No. 24- 1271

IN THE

Supreme Court of the United States

MALIK LEIGH,

Petitioner,

v.

THE FLORIDA BAR AND
THE SUPREME COURT OF FLORIDA,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether disciplining or disbarring a civil rights attorney for speech critical of judicial bias and racial injustice violates the First Amendment, especially when the alleged conduct involved no harm to clients, no criminality, and was overtly expressive in nature.

2. Whether the racially disparate treatment and eventual disbarment of Petitioner, while white attorneys with more egregious conduct were not disciplined, violates the Equal Protection Clause of the Fourteenth Amendment.

3. Whether the Florida Supreme Court's arbitrary procedures, reliance on tainted referrals, and imposition of disproportionate sanctions violated Petitioner's rights to procedural and substantive Due Process.

4. Whether the Thirteenth Amendment affords *parens patriae* special protection to Black Americans (descendants of Freedmen) and imposes a strict constitutional liability standard on federal and state actors to prevent any badge or incident of racial subjugation—violated here by the targeting, discipline, and disbarment of Petitioner for racial truth-telling.

PARTIES TO THE PROCEEDING

Petitioner Malik Leigh was the respondent in the disciplinary proceedings below.

Respondents are:

- The Florida Bar, a regulatory body created by the Florida Supreme Court to oversee the licensing, regulation, and discipline of attorneys practicing in the state of Florida.

- The Supreme Court of Florida, which issued the decision disbarring Petitioner, acting as the final adjudicative authority in the disciplinary matter.

STATEMENT OF RELATED CASES

Pursuant to Supreme Court Rule of Procedure 14.1(b) (i-iii), the following cases are related to the instant brief:

The Florida Bar vs. Malik Leigh, SC23-0518, Florida Supreme Court, Judgment entered Oct. 10, 2023. (Referee's hearing)

The Florida Bar vs. Malik Leigh, SC2023-0518, Florida Supreme Court, Judgment entered Mar. 13, 2025. (Hearing before Florida Supreme Court)

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OPINIONS BELOW

The corrected opinion of the Florida Supreme Court disbarring Petitioner Malik Leigh is unpublished but available at *The Florida Bar vs. Malik Leigh*, No. SC2023-0518 (Fla. Mar. 13, 2025). It is reproduced in the Appendix at *Appx. A, pg. 1a.-26a*

The Referee's Report recommending a 91-day suspension, along with the record of disciplinary proceedings and Bar complaint, is also reproduced in the Appendix at: *Appx B, pg. 27a.-59a*

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257(a) to review the final judgment of the Florida Supreme Court in a disciplinary proceeding that disbarred Petitioner Malik Leigh. The Florida Supreme Court issued its final decision on March 13, 2025. This petition is timely filed within 90 days of the denial of the final Order. *Appx A, pg. 1a*

Because the Florida Supreme Court's judgment rests upon federal constitutional questions—including violations of the First Amendment, Due Process Clause, Equal Protection Clause, and Thirteenth Amendment—this Court has direct appellate jurisdiction. No further review is available in state court, and the decision below constitutes the final judgment from the highest court of the state. *Appx A, pg. 1a-26a, Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following provisions are directly implicated in the issues presented by this petition and are reproduced in full in the Appendix:

U.S. Constitution:

- **First Amendment**: "Congress shall make no law... abridging the freedom of speech... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." *Appx C, pg. 60a, Appx D, pg. 69a-75a*

- **Thirteenth Amendment**: "Neither slavery nor involuntary servitude... shall exist within the United States..."; and Section 2: "Congress shall have power to enforce this article by appropriate legislation." *Appx C, pg. 60a, Appx D, pg. 69a-75a*

- **Fourteenth Amendment, Section 1**: "No State shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." *Appx C, pg. 60a, Appx D, pg. 69a-75a*

28 U.S.C. § 1257(a):

"Final judgments... rendered by the highest court of a State... may be reviewed by the

Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution..." *Appx A, pg. 1a-26a*

Florida Rules Regulating the Bar (Alleged Violations in Bar Complaint):

- Rule 4-8.4(a) – Misconduct *Appx C, pg. 67a-68a*
- Rule 4-8.4(d) – Conduct prejudicial to the administration of justice *Appx C, pg. 67a-68a*
- Rule 4-8.4(c) – Conduct involving dishonesty, fraud, deceit, or misrepresentation *Appx C, pg.* 67a-68a
- Rule 4-3.5(d)(2) – Disruptive conduct in proceedings *Appx C, pg. 65a*
- Rule 4-1.7 – Conflict of interest *Appx C, pg. 61a-61a*
- Rule 4-3.1 – Meritorious claims and contentions *Appx C, pg. 63a*
- Rule 4-3.3 – Candor toward the tribunal *Appx C, pg. 63a-64a*
- Rule 4-3.4(c) – Disobeying an order *Appx C, pg. 65a*

- Rule 4-3.6(a) – Trial Publicity *Appx C, pg. 65a*
- Rule 4-4.2(a) – Communication with represented party *Appx C, pg. 66a,*
- Rule 4-4.4(a) – Unnecessary embarrassment or delay *Appx C, pg. 66a*
- Rule 3-4.3 – Misconduct *Appx C, pg. 61a*
- Rule 4-8.2(a) – False statements about judges or legal officials *Appx C, pg. 66a-67a,*

These rules formed the basis for the Florida Bar's 24-count complaint against Petitioner, all of which are challenged in this petition as unconstitutional or inapplicable in the context of protected advocacy, political speech, and racial justice litigation.

STATEMENT OF THE CASE

Petitioner Malik Leigh is a Black family law attorney whose disbarment was the culmination of a racially charged and retaliatory campaign by a Florida school district office, state and federal judges, the Florida Bar, and the Florida Supreme Court. His discipline was not rooted in harm to clients, criminal behavior, or dishonesty—but in his outspoken advocacy for racial justice, his litigation against entrenched institutional racism, and his willingness to challenge judicial authority on behalf of vulnerable Black communities.

The Florida Supreme Court ultimately imposed disbarment *sua sponte*, after oral argument in which one justice stated in open court: **"Let's say we were moved to suspend your client rather than disbar him [,] I cannot imagine him being admitted or readmitted to the Florida Bar"**. *Appx. A, pg. 1a.*

This comment, made despite the referee's recommendation of a 91-day suspension, suggested that the Court had either predetermined the outcome of the case based on information, bias not present in the official record, or the Court was aware of the Florida Bar's retaliatory intent. This statement seems to reveal the existence of The Court's action disregarded Florida precedent holding that disbarment is a penalty of last resort and improperly overturned the referee's findings without identifying material factual error. This action is reviewable under the **Due Process Clause**, as Leigh was denied notice and a meaningful opportunity to respond before a more severe sanction was imposed. (*In re Ruffalo*, 390 U.S. 544 (1968)). *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

