NO. 25-5525 ORIGINAL

In The

Supreme Court of the United States

TERESA LYNETTE BLOODMAN,

Petitioner,

v.

ROBERT BRACH, EXECUTIVE DIRECTOR, ARKANSAS SUPREME COURT

OFFICE OF PROFESSIONAL CONDUCT,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

Teresa Lynette Bloodman
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QUESTIONS PRESENTED

I. Whether the Due Process Clause of the Fourteenth Amendment permits a state supreme court to impose a imposes an interim suspension of an attorney's license - deprivation of a liberty and property - interest-without prior without pre-suspension notice, without a hearing, and without any findings of fact, citation or rule violations, or without findings of "serious" misconduct as required by its own governing rules.

This question implicates fundamental due process protections and presents a direct conflict among circuits regarding whether notice and hearing are constitutionally required before depriving a professional of their livelihood. The absence of notice, a hearing and any findings supporting the suspension would directly implicate the attorney's right to procedural due process, a fundamental fairness principle the Supreme Court has consistently protected.

II. Whether a remand to cure procedural deficiencies in attorney disciplinary proceedings can validate a constitutionally void order, or whether such a remand fails to remedy initial due process violations, creating a conflict among the circuits and state courts of last resort.

This issue presents an important question of federal law concerning whether subsequent proceedings can cure initial constitutional violations, an issue this Court has not yet resolved.

III. When a state supreme court remands an attorney discipline case for findings of fact but refuses to lift a facially void interim suspension, and the disciplinary committee then initiates disbarment proceedings based on the void order, does this process constitute a sufficient deprivation of liberty and property interests to warrant a full review of the state's procedures?

This question focuses on the escalating harm caused by the state's flawed process. It highlights how the void interim suspension is being leveraged to pursue a more serious punishment (disbarment). The ongoing deprivation of the attorney's ability to practice, without a valid basis, strengthens the argument for a federal remedy. It also shows the Supreme Court that this is not a one-off error but a pattern of due process violations.

IV. Is a federal court required to grant reciprocal suspension of an attorney's license when the state-court -imposed suspension was the result of a clear denial of procedural due process, and when the federal court has already found the underlying state process to be constitutionally infirm?

The question highlights a potential conflict or significant federal question related to the principle of reciprocal discipline. While federal courts often recognize state disciplinary actions, they have no obligation to do so when the state's proceeding was fundamentally unfair. The question leverages the federal court's own denial of reciprocal suspension – based on the lack of due process - to show that the state's process is so flawed merits federal review, This is particularly compelling given the attorney's practice in federal court.

V. Whether a judgment entered by a state court of last resort is void ab initio when personal and subject-matter jurisdiction were never properly acquired, including when the disbarment petition was filed under the wrong parties' legal names, was not verified, and was served through materially defective process in violation of state and federal law.

This issue raises the question of whether state courts may disregard long-settled principles that defective service and lack of jurisdiction render a judgment void.

VI. Whether jurisdictional defects—including lack of personal and subject-matter jurisdiction—can be raised at any time, including for the first time on appeal, and whether a state court's refusal to consider such defects conflicts with established United States Supreme Court precedent.

This question addresses a split among state and federal courts regarding the non-waivability of jurisdictional defects and the authority of appellate courts to vacate void judgments.

PARTIES TO THE PROCEEDING

All parties do not appear in the caption on the cover page. The parties to the proceeding in the court whose judgment is the subject of this petition are:

Petitioner:

Teresa Lynette Bloodman (incorrectly styled below; legal name is Teresa Lynette Eagle-Bloodman).

Respondent:

Office of Professional Conduct, Arkansas Supreme Court, through its Executive Director. The Office has been represented by:

Stark Ligon, Executive Director (initiated the interim suspension on March 21, 2016, and filed the petition for disbarment on April 1, 2016; served until March 31, 2021);

Lisa Ballard, Executive Director (entered her appearance on April 27, 2021; served until April 2023);

Charlene Fleetwood, Interim Executive Director (April 2023 to April 2025); and

Robert Brech, Executive Director (appointed April 2025 and currently serving).

RELATED CASES

Bloodman v. Ligon, No. CV-16-434, Arkansas Supreme Court, Opinion entered Sept. 15, 2016.

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PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

The opinion of the Supreme Court of Arkansas, issued on May 29, 2025, affirming the Order of Interim Suspension, and denying relief, and entering order of disbarment is reported at in *Bloodman v. Ligon,* 2016 Ark.191and is reproduced in the Appendix at A-1.

The opinion of the Supreme Court of Arkansas, issued on September 15, 2016, remanding the Order of Interim Suspension with remaining suspension in effect, and is reported at 2016 Ark. 309 and reproduced in the Appendix at B-.1. This is the first place Petitioner raised Due Process violations in the request for a writ of certiorari and mandamus.

The order of the Supreme Court of Arkansas Committee on Professional Conduct, Panel dated March 21, 2016, issuing interim suspension and recommending to initiate disbarment of the Petitioner's law license, without notice, hearing or findings of serious misconduct, is unpublished and reproduced in the Appendix at C-.1.

