No. 24-_____

In the Supreme Court of the United States

RAYMOND GUZALL III,

Petitioner,

v.

GRIEVANCE ADMINISTRATOR,
ATTORNEY GRIEVANCE COMMISSION,

Respondent.

On Petition for a Writ of Certiorari to the Michigan Supreme Court

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

States cannot be allowed to prosecute upon altered court recordings. The Michigan Court of Appeals gave Petitioner (Guzall herein) a copy of a court hearing with a judge's voice dubbed in. Three witnesses confirmed Michigan courts gave him three altered court recordings of court proceedings involved in his grievance case, removing evidence of judicial bias. Respondent ignored the *testimony of those three witnesses confirming those court recordings were manipulated* and refused to produce the original recordings which exonerate him. Michigan's process and procedures offend the Constitution, Guzall's rights were violated. The questions presented are:

1. Can a state prosecute upon court records or recordings they manipulated?

2. Can a state conceal or withhold original court recordings and/or original grievance recordings where a state produced incomplete or altered copies?

3. Can a state maintain procedures allowing it to confiscate or withhold pleadings filed to a state attorney grievance panel?

4. Does a state violate the U.S. Fourteenth Amendment when refusing to apply a 3.5 year filing delay, concealing evidence of their reasons for delay, concealing docketed records, or by preventing witness confrontation?

5. Does a state violate the Fourteenth Amendment when selecting a grievance panel outside of their common practice to insure due process, when seating an agent of a grieved attorney's adversary on a state

panel, when creating facts to discipline an attorney or when a state panel refuses to hear a grieved attorney?

6. Can a state attorney grievance board order attorneys to unwanted medical treatment upon a manufactured record and/or upon their beliefs, to a state created agency without medical testimony or medical records?

7. Can a state compel an attorney's speech to obtain and/or maintain their law license?

8. Can a state take an attorney's law license by manufacturing jurisdiction or upon state court records or judgments where those state courts had *no* jurisdiction?

PARTIES TO THE PROCEEDINGS

Petitioner and Respondent-Appellant below

- Raymond Guzall III

Respondents and Petitioner-Appellee below

- Grievance Administrator, Attorney Grievance Commission (State of Michigan)

LIST OF PROCEEDINGS

Michigan Supreme Court

SC: 166472

Grievance Administrator, *Petitioner-Appellee,* v. Raymond Guzall, III, *Respondent-Appellant.*

Date of Final Order: March 29, 2024

Date of Order Modifying March 29, 2024 Order and Denying Reconsideration: May 29, 2024

State of Michigan, Attorney Discipline Board

Case No. 20-54-GA

Grievance Administrator, Attorney Grievance Commission, *Petitioner/Appellee,* v. Raymond Guzall, III, P 60980, *Respondent/Appellant.*

Date of Final Order: September 29, 2023

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Raymond Guzall III (Guzall herein) respectfully petitions for a writ of certiorari to review and overturn the judgments of Michigan's Supreme Court and its Grievance Board (Board herein).

ORDERS AND OPINIONS BELOW

Michigan's Supreme Court issued an order March 29, 2024 (App.1a-2a). The Michigan Attorney Discipline Board's opinion and order (App.3a-36a) is unpublished.

JURISDICTION

Michigan's Supreme Court issued its final order May 29, 2024 (App.37a-38a). This Court has jurisdiction pursuant to 28 U.S.C. § 1257.

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. I

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people

peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const., amend. XIV, § 1

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State 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.

STATEMENT OF THE CASE

Michigan courts gave Guzall three altered court recordings missing judicial statements of bias against him as to matters involved in his grievance case, *confirmed by three witnesses*. (*Grv. Tr.*, 52:10-17, 104:18-23 (5-17-21); *Grv. Tr.,* 230:4-10 (12/28/20); *Grv. Tr.*, 36, 52-54, (7-29-22)). Michigan's Court of Appeals gave Guzall a recording with a dubbed in voice of a judge covering up judicial bias against him. (*Grv. Tr.*, 41:20-44:8 (6-13-22); Guzall's 6-27-22 Motion to the Panel, p. 16 and Ex. 9). Respondent ignored the *testimony of those three witnesses confirming the manipulated court recordings* and refused to produce the original complete and accurate recordings Guzall requested which exonerate him. (Guzall's *Petition for Review*, (1-18-23); Guzall's *Emergency Motion to the Board*, (2-12-23); Guzall's *Amended Supporting Brief*

for Petition for Review, (3-21-23); (App.3a-38a). Guzall was prosecuted upon manipulated court recordings.

Guzall's 6-2-22 *Emergency Motion to the Panel* requested Michigan's Grievance Panel (Panel herein) order production of the "original recording" of Michigan's Attorney Grievance Commission's (Commission or Respondent herein) "transcript (Exhibit 29)" citing "due process violations. . . . " *Id.*, 20. The Panel **never heard** Guzall's 6-2-22 *Emergency Motion* as the Board confiscated and withheld that motion from the Panel. (App.39a-40a). Respondent used manipulated Michigan court recordings, court records and created facts to prosecute Guzall and suspend his law license. (*Grv. Tr.*, 52:10-17, 104:18-23 (5-17-21); Guzall's *Emergency Motion to the Panel* (6-2-22); Guzall's *Petition for Review*, (1-18-23)).

Guzall's 9-28-22 Motion requested production of several grievance hearing recordings as transcripts were facially inaccurate and tone and demeanor were relevant to show bias. The Board's Office Administrator Sherry Mifsud informed Guzall "There was ***not*** a ruling on the 9/28/22 motion." (App.41a, 1/30/23 email, 12:38 pm). The Board usurped the Panel's jurisdiction, their docket confirms there was ***no*** ruling on Guzall's 9-28-22 motion. (Guzall's *Motion* to the Michigan Supreme Court, Ex. 4, (2-20-24)).

Respondent filed their grievance against Guzall on 8-3-20 delaying *3.5 years* after signing their Request for Investigation on 3-2-17. (*Guzall's Response To Petitioner's Motion in Limine and Counter Motion*, 2-14, (6-9-22)). Respondent concealed and withheld evidence as to *who* prompted their 8-3-20 complaint and *what* precipitated their filing *3.5 years later*. *Id.*

The Board required Guzall file pleadings through their e-filing system to their clerk "only". (https:// adbmich.org, under "e-filing", "service and filing of pleadings" at para. 5). The Board withheld Guzall's motions to the Panel from the Panel usurping the Panel's jurisdiction preventing a fair trial and fair sanction hearings violating Guzall's due process rights. (App.39a-41a).

The Board's staff directed private company Hanson to *withhold* grievance hearing recordings from Guzall, concealing the full and accurate record from him. (Guzall's *Motion* to Michigan's Supreme Court, Ex. 1, (2-20-24)). The Board concealed documents listed on their docket sheet by labeling those documents as "other documents", with no title or entry date, (*Id.*, p. 7-8) and selected the Panel in Guzall's case outside the Board's stated common practice, despite their common practice purpose to "insure an objective trier of fact." (Guzall's *Motion for the Board to Disclose Its Selection Process as to the Panelists*, pp. 2, 5, 13-14, (6-4-21)).

