

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

Gary Pisner
Applicant

v.

D.C. Office of Disciplinary
Counsel

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APPLICATION FOR AN EXTENTION TO FILE A PETITION FOR
CERTIORARI PURSUANT TO RULE 13.5

APPLICATION TO THE HONORABLE
CHIEF JUSTICE JOHN G. ROBERTS
AS CIRCUIT COURT JUDGE

WHEREAS, Gary Pisner, the Applicant herein, will be filings of a Petition for Certiorari, related to the order of December 18, 2025 in the District of Columbia Court of Appeals (25-BG-0704 Exhibit 1) and an order of January 28, 2026 Petition for Rehearing (see Exhibit 2) respectfully applies to this Court for a sixty (60) day extension, under this Court's Rule 13.5, from what would be the ninety (90) day deadline (April 28, 2026) for filing a Petition for Certiorari, with this Court, which would be the first business day after June 27, 2026.

A. Background

1. Proceedings below

This relates to a D.C. Bar reciprocity disciplinary matter of the Maryland Courts, whereby the Maryland Attorney Grievance Commission, through its Counsel, has acknowledged on the record that the procedure that led to the disbarment lacked due process for a matter that is now before the Federal Circuit.

Given the obvious errors in the District of Columbia Court of Appeals order, Applicant moved for reconsideration (see Exhibit 3).

Although the record and contradictory findings clearly supported the proposed error corrections in the order, the court refused to correct its errors without a viable explanation (see Exhibit 2).

2. The benefit of allowing the matter in the Federal Courts to take priority

The reason this matter has been before the Federal Circuit is because neither the Montgomery County Maryland Circuit Court, which claimed that it lacked jurisdiction to hear constitutional due process issues, such as lack of notice, refusal to disclose exculpatory evidence, and prosecutorial misconduct, because the court lacked subject matter jurisdiction, that being the purview of the Maryland Supreme Court, so upon transferring the case to the Maryland Supreme Court, the Supreme Court also, for no cited reasons, also refused to hear any argument or permit briefing on the constitutional due process omissions.

Even more disturbing is that the record contained sufficient evidence to support prosecutorial misconduct and clear evidence of concealing exculpatory evidence.

This refusal to address any of the many due process failures resulted in a remand to the federal courts, where this matter has been since late 2024.

Instead of addressing those constitutional issues, the Court used the document that was the product of the prosecutorial misconduct that was largely the product of the Maryland Bar Counsel, who, pursuant to a similar matter, had been forced to resign days prior to the service of Maryland Bar Counsel's Petition service on Applicant. The many due process failures and infirmities, including the extrinsic fraud of which the District of Columbia Court of Appeals and the District of Columbia Office of Disciplinary Counsel are fully aware.

3. Why the 60-day extension is necessary.

There is a possibility that the matter before the Federal Circuit, given the potential outcomes, may make a Petition for Certiorari moot or may require additions or amendments to the questions presented to this Court, especially given the novel position of the Maryland Attorney Grievance Commission, i.e., that disciplinary proceedings for lawyers, do not require constitutional due process because of the special relationship between the courts and lawyers.

Obviously, this theory has no support in the caselaw and, would if accepted by the Federal Circuit it would raise new constitutional questions; moreover, it was the Federal District Court that accepted the Maryland Attorney Grievance Commission's argument that Lawyers, as a group, do not have Constitutional Due Process in disciplinary matters. Clearly, there are no guarantees that this matter would be resolved at the federal level by early 2026, but there might be enough clarity to proceed in an informed manner.

The District of Columbia Courts have stated that if there is no due process, there is no reciprocity; therefore, there is an inconsistency between the Maryland Federal Court and the District of Columbia Court of Appeals.

Even stranger, there is no consistency between the District of Columbia Court of Appeals in this reciprocity matter, and the same court in other reciprocity cases (see Exhibit 3).¹

¹ The Maryland Supreme Court, ironically, ruled that the Applicant's compliance with an opinion issued by the District of Columbia Court of Appeals, several years ago, was an ethics violation, in

B. Appellant Exercised Due Diligence

This filer submitted the Application to this Court over 10 days prior to the statutory filing deadline.

