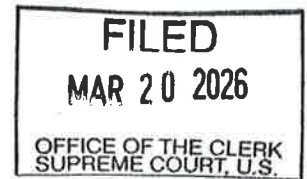


No. 25-743
IN THE
Supreme Court of the United States



GARY PISNER,

Petitioner,

v

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND

Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Fourth Circuit

PETITION FOR REHEARING

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PETITION FOR REHEARING

Pursuant to Rule 44, Petitioner Gary Pisner requests rehearing and reconsideration of the Court's February 23, 2026, order denying the Petition for a Writ of Certiorari, on the grounds of substantial intervening circumstances and substantial grounds and new facts that were unknown until after the order that was the basis of the Petition and legal arguments not previously presented.

I. REASONS FOR GRANTING REHEARING

A. By denying the petition, this Court has created an ambiguity that bars and courts can exploit, which will undermine judicial and bar integrity, absent this Court's clarification.

1. The Court's silence might lead people to misinterpret the Court's denial of the petition:

- The pitfall of denying the petition is obvious; given the wording of the Petition's "Questions Presented," one could interpret it as a license for an unscrupulous state or federal bars to manipulate the system to benefit individuals (see example Appendix Exhibit 1).

The wording of Question 1, as presented, is:

Whether the court that has jurisdiction over lawyer disciplinary matters can issue orders disbarring an attorney without first addressing cited, unaddressed constitutionally mandated due process deficiencies.

2. Peculiarities of this case makes this case appropriate for rehearing:

- In this instance, we had, among other unusual factors, a Bar Counsel who was forced to resign because she manufactured ethical violations. This case, if properly adjudicated, would have disclosed to the public that judicial appointment irregularities and improprieties are present in the judicial appointment process. This is clear (see Appendix Exhibit 1).
- Also, in this matter Pisner had submitted evidence, to the Maryland Bar Counsel, that the court appointee on trust and estate matters had been engaging in illegal activities that were detrimental to the court appointments and that this had been going on for over a decade in approximately six-hundred appointments.
- If the matter had not been summarily disposed of, disclosures might have cast doubt on the validity of the Trust and Estate process, which is already being scrutinized by the Maryland legislature.
- In this instance, the Maryland Bar Counsel had the motivation to protect a court appointee who served judges who were participants in ethics matters.

- In this instance, the judges who had used the court appointee over the years — there were many — including the judge that conducted the finding of facts and conclusions of law proceedings, had obvious stakes in a certain outcome—given the prohibition on using juries, no matter how biased the judges are, in a given jurisdiction, we are stuck with serious due process issues.
- Prosecutorial misconduct occurred among other due process deficiencies, and although a court did not address it, we can still infer it from the evidence, including the admissions of the court appointee and his accountant, under oath.¹
- In this instance, we have undeniable proof that there was a vindictive prosecution because it was the court-appointee, who Pisner had sued and disclosed ethics violations, who Bar Counsel had given the job of preparing the charges and supplying the evidence that was the basis of this matter.
- The conduct of Bar Counsel, including the legal impediments in the Pierre matter and this matter, were almost identical, and the timeframe of the two cases were roughly the same (see Appendix Exhibit 1).

3. What might we infer from the Court's silence?

¹ Neither Bar counsel, nor its witnesses complied with discovery, including disclosing exculpatory evidence.

Courts could rightly infer that they have no obligation to police the bar entity that controls the lawyers in its bar. This would be a dangerous interpretation of this Court's silence.

Given the above, due process becomes even more critical when it comes to the willy-nilly issuance of disbarment orders, at the pleasure of the bar entity.

Given that they did not allow a jury trial, the courts lacked the main safeguards, although an accused court-appointee was involved.

Given the caselaw, it would appear that this Court has abandoned more than a hundred years of precedent; would it not be prudent to inform lawyers, bars, and judges of this constitutional due process exception?

On its face, it appears that this Court has made, by omission, a monumental change in the law. Is that the message this Court wishes to send?

B. Question Presented #2, on its face, is uncontroversial.

The wording of Question 2, as presented, is:

Whether in a multi-stage lawyer disciplinary proceeding, as in this instance, any rule or statute that prohibits a judge who is the finder of facts from ameliorating constitutional due process issues as they arise is unconstitutional.

1. What might we infer from the Court's silence?

Given the wording of the question, the statement in the question appears to be uncontroversial, yet this Court by its silence, appears to have given courts, in lawyer disciplinary cases, the power to create laws and misapply statutes that were created specifically to undermine a lawyer's constitutional rights and is this Court saying by its silence that this is acceptable?

Would this not create a system where a judiciary and/or legislature could place a lawyer in a situation equivalent to being fired at will from the bar?

Remember, both the Maryland courts and the Respondent had conflicts of interest, but Petitioner was barred from a hearing with a jury, as requested.

II. CONCLUSION

There appear to be quite a few ambiguities that, if interpreted in certain ways, could wreak havoc with ethics disciplinary practices, to the detriment of lawyers and courts.

One can even see instances, such as in this matter, there can be fallout that can even damage the public.

Finally, given that the Respondent pushed the theory that, instead of proper procedures at the circuit court and state supreme court levels, given that, after touting their argument that this Court (United States Supreme Court) could fix errors that occurred in the Maryland Courts. Given that the present system does not permit any intermediate appellate review and given that Respondent did not file a written response to the Petition, Petitioner asserts this Court has an obligation to hear this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gary Pisner", is written over a horizontal line.

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July,24 2026

CERTIFICATE OF COUNSEL

Pursuant to Rule 44.2, Petitioner Gary Pisner certifies that the Petition is restricted to the grounds specified in the Rule with substantial grounds not previously presented. Petitioner Pisner certifies that this Petition is presented in good faith and not for delay.

