be "**conferred by statute**," although in a proper case a court does have inherent judicial power to suspend or annul the license of an attorney practicing **only** in that particular court.

To repeat, for a court to have,

“[t]he power to go further and make suspension or revocation of license effective in all other court of the Commonwealth [this] must be conferred by statute.” (Emphases added)

Based on this holding the 1932 Acts of Assembly p. 139 (codified at VA Code § 54.1-3935A (1950-2017)), was enacted to assist the judicial branch by establishing a ***decentralized attorney disciplinary system*** to give by statute the exclusive judicial authority and jurisdiction to discipline attorneys to the ninety-five (95) County Circuit Court and eleven (11) Court of Appeals (App-25).³ Furthermore, under Art. VI § 5 VA Const. (App-21), and VA Code § 54.1 3915 (2050) (App-24) the S. Ct. VA was specifically prohibited from promulgating any court rules inconsistent with this ***decentralized attorney disciplinary system***.⁴

Under VA Code § 54.1-3935C (1950-2017) the Virginia State Bar and by extension the VSBDB, was established only as, “an administrative agency of the [S. Ct. VA] for the purpose of investigating and reporting [to the Circuit Court] violations of rules and regulations adopted by the court under this article.”

Therefore, the evidence confirms that no statute was ever enacted prior to the 2017 *ex post facto* legislation that amended VA Code § 54.1-3935 (1950-2017) to retroactively adopt the unconstitutional S. Ct. Va rules creating the

³ See When Has the Supreme Court of Appeals Original Jurisdiction of Disbarment Proceedings? R.H.C. *Virginia Law Review*, Vol. 10, No. 3 (Jan. 1924), pp. 246-248; See When Has the Supreme Court of Appeals Original Jurisdiction of Disbarment Proceedings, R.H.C. *Virginia Law Review*, Vol. 10, No. 3 (Jan. 1924), pp. 246-248; and David Oscar Williams, Jr., *The Disciplining of Attorneys in Virginia* 2 Wm. & Mary Rev. Va. L. 3 (1954).

⁴ Under VA Code § 54.1-3934 (1950), only the Board of Bar Examiners were given centralized power to revoke an attorney's license. See Legislative History to 1998 amendment to VA Code § 54.1-3935A (1998), wherein the General Assembly specifically rejected delegating any expanded rule making power to the S. Ct. VA.

VSDBD and vesting it with judicial power and jurisdiction as a “court”.

Consequently, benchmark of this and all the past litigation (pages I, ii, and iii), has been to enforce the *Void Ab Initio Order Doctrine* under English common law,⁵ incorporated as a cornerstone of United States jurisprudence by Chief Justice John Marshall in *Marbury v. Madison*, 1 Crunch 137, 140 (1803), holding that,

“[c]ourts are constituted by constitutional authority and they cannot act beyond the power delegated to them. **if they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. they are not just voidable, but simply void, and this even prior to reversal.**” (Emphasis added)

This Court reconfirmed the *Void Order Doctrine* by holding that *due process* mandated that State court must assure the right of access to an impartial judicial branch based on the constitutional obligation on the courts to decide matters presented by litigants, because:

“With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise of jurisdiction, which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution” *Cohens v. Virginia*, 19 US 264, 6 Wheat. 264, 404 (1821).

Regarding the mandate under the 5th and 14th Amendments, this Court held in *Palko v. Connecticut*, 302 US 319, 325, 326 (1937), that the right to *due process* includes those fundamental liberties that are “implicit” in the concept of ordered liberty, such that “neither liberty nor justice would exist if [they] were sacrificed.” To

⁵In *The Case of the Marshalsea*, 77 Eng. Rep. 1027 (KB 1613), the court held that under the common law, “when the court has not jurisdiction of the cause, there the whole proceeding is [before a person who is not a judge and is *void*], and actions will lie against them without any regard of the precept or process . . .” *Id.* 77 Eng. Rep. at 1038-41.

this end, “[t]he Due Process Clause entitles a person to an impartial and disinterested State tribunal in both civil and criminal cases.” Marshal v. Jern Co, 446 US 238, 242 (1980). Therefore to assure that nether a judge nor court are permitted to act outside of their jurisdiction and judicial authority the *Void Ab Initio Order Doctrine* is incorporation into 5th & 14th Amendments guarantee *due process* by confirming that any State proceedings that is outside of constitutional or statutory judicial authority or jurisdiction is *void ab initio* and actionable.