Joshua Kaplan was seated as a panelist in Guzall's case *although he was* an *agent of* and *employed by* Guzall's adversary. (Guzall's *Motion for the Board to Disclose Its Selection Process*, (6-4-21)). The Board, Panel and Respondent concealed who selected the Panel and concealed how panel selection occurred. (Guzall's *Application for Leave to Appeal*, Michigan Supreme Court Case No. 166472, pp. 2, 7, 33-36, (12-18-23)). The Panel relied on stare decisis and estoppel, never hearing Guzall, ruling they could *not* hear him by law. (*Panel Report*, 5, 6, 7, (4-1-22)). The Board refused to apply the Panel ruled they could not hear Guzall regarding Respondent's claims brought against him. (App.1a-38a).

Michigan's Board ordered Guzall to unwanted medical treatment with no medical testimony (App.1a-38a), no medical evidence related to any charge brought against him (*Id.*) and compelled his speech to obtain and maintain his law license. (App.4a-6a). Michigan's Board suspended Guzall's law license he held for 24 years upon Michigan courts having no jurisdiction, confirmed by Respondent's witness at trial. (*Grv. Tr.,* p. 75:22 to 76:2, (12-28-20)).

REASONS FOR GRANTING THE PETITION

I. MICHIGAN COURTS GAVE GUZALL ALTERED COURT RECORDINGS. HE WAS PROSECUTED UPON THOSE ALTERED COURT RECORDINGS AND MANIPULATED RECORDS.

Guzall notified Respondent Michigan's Court of Appeals gave him a court recording "missing" statements of "Judge Borrello" and "complete", "accurate" records were required. (Guzall's *Ans. to Complaint*, 31:para. 39, last para., (10-7-20)). He requested "all original evidence be preserved or it's a violation of due process" and requested "original evidence, including tapes in the Court of Appeals. . . . " *Id.*, 37, para. 6 and 12. The original court recordings Guzall requested confirm he was deprived of due process, ultra vires acts and required dismissal of Respondent's case, Respondent *never* produced or used the original recordings in Guzall's case, prosecuting him upon altered court recordings and manipulated records.

Guzall notified Michigan's Supreme Court that Michigan courts gave him altered court recordings and

identified three altered recordings of Judges Alexander, Talbot and Borrello he detailed before the Board, Commission and Panel. (Guzall's *Application for Leave to Appeal*, Michigan Supreme Court Case No. 166472, pp. 1, 37-39, (12-18-23)). Michigan's Supreme Court ignored the issue. (App.37a-38a). This Court holds "A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment." *Schware v. Board of Bar Examiners*, 353 U.S. 232, 238 (1957). Prosecuting Guzall upon altered court recordings and manipulated records violated his Constitutional Due Process rights to a fair process and impartial judges.

Respondent's prosecutor Kimberly Uhuru *created* a transcript of a case Guzall argued, the Diane Harris hearing held before Michigan Court of Appeals Harris Panel # 2 with Judge Borrello, given Case No. 331652, *Diane Harris v. Greektown Superholdings et al.* The Michigan Court of Appeals gave Guzall an altered copy of that hearing recording missing statements of Judge Borrello. On 5-17-21 Guzall filed a motion to recuse Judge Borrello notifying Michigan's Court of Appeals of the altered court recording they gave him and Borrello's missing statements. (*Guzall v. David Warren and Barry Seifman*, Michigan Court of Appeals Case No. 352004). They ignored the issue *never denying* they gave Guzall an altered court recording, *never denying* Borrello's statements were made, yet Borrello denied Guzall's motion. Guzall testified to Borrello's specific missing statements illustrating "bias and prejudice" against him. (*Grv. Tr.*, 52:10-17; 104:18-23 (5-17-21)).

The Panel relied on Uhuru's created transcript (Commission's trial Ex. 29 at Guzall's grievance trial) *after being advised the exhibit was edited*, the Panel never responded to Guzall's production request. (*Grv. Tr.*, 181, (12-28-20)). Panel Chair Silver stated "I'll reserve a response to your request with respect to the recording", yet *never gave a response*. *Id*. At the 6-13-22 hearing on that same issue, court recording alteration, Silver stated to Guzall's attorney Dobreff, "You could have objected", Dobreff replied, "we did" (*Grv. Tr.,* 9, 15-16 and 22, (6-13-22)), and Dobreff did object at page 181 of that 12-28-20 grievance transcript. Guzall was deprived of due process as the Panel *never* allowed the original court recordings he requested and those original recordings exonerated him and required dismissal.

Respondent made claims against Guzall dating back to the year 2012. On 3-20-13 Guzall attended a hearing before Judge Alexander on his Motion to recuse him from pending Case No. 2012-125053-CZ, Guzall's litigation with his former law partner Barry Seifman in Oakland County Circuit Court. At that hearing Judge Alexander stated to Guzall, "Is there anything else you want to do to me." (*Guzall's Motion to the Panel*, Ex. 7, para. 8, (6-27-22)). Guzall "requested a copy of the transcript and that statement by Judge Alexander did ***not*** appear in the transcript". *Id*., emphasis. Marianna Guzall testified to the court record alteration she witnessed in the Guzall-Seifman case before Judge Alexander. (*Grv. Tr.*, 36, 52-54, (7-29-22)). Judge Alexander recused himself from that lawsuit after Guzall filed a complaint regarding that altered court recording. (*Guzall's Motion to the Panel*, pp. 17-18, (6-27-22)).

On 1-10-17 in *Guzall v. Seifman*, Case No. 328643 before Judge Michael J. Talbot at the Michigan Court of Appeals, Judge Talbot yelled at Guzall. Michigan's Court of Appeals gave Guzall a copy of that hearing recording with Judge Talbot's voice dubbed in, covering up Judge Talbot yelling at him. (*Grv. Tr.*, 41:20-44:8 (6-13-22); Guzall's *Motion* to the Panel, p. 16 and Ex. 9, (6-27-22)). Respondent's witness attorney David Warren testified in this case Judge Talbot in fact *yelled* at Guzall during that 1-10-17 hearing, (*Grv. Tr.*, 230:4-10 (12/28/20)). *Id*. Guzall produced a copy of that altered recording Michigan's Court of Appeals gave him which shows there is *no* yelling by Talbot in that recording. *Id*. Respondent's witness David Warren *confirmed Guzall was given an altered court recording* yet Respondent ignored that fact and deprived Guzall of his due process rights to fair hearings and impartial judges when refusing to produce, use or apply that ***unedited*** *court recording* in Guzall's grievance case.

Giving Guzall altered court recordings and refusing to give him the unedited recordings of those same cases used to prosecute him amounts to an unfair tribunal and unfair trial. This Court determined "a fair trial in a fair tribunal is a basic requirement of due process. This applies to administrative agencies which adjudicate as well as to courts." *Withrow v. Larkin*, 421 U.S. 35, 46 (1975), cites omitted.

"Our system of law has always endeavored to *prevent even the probability of unfairness*." *In re Murchison*, 349 U.S. 133, 136 (1955), emphasis. This Court considered "the risk of undermining the public's confidence in the judicial process" and ordered a "new trial". *Liljeberg v. Health Services Acquisition Corp*.,

486 U.S. 847, 862, 864 (1988), cite omitted. Respondent using manipulated recordings and records to prosecute Guzall deprived him of his Constitutional rights and law license. This Court is called upon to rectify Guzall's Constitutional rights being violated and restore public confidence in the judicial system.

II. MICHIGAN'S PROCEDURES OFFEND THE FOURTEENTH AMENDMENT.

The Panel never heard Guzall's 6-2-22 Emergency Motion to the Panel. (App.39a-40a). "The right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976), emphasis.