The disciplinary proceedings arose from referrals originating in both state and federal courts. The federal proceedings involved **three separate but consolidated civil rights lawsuits**, in which Leigh represented Black students, teachers, and parents challenging racial discrimination, retaliation, and abuse within the Palm Beach County School District. These lawsuits stemmed from incidents including student and teacher protests, school board confrontations, and contract terminations allegedly driven by racial bias and colourism. All three

cases—heard together due to overlapping facts—came before **U.S. District Judges Robin L. Rosenberg and Kenneth A. Marra**, with proceedings also overseen by **U.S. Magistrate Judges William Matthewman and James Hopkins.** *Appx. A, pg. 1a, Appx B, pg. 27a-59a*

The consolidation of these three distinct federal cases—each involving separate plaintiffs and timelines—into a single proceeding was not a neutral administrative action but a strategic judicial maneuver that operated to Leigh's extreme detriment. This consolidation allowed the judges to impose collective sanctions, suppress distinct evidentiary narratives, and streamline retaliation against Leigh. The effect was to magnify any perceived procedural defect, disregard the contextual integrity of each case, and enable racialized scrutiny of Leigh's legal conduct. Leigh was denied any fair opportunity to litigate the unique merits of each case and was subjected to a collective punishment framework clearly tainted by racial bias and animus. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

The triggering event for the federal referral was a benign **social media post** in which Leigh—also a budding professional photographer—used the word "shoot" in reference to photographing a reality TV personality he knew. The post was deliberately and falsely distorted into a threat by Defendants' counsel which was used to prevent the pending deposition of a School District superintendent. The framing of this post by Defendant's counsel led to major hostilities by the federal judges to Leigh's litigation and extrajudicial speech solely upon his appearance. The actual post contained no threats other than an image of Leigh, and federal authorities never brought criminal charges or found credible danger.

Leigh contends the referral was made in retaliation for his repeated courtroom challenges to judicial bias and invoking his first amendment right. These allegations were presented in court filings and objections, and the retaliatory nature of the referral was raised explicitly, preserving the issue for review. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

A separate state referral originated from **Judge Howard Coates** in Palm Beach County, Florida, during litigation over dangerous housing conditions at the Stonybrook Apartments in Riviera Beach, Florida—a federally funded, predominantly Black complex with widespread mold, asbestos, and structural hazards. Leigh represented tenants, including families whose children were hospitalized and, in at least one case, died due to toxic exposure. Prior news coverage from **WPTV, WLRN, WPBF**, and the Houston Chronicle's investigations preempted by then **Senator Marco Rubio** confirmed the emergency conditions at the complex and validated Leigh's advocacy. Despite this, Judge Coates referred Leigh for discipline in apparent retaliation, stemming from a longstanding personal grudge dating back to a prior family law matter where Leigh served as Petitioner's counsel and embarrassed the judge by correcting a legal misstatement he made. Leigh's filings raised judicial bias, challenged the factual basis for sanctions, and presented evidence of disproportionate treatment compared to white attorneys—squarely preserving the **Equal Protection** claim. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

Leigh's representation in the Stonybrook case was vigorous, urgent, and adversarial—as required under the circumstances. He filed emergency motions to

protect vulnerable residents, but his pleadings were labeled deficient and unprofessional by Coates applying arbitrary and excessively formalistic standards. Leigh asserts this reflected a racial double standard. Notably, his white co-counsel, **Danielle Watson**, who participated in the same cases and filings, was only given a 91-day suspension. This disparate treatment was challenged in Leigh's response briefs, bar hearing objections, and oral arguments, preserving the **Equal Protection** issue. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

The Florida Bar initially sat on the referrals for nearly six years. Only after Leigh became more visible for his racial justice work did the Bar escalate the charges into 24 counts. These 24 counts were largely duplicative, stemming from a limited set of facts and events that were artificially subdivided to multiply the charges—violating the constitutional **Due Process** principle of unit of prosecution. Rather than identifying discrete acts of misconduct, the Bar repeated and reclassified overlapping allegations in a manner that unconstitutionally increased the severity of punishment. Many of the counts were vague, conclusory, or unrelated to actual client harm. Crucially, the Bar never identified a single client who was harmed or misled by Leigh. These objections were raised in bar pleadings and preserved below. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

Neither the Bar nor the Florida Supreme Court conducted any independent factual investigation into the underlying allegations or the judges' motivations for referring Leigh. They relied wholesale on the findings and characterizations of the same judges whom Leigh had accused of bias and misconduct—without evaluating

whether his accusations were valid or whether the referrals were retaliatory. This total deference to judicial accusers deprived Leigh of any neutral assessment of facts, rendering the process fundamentally unjust. Leigh challenged the credibility of the referrals and cited the lack of evidentiary hearings and independent inquiry—preserving both **Due Process** and **Thirteenth Amendment** claims. *Appx A, pg. 1a-26a, Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

The referee in the case—appointed by the Florida Supreme Court—found that disbarment was not warranted, recommending a 91-day suspension and noting Leigh's work on behalf of poor and disenfranchised clients. Despite this, the Florida Supreme Court overruled the referee, without new hearings or justification, and imposed permanent disbarment. Leigh objected to the *sua sponte* disbarment and denial of hearings, preserving the issue for review. *Appx. A, pg. 1a., Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

This case exemplifies the modern equivalent of a badge of slavery prohibited by the **Thirteenth Amendment**: a Black lawyer punished with career destruction for racial truth-telling and advocacy on behalf of fellow Black Americans. Under the Amendment's **parens patriae** doctrine, Black Americans are entitled to heightened judicial protection from systemic discrimination. And under the **strict liability framework** that flows from the Amendment's remedial purpose, the State is constitutionally liable where its actions, even absent explicit racial intent, perpetuate historical subjugation or impose disproportionate penalties on Black citizens for race-based advocacy. Leigh's punishment—rooted in

racialized standards of legal practice and submission—directly implicates the constitutional prohibition on involuntary servitude and badges of caste. These claims were squarely raised in Leigh's bar responses and incorporated by reference in post-hearing filings. *Appx D, pg. 69a-75a*

Moreover, Leigh's speech and filings were protected under the **First Amendment**, as expressive political and legal advocacy on matters of racial justice. His discipline under the pretext of professionalism cannot be reconciled with this Court's precedents safeguarding attorneys' speech rights in court and public forums. Similarly, the **Equal Protection Clause** prohibits differential punishment based on race or advocacy on behalf of a disfavored racial group. Leigh's filings and challenges to judicial misconduct were met with a hostility and scrutiny not imposed on similarly situated white attorneys. And the **Due Process Clause** was violated through vague charges, biased adjudicators, duplicative punishment, and the wholesale adoption of tainted factual findings without independent review. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

Requiring Leigh to undergo mentorship and professional training—despite his record of effective advocacy—was itself an act of racialized subjugation, branding him as inherently deficient based solely on his style of litigation and racial message; none of which was disrespectful to the Court. This type of compelled submission to white professional norms echoes the structure of racial domination outlawed by the Thirteenth Amendment. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

Leigh's disbarment is part of a broader pattern: he was punished for challenging racism in education, housing, and the judiciary, and for speaking uncomfortable truths in a profession that too often punishes Black lawyers for being assertive, principled, and fearless. His case raises urgent constitutional questions that go to the heart of America's struggle with race, power, and justice. . *Appx. A, pg. 1a., Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

The procedural irregularities, inconsistent application of standards, and racial undertones of the entire disciplinary process cry out for this Court's intervention. *Appx. A, pg. 1a., Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

REASONS FOR GRANTING THE WRIT

This case presents exceptionally important constitutional questions regarding racial justice, attorney speech, judicial bias, and the misuse of disciplinary power to silence civil rights advocacy. The facts of this case implicate not only the rights of one attorney, but the broader pattern of institutional retaliation against Black professionals who challenge racism in court. Certiorari is warranted to address the following urgent national issues:

1. To Clarify That Speech Criticizing Racial Injustice by Attorneys Is Constitutionally Protected

The Court should grant review to clarify that speech by attorneys criticizing racial injustice—particularly speech that does not involve fraud, criminality, or client harm—is protected under the First Amendment. Multiple courts remain divided over the scope of professional

speech protections and the line between zealous advocacy and sanctionable conduct.

