The Most Dangerous Branch

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INTRODUCTION

The American judiciary operates without meaningful external accountability. It defines its authority, polices its conduct, controls access to its proceedings, and answers to no electorate. The framers considered this arrangement safe. They believed the judiciary held no real power, as it possessed only judgment, which they viewed as mere words on a page. Over two centuries later, that unchecked power has reshaped the Constitution more profoundly than any formal amendment process, while the institutional architecture that permitted it remains largely unchanged. This paper argues that the resulting failures are structural, not incidental, and that the only appropriate remedy is constitutional.

Part one examines the foundations and consequences of that structural failure, starting with the founding design that embedded exclusion into the system, the collapse of public trust that followed, the drift from the principles justice was built on, the professionalization of discrimination, the abuse of outsiders, and how every functioning oversight mechanism has failed.

Part Two proposes four constitutional amendments addressing judicial authority, selection, accountability, and access as part of a broader Bill of Structural Integrity.

Part three anchors the paper with the reality of how the system looks in real time through a single civil case that moved through every level of the system, documenting each structural failure identified in Part one.

The framers called the judiciary the least dangerous branch. The evidence assembled here demonstrates how it has become the most dangerous.

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PART ONE

THE ROT

SECTION 1

The Seed of Distrust

When a tree develops rot, preservation requires cutting diseased branches back to the branch collar, allowing healthy tissue to seal the wound and rebalance the structure to support its weight. If ignored, the decay spreads inward to the trunk, weakening the entire system. The earlier the rot takes hold, the harder it is to reverse, and once it reaches the core, collapse becomes inevitable.

The United States grew similarly. Its branches show visible decay, but the deeper problem lies in the trunk shaped at the nation's founding. The framers built a system rooted in fear and exclusion, embedding that early damage into the country's living structure. What now appears as dysfunction in each branch is the predictable outcome of rot begun at the center. Instead of stabilizing it, we have patched the surface while the core festers dooming the entire edifice to fall under eroded trust and unbridled hypocrisy.

1.1

Exclusion as Legacy

The United States may be recognized as a great power and a symbol of freedom, but the system the framers created was not a true democracy. Instead, it was a controlled structure designed to protect the interests of a propertied elite from the very people it claimed to represent. Race was one tool in this design, and a harsh one, but the deeper foundation was about class. The framers feared the poor, the landless, and the uneducated. They worried about what would happen if these groups gained the power to redistribute wealth, cancel debts, or challenge the hierarchy that kept a small class in control. They designed the system to prevent such occurrences.[1]

At the Constitutional Convention, Madison warned that government must be designed to protect the propertied minority from a future in which those who labor under all the hardships of life would outnumber those placed above the feelings of indigence.[2] Adams posed a hypothetical in which the propertyless majority would abolish debts, tax the rich, and demand equal division of everything, arguing that political structures must ensure governance by a natural aristocracy drawn from a different economic class than the governed.[3] What one scholar calls a bastardized form of republicanism was not an accident of compromise. It was the intended product.[4]

The Constitution that emerged reflected those priorities. It was inspiring enough to win ratification, vague enough to keep the common folk at bay, and bendable when it needed to be. Slavery was the most visible expression of this design, codified in three articles of the original text. Article I, Section 2 established the three-fifths clause. Article I, Section 9 regulated the slave trade. Article IV, Section 2 created the fugitive slave clause. But these provisions were not only about race. They were about property. Enslaved people were financial assets, and the framers who held them were protecting their wealth. The Constitution did more than sanction slavery. It established what one analysis describes as

a veritable ecology of inequality, a logical framework that would persist long after the institution itself was formally abolished.[5]

The United States became one of the first modern states to build a comprehensive legal regime that defined and enforced racial categories as a mechanism of governance.[6] By 1904, one statistician observed that there was no country in which statistical investigation of race questions was so highly developed as in the United States.[7] But race was the visible line. Behind it ran a deeper one. Classification separated those entitled to full participation in society from those deemed unfit for it, whether the basis was color, poverty, or lack of property.[8] The system did not exclude only on the basis of race. It excluded on the basis of power, and race was the most efficient tool for drawing that line.

The question is where the judiciary fit within this design. The answer is that the framers paid it remarkably little attention, and the reason reveals the depth of their priorities. The Constitutional Convention spent weeks debating the structure of the legislature, the powers of the executive, the representation of slave states, and the regulation of commerce. The judiciary received comparatively sparse deliberation. Article III is the shortest of the three articles establishing the branches of government. It creates a Supreme Court but leaves nearly everything else, the number of justices, the structure of lower courts, and the scope of jurisdiction, to Congress. The framers did not provide safeguards because they did not believe the judiciary required them.

Hamilton articulated this reasoning in Federalist No. 78.[9] The judiciary, he wrote, would always be the least dangerous branch because it possessed neither the sword of the executive nor the purse of the legislature, but merely judgment. The framers treated this as reassurance. The judiciary controlled no armies and levied no taxes. It posed no danger to the structure they were building.

But there is an irony in this reasoning that the framers either missed or chose not to address. They were at that very moment drafting the words that would define the nation. The Declaration of Independence was a document of words. The entire legal regime they were constructing would operate through written language, interpretation, and judgment. To declare that the

branch whose sole function was interpretation posed no threat was either a profound miscalculation or a deliberate misdirection.

The more likely explanation is that the framers understood the judiciary's potential and saw no reason to constrain it because it served their interests. An unelected body, insulated from popular pressure, holding office during good behavior with no term limits, answerable to no electorate, was the ideal vessel for preserving the order they had created. The judiciary did not threaten elite interests because it was designed to protect them. Its vagueness was not an oversight. It was an invitation, left open for those with the power to fill the silence.

1.2

Power of Judgment

The Supreme Court has formally overturned its own constitutional precedent approximately

150

times since 1789. That count includes only cases where the Court acknowledged doing so.[34]

The Judiciary Act of 1789, drafted by the same Federalists who designed the Constitution, established the infrastructure of judicial power. It created the lower courts, defined jurisdiction, and included an explicit authorization for federal courts to review the constitutionality of state and federal laws. The foundations of judicial review were statutory before they were judicial. What the political class built through legislation, Marshall would later claim through declaration.[10]

When *Marbury v. Madison* reached the Court in 1803, what appeared to be a dispute over a single judicial commission became the moment the judiciary filled the silence the framers had left. Marshall faced a political dilemma. If he ordered the Jefferson administration to deliver the commission, the order would likely be ignored and the Court's authority weakened. If he ruled in the administration's favor, the Court would appear submissive. Marshall chose a third path. He denied Marbury his commission but declared that it was "emphatically the province and duty of the judicial department to say what the law is." He created judicial review, a power nowhere written in the Constitution, while appearing to exercise restraint.[11] The decision was not a seizure of power from nothing. It was the public assertion of authority that the Judiciary Act had already provided

and that the political class had collaboratively built.[12]

The mechanism Marshall established would define the judiciary's relationship to the Constitution from that point forward. But it did not operate consistently. A pattern emerged that has repeated across two centuries. When rights are at stake, the Court demands explicit constitutional text before it will act. When its own authority or that of the state is at stake, it reads power into silence. This is not legal philosophy. It is a structural habit that protects institutional and corporate power while constraining individual liberty.

The Court stripped Indigenous nations of land rights through implied authority in *M'Intosh v. Johnson*.[13] *In Dred Scott v. Sandford*,[14] the Court held that Black people had no rights under the Constitution, treating the absence of explicit inclusion as dispositive. In *Minor v. Happersett*[15], the Court held that the Constitution did not guarantee women the right to vote because the text did not explicitly confer it. In *Giles v. Harris*[16], the Court acknowledged that Alabama was systematically disenfranchising Black voters but held it had no power to provide a remedy. In each case, the Court treated constitutional silence as a barrier to rights.

But when institutional power was the question, silence became an invitation. In *Hans v. Louisiana*, the Court extended sovereign immunity to bar citizens from suing their state[17], a protection that appears nowhere in the Eleventh Amendment's text. The amendment prohibits suits against a state by citizens of another state. The Court expanded it far beyond those words, shielding states from accountability to their people through judicial interpretation rather than constitutional language.[18] It protected employer interests over worker safety in *Lochner v. New York*.[19] It shielded wealth-based inequities in public education in *San Antonio v. Rodriguez*.[20] It treated corporate political spending as protected speech in *Citizens United v. FEC*.[21] In *Bush v. Gore*[22], it intervened in a presidential election with a ruling it simultaneously declared could not be used as precedent, the clearest possible admission that the decision served a purpose rather than a principle. In *Shelby County v. Holder*[23], it gutted the Voting Rights Act by declaring that conditions had sufficiently changed and

then watched as states immediately reimposed the restrictions the Act had prevented.

The definition of who counts as unfit for protection shifts with the era, but the mechanism remains constant. Race in *Dred Scott*, *Plessy*,[24] *Korematsu*,[25] and *McCleskey v. Kemp*, where the Court acknowledged statistical evidence of racial bias in death penalty sentencing and declared it insufficient to act.[26] Gender in *Bradwell*.[27] The poor, or "feebleminded," in *Buck v. Bell*,[28] a ruling that remains on the books today. Sexual orientation in *Bowers v. Hardwick*.[29] Bodily autonomy in *Dobbs v. Jackson*.[30] Throughout history, the Court has interpreted the Constitution in a way that allows for the subordination of any group deemed necessary by the prevailing power structure.

The judiciary did not outgrow the worldview that created it. It refined it by becoming a de facto constitutional amendment body, rewriting the meaning of the text without the Article V process the framers designed for that purpose. The same institution that claims fidelity to the Constitution's original meaning has altered that meaning more profoundly than any formal amendment process could. The difference is that amendments require supermajorities, public debate, and ratification by the states. The Court requires only five votes.

The power to correct is the same power that produced the error. That is what it means to operate as a de facto amendment body without Article V.

The Court has repudiated some of its worst decisions. *Plessy* was overruled by *Brown v. Board of Education*,[31] but it took fifty-eight years. *Bowers v. Hardwick* was overruled by *Lawrence v. Texas*,[32] but it took seventeen. *Korematsu* was formally repudiated in *Trump v. Hawaii* in 2018, but in the same opinion, the Court upheld the government's power to restrict entry based on national origin.[33] The act of correction only reinforces the argument. The same institution that issued the rulings is the only institution with the power to reverse them, on its schedule, by its standards, with no external accountability.

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SECTION 2

A System Awry

The rule of law represents an unspoken covenant between a government and its citizens, one that fosters trust and maintains order. It embodies principles of integrity that transcend any single form of governance. Nations flourish when their judiciary honors this covenant, ensuring citizens feel secure regardless of their station in life. When the judiciary betrays that promise, succumbing to politics, favoring the powerful, or substituting dogma for justice, it erodes the very foundation of the nation. As that foundation weakens, everything built upon it begins to crumble.

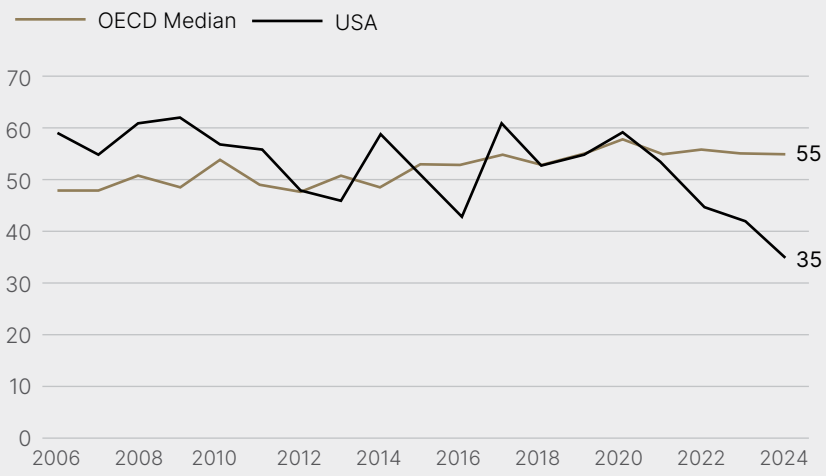
Although the United States is a young nation, its constitutional government is one of the world's oldest to evade significant reform. Nearly two and a half centuries later, we remain governed by the same fears that shaped its inception. What began as a system grounded in restraint has shifted toward insulation and entitlement. The chasm between the courts' intended purpose and their actual practice has widened, undermining not only fairness but public faith. For America to heal, reform must begin where justice originates, with the judiciary.

2.1

Collapse of Public Trust

In December 2024, Gallup released its annual survey on public confidence in U.S. courts, revealing trust at a record low of 35%. The United States saw a 24-point drop over four years, one of the largest country-level declines measured globally since Gallup began tracking in 2006.[35] For the first time on record, confidence fell below 50% among both those who approve and those who disapprove of national leadership. The decline was not limited to one end of the political spectrum. It crossed party lines, age groups, and education levels.

% of Americans that have confidence in the judicial system and courts



Source: GALLUP

Trust in the Judicial Branch

75% → 50%

2000 2022

The Annenberg Public Policy Center's "Withering of Public Confidence in the Courts" report confirmed the pattern across a longer timeframe, finding that the percentage of Americans expressing either "a great deal" or "a fair amount" of trust and confidence in the judicial branch fell from 75% in 2000 to under 50% in 2022. Trust in the Supreme Court declined even more sharply than trust in the courts generally. The report also found that a majority of Americans now believe the courts favor the

WJP Rule of Law Index 2025

Global Rank

20 → 27
2015 2025

Fundamental Rights: Equal treatment and absence of discrimination

56 → 108
2015 2025

People can access and afford civil justice

72 → 112
2015 2025

Civil justice is free of discrimination

67 → 118
2015 2025

wealthy and that judges do not set aside their personal political beliefs when making rulings.[36]

The public has noticed not just the courts' actions but their disregard for the principles they claim to uphold. The research from the World Justice Project Rule of Law trends found that Americans associate the rule of law with justice, equality, the Constitution, respect, and fairness. Yet when describing its current state, they cite bias, corruption, inequality, unfairness, and disrespect.[37]

Three decades of comparative data show that the rule of law is the most influential institutional driver of national success, outweighing even electoral or economic freedoms.[38] When a judiciary loses public trust or appears to side with the powerful over the people, instability follows. Countries that let courts drift toward partisanship or elitism have faced civil unrest, political violence, economic turmoil, and even breakdowns in governance.[39] Federal systems like the United States amplify this risk. When one level of courts is seen as politicized, litigants turn to forum-shopping or defy rulings, and the rule of law erodes across the system. Judges have warned that, when trust fades, "people resort to other means to resolve those matters that are... within the realm of the judiciary."[40]

On October 28, 2025, the World Justice Project released its 2025 Rule of Law Index, in which the United States fell to 27th out of 143 countries, with its overall score declining 2.8% in a single year. The U.S. ranked 20th out of 31 in its region. The civil justice factor ranked 37th globally. Among the specific findings, civil justice weakened in 68% of countries measured, including the United States, reflecting longer delays, less effective alternatives to court, and greater government interference.[41]

The 24-point gap between U.S. confidence and the OECD median is the largest in Gallup's trend. The comparable declines globally tell a story about what kind of company the United States now keeps. Only a handful of countries experienced larger four-year drops. Myanmar saw a 46-point decline during the period overlapping its return to military rule. Venezuela saw a 35-point

drop amid economic and political collapse. Syria saw a 28-point drop in the run-up to civil war.[42]

Decline in Americans' Confidence in Their Courts Ranks Among 10 Largest Worldwide Since 2006 Over a Four-Year Period

	Start	End	Decline (pct. pts.)
Myanmar 2018–2022	71	25	-46
Venezuela 2012–2016	51	16	-35
Croatia 2017–2021	48	19	-29
South Africa 2010–2014	71	44	-28
Syria 2009–2013	53	25	-28
Hong Kong 2016–2020	71	43	-28
Morocco 2010–2014	55	28	-27
Dem. Rep. of Congo 2009–2013	49	22	-27
Uzbekistan 2016–2020	89	64	-25
United States 2020–2024	59	35	-24

Graph reflects the largest absolute decline for each country since 2006. Some countries, such as Myanmar from 2017 to 2021, have had multiple four-year periods with declines of at least -24 points.

Source: GALLUP

Even these surveys cannot provide an accurate picture of how deep the problem runs. Sample sizes are limited and often capture the views of those adjacent to the system rather than those who experience it directly. Legal scholars tend to analyze why the public perceives distrust rather than asking whether the system itself is fundamentally flawed, which reflects professional bias. This produces attribution error, where explanations default to political polarization or the judiciary's failure to communicate rather than to structural defects in the system itself. The Annenberg researchers acknowledged this dynamic, noting that

the longstanding association between civics knowledge and trust in the judiciary has begun to erode, meaning that the more people learn about the system, the less they trust it.[43] Scholars dismiss firsthand accounts as unreliable because they assume litigants are disgruntled. They treat lived experience as bias while ignoring the bias inherent in professional insulation.

As Charles Geyh has documented, anti-court sentiment recurs in American history, yet the present moment is different.[44] As the United States hit a modern low in Gallup's confidence measures, it joined a top ten set of countries where steep declines in trust in courts signaled broader institutional fragility.[45] The U.S. stands out not only for its democratic pedigree but also for its global influence. For decades its constitutional and judicial architecture served as a benchmark. To see it grouped with authoritarian or unstable regimes shows how polarization can push even a mature democracy toward conditions once thought confined to weaker states. The world's most influential democracy now exhibits internal fractures typical of systems it once sought to reform or stabilize. Some countries avoided full-scale unrest because safeguards or independent oversight relieved pressure before distrust became irreversible. The question is whether the United States will do the same. Meaningful reform has been scant, and the safeguards the framers designed are harder to access when the separation of powers blurs and the judiciary falls in line.

The data points in different directions depending on where you stand. From the inside, the system is under strain but functioning. From the outside, it has already failed. The sections that follow examine why.