The Board required Guzall file pleadings through their e-filing system. MCR 9.115(A) required the Board send Guzall's motions to the Panel, stating "all" "pleadings must be served on the opposing party *and each member of the hearing panel*." "Proceedings" are "before a *hearing panel*." MCR 9.115(B), emphasis. The Panel's Chair Silver stated they *never received* Guzall's 6-2-22 Emergency Motion (App.39a-40a) yet the Board's docket lists that motion as filed. The Board never denied the Panel did *not* hear Guzall's 6-2-22 Emergency Motion. (App.3a-36a).

The Board confiscating and withholding Guzall's 6-2-22 Emergency Motion *to the Panel*, *from the Panel* clearly deprived him of due process as he was not heard. Guzall's 6-2-22 Emergency Motion demonstrate Respondent withheld evidence, and specifically cited the Panel's indisputable false statements and created facts *for the Panel to address and correct*. The Board

cited *NO* authority to usurp the Panel's jurisdiction, confiscate or withhold Guzall's 6-2-22 Emergency Motion. This Court recognizes the "right to a neutral and detached judge" as a basic "due process" requirement. *Concrete Pipe & Prods. of Cal., Inc. v. Constr. Laborers Pension Tr. for S. Cal.*, 508 U.S. 602, 617 (1993). The Board's interference with the Panel's decision-making authority and usurping their jurisdiction violated that cited core due process protection.

There was ***no*** ruling on Guzall's 9-28-22 motion per Sherry Mifsud, informing Guzall "There was ***not*** a ruling on the 9/28/22 motion." (App.41a). Guzall *attached Mifsud's email to his 2-14-23 Motion to the Board*. The Board never addressed or applied Mifsud's statement, nor did Respondent or Michigan Supreme Court. The Board's mandated filing procedure allowing them to confiscate and withhold Guzall's motions from the Panel violated the Fourteenth Amendment and deprived him of due process as his 9-28-22 motion was never heard or ruled upon.

Michigan's Board deprived Guzall of his right to be heard when they confiscated and withheld his 6-2-22, 8-12-22 and 9-28-22 motions to the Panel from the Panel. The Board's docket shows the Panel never heard Guzall on those motions. (Guzall's *Motion* to Michigan's Supreme Court, Ex. 4, (2-20-24)). "The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Mathews, supra*, 333. Michigan's Board deprived Guzall of his opportunity to be heard by the Panel when they confiscated and withheld his 6-2-22, 8-12-22 and 9-28-22 motions from the Panel. Guzall was not heard at all, let alone at a meaningful time or meaningful manner.

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment." *Willner v. Committee on Character*, 373 U.S. 96, 102 (1963), cite omitted. Michigan's Board excluded Guzall from practicing law in a manner and for reasons contravening the Fourteenth Amendment and presently maintain their cited procedures which offend the Fourteenth Amendment, requiring granting this petition.

III. RESPONDENT'S 3.5 YEAR FILING DELAY, CONCEALING EVIDENCE AND PREVENTING WITNESS CONFRONTATION OFFENDS THE DUE PROCESS CLAUSE.

Michigan's Supreme court holds "a 19-month delay is presumptively prejudicial" within *People v. Williams*, 475 Mich. 245, 716 N.W.2d 208, 219 (2006). Respondent delayed **over 40 months** filing their 8-3-20 complaint against Guzall, yet the Board, Panel, Respondent nor Michigan Supreme Court *addressed that law* or *applied* that law as to Respondent's 3.5 year delay in that context. (App.1a-38a). The Panel and Board refused to require Respondent overcome the presumption of prejudice here. *Id*.

The U.S. Eastern District Court of Michigan held delays in accusations approaching one year are presumptively prejudicial. *Burns v. Lafler*, 328 F. Supp. 2d 711, 722 (ED Mich. 2004). The Michigan Supreme Court holds delay *precludes equitable relief* per *Seaman v. Ironwood Amusement Corp*., 283 Mich. 220, 243 (Mich. 1938). The Panel and Board ignored applying those cases. (App.1a-38a).

When a state delays *nineteen months* or more filing a complaint, the attorney grieved should be given evidence as to who and what precipitated the filing, otherwise a ***clear*** deprivation of due process occurs. In Guzall's case Respondent's ***3.5 year filing delay*** deprived him of due process. (*Guzall's Emergency Motion*, pp. 1-11, (5-23-22)). Respondent, Board and Panel concealing who and what precipitated Respondent's complaint 3.5 years after their signed 3-2-17 Request for Investigation amounts to a clear deprivation of due process and required discovery as to the motive for filing Respondent's 8-3-20 complaint *3.5 years later*. A Michigan Supreme Court ruling confirms Guzall was denied fundamental fairness and deprived due process as he was prevented from questioning anyone regarding who and what precipitated the 8-3-20 complaint against him, "[w]e find that the hearing at which the respondent was ***unable to cross-examine*** the complaining witness ***lacked fundamental fairness***." *State Bar of Michigan v. Murphy*, 387 Mich. 632, 633 (Mich. 1972), emphasis. This Court confirms Guzall's Due Process rights were violated when the Panel and Board prevented his requested witness examinations:

> "procedural due process often requires confrontation and cross-examination of those whose word deprives a person of his livelihood. *See Greene v. McElroy*, 360 U.S. 474, 492, 496-497, and cases cited. That view has been taken by several state courts when it comes to procedural due process and the admission to practice law. . . . We think the need for confrontation is a necessary conclusion from the requirements of procedural due

process in a situation such as this." *Willner, supra*, 102, citations omitted.

Respondent *could have* filed their 8-3-20 complaint against Guzall (as to their 3-2-17 Request for Investigation) in the year 2017, 2018 or 2019, yet delayed filing until the year 2020. Respondent produced no evidence why they delayed 3.5 years.

Michigan's Board made the record what it is not, stating "delay" was "not raised" to the "panel" and "thus is not properly before the Board." (*Board Order*, (11-23-21)). The Board *refused to hear* Guzall in November of 2021 upon manipulating the record in their 11-23-21 Order, as Guzall's attorney *raised the issue of delay* before the Panel in his 12-18-20 Motion to Dismiss and on 12-28-20. (*Grv. Tr.*, 34:19-21, (12-28-20)).

Michigan's Panel made the record what it is not when stating Guzall "first" raised the issue of delay being cause for dismissal within his "closing". (Guzall's *Motion*, Ex. D, p. 5, para. 2, (8-12-22)). On 12-28-20, the first hearing, Guzall's counsel stated "this *action should be* ***dismissed*** *as a violation of my client's due process and in the* ***years of delay in even bringing this grievance***." (*Id.*, at Ex. E, *Grv. Tr.*, 12-28-20, 34:19-21). The Panel "cannot make the record what it is not." *Roman Catholic Archdiocese of San Juan v. Acevedo Feliciano*, 140 S. Ct. 696, 701 (2020). The Board's 8-30-22 order did not apply or address the Panel's *created fact* on the key issue of Respondent's "delay" and the Board never addressed or applied their created fact as to "delay" in their 11-23-21 Order.

Guzall requested all evidence showing why Respondent delayed filing 3.5 years and requested Uhuru's

deposition. (*Guzall's Response To Petitioner's Motion in Limine and Counter Motion*, 2-15, (6-9-22)). Michigan's Panel and Board denied Guzall due process when refusing to apply Respondent's 3.5 year filing delay and when refusing to provide evidence or allow Guzall to examine witnesses who knew why Respondent delayed 3.5 years in filing their complaint against him.