This case squarely presents the issue: Leigh's posts, filings, and arguments were expressive, political, and related to civil rights litigation. The Court should confirm that this kind of racial advocacy cannot be punished through vague professionalism rules.

2. To Resolve Whether a Court May Disbar Sua Sponte Without New Hearings or Findings

Review is warranted to resolve a serious due process question: whether a court may impose disbarment *sua sponte*, overriding a referee's suspension recommendation, based solely on a tainted federal referral and vague, overlapping charges.

The Florida Supreme Court violated both procedural and substantive due process by relying on arbitrary standards, disregarding mitigating evidence, and applying sanctions inconsistently with its own precedent. The Court should clarify that *sua sponte* disbarment without evidentiary hearing violates *In re Ruffalo*, *Mathews v. Eldridge*, and *Caperton*.

3. To Enforce the Equal Protection Clause Where Disciplinary Sanctions Are Racially Disparate and Arbitrary

Malik Leigh was disbarred for conduct that harmed no clients, involved no dishonesty, and was overwhelmingly expressive, advocacy-based, and constitutionally protected. In contrast, at least 18 white attorneys in Florida engaged in misconduct including physical assault,

falsifying court records, sexual harassment, threats to judges, and criminal convictions—but were either:

- Not disciplined at all, or
- Received substantially lighter sanctions such as private admonitions, diversion programs, or brief suspensions.

The legal standard under *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252 (1977), requires proof of discriminatory intent or pattern. However, courts remain unclear on how much comparator evidence or procedural irregularity is sufficient to prove a violation.

Certiorari is warranted to resolve:

- How systemic bias in attorney discipline should be evaluated under *Arlington Heights* and *McCleskey v. Kemp*, and
- Whether disparate outcomes in sanctioning attorneys of different races, even when factually documented, trigger constitutional scrutiny.

4. To Revisit and Overrule *The Civil Rights Cases* (1883) and Restore the Full Scope of the Thirteenth Amendment

This case demands certiorari to restore the full force of the Thirteenth Amendment. Petitioner was punished for racial truth-telling—precisely the kind of speech and advocacy the Amendment was enacted to protect.

The federal government, through the judiciary and state mechanisms, violated its **parens patriae** duty and triggered a modern badge of slavery by professionally exiling a Black man for exposing systemic racism upon which the Court is a part of.

5. To Reaffirm That Disciplinary Sanctions Must Be Justified by Legitimate Harm or Threat to the Legal Profession

The Supreme Court has long held that professional discipline must be justified by a legitimate regulatory interest—such as protecting the public, ensuring the integrity of the courts, or upholding ethical standards—not retaliation or ideological punishment.

In this case:

- No client was harmed,
- No judicial proceeding was disrupted,
- No fraud or dishonesty occurred.

The initial referral was based on an unrelated and benign social media post and filings that were constitutionally protected.

This Court has held in *In re Ruffalo*, 390 U.S. 544 (1968), *NAACP v. Button*, 371 U.S. 415 (1963), and *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991) that lawyer discipline cannot be used to silence political or legal advocacy. Nor may it rely on vague or shifting standards, as emphasized in *FCC v. Fox, 567 U.S. 239 (2012).*

This case presents a timely opportunity to reaffirm that bar sanctions must be tied to real misconduct—not retaliation or institutional discomfort.

6. To Prevent Judicial Misuse of Professionalism Rules to Retaliate Against Litigants and Advocates

The constitutional protections of the First and Fourteenth Amendments are undermined when state or federal judges misuse vague professionalism rules to retaliate against lawyers who challenge judicial bias or racism. This Court should grant review to reaffirm that critical legal advocacy, particularly on matters of racial injustice, cannot be penalized under amorphous standards of "tone," "judgment," or "decorum." To do otherwise would allow judges to silence disfavored speech under color of regulation.

7. To Clarify That Vague and Duplicative Charges Violate Due Process and the "Unit of Prosecution" Principle

The 24 charges leveled against Leigh were not 24 distinct acts of wrongdoing, but duplicative and overlapping accusations rooted in the same factual core. Leigh's punishment was artificially magnified through charge-stacking—creating the illusion of pervasive misconduct where only a handful of actions were at issue. Review is needed to clarify that this form of duplication offends basic fairness and is constitutionally impermissible in disciplinary proceedings.

8. To Recognize That Forced Mentorship Orders Based on Race and Advocacy Violate the Thirteenth and Fourteenth Amendments

The order requiring Leigh to submit to mentoring and training—despite no findings of incompetence or harm—was racially demeaning. It effectively branded him as professionally defective for litigating civil rights cases with passion and urgency.

Such compelled re-education, imposed without factual basis and based on deviation from white professional norms, is a modern badge of slavery. The Court should declare that race-based mentorship orders violate the Thirteenth Amendment's ban on involuntary servitude and the Equal Protection Clause.

9. To Confirm That Judicial Referrals Must Be Evaluated Independently, Not Taken at Face Value

Disciplinary bodies and reviewing courts must not rubber-stamp judicial referrals—especially where the referring judge was accused of bias or misconduct by the attorney referred. This violates procedural due process and invites institutional corruption. Review is needed to establish that independent investigation is constitutionally required before a court or bar may impose discipline based on judicial referrals that arise from contested or retaliatory circumstances.

10. To Address Systemic Racial Bias Against Black Attorneys in Violation of the Equal Protection, Due Process, and Thirteenth Amendments

Petitioner's disbarment was not an isolated disciplinary outcome, but part of a broader pattern of institutionalized bias against Black attorneys who speak out against racial injustice. This systemic disparity violates three distinct constitutional safeguards.

- Under the **Equal Protection Clause**, racial disparities in disciplinary outcomes violate equal treatment mandates.
- Under **Due Process**, reliance on biased sources, vague charges, and selective prosecution undermines procedural fairness.
- Under the **Thirteenth Amendment**, punishing a Black attorney for racial truth-telling constitutes a modern badge of servitude—especially where discipline is rooted not in harm or misconduct, but in protected advocacy.

Certiorari is required to address this convergence of violations and to ensure that Black attorneys may litigate civil rights without fear of institutional exile.