The order of the special judge dated August 8, 2016, denying Petitioner's Motion to Dismiss and it is in Ligon v. Bloodman, Supreme Court of Arkansas CV-16-434. It is unpublished and reproduced in the Appendix at D-.1.

The order of the special judge dated October 8, 2016, denying Petitioner's Motion to Dismiss is in Ligon v. Bloodman, Supreme Court of Arkansas CV-16-434. It is unpublished and reproduced in the Appendix at E-.1.

JURISDICTION

The judgment of the Supreme Court of Arkansas was entered on May 29, 2025. App. 1a-25a. The court mooted the timely motion for rehearing on July 17, 2025. App. 26a. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution, Amendment XIV, § 1 (Due Process Clause):

> "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."

Arkansas Procedures Regulating Professional Conduct of Attorneys at Law, § 17(E)(3)(a):

> "The Committee may impose an interim suspension of an attorney's license only upon a finding of serious misconduct posing an immediate threat to the public or the administration of justice." 28 U.S.C. § 1257(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 state statute is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States."

Principles of Jurisdiction and Void Judgments (U.S. Supreme Court Precedent)

Subject-matter jurisdiction may be raised at any stage of proceedings and cannot be waived. *Mansfield, C. & L.M.R. Co. v. Swan,* 111 U.S. 379, 382 (1884); *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 506 (2006).

Judgments entered without notice and an opportunity to be heard violate due process and are void. Such defects can not be cured by subsequent proceedings, including remand. *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80, 84–86 (1988); *United Student Aid Funds, Inc. v. Espinosa,* 559 U.S. 260, 270–71 (2010); *Johnson v. Zerbst,* 304 U.S. 458, 468 (1938).

STATEMENT OF THE CASE

This case presents one of the most extreme and prolonged violations of constitutional due process and equal protection in the context of attorney discipline. The Arkansas Supreme Court's decision conflicts with the United States Constitution, decisions of the United States Supreme Court, the Eighth Circuit Court of Appeals, and prior Arkansas Supreme Court precedent. The disbarment of Petitioner, Teresa Lynette Eagle - Bloodman, a female, was the culmination of a void interim suspension entered without notice, hearing, or lawful service. Additionally, the Committee, Panel A, did not make a finding of "serious misconduct." The Committee, Panel A, did not make a finding of any misconduct, but issued an order of interim suspension (OIS) and recommended disbarment proceedings. (APP. C-1). The findings and order is was included. (App. D)l

On March 21, 2016, the Arkansas Committee on Professional Conduct ("the Committee") issued an Order of Interim Suspension ("OIS") against Petitioner without notice, a pre-suspension hearing, or findings of misconduct. (App. D-1). The OIS cited no specific rule violations and failed to comply with Supreme Court of Arkansas Court Procedures § 17(A)(3) and § 17(E)(3)(a), which require notice, an opportunity to be heard, and a finding of "serious misconduct" before an interim suspension may issue.

The Committee nonetheless recommended filing a Petition for Disbarment. On April 1, 2016, while the OIS appeal rights had not been exhausted. The petition for disbarment was filed under the wrong petitioner name ("Stark Ligon" instead of Robert Ligon) and misidentified Petitioner's legal name. Service was defective: the summons was issued four after the petition, the petitioner's the address was omitted, documents were left on a doorstep, and the affidavit of service contained material inaccuracies.

Despite these defects, on September 15, 2016, the Supreme Court of Arkansas upheld the OIS and remanded to the same panel that issued the void order providing no relief from the ongoing deprivation.

On May 29, 2025, the Supreme Court of Arkansas entered final judgment of disbarment, perpetuating the void OIS. The OIS, in effect for over nine years, has operated as a de facto disbarment, in violation of due process protections recognized by this Court.

The Eastern District of Arkansas refused reciprocal discipline, citing lack of notice and hearing. (App. ___).

The Supreme Court of Arkansas' decision conflicts with the U.S. Constitution, decisions of this Court, the Eighth Circuit, and its own precedent. The proceedings violated the Due Process and Equal Protection Clauses of the Fourteenth Amendment, lacked personal jurisdiction due to defective service, and were built entirely on an unlawful interim suspension entered in violation of both state and federal law.

REASONS FOR GRANTING THE PETITION

Petitioner respectfully requests this Honorable Court to grant the petition for writ to make clear that constitutional protections apply in attorney disciplinary actions, including notice, hearing, and lawful service.

I. Whether the Due Process Clause of the Fourteenth Amendment permits a state supreme court to impose an interim suspension of an attorney's license - deprivation of a liberty and property – interest - without prior pre-suspension notice, without a hearing, and without any findings of fact, citation or rule violations, or without findings of "serious" misconduct as required by its own governing rules?

This Court has clearly established that disbarment procedures implicating a person's good name and livelihood require full due process. See *Wisconsin v. Constantineau,* 400 U.S. 433, 437 (1971); *In re Ruffalo,* 390 U.S. 544, 550 (1968); *Willner v. Committee on Character & Fitness*, 373 U.S. 96, 102–03 (1963); *Ex parte Wall,* 107 U.S. 265, 288 (1883).

