

No. 26-189

ORIGINAL

In the Supreme Court of the United States

Paul Clark,

Petitioner,

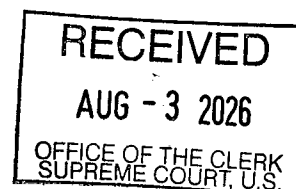
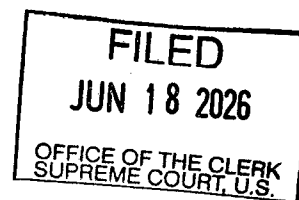
v.

Supreme Court of New Jersey,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE NEW JERSEY SUPREME COURT

Paul Clark, pro se
10 Huron Ave, Suite 1N
Jersey City, NJ-07306
pclark@pclarklegal.com
(202) 368-5435



QUESTIONS PRESENTED

May a state sanction an attorney for criticizing the government, such as offering opinions in interviews with the press, or is such speech constitutionally protected?

May a state add additional sanctions to an attorney under the heading of "refusal to accept responsibility" for nothing more than the attorney defending against the allegations, or does such an "aggravating factor" constitute an unconstitutional "trial penalty."

PARTIES TO PROCEEDING AND RELATED CASES

The underlying family court case that gave rise to the ethics complaint (Malhan v. Myronova) as of this filing, currently has pending a petition for certiorari before this Court.

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Paul Clark, Petitioner.
2. New Jersey Office of Attorney Ethics, Respondent

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I. PETITION FOR A WRIT OF CERTIORARI

Paul Clark, pro se, respectfully petitions for a writ of certiorari to review the judgment of the New Jersey Supreme Court and New Jersey's Disciplinary Review Board in this case.

II. OPINIONS BELOW

The order of the New Jersey Supreme Court denying the petition for certification (App. 1a, 2a) is not officially reported.

The opinion/recommendation of the New Jersey Disciplinary Review Board (App. 5a) is not officially reported.

The Final Opinion of the Special Ethics Adjudicator in this case is not reported. 112a.

III. JURISDICTION

The Order of the New Jersey Supreme Court denying the petition for certification was filed on April 9, 2026. (App. 1a). The jurisdiction of this Court is invoked under 28 U.S.C. 1257.

IV. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States' Constitution guarantees no state shall deprive any person of life, liberty or property without due process of law.

The First Amendment (made applicable to the States via the Fourteenth Amendment provides that "Congress shall make no law ... restricting freedom of speech."

V. STATEMENT OF THE CASE

A. Background

Petitioner Paul Clark represented Surender Malhan in a custody dispute with Malhan's putative wife Alina Myronova. During this litigation Malhan was denied custody of his children with a hearing based on false and contested allegations. *Malhan v. Sec'y United States Dep't of State*, 938 F.3d 453 (3d Cir. 2019).

During this litigation Malhan (upset at his loss of custody without due process) made a variety of posts on FaceBook criticizing the New Jersey court system and specific judges by name—including the later instigator of the ethics complaint against Clark, Judge David Katz. **26a**. The opposing side, Myronova ("A.M.") through counsel repeatedly brought these FaceBook post to the attention of Judge Katz who appeared to be furious at Malhan for the posts. **46a (n.9)**. Judge Katz was apparently angry at Clark as well for not stopping Malhan from making such posts. Malhan, by and through counsel Clark, motioned for Judge Katz to disqualify himself. Eventually the Assignment Judge directed Judge Katz to recuse himself and he was removed from the case.

During this period when all this was pending before Judge Katz (2017-2021) Clark gave a number of interviews in the media. Clark, who in addition to a J.D. has a Ph.D. and is a college professor, has given many interviews in the press over the years. **135a**

Two interviews in particular became topics of the instant suit. In June 2020, while in Alaska, Clark was interviewed by a podcast called "Crime Wire."

135a. In August 2020, Clark was interviewed by Family Court TV.