WHEREFORE, Applicant Pisner applies to this Court for a sixty (60) day extension, under this Court's Rule 13.5, from what would be the ninety (90) day deadline (April 28, 2026) for filing a Petition for Certiorari, with this Court, which would be the first business day after June 27, 2026.

Respectfully submitted,



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CERTIFICATION

Applicant Gary Pisner, pro se, has served a copy of this 730-word application on counsel of record—the D.C. Office of Disciplinary Counsel on April 9, 2026, by mail.



Gary Pisner

EXHIBIT 1

Notice: This order is subject to formal revision before publication in the Atlantic and Maryland Reporters. Users are requested to notify the Clerk of the Court of any formal errors so that corrections may be made before the bound volumes go to press.

DISTRICT OF COLUMBIA COURT OF APPEALS

No. 25-BG-0704

IN RE GARY S. PISNER,
Respondent.
A Suspended Member of the Bar of the
District of Columbia Court of Appeals
Bar Registration No. 423535

FILED 12/18/2025
District of Columbia
Court of Appeals


Julio Castillo
Clerk of Court

DDN: 2025-D036

BEFORE: McLeese and Deahl, Associate Judges, and Thompson, Senior Judge.

ORDER

(FILED – December 18, 2025)

On consideration of the certified order from the Supreme Court of Maryland disbaring respondent; this court's July 28, 2025, order suspending respondent pending this matter's resolution and directing him to show cause why reciprocal discipline should not be imposed; respondent's response, in which he opposes disbarment and requests this court continue the matter pending additional litigation in Maryland and federal courts; the statement of Disciplinary Counsel requesting that reinstatement in the District be conditioned upon respondent's reinstatement in Maryland; and respondent's reply in which he does not address the proposed reinstatement condition; and it appearing that respondent has not filed his D.C. Bar R. XI, § 14(g) affidavit, it is

ORDERED that Gary S. Pisner is hereby disbarred from the practice of law in the District of Columbia with reinstatement conditioned upon reinstatement in Maryland. *See In re Sibley*, 990 A.2d 483, 487-88 (D.C. 2010) (explaining that exceptions to the rebuttable presumption in favor of identical reciprocal discipline should be rare); *see also In re Corry*, 290 A.3d 20, 20 (D.C. 2023) (per curiam) (where the respondent did not object, conditioning his reinstatement upon reinstatement in the originating jurisdiction). Respondent does not show good cause to continue this matter where the Maryland disciplinary order is final. Nor does respondent establish an exception prohibiting the imposition of reciprocal discipline. *See* D.C. Bar R. XI, § 11(c). Respondent had notice of the Maryland proceedings, participated in a two-day evidentiary hearing, and raised his due process arguments

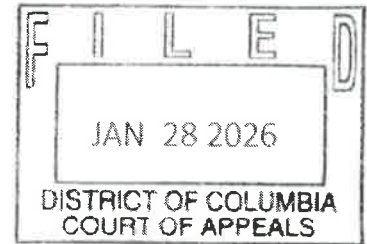
No. 25-BG-0704

in his exceptions filed with the Supreme Court of Maryland, which rejected them. *See In re Diviacchi*, 308 A.3d 1194, 1199 (D.C. 2024) (“[A]n attorney has a right to procedural due process in a disciplinary procedure, which is afforded when the disciplinary proceeding provides adequate notice and a meaningful opportunity to be heard.” (internal quotation marks omitted)). The approximately 130-day gap between the Maryland disbarment order and the opinion explaining the reasons for disbarment does not constitute a serious defect in the proceedings where the opinion did not change the substance or outcome of the order. Furthermore, respondent “is not entitled to relitigate or collaterally attack the findings or judgment” in the Maryland proceeding. *In re Zdravkovich*, 831 A.2d 964, 969 (D.C. 2003). It is

FURTHER ORDERED that for purposes of reinstatement, respondent’s disbarment will not begin to run until such time as he files an affidavit that fully complies with the requirements of D.C. Bar R. XI, § 14(g).

PER CURIAM

**District of Columbia
Court of Appeals**



No. 25-BG-0704

IN RE GARY S. PISNER,

Respondent.

