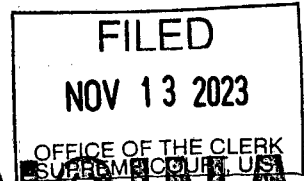


No. 23- 519



ORIGINAL

SUPREME COURT OF THE UNITED STATES

In Re: Matter of Stephanie L. Soondar

**On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the State of Colorado Supreme Court**

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The Constitution of the State of Colorado gives the Colorado Supreme Court exclusive jurisdiction over attorney regulation. With this authority the Colorado Supreme Court has created rules for attorney admission, including Rule 206 which permits the Colorado Supreme Court to waive or enforce any of its admission rules. Thereafter,

- 1) Is it constitutional for the Colorado Supreme Court, in the exercise of its exclusive jurisdiction, to defy Federal Supreme Court precedent and the Federal Constitution? As a general matter, but specifically in regard to Petitioner Soondar's Federal due process rights?
- 2) Given the enormous request for audiences this Federal Supreme Court receives each year, and therefore the statistically improbable opportunity to

review various state attorney admission matters of exclusive jurisdiction, are the Colorado Supreme Court Rules 206 and 207.9 constitutional? Rules that may or may not allow for review; may or may not follow Federal and State Jurisprudence; may or may not follow the Court's self-created rules and subject matter precedence; may or may not reconcile decisions with a written opinion?

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PETITION FOR A WRIT OF CERTIORARI

Stephanie L. Soondar petitions this federal Supreme Court for a writ of certiorari to review the judgment of the Colorado State Supreme Court.

OPINIONS BELOW

The Colorado Supreme Court exercised both original and review jurisdiction over Petitioner Soondar's Rule 206 Petition to waive an admission requirement. The first unpublished opinion was ordered July 5, 2023.. The review of that request was considered and the second unpublished opinion was ordered August 17, 2023.

JURISDICTION

The Colorado Supreme Court held original jurisdiction and ruled July 5, 2023. The Colorado Supreme Court then reviewed its findings on August 17, 2023. This Petition is timely filed per Rule 13.1 of this Court. This Federal Supreme Court has jurisdiction to review this matter pursuant to 28 U.S.C. Sec. 1257 (2023).

CONSTITUTIONAL RIGHTS INVOLVED

Principally Petitioner Soondar complains of her Federal right to due process having been violated by the Colorado Supreme Court, or the Fourteenth Amendment of the Federal Constitution.

STATEMENT OF THE CASE

Apart from appellate review of lower courts or original jurisdiction, the Colorado Supreme Court separately created and instructed any requests for adjustment or modification of attorney admission matters be presented to it by way of civil procedure Rule 206. This Rule 206 allows the Colorado Supreme Court to enforce or relieve an applicant from any admission requirement. Petitioner Soondar has reviewed all of the Rule 206 petitions presented to the Colorado Supreme Court in the period July 2021 through June 29, 2023. Specifically Petitioner Soondar has reviewed the case file for

eighty-four (84) petitions. Petitioner Soondar found fifteen(15)¹ petitions requesting the same relief Petitioner Soondar sought: a waiver of the three year active practice requirement prior to applying for Colorado admission. Two petitioners were denied relief due to inadequate practice experience, having only practiced for two months (2) or less than two (2) years. *Respectively* In re: Ryan S., 2023SA130 (Colo. May 31, 2023); In re: Hardin C., 2021SA328 (Colo. Nov. 12, 2021). However the remaining thirteen (13) petitions were all granted relief.

Petitioner Soondar filed her first Rule 206 petition on June 29th, 2023. In re: Soondar, 2023SA165 (Colo. July 5, 2023). Among the proofs Petitioner Soondar presented: admission upon examination to the Bars of the States of New York and New Jersey in 2008, admission by reciprocity to the Bar of the Commonwealth of

¹ A sixteenth (16) petition was withdrawn by the applicant.

Pennsylvania in 2015, admission to federal practice before the District Court of New Jersey in 2014 and the Third Circuit Court of Appeals in 2015. Petitioner Soondar has never had any disciplinary proceedings in any Jurisdiction or Court, and has remained in good standing and/or active status with each Bar and Court but-for a twenty (20) month period when she did not pay her New Jersey annual fees timely. Note Petitioner Soondar relocated to Colorado in November 2022 and in December 2022 was given limited licensure in the State of Colorado for *pro bono* practice, only.