The Crime Wire interview in particular was wide ranging covering many different issues including judicial corruption. The interview began with Clark explaining:

There was a notorious scandal in Pennsylvania about a decade ago, you may remember, sometimes referred to as The Kids for cash scandal. But pretty much the same thing goes on in New Jersey and, you know, a lot of other states. And the reason that corruption can flourish is that they keep these proceedings secret; they try and do everything secret.

Pet.App.136a.

Exhibit 17 that was submitted by the OAE was redacted so that is the copy included in Appendix E.

Clark later added:

And these judges made millions of dollars for years locking up innocent people and getting the state to pay for the incarceration in the place that they -- they owned. And of course nobody wanted to believe the judges are corrupt. Nobody wants to believe judges are correct [sic], but lots of judges are corrupt.

Pet.App.138a

Clark was sanctioned for this statement that lots of judges are corrupt. 124a.

Another part of the interview discussed a \$200,000 assignment of claim from a bank in New York that was arranged by Malhan's putative wife, Alina Myropnova, but the \$200,000 disappeared and

Judge Katz quashed the subpoena to the bank to trace what happened to the money. 139-145a.

Clark concluded by very carefully avoiding any outright accusations of illegal conduct but stated that the judge's action were "incredibly suspicious":

[T]he idea that a judge would -- would allow hundreds of thousands of dollars to disappear into thin air without a trace, not allowing people to get to the bottom of it, is just incredibly suspicious.

Pet App. 145a.

A bit later Clark added:

[T]his \$200,000 disappeared into thin air, we don't know where -- what happened to it. This was two years ago, this \$200,000. And, you know, whether it went to the judge or went to, I don't know, his family, again we're--it just disappeared into thin air.

Pet.App.156a.

Both the DRB would later—falsely—claim unambiguously that Clark had accused Judge Katz of "accepting a bribe":

Respondent further demonstrated his contempt for Superior Court Judge 4 outside the court during appearances on podcasts, during which he reiterated his accusations that Superior Court Judge 4 (1) was corrupt; (2) accepted a bribe; (3)...

Pet.App.85a (emphasis added). See also **29a** in which the DRB went even further and claimed (again falsely) that Clark "had accused Judge Katz "as having been 'bribed on several occasions.' " Emphasis added.

Judge Katz, after he was ordered removed from the underlying case by the Presiding Judge of the vicinage, Sallyanne Floria, A.J.S.C (**114a**) directed the Trial Court Administrator to submit an ethics complaint against Clark. **24a.**

B. Procedural History

1. Hearing before Special Ethics Adjudicator

A hearing took place before a Special Ethics Adjudicator covering 10 days. Clark was limited in what arguments were allowed and what witnesses could be called: "five of Respondent's proposed witnesses, [including] the Hon. Sallyanne Floria, A.J.S.C. (ret.) were stricken and barred from testifying at the hearing. **56a.**

The Adjudicator did not permit Clark to call some witnesses or to "attack" the main accuser, (Judge David Katz) which resulted in a denial of due process and failure to allow Respondent to fully present a defense. Decision page 2 (**113a**) states: "the Hon. Sallyanne Floria, A.J.S.C. (ret.) [was] stricken and barred from testifying at the hearing. Those barred witnesses were determined not to have any evidence that bore directly on the charges pending against respondent." Yet the decision says:

Judge Katz testified that as he was handling the case there was a significant amount of conduct by Respondent that concerned him. Judge Katz was in contact with his assignment judge [Floria] ... throughout the time he presided over

the case with respect to Respondent's statements that he thought were problematic.

App.App.124a.

In the final decision (Appendix C) the Adjudicator recommended "at least a three-month suspension." **132a.**

Pages 4 through 8 of the Opinion (**Pet.App.116-124a**) contain a list of thirty specific findings of fact" but none of these "findings" are correlated to an alleged RPC. The Adjudicator did not address any constitutional arguments. Findings #14 through #28 refer to interviews with Journalists, specifically:

[14] Respondent appeared on a podcast entitled, Family Court TV, and during that interview he referred to Judge Katz as a liar, above the law, and a petty tyrant.