IV. MICHIGAN'S PANEL PROCEEDED UPON STARE DECISIS AND ESTOPPEL, RULING THEY COULD *NOT* HEAR GUZALL, DEPRIVING HIM OF DUE PROCESS.

Michigan's Panel relied on stare decisis and estoppel stating, "Under fundamental principles of *stare decisis*, this Panel *cannot* come to a different conclusion" and cited "collateral estoppel" as "binding". (*Panel Report*, 5, (4-1-22), emphasis). **The Panel *never heard* Guzall *stating* they could *not* by law hear him**. *Id*.

Stare decisis was not applicable here, "[t]his proceeding is ***not*** governed by the decision of the Court of Appeals under the principle of *stare decisis*." *Grievance Administrator v. George R Darrah*, Case No. 92-201-GA, p. 4, (1994), emphasis. The Panel *proceeding* in Guzall's hearings upon stare decisis and estoppel deprived him of due process. The Board quoted Michigan's Supreme Court holding the "Michigan Court of Appeals . . . has ***no*** role in disciplinary proceedings. *Sternberg v. State Bar of Michigan*, 384 Mich 588 (1971)." *Darrah, supra*, p. 4, emphasis.

The Panel confirmed they *never* limited their use of stare decisis and estoppel to Count One as at *Count Two* the *Panel stated Guzall's defenses were meaningless as the matters* "were ***already decided*** by the courts

years ago." (*Panel Report*, 6, 2nd to last para., (4-1-22)). The Panel ruled they did *NOT* hear Guzall, depriving him of due process stating "*the issue of liability has already been determined*." *Id.*, 2nd para., emphasis. The Panel clearly did not hear Guzall.

The Panel continued to apply stare decisis and estoppel at Count Three quoting the court on its facts and finding, and stated "*the court's dismissal made that clear*." (*Panel Report*, 7, (4-1-22)). The Panel stated "stare decisis" and "estoppel" were the reasons why they could "not come to a different conclusion", applying stare decisis and estoppel at each count depriving Guzall of due process.

The Board ruled "admitting" court records was proper, but admission was ***not*** the issue. (App.17a). The issue was the Panel *relied* on the courts throughout Guzall's case *based* on stare decisis and estoppel, *as the Panel stated*. (*Panel Report*, 5, 6, 7, (4-1-22)). The issue is the Panel ruled they could *not* hear Guzall *because* of court rulings. *Id*. The Panel *confirmed reliance* on stare decisis and estoppel at each count, stating at Count Three Guzall continued "to try and justify what several courts previously determined was unjustified." (*Panel Report*, 7, (4-1-22)). That Panel statement clearly demonstrates their procedure deprived Guzall of due process as the Panel ruled they could *not* hear him because the courts ruled he was wrong.

The Board stated the Panel "did not rely upon Count One in determining the appropriate sanction", (App.17a, fn. 1), *yet on the face of the record their statement is incorrect*. (*Panel Report*, p. 3, (12-28-22)). And even *if* correct, Michigan's Board violated Guzall's due process rights because the Panel *proceeded upon* stare decisis and estoppel. Guzall requested in his 10-

19-23 Motion for Reconsideration the Board ***identify where they claim*** the Panel stated they did *not* rely on Count One in their 12-28-22 Sanction Report. The Board did ***not*** identify their claim, as the Board *created* that fact despite the documented record to the contrary. The Panel **did *not* state** in any report Count One was excluded from the discipline imposed. The Panel ***cited* to Count One at page 3 of their 12-28-22 Sanction Report**. (*Panel Report*, p. 3, (12-28-22)). The Board did not identify where they claim the Panel stated they did *not* rely on Count One within their 12-28-22 Sanction Report or in any report ***because*** the Panel ***cited*** Count One at page 3 of their 12-28-22 Sanction Report. *Id*. The Board "**cannot make the record what it is not**." *Roman Catholic Archdiocese of San Juan, supra*, 701, emphasis.

The Panel proceeding upon stare decisis and estoppel at any point in Guzall's case clearly constituted a deprivation of due process and deprived him of due process. The record shows the Panel proceeded upon stare decisis and estoppel throughout Guzall's case and at each count, therefore even if the Board were correct claiming the Panel did not rely on Count I when sanctioning Guzall, **the Panel relied on stare decisis and estoppel *at each count***, depriving him of due process. (*Panel Report*, 5, 6, 7, (4-1-22)).

V. RESPONDENTS DID *NOT* FOLLOW THEIR COMMON PRACTICE TO "INSURE AN OBJECTIVE TRIER OF FACT" WHEN SELECTING THE PANEL IN GUZALL'S CASE, AND SEATED AN AGENT OF HIS ADVERSARY ON THE PANEL DEPRIVING HIM OF DUE PROCESS.

The Board stated "common practice is to assign hearings to panels outside of the area where the accused attorney practices in order to avoid unneces-

sary notoriety and ***insure*** an objective trier of fact." *Grievance Board v. Leroy Daggs*, Case No. 35447-A, 5 (1979) emphasis. Their common practice was ***not*** followed as each panel member was located within 14 miles of Guzall's office, the same county Guzall is located and tri county area he practiced. (Guzall's *Closing Argument*, 69-71; 82-83; 86, (1-3-22)). The Board and Respondent ***ignored*** the Board's *stated* "common practice" for panel ***selection*** in *Daggs, supra*, and improperly argued *hearing location* in MCR 9.115(G), which has ***nothing to do with selection***. (App.34a). ***Selection***, and ***following*** common practice to "***insure*** an objective trier of fact" are the issues. It is axiomatic that to comply with the Fourteenth Amendment no attorney should be judged by a panel *selected* outside of common practice, particularly where that common practice is to "insure an objective trier of fact." *Daggs, supra*, 5. The Board concealed *how* they selected the Panel in Guzall's case. (Guzall's *Application for Leave to Appeal*, Michigan Supreme Court Case No. 166472, pp. 2, 7, 33-36, (12-18-23)). Guzall requested *disclosures* be made because an agent and employee of his adversary, Joshua Kaplan was seated on the Panel. *Id.* The Board and Michigan Supreme Court denied Guzall's requests for disclosures and refused to disclose who selected the panel or how selection occurred. *Id.* The Board *concealing* the panel *selection* process, *not* following common practice in panel selection and seating an agent of Guzall's adversary as a panelist deprived him of due process.

Panelist Kaplan advised of a "potential conflict" on 4-26-21 in Guzall's grievance case, being appointed as an attorney in the City of Romulus by Mayor Burcroff in 2014. (Board's 4-26-21 email attaching

Kaplan's 4-26-21 email). Kaplan *sat* as a panelist in Guzall's case for *over one year* while serving Romulus and Mayor Burcroff, a city Guzall previously worked and subsequently sued as Burcroff was involved in Guzall's wife's termination, because when asked, she informed those City administrators she would not lie to the Michigan State Police to cover up illegal conduct. (Guzall's *Motion*, p. 3, ex. 1, (4-29-21)). Guzall objected to Kaplan continuing as a panelist citing "Judicial integrity is, in consequence, a state interest of the highest order." *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 889, (2009). (Guzall's *Reply*, p. 2, (5-11-21)). Prosecutor Uhuru admitted there was a "risk of bias" allowing Kaplan to remain as a panelist, (*Petitioner's Rsp. to Guzall's Mtn.*, 2, (6-21-21), the Board ignored the facts and law and never applied Kaplan's conflict*s* of interest.