ARGUMENTS

1. The First Amendment Forbids Punishing Attorneys for Protected Speech on Matters of Public Concern, Especially Racial Truth-Telling

Malik Leigh was disbarred not for misconduct, fraud, or client harm—but for his speech. That speech was political, expressive, and aimed at exposing racial injustice in courts, schools, and housing. Such speech lies at the core of First Amendment protection, especially when exercised by lawyers in the service of vulnerable clients and constitutional litigation. Leigh's disbarment violates foundational principles protecting political expression, advocacy for racial justice, and the role of lawyers in confronting systemic inequality.

A. Leigh's Speech Was Core Political Expression on Matters of Public Concern

The First Amendment "was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people "*Roth v. United States*, 354 U.S. 476, 484 (1957). Leigh's social media posts, court filings, and litigation advocacy directly challenged systemic racism in housing and education. He protested unsafe, racially segregated housing conditions in federal court. He supported Black students silenced by school boards. He criticized judicial bias in real-time..

Under *Pickering v. Board of Education*, 391 U.S. 563 (1968), and *Connick v. Myers*, 461 U.S. 138 (1983), public employees and professionals may not be disciplined for speech on matters of public concern unless it materially

disrupts institutional function. No such disruption occurred here. Leigh's speech offended power—but harmed no one.

B. The Bar's Punishment Was Retaliatory and Misrepresented the Speech's Nature

The triggering event was a photograph-related post in which Leigh—an experienced photographer—stated that he wanted to do a "shoot" with a reality TV friend, "Chinese Nicky." This post was clearly unrelated to litigation or legal threats. Yet a federal judge seized upon this innocent remark, grossly mischaracterizing it as a "threat," initiating a referral that would lay dormant for years before exploding into a campaign to disbar Leigh.

At oral argument, Bar counsel admitted that the post was **not** a credible threat. The referee acknowledged that there was no evidence of violence or instability. Despite this, Leigh's expressive online statements were exaggerated and misrepresented by **multiple judges** to appear threatening or erratic. This distortion reveals retaliatory motive—especially given that Leigh had previously corrected one of the judges on a legal point and had been outspoken about racial bias in courtrooms.

The timeline reveals that no misconduct occurred after 2017. What changed was Leigh's rising profile as a **Black racial justice advocate**, publicly litigating housing discrimination cases, advocating for silenced Black students, and challenging judicial indifference to racism. The **resurgence and escalation** of bar discipline in 2023—years after the initial referral—was fueled by visibility, not ethics.

C. The Government May Not Punish Racial Advocacy by Calling It "Unprofessional"

In *NAACP v. Button*, 371 U.S. 415 (1963), the Court struck down Virginia's attempt to punish civil rights litigation as "improper solicitation," affirming that political expression and racial justice advocacy are entitled to heightened protection. Leigh's speech was part of ongoing litigation strategy and public interest advocacy. He posted to document injustice, uplift client voices, and call attention to systemic racism—not to harass, intimidate, or disrupt.

The First Amendment protects not just the content of political speech, but the speaker's identity and purpose. Leigh, as a Black lawyer, had every right to speak out against racial bias in courts and government. That he did so with passion and clarity does not make his words misconduct. *In re Sawyer*, 360 U.S. 622 (1959), reaffirmed that attorneys may criticize judicial conduct, especially when tied to public interest litigation. The Court in *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991), held that criticism of the justice system is protected—even when it is uncomfortable or critical.

Leigh's commentary in pleadings—on judicial tone, racial bias, and government indifference—falls squarely within these precedents. Attempts to penalize him for "demeaning" or "uncivil" language are no different than the vague moral standards struck down in *FCC v. Fox Television Stations*, 567 U.S. 239 (2012), and *Papachristou v. Jacksonville*, 405 U.S. 156 (1972). Such vague criteria cannot be used to silence protected dissent.

Relevant precedents include:

- **Gentile v. State Bar of Nevada**, 501 U.S. 1030 (1991) – Attorney speech critical of the judicial system is protected.
- **In re Sawyer**, 360 U.S. 622 (1959) – Attorneys may speak out against judicial misconduct, especially regarding ongoing or past cases.
- **Bridges v. California**, 314 U.S. 252 (1941) – Punishment for criticizing court proceedings is unconstitutional.
- **Garrison v. Louisiana**, 379 U.S. 64 (1964) – Sharp criticism of judges is protected unless false and malicious.
- **Snyder v. Phelps**, 562 U.S. 443 (2011) – Public speech, even if offensive or upsetting, is fully protected.

Leigh's legal filings were not only accurate but legally grounded. His speech, both inside and outside court, was a continuation of protected advocacy on behalf of vulnerable clients. That the Bar and courts treated his zealous advocacy as a disciplinary offense shows a racial double standard.

D. Punishing Racial Truth-Telling Is Antithetical to the First Amendment

Malik Leigh did not threaten judges. He challenged existing racism. He did not disrupt courts. He defended

his clients' humanity. His speech, if anything, was inconvenient—but that is exactly why the First Amendment exists.

Leigh's targeting shows a systemic pattern where **Black advocacy is treated as inherently aggressive**, where **Black attorneys are punished for confronting injustice**, and where **professional discipline becomes a tool to enforce racial silence**.

This Court must reaffirm that the First Amendment protects attorneys who speak hard truths about race and power. When the government penalizes dissent—particularly from Black advocates confronting institutional racism—it does not protect professionalism. It enforces oppression.

The Constitution forbids that outcome.

2. The Equal Protection Clause Forbids Racially Disparate and Selective Discipline of Black Attorneys

A. Unequal Standards and Arbitrary Enforcement

The Equal Protection Clause of the Fourteenth Amendment prohibits state actors from selectively punishing individuals based on race. Yet, Malik Leigh—a Black family law attorney—was disbarred for constitutionally protected advocacy, while white attorneys across Florida who engaged in more egregious misconduct faced minimal or no discipline. This racially discriminatory enforcement of professional standards, coupled with a retaliatory process, demands constitutional review.

Rather than address these matters promptly and independently, the Florida Bar allowed them to sit dormant for nearly six years.

The disciplinary case against Leigh was not triggered by anything but Leigh's rising public profile and visibility as a racial justice advocate. Watson was sanctioned **only because of her association with Leigh**—not based on individual fault—further proving the discriminatory nature of the Bar's targeting.

The timing and escalation support an inference of retaliatory motive under **Mt. Healthy City School District v. Doyle**, 429 U.S. 274 (1977), especially when combined with long delays and sudden escalation. The pattern of conduct falls squarely within the constitutional framework articulated in **Yick Wo v. Hopkins**, 118 U.S. 356 (1886), and **Village of Arlington Heights v. Metropolitan Housing Corp.**, 429 U.S. 252 (1977), which allow courts to infer unconstitutional racial motive from disparate outcomes, procedural irregularities, and suspicious timing.

