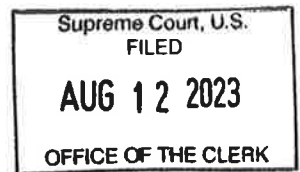


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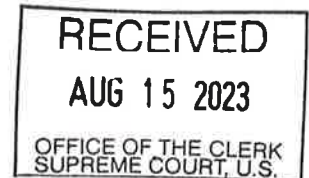
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August 11, 2023

The Honorable Scott S. Harris, Clerk of Court  
The Supreme Court of the United States  
One First Street NE  
Washington, D.C. 20543



**Rule 22.4 Renewal to Justice Elena KAGAN**

Dear Mr. Harris:

Please provide this Rule 22.4 Renewal to Justice Elena KAGAN for consideration<sup>1</sup>:

**1. Axon/Cochran:** This renewed application poses **significant** issues raised by *Axon Enterprise v. FTC* and *SEC v. Cochran*, Justice KAGAN stating that [these] challenges

“...maintain in essence that the agencies, as currently structured, are unconstitutional in much of their work. Our task today is not to resolve those challenges; rather, it is to decide where they may be heard...”

In **this** lawyer-conduct case, the answer is “**here and now**”. Louisiana’s *sui generis* disbarment scheme is devoid of any meaningful judicial review. A corruption-fighter for 55-years, Exhibit A, Applicant was essentially disbarred because he accused (1) a sitting judge of violating *Caperton v. Massey Coal* (presented here at 20-1361) and (2) the Louisiana ODC of **weaponizing** its prowess to assist Applicant’s litigation adversary (not a client). Although the birthplace of expression is the mind, Applicant’s “...speaking his mind...” was punished by an enforcement process implicating *Axon/Cochran* and answering Justice KAGAN’s forum search. By any measure, *ODC v. Klein* was used to silence Applicant for filing **overly-zealous** pleadings which exposed corruption.

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1 Rule 22.4 appeared for the first time in 1989 and has remained the same since then.

Obedient to brevity<sup>2</sup>, I cite Justice THOMAS at p. 9 to make the point:

“In sum, whether any form of administrative adjudication is constitutionally permissible likely turns on the nature of the right in question. If private rights are at stake, the Constitution likely requires plenary Article III adjudication...”

Louisiana ODC’s administrative expulsion of Applicant’s most cherished private right, his licence to practice law, had none of the rigors of plenary Article III adjudication. In 15 minutes of **unrecorded** argument before a 3-member board hand-picked by ODC and 20 minutes of **unrecorded** argument before the Louisiana Supreme Court, ODC’s scathing recommendations were a *fait accompli* before the case was called. Turning to Justice GORSUCH at page 7, one sentence describes Applicant’s due process complaint:

“Instead, [Henry Klein] seeks to avoid being hauled before an agency that he alleges is unconstitutionally structured.”

Efforts to explain *Axon/Cochran* were rejected, Justice Crichton describing my motion to dismiss as...

“...a repetitive, albeit largely unclear filing urging this Court to investigate alleged collusion between the Office of Disciplinary Counsel and Girod, a party in the underlying litigation...”

Girod was not just “...a party in the underlying litigation...”, it was a vulture fund exactly as described by the 111<sup>th</sup> Congress at H.R. 2932. Girod is part of Texas Pacific Group (“TPG”) a \$108 billion conglomerate traced from Montreal to the Uglund House in the Cayman Islands, making the pesky Henry Klein a target to be SILENCED, a mission almost accomplished<sup>3</sup>.

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2 Extra detail is provided because renewals are disfavored. This renewal, however, may be welcomed by the *Axon/Cochran* unanimous Court.

3 Girod’s pillaging of Regina Heisler are detailed at Dockets 19A41, 20-1361 and 21A41.

**2. ALJs, AROs and ODC — all SROs:** The parallels are manifest: all non-Article III adjudicators account only to themselves, a/k/a Self-Regulating Organizations, the proper targets of the New Civil Liberties Alliance, worth quoting as an overarching principle:

*NCLA views the administrative state as an especially serious threat to constitutional freedoms. No other development in contemporary American law denies more rights to more Americans. Although Americans still enjoy the shell of their Republic, there has developed within it a very different sort of government—a type, in fact, that the Constitution was designed to prevent.*