At the time of the June 29th petition, Soondar had accumulated seven (7) years and seven (7) months of active practice; seven (7) of those months were immediately preceding her petition to the Colorado Supreme Court. Petitioner Soondar sought waiver of the three year active practice requirement prior to admission. The

administrative office of attorney admissions for the State of Colorado ("OAA") would not confer with Petitioner Soondar, briefed the record in opposition to Petitioner Soondar, and without citation to any legal source misrepresented Colorado Jurisprudence as to whether Petitioner Soondar's limited scope *pro bono* representation was practice. Petitioner Soondar was denied her request for relief on July 5, 2023.

On July 5th Petitioner Soondar investigated the other thirteen (13) applicants who received the same relief Petitioner Soondar was just denied. **Petitioner Soondar found seven (7) applicants who had the same, similar, or less practice experience but who nonetheless were granted relief.** These other applicants enjoyed conferral by the OAA, were almost uniformly not opposed by OAA during conferral, and but-for one applicant - that the Court ordered an

opposition brief - these applicant's weren't briefed in opposition. *See variously* In re: Carmon P., 2022SA165 (Colo. May 27, 2022); In re: Mary Alice V., 2021SA275 (Colo. Sept. 17, 2021); In re: Stephen E., 2023SA55 (Colo. May 8, 2023).

Compare applicant S. Haley W.: less practice experience than Petitioner Soondar, no current practice at the time of the Rule 206 petition, but applicant S. Haley W. received conferral, had no opposition during conferral, no opposition briefed on the record, and relief was granted. In re: S. Haley W., 2022SA70 (Colo. Mar. 25, 2022).

Compare applicant Christiane P.: only six (6) months of total practice experience, although immediately prior to application but not in an American jurisdiction. Applicant Christiane P. received conferral, had no opposition during conferral, had no opposition briefed on

the record, and relief was granted. In re: Christiane P., 2023SA5 (Colo. Jan. 27, 2023).

Compare applicant Niharika S.: hadn't practiced in over nine (9) years, before which she had only practiced for four (4) years of practice in a foreign country's jurisdiction. However applicant Niharika S. received conferral by the OAA, was not opposed during conferral, did not face a brief in opposition on the record, and was granted relief. In re: Niharika S., 2023SA60 (Colo. Feb. 27, 2023).

Compare applicant Nidhi M.: no practice experience in an American jurisdiction, inactive for five (5) years preceding the Rule 206 petition, although had practiced earlier in her career for twelve (12) years although in a foreign country's jurisdiction. Yet applicant Nidhi M. received conferral, was not opposed during conferral, was not briefed in opposition, and was awarded relief. In re: Nidhi M., 2022SA213 (Colo. Jul. 7, 2022).

Compare applicant Timothy G.: no practice for potentially as long as nine (9) years preceding application; applicant Timothy G. received conferral although he was opposed there regarding his time waiver request, but he was not briefed in opposition and ultimately granted his request for relief. In re: Timothy G., 2023SA19 (Colo. Jan. 23, 2023).

Compare applicant Michael M.: the same amount of practice experience as Petitioner Soondar, although applicant Michael M. had resumed active practice for a year and a half prior to his application. Applicant Michael M. received conferral, was not opposed during conferral, was not briefed in opposition on the record, and was granted his request for relief. In re: Michael M., 2022SA39 (Colo. Feb. 25, 2022).

Compare applicant William. R.: had not practiced for over fourteen (14) years preceding application, although

had practiced in an earlier iteration of his life for approximately thirty (30) years. OAA did confer with applicant William R. although opposed him there. **Only upon Colorado Supreme Court instruction** did OAA brief an opposition against William R., problematizing his lengthy lack of recent practice experience and also passively requesting proof of continued good standing with another American jurisdiction, specifically continuing legal education undertaken during his lengthy absence. William R. did not request permission to brief a reply nor of his own initiative brief a reply, did not offer any proofs of good standing or of any continuing legal education; William R. undertook no additional effort to prove the merit of his request. Despite the lack of proofs, the default concession to opposition on the issues of inactivity and absent continued legal education, and also being the

applicant with the the longest period of inactivity among all the Rule 206 petitions Petitioner Soondar reviewed, applicant William R. was still awarded his relief. In re: William R., 2023SA138 (Colo. Jul. 17, 2023).