"The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases." *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980). "Due process requires that the accused receive a trial by an impartial jury free from outside influences." *Sheppard v. Maxwell*, 384 U.S. 333, 362 (1966).

Michigan Canon 2 states in relevant part "A judge must avoid all impropriety and appearance of impropriety." *MI R CJC Canon 2*A. As guidance, Guzall cited "Even where the question is close, the judge whose impartiality might reasonably be questioned must recuse himself. . . . " *Roberts v. Bailar,* 625 F.2d 125, 129 (6th Cir. 1980). Applying Canon 2A, *Marshall, supra*, *Sheppard, supra*, and *Roberts, supra*, Kaplan could not have remained a panelist to maintain the "public's confidence in the judicial process".

Liljeberg, supra, 864, cite omitted. The Board has held recusal or disqualification is required where "mere questions of the impartiality of a hearing panel threaten the purity of the discipline process." *Michigan Grievance Board v. Joseph Moch*, Case No. 131-88, 3 (1991). The Board violated Guzall's due process rights when refusing to apply the law and its rulings.

The Board did *not* provide analysis as to how Kaplan, an agent and employee of Romulus *when appointed as a panelist*, hired by Burcroff and served at his pleasure did not illustrate an appearance of impropriety, risk of actual bias, threat of retaliation and unfairness allowing Kaplan to judge Guzall. The Board's 5-17-21 and 11-23-21 orders did not provide analysis with application of Guzall's cited facts, such as Kaplan's association with Respondent's witness Barry Seifman, which prevented Kaplan from serving as a panelist. (Guzall's *Closing Argument*, 18-19; 70-82, (1-3-22)). The Board violated the "fundamental fairness" requirement willfully ignoring applicable facts. *Bearden v. Georgia*, 461 U.S. 660, 661 (1983).

The Board previously relied upon the courts citing "*every possible temptation* to the average man as a judge . . . not to hold the balance nice, clear and true between the state and the accused denies the latter due process of law. . . . *Moch, supra*, 7, emphasis. Yet when it came to applying the law and their "common practice" in Guzall's case, the Board refused, and when they refused to disqualify Kaplan, who was selected as a panelist *outside* of their "common practice", the Board clearly deprived Guzall of his Due Process rights.

VI. BOARD STAFF DIRECTED A PRIVATE COMPANY TO *WITHHOLD* RECORDINGS FROM GUZALL, DEPRIVING HIM OF DUE PROCESS.

On 1-30-24 the Board's Executive Director and Deputy Wendy Neeley *directed* private recording company Hanson *not* to provide Guzall a copy of the hearing recordings he requested. (Guzall's *Motion* to the Michigan Supreme Court, Ex. 1, (2-20-24)). They cited *no* authority to *direct* a *private company*. *Id*. Guzall requested the Board's staff rescind directing private recording company Hanson not to give him the hearing recordings, they did not respond. (*Id*., Ex.17).

The 9-16-22 grievance transcript provided to Guzall on 12-28-22 has ***ONE*** **line** on page 37, and lines 2-25 **are *BLANK***. (Guzall's *Motion* to the Michigan Supreme Court, Ex. 18, (2-20-24)). The 5-17-21 transcript states "the clerk scheduled the rehearing, with Vordizi (phonetic)" at p. 81, line 5, an important fact in this case which makes *no* sense as transcribed. (*Id*., Ex. 19). The 6-13-22 transcript makes *no* sense and appears to be missing words at p. 107 lines 19 to 25. (*Id*., Ex. 20). "Fundamental fairness" required the Board give Guzall the full and accurate hearing recordings. *Bearden, supra,* at 661. The Board violated Guzall's Fourteenth Amendment rights to a fair process and impartial judges when depriving him of the complete and accurate record.

A. Michigan's Process Was *Not* Fair, Violating Guzall's Rights.

The Panel ***never*** ruled on Guzall's 9-28-22 motion (App.41a), and he was *not* given the recordings he requested. Recordings are required for a "full and fair record" and the Board cannot give Respondent "unfair

advantage". *Michigan Grievance Administrator v. Richard M. Maher*, Case No. ADB 87-88, 6; 14 (1993). The hearing recordings were required as to prosecutor Uhuru's tone, mocking Guzall for having to deal with a life threatening medical issue requiring multiple surgeries, *and* Guzall stated "Chairperson Silver took a hostile, prejudicial and antagonistic tone with Respondent [Guzall] on June 13, 2022. . . . " (Guzall's *Motion*, 6, (9-28-22)). Guzall cited *People v. Stevens*, 498 Mich. 162, 164, (Mich. 2015) as "tone and demeanor" and intent are relevant. Respondent, Board and Panel ignored *Stevens, supra,*. Uhuru told the Board she would *"love" Guzall be suspended for one "year"*, clearly personal. (*Grv. Tr.*, 6-21-23, 7:9, emphasis). Uhuru and Silver should have been disqualified and Guzall should have been given a new trial. *The 6-13-22 hearing recording should have been given to Guzall*, reviewed by the Board and been available for review by the Michigan Supreme Court for tone and demeanor. Respondent *withholding hearing recordings* from Guzall was clearly *not* fair.

Because there was *no* ruling on Guzall's 9-28-22 motion, he was deprived of his due process rights to a fair process and to be heard. He was *not* given the recordings he requested and the Board never addressed or applied those facts.

The Board previously determined they "fail to see how a transcript of a proceeding which would otherwise be a matter of public record somehow becomes cloaked in secrecy once in the possession of the Grievance Administrator." (*Michigan Grievance Administrator v. Robert H. Golden*, Case No. 96-269-GA, 4 (1999)). Further guidance was cited below demonstrating "An "efficient and impartial judiciary" is "ill served by

casting a cloak of secrecy around the operations of the courts. . . . " *Scott v. Flowers*, 910 F.2d 201, 213 (5th Cir. 1990). The Board knew Respondent had a "duty" to "develop a full and fair record". *Maher, supra*, 14. The face of the transcripts shows the record given to Guzall was *not* full or fair. The Board violated Guzall's Due Process rights when withholding the full and fair record from him.

VII. THE BOARD CONCEALED DOCUMENTS AND IDENTIFYING LABELS, DEPRIVING GUZALL OF HIS CONSTITUTIONAL RIGHTS.

The Board's docket lists "Other Documents (23)", "Important Notes (4)", "Notes (119)" and "Events (28)". (Guzall's *Motion* to the Michigan Supreme Court, Ex. 4, (2-20-24)). Those documents, notes and events were *not* identified by date or title as to each entry, violating Guzall's right to a fair process. *Id*. Guzall should have been afforded the opportunity to know and utilize all documents and events within the Board's docket.

Guzall requested Wendy Neeley "identify by title and/or labeling of each document and identify who created each document" and "specific date each document was created", she did not respond. (Guzall's *Motion* to the Michigan Supreme Court, Ex. 17, (2-20-24)). On 2-2-2024 Neeley emailed Guzall stating she would answer questions, yet refused to call him. *Id*. Her refusal to call Guzall, answer questions as she stated, and refusal to cite authority allowing her to *direct* private recording company Hanson allows this Court to determine the hearing recordings and documents concealed by Neeley contain mitigating and/or negating evidence for use in Guzall's case.