A Disbarred Member of the Bar of the
District of Columbia Court of Appeals
Bar Registration No. 423535

DDN: 2025-D036

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese,*
Deahl,* Howard, and Shanker, Associate Judges, and Thompson,*
Senior Judge.

ORDER

On consideration of respondent's petition for division and en banc rehearing,
and it appearing that no judge of this court has called for a vote on the petition for
rehearing en banc, it is

ORDERED by the merits division* that the petition for rehearing is denied.
It is

FURTHER ORDERED that the petition for rehearing en banc is denied.

PER CURIAM

Copies e-served to:

Gary S. Pisner

Hamilton P. Fox, III, Esquire
Angela M. Walker, Esquire
Office of Disciplinary Counsel

James T. Phalen, Esquire
Board on Professional Responsibility

cml

DISTRICT OF COLUMBIA COURT

EXHIBIT 3

OF APPEALS

IN THE MATTER OF GARY S.

PISNER

case # 25—BG-0704

Petition for a Division and En Banc
Rehearing pursuant to Rule 40 of this
Court's December 18, 2025, order

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I. Why was this petition necessary?

As shown in this Court's December 18, 2025, order, besides omissions, there were arguments by this Court that were based on factual errors and impossibilities.

For Example, the Court sidestepped the due process problem in its December 18 order, by overlooking the orders of the Montgomery County Circuit Court and the Maryland Supreme Court, which had been in Exhibit A of Gary Pisner's (hereinafter "Pisner") Reply to ODC's Statement (This is also in this appendix Exhibit 4).

II. In this Court's order, this court misstated that Pisner "had notice of the Maryland proceedings."

As showed in Pisner's Reply to ODC's Statement, Exhibit A and this appendix Exhibit 4, the Petition of the Maryland Attorney Grievance Commission (hereinafter "MD Bar Counsel") was defective in that the Petition is vague under normal conditions; it would have been deemed defective and the court would have required correction before proceeding.,

As Pisner's answer states, the Petition failed to give notice because there is a due process right to receive fair notice of the claims and evidence being brought against you. This due process right is referred to as fair notice, and it is well recognized in that the Fifth and Fourteenth Amendment requires that law regulating individuals and organizations "give fair notice of conduct that is forbidden or required."

This principle extends to pleadings in a lawsuit or in this case MD Bar Counsel's petition, meaning a complaint or a petition cannot be so unclear that the responding party must guess at its meaning and once you understand the origins of the petition with Robert McCarthy, Esq. (hereinafter "McCarthy") Pisner's court appointed trustee who Pisner was and is suing for embezzlement and who Pisner filed an ethics complaint against him, it makes perfect sense. Yes- normally this is a curable bump in the road for most litigation, but MD Bar Counsel argued successfully that MD Rule 19-725(c) "... Motions to dismiss the proceeding and motions for summary judgment are not permitted." So only the Maryland Supreme court could correct a due process "fair notice" defective petition, so both Pisner and the court went through the entire proceeding without due process, which requires a fair hearing where parties can present their objections. Notice that is not "reasonably calculated "to inform a party of the case against them prevents this from happening. In fact, that rule as interpreted by the court prevented any due process...

This Court incorrectly argued that the only problem was an alleged lack of notice, which is not reflected in the case's record:

The record indicates that the due process deficiencies were extreme and extensive.

III. The record clearly shows that the Maryland courts barred Pisner from raising the due process issues during the two-day evidentiary hearing.

This Court then stated that "[Pisner] participated" in a two-day evidentiary hearing and raised his due process arguments" So in

its argument, this Court is implying that those due process defects were addressed or could have been addressed during the “two-day evidentiary hearing” This is not supported by the record of the Maryland Circuit Court. Rather, Pisner was barred from addressing any due process issue, by order of the court, before the two-day hearing.

- There was a Motion to Dismiss filed by Pisner and scheduled for a hearing (See Exhibit 1); the Court canceled the hearing after the MD Bar Counsel argued that the Circuit court was barred from addressing the due process errors and that the only entity that could address the due process issues was the Maryland Supreme court.
- Pisner moved for reconsideration (see Exhibit 2) and the circuit court again asserted that it lacked jurisdiction to address the due process issues.
- Finally, Pisner noted his due process objections (see Exhibit 3) to be heard before the Maryland Supreme Court.

