

No. 20-583

**In the
Supreme Court of the United States**

ORIGINAL

In re: MITZI ELAINE DAILEY, Petitioner

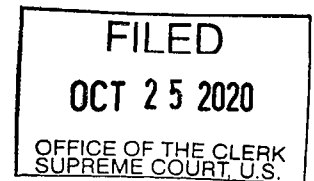
MITZI ELAINE DAILEY,

Petitioner

v.

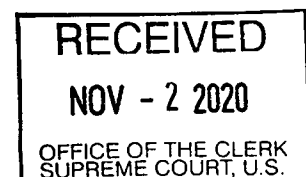
ATTORNEY GRIEVANCE COMMISSION

Respondent.



PETITION FOR WRIT OF CERTIORARI

MITZI ELAINE DAILEY
The Daileylaw Group, LLC
P.O. Box 22297
Baltimore, Maryland 21203
(443) 915-3149
daileylaw@aol.com
Petitioner, Pro Se



19

QUESTIONS PRESENTED FOR REVIEW

Should the Maryland Court of Appeals, acting by and through its Attorney Grievance Commission, have granted Petitioner's request for a hearing on her Petition for Writ of Mandamus, to present her constitutional due process and equal protection challenges, including: (1) the complainant in this attorney disciplinary case admitted that he had *no evidence* to support his allegations; (2) confidential information of the investigation was improperly disclosed to an unrelated *pro bono* client; allowing that client to file a complaint; (3) the assigned trial judge for the disciplinary case, Baltimore City Circuit Court Judge, the Honorable Jeffery M. Geller, had been the trial Judge for another unrelated *pro bono* client of this Petitioner and (4) permitted the participation of Baltimore City Circuit Court Judge, the Honorable Lawrence V. Fletcher-Hill, who is currently presiding and ruling in another unrelated *pro bono* client of this Petitioner?

PARTIES

Mitzi Elaine Dailey, Esq. ~~per - - -~~
Petitioner

Maryland Court of Appeals
-Respondent

Attorney Grievance Commission
-Respondent

The Honorable Jeffrey M. Geller
Circuit Court of Maryland for Baltimore City
-Respondent

The Honorable Lawrence V. Fletcher-Hill
Circuit Court of Maryland for Baltimore City
-Respondent

Lydia E. Lawless, Esq.
-Respondent

Christine Marie Celeste, Esq.
Respondent

Brian E. Frosh, Maryland Attorney General
Michele McDonald, Assistant Attorney General
Joseph Dudek, Assist Attorney General
Debora Goodrick, Assistant Attorney General
-Counsel for All Respondent(s)

TABLE OF CONTENTS

QUESTION PRESENTED FOR REVIEW.....	i
PARTIES.....	ii
TABLE OF CONTENTS.....	iii
TABLE OF AUTHORITIES.....	iv., v
PRIOR OPINION.....	vi
JURISDICTION.....	vi
CONSTITUTIONAL PROVISIONS.....	vii
STATUTES INVOLVED.....	viii
STATEMENT OF THE CASE.....	1
PROCEDURAL HISTORY.....	1
STATEMENT OF FACTS.....	7
REASONS FOR GRANTING THE PETITION.....	10
CONCLUSION.....	21
CERTIFICATION OF WORD COUNT.....	22
CERTIFICATE PROOF OF SERVICE.....	23
APPENDIX.....	A-1