The Court recognized that there is a requirement on both State and Federal court to have access to an impartial court to assure effective vindication of a separate and distinct right to seek judicial relief: (a) for violation of the First Amendment’s Right to Petition Clause, California Motor Transp. Co. v. Trucking Unlimited, 404 US 508, 513 (1972); (b) for violation of the Fifth Amendment’s Due Process Clause, Murray v. Giarratano, 492 US 1, 11 n.6 (1989) (plurality opinion); Walters v. National Ass’n of Radiation Survivors, 473 US 305, 335 (1985); and, for violation of the Fourteenth Amendment Equal Protection Clause, Pennsylvania v. Finley, 481 US 551, 557 (1987).

In accordance with this Court’s holding in Christopher v. Harbury, 536 US 403, 412-418 (2002), that to assert a claim of denial of access to an impartial court the claim must be first made in an underlying cause of action, the Complaint for a Writ of Mandamus and Prohibition was filed in the Fairfax County Circuit Court against the VSBDB: (a) to obtain judicial review of the VSBDB usurping judicial power and jurisdiction in violation of Art. VI §§ 1, 5, & 7 VA Const., and VA Code § 54.1-3915 &

§ 54.1-3935A (1950-2017), to assist Holder *et al.*'s business conspiracy by issuance of a *Void Ab Initio Order*; b. to obtain judicial review of the violation of the amending procedure under Art. XII § 1 VA Const.; c. to obtain judicial review of the violation of the mandate of separation of power between the General Assembly, and the S. Ct. VA and the Executive Branch by the *ex post facto* amendment to retroactively expand the power of the S. Ct VA. by adopting of the 1998 unconstitutional court rules creating the VSBDB and appointing VSBDB members as judges; and, d. to obtain judicial review of the violation of the prohibition on enacting special legislation to grant immunity to the VSBDB as a private association.

This mandate assuring access to an impartial State court is an integral part of *due process* restriction on the Judicial Branch. As Patrick Henry observed in 1777,

Power is the great evil with which we are contending. We have divided power between three branches of government and erected checks and balances to prevent abuse of power. However, where is the check on the power of the judiciary? **If we fail to check the power of the judiciary, I predict that we will eventually live under judicial tyranny.** (Emphasis added).

Consequently, the right to *due process*, and the right to equal protection of the laws mandate that when an individual or entity has neither constitutional authority, nor statutory authority, nor inherent legal power, nor jurisdiction to render any order, said order is *void ab initio*, and is a complete nullity from its issuance and may be impeached directly or collaterally by all persons, at any time, or in any manner and cannot be reciprocally enforced by any governmental entity or court by either *stare decisis* or *res judicata*. *Collins v. Shepherd*, 274 Va. 390, 402 (2007); *Singh v. Mooney*, 261 Va. 48, 51-52 (2001); *Barnes v. Am. Fertilizer Co.*, 144 Va. 692, 705 (1925); *Rook*

v. Rook, 233 Va. 92, 95, (1987). Therefore, because the VSBDB has neither constitutional authority, nor statutory authority, nor inherent legal power, nor jurisdiction to render any valid order disbaring Rodriguez for litigating to enforce his statutory rights (App-9), the VSBDB 2006 void ab initio order is a complete nullity from its issuance it may be impeached directly or collaterally at any time or in any manner.