[15] During the Family Court TV interview Respondent referred to Judge Katz as directing his "cronies" at the State Police to go get these guys, meaning Respondent and Malhan, with the purpose to intimidate and harass.

[16] During the Family Court TV podcast Respondent accused Judge Katz of using his office to lash out against people he does not like due to retaliation and spite.

[17] During the Family Court TV interview, Respondent referred to Judge Katz that he should not be a liar like this.

[18] Respondent indicated again that Judge Katz called up his buddies, his cronies at the State Police and directed them to check these guys out.

[19] During the Family Court TV podcast Respondent indicated that Judge Katz abused his office.

- [20] During that same Family Court TV podcast Respondent indicated that, "Judges, they're all part of this crony system."
- [21] During that same podcast Respondent stated that Judge Katz was clearly abusing his position.
- [22] During a podcast interview entitled "Crime Wire, Family Court Child Protective Service," dated June 16, 2020, Respondent referred to Judge Katz as "crooked Katz."
- [23] During the June 16, 2020, podcast Respondent referred to Judge Katz as "crooked Katz."
- [24] During the June 16, 2020, podcast Respondent referred to "crooked judge."
- [25] During the June 16, 2020, podcast Respondent referred to Judge Katz as "crooked Katz."
- [26] During the June 16, 2020, podcast Respondent said, "...lots of judges are crooked."
- [27] During the same podcast, Respondent indicated that a strong argument can be made that the judge deliberately concealed what happened to the \$200,000.
- [28] During that same podcast Respondent told listeners that you should follow the judge wherever he goes, and to find out what they are doing, and he asserted that he knows a lot of these judges are crooked.

116-124a. Emphasis added, internal citations omitted.

The above are paraphrases, and often not fully accurate to the original. Moreover, without a full explanation of the background a full comprehension of the meaning is impossible. However, what is clear from the above, is that the main issue drawing the ire of the New Jersey court system was interviews with established journalists on podcasts. A full transcript

of the CrimeWire podcast is included as Appendix E so this Court can see for itself. 134a.

Moreover, several of the “findings” refer to comments made not by Clark at all but by his client Surender Malhan. who often posted comments on FaceBook critical of the Court system—which comments were then sent to the judge by Malhan’s opponents in an attempt to make the judge angry at Malhan. 46a (n.9). According here are those findings:

- [1] During a May 29, 2019, court proceeding Respondent read from an internet post of his client, ...
- [3] Respondent submitted a certification dated October 18, 2019, to the court from his client,
- [12] In a certification of Respondent’s client filed under Respondent’s Bar ID., Malhan described a sadistic evil game,
- [13] In a certification of Respondent’s client filed under Respondent’s Bar ID., Malhan made the statement, ...

These statements were comments of the client, and while, first, an attorney is not responsible for what a client expresses as an opinion, these statements implicate the right to counsel and fundamental rights of access to the Court. It is unclear how an attorney would censor one’s own client, but just as in a criminal case an attorney has a right to testify and tell his side of the story, litigants like Malhan have a constitutional right to express their frustration to the court.

As yet another example, Finding #28 reads:

During that same podcast Respondent told listeners that you should follow the judge wherever he goes, and to find out what they are doing, and he asserted that

he knows a lot of these judges are crooked.

OAE Exhibit P-17, P. 44, L. 1-2; Exhibit P-17A.

The actual quote does not correspond to the description:

I tell people, if, you know, you think your judge is crooked, investigate yourself; try to get a copy of the financial disclosures, which are supposed to be public. ... But I tell people, look, if you have a judge you think is crooked, get a copy of their financial disclosure, write to the administrative office of the court to say, I want a copy of the financial disclosure, you know, check that judge out, go to that judge's house, follow the judge around, find what's happening.

Now, they'll say, oh, you're following the judge. Well, tough luck, judge, you're a public figure[.].

Needless to say, none of the above even suggests anything illegal or immoral—despite the attempt to suggest otherwise. Again, it is not clear what RPC this is even supposed to violate—it does not violate any of them, but is undoubtedly constitutionally protected speech.