TABLE OF AUTHORITIES

Case	Page
Berger v. United States, 255 U.S.22, 33, 41 S.Ct.230, 233, 65 L.ED. 481 (1921).....	18
Collins v. Dixie Transport, Inc., 543 So.2d 160 (1989).....	18
<i>Fuentes v. Shevin</i> , 407 U.S. 67, 80, 92 S. Ct. 1983, 1994 (1972).....	15
Gibson v. Berryhill, 411 U.S. 564 (1973).....	12
Juidice v. Vail, 430 U.S. 327 (1977).....	12
<i>Loudermill v. Cleveland Bd. Of Educ.</i> , 721 F.2d 550, 563 (6 th Cir. 1983), aff'd, 470 U.S. 532, S.Ct. 1487, 84 L.Ed. 2d 494 (1985).....	10
<i>McKesson Corp. v. Div. of Alcoholic Bevs. & Tobacco</i> , 496 U.S. 18, 39 n.22, 110 S.Ct. 2238, 2251 (1990).....	10
Middlesex County Ethics Comm. v. Bar Assn., 457 U.S. 423 (1982).....	10, 11, 12, 13
<i>Schware v. Board of Bar Examiners</i> , 353 U.S. 232 (1957).....	18
Valley et al. v. Rapides Parish School Board, 118 F.3d 1047 (5 th Cir. 1997) at 1052.....	17
U.S. v. Avilez-Reyes, 160 F.3d 258 (5 th Cir. 1998).....	19, 20
Wisconsin v. Constantineau, 400 U.S. 433 (1937).....	18
World Famous Drinking Emporium, Inc. v. City of Tempe, 820 F.2d 1079, 1082 (9 th Cir. 1987).....	12
Younger v. Harris, 401 U.S. 37 (1971).....	12.

TABLE OF AUTHORITIES

Constitutional Statute	Page
Article XIV, Section 1, U.S. Constitution.....	vii
 Maryland Constitution	
Maryland Const. Decl. Rights, Article 24.....	vii
 Maryland Statutes & Rules	
MD CODE ANN. TITLE 19 – ATTORNEYS	
Maryland Rule 19-707.....	13, 14, 15
Maryland Rule 19-725.....	13, 15, 16

PRIOR OPINIONS

There are no prior Opinions in this matter but there is an Order from the Maryland Court of Appeals, Denying the Petition for Writ of Mandamus, without explanation. The Maryland Court of Appeals Order is reproduced in Appendix at A-1.

JURISDICTION

Petitioner seeks this Court's review of the judgment entered on July 27, 2020 by the Court of Appeals for Maryland, by a Petition for Writ of Mandamus Petition pursuant to the jurisdiction conferred by 28 U.S.C. §1257(a) and the Fourteenth Amendment of the United States Constitution. This petition is timely filed because it was mailed within ninety days of the last Order of the Court of Appeals, that Denied the Petition and was dated July 27, 2020.

CONSTITUTIONAL PROVISIONS

That the Due Process Clause of the 14th Amendment to the United States Commission provides that:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Maryland Constitutional Provisions

That the Maryland Constitution, Declaration of Rights, Article 24, provides:

That no man ought to be taken or imprisoned or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner, destroyed, or deprived of his life, liberty or property, but by judgment of his peers, or by the Law of the land.

STATEMENT OF THE CASE

Procedural History

Petitioner, Mitzi Elaine Dailey, a Maryland attorney for 25 years, with a civil practice, primarily serving *pro bono and low bono* individuals in Baltimore City, State of Maryland, is the respondent in an attorney disciplinary proceeding initiated by the Maryland Attorney Grievance Commission. The proceeding began with an investigation in November of 2018 of a complaint filed by a *pro bono* client, Geoffrey Wolst, that alleged there had been no communication, return of telephone calls or texts regarding the status of his case for 6 months. That once the investigation was in process and Mr. Wolst was questioned by the investigator for the Attorney Grievance Commission, as to his documentation for these allegations, the client stated that he **“has no records of the telephone calls or texts to the attorney.”** The client never submitted, nor was he required to submit any telephone records, text messages, emails, letters, or any other documentation in support of his allegations.

Petitioner has never had any disciplinary actions brought against her. Petitioner has been honored by the Maryland Volunteer Lawyer Service, recognized as Volunteer of the Month in July 2018, for commitment in providing legal representation for *pro bono* cases, in what was described as appreciation for accepting a “staggering 27 cases taken in three years”.

This matter was in the investigation stage from November 2018, until March 24, 2020, more than 400 days, until the Petition for Disciplinary Action was filed on March 24, 2020, at a time that the Maryland Courts were closed by Order of The Chief Judge of the Court of Appeals of Maryland, the Honorable Mary Ellen Barbera, due to the COVID 19 pandemic.