A state court's interim suspension of a license without prior notice, specific findings of serious misconduct, or opportunity to be heard violates the Fourteenth Amendment's Due Process Clause because it fails to provide constitutionally required procedural safeguards, which require fair procedures before a deprivation of liberty or property interests, as established by the Supreme Court. A lack of any findings or notice makes the suspension impermissible. (App. F-1). The liberty and property interest in practicing law is protected by the Due Process Clause, and the absence of basic procedural protections—a meaningful opportunity to be heard before the deprivation, or at least an adequate emergency justification—requires this Court to grant review. The practice of law constitutes a protected liberty and property interest, triggering the requirements of the Due Process Clause.

For summary deprivation without a pre-deprivation hearing, the government must demonstrate a truly extraordinary situation, such as the risk of significant harm, which has not been shown in this case, as there are no findings of serious misconduct or danger in the OIS. (App. 4). This Court has not wavered from its stance on requiring notice and an opportunity to be heard before deprivation.

Supreme Court Cases requiring notice and an opportunity to be heard.

- *Goldberg v. Kelly,* 397 U.S. 254 (1970): The Court held that termination of public assistance benefits, a property interest, requires a pre-termination hearing with notice and an opportunity to be heard.
- *Fuentes v. Shevin,* 407 U.S. 67 (1972):The Supreme Court held that a Pre-judgment seizure of property requires due process, including notice and an opportunity to be heard before the deprivation.
- *Board of Regents v. Roth,* 408 U.S. 564 (1972): The Court emphasized that when protected interests are implicated, "the right to some kind of prior hearing is paramount".

Barry v. Barchi, 443 U.S. 55 (1979): The Court recognized that a state might justify a summary suspension of a horse trainer's license if an emergency situation exists, but noted that the deprivation of a property interest requires a balance of the private interest against the government's interest in summary action.

Here, no such emergency justification was scribed.

A. Due Process Violation: Interim Suspension Without Notice, Hearing, or Findings

The Committee issued an OIS against Petitioner without notice, hearing, or findings of misconduct, in violation of Arkansas Supreme Court Procedures § 17(A)(3) and § 17(E)(3)(a). (App. 4). The OIS was remanded by the Arkansas Supreme Court without relief, back to the Committee, further perpetuating the violation. (App. 5). The Circuits conflict on the issue whether notice, hearing, or findings are required.

Circuit Conflicts:

- Eighth Circuit — *In re Attorney Discipline Matter*, 98 F.3d 1082 (8th Cir. 1996) — requires due process including notice and hearing before reciprocal discipline.
- Tenth Circuit — *Mattox v. Disciplinary Panel,* 954 F.2d 148 (10th Cir. 1992) — reversed discipline due to lack of notice/hearing.
- Fourth Circuit — *Hensley v. Lawyers' Disciplinary Board*, 923 F.2d 1007 (4th Cir. 1991) — affirms due process required before interim suspension.
- Fourth Circuit provides for immediate suspension in certain situations-conviction of a serious crime; disciplined by another court, the clerk issues a notice to show cause why the attorney should not be disciplined.
- D. C. — allows interim suspension of an attorney without a prior hearing; typically used when an attorney has already been disciplined by another court or has been convicted of a serious crime.

State High Court Conflicts:

- Kansas — *In re Kershner,* 292 Kan. 560, 256 P.3d 312 (2011) — allowed interim suspension without notice when procedural remedies existed.
- California — *Giddens v. State Bar*, 49 Cal.3d 1096, 264 Cal.Rptr. 356, 782 P.2d 643 (1989) — held that denying a requested second hearing violated due process.

- Virginia — requires notice and hearing before suspension.

The denial of Petitioner the right to notice and hearing violated due process protections. This question implicates fundamental due process protections and presents a direct conflict among circuits regarding whether notice and hearing are constitutionally required before depriving a professional of their livelihood. The absence of notice, a hearing and any findings supporting the suspension would directly implicate the attorney's right to procedural due process, a fundamental fairness principle the Supreme Court has consistently protected. This question implicates fundamental due process protections and presents a direct conflict among circuits regarding whether notice and hearing are constitutionally required before depriving a professional of their livelihood. The absence of notice, a hearing and any findings supporting the suspension would directly implicate the attorney's right to procedural due process, a fundamental fairness principle the Supreme Court has consistently protected.

II. Whether a remand to cure procedural deficiencies in attorney disciplinary proceedings can validate a constitutionally void order, or whether such a remand fails to remedy initial due process violations, creating a conflict among the circuits and state courts of last resort.

This issue presents an important question of federal law concerning whether subsequent proceedings can cure initial constitutional violations, an issue this Court has not yet resolved. The Arkansas Supreme Court remanded a void OIS back to the Committee, echoing none of the safeguards upheld in other circuits or states. Further, when a higher court remands a void order of suspension to a lower body, it is generally considered a remedy for a *substantive* legal error because the original order was void *ab initio*. It was invalid from the beginning due to a fundamental violation of due process.

