

No. _____

In the Supreme Court of the United States

IN RE MAUDE LAROCHE-ST. FLEUR

MAUDE LAROCHE-ST. FLEUR

Petitioner,

v.

RODNEY S. DOWELL, in his Official Capacity as Bar Counsel;
ROBERT M. DANISZEWSKI, in his Official Capacity as Assistant Bar Counsel; and
JOSEPH S. BERMAN, in his Official Capacity as Board Counsel,

Respondents / Complainants.

Application for an Extension of Time Within Which To File
a Petition for a Writ of Certiorari to the Supreme Judicial Court
of the Commonwealth of Massachusetts

To the Honorable Ketanji Brown Jackson
Associate Justice of the Supreme Court of the United States
and Justice for the Supreme Judicial Court of Massachusetts

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To the Honorable Ketanji Brown Jackson, Associate Justice of the Supreme Court of the United States and Justice for the Supreme Judicial Court of the Commonwealth Massachusetts:

Petitioner, Maude Laroche-St. Fleur, respectfully requests an extension of time within which to file a Petition for a Writ of Certiorari pursuant to Supreme Court Rule 13.5. The State highest court issued its opinion on October 27, 2022. Without an extension, the petition for a writ of certiorari would be due on January 25, 2023. See App. 1a-9a. For good cause shown herein, Petitioner is requesting a 30-day extension of time - to and including February 24, 2023 - to file her petition for a writ of certiorari.

Background

The basis for the prosecution of Petitioner and the suspension of her law license is her underlying divorce case. The trial judge reported Petitioner to the Board of Bar Overseers (BBO) for professional misconduct. No discovery was involved in the proceedings by the BBO.

However, the trial judge left the case unresolved. The judge ignored facts and evidence in the record, and issued judgment and orders arbitrarily and capriciously. Two rounds of appeals to the Massachusetts Appeals Court left these issues undisturbed. The Supreme Judicial Court denied further appeal review twice in 2017 and in 2019.

In June 2020, the BBO issued a Petition for Discipline. See App. 1a-2a. The BBO held a two-day hearing on March 23 and March 24, 2021. The BBO

admitted 33 exhibits into evidence from the divorce record, 31 of which were exhibits the BBO availed itself of. See App. 10a, ¶ 5. The BBO allowed Petitioner to use only two of those admitted exhibits. Notably, the proceedings are based exclusively on the underlying divorce record.

A Single Justice of the Supreme Judicial Court adopted the BBO's position and seized Petitioner's law license for 18 months. Petitioner submitted a Request for the Findings of Fact and Conclusions of Law the Single justice relied upon in suspending Petitioner's law license, along with a detailed declaration in support of this request. Petitioner submitted this request on three different occasions. Petitioner submitted the most recent request on December 22, 2022. This request is yet to be ruled on.

On October 27, 2022, the Supreme Judicial Court affirmed the Single Justice's order suspending Petitioner's law license. On December 29, 2022, the court denied Petitioner's motion to Stay its judgment pending the filing and disposition of the petition for a writ of certiorari. App. 13a. Under this Court's Rule 13, the petition for a writ of certiorari to this Court is due by January 25, 2023, which is 90 days from the issuance of the State court's opinion.

Opinion Below

Petitioner's appeal - No. SJC-13262 - presented multiple issues to the Full Court including: (1) whether the Single Justice was correct in his failure to address Petitioner's arguments that the BBO violated her rights to due process and equal protection when the BBO (a) blocked Petitioner from presenting

evidence in her underlying divorce record in her defense; (b) availed itself of 31 exhibits from the record to prosecute Petitioner; (c) assumed facts not in evidence; and (d) villainized, denigrated, and humiliated Petitioner with a vengeance during its March 2021 hearing, which the BBO live-streamed; and (2) the substantial injustice that would result should the Order of the Single Justice suspending Petitioner's law license stand. The opinion of the Full Court of Supreme Judicial Court is attached. See App. 1a-9a.

Jurisdiction

This Court's jurisdiction will be invoked pursuant to 28 U.S.C. § 1257.

Reasons for Granting an Extension of Time

The time within which to file a petition for a writ of certiorari should be extended by 30 days for these reasons:

1. Petitioner believes that this case raises an issue of exceptional significance that warrants this Court's intervention. The State Highest Court's decision in this case would give its subsidiary agency, the Board of Bar Overseers (BBO), the sovereignty to block an attorney from presenting evidence in their defense; ignore material and relevant facts and evidence in the record; avails itself of ample evidence that it cherrypicks in the record to prosecute the attorney; broadcast a hearing on the World Wide Web where the BBO villainizes, denigrates, and humiliates an attorney; issue subsidiary findings arbitrarily and capriciously; and get away with these actions and omissions with impunity.

The petition for a writ of certiorari will demonstrate that Petitioner's secured rights to due process and equal protection have been violated by the BBO. The State highest court turns a blind eye on these actions and omissions.

2. Whether Supreme Judicial Court Rule 2:23 is Constitutional. In a bar discipline case, the Board of Bar Overseers (BBO) may file an Information with the Single Justice when it thinks that the case should end with disbarment or suspension. Under this rule, a party can appeal a final order or judgment of the Single Justice. However, the rule states in salient part that an appeal "shall not stay any order or judgement of suspension or disbarment unless the single justice or this court so orders." Petitioner is challenging the constitutionality of his rule, where the BBO blocked Petitioner from presenting evidence in her defense, in violation of her rights to due process and equal protection under the Federal Constitution.

3. The merits issues also warrant this Court's review. The BBO inherits a record that came directly from the Suffolk Probate and Family Court. The case is yet to be decided on its merits. "A [judgment] is final ... when it terminates the litigation between the parties on the merits of the case, and leaves nothing to be done but to enforce by execution what has been determined." *St. Louis, I.M. & S.R. Co. v. Southern Express Co.*, 108 U.S. 24, 28 (1883). Here, the State trial judge left the case unresolved. The State appellate courts left the case the way they found it, as to its merits. A void judgment does not create any binding obligation. *Ex parte Rowland*, 104 US 604, 617-618 (1981). "If a judgment is

void, it is a nullity from the outset and any 60(b)(4) motion for relief is therefore filed within a reasonable time.” *V.T.A., Inc. v. Airco, Inc.*, 596 F.2d 220, at n. 8 (10th Cir. 1979). Petitioner’s Rule 60 motion was not given due consideration.

3. Petitioner needs more time to prepare her petition for a writ of certiorari. This case involves two separate matters. One before the Federal Court and one before the State’s highest court. Petitioner submitted the first petition on November 22, 2022, which was one day late. Her motion to direct the Clerk to file her petition out of time was docketed on December 13, 2022. (Case No. 22M54). In the meantime, she had to submit filings to the Supreme Judicial Court, including a motion to stay its opinion pending the filing of the petition. App. 13a. Petitioner has been doing due diligence to file her second petition. She needs more time to adequately prepare her petition and file it by the current deadline. Absent an extension of time, her petition is due on January 25, 2023.

Conclusion

For the the foregoing reasons, Petitioner respectfully requests that the time to file a petition for a writ of certiorari in this case be extended by 30 days, to and including February 24, 2023.

Respectfully submitted,



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January 10, 2023