Maryland Disciplinary Procedure Rule 19-711(d) (1) Time for Completing Investigation Complaint provides: Generally. Subject to subsection (b)(3) of this Rule or unless the time has is extended pursuant to subsection (d)(2) of this Rule, Bar Counsel shall complete an investigation within 90 days after opening the file on the complaint.

Petition for Disciplinary was filed by Bar Counsel, Lydia E. Lawless and Assistant Bar Counsel, Christine Marie Celeste, in the Circuit Court for Baltimore City and the Judge assigned was The Honorable Jeffery M. Geller. The Petition alleged attorney did not communicate with the client and alleged that the attorney did not perform the legal services requested and agreed upon by the client, in regard to the estate matter and criminal case of the client. Thereafter, during the early stages of the pandemic with all citizens in the State of Maryland under a stay at home Order, the Assistant Bar Counsel, elected to publish Petitioner's home address in her pleadings and send numerous versions of her pleadings to Petitioner's home; disclosing to family members this disciplinary proceeding.

As well, the Assistant Bar Counsel, Christine Marie Celeste, served in April 2020, Requests for Admissions directed to attorney, "Neda Biggs", to answer within thirty (30) days.

Thereafter, on or about May 11, 2020, Petitioner filed her Answer to the Disciplinary Complaint, denying the allegations, setting forth affirmative defenses of failure to state a claim, fraud; inadequate due process; and illegality.

Thereafter, in the months of June and July 2020, the Assistant Bar Counsel, Christine Marie Celeste, took actions to attempt to force Petitioner to answer her Requests for Admissions that was addressed to another attorney. When she could not force this Petitioner to submit to her demand, she filed for and had an Order entered for Sanctions, wherein all of her allegations were admitted. Additionally, both Assistant Bar Counsel and The Honorable Jeffery M. Geller scheduled the trial as a “remote trial” at the end of July 2020, during a time when the Baltimore City Circuit Court and Maryland Courts were not open for trials yet, due to the COVID-19 pandemic. Thereafter, there were Scheduling emails sent by The Honorable Jeffery M. Geller informing Petitioner that a “remote trial”, would be held and including The Honorable Lawrence V. Fletcher-Hill, who is presiding and making decisions (often adversely ruling and showing animus toward Petitioner) on a different *pro bono* client’s matter that this attorney was representing. *See, Smith v. City Neighbors, et. al*, Baltimore City Circuit Court Case No. 24-C-19-004212.

After the aforementioned, Petitioner filed her Petition for Writ of Mandamus with the Court of Appeals on July 13, 2020, asserting the violations of her Due Process rights guaranteed under the 14th Amendment to the United States Constitution; including proceeding to trial when the key witness concedes he has *no evidence* of the alleged misconduct; violations of rights of confidentiality; due process violations in admitting the Requests for Admissions that had been propounded to attorney, “Neda Biggs” and violating Petitioner rights to a fair and impartial tribunal with its, inclusion of a Judge presiding over an ongoing separate case of the Petitioner; and setting a videoconference trial at a time when the Maryland Courts were not open due to the pandemic.

Thereafter, on July 27, 2020 the Honorable Chief Judge, Mary Ellen Barbera, Court of Appeals, Denied the Petition for Writ of Mandamus, without explanation. *See, Appendix A-1*

Next, Baltimore City Circuit Court Judge Jeffery M. Geller and Assistant Bar Counsel, Christine Marie Celeste determined they would move forward with the trial on August 11, 2020, still in violation of the Order(s) that the Maryland Courts and Baltimore City Circuit Court were not

open for trial due to the COVID-19 pandemic. Petitioner did not participate in this proceeding, in which there was no possibility of a fair and impartial hearing on any of the issues, including Petitioner's constitutional due process challenges.

Assistant Bar Counsel, thereafter, had her Requests for Admissions propounded to attorney "Neda Biggs", admitted against this Petitioner; had Petitioner's Answer and Affirmative Defenses stricken and was permitted to have her late filed Pre-Trial Statement admitted.

All in absolute violation of Petitioner's due process rights to full and fair trial; right to confront witness, right to a fair and impartial tribunal and other rights under the 14th Amendment of the United States Constitution.