The void OIS has no legal effect and can be challenged in any court. Petitioner challenged the void OIS from day one, May 17, 2016, beginning when she petitioned the Supreme Court of Arkansas for a writ of certiorari and mandamus challenging due process violations. The March 21, 2016, OIS was inherently void. The court was required to Vacate the void order, officially "set aside" or nullify the suspension. The original body's action was illegal from the start. The original order of suspension simply never had legal effect. (App. F-1) The Committee proceeded and used that void order to file the Petition for Disbarment and initiate the proceedings. Every order that followed thereafter was void – including the judgment or disbarment.

Circuits

- Eighth Circuit — *In re Attorney Discipline Matter*, 98 F.3d 1082 (8th Cir. 1996) — requires due process including notice and hearing before reciprocal discipline.

The Supreme Court of Arkansas acknowledged the OIS was defective and void by its remand to the Committee for a new order. Yet, the court left Petitioner's suspension in hostage. (App. H-2). While granting Hutchinson expedited consideration and lifting his suspension. (App. 16). The Court stated:

> This court may take any action it deems appropriate
> and grant any relief." Ark. Sup. Ct Regulating Attorney Conduct Sec. 16(E).(App. P-1).

The Arkansas Supreme Court's failure to ensure findings that align with other jurisdictions perpetuates inconsistent application of statutory protections. The court noted multiple instances of recent interim suspensions without notice and hearing. (App. P1). This confirms and strengthens the Petitioner's argument that there is no consistency in

application of the procedures in the state of Arkansas. The dissenting justices in Hutchinson said:

> "This has got to end." (App. P-1).

The Arkansas Supreme noted;

> "The protections afforded to a law license under the Due Process Clause "are only subject to the very lowest of review by this court. *Cambiano v. Neal*, 342 Ark. 691, 35 S. W. 3d 792 (2001). We previously rejected the argument that our rules authorizing an interim suspension violate an attorney's procedural due - process rights. See *Bloodman v. Ligon*, CV-16-434 (Ark. Oct. 27, 2016)(denying petition for writ of certiorari and mandamus raising due-process claims), *cert. denied,* 137 S. Ct. 2250)(June 12, 2017) (mem.)." (App. P-1).

B. Equal Protection and Structural Concerns

The OIS and subsequent disbarment, applied without notice, hearing, or findings, violated Equal Protection principles by creating situational ethics: the Hutchinson case granted extraordinary relief for egregious "serious" misconduct, whereas Petitioner was denied relief despite the OIS was void. (App. P-1)

Circuit Conflicts:

- Eighth Circuit: In re Attorney Discipline Matter, 98 F.3d 1082 (8th Cir. 1996) — uniformity required.
- Tenth Circuit: Mattox, 954 F.2d 148 (10th Cir. 1992) — procedural rights must be consistent.

- Fourth Circuit: Hensley, 923 F.2d 1007 (4th Cir. 1991) — safeguards against arbitrary suspension.

State High Court Conflicts:

- Arkansas Supreme Court (May 29, 2025) — inconsistent with federal constitutional standards.
- California — *Giddens*, 49 Cal.3d 1096.
- Kansas — *In re Kershner*, 292 Kan. 560.

The Fourteenth Amendment's due process guarantee, as the right to practice law is a liberty and property interest requiring fundamental fairness and the opportunity for a prior hearing, as established by this Court in *Matthews v. Eldridge* and *In Re Ruffalo*. There is a necessity of notice and a chance to respond to alleged misconduct to prevent arbitrary deprivation and ensure the opportunity to present a defense.

There is a fundamental nature of the right to practice law and the procedural safeguards required by the Due Process Clause when such rights are at stake. Depriving an attorney of this professional standing without adequate procedural safeguards, like prior notice and a hearing, is a severe imposition.

The Arkansas Supreme Court disregarded federal constitutional rights, allowing structurally deficient procedures to stand. Uniformity is needed to ensure all attorneys receive due process, notice, hearing, and accurate findings. Section 16, though adequate in theory, is inadequate in practical application, resulting in inconsistent and inequitable outcomes.

Suspension in the absence of prior findings of serious misconduct or established violations is inherently arbitrary and unfair, bypassing the crucial step of a formal

disciplinary process establishing grounds for the drastic action. The OIS issued against Petitioner did not contain any grounds for the interim suspension. (App. 5). Likewise, the OIS failed to justify an immediate deprivation of a protected interest. The state is required to demonstrate an extraordinary circumstance or immediate necessity that overrides the need for a prior hearing. Without a showing of serious misconduct or a pressing public interest, summary suspension without notice is impermissible. (App. 5).

III. Procedural Statutory Violations

Arkansas Supreme Court Procedures § 17(A)(3) and § 17(E)(3)(a) require findings of "serious misconduct" to issue an OIS. Petitioner's OIS contained no findings of misconduct, yet disbarment proceeded. (App. 4a).