SECTION 3

Incongruence of Justice

Civil adjudication is older than any written law. It predates criminal justice as a formal category. Its original function was not punishment but resolution. Societies that built courts did so because the alternative was violence. The question was always whether disputes would be settled by the state or by the parties themselves, with all the bloodshed that entails.

The American system inherited a specific legal tradition to perform that function. Common law, as it developed in England, worked because it was common. One sovereign, one court system, one evolving body of precedent that applied across the realm. What the framers adopted and what that system has become are no longer recognizable as the same thing.

3.1

Going Back to the Roots

Long before constitutions, societies understood that law was the only mechanism capable of creating the appearance of equality among unequal classes. The Code of Hammurabi captures that premise directly, declaring that justice existed so "the strong might not oppress the weak" and to protect "the widows and orphans."[46] Whatever its limits in practice, the principle was clear. Law was not conceived merely as a tool of order but as a restraint on domination and a public safeguard for those most vulnerable to abuse.

The oldest full legal code set the path for the rule of law that is still practiced today[47], except in the United States. The principles that were etched into stone have been chipped away. For in America, "let the oppressed, who has a case at law, come and stand before this my image as king of righteousness; let him read the inscription, and understand my precious words; the inscription will explain his case to him; he will find out what is just"[48] has been replaced by the requirement that understanding law demands a specialized doctorate.

The complication of law muddles into confusion because laws here are about as stable as the political winds that produce them. Law gets pulled between the federal government and the states until it becomes covered in so much doctrine that it collapses from within. The founding fathers may not have created a proper system, but if there was consensus on one principle, it aligned with Hammurabi's command that future rulers "not alter the law of the land which I have given, the edicts which I have enacted."[49] Hamilton made the same argument when he pushed for lifelong judicial tenures, reasoning that permanence in office would produce permanence in law.[50]

Notably, Mesopotamian courts did not separate civil and criminal cases as modern systems do. Virtually all offenses, even theft or assault, were treated as private wrongs against the victim's property or person, not as crimes against the state.[51] The purpose of this early civil adjudication was to maintain social order and

fairness by providing an official forum to resolve conflicts, thereby reducing blood feuds and arbitrary revenge. That purpose still holds true today. Civil justice prevents crime because it satisfies the need for retribution and prevents people from taking their grievances out on others.

This was understood by those ancient civilizations and embedded in early codes. “A righteous law guaranteed security to the inhabitants in their homes. A disturber was not permitted.”[52]

Law is accepted only when it delivers recognizable justice. When it protects wealth, entrenched classes, or political elites, trust collapses and governments follow.

3.2

Uncommon Law

> Law is accepted only when it delivers recognizable justice. When it protects wealth, entrenched classes, or political elites, trust collapses and governments follow..

Common law emerged in twelfth-century England as the Crown centralized justice under a uniform set of rules applied across the realm. Medieval England’s economy was agrarian, and the common law developed primarily to resolve property disputes among those who owned property, earning the title, “law of the land.”[53]

The key word is common. English common law worked because it was unified. One sovereign, one court system, one body of precedent that bound the realm.

American common law is not common at all. The federal system alone fragments across fifty states and thirteen circuits, each developing its own body of precedent. But that is only one layer. Every state maintains its own court system with its own appellate structure, its body of case law, and its own procedural rules. A litigant in any state must learn not just federal law but state law, and not just state law, but the local rules of whichever county court hears the case. Each court can impose its own filing requirements, formatting standards, and procedural expectations. While local rules are not statutes, they carry the force of law within that courtroom. Fail to comply and your case can be dismissed regardless of its merits.

This is precisely what English common law was designed to

eliminate. Henry II sent royal judges across the realm so that disputes would be decided according to one common law rather than the patchwork of local feudal customs that varied from manor to manor. The entire premise was uniformity. American common law has returned to the fragmentation that the English system was built to replace. The same legal question can have different answers depending on which side of a state line you stand, which federal circuit governs, or which local court you file in. A contract valid in Texas may be unenforceable in California. A defense that succeeds in the Fourth Circuit may fail in the Ninth. A motion that complies with one court's local rules may be rejected in another. The word "common" becomes a misnomer when applied to a system this fractured.

The framers should have recognized the risk. They had just lived through the Articles of Confederation, where disunity nearly destroyed the Republic before it began.[54] They asked the French to fight alongside them and then allowed Louisiana to keep its civil law tradition rather than requiring conformity. The question of why the framers chose common law over civil law has no satisfying answer beyond comfort and familiarity.

This system might have functioned if we had remained thirteen colonies. We are now fifty states, each with over two hundred years of laws accumulated and legal precedents that overturn one another like the changing tides. Technology and the aftermath of the pandemic have made Americans more mobile than ever. People move across the country, work remotely, live as digital nomads, often unaware that each move places them under an entirely new legal regime. If law were meant to be understood and accessible to the average person, that principle collapses when law becomes this fragmented and unknowable. Stare decisis loses its stabilizing force in a system polarized by partisan friction, where precedent flips with the composition of the bench while the Constitution remains locked in place.

This structural incoherence creates its own form of gatekeeping. There is no central database for all law in this country. Federal court records are accessible through PACER, and recent efforts have reduced costs, but fees still accumulate for those

$5,904

The **minimum annual cost** of a single-user Westlaw subscription with full case law access.

$5,184

The **minimum annual cost** of a single-user LexisNexis subscription with full case law access.

who cannot afford counsel.[55] Even then, PACER provides only documents. It does not indicate whether a ruling remains valid law or has been overturned. That information lives behind commercial paywalls. Westlaw[56] and LexisNexis subscriptions[57] cost thousands annually, placing legal knowledge beyond the reach of ordinary citizens.

State systems are often worse. North Carolina's public court portal allows searches by name, case number, county, or general case type, but not by legal issue or subject matter.[58] It returns docket entries, not the substance of rulings. There is no way to determine whether a decision remains valid precedent. Comprehensive access requires a paid license starting at $495 with per-transaction fees of $0.39 per keystroke.[59]

The absence of centralized, searchable data does more than block individual litigants from researching their cases. It creates a layer of secrecy around the courts themselves. Without accessible data, there is no way to effectively monitor how judges are ruling, whether patterns of bias exist, or whether entire categories of cases are being dismissed without meaningful review.

That opacity has consequences. Research conducted through CourtListener, a nonprofit case law database, revealed that the Fourth Circuit denied mandamus petitions from pro se petitioners using recurring boilerplate language at rates far exceeding other circuits, especially through the phrases "undue delay" and "substitute for appeal." But neither phrase, as used by the Fourth Circuit, reflects the actual *Cheney*[60] standard. "Undue delay" is not an independent element of mandamus, and "substitute for appeal" has often been invoked without analysis of whether any adequate appeal remedy existed when the petition was filed. The denials are nearly all unpublished and formulaic, leaving the governing threshold undefined while masking a pattern repeated across more than 1,100 Fourth Circuit cases since 2000.[61] The Fourth Circuit also has the highest concentration of pro se original proceedings of any circuit, with 94 percent filed by pro se parties.[62] Without a free, searchable database, it would have remained invisible.

CourtListener revealed the **Fourth Circuit has denied** more than

1,100

mandamus petitions from pro se petitioners without applying the *Cheney* standard **compared to** approximately

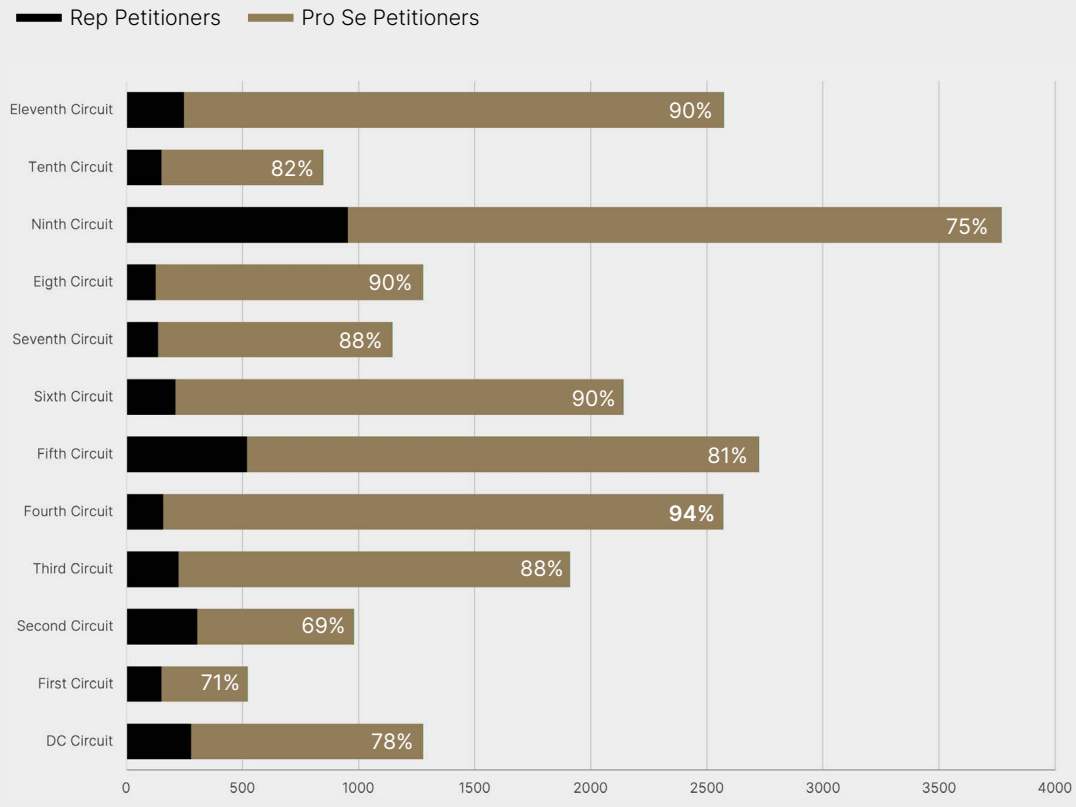
111

in **all other circuits** since 2000.

This raises an uncomfortable question. If systemic failure went undetected for decades because the data was inaccessible, how many other failures remain hidden? A central, searchable database would not solve every problem, but it would make them visible. That visibility is the first condition of accountability.

American common law buries the law behind fragmentation, cost, complexity, and secrecy. The United States must provide a common source for accessing the law if it insists on using a common law system. Anything less violates the foundational principle that justice requires knowledge of the law it enforces.

Mandamus Petitions Filed in Each Circuit Court by Represented and Pro Se Petitioners, 2008 to Present



Source: Federal Judicial Center Integrated Database 2008 - Present

SECTION 4

Gating the System

Even if the United States establishes a free database of case law, a question remains. Should the law be so difficult to comprehend that it requires a doctorate to navigate? The professionalization of law was justified as a means to ensure consistency and protect the public against charlatans and unethical practitioners. In practice, it established a system reserved for the elite and for those whom America considered its preferred demographic. The contradiction is not subtle.

Medicine offers an imperfect analogy. A patient cannot elect to perform her own surgery, and so credentialing serves an unavoidable gatekeeping function. But surgery requires physical intervention that untrained hands cannot safely perform. One of the main principles of law requires them to be known by all.[63] The legal system nominally permits self-representation. Federal law still guarantees it.[64] So if the courts are open to all, why does learning to navigate them cost an average of $217,000?[65]

The United States generally requires about seven years of post-secondary study culminating in an ABA-approved Juris Doctor for bar admission, making its standard pathway unusually long, uniformly graduate entry, and comparatively expensive to other modern nations. The American Bar Association, a private organization, controls which law schools qualify their graduates to sit for the bar exam in nearly every state.[66]

The unethical practices that bar requirements were supposed to eliminate still occur; only now they are committed by credentialed attorneys who know how to exploit the system rather than by untrained practitioners who lacked the knowledge to do so. The misconduct is shielded by the very code of ethics meant to prevent it. Those with resources benefit from a system they can navigate and exploit. The cost falls on the institution and the public as courts become overburdened, justice is delayed through motion abuse, and outcomes reflect who can afford to play the game rather than who has the stronger claim.

4.1

Establishing the Gatekeepers

The Founding generation understood that access to the courts meant the right to use them without intermediaries. The Judiciary Act of 1789 made this explicit, providing that "in all courts of the United States, the parties may plead and manage their own causes personally or by assistance of such counsel or attorneys at law as by the rules of the said courts."[67]

The Sixth Amendment did not originally guarantee an appointed attorney. It guaranteed only that an attorney could be permitted in a court of law if one chose to have one.

Many colonists chose not to hire lawyers at all. Attorneys were often seen as dishonest, and several colonial courts banned them entirely or capped their fees to curb what was known as "pettifogging."[68] This hostility shaped the Sixth Amendment, which guaranteed the assistance of counsel for defendants who wished and were able to afford one, not a general right to appointed counsel.[69]

During this period, lawyers were admitted to the bar through apprenticeship or reading law, typically on the recommendation of a judge who administered an oral exam. No formal law degree was required. If the candidate demonstrated basic legal knowledge and good character, the court admitted them to practice.[70]

By 1850, the United States had roughly 22,000 to 24,000 lawyers, about one per 1,000 inhabitants.[71] This figure would grow dramatically after the Civil War. Proponents of reform claimed the informal system drove the need for formal legal education, inspiring institutions like Harvard Law School. Elite jurists believed law should be taught as a coherent science grounded in principles, history, and systematic reasoning rather than as a trade learned through apprenticeship.

The year 1878 marked a turning point with the founding of the American Bar Association. In the late nineteenth century, a concerted push emerged to professionalize and standardize the practice of law. Prior to this, local bar associations were often informal social clubs with little regulatory power. The ABA from its outset pushed for higher standards. It promulgated the Canons of Professional Ethics in 1908 and began urging states to require

formal legal education before admission to practice.[72]

This desire for professionalism gained momentum alongside the rise of eugenics in the United States. Behind the push for higher standards was a widespread belief, often explicitly articulated, that certain ethnic and racial groups were intellectually or morally inferior and thus unfit for the legal profession. Scholars have documented that calls for university law training and standardized testing were "steeped in eugenics theory," which posited that intelligence and character were hereditary traits correlated with race.[73] During this period, white Protestant elites openly worried that the influx of Eastern European Jews, Southern Italian Catholics, Asians, and African Americans into law would degrade what they saw as a white, Anglo-Saxon Protestant domain.

Eugenics is the scientifically erroneous and immoral theory of "racial improvement" through the elimination of so-called social ills by means of genetics and heredity, using methods such as involuntary sterilization, segregation, and social exclusion. The formal movement lasted from

1904

until the end of World War II in most places.[128] **In the United States, it continued** into the

1970s

Elihu Root, a Nobel Peace Prize laureate, former U.S. Secretary of State, and president of the ABA in 1915, was alarmed that about 15 percent of New York's lawyers were foreign-born, with another large fraction the children of immigrants. He argued that "foreign influences" in the bar must be "expelled by the spirit of American institutions." Root endorsed the racist eugenic theories in Madison Grant's book *The Passing of the Great Race* (1916), longing for a return to Anglo-Saxon Protestant hegemony in the profession.[74]

Legal historian Jerold Auerbach observes that many established lawyers of that era seized on stricter bar requirements specifically because they were "the best available means" to achieve a kind of social engineering of the bar's membership. By raising educational and exam barriers, the bar could "correspond to [the lawyers'] own ethnic and social preferences," effectively "shoring up the Anglo-Saxon foundations of the professional structure to resist the incursions of immigrant newcomers."[75] Auerbach notes that five of the seven members of Root's committee on legal education came from urban centers with the highest proportions of immigrant lawyers, suggesting their reform agenda was directly motivated by the influx of foreign-born attorneys.

The neutral quest for merit was in reality a way to camouflage prejudice behind academic credentials and to create complex procedures that implemented eugenic-style filtration. The barriers

Fewer than

5%

of Americans had completed college when the ABA pushed for required academic credentials .

ensured that almost all new lawyers came from the ostensibly "superior" racial and educational background, considering that fewer than 5 percent of Americans had completed college during this period.[76] For Black Americans and women, the barriers were not merely high but often impassable. Most law schools refused to admit them, and many state bars explicitly or effectively barred their entry. The few who broke through did so against a system designed to prevent exactly that.[77]

In 1919, Reginald Heber Smith's landmark study Justice and the Poor bluntly concluded that people without money were routinely denied justice in civil matters since they lacked access to lawyers.[78] Smith documented how innumerable tenants, consumers, and family law litigants had no legal representation and thus no meaningful chance in court. His report, backed by data, charts, and case studies, should have galvanized the bar. When the Carnegie Foundation sought to send free copies of Smith's book to ABA members, the ABA refused to share its mailing list.[79]

The bar's resistance did not last. Charles Evans Hughes, a former Supreme Court Justice and Governor of New York, made legal aid the subject of the 1920 ABA annual meeting and invited Smith to speak. Hughes helped convince the group to create a Special Committee on Legal Aid Work, which became the Standing Committee on Legal Aid in 1921. Smith chaired it for its first twenty years.[80]

The irony was that the foreword to Justice and the Poor was written by Elihu Root. He declared that "no one can question that the highest obligation of government is to secure justice for those who, because they are poor and weak and friendless, find it hard to maintain their own rights."[81] Root wrote the foreword to the book about justice for the poor while working to ensure the poor, particularly the immigrant poor, could not enter the profession that served them.

Isidor J. Kresel, the chief counsel in a lengthy New York investigation into ambulance chasing in the late 1920s, made the gatekeeping logic explicit. After recommending disciplinary proceedings against seventy-four lawyers, he observed that

some of the attorneys who had testified "could not speak the King's English correctly. These men, by character, by background, by environment, by education were unfitted to be lawyers." The only remedy, he told applauding members of the New York State Bar Association, was a character examination prior to law school admission to eliminate those who lacked proper antecedents, home environment, education, and social contacts. If such an examination created a legal aristocracy, so be it.[82] Kresel was himself a Jewish immigrant lawyer who described America as "my passion and my religion." He had assimilated and turned the same gatekeeping logic against those who came after him.