That as of September 22, 2020, the Maryland Court of Appeals, received the Findings of Fact and Conclusions of Law of The Honorable Judge Jeffery M. Geller, finding in favor of the Attorney Grievance Commission on all issues.

Additionally, as of October 6, 2020, the Attorney Grievance Commission has filed its Recommendation for Sanctions and Statement of Costs, wherein it has requested disbarment and that Petitioner be held responsible for all costs.

That as of October 7, 2020, this Petitioner, Mitzi Elaine Dailey, has filed Exceptions to the Findings of Fact and Conclusion of Law of Judge Jeffery M. Geller, Denying all the Facts set forth therein; reasserting that the Petition for Writ of Mandamus that set forth the Due Process violations, and that the Petition had been Denied and Request for a Hearing.

The Maryland Court of Appeals has scheduled Oral Arguments for the dates of January 4, 5, 7 or 8, 2021.

As well, during the investigation stage of the Commission's action, it disregarded Petitioner's right to confidentiality advising another of Petitioner's *pro bono* clients that the above complaint had been filed, and almost immediately that client filed a complaint.

Facts

This Petitioner has never had any disciplinary case until this action was brought but to the contrary for all of her 25 years as an attorney has performed primarily *pro bono* work for individuals that would otherwise have to go without legal representation. This Petitioner has never had a disciplinary action filed against her, to the contrary, has continuously worked with *pro bono* organizations such as

Catholic Charities; Kids In Need of Defense ("KIND"); Civil Justice Network and Mid-Shore Pro Bono. As well, from my earliest days as an attorney beginning in 1996, I have consistently accepted many clients from Maryland Volunteer Lawyers Service.

Thus, it is these proceedings instituted by the Attorney Grievance Commission, based solely on a wholly *unfounded and unsupported* complaint filed by a client, Geoffrey Wolst, on November 17, 2018, that alleged "he did not know what was going on with his case; had not communicated with Petitioner in six months and would not speak with Petitioner because he had filed his complaint".

This client had received Petitioner's name from the Civil Justice Network, and, he initially sought legal advice and representation regarding whether he could become the personal representative for his mother's estate after his mother left almost \$90,000 dollars to his niece and it was the client's belief that the niece may also have been named as the personal representative. At the same time, the client also requested Petitioner's legal advice and representation, in regard to difficulties with his sister, with whom he lived and that

ultimately escalated to the sister filing police charges; filing for a protective order and having the client removed from the home.

As well the Petitioner was asked to provide advice regarding the client and his niece decision to divide the \$90,000.00, with each depositing one half into their own personal bank accounts. Assistant Bar Counsel was provided with all documentation and information regarding Petitioner's representation, but she determined, solely on her own, that she did not believe any of Petitioner's statements and would not accept any of her documentation. While at the same time Assistant Bar Counsel did not require the client, Mr. Wolst, to produce any documents to support his allegations.

As well, during the investigation stage of the Commission's action, it disregarded Petitioner's right to confidentiality advising an unrelated *pro bono* client of the Petitioner that this complaint had been filed, and upon which that client almost immediately filed a complaint.

REASONS FOR GRANTING THE PETITION

The issues presented in this matter are of critical constitutional and national importance, as it presents a fundamental question and conflict among the States Supreme Courts, as to an attorney's right to assert constitutional challenges of violations of protections afforded by the United States Constitution during the course of a state disciplinary proceedings. *See, Middlesex County Ethics Comm. v. Bar Assn.*, 457 U.S. 423 (1982); *Fuentes v. Shevin*, 407 U.S. 67, 80, 92 S. Ct. 1983, 1994 (1972); *Loudermill v. Cleveland Bd. Of Educ.*, 721 F.2d 550, 563 (6th Cir. 1983), *aff'd*, 470 U.S. 532, 105 S.Ct. 1487, 84 L.Ed. 2d 494 (1985). In this instance, the Supreme Court has held that, "The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *McKesson Corp. v. Div. of Alcoholic Bevs. & Tobacco*, 496 U.S. 18, 39 n.22, 110 S.Ct. 2238, 2251 (1990).