Circuit Conflicts:

- Eighth Circuit: *In re Attorney Discipline Matter,* 98 F.3d 1082 (8th Cir. 1996) — findings required for enforceable interim suspension.
- *Tenth Circuit: Mattox,* 954 F.2d 148 (10th Cir. 1992) — reversed without statutory findings.
- Fourth Circuit: *Hensley,* 923 F.2d 1007 (4th Cir. 1991) — findings mandatory to support suspension.

State High Court Conflicts:

- Kansas — technical compliance acceptable (*In re Kershner*, 292 Kan. 560, 256 P.3d 312 (2011)).
- California — failure to provide findings violates procedural due process (*Giddens v. State Bar,* 49 Cal.3d 1096, 264 Cal.Rptr. 356, 782 P.2d 643 (1989)).

- Alabama— Disciplinary Commission may conduct a preliminary hearing to determine whether probable cause to support the need for an interim suspension
- Arizona— permits the disciplinary judge to order an evidentiary hearing.
- Utah— provides for a hearing within fourteen days of notice (Utah Su p. Ct. R. Prof'l Prac. 11-563).
- Arkansas— Notice and hearing not required for interim suspension, but preferred (*Hutchinson, III v. Arkansas Committee on Professional Conduct*, 2023 Ark. 86). (App. 11a).

There is definitely conflict among the states highest courts whether due process – notice and hearing - is required prior to interim suspension of attorney license. There is no uniformity in treatment and due process among the states.

In *Hutchinson*, the Arkansas Supreme Court acknowledged lack of uniform treatment and due process.

> "The procedure does not have due process protections and does not have uniformity…this procedure [notice and hearing] will allow more uniformity in applications. The Court prefers that the Committee and the Director provide an attorney with notice and a hearing before issuing any interim suspension. It and the committee must have rules that provide ample procedural due process protection."

The Arkansas Supreme Court opined they "do not condone" Hutchinson's behavior-criminal activity-speeding, with a 9 mm Glock handgun, smelling of liquor, possession of cocaine, refusal to submit.

The Court stated:

"Instead on the "lack of uniform treatment and due process." (App. 16).

The Arkansas Supreme Court granted the writ, lifted the suspension, and directed the Committee to revisit the rules and submit proposed revisions to the court that provide more due process protections." (App. 16).

Petitioner was issued a summary suspension-without the referral to initial like Hutchinson. However, unlike Hutchinson, Petitioner - had no prior disciplinary actions, no convictions, or sanctions, received an interim suspension order without any findings of rule violations, without misconduct or serious misconduct, and with a referral to initiate disbarment, - petitioned the Arkansas Supreme Court for a writ because of due process violation. There is no state uniformity. This reflects a pattern of due process violation across the states.

III. When a state supreme court remands an attorney discipline case for findings of fact but refuses to lift a facially void interim suspension, and the disciplinary committee then initiates disbarment proceedings based on the void order, constitute a sufficient deprivation of liberty and property interests to warrant a full review of the state's procedures.

Petitioner's interim suspension was issued without any findings of serious misconduct, notice, or opportunity to be heard. Arkansas Supreme Court Procedures §§ 17(A)(3) and 17(E)(3)(a) require findings of "serious misconduct" prior to imposing an interim suspension. The Committee issued none. The Arkansas Supreme Court remanded the void order without remedy, leaving Petitioner suspended for over nine years without due process. The void order should be vacated and the interim suspension lifted. Suspensions without findings violate due process. Failure to lift ta void order in light of a void order deprives the Petitioner of further property interests. Where there are no

findings in an order of interim suspension and to initiate disbarment, the attorney's liberty and property are in hostage. This warrants the Court's attention.

Federal Circuit Conflicts – Findings Required for Interim Suspension

- Eighth Circuit: In re Attorney Discipline Matter, 98 F.3d 1082 (8th Cir. 1996) – interim suspension invalidated where no findings supported immediate action.
- Tenth Circuit: Mattox v. Disciplinary Panel, 954 F.2d 148 (10th Cir. 1992) – vacated suspension for lack of notice and findings of misconduct.
- Fourth Circuit: Hensley v. Lawyers' Disciplinary Bd., 923 F.2d 1007 (4th Cir. 1991) – findings of serious misconduct are mandatory to justify interim suspension.
- Second Circuit: In re Jacobs, 44 F.3d 84 (2d Cir. 1994) – held interim suspensions without findings of misconduct violate due process.
- Fifth Circuit: In re Evans, 801 F.2d 703 (5th Cir. 1986) – reversed where interim suspension lacked findings and record support.

Federal Circuit Conflicts – Findings Not Required

- First Circuit: In re Williams, 398 F.3d 116 (1st Cir. 2005) – upheld interim suspension without findings, citing inherent authority to protect the public.
- Ninth Circuit: In re Kramer, 282 F.3d 721 (9th Cir. 2002) – allowed suspension based solely on allegations and ongoing investigation.

State Supreme Court Conflicts – Findings Required

- California: Giddens v. State Bar, 49 Cal.3d 1096, 264 Cal.Rptr. 356, 782 P.2d 643 (1989) – interim suspension without express findings violated due process.