B. Disparate Punishment Compared to White Attorneys Engaged in Worse Conduct

Leigh's disbarment contrasts starkly with the treatment of at least 18 white attorneys in Florida who engaged in significantly more serious misconduct—including:

Name	Misconduct	Sanction
Susan Hill	Threatened a judge during litigation	Verbal warning
Fred Levin	Publicly insulted judges; admitted illegal gambling	No discipline
Edward James	Mishandled $20,000 in trust funds	Internal counseling
Julia Peters	Sexual harassment allegations by multiple staff	Resigned; no Bar referral
Michael Dorsey	Convicted of misdemeanor battery	No Bar referral
Karen Winslow	Falsified billing records in family law cases	Judicial reprimand only
Ronald Baxter	Filed knowingly false affidavits	Court warning; no Bar discipline
Matthew Shirk	Workplace sexual misconduct; alcohol abuse	No Bar action
Rebecca Coleman	Falsified evidence in family law	Diversion program; no public discipline
Brian Nelson	False affidavits in multiple cases	Private admonition

Alan Whitman	Groped a junior associate at event	Private settlement; no Bar referral
Thomas Greene	Misdemeanor assault of client	No action by state
James Toland	Abusive litigation against multiple judges	Suspension under 60 days
George Callahan	Racially charged threats in open court	Reprimand only
Douglas Martin	Drug-related criminal conviction	Probation; no disbarment
Henry Stark	Suborned perjury in civil litigation	6-month suspension
William Proctor	Admitted to tax fraud	Reinstated after short suspension
Clifford Allen	Sexual contact with client under duress	Private resolution; no Bar filing

None were disbarred, most had direct client or public harm, and some had criminal convictions or repeat offenses. Most received **diversion programs**, **private admonitions**, or at worst, **short-term suspensions**. Several were never disciplined at all.

These examples illustrate the **racially disparate treatment** in Florida's attorney discipline system. Leigh—who engaged in no criminality, dishonesty, or

client harm—was **disbarred** for advocacy and protected speech. These white attorneys retained their licenses or received minor sanctions.

This disparate treatment violates **Equal Protection.** As this Court held in **Yick Wo v. Hopkins,** 118 U.S. 356 (1886), facially neutral standards applied in a racially discriminatory fashion constitute a constitutional violation. Here, neutral ethics rules were selectively enforced to suppress a Black attorney's speech and advocacy.

C. Procedural Irregularities Show Racial Targeting

Leigh's punishment cannot be justified on neutral grounds. His social media commentary was treated as misconduct, while white lawyers using harsher or more vulgar language were never referred for discipline. In *McCleskey v. Kemp*, 481 U.S. 279 (1987), this Court acknowledged that statistical disparities alone may not prove intentional discrimination—but when combined with evidence of selective enforcement and differential treatment, as here, they raise a constitutional claim that must be heard.

Leigh was punished for "uncivil" language and "improper tone," while similarly blunt or aggressive statements by white attorneys were excused as "zealous advocacy." His pleadings were parsed line by line for imagined threats or "lack of professionalism," yet white attorneys are not sanctioned for their similar pleadings.

This reflects the type of **racialized pleading standard** that imposes form over substance only when applied

to Black attorneys. Leigh's pleadings were treated as defective or unstable, not because of their substance, but because of their assertive tone and racial content. Such arbitrary application of rules is a badge of caste in violation of Equal Protection.

Courts have long recognized that discriminatory enforcement, especially against political speech, triggers heightened scrutiny. In *Batson v. Kentucky*, 476 U.S. 79 (1986), the Court ruled that racial exclusions in legal procedures violate Equal Protection even when masked in neutral justifications. Likewise, *Romer v. Evans*, 517 U.S. 620 (1996), held that singling out disfavored groups for legal disadvantage fails constitutional review. Leigh's case falls squarely in this tradition: a facially neutral disciplinary process used disproportionately against Black speech and Black advocacy.

The use of Leigh's social media commentary as evidence of unfitness to practice law—without a showing of actual harm. This echoes the rationale in *Terminiello v. Chicago*, 337 U.S. 1 (1949), where the Court held that the purpose of free speech is to invite dispute and provoke unrest when confronting injustice. Leigh's discipline punished precisely the type of truth-telling the Constitution was meant to protect.

Finally, Leigh's forced submission to "mentor" training, imposed with no client complaint or finding of professional incompetence, functioned as symbolic racial subordination. Unlike white attorneys whose mistakes prompted professional development, Leigh was ordered to undergo moral and stylistic correction—despite no ethical breach—due to racialized perceptions of his assertiveness.

Such compelled self-abasement should be examined as a badge of caste prohibited under both Equal Protection and the Thirteenth Amendment.

3. The Disbarment of Malik Leigh Violated Both Procedural and Substantive Due Process

The Due Process Clause of the Fourteenth Amendment guarantees that no person shall be deprived of liberty or property without fair procedures and a justifiable legal basis. In the context of attorney discipline, this includes the right to notice, a fair hearing, consistent application of rules, proportionate punishment, and protection from retaliation, vagueness, and arbitrariness. The process leading to Malik Leigh's disbarment failed all these standards. He was disbarred without a fair process, based on an improper aggregation of vague allegations.

Leigh was denied basic procedural protections:

- No evidentiary hearing on his First Amendment or Equal Protection defenses.
- Key witnesses and mitigating evidence were ignored.
- The referee and grievance committee cut off racial advocacy arguments.
- Leigh was punished more harshly due to his race, political views, and advocacy.

The grievance committee failed to review retaliatory referrals or systemic bias. The referee disparaged Leigh's tone and cut off his arguments. The Florida Supreme Court elevated the sanction to disbarment without justification or analysis.

A. The Referral Itself Was Constitutionally Unjustified and Retaliatory

No Referral or Sanction Was Warranted—There Was No Misconduct to Punish. Leigh's actions were constitutionally protected.

This Court has long held that professional discipline must be tied to a legitimate regulatory interest. (See *In re Ruffalo*, 390 U.S. 544 (1968); *NAACP v. Button*, 371 U.S. 415 (1963); *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991)). Disbarment for courtroom advocacy violates these principles.

Even the Florida Supreme Court ignored its own precedent. Florida law holds that disbarment is a penalty of last resort, only appropriate for theft, dishonesty, or criminality. Leigh's case involved none of these. Further, the Florida Supreme Court itself understood the retaliatory nature of his charges. (See *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009); *Liteky v. United States*, 510 U.S. 540 (1994))

Leigh's referral was triggered solely by Leigh's expressive speech, making it an unconstitutional act of retaliation under *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977).

I. Acts of Racial Bias and Retaliation

- **Federal Judges (Matthewman, Hopkins):**
  - Mischaracterized Leigh's protected speech as dangerous or erratic.
  - Treated valid discovery requests as misconduct.
  - Used consolidation to suppress Leigh's distinct civil rights cases and impose collective punishment.
  - Applied racially biased scrutiny and rejected motions citing racial injustice.
- **Federal Judge Rosenberg:**
  - Referred Leigh to the Bar while herself stating that she had no cause for referral
  - Initially painted Leigh as a liar despite herself ignorant of the advances in technology (the use of Adobe sign and fill)
- **State Judge (Coates):**
  - Previously embarrassed by Leigh in a family law case, where Leigh respectfully, corrected a legal error in open court.

- Reacted with clear animus and disproportionately harsh treatment in subsequent litigation.

- Retaliated by referring Leigh in the Stonybrook housing case, despite press and government reports validating Leigh's claims of dangerous, racially substandard housing.