Perhaps the strongest evidence that professionalism served as a gatekeeping mechanism in favor of eugenics is demonstrated by the legal system's own conduct. The Virginia Bar Association was founded in 1888 to cultivate jurisprudence, facilitate justice, and uphold "the standard of honor, integrity, and courtesy in the legal profession."[83] Where was the VBA when a lawyer failed catastrophically in this duty in the landmark case *Buck v. Bell*, 274 U.S. 200 (1927)?

Irving P. Whitehead was appointed to defend Carrie Buck and protect her from being forcibly sterilized. Instead, he acted in support of the Virginia State Colony for Epileptics and the Feebleminded. Whitehead was a confidant of Dr. Albert Priddy, who ran the Colony. He was a former member of the Colony's Board. He was a childhood friend of Aubrey E. Strode, who drafted the 1924 Eugenical Sterilization Act in Virginia. His fee was paid by the institution he was supposed to be opposing.[84]

Strode called a dozen witnesses; Whitehead called none. He produced no evidence against the Commonwealth's case.[85] He filed a five-page brief against the state's forty pages. He failed to challenge the allegations made about Carrie and her family, failed to challenge the broader assertions regarding the heredity of feeblemindedness, and failed to challenge the scientific basis for sterilization, despite the fact that prominent scientists of his own era had serious doubts about all three.[86] Whitehead actively filled in the gaps in Strode's case, building the best possible record for sterilization rather than against it.[87] A bystander might reasonably

Buck v. Bell allowed for the **forced sterilization of**

60,000

Americans and was **cited as a defense** for the approximately

375,000

forced eugenic sterilizations during the Holocaust. **It has never been overturned.**

have reached the conclusion that there were two lawyers working for Dr. Priddy and none for Carrie Buck.[88]

All Whitehead had to do was call Carrie's teachers to the witness stand to prove she was far from feebleminded. Her daughter Vivian, whom the state's expert had examined for one day and declared below average at only 7 months old to support the case, grew up to make the honor roll before dying of measles at age eight.[89]

The Virginia Bar Association, founded to uphold honor and integrity, said nothing. The ABA was equally silent. The profession that claimed to be raising standards to protect the public produced a staged case that authorized the forced sterilization of over 60,000 Americans, yet said nothing about the attorney who made it possible.[90] Nor did they seek to reform the practice after Nazi officials at the Nuremberg Trials, who had overseen approximately 375,000 forced eugenic sterilizations, specifically cited *Buck v. Bell* as part of their legal defense.[91]

4.2

Dividing the Justice Line

The decades following *Buck v. Bell* revealed a legal system at war with itself. One faction recognized that professionalization had created barriers to justice and sought remedies. Another continued building those barriers while claiming to serve the public interest.

In 1932, the Supreme Court confronted the consequences of complexity in *Powell v. Alabama*.[92] Nine Black teenagers, the Scottsboro Boys, had been convicted of rape and sentenced to death after trials lasting a single day. They had no meaningful access to counsel. The Court held that in capital cases, due process requires the state to provide an attorney when the defendant cannot adequately represent himself. The decision acknowledged what the professionalization movement had wrought. The system had become too complex for an ordinary person to navigate alone when his life was at stake. The opinion was written by Justice George Sutherland, one of the Court's

most conservative members, underscoring that the injustice was not a matter of political ideology but of basic fairness.

In 1938, the Federal Rules of Civil Procedure took effect. Rule 1 promised that the rules would be "construed and administered to secure the just, speedy, and inexpensive determination of every action."[93] The drafters genuinely sought to strip away arcane procedural barriers. They merged law and equity into a single civil action, replaced complex pleading requirements with simple notice pleading, and introduced broad discovery so that cases could be decided on evidence rather than ambush.

The reform was real. But so was Senator Thomas Walsh's warning during the debates. Walsh argued that uniform federal rules would mainly help elite lawyers who practiced nationally while burdening local attorneys. He claimed to stand "for the one hundred who stay at home as against the one who goes abroad."[94] The ABA dismissed his concerns, but time would eventually prove him right.

In 1942, the Supreme Court drew a line that would stand for two decades. *Betts v. Brady* held that the Sixth Amendment did not require states to provide counsel in non-capital criminal cases.[95] The Court reasoned that the average man could handle his own defense. The fiction persisted even as the complexity grew. By most accounts, the 1942 Court was considered more liberal than the one that decided Powell a decade earlier, yet it refused to extend the right to counsel. The inconsistency foreshadowed a pattern that would repeat throughout the century, where constitutional rights expanded or contracted based not on principle but on who happened to be sitting on the bench.

The profession itself began slowly confronting its exclusionary history. In 1943, the ABA adopted a resolution declaring that membership "is not dependent upon race, creed or color."[96] Not until 1950 would a Black lawyer actually be admitted.[97] The organization that had formally excluded Black attorneys for decades, which when it discovered in 1912 it had inadvertently admitted three Black members had passed a resolution declaring "it has never been contemplated that members of the colored race should become members of this Association,"[98] now claimed

Not until

1950

would a Black lawyer actually be admitted into the ABA.

to welcome those it had spent half a century keeping out.

Congress moved in the opposite direction. In 1948, it recodified the Judicial Code and for the first time explicitly authorized dismissal of IFP actions deemed "frivolous or malicious" under 28 U.S.C. § 1915(d).[99] The provision was used sparingly. In *Coppedge v. United States* (1962), the Supreme Court emphasized that frivolousness meant lack of any arguable legal or factual basis, not mere weakness of the claim.[100]

In 1963, *Gideon v. Wainwright* overturned *Betts* and held that the Sixth Amendment requires states to provide counsel to any defendant charged with a felony who cannot afford an attorney.[101] Justice Black, writing for a unanimous Court, declared that "lawyers in criminal courts are necessities, not luxuries."[102] The right to counsel was not a gift. It was an admission that the barrier game had succeeded. The courts were no longer places where ordinary people could plead and manage their own causes. They were arenas that required a licensed guide to enter.

Yet *Gideon* applied only to criminal defendants facing felony charges. Civil litigants remained on their own. The profession had built a system too complex for ordinary people, acknowledged that complexity required professional help, provided that help only to those accused of serious crimes, and left everyone else to navigate the barrier game alone.

The pattern established by *Gideon* would repeat throughout the following decades. The legal system would acknowledge a problem, offer a partial remedy, and then spend years undermining or limiting that remedy while claiming the cure had gone too far.

4.3

Playing the Game

Beginning in 1954, the Warren Court's expansion of rights empowered private citizens to enforce federal laws through civil suits, creating what some have called the litigation state.[103] But the expansion was brief. By 1969, the Warren Court was over,

and with it the last sustained period in American history when the Supreme Court operated under a liberal majority. What followed was not a direct assault on the rights themselves. The strategy was subtler. Opponents of civil rights enforcement recognized they could not repeal popular legislation, so they targeted the procedural infrastructure for enforcing it.

By the
1980s
judges and the bar openly acknowledged **the problem of "Rambo litigation."**

By the 1980s, judges and the bar openly acknowledged the problem of "Rambo litigation," overly aggressive, obstructionist lawyering marked by serial motions for sanctions, dilatory conduct, and scorched-earth discovery tactics.[104] Bar associations and courts began emphasizing professionalism and courtesy, reacting to the recognition that the "sporting theory of justice," where litigation is treated as a game to be won by any means, had gone too far.[105] The American Bar Association removed the phrase "zealous advocacy" from some professional conduct rules, instructing lawyers to balance zealous representation with obligations of candor and fairness to the system.

In 1983, the Supreme Court amended FRCP Rule 11 to make sanctions mandatory for filings made with improper purpose, reflecting a growing concern that abusive motions and pleadings were clogging the courts.[106] While intended to target bad lawyering and deter gamesmanship, this change had unintended effects in civil rights cases. Rule 11 motions were filed and granted against civil rights plaintiffs and attorneys much more often than against civil rights defendants and their counsel, and plaintiffs were sanctioned at a higher rate than those who brought any other type of federal civil claim.[107] A Task Force analyzing all Rule 11 activity in the Third Circuit over a one-year period found that courts were considerably more likely to sanction civil rights plaintiffs than other litigants.[108] The tool designed to punish abuse was being used to chill the enforcement of rights.

Neitzke v. Williams (1989) attempted to draw a line, emphasizing that frivolousness meant lack of any arguable legal or factual basis, not mere weakness of the claim.[109] Importantly, *Neitzke* distinguished Rule 12(b)(6) failure-to-state-a-claim dismissals from § 1915 frivolousness dismissals, limiting judicial overreach

against indigent plaintiffs. The 1993 amendment to Rule 11 responded to the same concerns, making sanctions discretionary rather than mandatory and including a "safe harbor" period for withdrawing a contested filing.[110]

Congress intervened in 1990 with the Civil Justice Reform Act, which required every federal district court to develop its own plan for reducing cost and delay.[111] The Act responded to complaints from the profession itself. Lawyers and judges had acknowledged that discovery abuse, motion practice, and case management failures were dragging out litigation and driving up costs. But the solution did not discipline the attorneys responsible. It created more procedure.

This was not a new problem. Rule 83 of the Federal Rules of Civil Procedure, adopted in 1938, authorized each district court to adopt local rules governing its practice.[112] The provision was meant to allow minor procedural adjustments for local conditions. What it produced was a parallel system. By 1988, the Judicial Conference's Local Rules Project had identified over 5,000 local rules across the federal district courts, a volume one scholar characterized as "cacophony rather than uniformity."[113] The CJRA added more. The attorneys who had learned to exploit procedural complexity now had additional tools to master and deploy.

By 1988, the Judicial Conference's Local Rules Project had **identified**

5,000+

local rules across the federal district courts.

The problem extends far beyond volume. A recent study cataloged nearly 500 pro se-specific rules and practices across the ninety-four federal district courts, revealing an entire shadow system of procedure that governs unrepresented litigants.[114] These local rules cover filing requirements, pretrial motions, trial procedures, and appointment of counsel, and they vary wildly from district to district.[115] A filing that complies perfectly in one district can be rejected in the next.

In 2022, a study **cataloged nearly**

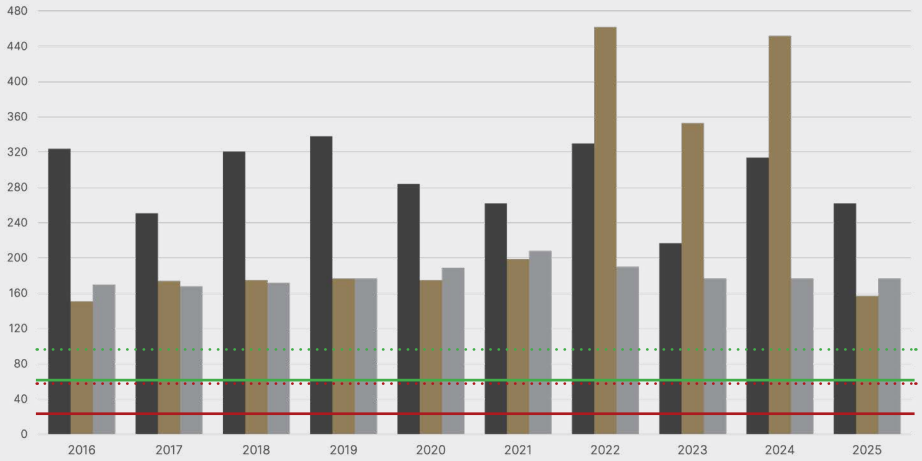
500

pro-se-specific rules and practices across the federal district courts.

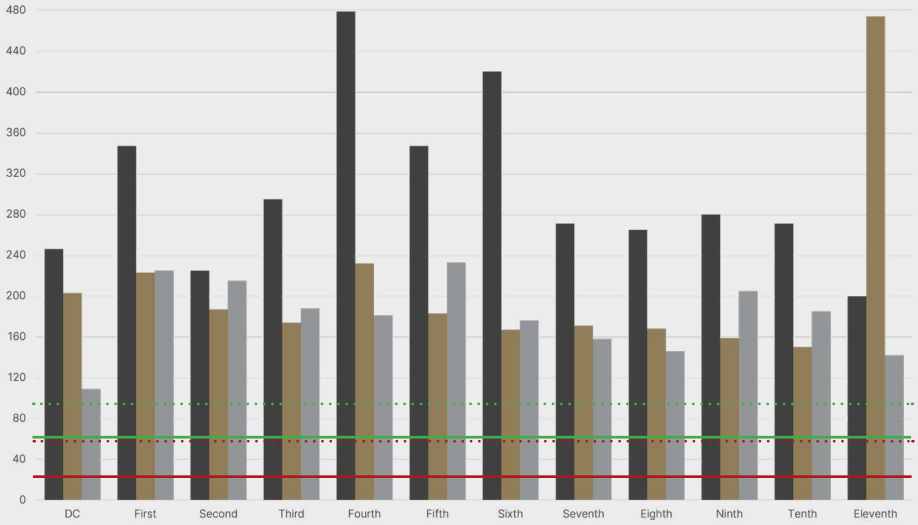
Local rules also create a structural advantage for what legal scholars call "repeat players," the attorneys and firms who appear regularly before the same courts.[116] Attorneys who practice regularly in a specific court know the judge's preferences, the clerk's habits, the unwritten expectations that no local rule codifies.

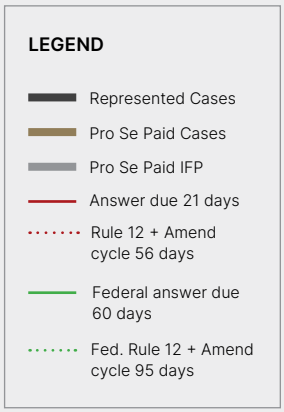
This structural advantage enables motion abuse. Deadline extensions have become routine rather than exceptional, with one large federal docket study finding that roughly 90 percent of motions to extend deadlines are granted and more recent scholarship observing that courts apply the rules' "good cause" requirement inconsistently despite its mandatory text.[117] Serial Rule 12 motions can further prolong the threshold phase by suspending the time to answer and restarting response deadlines after amendment, forcing plaintiffs to brief and respond repeatedly before discovery begins.[118]

Avg Days Before Joined to Termination in Civil Cases by Year



Avg Days Before Joined to Termination in Civil Cases by Circuit





Source: *Federal Judicial Center's Integrated Database* 2016-2025

Average days a civil case is terminated before a defendant even files an answer

290

for represented parties

248

for pro se paid parties

181

for pro se paid IFP

Analysis of the Federal Judicial Center's Integrated Database shows that civil cases terminated before a defendant even files an answer take an average of 290 days for represented parties, 248 days for pro se paid parties, and 181 days for pro se IFP parties in civil cases, despite a Federal Rules timeline that contemplates an answer within 21 days.[119] Even when considering a Rule 12(b) motion and an amended complaint, the total extension is only an additional 35 days. Meaning no case should be exceeding 56 days unless for legitimate good cause. The gap between the rules and reality is measured in months, not days.

The mid-1990s brought targeted legislative restrictions that further advantaged well-resourced defendants. The Private Securities Litigation Reform Act of 1995 imposed heightened pleading requirements on securities fraud plaintiffs and created automatic discovery stays while motions to dismiss were pending.[120] Defense attorneys had complained that securities class actions were extortionate, that plaintiffs filed weak claims to extract settlements. Congress responded by making it harder to file such claims at all. The statute did not punish the corporate clients who had committed the underlying fraud. It punished plaintiffs by raising procedural barriers at the threshold.

The Prison Litigation Reform Act of 1996 followed a similar logic.[121] Judges and legislators complained that prisoner litigation was clogging the courts with frivolous claims. The PLRA imposed exhaustion requirements, filing restrictions, and fee caps that made prisoner civil rights cases difficult to bring and economically unviable for attorneys to accept. The statute treated the volume of prisoner complaints as evidence of abuse rather than evidence of conditions worth complaining about. It solved the profession's docket problem by eliminating a category of litigants.

The Supreme Court itself raised the procedural barrier further. In *Bell Atlantic v. Twombly* (2007) and *Ashcroft v. Iqbal* (2009), the Court replaced the notice pleading standard that had governed federal litigation since 1938 with a "plausibility" requirement, demanding that complaints contain enough factual detail to make their claims facially plausible before discovery could begin.[122] The shift overturned fifty years of settled practice under *Conley*

v. Gibson and did so without going through the Rules Enabling Act's process for amending the Federal Rules.[123] The Federal Judicial Center's own data showed a general increase in the rate of Rule 12(b)(6) motions to dismiss following these decisions.[124] The cycle became self-reinforcing. Defendants filed motions to dismiss. Courts granted them with leave to amend. Plaintiffs amended. Defendants filed again. One legal scholar observed that after *Twombly* and *Iqbal*, a defense attorney "commits legal malpractice if he or she fails to move to dismiss."[125] The motion to dismiss was no longer a response to a deficient complaint. It had become a routine cost of entry that every plaintiff had to survive and defendant was professionally obligated to impose. Analysis of the FJC data confirms that the switch to more demanding pleading redistributed payoffs from plaintiffs to defendants.[126]

The courts complain of being overburdened while the procedural practices of attorneys and judges within those courts are manufacturing the burden.

The PSLRA, the PLRA, and the *Twombly*/*Iqbal* decisions reflected the same pattern of blaming those who use the system rather than those who designed it. Attorneys whose aggressive tactics had made litigation expensive were not sanctioned. Judges whose case management failures had caused delay were not disciplined. Instead, Congress restricted access for categories of plaintiffs deemed unworthy.