- New Jersey: In re Ruffalo, 390 U.S. 544 (adopted in NJ Bar context) – findings required before disciplinary deprivation.
- Florida: Fla. Bar v. Greene, 926 So.2d 1195 (Fla. 2006) – findings of serious misconduct mandatory for interim suspension.
- Pennsylvania: Office of Disciplinary Counsel v. Kiesewetter, 889 A.2d 47 (Pa. 2005) – interim suspension invalid without underlying factual findings.

State Supreme Court Conflicts – Findings Not Required

- Kansas: In re Kershner, 292 Kan. 560, 256 P.3d 312 (2011) – allowed interim suspension without findings where post-deprivation remedies existed.
- Ohio: Disciplinary Counsel v. O'Neill, 103 Ohio St.3d 204, 814 N.E.2d 301 (2004) –

Petitioner's suspension illustrates the worst-case scenario that this split invites: Arkansas imposed an interim suspension without notice, hearing, or findings, and left it in place for nearly a decade, contrary to the approach in circuits such as the Eighth, Tenth, Fourth, and Second, and states like California, Florida, and Pennsylvania, which require express findings of serious misconduct to justify such deprivation. Arkansas aligns with Kansas and Ohio, where interim suspensions may be issued on allegations alone, creating an irreconcilable conflict.

On September 15, 2016, the court remanded the defective OIS to the Committee, but did not reinstate Petitioner's law license. However, this same last resort court granted Hutchinson's request for a writ and lifted his suspension – an attorney with prior convictions, on probation, multiple run ins with the law. The focus is on the

arbitrary, implementation of the Rules. There is no set standard on the process to ensure all men are treated equal.

This is an escalating harm caused by the state's flawed disciplinary process. It highlights how the void interim suspension is being leveraged to pursue a more serious punishment - disbarment. The ongoing deprivation of the attorney's ability to practice, without a valid basis, strengthens the argument for a federal remedy. It is not a one-off error but a pattern of due process violations.

This divergence leaves fundamental constitutional protections subject to geography, undermines public confidence in the integrity of attorney discipline, and necessitates this Court's intervention to resolve whether due process requires findings of serious misconduct before a lawyer may be deprived of the right to practice. The Conflict reveals there is a need for Supreme Court Review. The Attorney's License is a Property and Liberty Interest. An attorney's license to practice law is not merely a privilege but a constitutionally protected property interest. It also implicates a liberty interest, as it is essential for pursuing one's chosen profession and earning a livelihood. Procedural Due Process Mandates a Prior Hearing. The Fourteenth Amendment guarantees that a person shall not be deprived of life, liberty, or property without due process of law. The Supreme Court has held that a "right to some kind of prior hearing is paramount" when a protected interest is implicated. A Lack of Prior Notice and Findings Violates Due Process. Imposing an interim suspension without prior notice or a finding of serious misconduct deprives the attorney of their livelihood without the "process that is due". This is analogous to the government terminating public benefits without providing notice and a

hearing, as established in Goldberg v. Kelly. The Mathews v. Eldridge Balancing Test Favors the Attorney.

The Mathews v. Eldridge test requires balancing three factors to determine the process due. Private Interest is at Stake: The attorney's interest in their license and ability to earn a living is substantial. There is a risk of erroneous deprivation and value of Addional Safeguards: Without a hearing and findings of serious misconduct, there is a high risk of wrongful deprivation, and the value of procedural safeguards (notice and a hearing) is high.

U. S. Supreme Court cases

- **Goldberg v. Kelly** (1970): Held that terminating public welfare benefits without prior notice and a hearing violated the Fourteenth Amendment's Due Process Clause.
- **Fuentes v. Shevin (1972):**

  Affirmed that a prior hearing is required before a person is deprived of property interest.

The judgment is void because it was predicated on an extended and unlawful suspension that was imposed without notice, hearing, or other essential elements of due process, rendering all subsequent proceedings constitutionally infirm

Petitioner was suspended for over nine years without a valid order or hearing—an extraordinary deprivation of due process and a denial of the right to practice law. *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 538–39 (1985) (Suspension from a profession without a hearing violates due process); *Goss v. Lopez*, 419 U.S. 565, 579 (1975), held even temporary deprivations of liberty or property require due process

protections. Suspension or disbarment actions require adherence to procedural and jurisdictional rules, including proper notice, opportunity to respond, and valid service under Rule 4.

Moreover, an unlawful suspension that spans nearly a decade constitutes a gross due process violation and renders all related disciplinary actions void.BT-48

IV. Is a federal court required to grant reciprocal suspension of an attorney's license when the state-court -imposed suspension was the result of a clear denial of procedural due process, and when the federal court has already found the underlying state process to be constitutionally infirm?

The question highlights a potential conflict or significant federal question related to the principle of reciprocal discipline. While federal courts often recognize state disciplinary actions, they have no obligation to do so when the state's proceeding was fundamentally unfair. The question leverages the federal court's own denial of reciprocal suspension – based on the lack of due process - to show that the state's process is so flawed merits federal review. This is particularly compelling given the attorney's practice in federal court.