The United States Supreme Court has considered this issue in an attorney's assertion of his First Amendment rights under the United States Constitution during the course of a

New Jersey State Court attorney disciplinary proceeding. *See, Middlesex County Ethics Committee v. Garden State Bar Association, et al.*, 457 U.S. 423 (1982).

In the *Middlesex* case, the New Jersey Court questioned public statements made by the attorney and made the pertinent inquiry of whether the state proceedings afforded an adequate opportunity to raise the constitutional claim. *See, Middlesex County Ethics Committee v. Garden State Bar Association, et al.*, 457 U.S. 423 (1982).

In analyzing when abstention is appropriate, the Court provided that abstention by the federal court is appropriate for an ongoing state proceeding that is (1) judicial in nature, (2) implicates important state interests, and (3) provides an adequate opportunity to raise federal challenges. Equally, important, to the determination was, as long as there is no bad faith or harassment on the part of the State and the State disciplinary rules were not “flagrantly and patently” unconstitutional or any extraordinary circumstances, then the federal courts would abstain from intervening in the case. *See, Middlesex County Ethics Committee v. Garden State Bar Association, et al.*, 457 U.S. 423 (1982).

Previously, the United States Supreme Court's doctrine enunciated in *Younger v. Harris*, 401 U.S. 37 (1971) had been of abstention of the federal courts from pending state or administrative proceedings, as the governing principle. See, *Juidice v. Vail*, 430 U.S. 327 (1977); *Gibson v. Berryhill*, 411 U.S. 564 (1973).

However, in the *Middlesex* case, the New Jersey Supreme Court and local Ethics Committee was able to establish that it was a judicial proceeding, in which it provided an "adequate opportunity" for the attorney to raise his constitutional claims. As well, the Court further stated:

"That any doubt as to the matter was laid to rest by the New Jersey Supreme Court's subsequent actions when, prior to the filing of the petition for certiorari in this Court, it *sua sponte* entertained the constitutional issues raised by Hinds".
See, *Middlesex County Ethics Committee v. Garden State Bar Association* 457 U.S. 423 (1982).

However, even if all three of the requirements set forth in the *Middlesex* case are satisfied, abstention is not appropriate if, bad faith prosecution or harassment is present, or where a statute flagrantly violates constitutional provisions. See, *World Famous Drinking Emporium, Inc. v. City of Tempe*, 820 F.2d 1079, 1082 (9th Cir. 1987).

A. **This Court Should Grant Certiorari as the Maryland Rules and Court of Appeals Do Not Allow the Attorney to Assert a Constitutional Challenge**

The Maryland Court of Appeals, unlike in the *Middlesex* case involving the New Jersey Supreme Court that provided an opportunity for the attorney in its disciplinary process to have his constitutional claims adjudicated within its process, does not have such a procedure, and in fact, denied without explanation Petitioner's Writ of Mandamus, foreclosing all and any opportunity to be heard on these issues.

As well, the Maryland Court of Appeals, acting by and through its Attorney Grievance Commission and Bar Counsel, does not have a process similar to the New Jersey Court where there is first a determination as to whether a *prima facie* case has been asserted by the complainant.

Specifically, the Maryland Rule(s) 19-707 and 19-725, provide that:

- (1) Attorney to have confidentiality and privacy prior to the filing of the Petition for Disciplinary Action; **but**
- (2) Prohibited the attorney that is the subject of the disciplinary proceeding from filing anything other than the Answer, and states:

Attorney Rule 19-707 Confidentiality and Privacy

At the time prior to the filing of the Petition for Disciplinary Action, the proceedings of the Commission are:

Confidential as per Rule 19-707, which provides in part:

(a) Peer Review Meetings,

- (1) Confidentiality Generally. All communications, whether written or oral, and all non-criminal conduct made or occurring at a meeting of a peer review panel are confidential and not open to public disclosure or inspection. Except as otherwise expressly permitted in this Rule,
- (2) individuals present at the meeting shall maintain that confidentiality and may not disclose or be compelled to disclose such communication or conduct in any judicial, administrative or other proceeding.

(b) Other Confidential Material.