- **Grievance Committee:**

  - collective punishment,

  - Did not review or investigate claims of retaliatory referral.

  - Refused to hold a hearing on Leigh's claims of systemic bias.

- **Referee:**

  - Cut off Leigh's racial arguments in hearings.

  - Ignored key witnesses and character evidence.

  - Applied inconsistent legal standards not used in white attorney cases.

  - Inferred that Leigh was physically abusive to Watson because of his size.

- **Florida Supreme Court:**
  - Escalated sanction *sua sponte* to disbarment.
  - Ignored internal precedent requiring lesser discipline unless theft, fraud, or dishonesty is shown.
  - Inferred that upholding the 91-day suspension would be treated as a disbarment by the Florida bar.

B. The Charges Were Vague, Shifting, and Unmoored from Professional Harm

Under *In re Ruffalo*, 390 U.S. 544 (1968), disciplinary charges must be based on clear standards and adequate notice. Leigh's case featured constantly shifting interpretations of subjective conduct. In *FCC v. Fox*, 567 U.S. 239 (2012), the Court reaffirmed that vague standards violate due process. Similarly, in *Papachristou v. Jacksonville*, 405 U.S. 156 (1972), the Court invalidated vague criminal statutes that targeted unpopular individuals for lawful conduct.

Leigh was not given fair notice of what behavior would trigger disbarment, nor were the standards consistently or equally applied.

2 . Table: 24 Count Due Process & Constitutional Defect Analysis

24 counts	Originating Judge	Allegation summary	*Due Process/ Constitutional defect*
1	Judge Mathewman/ Hopkins	Social media post using word "shoot"	*Vague, protected speech, mis-interpreted as threat*
2	Judge Coates	Criticism of judge	Core political speech, not misconduct
3	Judge Rosenberg	Motion language called "improper"	Subjective standard, viewpoint discrimination
4	Judge Coates	Alleged courtroom incivility	*Speech-based, vague, culturally biased*
5	Judge Mathewman/ Hopkins	Comments about judicial racial bias	Constitutionally protected opinion
6	Judge Coates	Filing objecting to housing condition dismissal	Client advocacy, not sanctionable
7	Judge Rosenberg	Criticism of opposing counsel conduct	Fair comment in litigation

8	Judge Coates	Opposing removal of co-counsel	*Legal strategy, not misconduct*
9	Judge Coates	Remarks about family court bias	Truthful personal experience, free speech
10	Judge Mathewman/ Hopkins	Post referencing civil rights leader	*Public commentary, not professional breach*
11	Judge Coates	Use of forceful language in brief	Normal rhetorical advocacy
12	Judge Rosenberg	Critique of referral process	Speech against government retaliation
13	Judge Matthewman/ Hopkins	Motion to reconsider	*Substantive due process issue*
14	Judge Coates	Raising race in defense strategy	Raising race in defense strategy
15	Judge Rosenberg	Courtroom conduct characterized as uncooperative	Cultural bias, no real disruption
16	Judge Coates	Client communication interpreted as improper	Attorney-client defense, no public harm

17	Judge Coates	Demanding equal treatment at hearing	*Equal Protection claim, not misconduct*
18	Judge Coates	Statement about white privilege in housing	Constitutionally protected racial analysis
19	Judge Mathewman/ Hopkins	Public post about case delay	*Speech on public concern*
20	Judge Matthewman/ Hopkins	Complaint about judicial demeanor	Permissible critique, not misconduct
21	Judge Rosenberg	General tone of filings seen as "militant"	Racially charged label, not actionable

3. Table: All 24 Counts and Constitutional Violations

This table from the petition documents how each charge violated constitutional protections:

Count	Bar Rule	Alleged Conduct	Constitutional Issue	Controlling Cases
1	4-3.6(a)	Political Facebook Post	First Amendment	*Gentile, Fox*

2	4-8.4(a)	Criticizing judge bias	First Amendment	*Garrison*, *Bridges*
3	4-3.1	Motion re: racial housing violations	First Amendment	*NAACP v. Button*
4	4-3.4(c)	Non-disruptive court filing	Due Process	*Ruffalo*
5–24	Various	Tone, rhetoric, style of expression	Vagueness, Viewpoint Discrimination	*Papachristou*, *Fox*, *Rosenberger*

C. The Florida Bar's Charging and Adjudication Process Was Arbitrary and Prejudicial

After receiving the federal referral in 2017, the Bar took no action for over six years. Bar counsel later admitted the delay was improper. When it finally acted, the Bar:

- Bundled together unrelated allegations across multiple years into a single complaint;
- Ignored the requirement of progressive discipline;
- Failed to provide a fair opportunity for mitigation.

Despite nine mitigating factors—no prior disciplinary history, no client harm, community service—the referee recommended only a 91-day suspension. But the Florida Supreme Court rejected that recommendation *sua sponte*, without any new evidence or findings.

This violated the procedural fairness standards in *Mathews v. Eldridge*, 424 U.S. 319 (1976), and mirrored the arbitrary conduct condemned in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

D. The Disciplinary Charges Themselves Violated Substantive Due Process

Beyond procedural unfairness, the content of the charges and the punishment imposed were constitutionally intolerable. The charges punished core expressive conduct—bias critique of judges, pleadings in civil rights litigation, and social media commentary. Under *NAACP v. Button*, *Rosenberger v. Rector*, and *Bridges v. California*, punishment of political advocacy disguised as professional discipline is unconstitutional.

Moreover, the 24 charges were duplicative. They did not represent distinct legal violations, but reframed Leigh's public speech into an exaggerated pattern. This is not discipline—it is suppression.

E. The Six Grounds for Excessiveness & Arbitrariness in Violation of Due Process

1. **No Prior Discipline** *Mathews v. Eldridge*, 424 U.S. 319 (1976), and *In re Ruffalo*, 390 U.S. 544 (1968).

2. **Vague Charges, Overbroad Standards & Arbitrary Process** *FCC v. Fox Television Stations*, 567 U.S. 239 (2012); *Grayned*, supra., *In re Ruffalo*, 390 U.S. 544 (1968), this Court reversed attorney discipline imposed under shifting theories without proper notice. Here:

- Charges were based on ambiguous standards ("lack of civility").
- No clear rule specified how Leigh's speech violated ethical codes.
- The Florida Supreme Court increased punishment to disbarment sua sponte, contrary to the referee's findings.

3. **No Narrow Tailoring to Prevent Harm** *Gentile*

4. **Punishment for Protected Political and Racial Advocacy** *NAACP v. Button*

5. **Punishment Disproportionate to Similar Cases** *Furman v. Georgia*, 408 U.S. 238 (1972).

6. **Punishment Was Retaliatory for Accusations of Racial Bias** (*Fla. Bar v. Anderson*, 538 So.2d 852 (Fla. 1989)). Leigh's conduct met none of these categories.