V. Whether a judgment entered by a state court of last resort is void ab initio when personal and subject-matter jurisdiction were never properly acquired, including when the disbarment petition was filed under the wrong parties' legal names, was not verified, and was served through materially defective process in violation of state and federal law.

This issue raises the question of whether state courts may disregard long-settled principles that defective service and lack of jurisdiction render a judgment void.

The OIS and subsequent disbarment proceedings were initiated under the wrong petitioner and respondent names and with defective service: summons issued late, petitioner's address omitted, documents left on a doorstep, affidavit materially inaccurate.

This Court and the Circuits have dismissed cases for misidentification of parties.

U.S. Supreme Court and Circuit Cases:

- *Hahn v. Kelly*, 252 U.S. 57 (1920) — case dismissed for misidentification of parties.
- *Puerto Rico v. Shell Oil Co.*, 302 U.S. 253 (1937) — defective party naming invalidated jurisdiction.
- *Missouri v. Jenkins*, 495 F.2d 950 (8th Cir. 1974) — incorrect party name barred proceedings.
- *Matter of Sanders*, 915 F.2d 1231 (10th Cir. 1990) — defective party identification invalidated orders.
- *Hensley v. Lawyers' Disciplinary Board*, 923 F.2d 1007 (4th Cir. 1991) — personal jurisdiction cannot attach to wrong party name.

State courts have declared proceedings void where parties were misidentified. However, Arkansas has not. Not surprisingly, Arkansas looks the other way on that issue.

State High Court Conflicts:

- New York Court of Appeals — strict requirement for accurate party naming (*Matter of Russakoff*, 96 N.Y.2d 248, 727 N.Y.S.2d 208, 752 N.E.2d 1061 (2001)).
- Texas Supreme Court — proceedings void where parties misidentified (*Ex parte Smith*, 329 S.W.3d 537 (Tex. 2010)).

Because of the misidentification of the parties names in the proceedings, both orders entered, the OIS and the judgment entered on May 29, 2025 are void. The court never gained jurisdiction over Petitioner. There is conflict at the state level Supreme Court intervention is needed for clarity.

Additionally, the Partitioner was never properly served, the affidavit of service was materially false, legally defective, and deprived the court of personal jurisdiction Arkansas Rule of Civil Procedure 4. (App.____).It omitted essential details such as the correct address, printed name of the server, and the service fee. The supplemental affidavit of Andrew Myers omitted a complete notarial date ((App.___)). These defects render the proof of service legally insufficient and the resulting judgment void. See *Ark. R. Civ. P. 4(g)(1)*; *Carruth v. Design Interiors, Inc.*, 324 Ark. 373, 921 S.W.2d 944 (1996).

A. The affidavits were false and contradicted by objective evidence

Affidavits supporting service must be accurate, complete, and internally consistent. When service is challenged, the burden shifts to the plaintiff to prove its validity. *Powell v. Turner*, 2012 Ark. App. 378, at 5. Here, the server's account lacks evidentiary support and is riddled with contradictions. He testified that while standing on the street – over 20 feet away - he shouted toward the residence, allegedly identifying the Respondent and shouting, "You've been served," then observed the door shut. He made no claim that Respondent responded, acknowledged him, or made any statement. No photograph, video, or audio corroborates her presence. He subsequently placed a box of documents on the doorstep without any interaction. Respondent testified she was not at

home at the time and provided a Starbucks receipt and corresponding bank record to confirm.

Petitioner was at a Starbucks in West Little Rock at 5:15 p.m. on May 18, 2016 (App. L-1-2). The server's affidavit, claiming Respondent was home in Benton at that time, - from 2:30 -7:70 "Exhibit S at 2, number 11" - is thus demonstrably false. See *Jones v. Flowers*, 547 U.S. 220, 226 (2006) (service must be reasonably calculated to reach the defendant); *Edmisten v. Bull Shoals Landing*, 2014 Ark. App. 664, at 6.

B. The server failed to comply with Rule 4(f): no refusal, no acknowledgment, and no valid personal service

Arkansas Rule of Civil Procedure 4(f)(1)(A) requires personal service or, in the case of a clear refusal, authorizes substitute service by leaving the papers in close proximity. It provides:

> "[If the defendant] refuses to receive it after the process server makes his or her purpose clear, [service may be effected] by leaving the papers in close proximity to the defendant." – Ark. R. Civ. P. 4(f)(1)(A).

In this case, the process server never testified that Respondent refused service. He never claimed she made any statement, opened the door, or acknowledged the documents. Instead, he alleged he shouted from the street and observed someone—whom he assumed to be Respondent—close the door. He then left the documents on the doorstep. That does not constitute valid service. See *Smith v. Sidney Moncrief Pontiac, Buick, GMC Co.*, 2009 Ark. App. 666 (no valid service where defendant did not affirmatively refuse or acknowledge process); *Carr v. Johnson*, 2018 Ark. App. 400, at 5–6 ("Actual notice does not cure defective service."); *Wilburn v. Keenan Cos.*, 298 Ark.

