

No. 25A \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

MARGARET JEAN LOWERY, Applicant,

v.

STATE OF OKLAHOMA *ex rel.* OKLAHOMA BAR ASSOCIATION,  
Respondent.

To: The Honorable Neil M. Gorsuch, Associate Justice of the Supreme  
Court of the United States and Circuit Justice for the Tenth Circuit

**EMERGENCY APPLICATION FOR ADMINISTRATIVE STAY  
AND FOR WRIT OF INJUNCTION**

Applicant Margaret Jean Lowery, through counsel Mr. Ronald D. Wilkinson, respectfully applies for an immediate administrative stay of all proceedings in *State ex rel. Oklahoma Bar Association v. Lowery*, SCBD No. 8075, and for an injunction preventing Oklahoma from giving any further operative effect to the challenged Illinois judgment unless and until Oklahoma first grants ADA-compliant access and then determines, on a constitutionally sufficient record, whether the judgment rests upon jurisdiction, due process, meaningful access, reliable attribution, and a certified, reviewable record.

Counsel also requests interim protection prohibiting the Bar from publicly disclosing sealed medical records or using those records to characterize a patient under general anesthesia, assessed on the Glasgow Coma Scale, and under documented medical disability as capable of professional misconduct, obscenity, or conduct embarrassing to the legal profession. The misuse is especially problematic where the state bar officials also inject Holocaust imagery into bar regulation.

### **COMPLIANCE WITH RULE 23.3**

Applicant respectfully states that this Emergency Application complies with Rule 23.3 of the Rules of the Supreme Court of the United States.

On February 25, 2026, Applicant sought a continuance of the March 11, 2026 show cause date because the Illinois disciplinary orders underlying the Oklahoma reciprocal proceeding were subject to pending federal litigation concerning their validity and enforceability. That relief was denied by the Oklahoma Supreme Court on February 26, 2026.

On March 30, 2026, Applicant submitted a motion seeking limited relief to modify the stay and restore access. The Oklahoma Supreme Court acknowledged receipt of that motion and deferred action by order entered March 31, 2026.

On May 4, 2026, the Oklahoma Supreme Court entered an Order denying again Ms. Lowery's ADA access request and sanctioned her for filing it.

On May 6, 2026, the Court entered another order denying ADA access and refusing review of the constitutional predicates, thereby allowing reciprocal enforcement to continue without first establishing access, jurisdiction, due process, or record integrity.

The above procedural history meets this Court's Rule 23.3 requirements. The Oklahoma Supreme Court will not grant the requested stay or grant ADA access, and it will proceed without establishing any required predicate required under the law.

The relevant Oklahoma orders and docket materials are included in the Appendix of Orders and Judgments submitted with this Application. Additional

Illinois record access, ADA, jurisdiction, and certification materials are set forth in the ETRO Appendix.

### **JURISDICTION**

This Court has jurisdiction under 28 U.S.C. § 1651(a) (All Writs Act) to issue an injunction or stay in aid of its certiorari jurisdiction and under 28 U.S.C. § 1257(a).

The application is submitted concurrently with a petition for a writ of certiorari; however, the petition should be docketed, considered, and decided on its own merits irrespective of the disposition of this emergency application. This application seeks only interim protection against ongoing irreparable harm while the petition remains pending.

### **THE CONSTITUTIONAL INVERSION**

The problem is not unique to lawyer discipline. It is a structural failure that occurs whenever an institution treats an unvalidated premise as proof and then requires the affected person to disprove a defect the institution never first examined. Once that occurs, the error is replicated in every successive action. Each later actor assumes the prior actor validated the record, and the false premise migrates from one forum to another with increasing coercive force.

That is what occurred here. The Illinois proceeding began without neutral threshold validation of jurisdiction, reliable attribution, ADA access, record integrity, or probable cause. Applicant objected that the predicate process had not occurred, and ADA access was not granted under Title II. Those objections were then treated by the State as professional misconduct, obstruction, lack of remorse, instability, or

evidence of unfitness. Then Illinois entered judgments on their unvalidated record and unverified transcripts.