A state grievance board cannot be allowed to conceal documents listed on their docket sheet or be allowed to conceal dates of entry, identifying labels or conceal document creators. Michigan's process offends the Fourteenth Amendment warranting the grant of this petition.

VIII. MICHIGAN'S BOARD ORDERING GUZALL TO UNWANTED MEDICAL TREATMENT UPON A MANUFACTURED RECORD, UPON THEIR BELIEFS WITH NO CITED STANDARDS, TO THEIR CREATED AGENCY WITHOUT MEDICAL TESTIMONY TO OBTAIN OR MAINTAIN HIS LAW LICENSE OFFENDS THE CONSTITUTION.

The Board cited *no* standard to order unwanted treatment. States must meet a ***standard*** and cite legal authority before ordering an attorney to medical treatment so as to not offend the Fourteenth Amendment. Having no standard is the very definition of arbitrary.

Michigan's Board ordered medical treatment on 'belief' Guzall would "greatly benefit", yet a "benefit" to him has ***nothing*** to do with "protection" as MCR 9.105(A) requires, thus the Board acted outside of MCR 9.105(A). (App.10a). Michigan's Board acting outside of MCR 9.105(A) was fundamentally unfair and demonstrates their order was arbitrary and capricious. The Board cited no authority allowing them to order unwanted medical treatment upon what the "Board believes". (App.10a). State attorney boards cannot be allowed to order medical treatment upon their beliefs.

The Board cited no authority to order medical treatment. (Guzall's *Motion for Reconsideration, Correct Mistakes, Apply Errors and for Clarification*, 19 (10-

19-23)). Application of fundamental fairness alone required the Board provide "*specific facts*" and a "*detailed analysis*" as to how they could impose such a sanction "without Guzall being examined and evaluated". *Id.*, 20. The Board ordered Guzall to unwanted medical treatment with *no* medical testimony (App.1a-38a) and *no* medical evidence supporting their claims. *Id.*

This Court recognizes the Due Process Clause of the Fourteenth Amendment provides a constitutionally protected liberty interest in refusing unwanted medical treatment. The right is based on principles of personal autonomy and bodily integrity. See *Cruzan ex rel. Cruzan v. Director, Missouri Dept. of Health*, 497 U.S. 261, 278 (1990). This Court confirmed the interest, "[t]he Fourteenth Amendment provides that no State shall deprive any person of life, liberty, or property, without due process of law. The principle that a competent person has a constitutionally protected liberty interest in refusing unwanted medical treatment may be inferred from our prior decisions." *Cruzan, supra,* 278. This Court recognizes the clear constitutional importance here, "as this Court's cases make clear, involuntary medical treatment raises questions of clear constitutional importance." *Sell v. United States*, 539 U.S. 166, 176 (2003).

In *Washington v. Harper*, 494 U.S. 210 (1990), this Court held an individual has "a significant liberty interest in avoiding the unwanted administration of antipsychotic drugs under the Due Process Clause of the Fourteenth Amendment." *Id.*, 221-22. This Court recognized forcible medical treatment represents a "substantial interference with that person's liberty." *Id.*, 229. This Court finds "The basic purpose of this

[Fourth] Amendment . . . is to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials." *Camara v. Municipal Court*, 387 U.S. 523, 528 (1967).

Michigan's Board ordered Guzall to medical treatment or face additional suspension of his law license (App.3a-8a) claiming "documented problems with anger management" yet cited no problems. (App.1a-38a). There are *NO* cited incidents of anger involving any charges brought. *Id.* Guzall witnessed prosecutor Uhuru "mock" him for dealing with a serious health issue with a "smirk on her face", and he described her conduct as "reprehensible". (*Resp. Emergency Mtn. to Panel*, 18, (6-29-22)). Uhuru confirmed bad faith intentions telling the Board she would *"love" Guzall be suspended for one "year"*. (*Grv. Tr.*, 6-21-23, p. 17:9, emphasis). Michigan's Panel, Board and Respondent manufactured a record violating Guzall's rights (App.1a-38a; *Resp. Emergency Mtn. to Panel*,(6-29-22)) because they did not like what he had to say and therefore attempted to compel his speech. (App.5a).

The Board ordered Guzall to Michigan's created agency "LJAP" arguably for medical treatment. (App.3a-8a). The Board's order violates Guzall's Fourth Amendment right to be free from unreasonable search and seizure, Fourteenth Amendment rights to a fair process and impartial judges and violates this Court's core holding, "Our system of law has always endeavored to prevent even the probability of unfairness." *In re Murchison, supra*, 136. A state has no legitimate or compelling interest in ordering attorneys to *its* created agency.

It is clearly unreasonable and unfair for a state to subject an attorney to a panel and board they select

and order an attorney to *its* *created* medical agency. To comply with the Constitution and prevent the probability of unfairness and state manipulation, states may at most argue allowance to order an individual to an independent medical examination when medical testimony or medical records provide support for such an order. Michigan's Board ordering Guzall to its *created* *agency* with no cited medical testimony or medical record support subverts the very core of the U. S. Constitution. In this case where three witnesses confirmed Michigan courts gave Guzall altered court recordings, his law license was suspended upon a *non*-existent court order, and the Board selected their panel *outside* of "common practice" yet their common practice was to "***insure*** an objective trier of fact", the probability of unfairness is beyond palpable. Unfairness inherently exists where a state orders attorneys to its created medical agency instead of a neutral agency, even without application of the facts herein.

The Board manufacturing portions of the record and arbitrarily and/or capriciously ordering medical treatment warrants this Court's action as Guzall does not need or want medical treatment and therefore should not be subjected to the Board's directed medical treatment. The Sixth Circuit emphasized the importance of Guzall's rights here upon this Court's ruling, "As the Supreme Court has said: No right is held more sacred, or is more carefully guarded by the common law, than the right of every individual to the possession and control of his own person. . . . " *Guertin v. Michigan*, 912 F.3d 907, 918 (6th Cir. 2019). The Board demonstrated no compelling state interest here nor provided any basis to render their decision to be anything but unconstitutional.

A state attorney board ordering attorneys to medical treatment upon their beliefs to their created medical agency without medical testimony or medical records supporting any claimed charge subverts the U. S. Constitution. No balancing test is required. Michigan's Board's acts here are unconstitutional.

IX. STATES CANNOT COMPEL SPEECH TO OBTAIN OR MAINTAIN A LAW LICENSE, NOR MANUFACTURE A RECORD.

Michigan's Board compelling Guzall's speech to obtain or maintain his law license offends the First Amendment. (App.5a). "Compelling speech as a condition of receiving a government benefit cannot be squared with the First Amendment. *See*, *e.g.*, *Wooley v. Maynard*, 430 U.S. 705, 714-17, 97 S.Ct. 1428, 51 L.Ed.2d 752 (1977)." *Alliance for Open Society International, Inc. v. United States Agency for International Development*, 651 F.3d 218, 234 (2d Cir. 2011).

Michigan's Board ordered Guzall to "take" "responsibility for his actions" (App.5a), take the government's side or suffer additional suspension up to "one year". (App.6a). The face of the Board's order violates the First Amendment. *Id.* Guzall cannot be forced to *take the government's side* as being forced to do so violates his First Amendment right, "The Policy Requirement is also viewpoint-based, because it requires recipients to *take the government's side on a particular issue*. It is well established that viewpoint-based intrusions on free speech offend the First Amendment. See *Rosenberger v. Rector Visitors of the Univ. of Va.*, 515 U.S. 819, 828, 115 S.Ct. 2510, 132 L.Ed.2d 700 (1995). . . ." *Alliance for Open Society International, Inc, supra*, 235, emphasis.

