

No. 23-\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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MARYLIN PIERRE

*Petitioner,*

v.

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND

*Respondent.*

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ASHER WEINBERG

*Petitioner,*

v.

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND

*Respondent.*

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**Application to Extend the Time to File a Petition for a  
Writ of Certiorari to the Supreme Court of Maryland**

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October 25, 2023

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**APPLICATION TO THE HONORABLE  
CHIEF JUSTICE JOHN G. ROBERTS, JR.**

Pursuant to Supreme Court Rules 13.5 and 30.3, Applicants Marilyn Pierre and Asher Weinberg respectfully request a 60- to 90-day extension in the time to file a combined Petition for a Writ of Certiorari in the following cases:

1. *Attorney Grievance Commission of Maryland v. Marilyn Pierre*, 485 Md. 56, \_\_\_ A.3d. \_\_\_ (2023) [AG No. 42, Sept. Term, 2021], which was decided by a judgment of the Supreme Court of Maryland on August 16, 2023; and
2. *Attorney Grievance Commission of Maryland v. Asher Weinberg*, 485 Md. 504, \_\_\_ A.3d. \_\_\_ (2023) [AG No. 1, Sept. Term, 2022], which was decided by a judgment of the Supreme Court of Maryland on August 31, 2023.

**OPINIONS BELOW**

The opinion and judgment of the Supreme Court of Maryland in *Attorney Grievance Commission of Maryland v. Marilyn Pierre* is attached hereto as Exhibit A. The opinion and judgment of the Supreme Court of Maryland in *Attorney Grievance Commission of Maryland v. Asher Weinberg* is attached hereto as Exhibit B.

**JURISDICTION**

Under 28 U.S.C. § 1257(a), this Court has jurisdiction to review the judgments in both cases decided by the highest court of the State of Maryland. Although separately tried and decided, both cases present identical questions relating to the constitutional standard for imposing disciplinary sanctions upon attorneys who criticize judges. Thus, in accordance with Supreme Court Rule 12.4, Marilyn Pierre and Asher Weinberg will be joining in a single petition.

**NEED FOR EXTENSION OF TIME**

Taken together, both cases illustrate the chilling effect which state and federal courts have placed upon their most knowledgeable critics by subjecting lawyers to conflicting standards for punishing speech or, in the State of Maryland, no standards at all. Unfortunately, the majority of jurisdictions who have addressed this issue have adopted standards which diverge from this Court's First Amendment jurisprudence.

The question of whether the actual malice standard of *New York Times v. Sullivan*, 376 U.S. 254 (1964), protects lawyers who criticize judges is of fundamental

importance to many stakeholders. To those concerned with the quality of our judicial system and with the conduct of those who administer it, the tendency of judges to discipline their most knowledgeable critics undermines government transparency.

Although a combined petition for a writ of certiorari would serve the interests of justice by streamlining this Court's review, it takes more time to prepare an efficient petition that covers both cases. Because deadlines for *amici curiae* start to run with the filing of such a petition, an extension would likewise permit interested groups to review both cases and to share their perspectives with this Court.

While many justices have granted extensions exceeding 90 days in similar situations, and the applicants would respectfully request such leeway, they understand that the Court's rules favor 60-day extensions. Thus, respecting the Chief Justice's discretion in this matter, Applicants Marilyn Pierre and Asher Weinberg would respectfully request that the deadline for the filing of their Petition for a Writ of Certiorari be extended to February 27, 2024. In the alternative, these applicants would respectfully request an extension to January 29, 2024.<sup>1</sup>

WHEREFORE, Applicants Marilyn Pierre and Asher Weinberg respectfully request that the Chief Justice extend their deadline for the filing of a Petition for a Writ of Certiorari to February 27, 2024.

Respectfully submitted,

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<sup>1</sup> If filed separately, the petition in Marilyn Pierre's case would be due on or before November 14, 2023 and the petition in Asher Weinberg's case would be due on or before November 29, 2023. Both applicants ask that the Chief Justice use the latter deadline for the purpose of calculating the requested extension.