Oklahoma then received that judgment and treated it as presumptively enforceable under its Rule 7.7, refusing to perform the *Selling* review. Instead Oklahoma requires Applicant to go back to Illinois to vacate the Order even though Illinois denies ADA court access, refused to hold a jurisdictional hearing and then locked Ms. Lowery out of the hearing room on May 2, 2024 while failing to established the constitutional requisite of jurisdiction or other predicates on the official record.

Then there is the regulator's use of ancestry and Holocaust related themes in the disciplinary process which intensified the inversion. It shifted attention away from the predicate record. It then attached to Applicant's response the stigma of ancestry and disability as further evidence of professional misconduct.

Once that occurred, Applicant's objections to ancestry related discovery, ADA access denial, attribution, and lack of record authenticity was then characterized as professional misconduct, mental instability and therefore proof the ADA did not apply. It also classified the objection as obstruction, the ADA as proof of unfitness, the resistance as defiance and therefore justification for avoiding Title II access or to adjudicate the threshold constitutional defects. The proceeding created the stigma, then used Applicant's response to that stigma as evidence against her.

The result is a constitutional contagion. The unvalidated Illinois predicate became an Illinois judgment, the Illinois judgment became a reciprocal Oklahoma proceeding, and Applicant's demand for predicate review became the asserted

justification for further exclusion. And it all simultaneously proves to state regulators Title II of the ADA should never apply to lawyers and therefore it is the duty of the state to retaliate to protect state interest under the protected umbrella of “bar regulation.”

Illinois attorney Roza Belinski Gossage, who was born in Bergen Belsen, Germany, to a mother who was enslaved in Auschwitz during World War II and whose father lived underground in Poland, reviewed these filings. Because of her unique background, counsel includes her response to the structure. She observed that bar regulators are now exercising disciplinary power in an “inquisitorial” manner, with presumed guilt, restricted access, and no meaningful ability to challenge the predicate record. Her observation underscores the constitutional danger presented here: bar regulation has been allowed to operate above ordinary constitutional limits while lawyers subjected to that power are placed beneath the Constitution with limited or no rights at all. She said lawyers are now second class citizens under the Constitution with limited rights. Her greater concern is that when a lawyer is a qualified person under the ADA and is of Jewish ancestry, the State treats that lawyer as condemned and as *persona non grata*.

Without intervention, the defect will continue to spread across jurisdictions while no court performs the threshold review required by *Selling*, due process, Title II, and Rule 7.7.

## REASONS FOR GRANTING THE APPLICATION

The Applicant satisfies the traditional criteria for emergency relief: (1) she is likely to succeed on the merits; (2) she faces immediate and irreparable harm absent relief; (3) the balance of equities tips sharply in her favor; and (4) public interest in these issues supports granting the administrative stay and writ of injunction.

The equities are especially strong because this is not a client protection case. Applicant has never had a client complaint in either state, no judicial complaints from any judge before whom she has ever practiced exists, she has never had an allegation of missing client funds, neglected client matters, or any primary source evidence when she was an Illinois lawyer that the allegations are true. On the contrary, the record includes a DOJ certified forensic expert's opinion that the evidence underlying the Illinois proceeding appears fabricated.

Ms. Lowery has an exemplary record. She served on the Illinois Board of Bar Examiners Character and Fitness Committee and on the Oklahoma Professional Responsibility Committee. She was named 2011 Regional Corporate Counsel of the Year, Rotarian of the Year, received an Outstanding Service Award from the Illinois Supreme Court, received awards from the Tulsa County Bar, and is a published author. Yet none of that matters once a bar regulator levels a false allegation based on unattributed speech and then refuses to engage the constitutional predicates. A lawyer's stellar 40 year career can be destroyed by the filing of a false bar allegation that was never properly reviewed. Then the institution, instead of correcting the mistake, doubles down. If *Himmel* and *Altstoetter* are duty cases, then those duties

must require courts to hold bar regulators to the same professional standards as other lawyers, and courts must enforce those standards when regulators misuse disciplinary power without first establishing jurisdiction, access, attribution, record integrity, and due process. Illinois effectively prevented meaningful review of the first case by filing a second complaint before the first matter was meaningfully reviewable, while Ms. Lowery was already living in Oklahoma, attempting to relocate fully, facing reciprocal proceedings, and requesting ADA access that Illinois continued to deny.