In that context, the systemic denial of access to an impartial Virginia and Federal court (page I, ii, iii),⁶ is a violation of the Fifth and the Fourteenth Amendments to the U.S. Const., and the *Void Ab Initio Order Doctrine*. The VSBDB *void ab initio order* as a “kangaroo court” was repeatedly reciprocal enforced by the abuse of the judicially created abstention doctrines of *res judicata* and *stare decisis* in violation of the *Void Ab Initio Order Doctrine*. See *Daniels v. Thomas*, 225 F.2d 795, 797 (10th Cir. 1955), cert. denied, 350 U.S. 932 (1956); See also *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U. S. 462, 486-487 (1983); and, *Skinner v. Switzer*, 562 U.S. 521 (March 7, 2011).

The VSBDB has willfully defied the 5th and 14th Amend., and the prohibitions under the VA Const., and VA Code, to assist Holder et al.’s business conspiracy, which was compounded by unlawful acts by government attorneys in the executive, legislative and judicial branches. This must be rejected by the Court for as prophetically observed by Adam Smith,

⁶ Disbarment of Rodriguez from federal practice by the Office of the Clerk the United States Supreme Court, the Court of Appeals for the 2nd, 3rd, 4th, DC and Federal Circuit, the US Dist. Court for the ED VA and the US Tax Court reciprocal enforcement of the VSBDB void ab initio order (page I, ii, and iii).

“[w]hen the judicial is united to the executive power, it is scarce possible that justice should not frequently be sacrificed to what is vulgarly called politics. The persons entrusted with the great interests of the state may even without any corrupt views, sometimes imagine it necessary to sacrifice to those interests the rights of a private man. But upon the impartial administration of justice depends the liberty of every individual, the sense which he has of his own security.” *The Wealth of Nations*, Book V, Ch. I., Of the Expense of Justice, pp 200.

B. Systemic denial of the right to a jury trial of the evidence of malfeasance.

The Fourteenth Amendment, mandates, “the duty of every State to provide, in the administration of justice, for the redress of private wrongs.” *Missouri Pacific Ry. Co. v. Humes*, 115 US 512, 521 (1885). To this end both the Seventh Amendment and Art. I § 11 VA Const. guarantee the right to a common-law trial for malfeasance.

As early as *The Case of the Marshalsea*, 77 Eng. Rep. 1027 (KB 1613), it was determined that the jury trial was one of the most important safeguards against arbitrary and oppressive governmental policies. In this context, Thomas Jefferson observed in a letter to Thomas Paine in 1789, that, “I consider trial by jury as the only anchor ever yet imagined by men, by which the government can be held to the principles of its Constitution.”

Later, *In re Murchison*, 349 US 133, 136 (1955) (Black, J.), the Court held,

“[O]ur system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome.

This Court has confirmed that all doubts should be resolved in favor of jury trials considering the strong federal policy favoring such trials and right under the Constitution. *Simler v. Conner*, 372 US 221, 83 S.Ct. 609, 9 L.Ed2d 691 (1967). See

also, Grafton Partners LP v. Superior Court of Alameda County, 36 Cal 4th 944, 116 P.3d 479 (2005) (court finding a violation of the right to a jury trial under California Constitution-similar to VA Const. Art. I Section 11).

This common law right to a trial by a jury of the evidence of wrongdoing by acts outside the scope of authority was also confirmed in the 1995 case argued and won by Rodriguez against Eric Holder *et al.*'s policy of granting absolute impunity to government employees and judges for acts for outside of legal authority. Gutierrez de Martinez v. Lamagno and DEA, 515 US 417, 115 S.Ct. 2227, 132 L.Ed. 2d 375 (1995) (4th Cir USCA reversed and remanded for an evidentiary hearing before a jury to determine if the government employee acts DUI while having sex were within or outside the scope of employment).