In 1938, Rule 1 promised that the Federal Rules would secure "the just, speedy, and inexpensive determination of every action."[127] None of those promises are being kept. Cases are not just, because procedural maneuvering determines outcomes more than merits. They are not speedy, because a process that the rules measure in days the system delivers in months. They are not inexpensive, because every motion requires a response and every response costs money.

The courts complain of being overburdened while the procedural practices of attorneys and judges within those courts are manufacturing the burden. The system that was designed to strip away barriers has become the barrier. The attorneys responsible face virtually no professional consequences for exploiting it.

SECTION 5

David v. Goliath

The professionalization of the legal system did more than gatekeep the system. It created a professional identity, and with it, a hierarchy of superiority that was inherited and passed down through the decades. Attorneys belong to the system. Pro se litigants do not. That distinction operates independently of whether the self-represented party's claims have merit, whether their filings comply with the rules, or whether their legal reasoning is sound. The system's hostility is not a response to incompetence. It has become a discriminatory class all its own.

By the 1970s and 1980s, the judiciary had begun framing self-represented litigants not as citizens exercising a right but as a problem to be managed.[129] In effect, the profession built a system that treats lay participation as a pathology—something to be contained rather than a democratic value to be honored.[130]

That pathology is now colliding with reality. The World Justice Project's 2025 Rule of Law Index ranks the United States 112th out of 143 countries on accessibility and affordability of civil justice, a drop of more than forty places in a decade.[131] The United States now ranks below every high-income country measured and alongside nations governed by military juntas.[132] The justice gap first recognized in the 1890s has widened into a chasm, and the people falling into it are no longer just the poor.

5.1

Goliath

The professional identity that law school creates does not stay in the classroom. Research on legal socialization has documented how legal education reshapes the fundamental construction of identity, initiating students into a professional fellowship with its own norms, language, and hierarchy.[133] That identity produces a measurable effect on how lawyers perceive and treat unrepresented parties. A series of randomized controlled experiments found that the mere presence or absence of legal representation alters how law-trained individuals evaluate the merit of a case, even when holding case quality constant. Lawyers awarded lower settlement values to unrepresented claimants than to identical claimants with counsel. Members of the general public did the opposite, awarding higher values to unrepresented parties. The bias is not natural. It is trained. The signaling effect emerged among law students and grew stronger among practicing attorneys, suggesting it is a product of professional socialization rather than rational evaluation.[134]

When asked to explain their decision-making, attorneys revealed the logic operating beneath the surface. One lawyer explained that “the procedural hurdles, hostile case law, overworked judges, and unsavvy pro se plaintiffs” made the scenario unlikely to work out for the claimant. Another calibrated a settlement offer specifically to keep a pro se plaintiff afraid of losing, noting that such fear “would be very small if she were represented.”[135] These are not outlier attitudes. The system does not merely fail to accommodate people without lawyers. It has developed a cognitive framework that treats them as less credible, less meritorious, and more exploitable because they lack representation.

That framework operates against a background of institutional myths that have been repeatedly debunked and repeatedly ignored. A comprehensive analysis of the available evidence found that most self-represented litigants do not choose to represent themselves. They have no realistic alternative. The

same analysis found that cases involving self-represented parties consume far less court and judicial resources than cases in which both sides have attorneys, and that self-represented litigants given appropriate accommodation are able to obtain fair outcomes reflecting the facts and law applicable to their cases. The study concluded that large numbers of general jurisdiction trial judges continue to hold views about pro se litigants that have no basis in fact and characterized these attitudes as institutional prejudice.[136]

Small claims courts were supposed to be the exception. They were designed as simplified forums where ordinary people could resolve modest disputes without attorneys, with relaxed rules of evidence and minimal filing fees. Only a handful of states, including California, Michigan, and Nebraska, prohibit attorney representation in small claims proceedings.[137] The majority allow attorneys to appear. When one side has a lawyer and the other does not, the structural advantage is the same as in any other courtroom.

In federal courts, the procedural architecture compounds the cultural hostility. The Supreme Court in *Haines v. Kerner* (1972) held that pro se complaints should be held to "less stringent standards than formal pleadings drafted by lawyers."[138]

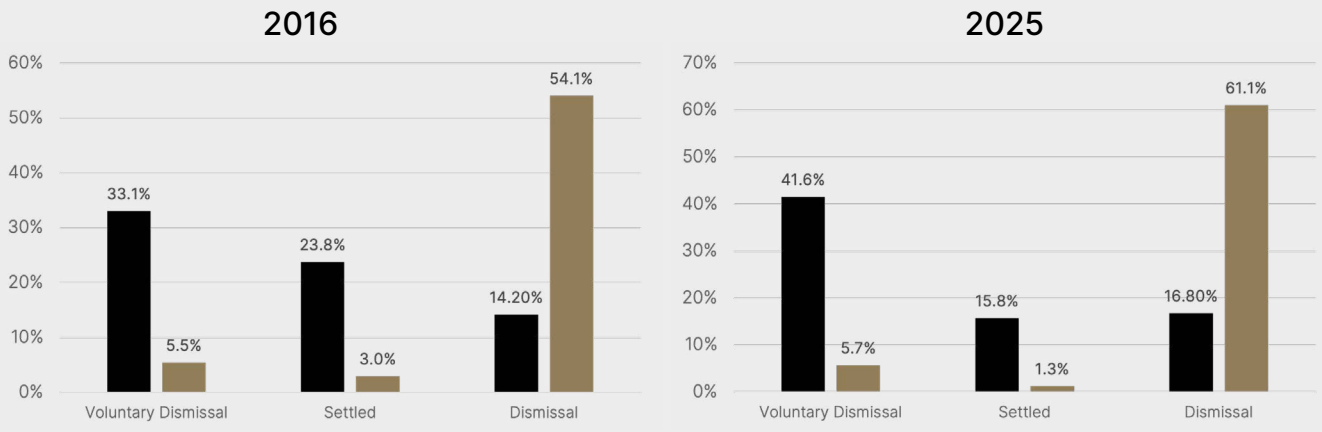
That mandate has not been formally overruled. It has been functionally buried. The plausibility standard applies to everyone, and courts that once construed pro se filings liberally now dismiss them for the same deficiencies that *Haines* said should be forgiven.

The confirmation bias is self-reinforcing. A pro se litigant who fails to comply with procedural requirements confirms the assumption that self-represented parties are incapable. A pro se litigant who does comply with competent briefs citing applicable law, triggers a different suspicion. Courts have treated legal knowledge in a self-represented party as evidence of bad faith, as proof that the litigant is gaming the system rather than a person who learned the law out of necessity.[139] Pro se status is not something that an unrepresented person is. It is a socially constructed category laden with stereotypes, schemas, and expectations that court

officials and lawyers impose onto unrepresented people and then treat as inherent characteristics. Represented status is constructed as normal. Pro se status is conceived as abnormal, problematic, and potentially deviant.[140]

The data shows what that construction produces. Analysis of the Federal Judicial Center's Integrated Database revealed that in 2025, pro se cases were dismissed at four times the rate of cases with attorneys—before the defense even provided an answer—meaning two-thirds of pro se litigants do not get their day in court.[141] The settlement rate for pro se cases was 1.3 percent. The system is not resolving their disputes. It is eliminating them.

Voluntary Dismissal, Settlement, and Dismissal Rates Before Joinder, Represented vs. Pro Se



Source: *Federal Judicial Center's Integrated Database* 2016-2025

The profession's standard defense is that high pro se dismissal rates reflect prisoner filings screened under the PLRA.[142] The non-prisoner data destroys that argument. In non-prisoner civil rights cases, pro se dismissal rates in 2025 ranged from 52 percent in the Eleventh Circuit to 78.8 percent in the Third Circuit. Attorney dismissal rates for the same case type ranged from 9.3 percent to 28.6 percent.[143]

Federal courts set the standard for how courts behave. When federal courts treat pro se litigants as a nuisance to be managed rather than citizens exercising a constitutional right, state courts follow that lead.

However, the scope of the problem at the state level is largely unmeasurable. State courts handle approximately 66 million cases annually, dwarfing the federal caseload.[144] Yet most state court systems do not track representation status in any searchable way. There is no way to measure dismissal rates by representation status, identify patterns of bias, and hold courts accountable for how they treat the people who appear before them. If these patterns exist where the courts can be watched, the question is what happens where they cannot.

The system created the problem. Rather than acknowledging and trying to cure it, the system created a proxy class out of the Americans who are not welcomed in a branch that promises equal justice for all.

The damage is most visible in criminal cases, where a person's liberty is at stake. But how is liberty defined? Is it any different when the case involves someone's home, their entire financial life, their employment, or their child? Delay in these cases is not advocacy. It is a violation. It is damage measured in months of uncertainty, sleepless nights, lost wages, and the slow erosion of a person's belief that the system will do what it promised. They fight because they have no choice, and the system punishes them for fighting. Justice does not guarantee a win. It is meant to allow a person to feel that they have at least been heard.

If they are not, a single dispute can generate multiple docket entries across multiple courts, each one counted as part of the caseload that the system claims is overwhelming it.

The system created the problem. Rather than acknowledging and trying to cure it, the system created a proxy class out of the Americans who are not welcomed in a branch that promises equal justice for all.

5.2

David

In forma pauperis. The phrase translates to "in the form of a poor person." To access the federal courts without paying a filing fee,

a person must swear an oath of poverty and submit to the court's judgment about whether they are poor enough to be heard. The statute dates to 1892, when Congress acknowledged that even modest filing costs could bar the indigent from justice.[145] This statute, despite good intentions, appears as a backhanded compliment. Several states had already criminalized pauperism itself, treating poverty not as a condition to be remedied but as a status to be punished. Three decades later, a "pauper" was considered feebleminded and a disgrace to society, targeted for sterilization.[146]

The stigma embedded in that word translated into the legal system as a presumption of incompetence and frivolity, using it for justification for dismissal. Legal scholarship has even supported this, supporting the cultural view that money should define who gets justice. As Stephen M. Feldman argued in "Indigents in the Federal Courts: The In Forma Pauperis Statute — Equality and Frivolity," this differential treatment does not violate equal protection because indigency is not a suspect classification, and the rational basis test is satisfied by governmental interests in saving money and easing court congestion.[147] He examined whether treating poor people's cases differently was constitutional and decided yes because the court's convenience is a legitimate reason to deny a poor person a hearing. However, he overlooks that access to justice doesn't require it to be a protected class. The Constitution guarantees justice for all–protected or not.

The people who do qualify for IFP face a paradox the system has never reconciled. Under 28 U.S.C. § 1915, courts are required to screen IFP complaints before allowing them to proceed. A judicial officer reviews the filing and determines whether it is frivolous, malicious, or fails to state a claim upon which relief can be granted.[148] If the case survives that screening, the court has made an affirmative judicial determination that the complaint has enough merit to proceed. Yet in 2025, nearly two thirds of IFP pro se cases were dismissed before the defendant was required to respond.[149] If the screening found merit, the dismissal contradicts the court's own judgment. Either the screening functions and the

subsequent dismissals are unjustified, or the screening does not function, and the court is waving cases through providing, a false sense of hope.

It's clear that this hasn't gone unnoticed, forcing people to find the money to file their case in the hope that their case will be accepted. The percentage of pro se filers proceeding in forma pauperis declined from approximately 38 percent in 2016 to 34 percent in 2025.[150] A person who pays to file a case in federal court is purchasing access to a system that promises the just, speedy, and inexpensive determination of every action, and what they receive in return is a 61 percent dismissal rate before the opposing party even files an answer.

Pro se filers proceeding IFP

38% → 34%

2016 2025

One solution that many justice advocacy groups believe will cure this is extending the right to counsel in civil matters. The United States stands virtually alone among developed nations in refusing to recognize a right to civil counsel.[151] But it would not cure the problem; it would most likely only cause more. Legal aid is underfunded, and public defenders in criminal cases are overworked.

Low-income Americans **do not receive** adequate legal assistance for

92%

of their substantial civil legal problems

The Legal Services Corporation's 2022 Justice Gap Study found that low-income Americans do not receive adequate legal assistance for 92 percent of their substantial civil legal problems.[152] But the LSC measures only households below 125 percent of the federal poverty level. Over nine million additional households fall between 125 and 200 percent of the poverty line, too wealthy to qualify for legal aid and too poor to afford a lawyer.[153] The national average hourly rate for attorneys exceeded $317 in 2025.[154] A routine civil matter requiring fifty hours of attorney time, costing approximately $15,000 to $25,000, represents roughly one-third to over one-half of a median individual's annual personal income even before filing fees, discovery costs, and expert expenses, placing such litigation far beyond the realistic reach of most individuals.[155]

The most logical response to a system too complex for ordinary people would be to give self-represented litigants more usable legal information. Yet the barrier extends beyond attorney fees. In practice, the line between legal information and legal advice is

In 2025, the **national average hourly rate for attorneys** exceeded

$317

drawn so broadly that even neutral procedural guidance is often withheld.[156] This forces self-represented litigants to navigate the system "blindly," effectively rationing justice based on the ability to pay for professional entry into the guild.[157]

This regulatory framework is frequently justified as a means of protecting the public from incompetent assistance, yet scholars argue it functions primarily as a form of "sheer protectionism" that creates a monopoly on legal services.[158] This monopoly drives up prices, stifles competitive alternatives, and forces a "one-size-fits-all" approach to justice that is economically inaccessible for the vast majority of the public.[159]

The emergence of generative artificial intelligence has introduced a new chapter to this pattern. For the first time, pro se litigants have access to a tool that can summarize lengthy arguments, identify applicable court rules, format legal documents, and conduct preliminary legal research at no cost. AI does not replace an attorney. It does not understand strategy, weigh credibility, or navigate a courtroom, but even imperfect assistance represents a structural shift. The profession has noticed.

In March 2026, *Bloomberg Law* published a column framing AI-assisted pro se litigation as a cost problem for Big Law.[160] The article, sourced entirely from defense-side attorneys at employer-side firms, reported that pro se employment lawsuits surged 49 percent in 2025[161] and that Fair Housing Act filings without attorneys jumped 69 percent.[162] Every attorney quoted described self-represented litigants as burdens on their clients' budgets. One called the cases "all-out, scorched-earth litigations." Another complained that responses to her filings arrived within an hour, as though speed were an indictment. The article cited a database tracking AI hallucinations in court filings to illustrate the danger pro se litigants pose to the system but did not mention what that database shows about attorneys.

The database, maintained by researcher Damien Charlotin at HEC Paris, has tracked 788 U.S. cases in which courts found or suspected AI-generated hallucinated content in filings.[163] Of those, attorneys account for nearly 40 percent of the documented cases. The *Bloomberg* article reported none of this.

A databased maintained by Damien Charlotin found **attorneys account for nearly**

40%

of found or suspected AI-generated hallucinated content in filings

The database itself carries a methodological limitation that cuts in the same direction. Charlotin collects cases through open submission and invites anyone who knows of a case to send it his way.[164] In a system where attorneys have both the motive and the professional infrastructure to report opposing pro se filers, and where reporting a colleague carries career risk, the collection method likely overstates the pro se share and understates the attorney share. The actual ratio may be closer to parity than the database reflects.

The profession's proposed solution confirms what the data suggests about motive. New York Senate Bill S7263, which advanced unanimously out of the Senate Internet and Technology Committee in February 2026, would prohibit AI chatbots from providing "substantive response, information, or advice" that would constitute the unauthorized practice of law.[165] The bill would create a private right of action allowing users to sue chatbot operators for damages and, in cases of willful violation, attorneys' fees. Critically, the bill specifies that disclosing to the user that they are interacting with an AI system does not shield the operator from liability.[166] A chatbot that tells the user it is not a lawyer, is not pretending to be a lawyer, and cannot replace a lawyer would still be liable if a court later characterizes its output as substantive legal information.

Existing unauthorized practice of law doctrine has always distinguished between legal information, which anyone may provide, and legal advice, which requires a license. That distinction is what permits legal self-help publishers, court self-help centers, and law libraries to operate. S7263 collapses it. The bill's operative text prohibits not just advice but also "substantive response" and "information" and defines none of those terms. A chatbot that explains what a statute says, the same function a self-help book performs, could be liable under the bill if a court characterizes that output as substantive. The bill expands UPL law beyond any boundary the doctrine has previously recognized, and it does so exclusively against the tool that self-represented litigants have begun to use.

The bill does not restrict attorneys from using AI tools in their own

practice. It restricts the public. The bill is framed as consumer protection. Its structure is market protection. It recriminalizes access to legal information for everyone except those who can pay a licensed intermediary to deliver it.

America's approach stands in sharp contrast to other developed nations, such as the United Kingdom, where the regulatory focus is on substantive legal objectives rather than the preservation of a singular, insulated profession.[167] While other countries have explored using paraprofessionals to reduce costs in areas like landlord-tenant or consumer claims, the United States continues to treat nonlawyer assistance with extreme hostility, often likening it to an "amateur performing brain surgery."[168]

Penalty for "Unauthorized Practice of Law" in Florida is a

third-degree

felony

The penalties for violating these "Unauthorized Practice of Law" restrictions in the U.S. are severe and designed to reinforce the profession's borders through the state's penal power. In Florida, practicing law without a license is a third-degree felony.[169] In California, it is a misdemeanor punishable by up to one year in a county jail and a $1,000 fine, while Pennsylvania classifies a first violation as a third-degree misdemeanor.[170] Beyond criminal prosecution, the organized bar employs civil remedies such as permanent injunctions, criminal contempt charges with substantial fines (reaching $6,000 in some jurisdictions), and declaratory judgments to shut down nonlawyer competitors.[171] These "stringent standards" and the threat of incarceration ensure that the law remains a closed market, prioritizing the professional standing of the lawyer-judge institution over the actual delivery of accessible justice.[172]

A plaintiff with a meritorious claim who cannot afford to survive the procedural gauntlet will lose to a defendant who can. The outcome does not reflect the strength of the claim. It reflects the depth of the pocket. For the person without resources, the promise of equal justice under law is not a guarantee.