None of the complaints involve client matters. They involve claimed speech, although Ms. Lowery was not living or practicing in Illinois and disputes that the speech was hers. One of the most disturbing examples of the inversion is Illinois's allegation that Ms. Lowery made "threats against the judiciary." That allegation was not merely false and inflammatory. It weaponized based upon a known family trauma.

In the mid-1990s, Ms. Lowery's family suffered a devastating loss when attorney Thomas Meyer of Greenville, Illinois, was shot in the back while walking into his law office and killed. Kelly McGinnis then terrorized the Southern Illinois legal community with death threats. Thomas Meyer's daughters (Elizabeth Meyer Glasgow and stepdaughter Margaret Lowery were attorneys in Alabama and Oklahoma respectively.) Illinois ARDC was fully aware of this history when it accused Ms. Lowery of making threats against the judiciary. That allegation illustrates the inversion at the core of this case: it was especially harmful because

ARDC knew or should have known the family history and nevertheless used a “threats against the judiciary” label without first validating attribution, context, jurisdiction, or evidence.

This case no longer presents a neutral reciprocal discipline posture. Oklahoma did not first encounter the Illinois judgment on February 13, 2026, to perform its independent *Selling* review. More than one year earlier, Applicant placed the OBA and Oklahoma Supreme Court on notice of the same constitutional defects through original proceedings filed in *Lowery Wilkinson Lowery, LLC, Margaret J. Lowery, and Ronald D. Wilkinson v. Oklahoma Bar Association, Gina Hendryx, Tracy Nester, and Gentner Drummond*, Oklahoma Supreme Court Case No. MA 122831.

1. Those filings sought emergency and mandamus relief concerning Oklahoma officials’ involvement with Illinois related disciplinary activity, including ADA access, jurisdiction, conflicts, retaliation, and the threatened importation of Illinois defects into Oklahoma. Instead of addressing it, Oklahoma went into federal court in the Eastern District of Oklahoma to actively block access and to support the Illinois action.

2. The later reciprocal discipline matter, *State ex rel. Oklahoma Bar Association v. Lowery*, SCBD No. 8075, therefore, did not arise in a neutral vacuum. It followed prior notice to the Oklahoma, the Oklahoma Supreme Court and the OBA that the Illinois proceeding were alleged to be jurisdictionally defective, inaccessible, and constitutionally unreliable.

3. On December 12, 2024, the Oklahoma Bar Association General Counsel stated that the office would not become involved in Applicant's Illinois disciplinary proceedings unless and until a final order was entered, and that any final order would then be reviewed under Rule 7.7. The later sequence did not follow that representation. Oklahoma opened disciplinary activity based on the same Illinois related materials before performing the promised Rule 7.7 predicate review.

4. On April 23, 2024, Applicant received an unattributed email through a Proton account using a self-deleting timed feature. The email appeared to state that ARDC was planning a default before the May 2, 2024, hearing. Because the message was unattributed and self-deleting, Applicant did not initially treat it as reliable evidence. She printed it, but then, while septic and preparing for surgery, forgot about it. When the Hearing Board Report issued months later, Applicant found the printout while organizing her office for a response and reported it to the OBA because it appeared to concern potential misconduct affecting the disciplinary record. The inversion is that the regulator's alleged plan for an unlawful default was never neutrally investigated; instead, Applicant's report of the suspicious email was converted into a disciplinary accusation that she presented a forged document.

5. By February 10, 2026, before the Rule 7.7 Notice was filed, Oklahoma had opened a separate grievance, DC 26 14, based on the same disputed Illinois related materials. Three days later, Oklahoma invoked Rule 7.7 in SCBD No. 8075 on a packet that did not include certification by the Clerk of the Illinois Supreme Court authenticating the judgment of that Court.

