

# Appendix 1-A

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**204 Pa. Code § 85.3(a)** provides:

(a)General rule. Enforcement Rule 201(a) provides that the exclusive disciplinary jurisdiction of the Supreme Court and the Board under the Enforcement Rules extends to:(1) Any attorney admitted to practice law in this Commonwealth.(2) Any attorney of another jurisdiction specially admitted by a court of this Commonwealth for a particular proceeding.(3) Any formerly admitted attorney, with respect to acts prior to suspension, disbarment, administrative suspension, permanent resignation, or transfer to or assumption of retired or inactive status, or with respect to acts subsequent thereto which amount to the practice of law or constitute the violation of the Disciplinary Rules, the Enforcement Rules or these rules.(4) Any attorney who is a justice, judge or district justice, with respect to acts prior to taking office as a justice, judge or district justice, if the Judicial Inquiry and Review Board declines jurisdiction with respect to such acts.(5) Any attorney who resumes the practice of law, with respect to nonjudicial acts while in office as a justice, judge or district justice.(6) Any attorney not admitted in this Commonwealth who practices law or renders or offers to render any legal service in this Commonwealth.

**Pennsylvania's Rules of Disciplinary Enforcement (Pa.R.D.E.) Rule 201 (1)(3) provides:**

“(1) Any attorney admitted to practice law in this Commonwealth. [I am not admitted to practice. I am retired.] and (3) Any formerly admitted attorney, with respect to acts prior to suspension, disbarment, administrative suspension, permanent resignation, or transfer to or assumption of retired or inactive status...”

**Pennsylvania's Rules of Disciplinary Enforcement (Pa.R.D.E.) Rule Rule 218 (a)(2)**

**provides:**

“An attorney may not resume practice until reinstated by order of the Supreme Court after petition pursuant to this rule if the attorney was... (2) retired, on inactive status or on administrative suspension if the formerly admitted attorney has not been on active status at any time within the past three years” PA ST DISC Rule 218 (a)(2).

**Pennsylvania's Rules of Disciplinary Enforcement ( Pa.R.D.E ) 301 (k)**

"As used in this rule, the term "disabled attorney" means an attorney transferred to inactive status under this rule."

***U.S. Cons. Amend. 1***

“Congress shall make no law respecting an **establishment of religion**, or **prohibiting the free exercise thereof**; or **abridging the freedom of speech**, ... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

#### U.S. Const. amend. V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be **subject for the same offence to be twice put in jeopardy of life or limb**; **nor shall be compelled in any criminal case to be a witness against himself**, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### U.S. Const. amend. VI

“In all criminal prosecutions, the accused shall enjoy the right to a ... **public trial**, by an **impartial jury of the State** and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to **be informed of the nature and cause of the accusation**; to be confronted with the witnesses against him; to have **compulsory process for obtaining witnesses in his favor**, and to have the Assistance of Counsel for his defense.”

#### U.S. Const. Amend. XIII

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

#### U.S. Const. Amend. XIV § 1, Due Process and the Equal protection component

SECTION. 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.

#### US Const. Article III, Section 2, Clause 1

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to

which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

## **US Supreme Court Authority**

### **28 U.S. Code § 1257 (a)**

“(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, 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, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.”

### **28 U.S.C. § 2106**

The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.

**STATUTES Relating to my law suit against former President Donald J. Trump, the admitted reason for the petition to place my license on my active license to practice law on inactive/disability**

### **42 USCS § 2000bb**

“(a) Findings. The Congress finds that—

- (1) the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution;
- (2) laws “neutral” toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise;
- (3) governments should not substantially burden religious exercise without compelling justification;
- (4) in *Employment Division v. Smith*, 494 U.S. 872 (1990) the Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion; and

(5) the compelling interest test as set forth in prior Federal court rulings is a workable test for striking sensible balances between religious liberty and competing prior governmental interests.

(b) Purposes. The purposes of this Act are—

(1) to restore the compelling interest test as set forth in *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v. Yoder*, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened; and

(2) to provide a claim or defense to persons whose religious exercise is substantially burdened by government.”

#### **42 USCS § 2000bb-1,**

“(a) In general. Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) Exception. Government may substantially burden a person’s exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) Judicial relief. A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.”

#### **42 USCS § 2000bb-2,**

“As used in this Act—

(1) the term “government” includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, or of a covered entity;

(2) the term “covered entity” means the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States;

(3) the term “demonstrates” means meets the burdens of going forward with the evidence and of persuasion; and

(4) the term “exercise of religion” means religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000 [[42 USCS § 2000cc-5](#)].”

#### 42 USCS § 2000bb-3,

**“(a) In general.** This Act applies to all Federal law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this Act [enacted Nov. 16, 1993].

**(b) Rule of construction.** Federal statutory law adopted after the date of the enactment of this Act [enacted Nov. 16, 1993] is subject to this Act unless such law explicitly excludes such application by reference to this Act.

**(c) Religious belief unaffected.** Nothing in this Act shall be construed to authorize any government to burden any religious belief.”

#### 42 USCS § 2000bb-4

“Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion (referred to in this section as the “Establishment Clause”). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. As used in this section, the term “granting”, used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.”

# Appendix 2-A