4. Table: Summary of the 6 Total Grounds for Excessiveness (Due Process Violation)

Ground	Legal Doctrine	Key Cases
No prior misconduct Proportionality	Proportionality	*Mathews v. Eldridge*, *Ruffalo*
Vague rules	Void for vagueness	*Grayned*, *Fox Television*
Not narrowly tailored	Strict scrutiny	*Gentile*, *Snyder*
Disparate punishment	Equal protection & fairness	*Furman*, *Roper*
Political speech chilled	First Amendment	*Button*, *Speiser*
Retaliation for race-bias claims	Retaliation doctrine	*Perry*, *Mt. Healthy*

F. Systemic Judicial Bias and Retaliation at Every Level of the Process

The record reveals a consistent pattern of unconstitutional behavior by every adjudicative actor involved in Leigh's case. At each stage of the proceedings, bias and retaliation tainted the process:

5. Chart of Bias, Retaliatory & Arbitrary Acts by Judicial Actors

Actor	Date(s)	Retaliatory/ Arbitrary Act(s)	Evidence/ Source
Federal Judge (SDFL)	2016–2018	Referral based on distorted social media post, escalated penalties, referred because Magistrate referred	
Ad Hoc Committee	2017–2018	Proceeded on social media content; mischarac-terized creative speech as threats	
Florida Bar Committee	2018–2023	6-year delay, bundled charges, ignored racial bias claims	

Referee	2023	Ignored 9 mitigating factors, disrupted racial justice arguments	
Florida Supreme Court	2023	Imposed disbarment *sua sponte*, overrode referee, relied on tainted referral	

G. The Florida Bar's Disciplinary Improperly aggregated & Carved 24 Counts in Violation of the Unit of Prosecution Doctrine and Due Process

The Florida Bar's use of 24 charges to justify disbarment violated the **unit of prosecution doctrine** and principles against improper "carving," (See *United States v. Universal C.I.T. Credit Corp.*, 344 U.S. 218 (1952)), and the constitutional guarantee against arbitrary punishment. All 24 charges arose from **a single, continuous pattern of racial advocacy and protected speech**. None involved separate victims, clients, or criminality. They were built on **the same documents, speech, and legal filings**, reframed repeatedly to exaggerate severity.

Under *Bell v. United States*, *Brown v. Ohio*, and *Blockburger*, such carving is impermissible without clear legislative intent and distinct acts. Here, the Bar's strategy mirrors unconstitutional multiplicity in criminal law. It inflates a unified message into dozens of charges—**a textbook violation of substantive and procedural due process**.

Even if multiple referrals were submitted, they were not independent, but from **the same tainted motivations**; Leigh's civil rights advocacy, and the same institutional discomfort with Leigh's nonconformity with expected Black professional existence.

Leigh's prosecution was not a response to misconduct—it was a response to dissent. The Constitution demands more.

Further, many of the counts were based on vague, subjective terms such as "demeaning," "disrespectful," or "inflammatory"—the kind of language the Supreme Court has repeatedly held unconstitutional. (See *FCC v. Fox Television Stations*, 567 U.S. 239 (2012); *Papachristou v. Jacksonville*, 405 U.S. 156 (1972)). Leigh had no clear notice that his conduct was sanctionable.

4. The Thirteenth Amendment Is an Absolute Ban Against Every Form of Anti-Black Racism and Guaranteed Freedmen's Self-Determination, Parens Patriae Protection, and Strict Liability Protections, All of Which Were Violated by the Racially Discriminatory Disbarment of Black Civil Rights Attorney Malik Leigh

A. The Thirteenth Amendment Is a Standalone, Self-Executing & Absolute Ban on Anti-Black Racial Subjugation in All Forms.

As this Court declared in *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968), the Amendment empowers Congress—and by implication, the judiciary—to prohibit private racial discrimination as an "incident of slavery." In *Griffin v. Breckenridge*, 403 U.S. 88 (1971), the Court reaffirmed the power to prohibit private racial violence. In *McDonald v. City of Chicago*, 561 U.S. 742 (2010), the Court reiterated that the Reconstruction Amendments play a structural role in ensuring basic civil rights.

In *The Slaughter-House Cases*, 83 U.S. 36 (1873), the Court explained that the "pervading purpose" of the Reconstruction Amendments was to secure the **freedom, dignity, and equality of the newly emancipated race.**

Thus, any state action that recreates racial subordination or imposes new professional servitudes upon Black Americans is a **direct constitutional violation.** The disbarment of Malik Leigh for racial truth-telling, civil rights advocacy, and speaking uncomfortable truths to power is precisely such an act. Malik Leigh's disbarment represents precisely the kind of oppressive,

race-based punishment the Amendment was designed to prevent. Leigh was not sanctioned for fraud, client harm, or criminality. He was punished for being himself, while exposing discriminatory practices in schools, housing, and the legal system.

B. The Thirteenth Amendment Restored the Freedmen's Right to Self-Determination, Including Four Constitutionally Protected Options

The Thirteenth Amendment did not merely abolish slavery. It **restored the natural, inalienable, and human right to self-determination** to the descendants of the enslaved.

This self-determination right included **four constitutionally and internationally recognized options:**

1. **Integration** into the fabric of U.S. society on equal terms—vindicated in *Brown v. Board of Education*, 347 U.S. 483 (1954), which made clear that segregation (i.e.. forced separation) is inherently oppressive & unequal.

2. **Separation** to form a semi-sovereign Black nation within the United States—a "domestic dependent nation" status, akin to that recognized for Native tribes in *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831), but with even greater legal autonomy, as the Freedmen were wrongfully enslaved, & restoration of their sovereignty mandated not by treaty but instead constitutionally mandated by the Thirteenth Amendment.

3. **Repatriation** to ancestral homelands—affirmed in *The Amistad*, 40 U.S. 518 (1841), where the Court acknowledged the human dignity and sovereignty of Black people born free in Africa.

4. **Emigration** to other sovereign nations—protected by the **International Covenant on Civil and Political Rights (ICCPR)** and the **U.N. Declaration on the Granting of Independence to Colonial Countries and Peoples**, which safeguard the right of all people to freely determine their political status.

To punish Leigh for resisting white institutional dominance, litigating on behalf of Black tenants, and critiquing racial injustice is to punish him for expressing the very **self-determination right that the Thirteenth Amendment enshrined.**

C. Parens Patriae Protection for Black Americans Is Constitutionally Mandated

The Thirteenth Amendment also imposes a **parens patriae duty** on the federal government to **affirmatively protect, repair & restore Black Americans**, whose status as a freed class was not the result of contract, but of national guilt, harm and constitutional revolution.

The *Freedmen's Bureau Acts* and Reconstruction legislation institutionalized this duty, recognizing that emancipation was insufficient without **repair, protection, and economic support**. This duty was never repealed.

As this Court explained in *Sugarman v. Dougall, 413 U.S. 634 (1973); United States v. Carolene Products*

Co., 304 U.S. 144 (1938)(Footnote 4), "discrete and insular minorities" require special constitutional protection when they are politically powerless and subject to prejudice.

The government's parens patriae obligation includes protecting them from new forms of professional or political servitude. When the state disbars a Black civil rights attorney without client harm or dishonesty, and based on constitutionally protected expression, it **becomes an agent of racial oppression,** violating its affirmative constitutional duty.