5.3

The Battle

The legal system exists to remedy harm. When the institution

charged with that function becomes the source of the harm, it does not merely fail. It betrays. When an institution that a person depends on for protection instead creates the conditions for harm or responds to harm by denying it, the psychological damage is worse than the original injury. The betrayal compounds the trauma because it comes from the place that was supposed to make it stop.[173] Courts are supposed to be safe havens. For millions of self-represented parties, they are the opposite.

gaslighting

gas·light·ing **noun**[201]

1. psychological manipulation of a person usually over an extended period of time that causes the victim to question the validity of their own thoughts, perception of reality, or memories and typically **leads to confusion, loss of confidence and self-esteem, uncertainty of one's emotional or mental stability, and a dependency on the perpetrato**r
2. the act or practice of **grossly misleading someone** especially for one's own advantage

The betrayal operates through a mechanism that has been identified across multiple disciplines as *gaslighting*. The term describes a pattern in which the person or institution inflicting harm simultaneously denies that the harm is occurring, redefines the victim's rational response as irrational, and asserts that the process producing the harm is fair.[174] In the judicial context, this means telling people they have a right to represent themselves and then treating their presence as deviant. It means telling them to follow the rules and punishing them when they do. It means producing outcomes that are measurably unequal and insisting that the process was neutral.[175] One researcher has argued that legal systems routinely reproduce the dynamics of coercive control. People describe being dismissed, talked over, disbelieved, and made to feel unstable. They describe leaving courtrooms feeling confused, ashamed, and violated, feelings identical to those caused by psychological manipulation and emotional abuse.[176]

This is not metaphor. It is measurable. In randomized controlled experiments, judges presented with identical family law hearings perceived parties with legal representation as having more meritorious cases than parties without it. The cases were the same. The facts were the same. The only variable was the presence or absence of a lawyer. Judges predicted that unrepresented parties would experience the process as less fair, and their evaluations ensured that prediction came true.[177] A statewide survey of Indiana's judiciary and court clerks revealed the assumptions that court officials carry into the courtroom. When asked about pro se litigants, 62.1 percent of court officials reported that they rarely or never follow court rules. 56 percent

said they rarely or never prepare documents correctly. 55.8 percent said they rarely or never have realistic expectations about outcomes. They overwhelmingly believed the civil process was worse off because these persons were unrepresented.[178] These are perceptions, not verified outcomes. No data was collected on whether pro se litigants actually failed to comply at the rates court officials assumed. The system forms a conclusion about a person based on a label, treats the person according to that conclusion, and then points to the result as proof that the conclusion was correct. These are the people deciding the cases. They have already concluded, before the pro se litigant speaks, that the litigant cannot follow the rules, cannot prepare documents, and does not understand what is happening.

justice sensitivity

Introduced by Manfred Schmitt, Roland Neumann, and Leo Montada **in 1995**, this dispositional personality trait measuring stable individual differences in how frequently **a person perceives injustice, the intensity of their emotional response, the persistence of their thoughts about the event, and the desire to see the wrongdoer held accountable.**[202]

This institutional betrayal is further compounded by the judiciary's failure to account for justice sensitivity, a cognitive trait that is increasingly prevalent in a neurodivergent population. For individuals with high justice sensitivity, the court's perfunctory handling of their lived trauma is not merely a procedural hurdle but a profound psychological trigger. Research indicates that justice-sensitive people possess specific 'information-processing patterns' that lead them to give 'disproportionate weight to cues of untrustworthiness.'[179] When a judge issues a boilerplate dismissal or refuses to explain a ruling, a litigant with high victim sensitivity does not experience it as a neutral act. Instead, it triggers a 'broad range of adverse emotions', including helplessness and anger, that the court then uses as evidence of the litigant's 'instability' or 'vexatiousness.'[180] By treating a neurological sensitivity to fairness as a behavioral defect rather than a trait requiring accommodation, the courts ensure that the most vulnerable litigants are the ones most likely to be silenced and pathologized by the very value the courts are meant to uphold.[181]

Research on judges in courts with high volumes of unrepresented parties confirmed this at the behavioral level. Judges do not perform the active, supportive roles that access-to-justice reformers envisioned. They maintain legal complexity, strictly police procedure, and offer limited explanation to litigants who

do not understand what is happening to them.[182] The structural mismatch is not accidental. Courts designed for adversarial, attorney-driven disputes are processing the claims of people who have no attorney, and the judiciary has not redesigned the process to account for that reality.[183] Over 35 jurisdictions have adopted provisions in their codes of judicial conduct stating that it is not a violation of impartiality for a judge to make reasonable accommodations for pro se litigants.[184]

The gaslighting takes a specific form when directed at women. Research on custody proceedings has documented a pattern in which mothers who raise concerns about abuse are recast by the court as hyper-vigilant, alienating, or irrational. The court imposes a framework of what one scholar calls "feminized irrationality," pathologizing protective behavior and destroying the litigant's credibility not through evidence but through diagnosis.[185] Data on the gender dimensions of pro se litigation shows that these dynamics are not isolated to custody courts but extend across case types where women appear without representation.[186]

The bias does not fall equally on any axis. Pro se status intersects with race, gender, and class in ways that compound existing disadvantage. In eviction courts, three in four litigants in cities like Milwaukee are African American, and the majority are African American women.[187] While court officials and lawyers may avoid expressing bias toward subordinated groups directly, pro se status provides what researchers have identified as a psychologically licensed basis for treating people differently. The label rationalizes differential treatment in a way that allows legal professionals to maintain non-prejudiced self-concepts while producing discriminatory outcomes.[188] Pro se status becomes the doorway through which biases the profession would not express openly enter the courtroom and shape the outcome. And the data confirms that pro se litigants are not the demographic outliers the profession assumes them to be. A study mapping 2.5 million federal dockets found that most non-prisoner pro se litigants live in ordinary, middle-class neighborhoods. They are not the fringes. They are the public.[189]

A study mapping

2.5 million

federal dockets found that most **non-prisoner pro se litigants live in ordinary, middle-class neighborhoods**.

The consequences are documented in the disciplinary record,

though only in the states that maintain one. The California Commission on Judicial Performance has compiled decades of findings involving misconduct toward self-represented litigants. A judge denied a pro se party the right to cross-examine a witness while allowing the opposing represented party the same right. A judge told a pro se litigant "your beautician tell you that?" when the litigant described information she had received about court procedures. A judge placed a rattlesnake head in a pro se defendant's holding cell as a joke. A judge in family court told a couple that if they were exposing their daughter to "one-fifth of the attitude" they were showing the court, they "might as well have her start walking the streets as a hooker."[190] These are not allegations from disgruntled litigants. They are findings by a state oversight body with the authority to discipline. California has one of the few functional judicial oversight systems in the country. Most states have nothing comparable.

But this isn't just limited to state courts. In 2017, Judge Richard Posner of the Seventh Circuit Court of Appeals retired years earlier than planned because of his court's refusal to address entrenched judicial bias against people representing themselves. He told the press he was "very concerned about how the court treats pro se litigants, who I believe deserve a better shake." He accused the court of funneling pro se appeals to staff lawyers to be summarily dismissed over trivial technical issues. Chief Judge Diane Wood responded by stating that none of the other judges agreed.[191]

The most significant finding in the pro se research may also be the most disturbing. The largest empirical study of pro se civil rights litigation found that people who bring civil rights cases without lawyers are far less likely to succeed than those with attorneys. Most pro se civil rights cases are dismissed for failure to plead cognizable claims in their complaints or for failing to prosecute, bases for dismissal that do not necessarily reflect on the underlying merits of the case.[192] When a meritorious pro se civil rights case is dismissed, the harm extends beyond the named plaintiff. The constitutional violation goes unaddressed. The state actor is never held accountable. The precedent that

might have protected the next person is never created. The system does not just fail the individual. It fails the law. It fails the Constitution.

Federal appellate courts now resolve nearly

90%

of their cases through **short, unpublished, nonprecedential decisions.**

This is also true in cases resolved by unpublished boilerplate opinions or sometimes no written reasoning at all. Federal appellate courts now resolve nearly 90% of their cases through short, unpublished, nonprecedential decisions, many providing almost no reasoning, and this thin, low-visibility justice concentrates on indigent and pro se litigants.[193] When a pro se litigant is denied that basic closure, they may seek answers, filing motions for clarification or reconsideration that are also summarily dismissed. Filing complaints, they are painted as disgruntled simply because they did not prevail. Filing another claim is then treated as vexatious, and sanctions follow.

% of federal cases reaching trial

11.5% → 1.8%

1962 2002

Studies of judges in courts dominated by unrepresented parties confirm that judges maintain legal complexity, strictly police procedure, and offer limited explanation even when most litigants lack counsel.[194] Frivolous filings and serial litigants exist, but attorneys file frivolous suits as well. If the court took the time to explain why a litigant could not achieve the result they sought, it would reduce the very cycle of serial filings it then punishes.

Furthermore, the shift toward “managerial judging” has fundamentally altered the nature of how decisions are made, moving the resolution of disputes from the public courtroom to the private desk of the judge through written motion determination.[195] Statistics from the landmark “Vanishing Trial” study show a stark collapse in direct judicial engagement. The percentage of federal civil cases reaching a trial plummeted from 11.5% in 1962 to just 1.8% by 2002.[196]

ratio of cases resolved by summary judgment versus trial

1.6

Today, the ratio of cases resolved by summary judgment versus trial is heavily skewed at approximately six-to-one.[197] This increasing distance between judge and litigant does more than just streamline dockets; it severs the “human touch” of the legal process, replacing the accountability of the open courtroom with what scholars now term the “judicial administrative state.”[198]

Without the safeguard of oral argument, which historically served to "guard against undue reliance upon staff work" and assure litigants their cases were truly heard, profound human harm is easily reduced to a mere procedural defect.[199] For the unrepresented, this transition to a paper-based "labyrinth" often means their lived trauma is dismissed on technicalities before a judge ever sees their face, ultimately eroding the institutional legitimacy that depends on public exposure to the law in action.[200]

What makes this truly disturbing is that this is not the first paper to present these findings, as shown by the multiple citations included. This represents an established pattern that arose when discrimination and abuse of power were professionalized within a system that claims to uphold morality, truth, and integrity.

This represents an established pattern that arose when discrimination and abuse of power were professionalized within a system that claims to uphold morality, truth, and integrity.

However, the crucial aspect here is abuse. Gaslighting is a form of abuse. Abuse inflicts harm. The judiciary is not stopping it; rather, they enable it. Congress has failed to act because they benefit from the status quo. The executive branch has not altered the situation because its members are the very ones who appoint those responsible for it. The only actions the government has taken involve shielding this misconduct by concealing complaints and establishing judicial immunity that protects perpetrators, as well as quasi-qualified immunity that defends administrators. This keeps the public uninformed, the victims suffering in silence, and those with power unchallenged.

SECTION 6

Maladaptive Continuity

Law is meant to be clear enough to govern conduct and consistent enough to restrain ideology. However, the reality has often diverged from this ideal. The problems discussed in this paper have been raised repeatedly since 1803; what has changed is only who gets the blame. Initially, the courts had no power, so they took it.[203] But once the judiciary claimed the authority to interpret law and the Constitution, it also assumed the burden of controlling the system shaped by that authority. Overload became inevitable, especially as the system's structure left so much room for interpretation. Rather than amending the Constitution to clarify its limits, we allowed interpretation to fill the gaps, and over time that dependence transformed the system into one defined by complexity, inconsistency, and drift in not only cases, but also in law, people, morals, and principles.

Attempted solutions have failed. Circuit courts were created in 1891 to reduce the Supreme Court's caseload so justices no longer had to ride circuit.[204] That did not solve the problem; instead, it created more layers for appeals. The judiciary overstepped when Taft went to Congress and blurred the lines between branches by requesting discretionary review.[205] Congress intensified this in 1988, which has resulted in what now amounts to close to a quarter million certiorari petitions that have never been reviewed by a judge.[206]

The issues discussed in this paper are seldom addressed in public discussions, as this institution tends to protect its own. Speaking out beyond theoretical debates in law journals can jeopardize an attorney's career, discredit a judge, or label a litigant as disgruntled. The complexity of the situation often causes people to overlook it, leading to complacency.

Yet, beneath this silence and reluctance lies a deeper reality. Regardless of whether you refer to it as government, system, or institution, justice operates as a business where the fish rots from the head. Therefore, when seeking to assign blame, one must look to those in power.

6.1

Judging the Judges

Every **American judge** is a **former attorney**.

Benjamin Barton's lawyer-judge hypothesis offers a framework for understanding those consequences. The hypothesis is straightforward. When a case presents a plausible legal result that will significantly affect the interests of the legal profession, positively or negatively, the case will be decided in the way that offers the best result for the profession.[207] The supporting evidence cuts across professional responsibility, evidence, constitutional law, criminal procedure, employment law, and torts. Why are lawyers the only American profession to be truly and completely self-regulated, governed from top to bottom by other lawyers? Why is the attorney-client privilege the oldest and most jealously protected professional privilege, while the doctor-patient privilege had to be established by statute? Why is legal malpractice so much harder to prove than medical malpractice? These are not isolated anomalies. They are the predictable output of a system in which the regulators and the regulated share the same identity.[208]

The conscious reasons are easy to catalogue. Every American judge is a former attorney.[209] Most judges spent the majority of their careers as practicing attorneys. Their peer group, former colleagues, and many of their friends are attorneys. Judges who face elections rely on attorneys for the majority of their campaign donations. In merit-selection states, bar associations hold substantial authority over who reaches the bench. Any judge hoping to join the federal judiciary relies on the ABA for a favorable rating. Judges also depend on lawyers to do the bulk of the work in trying, briefing, researching, and investigating cases. They do not want to face a courtroom of disgruntled lawyers on a regular basis, simply because of the ongoing working relationship.[210]

But the subconscious reasons run deeper. The "new institutionalism" defines institutions not as buildings or fixed social groups but as sets of norms, thought patterns, and behaviors. A shared way of processing the world.[211] Law school's explicit goal is to teach students to "think like a lawyer," a transformative

process that, when successful, creates a new way of analyzing and processing everything. That training is reinforced by years of practice. Judges are drawn from a select group of individuals who thrived under this institution of legal thought. They carry its deeply ingrained biases, thought processes, and worldview to the bench. When judges face a question that will impact the legal profession, they naturally react in terms of how it will affect "us" rather than "them."[212]

In-group bias

is so strong that it manifests even when group membership is assigned randomly, making the grouping itself meaningless.

This institutional identity does not just produce favoritism in outcomes. It produces complexity in law itself. Barton's companion work demonstrates that the shared characteristics, thought processes, training, and incentives of judges and lawyers lead inexorably to greater complexity in judge-made law.[213] That complexity is most pronounced in areas where elite lawyers regularly practice, where judges may have personal preferences they can write around through doctrinal intricacy, and where the subject matter interests the judge or is considered prestigious.[214] The complexity is not a bug. It is a feature of a system designed by and for lawyers. And it is one of the primary drivers of the access barriers documented in the preceding sections of this paper. Every layer of procedural intricacy that a judge adds is a layer that a self-represented party cannot navigate and that a paying client must fund a lawyer to decode.

The psychology underneath this is well established. In-group bias, also known as in-group favoritism, is the tendency to give preferential treatment to others who belong to the same group. The phenomenon is so strong that it manifests even when group membership is assigned randomly, making the grouping itself meaningless.[215] Research in neuroscience shows that people exhibit stronger empathy-related neural responses when watching in-group members in pain than when watching out-group members.[216] People are less likely to learn from individuals belonging to a different group, downplaying the relevance of out-group behavior when deciding which actions to take. In decision-making environments where out-group voices are underrepresented, this leads to policies and resource distributions that unfairly benefit the dominant group.[217]

Applied to the judiciary, this means the legal profession does not merely share a credential. It shares a cognitive framework that systematically devalues perspectives from outside the group. Collins, Dumas, and Moyer tested this directly in a comprehensive survey of attorneys in North Carolina. Their findings confirmed that as attorneys become more embedded in their local in-group, they report lower trust levels and less effective negotiations with outsider attorneys.[218] The effect held after controlling for race, gender, overall trust, and practice type.[219] Attorneys who spent more time practicing in their home area and who regularly interacted with the same attorneys were significantly less trusting of outsiders and viewed negotiations with them as less effective.[220] Abraham Blumberg characterized this decades ago as operating with "almost pathological distrust of 'outsiders' bordering on group paranoia."[221] If this is what the profession does to licensed attorneys who happen to practice in a different jurisdiction, the treatment of self-represented parties becomes not an aberration but a certainty.

97%

reported that their clerks review relevant briefs and draft memoranda and orders regarding dispositive motions.