**3. Second answer to Justice KAGAN: *Enas Said v. USDA*.** Justice KAGAN’s search for the right court where “...the existential challenges may be heard...” is also **the United States Court of Appeals for the 7<sup>th</sup> Circuit** at Docket 2023-1013. Applicant is leading a challenge of the USDA’s administrative scheme of *permanently* disqualifying stores from SNAP, the successor to food stamps. USDA’s AROs are less endowed with Article III virtues than ALJs. Oral argument in the 7<sup>th</sup> Circuit has been accelerated to November 3, 2023 and the *Said* issues fit *Axon/Cochran* like a glove. The inherent evils of combined administrative/adjudicatory functions were well-stated by Circuit Judges LUCERNO and MORITZ in *Bandimere v. SEC*:

“[ALJs] are vested with duties of administration and at the same time they are given important judicial work. **The evils resulting from this confusion of principles are insidious and far-reaching.** Pressures and influences properly enough directed toward officers responsible for formulating and administering policy constitute an unwholesome atmosphere in which to adjudicate private rights. But the mixed duties of the commissions render escape from these subversive influences impossible . . . . **Commission decisions affecting private rights and conduct lie under the suspicion of being of the**

**preliminary findings with the Commission, in the role of prosecutor, presented to itself.”**

In ODC’s attack on the 1<sup>st</sup> Amendment rights of Applicant-Klein, Paul Pendley **singularly** played the roles of (i) complainant, (ii) investigator, (iii) charge scrivener, (iv) objector to discovery requests, (v) objector to dismissal based on *Axon/Cochran*, (vi) presenter to hearing committee, (vii) **unrecorded** presenter to ODC Board, and (viii) **unrecorded** ODC advocate at the Supreme Court. The unwholesome atmosphere in which to adjudicate private rights noted in *Bandimere* is so manifest that GVR should apply.

MAY IT PLEASE JUSTICE ELENA KAGAN:

**4. No harm to a stay; irreparable harm to Applicant.** If the Louisiana suspension is not STAYED, I am in danger of being disqualified in the 7<sup>th</sup> Circuit, where I have been a member in good-standing since October 31, 1977. The ODC charges *sub judice* were corrupt, an accusation that so incensed the Louisiana Justices that the following scathing comment was made, not once, but twice:

*“It is unfortunate that respondent does not understand that being a zealous advocate does not equate to **such repugnant disrespect for the system we are charged to honor and obey**”*

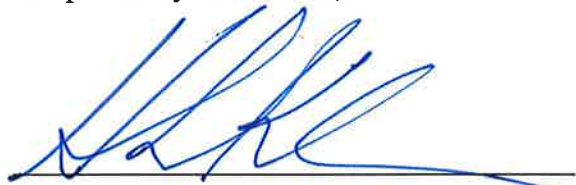
What was the purpose of such a scathing comment for a lawyer whose pleadings are in the Supreme Court library under *The Making of Modern Law*? Or a lawyer who has contributed to the Development of Doctrinal Law as set forth in applicant’s CV, Exhibit A? A copy of a Supplement that did not arrive until after Justice ALITO denied the initial Application is provided as Exhibit B.

**5. The Constitutional right to think.** As I said in my papers, "...the birthplace of expression is the mind...". Based on ample evidence, I said what I thought about actions which have gone unbridled. Regina Heisler, a widow with no business or banking acumen, has been bilked out of \$15 million in the course of criminality that brought a \$1 billion bank down. Yet, for engaging in due diligence and stating what was in his mind, Applicant has been *eliminated* from the profession he loves for speaking aloud what was on his mind — the birthplace of all expression and perhaps the most fundamental aspect of existence:

*Cogito, Ergo Sum*<sup>4</sup>

Justice KAGAN: we live in an unfortunate epoch of corruption and unbridled lawlessness. Threats of sanctions are the most lethal enemies of the 1<sup>st</sup> Amendment and retaliation expels zealous advocates. I only ask for a stay of the discipline imposed, so I can do my job of preparing a **compelling petition for certiorari**.

Respectfully submitted,

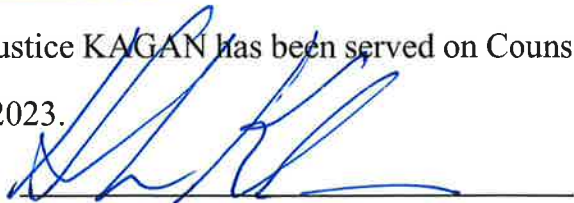


Henry L. Klein  
Member of the Supreme Court Bar  
Since September 6, 1974

Enclosed: Ten copies of the Original Application without exhibits.

**CERTIFICATE OF SERVICE**

I certify that a copy of this Renewal to Justice KAGAN has been served on Counsel for the ODC by email this 11<sup>th</sup> day of August, 2023.



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4 René Descartes, 17<sup>th</sup> Century.