To illustrate the Colorado Supreme Court's arguable capriciousness with Rule 206: on July 17, 2023 Petitioner Soondar filed a request for the Colorado Supreme Court to review its decision-making in her matter, arguing she had been treated differently and faced a different process than other applicants, and that the synthesis of cases was incoherent. In re: Soondar, 2023SA180 (Colo. Aug. 17, 2023). On this same day the Colorado Supreme Court granted applicant William R.'s relief. Specifically note joinder of issue for both movants was the period of inactive practice prior to application: Petitioner Soondar was engaged in *pro bono* practice at the time of her application but previously had not worked as

an attorney since 2015; applicant William R. hadn't practiced for fourteen (14) years. Even with a month of reflection the Colorado Supreme Court again denied Petitioner Soondar relief on August 17, 2023. *Compare In re: Soondar*, 2023SA165; *In re: William R.*, 2023SA138; *In re: Soondar*; 2023SA180.

The Colorado Supreme Court did not share its reasoning in orders for Petitioner Soondar or applicant William R. However on July 5th Petitioner Soondar spoke with the Supreme Court Clerk's staff and was informed both: that the Rule 206 petitions were adjudicated by Chambers and not OAA, and that Chambers shared their reasoning in writing with the Clerk's Office (who then memorialized the reasoning for record keeping).

REASONS FOR GRANTING THE WRIT

- I. The Colorado Supreme Court is using criteria for relief that is neither published as rules, shared as informal guidance to petitioners, discernible in precedent, nor even reconciled in an opinion. In doing so the Colorado**

Supreme Court has violated Petitioner Soondar's federal constitutional right to due process as Petitioner Soondar has no notice of the criteria the Colorado Supreme Court relied on to grant or deny relief, much less the ability to have briefed the Record or presented proofs as regards that criteria.

This Federal Supreme Court has made it clear that State Supreme Courts may not ignore movants' Federal Constitutional rights. In re: Foster, 253 P.3d 1244 (2011); In re: Sawyer, 360 U.S. 622 (1959); Konigsberg v. State Bar of California, 353 U.S. 252 (1957); Schwartz v. Board of Bar Examiners of New Mexico, 353 U.S. 233 (1957). Specifically in attorney regulation matters, attorneys must have notice of the items of consideration and an opportunity to be heard regarding those items of consideration. In re: Ruffalo, 390 U.S. 544 (1968).

Recall of the fifteen (15) applicants who requested to waive the three year practice preceding admission rule, two

(2) petitioners were denied relief without opposition: one candidate had only been practicing for two (2) months, and the other candidate had only practiced for two (2) years. The OAA only briefed the record twice among the fifteen (15) cases, in the matters of Petitioner Soondar and applicant William R., joining the issue of length and degree of inactive practice prior to application. Recall, Petitioner Soondar was providing *pro bono* representation for seven (7) months at the time of her petition. Petitioner William R. had not worked as an attorney for fourteen (14) years preceding his application. Applicant William R. was awarded relief and Petitioner Soondar was denied relief. *Compare* In re: William R., 2023SA138; In re: Soondar; 2023SA180; In re: Soondar, 2023SA165.

The proverbial ‘rabbit-hole’ is as deep as it is wide regarding “why” the Colorado Supreme Court would grant William R. relief but not Petitioner Soondar. Was the

Colorado Supreme Court so persuaded by the length of William R.'s practice before 2009? However that couldn't be the criteria used, as despite Petitioner Soondar having a lifetime of seven (7) years and seven (7) months of practice Petitioner Soondar was denied relief and applicants S. Haley W., Christiane P., Niharika S., and Michael M. were granted relief despite having less or the same practice experience. *Respectively* In re: S. Haley W., 2022SA70; In re: Christiane P., 2023SA5; In re: Niharika S., 2023SA60; In re: Michael M., 2022SA39.