Remarkably, the Adjudicator then went a step further through the looking glass, writing:

I find by clear and convincing evidence that Respondent knowingly attempted to inflame members of the public into following Judge Katz in his personal life

and disclosing the town in which Judge Katz lived to the public, all with the intent to engage in conduct intended to disrupt the tribunal.

Pet.App.131a (emphasis added).

Needless to say, even the Adjudicator's own previous "finding" agrees that Clark did urge anyone to specifically follow Judge Katz. (Perhaps this was an attempt to create an "imminent threat" that did not exist, perhaps out of fear of First Amendment issues.)

Notably, the issue that the Adjudicator seems to think was most serious was that Clark had a process server personally serve Judge Katz in a federal law suit. **125a-127a**. The Adjudicator spent multiple pages discussing this issue and described service of process as "the incident that 'really shook.'" However, the DRB ultimately concluded that service of legal process was not a violation of any ethics rules. **89-90a**.

The Adjudicator concluded the decision by emphasizing the need to punish Clark for "lack of contrition" (a.k.a, presenting a defense):

**PRESENTER'S ALLEGED
AGGRAVATING FACTORS**

Respondent's lack of remorse and
Respondent's continuing attacks on Judge
Katz in the presentation of his defense.

**FINDINGS OF MITIGATING AND
AGGRAVATING FACTORS**

I find that the mitigating factors as
deserving of some weight. Respondent's
service to his country is commendable, his

lack of a disciplinary record is notable. However, the depth and breadth of Respondent's continuing conduct and the lack of contrition outweigh the mitigating factors.

RECOMMENDATION FOR DISCIPLINE

I recommend at least a three-month suspension.

It is notable that the Adjudicator recommended a three-month suspension, and of course, twice emphasized lack of remorse and lack of contrition. Even with the service of process still "on the table" at that point, the Adjudicator recommended a three month suspension—and yet when the DRB dismissed this it substantially increased the sanction.

Finally as to constitutional issues the Adjudicator stated:

Although not fully expressed in his written submission, Respondent has repeatedly made known his position: That his comments are constitutionally protected speech. That position is not under consideration herein.

Pet.App.116a.

2. Disciplinary Review Board ("DRB")

Notably, while the Adjudicator seemed focus on service of process, the DRB concluded:

[W]e determine that respondent's isolated act of serving the complaint at Superior Court Judge 4's home did not touch on the improper behavior or the waste of judicial resources generally associated with violations of those Rules.

Accordingly, we dismiss the charged violations of RPC 3.1, RPC 3.5(c), and RPC 8.4(d) under the OAE's theory.

Pet.App.89-90 (Emphasis added).

Before the DRB, Clark raised the constitutional issue of free speech, but the DRB never did address any Free Speech or other Constitutional issues. The written decision of the DRB states:

Finally, to the extent that respondent raised constitutional challenges to this disciplinary matter, those objections are reserved for the Court. See R. 1:20-15(h).

Pet.App.90a.

The DRB decision made no attempt to disguise the fact that it was punishing Clark for criticizing the government—and that this was the main reason Clark was being punished:

The record is replete with examples of the level of his disrespect, not just for Superior Court Judge 4, but for the New Jersey Family Court system and, arguably, the entire New Jersey Judiciary. He repeated his claims during his podcast appearances in which he alleged that the New Jersey Family Courts were corrupt[.]

... We accord significant weight to respondent's contemptuous attitude towards the judiciary[.]

Pet.App.109a. Emphasis added.

Indeed, the DRB decision is replete with examples of the DRB's disgust at Clark for criticizing the entire New Jersey Judiciary. The DRB further wrote:

In aggravation, respondent has failed to demonstrate any contrition or remorse for his misconduct and, in fact, maintains that he did not violate any Rules of Professional Conduct. Indeed, in response to our questioning during oral argument, he refused to acknowledge having engaged in any misconduct whatsoever. His behavior reveals a disdain for the judicial system and signals to us that he is incapable of conforming his conduct with the rule of law or the standards of the legal profession.

