

No. _____

In The
Supreme Court of the United States

WILLIAM D. BONTRAGER
Petitioner pro se

vs.

THE SUPREME COURT OF COLORADO
Respondent

**APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF COLORADO**

William D. Bontrager, J.D.
Suspended Colorado Attorney #035359
4765 East 25th St.
Tucson, AZ 85711
Ph: (520) 638-6676
E-mail: wdb@ftitel.net
Applicant *pro se*

**To the Honorable Sonia Sotomayor, Justice of the United States
Supreme Court for the 10th Circuit Court of Appeals:**

Petitioner, William D. Bontrager, pursuant to Supreme Court Rule 13.5,
requests an extension of sixty (60) days to file his Petition for Writ of Certiorari, i.e.,
to April 1, 2018.

BASIS OF JURISDICTION:

The Order of the Supreme Court of Colorado to be brought to this Court was entered on November 2, 2017. The time for filing of a Petition for Writ of Certiorari will expire at the end of business hours on January 31st, 2018.

This Application for Extension is being filed on or before the 21st day of January, 2018, and thus is timely under Rule 13.5.

Petitioner will bring to this Court the issue of what, if any, First Amendment protections an attorney has when litigating real property (oil & gas mineral) rights and contract (oil and gas leases) claims in courts on behalf of clients. The Colorado Supreme Court's 11/2/17 Order affirmed two Orders of its Office of Disciplinary Judge which said such an attorney has no First Amendment protection; none.

The case will be brought under U.S. Supreme Court Rule 10(c) because the Colorado courts' orders appear to be contrary to *NAACP v. Button*, 371 U.S. 415 (1963); *United Mine Workers of America, District 12 v. Illinois Bar Association*, 389 U.S. 217 (1967); *F.D. Rich Co., v. Industrial Lumber Co.* 417 U.S. 116 (1974); *Professional Real Estate Investors, Inc., v. Columbia Industries, Inc.*, 508 U.S. 49 (1993); and, *Legal Services Corp. v. Velazquez* 531 U.S. 533 (2001).

The Petition for Certiorari will raise First Amendment Attorney Free Speech and Petitioning claims, and a Fourteenth Amendment Equal Protection claim. These issues are applicable to the actions by the Colorado judicial branch against Petitioner under the Fourteenth Amendment to the U.S. Constitution. The Equal Protection claim is because the cases which Petitioner litigated were by citizens against mega-corporations, in this instance BP America Production Company, as

compared to the racial discrimination case in *NAACP* where protection was granted. Both property and discrimination claims are constitutionally protected, so attorneys litigating both should have some protection.

THE ORDERS BEING APPEALED

The Order of the Colorado Supreme Court of 11/2/17 [Appendix A] consisted of a single sentence:

Upon consideration of the Record on Appeal, together with the briefs filed by the parties, and now being sufficiently advised in the premises, IT IS ORDERED that the Order of the Hearing Board shall be and the same is hereby AFFIRMED WITHOUT OPINION.

BY THE COURT, EN BANC, NOVEMBER 2, 2017.

As this is the Opinion being challenged, this Court will need to review two Orders of the Colorado Supreme Court's Attorney Discipline court, entered in Case #16PDJ038, *People of the State of Colorado v. William D. Bontrager*, to wit:

1. Appendix B: PDJ Order of 8/15/16, "Denying in Part Respondent's Motion to Dismiss the Complaint and Directing the People to Make a Partial *Prima Facie* showing under *POME*" [677 P.2d 1361, 1369 (Colo. 1984)], holding the following:

It is well-established that attorneys are entitled to the same level of First Amendment protection as non-attorneys. The right to petition is *personal* and does not extend to petitioning activity on behalf of others. An attorney proceeding pro se is thus afforded the same protections of the first amendment. When an attorney is charged with abusive pro se litigation conduct, the People must make a *prima facie* showing under *POME* that the attorney's conduct is not protected by the First Amendment---that is, that the attorney's underlying litigation was objectively baseless **and subjectively improper**.

Here the People charge Respondent with violating Colo. RPC 3.1 and 8.4(d) in the Adams, Keith, Watson, Cugini, and Martinez matters---all litigation where Respondent was representing clients rather than filing lawsuits on his own behalf. **Respondent's right to petition does not extend to his filing lawsuits on behalf of these clients, the First Amendment and *POME* are not implicated**, and the Court denies Respondent's motion to dismiss as to those cases. (Italics in original; bold emphasis added.)

[Appendix B, pages 10-11].

2. Appendix C: PDJ Order of 4/20/17, "Opinion and Decision Imposing Sanctions Under C.R.C.P. 251.19(b)", holding the following:

William D. Bontrager (Respondent) engaged in misconduct while litigating the oil and gas leases of the five separate clients. He failed to act competently during the representations, and he advanced frivolous claims during four of the litigations and four appeals. He caused his clients considerable financial harm and waster judicial resources. His misconduct warrants a nine month suspension, with the requirement that he pay restitution to his clients before petitioning for reinstatement under C.R.C.P. 151.29, if he wishes to resume the practice of law. [Appendix C, page 1].