Was the Colorado Court perhaps persuaded by William R.'s work as a civil trial judge, having managed and disposed of hundreds of matters on the record? Had Petitioner Soondar been noticed the Colorado Court was persuaded by volume Petitioner Soondar would have briefed the record and presented proofs of her practice as bank counsel in foreclosure: having literally closed

hundreds of matters at trial and appeal in state and federal courts. However this criteria, too, cannot be true, as few of the other fourteen (14) applicants have material courtroom experience but were still awarded their relief. *See e.g. In re: Nicole H.*, 2023SA41 (Colo. Feb. 3, 2023.); *In re: Anni S.*, 2022SA37 (Colo. Feb. 25, 2022); *In re: Onjefu O.*, 2021SA371 (Colo. Dec. 21, 2021).

Which of the specific hidden criteria the Colorado Supreme Court relied on is meaningless as the dispositive matter is that the criteria was hidden at all. This is contrary to the attorney regulation precedents of this Federal Supreme Court and due process rights memorialized in the Fourteenth Amendment of the Federal Constitution.

II. Rule 206 is ripe for abuse; governance by preference and not by law.

Again, this Federal Supreme Court has stated State

Supreme Courts may not ignore Constitutional rights in the regulation of attorney management. In re: Foster, 253 P.3d 1244 (2011); In re: Sawyer, 360 U.S. 622 (1959); Konigsberg v. State Bar of California, 353 U.S. 252 (1957); Schware v. Board of Bar Examiners of New Mexico, 353 U.S. 233 (1957). These Federal Supreme Court precedents variously discuss the rationality of excluding attorneys for admission, but could be argued to also discuss the rationality of the regulatory mechanisms the state courts employ. To that end Petitioner Soondar inquires the rationality of the broad empowerment Rule 206 achieves for the Colorado Supreme Court.

First, Rule 206(1) states it is the only procedural process movants may use to discuss with the Colorado Supreme Court amelioration of any attorney admission requirement. Second, Rule 206(8) variously states the Colorado Supreme Court may or may not accept review,

may or may not explain its reasoning, may or may not order additional filings, may or may not adjust its remedy to any form it chooses. Third, limited by the practical impossibility of being heard before the Federal Supreme Court as a result of the volume of petitions the Federal Supreme Court manages, the Colorado Supreme Court effectively functions without any review of its Rule 206 original jurisdiction or review jurisdiction (and so as in the case of Petitioner Soondar, federal rights are violated).

It should be noted movants seeking an audience with the Colorado Supreme Court could have always accessed original Colorado Supreme Court jurisdiction under appellate procedure Rule 21. Therefore the Colorado Supreme Court creating Rule 206 is duplicative, but-for the extraordinary flexibility the Supreme Court

created for itself in doing so: to accept or deny review, to grant or deny relief, for any reason or no reason, in any form or no form.

Petitioner Soondar naval gazes momentarily: our United States of America is only 247 years old on a planet 4.5 billion years old. And so even if this Federal Supreme Court were to defer to the current Justices and/or staff of the Colorado Supreme Court, as held in skilled esteem, or of personal repute, or even of known camaraderie, can this Federal Supreme Court be so certain then of who will occupy those Colorado roles in another 100 or 500 years? Can any objective certainty be made regarding the moral or intellectual character of those persons in 100 or 500 years? To trust these unknown persons of unknown character to apply the law and not apply preference, or at worst bias? Permitting the Rule 206 process to continue in its current form both knowingly permits an ongoing threat

to the Federal Constitution and stretches the rationality test used by this Federal Supreme Court.

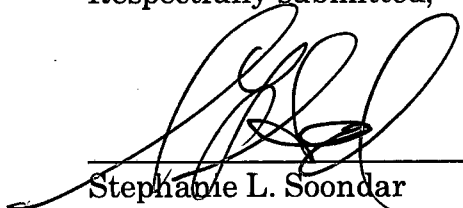
III. This matter is not limited to Petitioner Soondar and her disappointment with the State Supreme Court, but rather involves all other persons seeking relief from attorney or para-professional admissions before the Colorado Supreme Court under Rules 206 and 207.9.

As of July 1, 2023 the Colorado Supreme Court began licensing para-professionals under the same rule structure as attorneys. Specifically the Rule 206 process used for attorneys is replicated for para-professionals in Rule 207.9. Therefore apart from Petitioner Soondar, untold numbers of future attorneys and para-professionals are affected.

CONCLUSION

For these reasons Petitioner Soondar respectfully requests this Federal Supreme Court issue a writ of certiorari to review the judgment of the Colorado Supreme Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steph L. Soondar', is written over a horizontal line.

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