- So, the two-day evidentiary hearing was encumbered by the many due process errors and restrictions on disclosures of Bar Counsel’s witnesses’ criminal, legal and ethical violations, which even the MD Bar Counsel was aware of, so this Court’s assertion is a fiction, so had one reviewed Pisner’s responses to this Court’s Rule to Show cause and reply, this would have been obvious. Add to this, Bar Counsel and Bar Counsel’s witnesses had refused to comply with discovery. So contrary to what is in this Court’s order, i.e., that Respondent “raised his due process arguments during the two-day evidentiary hearing, Pisner was barred from raising the due process issues during the two-day evidentiary hearing by order: This Court’s key support for its position is obviously -- based on the record — incorrect.
- Next, this Court states that “[the due process issues] in his exceptions filed with the Supreme Court of Maryland, which rejected them.”

This statement erroneously implies that the Maryland Supreme Court addressed the due process issue. The record shows that Pisner petitioned the Maryland Supreme court to review and address those due process issues and for the Maryland court's recusal of those justices, that had appointed McCarthy (the Author of the Bar Counsel's Petition and the MD court's trustee appointee who Pisner had filed an ethics complaint against).

The Maryland Supreme Court refused to hear the argument on the due process issue (this is in a court order in appendix Exhibit 4 and Pisner's prior filings with this Court). So, with both the Circuit Court and the Maryland Supreme Court refusing to hear any arguments; with the due process deficiencies thoroughly undermining the record, Pisner filed a Notice of Remand to the Maryland Federal District Court: This was well before any disbarment. As the court record shows, Bar Counsel moved to remand back to the Maryland Supreme Court, based on its

argument that there is no requirement for due process for disciplinary proceedings; therefore, there is no federal question. We know that is false. The Maryland Federal District Court remanded the case back to the Maryland Supreme Court for a perfunctory hearing and two days later disbarment.

- The federal case related to the due process issues is before the Fourth Federal Circuit. Obviously, the due process issues were never addressed, and the entire proceeding in Maryland is broken, if you believe lawyers are constitutionally granted due process in disbarment issues and there were due process deficiencies that were not even addressed.

This, in combination with the 123-day disciplinary completion day rule and the Maryland case Petitioner's refusal to comply with discovery requests and disclosure requirements, and the refusal of witnesses to respond to Subpoenas, caused the whole proceeding to descend into a total due process failure, and this is reflected in the circuit court's finding of facts.

IV. D.C. Bar Rule XI § 11(c) does not limit due process to service of a petition.

D.C. Bar R. XI § 11(c)(1), (see also its cited In Re Zdravkovich A,2d 969 D.C.2003) and In re Chaganti 144 A. 3d 24 D.C. 201 (2016) the Rule:

“The procedure elsewhere was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process”

What this Court’s order appears to indicate is that the only requirement for reciprocity to be honored is for the state legal bar entity to serve the respondent a document titled “Petition or complaint” and that is sufficient for constitutional procedural due process? Prosecutorial misconduct, vindictive prosecution, concealing exculpatory evidence, failing to comply with discovery; being barred by the court from disclosing criminal and ethical violations of witnesses: Does this Court believe this is okay from a due process standpoint?

In Pisner’s Reply to ODC’s Statement, filed with this court, Pisner addressed the issue of ODC’s tunnel-vision view of due process, i.e., all that is required for reciprocity is service of a document and a hearing and that other types of due process deficiencies can be ignored, even if there is evidence and admission in support. Is this the position of this Court?

V. The 130 day's delay, after punishment was meted out, raised constitutional issues and procedural impediments.

The 130 days between the punishment and the opinion was not harmless. The reasons for the punishment at the time of the punishment were unclear, particularly because neither the circuit court nor the Maryland Supreme Court had resolved the defective notice (petition) issue. There were abundant failures by the Petitioner and the parties to comply with discovery; and there were omissions of exculpatory evidence by the Petitioner and the author of the Petition; unsurprisingly, the opinion was permeated with factual errors, which were totally inconsistent with the record, and there were legal impossibilities. Had this been known, it could have been quickly fixed, and the punishment rescinded? Instead, the delay disincentivized the Maryland Court to act.