The institution does not just perpetuate itself through shared training and professional networks. It reproduces itself through the clerk-to-judge pipeline. Law clerks are recent law school graduates who review petitions for certiorari, write memoranda summarizing those petitions, recommend whether to grant or deny review, prepare bench memoranda for oral arguments, and draft majority, concurring, and dissenting opinions.[222] In a survey of 311 federal district judges, 97 percent reported that their clerks review relevant briefs and draft memoranda and orders regarding dispositive motions.[223] Researchers concluded that institutional conditions already exist for the exercise of influence by these clerks and suggested that federal district court law clerks may warrant the label of "junior judge."[224]

The term "shadow judge" may be even more apt for career clerks hired on a longer-term basis, particularly those who handle heavy pro se filings. In those situations, the risk of over-delegation is real. Clerks make dispositive decisions with limited oversight from judges. Litigants have no way of knowing who is effectively deciding their cases, because the identity of clerks is not publicly

disclosed.[225] A litigant with financial resources can subscribe to services or hire litigation support professionals to obtain information on judges and clerks. A litigant without those means gets nothing.[226]

At the Supreme Court, the influence is empirically measurable. Bonica, Chilton, Goldin, Rozema, and Sen studied whether clerk ideology affects how justices vote by matching clerks to the universe of disclosed political donations and exploiting the timing of the hiring process. Their findings showed that clerk ideology has a modest effect on judicial voting overall, but the effect is far from modest in the cases that matter most. In high-profile cases, a justice cast approximately 17 percent more conservative or liberal votes depending on the ideological composition of that term's clerks. In legally significant cases, the swing was 22 percent. In closely divided cases, 12 percent.[227] The researchers interpreted these findings as evidence that clerk influence operates through persuasion rather than delegation. Clerks are not simply executing the justice's preferences. They are shaping them, precisely in the cases with the greatest impact on constitutional law.[228]

The lack of transparency surrounding this influence is itself a structural failure. When two judges on the Eleventh Circuit hired a clerk who had reportedly engaged in racist and disparaging conduct, Congress intervened. Representatives Nadler and Johnson wrote the Chief Justice and the senior active judge on the circuit, warning that a clerk's presence in a judge's chambers can jeopardize the basic right to a fair trial.[229] The complaint was transferred to the Second Circuit, which dismissed it without investigation within two weeks. After Congressional pressure, the Judicial Conduct and Disability Committee reopened the matter. But when it returned to the Second Circuit Judicial Council, the Council unanimously declined to reconsider.[230] In February 2024, Justice Clarence Thomas selected the same clerk to serve on the Supreme Court.[231]

This is how the institution reproduces itself. The same professional identity that shapes how judges think shapes who they hire to think alongside them. The same in-group loyalty that

protects attorneys from meaningful discipline protects clerks from scrutiny. The same opacity that keeps the public from understanding how cases are decided keeps the public from knowing who is deciding them.

6.2

Stacking the System

In the epidemic of judiciary disease, patient zero is the attorney that violates the ethical code they are bound to, while the state bar is meant to be the vaccine. If it administers properly, attorneys who engage in misconduct lose their licenses before they can do further harm. And since every American judge is a former attorney, a functioning bar is also the only filter that exists between a bad lawyer and a lifetime federal appointment. When the bar fails, the problem grows with the contagious circle.

Between 2018 and 2021, North Carolina had the worst in the nation for complaints per licensed attorney.

2018
35%

2019
47%

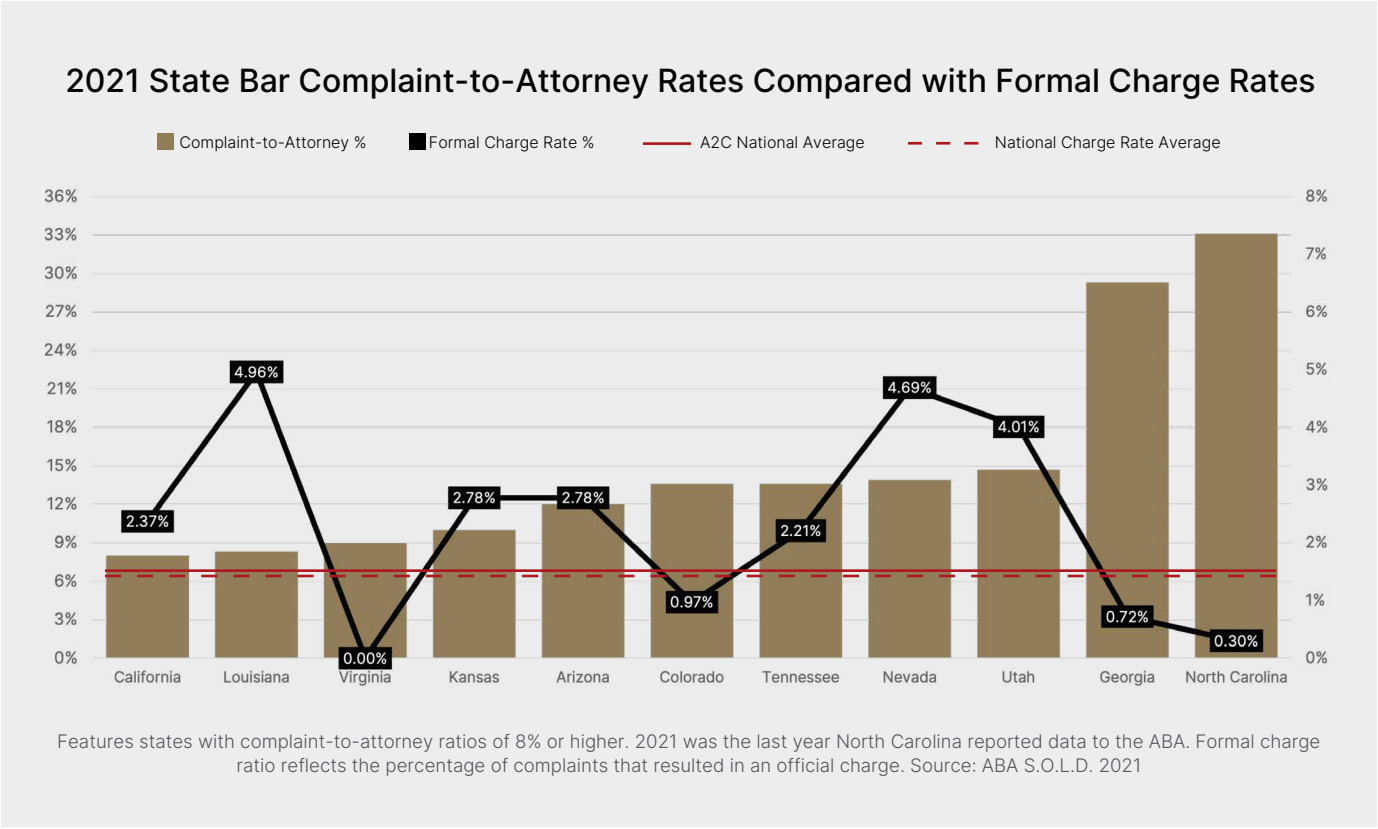
2019
32%

2020
33%

The data from the ABA's *Survey on Lawyer Discipline* establishes that failure in measurable terms. Between 2013 and 2023, the profession filed more complaints while imposing fewer consequences. Disbarment became rarer. Suspension rates were cut in half, as were public reprimands, while private reprimands increased. The only meaningful punishment is the one the profession increasingly refuses to impose.[232]

The national picture understates the problem because participation is voluntary. The number of states submitting data to the ABA fluctuated between 47 down to 37 across the ten-year period. When a state's numbers look bad, the data disappears. No enforcement mechanism compels reporting. What the ABA collects is an incomplete and self-selected sample that, by its own structure, skews toward states willing to be seen.[233]

North Carolina illustrates what that invisibility protects. Between 2011 and 2021, the state consistently ranked among the worst in the nation for complaints per licensed attorney, holding the top position for the last four years it reported. In the final reporting year, one in three attorneys had a complaint filed against them, yet only 0.30 percent of those complaints resulted in formal action, the lowest charge rate in the country. In 2022, North Carolina stopped reporting entirely.[234]



Features states with complaint-to-attorney ratios of 8% or higher. 2021 was the last year North Carolina reported data to the ABA. Formal charge ratio reflects the percentage of complaints that resulted in an official charge. Source: ABA S.O.L.D. 2021

The state legislature's response to this record wasn't to address the unethical practices of the state attorneys but to make the system harder to use. Senate Bill 790, signed into law in June 2024, created a "vexatious complainant" designation that allows the bar to shut down future filings from anyone it labels as abusive. The designation is made by the chair of the Grievance Committee and is not subject to further review. The law also imposed new standing requirements restricting who may file grievances.[235] In the state with the worst accountability record in the national dataset, the legislative solution was to fortify the gate against the people trying to open it.

Yet even after those restrictions, grievances still increased. According to the North Carolina State Bar Office of Counsel's 2024 Annual Report, grievances rose to 1,515 from 1,504 the year before. Although that increase was modest, it occurred under Senate Bill 790's new screening regime, under which the Office of Counsel declined to open 138 files during the year.[236] That figure also excludes the number of complaints handled through the

Bar's intake process, which the Bar does not report in its annual reports.

Scholars identified this dynamic decades ago. Damm and McNulty, analyzing SOLD data from 2000 to 2017, found that states with weaker attorney discipline experienced measurably slower economic growth, establishing low discipline rates not merely as an ethical failure but as an indicator of institutional corruption with tangible economic consequences.[237] The ABA's own Clark Committee called the state of attorney discipline a "scandalous situation" in 1970 and found that "the prevailing attitude of lawyers toward disciplinary enforcement ranged from apathy to outright hostility."[238] More than fifty years later, a group of veteran bar regulators writing in their personal capacities called for a once-in-a-generation review, acknowledging that the model rules governing discipline had not been meaningfully updated in decades.[239]

An attorney who should have been disciplined by the bar but was not does not simply continue practicing. Some ascend to the bench. The Judicial Conduct and Disability Act of 1980 is the mechanism Congress created to address what comes next. The Act established what scholars have called a regime of "decentralized self-regulation," vesting primary authority in the circuit chief judges and their judicial councils.[240] The structure is straightforward. A complaint is filed with the clerk of the court of appeals and transmitted to the chief judge of the circuit. The chief judge reviews it and has three options: dismiss it, conclude it on the grounds that corrective action has already been taken, or appoint a special committee to investigate. If the complaint is dismissed, the complainant may petition the judicial council for review. If the council denies review, the statute provides that there is no further appeal.[241]

The problem embedded in this structure is not subtle. The chief judge reviewing a complaint is a colleague of the judge being complained about. They serve in the same circuit. They may have worked together for years. They share the institutional interest in not producing public findings of misconduct that would embarrass the circuit. D'Amato identified this dynamic directly.

The impulse to cover up misconduct "is not primarily due to friendship toward the accused but rather to a general perception that disclosure would lead to public disrespect of the profession as a whole."[242] The guild protects itself not out of personal loyalty but out of institutional self-preservation.

Complaints against federal judges rose roughly

23%

over the prior year period

The statistics confirm what the structure predicts. In the five-year period studied by the Breyer Committee, covering 2001 to 2005, more than 95 percent of the 3,670 complaints filed were dismissed by the chief judge. Only nine special committees were appointed to investigate fifteen complaints against nine judges. Sanctions were imposed in four cases. Two judges were publicly censured.[243]

Remedial action of any kind, including censure, suspension, or removal, was

0

across every circuit for the entire year

The most recent data from the federal courts' own statistical reports shows the pattern has not changed. In the twelve-month period ending September 30, 2025, 1,857 complaints were commenced. 1,700 were dismissed by chief circuit judges. Three were referred to special committees. Remedial action of any kind, including censure, suspension, or removal, was zero across every circuit for the entire year.[244] Complaints against federal judges rose roughly 23 percent over the prior year period. The system dismissed more of them.[245]

The Breyer Committee, which the judiciary itself commissioned, found "mishandling" in five of seventeen high-visibility cases, an error rate it acknowledged was "far too high."[246] Bazelon's analysis of the Act's enforcement identified four structural factors enabling this: the secrecy surrounding proceedings; the lopsided rights between complainants and accused judges; the Act's orientation toward rehabilitation rather than discipline, and the resistance to transferring high-profile cases out of circuit where the judges are less likely to know the accused. These are not bugs that can be fixed by better-intentioned judges. They are the architects.[247]

The secrecy deserves particular attention because it compounds every other failure. Cravens documents how judicial misconduct that is never captured on any record cannot be complained about, and that the small number of published discipline opinions relative to the volume of private sanctions imposed means the

public has no basis for evaluating patterns of conduct on the bench.[248] Martinez documents a related evasion mechanism. Judges facing credible complaints have avoided accountability by retiring or, in one notable instance, receiving elevation to the Supreme Court, which removed them from the circuit council's jurisdiction before the investigation could be completed. The Act contains no mechanism to complete an investigation once the judge is no longer subject to circuit council authority.[249]

The body nominally overseeing all of this is the Judicial Conference of the United States. Created by Taft in 1922, the same figure who engineered the shift to discretionary certiorari review, the Conference is the national policymaking body for the federal courts, chaired by the Chief Justice. Its mandate includes the continuous study of court operations and the promulgation of rules of practice and procedure. It is also the body to which circuit councils can refer the most serious misconduct matters and from which the most aggrieved complainants may seek final review. In practice, Table S-22 of the *Judicial Business of the United States Courts* shows that not a single matter was referred to the Judicial Conference during the reporting year ending September 30, 2025.[250]

The Conference's rulemaking authority is itself a source of structural power that operates without meaningful oversight. The Chief Justice holds sole appointment power over the Conference's subcommittee members, a power not granted by statute and not subject to any external review. Staszak's analysis of the Roberts Court era demonstrates how that appointment power was used to populate the Advisory Committee on Civil Rules with members aligned with the conservative legal movement's longstanding goal of restricting court access, producing the 2015 amendments that tightened discovery in ways that systematically disadvantaged individual plaintiffs against institutional defendants.[251] The Conference authorized the proliferation of local rules that have fragmented federal procedure across thousands of district-specific variations, then declined to manage them. It is the body that produced the framework of decentralized self-regulation that the misconduct data shows has

never meaningfully disciplined a sitting Article III judge through the full complaint process.

The Administrative Office of the United States Courts is the operational arm of the federal judiciary, distinct from the Judicial Conference that sets policy above it. It provides legal, financial, technology, and management support to the federal courts and is the entity responsible for managing the judiciary's internal fraud, waste, and abuse program. The program exists, in the Administrative Office's own description, to hold judges and judiciary staff responsible for their conduct as government officials and for the management of public resources.[252]

In 2023, the Government Accountability Office reviewed that program and found it structurally incapable of doing what it claims to do. The policies do not require court components to establish documented procedures for resolving fraud, waste, and abuse allegations. They encourage documentation but do not mandate it, meaning there is no baseline against which to measure whether the program functions at all. More critically, the policies require allegations about a court to be referred back to the chief judge of that court, the same figure who controls the judicial misconduct complaint process. Nothing in written policy prohibits the assigned investigator from having a close relationship with the person being investigated. The GAO made eight recommendations, the most direct of which was that the Administrative Office establish an independent office to carry out the program. The Administrative Office's response was that it would consider the recommendations and that establishing an independent entity would interfere with the internal governance and independence of the judicial branch.[253]

The pattern is now complete. Attorney misconduct is investigated by state bars that are controlled by attorneys. Judicial misconduct is investigated by circuit chief judges who are colleagues of the accused. Fraud and waste within the judiciary's own operations are investigated by officials who report back to the same institutional hierarchy in which the problem originated. At every level, the person with the complaint is directed to the person with the interest in closing it.

6.3

Go Fish

Congress established the federal judiciary, funds it, and can in theory impeach a federal judge for high crimes and misdemeanors. What it cannot do is remove a judge who is incompetent, biased, or simply indifferent to the people appearing before them. The impeachment standard was designed for corruption, not incapacity. In the entire history of the federal judiciary, only fifteen judges have been impeached, and eight of those resulted in conviction. No Article III judge has ever been removed through the judicial complaint process.[254]

Congress passed the Judicial Conduct and Disability Act of 1980 following years of negotiation in which the Judicial Conference successfully persuaded the Senate to abandon a centralized independent oversight body in favor of the decentralized, circuit-based model the judiciary already preferred.[255] Hellman's analysis of the Act's legislative history notes that congressional leaders at the time emphasized the need for "continuing dialogue between the legislative and judicial branches, and vigorous oversight by Congress." That oversight has been limited to episodic pressure. When a House Judiciary Committee chairman publicly criticized lax enforcement in 2006, the judiciary responded by issuing nationally binding misconduct rules in 2008, then largely continued as before. When congressional members intervened in the Eleventh Circuit clerk misconduct case, the investigation was reopened and then unanimously declined by the judicial council anyway.[256]

The more fundamental problem is that Congress has no mechanism for addressing the condition the paper has documented throughout. The judiciary does not merely decide cases incorrectly. It has built, over time, through certiorari expansion, local rule proliferation, procedural complexity, and immunity doctrine, a system that systematically advantages those with resources and institutional access over those without. That is not a high crime. It is a structure. And Congress, which created the circuit courts to relieve the Supreme Court's workload and

instead produced another layer of appeals, which delegated rulemaking to the Judicial Conference and produced thousands of fragmented local variations, which passed the 1980 Act and handed oversight back to the accused, has repeatedly responded to the system's failures by adding complexity rather than accountability.

The Supreme Court sits at the apex of this structure in two capacities. It is the court of last resort for federal questions, and it is nominally responsible for overseeing the legal coherence of what courts below it produce. Neither function operates as described.

The discretionary certiorari system, as established by the Judges' Bill of 1925, allows the Court to select the cases it hears with no obligation to explain the cases it declines. The volume of what the Court does not review is the more significant number. In the period since the 1988 amendments further relaxed the standards for discretionary review, the accumulation of unreviewed petitions has grown to the point where close to a quarter million certiorari petitions have never been evaluated by a justice. As the Bonica, Chilton, Goldin, Rozema, and Sen research on clerk ideology demonstrates, the filtering of the cert docket is performed primarily by law clerks whose ideological composition measurably affects how justices vote, with the effect most pronounced in high-profile and legally significant cases.[257]

A cert denial is not a ruling on the merits. The Court has said so explicitly. But characterizing denials as neutral is analytically false. A denial leaves the lower court decision standing. The circuit split, the state court's misapplication of federal law, and the pattern of dismissals that a CourtListener analysis might reveal all remain in place. The error does not need to be acknowledged to be real. The practical consequence of an unexplained denial is identical to an unexplained affirmance. The outcome below holds, and the people affected by it have nowhere left to go.

The Court's oversight of state courts runs entirely through this mechanism. When a state court misapplies constitutional standards, the remedy is certiorari. If the Court declines, the violation stands. The volume of state court decisions and

the scarcity of granted petitions guarantee that most federal constitutional questions decided incorrectly by state courts are never corrected. This is not a resource problem addressable by adding justices. It is the structural consequence of vesting unreviewable discretion in a body that has insulated itself from external accountability at every level.

