

No. _____

In the
Supreme Court of the United States

DALE LAUE,
Petitioner,

v.

COMMITTEE OF BAR EXAMINERS
of the State Bar of California,
Respondents.

**On Application for Extension of Time to File a Petition for
Writ of Certiorari to the State Bar Court of California**

**APPLICATION TO JUSTICE ELENA KAGAN
FOR AN EXTENSION OF TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI**

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Applicant, *pro se*

To the Honorable Elena Kagan, Associate Justice of the United States Supreme Court and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to Supreme Court Rule 13.5, Applicant Dale Wendall Laue (hereinafter “Mr. Laue”)¹ respectfully requests that the time to file a petition for a writ of certiorari in this matter be extended by 60 days, up to and including February 12, 2024. In support thereof, Mr. Laue states as follows:

1. The judgment from which review is sought is *In the Matter of DALE WENDALL LAUE, Applicant for Admission*, SBC-21-M-30591 which was decided by the State Bar Court of California, Review Department on May 12, 2023. A copy of the confidential version of that opinion is attached as Appendix 1. Mr. Laue sought review by the Supreme Court of California pursuant to Rule 9.13(d) of the California Rules of Court, which was denied on September 13, 2023. A copy of the Supreme Court’s order denying review is attached as Appendix 2.

2. The current deadline for filing a Petition for Writ of Certiorari is December 14, 2023. This Application has been filed at least 10 days prior to that date pursuant to Supreme Court Rule 13.5. Mr. Laue has not previously sought an extension of time.

3. The jurisdiction of this Court is based on 28 U.S.C. §1257(a).

BACKGROUND

4. This case presents substantial and important questions involving applicants seeking admission to practice law in California. Without a bright line precedent on these questions, state licensing agencies can grant or deny a professional license for whatever racial, gender, or ideological reasons they

¹ “Mr. Laue” is used in lieu of “Applicant” for an extension to prevent confusion with “Applicant” for Admission related to the questions for which a Petition for a Writ of Certiorari is sought.

choose with impunity. This leaves courts with little or no guidance on these issues and leaves applicants with little or no legal recourse. These questions affect similarly situated applicants and are subject to repetition. The actual number of similarly situated applicants in this case is unknown because the admission process is confidential.

5. Mr. Laue asserts that his adverse moral character determination by the Committee of Bar Examiners (hereinafter “Committee”) consisted of vague, arbitrary and subjective reasons instead of narrow, objective, and definite standards supported by admissible evidence of any disqualifying factors. Mr. Laue has no criminal history and has not violated the rights of any person. Mr. Laue further asserts that the real reason for the adverse moral character determination is based on racial and gender preferences, a policy prohibited by Article 1, Section 31 of the California Constitution. This policy also likely violates the equal protection clause of the Fourteenth Amendment to the United States Constitution.

6. Despite constitutional prohibitions, the State Bar of California openly promotes diversity, equity, and inclusion (DEI) goals as part of their mission to “to achieve a statewide attorney population that reflects the rich demographics of the state's population.”² In a published opinion, the State Bar Court of California declined to recommend Mr. Laue for admission to practice law in California. On review, the State Bar Court failed to apply the correct standard(s) of review when the matter involves a liberty interest³

² See Promoting Diversity, Equity, and Inclusion avail at, <https://www.calbar.ca.gov/About-Us/Our-Mission/Promoting-Diversity-Equity-and-Inclusion>, last accessed November 27, 2023.

³ “It is undoubtedly the right of every citizen of the United States to follow any lawful calling, business, or profession he may choose, subject only to such restrictions as are imposed upon all persons of like age, sex and condition.” (*Allgeyer v. Louisiana*, 165 U.S. 578, 589-90 (1897).)

under the United States Constitution. Consequently, the State Bar Court's Opinion is not supported by the law, the facts, or the weight of the evidence in the record.

7. The proposed questions are:

- (a) Whether admission to a State Bar, or other state licensing agency, constitutes a liberty interest under the United States Constitution.
- (b) Whether admission or licensing standards, and any disqualifying factors, must be narrow, objective, and definite.
- (c) Whether a strict scrutiny standard of review is required when a liberty interest is at stake and whether the applicant or the state bears the burden of proof.
- (d) Whether the Fourteenth Amendment allows a State Bar, or other state licensing agency to promote diversity, equity, and inclusion (DEI) resulting in racial and gender preferences in the admission process.

REASONS FOR GRANTING THE REQUESTED EXTENSION OF TIME

8. Mr. Laue respectfully submits that a 60-day extension to the time within which to file a Petition for Writ of Certiorari is necessary and appropriate for the following reasons:

9. An extension of time will help to ensure that these vitally important public issues are presented to the Court clearly and thoroughly. The additional time will allow Mr. Laue to continue to seek pro-bono counsel to represent him in this matter or to familiarize himself with federal appellate rules if he must continue *pro se*.

10. Moreover, if proceeding *pro se*, Mr. Laue will need the additional time to work with the printers to comply with the booklet requirements of Rules 14, 17.3, 18.3, 20.2 for filing.

11. Mr. Laue submits that the requested extension of time would neither prejudice the Respondent nor result in undue delay in this Court's consideration of the petition, and that good cause exists to grant the requested extension.

CONCLUSION

For the foregoing reasons, Mr. Laue respectfully requests that an order be entered extending the time for filing a Petition for a Writ of Certiorari to and including February 12, 2024.

Dated: November 28, 2023

Respectfully submitted,



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SUPREME COURT
FILED

SEP 13 2023

Jorge Navarrete Clerk

State Bar Court - No. SBC-21-M-30591

S280895

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re DALE WENDALL LAUE on Admission.

The petition for review is denied.

GUERRERO

Chief Justice