Government may not deprive an individual of a property interest, such as a law license, in an arbitrary or capricious manner, see *Lochner v. New York*, 198 U.S. 45, 56 (1905). Michigan's Board requiring Guzall attend unwanted medical treatment or take the government's side to obtain or maintain his law license is arbitrary and capricious and offends the Constitution.

A. Michigan's Judgments Violate the First and Fourteenth Amendment.

The Panel determined Guzall be disciplined upon his "refusal to comply with Judge Curtis' order" but identified ***no*** order. (*Panel Report*, 7:2nd para., (4-1-22)). ***NO*** **order exists**. The Board *relied on the Panel* citing that ***non***-existent order. (App.23a; App.30a). The Panel and Board "cannot make the record what it is not." *Roman Catholic Archdiocese of San Juan, supra*, 701. There is ***NO*** Judge Curtis order.

The Panel created a fact when stating Guzall filed "frivolous lawsuit***s***" in Wayne. (*Panel Report*, p. 5 (12-28-22)). The Panel did not list which "lawsuit***s***", but Uhuru confirmed *only* ***ONE*** on 9-16-22, (*Grv. Tr.*, 6:16-18 (9-16-22), confirming the Panel *created* a fact making the record what it is not.

The Panel stated Guzall's "lawsuits" in Wayne had "zero chance of success". (*Panel Report*, p. 5 (12-28-22)). The Panel's statement is *documented* as *untrue* and is another *created fact* as there was only *ONE* lawsuit and Judge Popke admitted "it was a ***difficult case***", upon the true record Judge Popke's statement being it was a "difficult case" does not equate to "zero chance". (*Grv. Trial Ex. X*, 48:1-4). Michigan's Board and its Panel possessed the actual record but created a different record.

The Panel ***created a fact*** upon an issue which was *crucial to the disciplinary proceedings*, stating Guzall was "presented with the very document that he signed and filed, causing Judge Borello to state. . . . " (*Panel Report*, p. 7 (4-1-22)). Within Uhuru's Trial Ex. 29, Guzall was ***NOT*** "presented with that very document", causing Judge Borello to state . . . , the Panel ***created*** *that fact*. **Michigan's Board violated Guzall's Fourteenth Amendment rights by *creating a record* that is not**, and violated his First Amendment right by compelling his speech to take their side to obtain and/or maintain his law license. Michigan's Board's judgments go beyond arbitrary and capricious as they created facts and ordered Guzall to take their side and admit to facts and a record that **do not exist**.

X. STATES MANUFACTURING JURISDICTION AND ACTING WITHOUT JURISDICTION OFFENDS THE FOURTEENTH AMENDMENT.

The Board withheld Guzall's 6-2-22 and 9-28-22 motions from the Panel. Board staff informed Guzall "There was ***not*** a ruling on the 9/28/22 motion." (App.41a). The Panel issued their sanction report on 12-28-22. To satisfy the timing element within MCR 9.115(K) Guzall was forced to file a petition for review with the Board on 1-18-23. The Board prevented the Panel from ruling on Guzall's 1-11-23 motion claiming the Board (now) had jurisdiction, ***manufacturing jurisdiction*** by preventing the Panel from ruling on Guzall's 9-28-22 motion, resulting in the Panel submitting their 12-28-22 order without addressing or applying the issues within Guzall's 9-28-22 motion. The Board manufacturing jurisdiction violated Guzall's Fourteenth amendment right to a fair process.

On 4-17-12 Guzall's former law partner Barry Seifman testified he paid his wife "from" his "IOLTA account" (*Grv. Trial Ex. A*, Seifman dep., 154:12-25). He testified he did not know how much of the "$211,000.00" in his "IOLTA" was his money versus client money. (*Grv. Trial Ex. A*, Seifman's dep., p. 228:6-12). Respondent did not proceed against Seifman despite his testimony.

During litigation between Guzall and Seifman in Oakland County Circuit Court, Seifman filed a motion to intervene in the Diane Harris lawsuit after Guzall obtained a $600,000.00 jury verdict in November of 2013. In that Harris lawsuit Seifman requested Judge Curtis transfer his claim in Harris to his litigation with Guzall in Oakland County Court, and she signed an order *transferring his claim* on 2-14-14. (*Grv. Trial Ex.* N). Seifman *testified* in this grievance case Judge Curtis transferred "all jurisdiction" of his Harris claim he made before Judge Curtis in Wayne County Circuit Court to Oakland County Circuit Court (*Grv. Tr.*, p.75:22 to p.76:2, (12-28-20)) where he requested the Harris fee in his case evaluation brief, accepted case evaluation in Guzall's favor and paid Guzall on 7-1-15 ending all litigation. (*Grv. Trial Exhibits* Q and R). Yet Seifman filed a pleading with Judge Curtis in Wayne County Court on August 25, 2015 *AFTER* he and Guzall accepted case evaluation. (*Grv. Trial Ex.* V). Res judicata prevented Seifman from going back to Judge Curtis after he accepted case evaluation where he originally requested the *Harris* fees, per *Magdich & Assocs., PC v. Novi Dev. Assocs. LLC*, 305 Mich. App. 272, 278, 851 N.W.2d 585, 588 (2014), the case was closed on 7-13-15 (*Grv. Trial Ex.* S) and collateral estoppel barred Seifman from re-litigating

his Harris fee issue. *People v. Gates*, 434 Mich. 146, 154, 452 N.W.2d 627, 630 (1990).

In *Sugar, Schwartz, Silver, Schwartz & Tyler v. Thomas*, 25 Mich App 41; 181 NW2d 59 (1970) the Michigan Court of Appeals held that "Once a transferor court grants a change of venue it *loses* jurisdiction over all matters undecided before it and the transferee court then becomes vested with jurisdiction and authority to act on all pending matters", emphasis added. Judge Curtis lost jurisdiction over Seifman's claim when she executed the order transferring Seifman's claim. *Id*. Whether the file has been "shipped" is "*immaterial*". *Saba v. Gray*, 111 Mich App 304, 311-312; 314 NW2d 597, 601 (1981), emphasis.

Michigan determined "once a transfer of venue is made, the transferee court has full jurisdiction over the action and, therefore, the transferor court has *NONE*." *Frankfurth v. Detroit Med. Ctr.,* 297 Mich App 654, 661, 825 NW2d 353, 357 (2012), emphasis. Michigan holds "The appellate court *cannot render any judgment* which the court below could *not* have rendered." *Cross v. Eaton*, 48 Mich. 184, 12 N.W. 35 (1882), emphasis. Because Judge Curtis had ***no*** **jurisdiction** to pay Seifman monies Guzall earned in the Diane Harris case, the Michigan Court of Appeals did *not* have that authority, having ***no*** **jurisdiction**. "When a court lacks subject matter jurisdiction to hear and determine a claim, **any action it takes**, **other than to dismiss the action**, **is *VOID***." *Bowie v. Arder*, 441 Mich. 23, 56, 490 N.W.2d 568 (1992), emphasis, cite omitted. This Court holds "Where there is clearly **no jurisdiction over the subject-matter** any authority exercised is a usurped authority, and for the exercise of such authority, ***when the want of***

jurisdiction is known to the judge, ***no excuse is permissible***." *Stump v. Sparkman*, 435 U.S. 349, 356 n.6 (1978), emphasis.