Th common law right to a trial by jury is augmented by the statutory right to a jury trial for a business conspiracy under VA Code §§ 499 & 500. The existence of a business conspiracy is a jury question of facts-not for the court. As explained in Commercial Business Systems v. BellSouth, 249 Va. 239 at 267-68 (1995),

statutory conspiracy claim is a matter for determination by a jury. whether a conspiracy caused the alleged damaged ordinarily is a question for a jury. Ordinarily it is the function of a jury to determine whether and to what extent a plaintiff has been damaged. (Emphasis added)

The record below confirms the systemic denial of access to a trial by jury by the summary denial of motions filed under 7th Amendment U.S. Const., Art I § 11 VA Const., VA Code §§ 18.2-499 & 500 and the common law, Rodriguez has been denied of his right *due process* and equal protection of the laws. Therefore, this Court must

exercise its supervisory authority to assure access to an impartial jury trial to enforce the prohibitions and limitations under both VA Const., and VA Code. As observed by Attorney General John Ashcroft,

“it is in the federal government's interest to have effective and fair state courts, lest litigants turn to federal courts to resolve matters properly within state court responsibilities.” November 2, 2003, Department of Justice Evaluation of the State Judicial Institutes's Effectiveness to the House and Senate Judiciary Committees. (Emphasis added)

II. VIOLATION OF ART. XII § 1 AND ART. 1 § 9 VA CONST. BY THE *EX POST FACTO* AMENDMENT ADOPTING UNCONSTITUTIONAL COURT RULES.

A. Denial of the 1st Amend Right to Petition for Grievances

Under Art. XII § 1 VA Const. **only** the Citizens of Virginia can amend the Art. VI §§ 1, 5 & 7 VA Const., to expand the power of the S. Ct VA. to permit the S. Ct. VA to create the VSBDB as a court and to appoint VSBDB as judges.

This legislative power granted by the Citizens to the General Assembly can neither be delegated nor modified without the Citizens ratifying an amendment to the VA Const.

Also, under Art. I, § 10, cl. 1 of the US Const. and Art. 1 § 9 VA Const., the VSBDB is prohibited from lobbying the General Assembly to enact an *ex post facto* law in 2017 to adopt the 1998 court rules to have retroactive effect.

In Fletcher v. Peck, 6 Cranch 87, 138 (1816), Chief Justice John Marshall defined an *ex post facto* law, as “one which renders an act punishable in a manner in which it was not punishable when it was committed.” Therefore, an *ex post facto law* has an impact on past transactions. See Ex parte Garland, 71 US (4 Wall.) 333, 377 (1867); See

also McCoy v. State Highway Department of South Carolina, 169 SE 174, 169 SC 436 (1954).

In Calder v. Bull, 3 US (3 Dall.) 386, 390, 397 (1798), this court determined that the *ex post facto* clause only prohibited the passage of criminal or penal measures that had a retroactive effect. But, too this court held that attorney discipline proceedings are quasi-criminal in nature and subject to the prohibition under the *ex post facto* clause, Ex parte Garland, 71 US (4 Wall.) 333, 381 (1867) (companion case to Ex parte Garland, supra.).

In both decisions, the court confirmed that an attorney has certain procedural and substantive rights to ensure *due process* and equal protection of the laws. Cummings v. Missouri, 71 US (4 Wall.) 277 (1806); In Re Ruffalo, 390 US 544, 550-51, 88 S.Ct. 1222, 1226, 20 L.Ed.2d 117, 121-23 (1968); see also Mississippi State Bar v. Young, 509 So. 2d 210, 212 (Miss. 1987); Office of Disciplinary Counsel v. Campbell, 345 A.2d 616, 620 (Pa. 1975). This right to due process is mandated because attorney discipline proceedings are highly penal character.