461, 768 S.W.2d 531 (1989) ("It is not the fact of notice but the method of notice that is controlling.").

Arkansas courts and other jurisdictions have held that silence or avoidance—such as closing a door—is not an affirmative refusal triggering substitute service. See *Smith v. Sidney Moncrief Pontiac*, 2009 Ark. App. 666; *Bridgeport Hydraulic Co. v. Valenti*, 522 A.2d 322 (Conn. App. Ct. 1987) ("Mere avoidance is not equivalent to a refusal"); *Norris v. Causey*, 869 F.3d 360 (5th Cir. 2017). The server's actions do not satisfy Rule 4(f), and thus service was invalid.

C. Material inconsistencies and contradictions undermine the credibility of the service

In addition to the legal deficiencies, the process server's testimony is fraught with factual inconsistencies that further discredit the alleged service. He claimed to observe Respondent's vehicle but admitted he could not confirm who was driving. He then stated "I did not see you in that vehicle at that time. He testified that he knocked but never received a response and "had no idea" if she was present. He asserted he surveilled the home continuously from 12:30 p.m. to 7:30 p.m. yet also admitted to leaving for a two-hour period to retrieve documents. He acknowledged that during that gap, he could not verify who may have entered or exited the home. He also claimed to have been attempting service since March, although the disbarment petition was not filed until April 1, 2016 (Exhibit L).

Starbucks receipts and debit card transactions place Respondent in West Little Rock at the precise time the server claimed she was present at the Benton address (Exhibits W, X, Y). His affidavit is further undermined by vague and shifting descriptions—claiming at various points to have seen Respondent "standing in the door,"

"sticking her head around," and "not paying attention to the respondent's clothes (Exhibit U at 164). These contradictions are material, and they render the affidavit unreliable. Because no valid personal service occurred, and because the supporting affidavits are internally inconsistent and contradicted by objective evidence, the court never acquired personal jurisdiction. The judgment is void. See *Precision Etchings & Findings, Inc. v. LGP Gem, Ltd.*, 953 F.2d 21 (1st Cir. 1992); *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950); *Peralta v. Heights Med. Ctr.*, 485 U.S. 80, 84–85 (1988). The judgment is void because the summons and petition were never properly served as required by the Arkansas Rules of Civil Procedure, thereby depriving the Court of personal jurisdiction over the respondent

There is no legally sufficient proof that the Summons and Petition were served as required by Rule 4. In *Mullane v. Central Hanover Bank*, 339 U.S. 306, 313 (1950), the Court held adequate notice and proof of service are prerequisites for jurisdiction. Because the affidavit of service (Exhibit R) is defective-bearing materially false information, including an incorrect address location and the city is false - on its face – it cannot give rise to any presumption of proper service. As a result, no presumption of valid service arises, and the burden did not shift to Respondent to prove improper service

VI. Whether jurisdictional defects—including lack of personal and subject-matter jurisdiction—can be raised at any time, including for the first time on appeal, and whether a state court's refusal to consider such defects conflicts with established United States Supreme Court precedent.

This question addresses a split among state and federal courts regarding the non-waivability of jurisdictional defects and the authority of appellate courts to vacate void judgments. In *Tucker v. Johnson*, 275 Ark. 61, 627 S.W.2d 636 (1982), the Arkansas

Supreme Court held that a void judgment cannot be amended or remanded; it must be vacated. Similarly, *Anderson v. State*, 2009 Ark. 417, reaffirmed that actions taken without jurisdiction are void and may be challenged at any time.

A. National Importance and Real-World Consequences

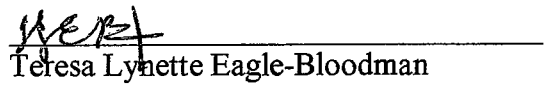
Following the Executive Director's request, the Eastern District of Arkansas sought to impose a reciprocal suspension. Respondent filed a response demonstrating that no notice or hearing was provided prior to the suspension. The Eastern District refused to enforce the suspension. As a result, in every case where Petitioner represented a client, opposing counsel repeatedly filed motions to disqualify Petitioner or strike filings solely because she was suspended in state court. Although federal judges denied these motions, the ongoing attempts created confusion for clients, disrupted proceedings, and generated an uncomfortable, prejudicial atmosphere for Petitioner.

Because of the constitutional procedural violations, structural defects, and subject-matter jurisdiction defects, the Arkansas Supreme Court should never have heard or entered a ruling on the merits of the disbarment claims. The judgment entered on May 29, 2025, is therefore void ab initio. Until this Court addresses these constitutional violations, state courts of last resort will continue to disregard the Fourteenth Amendment protections afforded to all citizens—protections that do not stop at the door of a licensed attorney. This demonstrates the urgent need for SCOTUS to establish uniform procedural protections and ensure consistency across all circuits and all 50 states.

PCONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



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Date: August 27, 2025