Pet.App.105a (emphasis added).

Again it is clear that a person merely offering a defense to allegations (maintains that he did not violate any Rules of Professional Conduct") is an "aggravating factor."

Yet again the DRB wrote:

Although respondent's misconduct was dissimilar to that of the attorney in *Harmon*, the underlying disdain for the judiciary and the Court's role in the oversight and regulation of the bar is equally alarming.

Pet App. 106a. Emphasis added.

This quote should dispel any lingering doubt that Clark is being punished for what he thinks—a

thought crime! Clark is being sanctioned for expressing "disdain" for the judiciary in interviews.

The quantum of punishment is also telling. A suspension of at least four years, plus some sort of medical exam (itself without explanation) is ludicrous.

3a. Indeed the recommendation went from three months to four years—indeed, it seems quite clear that the suspension is effectively permanent.

3. Supreme Court of New Jersey

Given that the DRB refused to address Constitutional issues, Clark filed a Petition for Review with the New Jersey Supreme Court, but that court denied the petition for review without comment or oral argument. **1a.**

VI. REASONS FOR GRANTING THE PETITION

1. Free Speech is under assault in this country and, moreover, in the last several years States have been using ethics complaints to silence and/or punish attorneys who challenge the powers that be.

Just last term in *Chiles v. Salizar, Executive Director of the Colorado Dep't of Regulatory Agencies* this Court re-affirmed that "professional speech" does not have "diminished constitutional protection." Slip Op. 14-15. This case is the perfect follow-up to *Chiles*. States are restricting speech under the pretext of regulating "professional speech" of lawyers.

As this Court is undoubtedly aware, there are widespread allegations that state disciplinary determinations have been "weaponized" against attorneys who represent unpopular clients. For

example, on May 13, 2026, the U.S. Department of Justice filed suit in D.C. District Court accusing the District of “Weaponizing state bar discipline against Executive Branch attorneys.” *United States v. Hamilton Fox, et al* Case 1:26-cv-01658, ECF # 1 at ¶ 1. The specific argument in that case is that “Weaponizing state bar discipline against Executive Branch attorneys in this way chills them from giving candid legal advice to others in the Executive Branch[.]” *Id.*

The DOJ case mentioned is premised primarily on the Supremacy Clause, but the larger issue is more profound. As the DOJ illustrates, state bar discipline procedures are being used selectively to punish particular lawyers—those who represent politically unpopular or “politically incorrect” clients.

That case illustrates how a double standard is applied to “politically correct” as opposed to “politically incorrect” lawyers. For example, the DOJ Complaint noted that “while serving as Assistant Disciplinary Counsel, Mr. Metzler ... Called Justice Alito a ‘Natural Born Fool.’” *Id.* at ¶ 2, 98. Metzler had a social media post stating: “The Worst April Fools prank of all time occurred on April 1, 1950 when Samuel Alino was born.” *Id.* at ¶ 99. Metzler’s social media post contained a manufactured image of Justice Clarence Thomas being handed a huge wad of cash—apparently suggested that Justice Thomas is “on the take.” *Id.* at ¶ 96. While the undersigned agrees that a counsel has a First Amendment right to call a Supreme Court Justice a “fool,” in the instant case, Clark was sanctioned for criticizing judges in less insulting language than Mr. Metzler. But Mr. Metzler will not be sanctioned for **calling Justice Alito a ‘Natural Born Fool.’** Indeed, lawyers across the country have falsely accused Justice Kavanaugh of being a child

rapist, but to the knowledge of the undesigned, no lawyer has ever been punished for such assertions. For example, Kamala Harris (Ca. Bar #146672) is a member of the California bar. <<https://apps.calbar.ca.gov/attorney/Licensee/Detail/146672>> Harris has said she believes Justice Kavanaugh is guilty of sexual assault and said "Brett Kavanaugh's confirmation to the Supreme Court was a 'sham.'" <<https://thehill.com/homenews/senate/410353-kamala-harris-kavanaughs-confirmation-was-a-denial-of-justice-for-sexual/>> But don't expect California to sanction Harris any time soon.