Except as otherwise provided in this Rule, the records and proceedings listed in this section and the contents of those records and proceedings are

- (1) confidential and not open to the public inspection and
- (2) may not be disclosed by Bar Counsel, the staff and investigators of the Office of Bar Counsel, any member of the Commission, the staff of the Commission; the Peer Review Committee; any attorney involved in the proceeding, or, in any civil action or proceeding, by the complainant or an attorney for the complainant.
 - (A) the records of an investigation by Bar Counsel, including the existence and content of any complaint or response, until Bar Counsel files a petition for disciplinary or remedial action pursuant to Rule 19-721.....

**Attorney Rule 19-725 -Pleadings; Motions;
Amendments**

(a) Pleadings. Except as provided in section (b) of of this Rule or otherwise expressly permitted by these Rules or ordered by the Court of Appeals, the only pleadings permitted in an action for Disciplinary or Remedial Action are the petition and an answer.

(b) Amendments. Bar Counsel may amend a petition and the attorney may amend an answer in accordance with the applicable provisions of Rule 2-341.

As well, the Committee note for this section of Rule 19-725 also confirm that there is no forum to address constitutional claims, as stated:

Committee note: Proceedings on a Petition for Disciplinary or Remedial Action are conducted pursuant to the original jurisdiction of the Court of Appeals to regulate the practice of law and are not the place for collateral actions or such things as counterclaims. Moreover, because the authority of the circuit court judge designated by the Court of Appeals pursuant to Rule 19-722 is limited to taking evidence and making findings of fact and proposed conclusions of law, that judge is not empowered to dismiss a petition. Defenses to the petition may be raised in the answer and may be addressed by the designated judge, but only the Court of Appeals has the authority to dismiss all or part of a petition.

Thus, the Petitioner while in one instance had already had her right to confidentiality violated under Rule 19-707, by the Attorney Grievance Commission, by and through its'

employees by informing another of Petitioner's *pro bono* clients of the investigation of this matter, before the Petition for Disciplinary Action was filed in Court; and facing the limitations of Rule 19-725 that the Attorney subject to the Disciplinary action can only file an Answer and the last opportunity to challenge the State's actions, the Petition for Writ of Mandamus having been summarily denied and closed; this Petitioner, no possibility of the constitutional due process violations being addressed in the State Court proceedings

B. This Court Should Grant Certiorari Due to the Bad Faith, Harassment and Extraordinary Circumstances:

- (1) The Maryland Court of Appeals, acting by and through the Attorney Grievance Commission, proceeding to a disciplinary trial, despite the Complainant/client; admitting **he had no evidence** of the alleged acts; and **would not** communicate with the Petitioner because he had filed a complaint; and
- (2) The Attorney Grievance Commission disclosing what was confidential information to a different *pro bono* client of Petitioner, of the Complainant/Client's investigation; and then that client filing a grievance; and
- (3) Assistant Bar Counsel, Christine Marie Celeste, publishing Petitioner's home address to the public; and
- (4) Assistant Bar Counsel, Christine Marie Celeste, mailing numerous versions of her pleadings in this disciplinary matter to Petitioner's home, at the height of the COVID-19 pandemic, when receipt of large packages was discouraged; and providing Petitioner's family members with notice of the disciplinary proceeding;

- (5) Assistant Bar Counsel, Christine Marie Celeste, propounding her Requests for Admissions addressed to a different attorney, "Neda Biggs" and then having those admissions admitted against Petitioner in the court proceedings; and
- (6) Assistant Bar Counsel, Christine Marie Celeste, moving to have Petitioner's Answer and Affirmative Defense Stricken from the record, after the Petition for Writ of Mandamus was filed.

C. This Court Should Grant the Petition Due to the Abuse of Judicial Discretion

In considering the requirements of due process, that,

The basic requirement of constitutional due process is a fair and impartial tribunal, whether at the hands of a court, an administrative agency or a government hearing officer. The Supreme Court has consistently enforced this basic procedural right and held that decision makers are constitutionally unacceptable in the following circumstances [including]...**where an adjudicator has been the target of personal abuse or criticism from the party before him...**
Valley et al. v. Rapides Parish School Board,
118 F.3d 1047 (5th Cir., 1997) at 1052.