6. That sequence is the structural defect. Oklahoma was not merely asked to honor a sister-state judgment. It was asked to give coercive effect to an Illinois disciplinary judgment after being placed on notice that the Illinois record was uncertified, inaccessible, jurisdictionally disputed, and infected by unresolved ADA and attribution defects.

7. *Selling v. Radford*, 243 U.S. 46 (1917), required Oklahoma to test those predicates before lending its own coercive power to the Illinois judgment. Title II of the Americans with Disabilities Act and the January 16, 2026, order of the United States District Court for the Southern District of Illinois required ADA-compliant access before Oklahoma could proceed in a manner that affected Applicant's professional license.

8. Oklahoma Rule 7.7 and Title 12 O.S. § 2011 required a good-faith basis for invoking reciprocal discipline and a properly authenticated foreign judgment before coercive effect could be given in Oklahoma.

9. The Illinois disciplinary proceeding originated with an unvalidated charge that presumed its own validity. No prior determination established jurisdiction over Applicant. No probable cause hearing occurred to validate jurisdiction or attribution of the underlying claims. No ADA-compliant access was granted in Illinois, so Ms. Lowery could address the claim, and no competent record exists because no certified transcripts of the proceedings were made. Thus, no reviewable record exists as required by Illinois Supreme Court Rules 323 and 324.

10. Once filed, every subsequent stage treated the accusation as presumptively valid and shifted the burden onto Applicant to disprove the charges while denying meaningful access to the Court, the record and evidence. A disciplinary charge cannot constitutionally create its own jurisdictional foundation. Such a defect contaminates every downstream proceeding that accepts the charge, findings, or judgment as presumptively enforceable.

11. The certification defect confirms why Oklahoma's duty under Selling was constitutional, not clerical. On February 13, 2026, the Office of General Counsel filed its Rule 7.7 Notice, transmitting purported certified copies of the Illinois Supreme Court disbarment order identified as Exhibit C and related materials. The certifications, however, were executed by ARDC personnel, not by the Clerk of the Illinois Supreme Court. That omission is not incidental. Under Illinois law, the ARDC has no authority to disbar an attorney. Only the Illinois Supreme Court may enter a disciplinary judgment. If the Illinois Supreme Court Clerk certified that no record exists, then the Clerk cannot certify a judgment resting on that record for reciprocal enforcement. Oklahoma Rule 7.7 requires a judgment certified by the Clerk of the Illinois Supreme Court before reciprocal enforcement may begin. It cannot be invoked through certifications supplied by the administrative agency that lacks authority to enter the judgment and whose proceeding generated the disputed record.

12. The defect is not technical. On October 8, 2025, Applicant requested certified, CSR-verified transcripts, backup audio, video, and CSR affidavits from the ARDC via Clerk Michelle Thome. No transcript bears a complete CSR jurat, reporter signature, or CSR reporter stamp as required by Illinois Supreme Court Rules 323 and 324. Ms. Thome replied that ARDC would not certify transcripts and that, if Ms.

Lowery wanted certified transcripts, she would have to contact the reporters to certify them herself.

13. DOJ certified forensic expert Dr. Bruce Anderson confirmed that the transcripts could not be validated. His report stated that the transcripts were not made on CSR software, but on a Word program assigned to an attorney inside ARDC. When Ms. Lowery asked for the backup tapes so the expert could review them, Illinois responded that audio and video of the proceedings were unavailable and could not be produced because they do not exist. The ARDC clerk further confirmed that no certified record of Review Board proceedings existed unless and until the Illinois Supreme Court accepted the case on appeal.

14. On December 18, 2025, Applicant moved the Illinois Supreme Court for access to the certified record, certification as to whether a certified record existed, and certification of each justice's ability to participate for quorum purposes under *Tennessee v. Lane*, because the Court had previously denied access. That motion was denied en blanc on December 31, 2025, without stated legal reason. The December 31, 2025 order left the record access, certification, ADA, and quorum defects unresolved before the January 15, 2026 judgment was entered.