Also, the delay undermined Respondent's ability to file Petitions for Certiorari in the U.S. Supreme Court.

Sup. Ct. R. 13(1) requires, without an extension, one to file a Petition for Certiorari "within 90 days after entry of judgement."

Obviously, that would be 90 days after the punishment order, which, without extension, was 40 days after the due date for the Petition.

If one reviews, the Federal case, now in the 4th Federal circuit one could conclude that the delay was done to undermine review by the U.S. Supreme Court (see Exhibit A) in the Respondent's Reply to ODC's Statement.

VI. Is there finality?

The Court's assertion that the matter "is final" is not reflected in the record.

The matter of the lack of due process and the cure for the due process deficiencies is before the Federal 4th Circuit. Disbarment without due process is before the U.S. Supreme Court (see Exhibit 5)

VII. The evidence that there was an infirmity of proof was not addressed at all in this Court's order.

In Pisner's Reply to ODC's Statement, starting on page 10.

McCarthy and Rubinstein introduced an infirmity of proof, which was the source of the court's basis for establishing the misconduct as to give rise to the clear conviction that the Court could not, consistently with its duty, accept as final the conclusion on that subject(See D.C. Bar R. XI § 11(c)(1), (see also its cited In Re Zdravkovich A,2d 969 *D.C.2003) and In re Chaganti 144 A. 3d 24 (D.C. 2016))

There was evidence presented to this Court that the author of the Maryland Bar Counsel's Petition committed several crimes. There was evidence that the accountant who supplied the accounting that MD Bar Counsel relied on, committed crimes and fabricated numbers at the urging of the author of the petition and there is clear evidence the complainant committed perjury and engaged in unethical conduct during her time as Cotrustee. There is clear evidence that MD Bar Counsel endorsed filings without making a proper inquiry into the facts and law, yet this Court's order is silent. Should this Court not correct this omission, especially because a Maryland court appointee carried out most of his crimes in the District of Columbia? Yes, this is related to due process, prosecutorial misconduct, in the proceeding, but it should not be ignored.

VIII. Conclusion.

Clearly, there was an uncorrected encyclopedia of due process deficiencies in this matter.

Clearly, there were many legal irregularities

This Court, in its order, asserts that the Maryland Bar Counsel should control this matter and that any reinstatement should be at the discretion of the Maryland Bar Counsel.

This Court claims Pisner was moot on this matter.

This Court has not grasped the message. What we have in Maryland is a broken system, and at its root is the problem of how courts act on ethical violations of its own appointees? Where court-appointed trustees have a legally unhealthy relationship with the courts that they serve. And this extends to the relationship between the Maryland Bar Council and court-appointed trustees.

The message is clear: The Maryland Bar Council has systemic problems that just resulted in a MD Bar Council being forced to resign and many attorneys quitting.

What should be clear from this matter is that placing this matter in the hands of Maryland Bar council, at this time, would be reckless, especially because of its attitude towards constitutional due process and its chronic failure to make proper inquiries into the facts and law, and its disregard for obvious violations of Maryland law.

If the U.S. Supreme Court and/or the 4th Federal Circuit find that the Maryland Supreme Court denied Pisner due process, then this Court's disbarment and the Maryland disbarment fall apart.

This Court can vacate its order and wait for the federal court and the U.S. Supreme Court to clean up the mess. This would be the most efficient use of this Court's resources.

Finally, Respondent has no desire to practice law in Maryland, having only represented himself as a person or as cotrustee of his mother's trust.

Pisner is almost 72 years old, so unless he fixes this procedural catastrophe, he simply will not practice law in Maryland and D.C. because, most likely, in 5 years Pisner will be dead.

The reason for the En Bac request is simple: It appears that this Court, like MD Bar Counsel, is rejecting constitutional due process for legal discipline, which is an extreme departure for this Court.

Finally, please review Pisner's submissions, including the attachments.

Dated this 9th day of January 2026

Gary Pisner

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CERTIFICATE OF SERVICE

Pisner asserts that he will serve those parties that are electronically of the record on January 9th, 2026.

Gary Pisner