As well there can be no greater due process violations or travesty of justice, than to have an attorney facing a disciplinary matter, with the presiding Judge being one that the attorney appeared before for trial or even worse, having a Judge included in the disciplinary case and/or trial, while presently making rulings, (some adversely), in a current case of a client of the attorney.

That caselaw clearly sets forth the dilemma to be one that an individual should be free of, and so states:

That a judge who is otherwise qualified to preside at trial or other proceeding must be sufficiently neutral and free of disposition to be able to render a fair decision. **No person should be required to stand trial before a judge with a 'bent of mind.'** *Collins v. Dixie Transport, Inc.*, 543 So.2d 160 (1989), at 166 citing *Berger v. United States*, 255 U.S. 22, 33, 41 S.Ct.230, 233, 65 L.Ed. 481 (1921).

Moreover, the United States Supreme Court has stated that:

"For where a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him, notice and an opportunity to be heard are essential". See, *Wisconsin v. Constantineau*, 400 U.S. 433 (1937).

As well the Supreme Court has consistently held that

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process Clause of the Fourteenth Amendment. See, *Schwartz v. Board of Bar Examiners*, 353 U.S. 232 (1957).

(1) Lack of Judicial Independence

And thus, in assigning, the Honorable Jeffrey M. Geller who had already been the trial judge in another of Petitioner, *pro bono* client's divorce case, absolutely denied Petitioner the basic constitutional due process protection for which she was entitled. See, *Handy v. Handy*, Baltimore City Circuit Court Case No.: 24-D-17-000503.

As well, the Honorable Jeffery M. Geller was deciding, pursuant of the request of Assistant Bar Counsel, Christine Celeste to admit the Requests for Admissions that were propounded to another attorney; striking Petitioner Answer with her Affirmative Defenses and then entering his Findings of Fact that Petitioner had committed the offenses.

2. Lack of Judicial Independence

Then, equally violative of the fundamental principles of fairness and requirements of due process, was permitting the Honorable Lawrence V. Fletcher-Hill to be included in this disciplinary proceeding, while he is currently presiding over and ruling (often adversely and demonstrating his animus for Petitioner at every hearing) in another of Petitioner client's cases in *Smith v. City Neighbor, et. al*, Baltimore City Circuit Court Case No. 24-C-19-004212

When the Fifth Circuit federal case, when the court had an opportunity to consider a somewhat analogous case of a lack of judicial independence, where the facts involved a defendant Avilez-Reyes, the Court vacated the sentence and remanded the case to the district court because the defendant's attorney

had participated in a judicial disciplinary proceeding a month earlier against the trial judge, who then erroneously failed to recuse himself, the Court held:

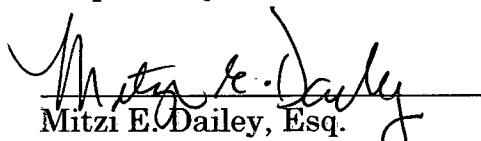
That Judge McBryde abused his discretion and reversibly erred by failing to recuse himself from The Avilez-Reyes' case. We conclude that a reasonable person, advised of all the circumstances of this case, would harbor doubts about Judge McBryde's impartiality. *See, U.S. v. Avilez-Reyes*, 160 F.3d 258 (5th Cir. 1998).

CONCLUSION

This Petition seeks to resolve one of the fundamental constitutional challenges in seeking Due Process in accordance with the Fourteenth Amendment to the Constitution, to include a full and fair opportunity to challenge governmental actions, before a tribunal that is unbiased and fair.

Equally important, are the issues raised in this Petition that are of national importance to all attorneys and licensed individuals, since if there are no Due Process protections applicable when a client or individual alleges misconduct, or a requirement to establish a *prima facie* case, then the essential freedoms guaranteed by the United States Constitution will have be rendered null and void. For all the foregoing reasons, the Petitioner, Mitzi Elaine Dailey, respectfully requests that this Court grant the Petition for Writ of Certiorari and any other relief deemed appropriated.

Respectfully submitted,


Mitzi E. Dailey, Esq.
The DaileyLaw Group, LLC
P.O. Box 22297
Baltimore, MD 21203
Tel: (443) 915-3149
daileylaw@aol.com
Petitioner, Pro Se