15. The record is critical. Ms. Lowery has never been afforded access to any hearing in Illinois. Thus, the record was made through exclusion from the proceedings, exclusion from the evidence, exclusion from discovery, and without probable cause on the verified complaint of one regulator who controlled the process. That order and process placed Oklahoma and the federal courts on notice that the predicate record had not been authenticated in the form required for constitutional review or reciprocal enforcement.

16. On February 4, 2026, Applicant notified the Oklahoma Bar Association General Counsel the Illinois judgment was void *ab initio* for lack of jurisdiction, lack of ADA-compliant access, lack of due process, unreliable attribution, absence of a certified record, and absence of a properly authenticated Illinois Supreme Court judgment. Despite that notice, the Office of General Counsel filed the Rule 7.7 Notice on February 13, 2026, and certified under Title 12 O.S. § 2011(B) that the predicates for reciprocal discipline existed.

17. The certification defect therefore goes to the integrity of Oklahoma's invocation of jurisdiction. A receiving jurisdiction cannot acquire jurisdiction to exercise coercive authority through a certification that substitutes lacking predicates and certified records. Nor may bar counsel certify that reciprocal predicates exist after receiving express written notice that the originating judgment was alleged to be uncertified, inaccessible, and void. It is that act that imports the constitutional defect into the receiving jurisdiction. When the OBA General Counsel answered Ms. Lowery's objection to registration, she stated that Illinois obtained jurisdiction by assumption. Ms. Lowery moved to strike the response because there is no doctrine of jurisdiction by assumption under *Marbury v. Madison* or *Selling*. The Court denied that motion. The denial permitted the reciprocal proceeding to continue on *assumed jurisdiction* rather than jurisdiction proven on an ADA compliant and authenticated record as required by *Selling* and the Full Faith and Credit Clause.

18. On January 16, 2026, Judge Dugan of the United States District Court for the Southern District of Illinois recognized Applicant as a qualified individual

under Title II of the ADA and directed that ADA access requirements be applied to the disciplinary proceedings in Illinois and Oklahoma. Oklahoma was served with that order. Yet on February 26, 2026, the Oklahoma Supreme Court denied Applicant's request for ADA accommodation and meaningful access.

19. On March 12, 2026, the Court directed the Office of General Counsel to address jurisdictional predicates while simultaneously barring Applicant and counsel from filing further pleadings. Subsequent orders continued the reciprocal proceeding, granted the State additional time, and threatened sanctions against Applicant for further filings in 8075.

20. Once Oklahoma was placed on notice that the Illinois judgment was alleged to be void, uncertified, inaccessible, and unsupported by a constitutionally reviewable record, Oklahoma could not treat reciprocal discipline as a ministerial act. Continued enforcement after notice became Oklahoma's own exercise of coercive state power. Applicant does not ask this Court to resolve every disputed fact concerning the Illinois proceedings on emergency review. She asks only that Oklahoma be restrained from enforcing a foreign disciplinary judgment until Oklahoma first establishes, in an ADA-compliant proceeding and on a properly authenticated record, that the predicates required by *Selling*, due process, and Rule 7.7 exist.

21. The practical result is that *Tennessee v. Lane* was recognized in form but nullified in operation. The same access defect has now extended into the Tenth Circuit proceedings, Nos. 25-7070 and 26-7001, where requests for disability access

and review of ADA-related predicate defects in state proceedings was treated as frivolous with sanctions of over \$100,000 imposed.

22. This cascading denial of meaningful access confirms the need for immediate relief. Absent intervention, the constitutional inversion will continue to replicate across jurisdictions: disability access requests will be treated not as protected statutory rights, but as evidence of incapacity, obstruction, or unfitness. Worse we have the 7<sup>th</sup> Circuit granting ADA access to state proceedings while the 10<sup>th</sup> Circuit rules such access frivolous and sanctionable.