Every action taken by Judge Curtis in the Harris case after she transferred her jurisdiction to the Oakland County Circuit Court on February 14, 2014 was "void". *Bowie, supra*, 56. Every action taken by the Michigan Court of Appeals Harris 2 panel other than to dismiss the action was void. *Id.*, 56. Michigan's Board taking Guzall's law license where Michigan courts had *no* jurisdiction offends the Fourteenth Amendment. "For a court to pronounce upon the meaning or the constitutionality of a state or federal law when it has no jurisdiction to do so is, by very definition, for a court to act ultra vires." *Steel Co. v. Citizens for Better Env't*, 523 U.S. 83, 101-2 (1998).

A. The Michigan Court of Appeals Ruled Judge Curtis *Abused* Her Discretion in the Harris Case, Finding Seifman Had *No* Standing and *No* Interest in the Harris Fees.

On 8-20-15, Michigan's Court of Appeals determined Judge Curtis abused her discretion "On appeal, Harris asserts that the trial court improperly allowed appellees to intervene as of right in the litigation to assert an interest in any attorney fees awarded. We agree that the trial court abused its discretion in allowing appellees to intervene." (*Grv. Trial Ex. E*, COA Opinion, p. 2, 4th par., Case No. 322088, emphasis). The Michigan Court of Appeals went on to state Barry Seifman "did *NOT* have standing to intervene." *Id.*, p. 3, 2nd par., emphasis. Yet Seifman filed a lien with Judge Curtis on 8-25-15 *AFTER* he and Guzall

accepted case evaluation (*Grv. Trial Ex.* V) and after that 8-20-15 Michigan Court of Appeals ruling.

Michigan law holds "While the trial court may disagree with appellate court decisions, it *must* follow and abide by them." *Cain v. Dep't of Corr.*, 468 Mich. 886; 659 N.W.2d 597 (2003), emphasis. Once the Michigan Court of Appeals decided Seifman was *not* a party to the *Harris* lawsuit and had no standing and no interest, it was at that point legally impossible for Seifman to continue in the *Harris* case or be paid in the *Harris* case, pursuant to and in accord with *Bowie, supra*, 42–43, and *Steel Co., supra*, 101-102. Judge Curtis was required to abide by the Michigan Court of Appeals Judgment in *Harris* 1 as "a court must take notice of the limits of its authority. . . . " *Bowie, supra,* 56. The Michigan Court of Appeals in *Harris 1* told Judge Curtis she lacked jurisdiction over Seifman's claim and "When a court ***lacks subject matter jurisdiction*** to hear and determine a claim, any action it takes, other than to dismiss the action, is *VOID*", *Bowie, supra*, p. 56, and is an "ultra vires" act. *Steel Co., supra*, 101-102. Michigan's Board taking Guzall's law license upon Michigan's cited court rulings where those courts *lacked jurisdiction* offends the Fourteenth Amendment.

B. Michigan's Court of Appeals Stated They Were Unclear as to Jurisdiction.

In Guzall's lawsuit against Warren and Seifman, Michigan Court of Appeals Case No. 352004, Michigan's Court of Appeals stated they were "unclear" as to "officially transferring" jurisdiction of Seifman's claim in the Harris case. (*Grv. Trial Ex. P*, COA Decision footnote 5). Michigan's Board did not address or apply

the Court being "unclear" on the key issue of transferring jurisdiction, and where *Seifman testified* in Guzall's grievance case Judge Curtis ***transferred*** "**all jurisdiction**" of his *Harris* claim to Oakland County Court. (*Grv. Tr.*, 75:22 to 76:2, (12-28-20), emphasis). The Court's lack of jurisdictional clarity and Seifman's testimony *in Guzall's grievance case* confirm Michigan's Board violated Guzall's U. S. Constitutional rights cited herein.

Guzall questioned the Court's jurisdiction within the confines of the law at each stage in his lawsuit against Warren and Seifman as the Michigan Supreme Court holds "***jurisdiction may be questioned at any stage of the proceeding***. . . . " *Hodge v. State Farm Mut. Auto. Ins. Co.*, 499 Mich. 211, 246, 884 N.W.2d 238 (2016). Michigan's Board taking Guzall's law license for following the law offends the Due Process and Equal Protection Clause of the Fourteenth Amendment.

Michigan's Board taking Guzall's law license where Michigan courts ruled Judge Curtis *abused her discretion*, where Michigan courts *lacked jurisdiction*, *stated a lack of clarity as to jurisdiction*, and Respondent's witness Seifman *testified all jurisdiction of his Harris claim was transferred* to Oakland County Court offends the Fourteenth Amendment. Michigan's Board refusing to apply their law and rulings at all, let alone fairly or equally to Guzall offends the Due Process and Equal Protection Clause of the Fourteenth Amendment.

CONCLUSION AND RELIEF REQUESTED

Guzall being prosecuted and punished upon manipulated court recordings threatens the U. S. judicial system's foundation, has an adverse ripple effect on all citizens and demonstrates Michigan's judicial system is broken. Granting Guzall's petition proclaims this Court will not tolerate states prosecuting upon altered court recordings or manipulated records.

Michigan's Board deprived Guzall of his right to be heard when they confiscated and withheld his 6-2-22, 8-12-22 and 9-28-22 motions from the Panel. The Board's procedure requiring attorneys to file pleadings through their e-filing system allowing them to confiscate and withhold motions from a panel offends the Fourteenth Amendment warranting Michigan's judgments be reversed and dismissed with prejudice or Guzall be given a new trial.

Respondent delaying 3.5 years in filing their 8-3-20 complaint against Guzall and denying him evidence of who and what precipitated their filing deprived him of due process warranting this Court grant his petition and order Michigan's judgments be reversed and their case dismissed with prejudice or he be given a new trial.

The Panel stated they were governed by stare decisis and estoppel and confirmed they *proceeded* in Guzall's hearings and *at each count* upon stare decisis and estoppel, never hearing him, violating his Fourteenth Amendment rights.

Upon the incontestable fact the Panel was selected in Guzall's case *outside* of the Board's stated common practice to insure an objective trier of fact, the incontestable fact the Board concealed the panel selection process, and incontestable fact Joshua Kaplan was seated and served as a panelist in Guzall's grievance case while he also served as an agent and employee of Guzall's adversary, this petition should be granted as Guzall's due process rights were clearly violated.

Upon the incontestable facts the grievance hearing transcripts in Guzall's case were inaccurate and/or incomplete and the Board's staff directed private recording company Hanson to *withhold* those hearing recordings from Guzall, he requests this Court grant his petition.

The Board concealed documents listed on their docket sheet, concealed dates of entry, concealed identifying labels and document creators. Their process offends the Fourteenth Amendment warranting Guzall's petition be granted.

The Board ordering Guzall to unwanted medical treatment upon a manufactured record, upon their beliefs with no cited standards, to their created agency without any supporting medical testimony or medical records to obtain or maintain his law license offends the Constitution. The Board compelling Guzall's speech to obtain or maintain his law license offends the First Amendment.

The Board taking Guzall's law license upon manufactured jurisdiction and court rulings where those courts *lacked jurisdiction* offends the Fourteenth Amendment. Guzall requests this Court grant his

petition, overturn Michigan's judgments in this case and grant him all other relief deemed appropriate in his favor.

Respectfully submitted,

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