However, in violation of the above VA Const. restrictions, and Rodriguez's right under the First Amendment and Art. I VA Const. to petition for grievances (See <http://t.co/slv7pz3zd5>): first, the VSBDB lobbied for the enacting in 2017 of the *ex post facto* amendment of VA Code § 54.1-3935A (1950 to 2017) (App-25) to retroactively adopt in violation of Art. VI §§ 1, 5, & 7 VA Const., Art. 1 § 9 VA Const., and Art. XII § 1 of the VA Const. the 1998 unconstitutional court rules establishing the VSBDB as a "court" and to appoint VSBDB members as judges (VA Code § 54.1-3935 (2017)) (App-

26), and, second, the VSBDB lobbied for the enacting in 2017/2019 in violation of Act. IV § 14, &3(18) VA Const. special legislation aimed to grant immunity to the VSBDB as a private association VA Code § 8.01-223.2 (2017) and 2019 HB 2111.

Thus the Amended Complaint for Writ of Mandamus and Prohibition was properly filed based this evidence that VA Code § 54.1-3935 (2017) was enacted to conceal the ongoing violations of VA Const and VA Code by retroactively “[c]onform[ing] the statutory procedure for the disciplining of attorneys” (App- 28) to the unconstitutional 1998 Rule Part 6, § IV, 13-6 establishing the VSBDB as a “kangaroo court” and to permit the S. Ct. VA to appoint VSBDB as “judge” with jurisdiction and judicial authority to discipline an attorney.

Under Art. XII § 1 VA Const., the General Assembly was and is without power to circumvent the limitations and prohibitions under Art. VI §§ 1, 5 & 7 VA Const.

The 2017 *ex post facto* amendment is highly penal since it obfuscates and seeks to deprives Rodriguez of his right of action challenging the business conspiracy and the violation of Art. VI §§ 1, 5, & 7 VA Const. and the *Void Ab Initio Order Doctrine*.

III. VIOLATION OF ART. IV § 14, ¶3 (18) VA CONST. PROHIBITION ON ENACTING SPECIAL LEGISLATION TO GRANT IMMUNITY.

Under Art. IV, § 14 ¶ 3 (18) VA Const., the General Assembly is prohibited from enacting any special, or private law, “[g]ranting to any private corporation, association, or individual any special or exclusive . . . immunity”.

The VSBDB is not a court, nor a state agency nor a corporation. It is an administrative agency of the S. Ct. VA within the unincorporated professional

organization of the Virginia State Bar. Neither governmental or judicial immunity applies to them, thus they are not clothed with immunity.

Therefore, therefore courts below have denied access to an impartial court by not holding the VSBDB accountable for lobbying for the special legislation [VA Code § 8,01-223.2 (2017) (App-22) and General Assembly 2019 HB 2111], granting immunity for the business conspiracy.

CONCLUSION

The evidence confirm the denial of the Complaint for a Writ of Mandamus and Prohibition as an integral part of the systemic denial of access to an impartial court:

(a) to not hold the VSBDB accountable for the *void ab initio order* to assist Holder *et al.*'s business conspiracy;

(b) to not hold the VSBDB accountable for lobbying to violate the amending procedure under Art. XII §1 VA Const.;

(c) to not hold the VSBDB accountable for lobbying to violate the prohibition of *ex post facto* law under Art. I, 10, cl. 1 U.S. Const., and Art. I § 9 VA Const.;

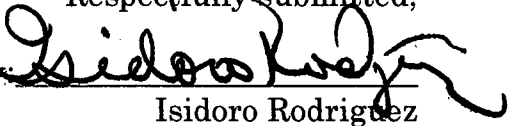
(d) to not hold the VSBDB accountable for lobbying to violate the separation of power under Art. I § 5 and Art. VI §§ 1, 5, & 7 VA Const., to retroactively **“conform the statutory procedure [under VA Code § 54.1 3935 (1932-2009)] for the disciplining of attorneys”** to the 1998 unconstitutional VA S. Ct. Rules Part 6, § IV, ¶ 13; and,

(e) to not hold the VSBDB accountable for lobbying for special legislation to not be held accountable for assisting and furthering the business conspiracy in

violation of VA Code §§ 18.2-499 & 500 by Washington D.C. Lobbyist/Attorney Eric
Holder *et al.*.

For the above reasons, the petition must be granted.

Respectfully submitted,

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