6.4

Law Above the Law

When state courts fail to protect constitutional rights, the federal system exists as the corrective. It is the reason the Reconstruction Congress created a statutory mechanism for citizens to bypass the courts that had refused to protect them. The mechanism is 42 U.S.C. § 1983, originally enacted as Section 1 of the Ku Klux Klan Act of 1871.[258] Its purpose was to provide a federal cause of action against any state official who deprives a person of constitutional rights. Its text is unambiguous. Its systematic dismantlement by the federal judiciary is the clearest evidence that the institution treats its authority as superior to the statutes Congress writes.

Its inquiry focused on

North Carolina

"due to reports of egregious acts of brutality terrorizing African American communities in that state."

In January 1871, the Senate created a select committee to investigate organized violence in the former Confederate states, and its inquiry focused on North Carolina "due to reports of egregious acts of brutality terrorizing African American communities in that state."[259] The committee documented a campaign of paramilitary terror carried out by the Ku Klux Klan, which operated in North Carolina as "essentially a paramilitary white supremacist organization that sought to carry out its purpose by murders, whippings, intimidations, and violence."[260] In Alamance, Caswell, and surrounding counties, the Klan assassinated Republican officeholders, whipped African Americans who attempted to vote, and burned the homes of freedmen who asserted their legal rights. Governor William Holden declared martial law and sent state militia under Colonel George Kirk to suppress the Klan, an episode now known as the Kirk-Holden War of 1870.[261] The state courts refused to sustain him. The North Carolina Supreme Court sided with the Klan's

allies, habeas corpus was used not to protect the terrorized but to free the terrorists, and Holden became the first governor in American history to be impeached and removed from office for trying to stop racial violence that the courts would not address.[262]

The Ku Klux Klan Act of 1871, signed by President Grant on April 20, 1871, was the direct legislative response.[263] The Act created what no state court in North Carolina was willing to provide.

The text of § 1983 leaves no room for interpretation. "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."[264]

Every person. Shall be liable. The language is mandatory, not discretionary. It imposes liability; it does not invite a court to weigh whether liability is appropriate.

Every person *shall* be liable. The language is mandatory, not discretionary. It imposes liability; it does not invite a court to weigh whether liability is appropriate.

The Reconstruction Congress chose that language deliberately. Section 1983 was modeled on Section 2 of the Civil Rights Act of 1866, now codified at 18 U.S.C. § 242, which made state officials criminally liable for the same category of violations.[265] The civil counterpart was intended to be equally comprehensive. Harcar's analysis in the *Kansas Law Review* demonstrates that the Supreme Court's first major limitation of the statute, *Tenney v. Brandhove* (1951), which read legislative immunity into § 1983, was "probably wrong."[266] The Reconstruction Congress did not intend to preserve common law immunity defenses for state officials. It intended to abrogate them. The entire purpose of the Act was to override the immunity that state institutions had used to shield the perpetrators of racial terror. Reading immunity back into the statute reverses its meaning.

Reinert's discovery of what he calls the "lost text" of § 1983 makes this even more explicit. The original 1871 version of the statute contained a provision specifically disapproving of any

state law limitations on the new federal cause of action.[267] That clause was not repealed by Congress. It was dropped by the Reviser of the Federal Statutes during the 1874 codification — an administrative act, not a legislative one.[268] The Reviser's role was to organize existing law, not to change it. But the removal of the disapproval clause has had cascading consequences. Courts applying the derogation canon, the principle that statutes in derogation of common law should be strictly construed, have used that canon to narrow § 1983's reach. Reinert demonstrates that the canon has "no appropriate role" in interpreting § 1983, because the statute was enacted specifically to override common law protections for state officials, and the original text said so.[269] The lost text did not change the statute's meaning. It removed the evidence of that meaning, and the courts have treated the absence as permission.

The original

1871

version of the statute contained a provision specifically disapproving of any state law limitations on the new federal cause of action. It **was removed by an administrator in**

1874.

What the federal judiciary built on top of that absence is a doctrinal architecture so comprehensive that it has eliminated nearly every pathway through which § 1983 can function as written.

Qualified immunity is the most visible layer. In *Harlow v. Fitzgerald* (1982), the Supreme Court held that government officials performing discretionary functions are "shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known."[270] The phrase "clearly established" does not appear in § 1983. It is a judicial invention. And its application has produced a standard that is, in practice, nearly impossible to satisfy. A plaintiff must identify an existing case with materially similar facts in which a court has already held that the specific conduct at issue violated the Constitution. If no such case exists because, for example, every prior case raising the same issue was dismissed on qualified immunity grounds before reaching the merits, the right is not "clearly established," and the defendant is immune. Justice Sotomayor identified the circularity directly. The Court's "one-sided approach to qualified immunity transforms the doctrine into an absolute shield for law enforcement officers."[271] Justice Thomas, writing separately

in *Baxter v. Bracey* (2020), expressed "strong doubts about our qualified immunity jurisprudence," noting that the doctrine lacks a sound basis in the statutory text.[272] The doubts have not produced a correction.

Beneath qualified immunity sits *Monell v. Department of Social Services* (1978), which held that municipal entities can be sued under § 1983 but only when the violation results from an official "policy or custom."[273] The Court explicitly rejected respondeat superior liability, which is the standard form of employer accountability in every other area of American law. An individual officer can violate a citizen's constitutional rights, and the municipality that hired, trained, supervised, and deployed that officer bears no liability unless the plaintiff can prove that the violation flowed from a formal policy or an entrenched custom. Proving a pattern requires evidence from multiple cases. Gathering that evidence requires discovery. Discovery requires surviving a motion to dismiss.

The federal remedy Congress created to correct state failures is unavailable precisely when the failure occurs inside a state courtroom even though that is where the failure originated for the remedy.

Even a plaintiff who survives pleading and immunity still confronts a set of jurisdictional doctrines that can remove the case from federal court entirely. The *Rooker-Feldman* doctrine, derived from *Rooker v. Fidelity Trust Co.* (1923) and *District of Columbia Court of Appeals v. Feldman* (1983), bars federal district courts from exercising appellate review over state court judgments.[274] In practice, the doctrine means that a person whose constitutional rights were violated through a state court proceeding cannot bring a § 1983 claim in federal court if the relief would effectively require reversing the state court's decision.

The federal remedy Congress created to correct state failures is unavailable precisely when the failure occurs inside a state courtroom even though that is where the failure originated for the remedy.

Younger v. Harris (1971) extends the barrier forward in time. Under *Younger* abstention, a federal court must decline to interfere with an ongoing state judicial proceeding, absent extraordinary circumstances, even if the plaintiff alleges that the proceeding itself violates their constitutional rights.[275] The doctrine was grounded in the principle that federal courts should

respect state judicial processes. But comity, as applied, operates as a one-directional shield. It protects the state court's authority to continue a proceeding that may be unconstitutional while removing the federal court's authority to stop it. A plaintiff trapped in a state proceeding that is violating their rights must exhaust the state process that is causing the harm before a federal court will consider whether it should have been prevented.

The Eleventh Amendment adds the final jurisdictional barrier. As documented earlier, the Court in *Hans v. Louisiana* (1890) extended sovereign immunity well beyond the Amendment's text to bar citizens from suing their own state.[276] In the § 1983 context, this means that while a plaintiff can sue a state official in their individual capacity, they cannot sue the state itself or state agencies for damages. The *Ex parte Young* (1908) exception permits injunctive relief against state officials, but only to stop an ongoing violation, not to compensate for one that has already occurred.[277] For the § 1983 plaintiff whose rights have already been violated, the state is immune, the state agency is immune, and the individual official is shielded by qualified immunity. The Eleventh Amendment does not merely limit remedies. Combined with the rest of the doctrinal stack, it eliminates them.

At the top of the immunity structure sits judicial immunity, and it is absolute. In *Pierson v. Ray* (1967), the Supreme Court held that judges are absolutely immune from § 1983 damages for acts performed in their judicial capacity.[278] In *Stump v. Sparkman* (1978), the Court applied that immunity to a judge who had approved the sterilization of a fifteen-year-old girl without a hearing, without notice to the girl, and without legal representation for her.[279] The mother had petitioned the judge to have her "somewhat retarded" daughter sterilized. The judge approved it the same day. The girl was told she was having an appendectomy. She did not learn she had been sterilized until years later, when she married and could not conceive. The Supreme Court held the judge absolutely immune. "A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority," the Court wrote. Immunity fails only when a judge acts "in the

clear absence of all jurisdiction."[280] After the 1996 amendment to § 1983, even injunctive relief against judges is barred unless a declaratory decree has been violated and declaratory relief is unavailable.[281]

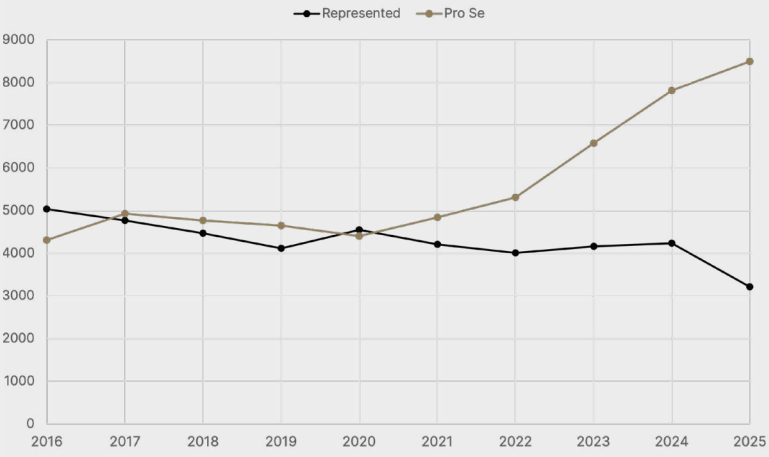
A judge who intentionally causes harm through judicial acts, including acts that are corrupt or malicious, has zero accountability under the statute Congress wrote to impose it.

A judge who intentionally causes harm through judicial acts, including acts that are corrupt or malicious, has zero accountability under the statute Congress wrote to impose it.

The circularity is the point. Qualified immunity prevents the development of case law. Without case law, no right is "clearly established." *Monell* requires evidence of a pattern, but the pattern cannot be documented because individual cases are dismissed before evidence is gathered. *Rooker-Feldman* bars any claim that would require reviewing what a state court did. *Younger* bars any claim that would require interrupting what a state court is doing. The Eleventh Amendment bars any claim against the state itself. Judicial immunity removes the judges who preside over this system from any accountability within it. Each doctrine reinforces the others. The architecture is a closed system designed to produce a single outcome. A dismissal.

The data from the FJC's Integrated Database shows what that architecture produces in practice. In 2016, 43 percent of § 1983 civil rights filings nationally were brought pro se. By 2025, that figure had risen to 65 percent.[282] The represented share did not decline because fewer people had civil rights claims. It declined because attorneys stopped taking the cases. Research identifies this as the central crisis. "The biggest threat to civil rights enforcement is actually the lack of lawyers able and willing to represent people whose constitutional rights have been violated."[283] The lawyers who do practice in this area are concentrated in "small, tight-knit communities… in the cities of the Great Migration." Meaning that large swaths of the country, particularly rural areas and the South, have virtually no civil rights bar at all.[284]

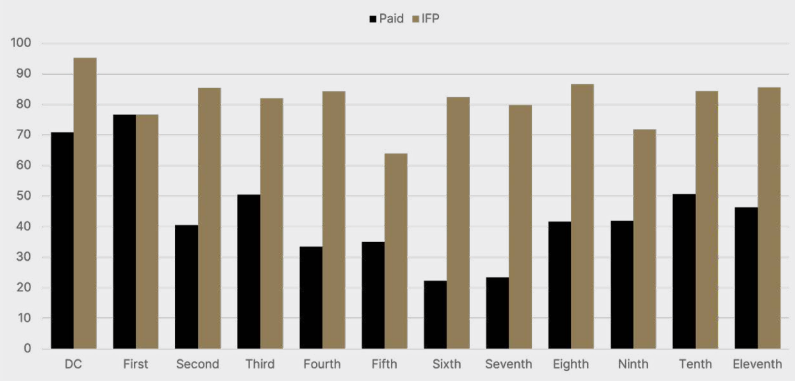
What happens to the people left behind is visible in the termination data. Nationally, nearly nine out of ten pro se civil rights cases are dismissed before a defendant is even required to respond.[285] The objection that these dismissals reflect frivolous



Source: F*ederal Judicial Center's Integrated Database* 2016-2025

filings is contradicted by the paid pro se data. A § 1983 plaintiff who does not qualify for *in forma pauperis* status must pay a $405 filing fee. In 2025, more than three out of four people who paid the full cost of entry into the federal system had their cases dismissed before a defendant was required to participate.[286] The filing fee bought nothing. The courthouse door opened long enough to collect the money and then closed.

Schwartz identifies the feedback loop that makes this self-perpetuating. When pro se cases are dismissed for failure to state a claim, those dismissals do not generate published opinions



Source: F*ederal Judicial Center's Integrated Database* 2020 -2025

Between 2020-2025

0.7%

of § 1983 were in favor for the plaintiff that had representation.

0.1%

were in favor for the pro se plaintiff–only 67 cases out of 61,833[289]

analyzing the merits of the underlying constitutional question. The case simply ends. No precedent is created. No right is "clearly established" for the next plaintiff.[287] The attorney declines the case. The next plaintiff files pro se. The complaint fails the plausibility standard. The case is dismissed. The cycle repeats. "Most pro se cases are dismissed for failure to plead cognizable claims in their complaints or for failing to prosecute their claims — bases for dismissal that do not necessarily reflect on their underlying merits," Schwartz writes.[288]

The system does not fail to enforce § 1983. It has constructed a mechanism that converts the statute's mandatory language into a discretionary nullity. "Every person… shall be liable" has become "no person shall be held liable unless the plaintiff can identify a prior case with materially identical facts, survive a plausibility challenge without discovery, prove a municipal policy without institutional cooperation, and do all of this without a lawyer, because no lawyer will take the case."

What this means is not a matter of interpretation. Ignoring § 1983 is not a failure to provide a remedy. It is a declaration that the conditions the statute was created to address do not matter. Congress created a federal cause of action that said: when the state will not protect you, the federal court will. Every person. Shall be liable. No exceptions. No immunities. No discretion.

When federal courts refuse to enforce it, they are not failing to act. They are making the same choice the state courts of North Carolina made in 1871. The choice is that certain people's rights do not warrant the system's protection.

The law above the law is not a statute or a constitutional provision. It is the judiciary's determination that its own members, and the state officials who appear before them, are above it.

CONCLUSION

This paper has outlined an obvious truth that is often overlooked in the judiciary. The system was not built on the principles it claims to reflect. Instead, it was built to insulate power and those in power take advantage of that. However, not everyone within the system is part of the problem. Many attorneys enter the profession because they believe in justice. Some judges have made lasting changes and stand as examples of what a court should be.

> **"Take all the robes of all the good judges that have ever lived on the face of the earth, and they would not be large enough to cover the iniquity of one corrupt judge."** ~ Henry Beecher

The role of judge is one of the oldest and most important in society. It is also the only profession that possesses honor in its title. The fact that judicial canons had to be created in 1974 to remind judges of their ethical duties signals that the system had already failed itself. When the highest court in the nation was finally compelled to adopt one in 2023, it collapsed. Judges are human and fallible, but if they need reminders of their morality while on the highest court, they don't deserve to be there.

The judiciary directly affects every individual in a collective. It controls individual lives and how those lives will turn out. It is telling one race that they aren't worthy of protection and stripping them of their humanity. It is misjudging a person based on preconceived notions rather than evidence, providing a legal framework for those who would later carry out genocide. It is controlling bodily autonomy based on religious and hypocritical beliefs, thereby risking the physical and mental health of thousands. It is leaving people without vindication for harm done to them and intensifying that harm instead of resolving it.

But even worse is when those decisions create distrust in the nation towards those in power, who are the only ones able to rectify the problem. That is what makes this branch the most dangerous. They are not interpreting law. They are playing God with people's lives, and the consequences can reshape the world.

Nations that have faced a judiciary failing in its duty have learned that meaningful reform often requires more than minor adjustments. In some cases, it has required removal of compromised officials. In all cases, it has required structural accountability, ethical enforcement, and restoration of public trust. To prevent further institutional decline, this country must start implementing the core principles of justice in the judiciary in practice, not just in words.

The only way to mend this branch is to amend.

PART TWO

THE REMEDY

INTRODUCTION

Congress created the first Judiciary Act in 1789. The first signal the Constitution had failed was only 12 years later. The act has been altered about 13 times, with 8 of those being major changes, and they still haven't gotten it right. The number of bills that have been proposed are endless, and they are rarely passed unless the Court is asking for something to reduce their workload. Even when legislation does reach one floor, it fails in another.

The number of excuses for delayed justice, overwork, and distrust is just as high. Responsibility has been assigned to everyone outside the institution, but examining it within the institution is rare.

The main issue is that if a law the courts dislike passes, one person can challenge it and the court can toss it. The catch-22 can only be cured through constitutional amendment.

The proposed amendments outlined for the judiciary are part of a restructuring of the American government called the Bill of Structural Integrity, looking at filling in the gaps the framers glossed over when writing the Constitution.