Again the DOJ Complaint lists numerous specifics of this sort of selective weaponization including the allegation that:

"Defendants ... are prosecuting another Federal Government official, Mr. Edward R. Martin, Jr., on the theory that he violated his oath to support the U.S. Constitution by sending a letter to Georgetown University Law School about its teaching and promotion of Diversity, Equity, and Inclusion (DEI) ideology[.]

Id. at ¶ 25.

We point this out to illustrate that the treatment of Clark in this case is part of a larger and disturbing trend: the weaponization of the ethics procedures against those who not "tow the party line." Accordingly, this weaponization is a matter of national importance. A healthy legal system requires lawyers who are free, independent, and able to advocate for controversial views and controversial clients. In *Henry VI, part II*, Shakespeare famously has Dick the butcher say "First thing we do, let's kill all the lawyers." Shakespeare's point was that a group of

independent lawyers provides a check on abusive government. But today the legal "profession" is held in very low esteem—precisely because lawyers are now seen as by the Wikipedia entry discussing the phrase, let's kill all the lawyers. Wikipedia says the phrase, is seen as, "in the criticism of how lawyers use the law to maintain the privileges and perquisites of the rich and the ruling class."

If an attorney (like Clark) can be sanctioned for criticizing the government in the media and for representing clients who have controversial views then an independent bar is seriously jeopardized. This is why First Amendment protection for the speech of lawyers is so crucial. This is why the issue in this case is so crucial.

2. Punishing an attorney for merely offering a defense, that is, calling it an aggravating factor of refusing to admit guilt is a violation of fundamental due process.

The DRB in this case explicitly states: "In aggravation, respondent ... maintains that he did not violate any Rules of Professional Conduct." 105a. This is a "trial penalty."

In the case *In re Ruffalo*, 390 U.S. 544, 551 (1968) this Court held that attorney disciplinary proceedings "are adversary proceedings of a quasi-criminal nature." (citing *In re Gault*, 387 U. S. 1, 387 U. S. 33. Moreover, as this Court held in *Bordenkircher v. Hayes*, 434 U.S. 357, 363 (1978):

To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic

sort, see *North Carolina v. Pearce*, *supra* at 397 U. S. 738 (opinion of Black, J.), and for an agent of the State to pursue a course of action whose objective is to penalize a person's reliance on his legal rights is "patently unconstitutional." *Chaffin v. Stynchcombe*, *supra* at 412 U. S. 32-33, n. 20.

This is what is happening here: punishing a person because he has done what the law plainly allows him. Regardless, or perhaps, especially in light of the total refusal to address any Constitutional defenses, it cannot seriously be disputed that Clark had every legal right to raise these challenges. The Adjudicator and the DRB decisions both acknowledge this. **Pet.App.116a**; **Pet.App.90a**.

For years, New Jersey (and other jurisdictions) have used the threat of additional sanction to discourage accused persons from presenting a defense. **Pet.App.104**, noting an earlier case where "the Court emphasized the attorney's lack of remorse or contrition."

It is one thing to grant clemency or mitigation for acceptance of responsibility, but it is quite another thing to punish a litigant for asserting a defense.

Under the federal sentencing Guidelines (cited as persuasive authority) while acceptance of responsibility is a mitigating factor, refusal to accept responsibility is never an aggravating factor. <<https://www.ussc.gov/guidelines/guidelines-archive/2011-3e11>> Even under the sentencing Guidelines, a criminal may still be eligible for a reduction: "*where a defendant goes to trial to assert and preserve issues that do not relate to factual guilt (e.g., to make a constitutional challenge to a statute or*

a challenge to the applicability of a statute to his conduct).”