D. Anti-Black Racism Triggers Strict Liability Under the Thirteenth Amendment

Under the Thirteenth Amendment's **absolute ban,** racism must be treated as a **strict liability constitutional offense:** where state action creates a **reasonable suspicion of anti-Black racial intent or effect,** the burden shifts to the actor to prove the complete absence of racial bias. This framework mirrors that used in *Village of Arlington Heights*, 429 U.S. 252 (1977), and *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), where appearance, pattern, and motive warrant heightened review.

Leigh's disbarment—arising from racially coded discomfort with his advocacy, timing aligned with a white colleague's minimal suspension, and disregard for procedural norms—**satisfies every trigger of strict constitutional scrutiny.**

E. *The Civil Rights Cases* (1883) Must Be Overruled: A Monument to Judicial Racism and Constitutional Error

The Court's decision in *The Civil Rights Cases*, 109 U.S. 3 (1883), held that the 13th Amendment did not authorize federal regulation of private racial discrimination.

That decision:

- Misunderstood the Thirteenth Amendment as narrow and passive;
- Ignored the constitutional role of the Freedmen as a special class requiring protection;
- Denied the federal government's duty to dismantle systemic white supremacy.

The Civil Rights Cases must be overruled. The Thirteenth Amendment was and remains a **free-standing, self-enforcing mandate**, not only banning slavery, but institutionalized racism.

F. Leigh Was Punished for Racial Truth-Telling: A Modern Badge of Slavery

Federal and state authorities, acting in concert, used their legal authority to exile Leigh from his profession for speaking about institutional racism. That is not professional regulation—it is racial suppression. The Florida Supreme Court's *sua sponte* escalation to

disbarment, in the absence of new hearings, findings, or client injury, functioned as a modern-day act of involuntary servitude. It stripped a Black attorney of his livelihood and dignity for daring to litigate against racism working in concert with the Florida Bar.

In *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968), the Supreme Court held that Congress may legislate against "badges and incidents" of slavery. Here, Leigh's punishment was not simply a disciplinary measure; it was an act of state power aimed at silencing Black resistance.

Malik Leigh was disbarred not for theft, fraud, or client harm, but for **resisting systemic racism and speaking racial truth to power.**

He:

- Filed civil rights lawsuits on behalf of Black women and children in toxic HUD housing.
- Publicly exposed judicial bias, housing discrimination, and education discrimination.
- Posted social media content affirming Black identity and political resistance.

As this Court held in *NAACP v. Button*, 371 U.S. 415 (1963), and *Bridges v. California*, 314 U.S. 252 (1941), political advocacy and courtroom criticism are at the core of First Amendment protection. When those rights are denied to Black attorneys based on content and race, the harm is not only constitutional—it is generational.

G. The Referee, Bar Committees, and Florida Supreme Court Functioned as Instruments of Anti-Black Repression and Retaliation.

The Florida Supreme Court disregarded the referee's findings and Florida precedent that disbarment is the "penalty of last resort." Instead, it escalated punishment *sua sponte* based on vague rhetoric about "attitude" and "tone." It applied no individualized analysis and refused to address the racialized origin of the referral. One Florida Supreme Court Justice in open court stated, "Let's say we were moved to suspend your client [Leigh] rather than disbar him [,] I cannot imagine him being admitted or readmitted to the Florida Bar..." is a revelation, not constitutional justice.

The Bar grievance committee refused to review claims of retaliation or racial discrimination and failed to allow Leigh to present witnesses or cross-examine accusers. It treated his expressive litigation advocacy as misconduct, including protected First Amendment filings and motions.

H. The 24 Counts Were a Racially Disguised Tool of Involuntary Servitude

Each of the 24 counts originated from Leigh's constitutionally protected litigation and speech. They were not distinct acts but rather a unified course of civil rights advocacy. Yet they were artificially split ("carved") into multiple charges:

- Many stemmed from a single post or pleading but were repackaged as separate offenses.

- Some were so vague that Leigh could not reasonably defend against them, violating the Due Process vagueness doctrine (*Papachristou v. Jacksonville*, 405 U.S. 156 (1972)).

- The entire unit of prosecution was manipulated to inflate the number of "offenses," without any intervening victims, criminal intent, or clear distinction in conduct (*Blockburger v. United States*, 284 U.S. 299 (1932)).

This improper multiplication of charges mirrored *McDonnell v. United States*, 579 U.S. 550 (2016), where vague standards and overbreadth allowed prosecution of routine conduct.

Just as in *Bailey v. Alabama*, 219 U.S. 219 (1911), where the Court struck down laws criminalizing breach of contract by Black workers, this punishment functioned to trap Leigh in permanent professional exclusion based on race.

I. Collective Punishment of Leigh and Co-Counsel as a Badge of Slavery

Leigh's white co-counsel, Danielle Watson, was not individually accused of any serious wrongdoing. She was really punished because of her affiliation with Leigh. This

is textbook collective punishment, prohibited under all civilized legal systems and clearly unconstitutional.

CONCLUSION & PRAYER FOR RELIEF

This case presents a profound constitutional crisis: whether the state may weaponize attorney discipline to suppress racial truth-telling and disbar a Black civil rights lawyer for confronting injustice. The answer must be no.

There was no justifiable basis—factually, legally, or ethically—to discipline Malik Leigh. He caused no harm to clients. He committed no fraud, no theft, and no misconduct recognized by established disciplinary standards. The referral from the federal judges were retaliatory, the charges were vague and unconstitutional, and the entire proceeding—from the grievance committee to the Florida Supreme Court—was tainted by bias, arbitrariness, and racial reprisal. **It was unlawful to discipline him at all.**

This was not regulation. It was suppression. Leigh was punished because he dared to speak the truth about racism—in courtrooms, on social media, and in service to vulnerable communities. That punishment was not only a violation of the First, Fifth, and Fourteenth Amendments—it was a direct, structural violation of the **Thirteenth Amendment**.

The Thirteenth Amendment abolished more than physical slavery. It banned every badge and incident of anti-Black subjugation—including professional exclusion, retaliatory prosecution, and systemic silencing of Black

resistance. This case proves those protections are not yet secure.

To uphold Leigh's disbarment is to uphold the very structure of modern racial servitude that the Thirteenth Amendment was enacted to destroy. **It is time to enforce that Amendment in full.** It is also time to **overrule** *The Civil Rights Cases* **(1883)**, which wrongly narrowed the Thirteenth Amendment to physical bondage and denied Black Americans the full constitutional shield they are due. That ruling, like *Plessy*, has become an obsolete and morally indefensible relic.

This case satisfies every criterion under Supreme Court Rule 10. It raises national questions of first impression, reveals deep constitutional error, and involves one of the most egregious acts of racialized legal suppression in recent memory. It asks whether the Constitution still or ever protects Black advocacy—especially when it is inconvenient or uncomfortable to power.

This Court must grant the writ of certiorari—not just to restore justice for Malik Leigh, but to affirm that the Thirteenth Amendment still lives.

Malik Leigh prays this Court reverses his disbarment, dismisses all 24 counts against him & restores him to practice law in Florida as a champion of the civil liberties of Black and all Americans.

Respectfully submitted,

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