23. That inversion is precisely what Title II and *Lane* forbid. A State may not deny access to a qualified individual with a disability, then use the consequences of that denial as justification for further exclusion from the profession.

24. On May 6, 2026, the Oklahoma Supreme Court entered another order denying Respondent's "Motion to Determine Quorum under *Tennessee v. Lane*." The order also denied vacation of the February 26, 2026, order denying ADA accommodation, despite Judge Dugan's January 16, 2026, ADA access order, and refused to require ADA compliant access before further Rule 7.7 action. The order also denied the "Motion to Strike OBA Response to Objection to Enforcement of Void Order or Oklahoma RGDP, Rule 7.7 Registration of Invalid Order."

25. The order is significant because it confirms the precise emergency presented to this Court. Oklahoma continues to proceed in the reciprocal disciplinary matter while refusing to determine whether the tribunal is properly constituted, while refusing to vacate the February 26th order denying ADA compliant access while

the Rule 7.7 action proceeds. Oklahoma is refusing to address whether there is an issue as to the validity of the Illinois foreign disciplinary judgment is presumed valid and constitutional predicate review is not required before enforcement continues.

26. This is not ordinary state court case management. It is the continued exercise of disciplinary authority after receiving notice the judgment itself was defective. The May 6, 2026, order contains no ADA analysis, no jurisdictional findings, no quorum analysis, no *Selling* predicate review, no response to the request for ADA compliant access, and no explanation from the Court addressing why it believes Oklahoma may continue Rule 7.7 enforcement of the challenged judgment while access remains unresolved. It simply denies relief and calls disability access for attorneys “frivolous.”

27. That summary denial materially escalates the emergency. Applicant repeatedly sought access to a constitutionally valid process before reciprocal discipline proceeds. Oklahoma’s response is to deny access related motions, characterize protected access requests as frivolous, and continue enforcement without adjudicating the predicates required for reciprocal discipline or full faith and credit recognition.

28. Because the predicate problem keeps repeating in Oklahoma, Ms. Lowery filed an Omnibus Petition outlining the sequence of constitutional defects in Oklahoma in the hopes bringing to the Court’s attention how the cases interplayed, how the matters could be resolved effectively, and without appellate litigation. The Court responded by sanctioning Ms. Lowery without notice, without a hearing and

the entering an Order denying her IFP status for life before the Court. Ms. Lowery has only filed one petition in Oklahoma requesting IFP status.

#### **EMERGENCY COMPOUNDED BY OBA'S CONDUCT**

29. The emergency is compounded by the conduct of Oklahoma Bar Association General Counsel Gina Hendryx in the closed case in the Eastern District of Oklahoma, Case Number 2023-CV-22. That case is currently on appeal to the 10<sup>th</sup> Circuit. The OBA General Counsel then filed a motion seeking Ms. Lowery's confidential medical records from U.S. District Judge Ron White to rule the medical records were not confidential so she could publicly publish them.

30. The problem is the sealed record were provided to Judge White solely for the ADA review of the Illinois matter and demonstrate the lack of meaningful access of the state proceedings. Ms. Lowery had no objection to the Court reviewing them under seal.

31. For transparency, Applicant deposited with the Clerk of the Oklahoma Supreme Court the Illinois record produced to her by Illinois, identified as the Common Law file, as evidence of what occurred. That file includes medical records, but those records remain sealed. Applicant does not object to judicial review of sealed medical records. She objects to their release, publication, and use by non medical disciplinary personnel to portray her and the record in a false light. That concern is not speculative. The OBA sought access to sealed federal materials after characterizing medical and disability related context as disciplinary evidence. Every file or record at issue in the Eastern District was already on file with the Oklahoma Supreme Court. What Oklahoma obtained was an order lifting the federal seal so the medical records could be used in the Oklahoma Supreme Court proceedings, even though the same materials were already available

to that Court under seal. The risk is that sealed medical records will be used by non medical disciplinary personnel to construct a false disciplinary narrative in violation of confidentiality protections.