Indeed, it is remarkable here that Clark’s constitutional arguments were entirely ignored at every level of the proceedings. Clark’s invocation of Constitutional rights (*never adjudicated*) is largely the basis of the enhancement—insofar as the Constitution was one of the primary defenses. In other words, the New Jersey system calls it an aggravating factor to litigate a legal question that remains open and unaddressed. But what the Sentencing Commission’s comment clearly shows is that to make a constitutional challenge to a statute or a challenge to the applicability of a statute to his conduct is entirely appropriate.

Again, the DOJ Complaint discussed above shows that lawyers who fail to “tow the party line” receive far harsher treatment than even convicted felons—but convicted felons who are obedient servant of the system. As the DOJ Complaint referenced earlier pointed out:

Defendants treated convicted felon and former FBI attorney Kevin Clinesmith far more leniently than Mr. Clark even though Mr. Clinesmith pled guilty to falsifying a document used to obtain a surveillance warrant against a political campaign advisor, Carter Page Defendants recommended that Mr. Clinesmith get a slap on the wrist (a retroactive one-year suspension)[.]

Id. at 13.

Punishing a litigant for “failure to accept responsibility” further runs afoul of due process by

denying notice and an opportunity to be heard. *Nell v. United States*, 450 F.2d 1090 (4th Cir. 1971). Here (as show in all the comments from the DRB about “failure to accept responsibility” the so-called aggravating factor has become the tail wagging the dog.

But the State appears not to need to prove this aggravating factor—much less allow Clark to respond to it. For example, the DRB Decision openly admitted applying a trial penalty writing and continued to criticize Clark for conducting a defense calling Clark’s defense “a waste of judicial resources”:

He [so-called Judge 5] found that respondent’s “abuses” resulted in a waste of judicial resources.

Respondent’s conduct in that regard continued in the instant disciplinary matter through his presentation of more than five thousand pages of irrelevant transcripts, certifications, and documents from the underlying divorce litigation; including ... thousands of pages of motion transcripts, which respondent failed to connect to the charged RPC violations.

Pet.App.107a.

The DRB repeatedly accused Clark of violating RPC and/or subject to increased penalty for “frivolous” filings and “waste of judicial resources.” Yet Clark provided the Master with “certifications, and ... thousands of pages of motion transcripts.” Amazingly, the DRB cited no evidence in these thousands of pages of motion transcripts, and thus called them “irrelevant” and failed to see any connection to alleged violations.

The thousands of pages of transcripts showed that allegations of misconduct in the Court room were false. Had there been evidence of such conduct in the thousands of pages of transcripts, then the Special Master of the DRB would have cited it. The fact that neither the Special Master nor the DRB was able to use these thousands of pages to attack Clark is evident from the fact that the DRB called these "thousand pages of irrelevant transcripts." (DRB Op 100-101).

This is clear example of a "trial penalty." Clark was sanctioned for defending himself. Moreover, the DRB increased the penalty on Clark (the initial Special Master recommendation was at least three months), because Clark "wasted the time" documenting the false testimony offered against him such as the above.

But to return to the due process claim, this assertion that Clark wasted judicial resources "through his presentation of more than five thousand pages of ... transcripts." Surfaced for the first time in the DRB decision. If the Board (incredibly) was unable to fathom the importance of the thousands of pages of transcripts, then surely due process required the State to allow Clark an opportunity to respond.

Of course, perhaps what the DRB meant by calling the thousand pages of transcripts "irrelevant" is that they were irrelevant insofar as the case really revolved around punishing Clark for comments made to the media—not about what happened in court. Again, look at the "findings" of the Adjudicator that are mostly about media appearances and service of process.

A trial penalty is an important question of due process—especially in light of the weaponization of ethics matters on the State level. This issue does not

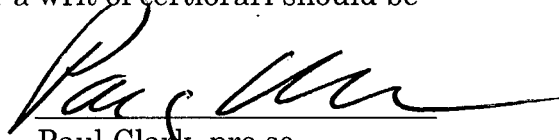
appear to have ever been addressed by this Court but
should be clarified for posterity.

CONCLUSION

The petition for a writ of certiorari should be
granted.

June 17, 2026

Date


Paul Clark, pro se