A handwritten signature in cursive script, appearing to read "Gary Pisner", written over a horizontal line.

Gary Pisner, Pro Se

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APPENDIX TO PETITION FOR REHEARING

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APPENDIX TO THE PETITION FOR A REHEARING

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Exhibit 1

Top Maryland attorney grievance lawyer faced ethics questions days before resignation became public

By Lee O. Sanderlin • www.baltimoresun.com

Sloane Brown, for the Baltimore Sun

Lydia Lawless, Attorney Grievance Commission of Maryland bar counsel, pictured in 2016. Lawless announced her resignation on Jan. 31, effective March 17.

Days before her resignation became public, the state's most high-profile ethics lawyer faced tough questions from Maryland Supreme Court Justice Shirley Watts. Chiefly: Did she create a conflict of interest?

Attorney Grievance Commission Bar Counsel Lydia Lawless, an appointed lawyer with investigative and prosecutorial powers overseeing attorney conduct, was in court Feb. 2 to argue in favor of sanctions for attorney and perennial judicial candidate Marylin Pierre, after an Anne Arundel County Circuit Court judge found Pierre had violated the Maryland rules governing attorney conduct.

But Watts' line of questioning for Lawless was less about Pierre's alleged violations and instead about whether Lawless used her position to benefit the political campaigns of four incumbent Montgomery County judges.

Lawless's resignation, dated Jan. 31 and effective March 17, became public knowledge Monday. Lawless, in text messages sent Monday to The Baltimore Sun, said she was not asked to resign and that she was "exploring opportunities."

Lawless, the Attorney Grievance Commission, and Pierre's attorney all declined comment for this article. A request for clarification about when the Attorney Grievance Commission actually received Lawless's resignation, either on Jan. 31 or after Watts asked questions about a possible conflict of interest, was not returned.

"If we really want to bring our profession into disrepute, you could do no better than looking at a case where a state official that lacked any exigent circumstances forces herself into an ongoing election," Pierre's attorney, Irwin Kramer, said in court.

Watts' questions about whether Lawless had violated the very rules she was supposed to enforce were rooted in the circumstances that led to her opening the investigation into Pierre. Justices also questioned whether the investigation could have been delayed until after the election.

On Aug. 28, 2020, the campaign for the four Montgomery County judges sent a mass email to the county bar association at 3:58 p.m. with the subject line: "Lawyers and the Urgent Need for Action."

The message, written by attorney and campaign manager Stephen McAuliffe III, accused Pierre of lying about her record, misrepresenting her experience

and of dishonest conduct when she first became an attorney in the late 1990s. It's not clear whether Stephen McAuliffe and Judge Michael McAuliffe are related.

Less than an hour later, Lawless, who is a member of the Montgomery County Bar Association, responded to Stephen McAuliffe, and wrote: "I have opened an investigation pursuant to Maryland Rule 19-711(a) to determine whether Ms. Pierre has violated the Maryland Rules of Professional Conduct."

Lawless asked Stephen McAuliffe to provide the source of information for his claims and for the identity of any person who could provide further details.

On Feb. 2, Watts questioned whether Lawless was right to respond so quickly and to take campaign literature as a legitimate form of complaint.

"Could these circumstances give rise to an actual conflict or an appearance of conflict that judiciary resources are being used to intervene in the sitting judge's election?" Watts asked.

Maryland law required Lawless look into the claims, she said, and that the reason she kept in touch with the campaign and asked for the rest of its information is so she could do her own vetting.

"Your Honor, I don't believe it is an actual conflict of interest or an appearance of a conflict of interest," Lawless said.

Lawless argued in court that these investigations are confidential and pointed out that the existence of the investigation into Pierre did not become publicly known

until after the November 2020 election. Pierre was made aware of the investigation in early September of that year, Lawless said.

In her initial email to McAuliffe, Lawless wrote that the investigation into Pierre is confidential under state law and asked him to honor that. In a response email, McAuliffe said he would not disclose the investigation's existence without her permission, but asked if the rules of non-disclosure applied to him telling the candidates.

"I do have a question about whether the prohibition about non-disclosure extends to Judges Berry, Boynton, Fogleman and McAuliffe who make up the slate," he wrote.

Appointed by Republican former Gov. Larry Hogan, the four judges — Michael McAuliffe, Bibi Berry, David Boynton and Christopher Fogleman — all won their elections. Pierre did not.

The judges also successfully obtained a restraining order against Pierre in the run-up to the election, preventing her or any of her campaign surrogates from claiming she was a judge.

In November, Anne Arundel Circuit Judge Donna Schaeffer issued a 54-page ruling determining Pierre had violated the Maryland rules governing attorney conduct on multiple occasions, and that she had lied about her record and legal experience.

The Supreme Court of Maryland is expected to issue a ruling in Pierre's case in the coming weeks or months.

CERTIFICATES

Case No. 25-743

Pisner v. Atty. Grievance Commission of Md.

MD SC No.23 # 24A1072

I CERTIFIY that three copies of this Petition for Rehearing have been mailed to the Attorneys of Record on July 24, 2026.

Thomas DeGonia, Esq. Maryland Bar Counsel
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Annapolis MD 21401

Rachel Stewart, Esq.
Maryland Office of Attorney General
200 Saint Paul Place,
Baltimore MD 21202

Pursuant to Rule 33.1(h) of the Rules of this, Court, I certify that the Petition for Rehearing was prepared using 12 point Century Schoolbook type and contains 998 words.

I declare under perjury that the foregoing is true.


Gary Pisner