32. In the closed case, the OBA General Counsel filed two motions seeking sealed disability related federal materials claiming it was an emergency and that it was imperative that the bar get access to the record in the federal case without disclosing they were already on file with the Oklahoma Supreme Court.

33. Some background is necessary to understand the issues. In April of 2024, Ms. Lowery's was diagnosed with urosepsis. It progressed because Illinois entered Order denying to Ms. Lowery medical care under the ADA and ordering the case to proceed. Ms. Lowery notified the bar on April 15, 2024 she was going out on medical leave and would not be practicing law on advice of her physician.

34. Upon admission to the Saint Francis Hospital in Tulsa for surgery, Applicant was assessed on the Glasgow Coma Scale of 12. Hospital staff then determined she lacked capacity to sign the consent to treatment form. The hospital staff required her health care power of attorney to countersign.

35. Despite being in possession of these facts, the Oklahoma General Counsel represented to the federal court that Ms. Lowery committed an act of unprofessional conduct when she was a patient in the operating theatre which was an embarrassment to the legal profession. Ms. Lowery has no recollection of any event that day because staff administered, Versed, an amnesiac. From the record itself as attested by Dr. VanSchoyck, an incident occurred because Illinois ARDC regulator Rachel Miller called the hospital.

36. According to information provided by others, Ms. Miller contacted the hospital, told staff it was an emergency that the Illinois Supreme Court had a court order it needed to issue to Ms. Lowery and to patch her through to the operating room because Ms. Lowery had to receive it. Because Ms. Lowery was already in the sterile field in the operating room and sedated, staff woke her up to take the call. Staff then put the call on the hospital PA system in the OR room.

37. ARDC Miller then proceeded to tell Lowery her continuance of the hearing had been denied and on behalf of the entire staff at ARDC they hoped she died a horrible death suffering like her relatives gassed in the showers. Apparently Ms. Lowery sat up and became hysterical. The surgery had to stop. Ms. Lowery became medically unstable and the surgery was delayed for four hours.

38. What is so disturbing about this is that that the OBA General Counsel represented to the federal court in the Eastern District of Oklahoma that it was Ms. Lowery behavior which was of concern. The OBA described it as “unprofessional and obscene,” and “an embarrassment to the legal profession.” She then went further and told a federal judge it was grounds for discipline before the Oklahoma Supreme Court.

39. That is the constitutional defect in its clearest form. The regulator’s conduct disappears. The disabled lawyer’s medical crisis becomes misconduct. Sealed disability materials become the instrument for discipline before any court has established ADA access, jurisdiction, due process, record integrity, or a valid Rule 7.7 predicate. This Court recently addressed this issue in *First Choice*.

40. Ms. Lowery then sought institutional oversight from Professional Responsibility Commission Chair Jennifer Castillo who has institutional experience with the ADA because she is General Counsel of Litigation and Compliance for Oklahoma Gas & Electric (OG&E). No meaningful response followed. The absence of neutral oversight by the PRC, coupled with the May 4 and May 6, 2026, orders denying relief, imposing sanctions, and characterizing Applicant's filings as frivolous, confirms that the state process will not self-correct.

41. That matters because the representation converts a medical incapacity event into disciplinary character evidence. A regulator who asks a federal court for sealed ADA and medical records already on file with the Court while simultaneously characterizing anesthesia affected conduct as an ethics violation demonstrates precisely why predicate review, ADA access, and strict limits on use of sealed materials are necessary before any reciprocal discipline proceeds. The issue is not merely whether the statement was unfair. It is that Oklahoma sought coercive disciplinary advantage from sealed disability related material before establishing jurisdiction, access, record integrity, or a valid Rule 7.7 predicate. This was the exact danger the Court found in *First Choice*.

42. The combined effect of these actions demonstrates exhaustion of the state-court remedy and that Oklahoma is accelerating the injury. Oklahoma is not pausing to address ADA access, it is not addressing predicates, and it will not honestly review the record. Worse it will not be preserving the status quo. It is issuing new orders that continue the closed loop: deny access, deny predicate review,

refuse meaningful process, then proceed as though the inaccessible and untested record is valid.