Mitigating Factors -- Absence of a Dishonest or Selfish Motive --
9.22(b): We do not find that Respondent's misconduct was fueled by selfish or dishonest motives. Rather, we find that he was guided by what he perceived to be a noble and just cause, and we give him some credit for this factor in mitigation. [Appendix C, page 50].

Petitioner believes that if the Colorado Supreme Court's blanket denial of First Amendment protections to attorneys representing clients in the courts were to become the law of the land, particularly in the face of the PDJ Board finding no improper purpose, the litigating profession for the common man will be forced to desert the battlefield for lack of professional malpractice insurance when facing the uber-wealthy and large corporate entities.

GROUNDS FOR EXTENSION OF TIME

Petitioner is seeking an extension of time to file his Petition for Writ of Certiorari because he has been unable to secure counsel, and unable to complete the petition in time for printing and shipment to the Court.

At the age of 76, Petitioner must still work. He and his wife have Social Security income of \$1700/month, with limited outside earnings which are critical to their survival. This fact, along with the significant time taken in an effort to find counsel, has robbed Petitioner of time to prepare the Petition for Certiorari.

It not until 1/2/18 that Petitioner was able to find someone to even give some telephone help with the Petition, and while he has progressed on his Petition, he still has much to do, including converting 66-pages of .PDF court Orders to Word, along with over 450 interactive footnotes, and then reformat to meet this Court's booklet requirements. The result will be some 196-pages instead of the 66-pages in .PDF format, adding considerable cost to the multiple copies of the Petition which must be submitted.

This additional time would not have been necessary if the PDJ had supplied Respondent with their original Word document with its interactive footnotes, by e-mail, but they refused. Petitioner does not have the funds to hire someone to do this, and the filing fee and production costs for the Petition alone will place a great financial strain on Petitioner and his wife.

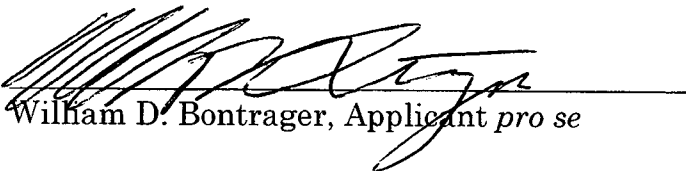
On January 8th, 2018, Petitioner made contact with a First Amendment advocacy group which looked promising, but that failed on January 8th. He has several other inquires outstanding. In the meantime, Petitioner needs an

extension to: (a) do the reformat; (b) finish the Petition itself, and (c) for the minimum of two weeks needed by his printer for printing purposes.

CONCLUSION

WHEREFORE, Petitioner respectfully requests an extension of time to April 1, 2018, and for any other relief proper in the premises.

RESPECTFULLY SUBMITTED this 2nd day of January, 2018.


William D. Bontrager, Applicant *pro se*

DECLARATION OF SERVICE OF PROCESS

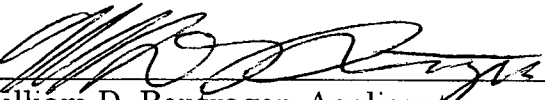
Petitioner declares that he did, on the 2nd day of January, 2018, deposit with the United States Postal Service, at Tucson Coronado Post Office, 255 N. Rosemont Blvd, Tucson, AZ, 85711, four (4) parcels, each containing a copy of this Application, and all of its Appendixes A-D, for delivery to the Denver Sheriff Department Civil Unit, 201 West Colfax Ave., 1st Floor Atrium, Denver, CO 80202, for service of a packet upon each of the following:

- a) Colorado Supreme Court, 2 East 14th Avenue, Denver, CO 80203;
- b) Office of Colorado Presiding Disciplinary Judge, 1300 Broadway, Suite 250, Denver, CO 80203; and,
- c) Office of the Attorney General of Colorado, 1300 Broadway, 10th Floor, Denver, CO 80203.
- d) Colorado Supreme Court Attorney Regulation Counsel, 1300 Broadway Suite 500, Denver, CO 80203.

together with his check for \$144.40 for service of process. Applicant attaches hereto, as Appendix D, receipt from the Tucson Post Office, and his letter and check to the Denver County Sheriff. Petitioner will provide this Court with the Sheriff's Return of Service upon receipt of same.

PETITIONER DECLARES UNDER THE PAINS OF PERJURY THAT THE MATTERS SET FORTH HEREIN ABOVE ARE TRUE AND CORRECT.

Done this 12th day of January, 2018.



William D. Bontrager, Applicant *pro se*, Declarant