**THE DUTY INVERSION: WHEN PROFESSIONAL DUTY  
BECOMES THE PROSECUTORIAL OFFENSE (ALSTOETTER PRINCIPLE)**

This sequence reveals the deeper constitutional peril recognized at Nuremberg in the Justice Case (*United States v. Altstoetter et al.*, 3 T.W.C. 954 (U.S. Mil. Trib. 1947)). When a legal system converts an attorney's professional duty, objection to the absence of jurisdiction findings, demands for a certified and reviewable record, and insistence on ADA-compliant access, into evidence of unfitness, and then when internal checks fail to correct that inversion, every subsequent actor with notice bears an independent duty not to enforce the corrupted judgment.

Illinois treated Applicant's protected resistance and statutory access requests as proof of unfitness. Once Oklahoma received express notice of these defects, including the federal ADA order, it became the subsequent actor placed on notice. At that point, Oklahoma acquired an independent duty under *Selling v. Radford* and the *Due Process Clause* to verify the constitutional predicates on the record before giving the Illinois judgment any coercive effect. Instead, Oklahoma invoked Rule 7.7, denied meaningful access, restricted filings, and permitted its General Counsel to search for predicates only after coercive process had already begun. This replicates the conversion mechanism condemned at Nuremberg: duty inverted into offense, followed by enforcement by later actors despite notice.

Applicant Margaret Jean Lowery is therefore likely to succeed on the merits. The injury is occurring *now*. The process itself, coercive reciprocal discipline without

meaningful access, without a hearing on the predicates, and without a certified record, is the irreparable harm. Later review cannot restore the lost access, the chilled exercise of constitutional rights, or the integrity of the record created in the meantime. Loss of professional standing and threatened sanctions imposed without an accessible forum constitute classic irreparable injury.

Constitutional inversion in bar regulation does not depend on proving personal animus, racial animus, or subjective hostility. The danger is structural. Courts are overloaded. Regulators control the initial narrative and the predicate record. If the predicate defect is not checked at the front end, the system begins protecting the process rather than testing the proof. From the regulator's perspective, the loss of one lawyer may appear to be a contained professional consequence. But the defect is not contained. Once accepted, it replicates. The same mechanism can be used against any lawyer or licensed professional whose objections make the State uncomfortable, including whistleblowers, disability rights claimants, political adversaries and lawyers who insist on jurisdiction, record integrity, and lawful process before coercive discipline is imposed.

The balance of equities and the public interest favor relief. Respondents suffer no legitimate harm from a temporary stay that merely preserves the status quo while this Court determines whether reciprocal discipline may constitutionally proceed in the absence of adjudicated and accessible predicates. The public interest is served by ensuring that state disciplinary machinery is not deployed in violation of the very

constitutional and statutory safeguards that protect the integrity of the legal profession.

**PRAYER FOR RELIEF**

Applicant respectfully requests that the Court:

1. The Court enter an immediate administrative stay preserving the status quo in *State ex rel. Oklahoma Bar Association v. Lowery*, SCBD No. 8075, and prohibiting Respondent, its officers, agents, counsel, and those acting in concert with them from giving further operative effect to the challenged Illinois disciplinary judgment pending further order of this Court.

2. Applicant further requests that the Court require Respondent to show cause why continued reciprocal enforcement should be permitted before Oklahoma provides ADA-compliant access and determines, on a constitutionally sufficient and properly authenticated record, whether the predicates required by *Selling v. Radford*, due process, Title II of the ADA, and Oklahoma Rule 7.7 exist.

3. Applicant further requests interim protection prohibiting Respondent and the Oklahoma Bar Association from publicly disclosing, publishing, relying upon, or using Applicant's sealed medical, disability, or ADA-related records for disciplinary, public-characterization, or reciprocal-enforcement purposes pending further order of this Court.

4. Applicant requests such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Ronald D. Wilkinson

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