SECTION 7

Two Courts, One Purpose

Amendment V — Judicial Composition and Authority

7.1

The Failure

- Section 1 | 1.1 Exclusion as Legacy; 1.2 Power of Judgment
- Section 2 | 2.1 Collapse of Public Trust
- Section 3 | 3.1 Going Back to the Roots; 3.2 Uncommon Law
- Section 6 | 6.1 Judging the Judges; 6.3 Go Fish; 6.4 The Law Above the Law

7.2

Structural Correction

Amendment V splits the federal judiciary into a Constitutional Court and a Supreme Court. The Constitutional Court takes exclusive jurisdiction over individual rights claims, separation of powers questions, challenges to the constitutionality of federal law, and allegations that a federal court violated constitutional rights in its own proceedings. The Supreme Court handles statutory interpretation, regulatory disputes, admiralty, bankruptcy, patents, and everything else Congress writes. This is the model that comparative constitutional scholarship calls “centralized” review[290].

7.3

Mechanism of Change

The most consequential procedural reform in Amendment V is the requirement that every decision, including every denial of review, come with a written explanation. No more silent dispositions.

The mandatory review provision works in the same direction. Where circuit courts are in conflict on a constitutional question, the Constitutional Court must hear the case. It cannot decline. The conflict must be resolved. A constitutional right cannot mean different things in different circuits indefinitely, and under this amendment, it will not.

Congress also regains the capacity to function as a counterweight. Under Section 5, Congress may restore a law declared unconstitutional by a two-thirds vote of both chambers within one year of the decision. To prevent courts from dismantling their own long-standing precedent, the amendment requires a three-quarters supermajority to overturn precedent more than ten years old.

7.4

Empirical Precedent

A. Splitting of the Courts

The proposal to split the judicial function into a Constitutional Court and a separate Supreme Court is not an experiment. It is the global standard for constitutional governance, and the evidence base is decades deep.

Centralized constitutional review originated with the 1920 Austrian Constitution, designed specifically to prevent the interpretive fragmentation that occurs when ordinary judges at every level issue conflicting readings of constitutional text.[291] Austria's innovation separated the constitutional question from the ordinary appellate function and assigned it to a single institution with exclusive jurisdiction. The model worked. Germany adopted it after 1949, establishing a Federal Constitutional Court whose public legitimacy has consistently surpassed that of the U.S. Supreme Court, not because its judges are more capable, but because the institution was designed so that its credibility does not depend on the political moment of any particular appointment. Kneip's comparative analysis situates the German court as achieving a form of structural legitimacy that the American apex court, asked to do too many things at once, has never sustained[292]. France took the principle further, maintaining a rigorous separation between the Conseil constitutionnel for constitutional review and the Cour de cassation for civil and criminal appeals.[293] Italy and Spain adopted the same architecture, insulating fundamental rights adjudication from the high-volume technical caseloads of ordinary civil and criminal courts.[294]

The model did not remain European. South Korea and Taiwan both abandoned generalist review in favor of specialized constitutional courts during their democratic transitions in the late 1980s.[295] South Korea's Constitutional Court, established in 1988, has been credited with expanding public access to constitutional adjudication and actively developing new constitutional rights protections.[296] South Africa's Constitutional Court, created under its 1996 Constitution, was given final authority over constitutional interpretation and built legitimacy strong enough to survive politically adverse rulings against the governing party.[297]

The structural advantage of bifurcation is coherence. In the German system, constitutional doctrine develops within a court that does nothing else, producing what Razai's comparative study of federal judicial systems describes as flexibility in legal development without the interpretive fragmentation

that circuit splits produce in the American system.[298] When constitutional law competes with bankruptcy disputes and patent claims for bandwidth on a single apex docket, it does not receive the sustained institutional attention that produces stable doctrine. Empirical research on judicial specialization confirms the institutional design prediction: specialized courts with exclusive jurisdiction produce faster resolution and more predictable outcomes.[299] The predictability is the more important finding. Parties can plan around a constitutional rule they know will be consistently applied. They cannot plan around one that means different things depending on which circuit hears the case.

Ginsburg and Versteeg's survey of constitutional review systems across 204 countries found that the centralized model, concentrated in a specialized court, is now slightly more common globally than the decentralized American model it was designed to improve upon.[300] The United States is the outlier. Amendment V returns it to the consensus.

B. Term Limits and Mandatory Retirement

The United States stands alone among functioning democracies in providing lifetime federal judicial tenure with no mandatory retirement age. Every comparable system has drawn a line. The question is not whether to draw one. It is only where.

The empirical case for mandatory retirement is now settled. Ash and MacLeod's study of 1,558 state supreme court judges across all fifty states used mandatory retirement reforms as a natural experiment. Introducing mandatory retirement improves court performance, measured both by output and by legal influence. The effect is larger than a simple age-of-the-judge adjustment would predict because older judges do not merely produce less; they suppress the productivity of the younger judges working alongside them. The study documents this as a "team effect" in which the presence of judges whose productivity has declined creates an institutional bottleneck that mandatory retirement removes.[301]

The international comparisons are consistent. The United Kingdom mandates retirement at 70, Australia at 72, and South Africa combines age and term limits to produce a mean judicial tenure of roughly 11.5 years compared to the American mean of 17.[302] Germany has operated one of the world's most respected constitutional courts for over seventy years with twelve-year nonrenewable terms. None of these systems have produced the loss of judicial independence that life tenure's defenders predict. The argument that independence requires permanence proves too much. It would justify immunity from all accountability, which is what the current system provides.

Amendment V corrects the omission. A seventy-five-year mandatory retirement age, combined with eighteen-year single terms and transition provisions that apply immediately upon ratification, produces a court that turns over at a human pace, reflecting the society it serves rather than the political moment when each justice happened to be confirmed.

SECTION 8

Who Gets Benched

Amendment VI — Judicial Qualifications and Selection

8.1

The Failure

- Section 1 | 1.1 Exclusion as Legacy; 1.2 Power of Judgment
- Section 2 | 2.1 Collapse of Public Trust
- Section 4 | 4.1 Establishing the Gatekeepers; 4.3 Playing the Game
- Section 6 | 6.1 Judging the Judges; 6.2 Stacking the System; 6.3 Go Fish; 6.4 Law Above the Law

8.2

Structural Correction

Amendment VI replaces presidential selection of judges for the Constitutional Court, Supreme Court, and circuit courts of appeals with a nine-member Judicial Selection Commission that nominates three candidates for each vacancy, selects one nominee, and sends that nominee to the Senate. The Senate may reject a nominee by a two-thirds vote, but if it rejects all three candidates from two consecutive slates, the Commission's first-ranked candidate from the second slate is automatically confirmed. The amendment also bars various politically connected or conflicted individuals from serving on the Commission.[303]

8.3

Mechanism of Change

The mechanism is the Commission's composition. Six of the nine members are lawyers and former judges. Three are retired federal judges selected by their peers. Two are attorneys selected by the American Bar Association. Four lay members, citizens who have never practiced law or held judicial office, hold the balance of power. A nominee requires six votes to advance. The chair of the Commission must be a lay person.

The lay presence ensures that technical legal qualifications are weighed against something broader: judgment, integrity, and sensitivity to the human problems the law is meant to resolve.

Geographic restrictions reinforce this logic. No judge may be assigned to a district where, within the prior ten years, they practiced law, resided, or owned property at the district and circuit level.

Amendment VI preserves Presidential nomination for district courts. The trial-level judiciary handles the overwhelming volume of federal litigation, and preserving a democratic accountability mechanism at that level maintains a connection between the governed and those who govern them at the most accessible point of the federal system.[304]

8.4

Empirical Precedent

A. The Commission Model

The idea that an independent commission should vet judicial candidates is not a theoretical innovation. It is the dominant model in functioning democracies and in a majority of American states.

Missouri adopted merit selection in 1940 after a generation of documented bench corruption produced by partisan elections. The core structure, an independent nominating commission, a gubernatorial appointment from the commission's slate, followed by retention elections, has since spread to the majority of states in some variation. The empirical record is consistent. States using commission-based selection produce ideologically less extreme judiciaries than states using purely partisan processes.[305] Judges appointed through commissions are significantly less responsive to the ideological preferences of partisan elites than judges nominated by governors or presidents acting alone.[306] These are not theoretical projections. They are documented across decades of state-level data.

The United Kingdom's Judicial Appointments Commission, established under the Constitutional Reform Act 2005 and operational since 2006, was designed to transfer judicial selection from the Lord Chancellor to an independent body operating on merit. The Commission comprises fifteen members: a lay chair, five judicial members, two professional lawyer members (one barrister, one solicitor), two tribunal members, and five lay members. The chair must be a lay person. Professional expertise is represented but does not control the process. Formalizing merit-based selection through an independent body has produced a more transparent and defensible appointment process than one controlled by political officeholders.[307]

B. Inclusion of Lay Persons

Requiring non-lawyers to participate in judicial selection is not novel. It is how most well-functioning appointment systems are designed.

The UK model is the clearest example. Of the JAC's fifteen commissioners, seven are non-judicial and non-lawyer members, including the chair. The design is explicit: legal expertise advises the process, but the process itself is not controlled by the legal profession. The structure exists to prevent the judiciary from perpetuating itself through professional networks and to ensure that the qualities that make a good judge, judgment, fairness, and integrity, are evaluated by people who experience the law as subjects rather than practitioners.[308]

South Africa's Judicial Service Commission took a more ambitious approach, constitutionally mandating a broad-based structure of politicians, lawyers, judges, and civil society members, with public hearings, to ensure that judicial appointments signaled a genuine break from the secretive executive appointment system of the apartheid era. The Judicial Service Commission's record has been uneven. Oxtoby's assessment of its first twenty-five years identifies real failures in developing consistent criteria and managing political interference.[309] But the design principle, that judicial selection must be visible and broad-based to maintain legitimacy, has held. The lesson is not that the South African model should be replicated wholesale. It is that the principle of broadening participation beyond the legal profession has durable institutional logic, and that the risk of lay inclusion is manageable while the cost of its absence is structural capture.

C. Executive Nomination for District Courts

Retaining presidential nomination for district courts is a calibrated design choice, not a concession to political inertia.

District courts handle the overwhelming volume of federal litigation. Preserving a democratic accountability mechanism at that level means the trial-level bench remains responsive, in some degree, to electoral outcomes. A federal judiciary entirely insulated from political input at every level would have its own legitimacy problem. The question is not whether politics should play any role in judicial selection but where that role is most appropriate and where it is most dangerous. At the appellate and constitutional level, partisan selection produces ideologically locked benches that shape legal doctrine for decades. At the trial level, it produces local accountability. The amendment draws the line accordingly.[310]

The administrative argument reinforces the structural one. Commission-based selection works best when it is focused. Systems that have attempted to run every judicial appointment through a single centralized body have found that scale produces bureaucracy, not meritocracy. Italy's experience under its centralized judicial council is the cautionary case: a governance structure whose dual-body design contributes to procedural delays, poor predictability of outcomes, and low public trust, not because judicial councils are inherently flawed, but because over-centralization without coordinated management crushes the qualities that make commission-based selection valuable.[311] Amendment VI avoids that failure by concentrating the commission's mandate on the courts that make law and preserving the existing democratic mechanism for the courts that apply it.

SECTION 9

Watching the Watchmen

Amendment VII — Judicial Transparency and Accountability

9.1

The Failure

» Section 2 | 2.1 Collapse of Public Trust

» Section 5 | 5.3 The Battle

» Section 6 | 6.1 Judging the Judges; 6.2 Stacking the System; 6.3 Go Fish

9.2

Structural Correction

Amendment VII creates a Federal Judicial Conduct Commission composed of nine members: two federal Inspectors General selected by the Council of Inspectors General on Integrity and Efficiency, two retired circuit judges chosen by the chief judges of the thirteen circuits, two state supreme court justices selected by regional groupings of state chief justices, and three lay citizens who have never practiced law or held judicial office. No member may simultaneously serve on the Judicial Selection Commission. No member may participate in any proceeding involving a judge from their home state.

The Commission has authority to investigate complaints against justices of the Constitutional Court, the Supreme Court, and judges of the circuit and district courts. Upon finding misconduct, it may issue a public reprimand, impose fines, suspend a judge from duties, mandate training or education, refer the matter for criminal prosecution, or remove the judge from office. Removal requires six of nine members and results in a permanent bar from any federal judicial office. External review is necessary because the structural conditions for self-protection are otherwise guaranteed.[312]

9.3

Mechanism of Change

The central mechanism is complaint transparency. The Commission must establish and maintain a publicly accessible database indexed by each judge's legal name and judicial position, recording the total number of complaints filed, total cases presided over by case type, the ratio of complaints to caseload, the category of alleged misconduct, and the full outcome of every resolved complaint. The database is searchable by judge name, court, category, date, outcome, and caseload volume. It costs nothing to access.

This ends the unilateral dismissal power of chief judges over complaints. Every complaint that proceeds to investigation becomes public. Every disposition is recorded. A judge cannot be quietly cleared or retire mid-investigation without that investigation appearing in the record.

The Commission's rules must be published for public comment for a minimum of sixty days before adoption and remain publicly available. Congress retains the power to disapprove any rule by a two-thirds vote of both chambers.

9.4

Empirical Precedent

A. The Judicial Council Model

The argument that an independent oversight body threatens judicial independence is the same argument the Judicial Conference made when it shaped the Judicial Conduct and Disability Act of 1980 to keep oversight internal. It has been made every time reform has been proposed, and every time the comparative evidence has pointed the other direction.

The judicial council model has become the dominant European standard for balancing independence and accountability, with a major expansion during the post-communist transitions of the 1990s.[313] These councils vary in composition and authority, but the structural principle is common: the body responsible for investigating and disciplining judges must be structurally separate from the court hierarchy itself. Countries adopt judicial councils not primarily because they demonstrably improve judicial quality metrics, but because they provide an institutional answer to the question of who guards the guardians, a question that self-regulation leaves unanswered.

Italy's Consiglio Superiore della Magistratura illustrates both the value and the limits of the council model. The CSM handles appointments, promotions, transfers, and discipline entirely outside the control of the executive. The structural independence is real. But Contini's analysis documents the chronic delays and governance paralysis that result when competencies are split between

two bodies, the Ministry and the CSM, that cannot effectively coordinate.[314] The lesson is not that judicial councils are sufficient, but that they are necessary. Independence without coordination capacity produces different failures. Amendment VII draws that lesson. The Federal Judicial Conduct Commission has a single, clear mandate of conduct oversight. It is not asked to manage resources, coordinate with the executive, or perform judicial administration. It does one thing, and it is designed to do it with independence and transparency.

B. Complaint Transparency and Lay Oversight

The United Kingdom's Judicial Conduct Investigations Office, established in 2006 as the Office for Judicial Complaints and reorganized under its current name in 2013, publishes disciplinary statements for every substantiated misconduct finding, detailing the nature of the conduct and the sanction imposed. These statements are public and searchable on the JCIO website, covering magistrates through the senior judiciary.[315] The result is a system where the public can verify that misconduct is actually addressed rather than disappeared. The contrast with the U.S. federal system's pattern of dismissal without public record is direct.

Within the United States, the state-level evidence tells the same story. California's Commission on Judicial Performance, which includes lay members and lawyers alongside judges, publishes findings, tracks patterns, and has produced decades of documented case outcomes, including misconduct findings against judges for their treatment of pro se litigants documented in this paper's analysis of judicial bias. These findings exist because California has a functioning external oversight body. The absence of equivalent data for the federal courts is not evidence that the federal judiciary behaves better. It is evidence that the federal system is designed to prevent that data from existing.

The inclusion of lay citizens in Amendment VII's Commission is not symbolic. Research on professional self-regulation consistently shows that groups closed to outside evaluation develop shared norms that prioritize institutional self-protection over accountability to the public they serve. Lay members on the Commission bring the perspective of the governed, the people who appear before federal courts, who depend on those courts for the vindication of constitutional rights, who have no professional identity to protect and no institutional interest in minimizing the significance of misconduct. That perspective is not a contaminant of judicial oversight. It is the entire point.

SECTION 10

Unlocking the Gate

Amendment VIII — Access to Justice

10.1

The Failure

- » Section 3 | 3.2 Uncommon Law
- » Section 4 | 4.1 Establishing the Gatekeepers; 4.2 Dividing the Justice Line; 4.3 Playing the Game
- » Section 5 | 5.1 Goliath; 5.2 David; 5.3 The Battle
- » Section 6 | 6.2 Stacking the System; 6.3 Go Fish

10.2

Structural Correction

Amendment VIII attacks the gatekeeping structure on seven fronts.

First, procedural uniformity: the amendment eliminates all local rules across the ninety-four federal district courts, leaving one set of rules that applies uniformly in every federal court.[316]

Second, information access: the amendment mandates a free National Case Law Database, maintained by the Administrative Office of the U.S. Courts and searchable without charge.[317]

Third, financial access: no filing fee shall be imposed upon any natural person seeking access to any federal court.

Fourth, decriminalization of legal information: Amendment VIII draws a line between legal representation, which requires a license, and legal information, which does not. Explaining legal options, helping someone complete a court form, and describing how a legal procedure works cannot be criminalized, enjoined, or prosecuted.[318]

Fifth, alternative pathways into the profession: the amendment requires every jurisdiction to establish an undergraduate law degree pathway and a four-year supervised apprenticeship pathway, both leading to bar admission.

Sixth, protection of pro se parties from pre-discovery dismissal: no motion to dismiss for failure to state a claim may be granted against a pro se party before that party has had the opportunity to conduct relevant discovery, and before any claim is dismissed, the court must provide specific written guidance identifying deficiencies and grant at least one opportunity to amend.

Seventh, a national database of attorney complaints and discipline: mandatory for bar admission to federal practice, searchable by the public, and maintained with full records of complaint disposition.

10.3

Mechanism of Change

The mechanism is de-monopolization. What this amendment does is break the legal profession's control over three things it has no legitimate claim to monopolize: legal knowledge, legal entry, and legal data.

On knowledge, UPL statutes as currently drawn prohibit not just fraudulent representation of oneself as an attorney but the provision of any legal information by anyone who lacks a bar license. Section 8 defines the boundary where it should have been drawn from the beginning. Licensed attorneys retain the exclusive right to appear on behalf of another person in court and to hold themselves out as legal counsel. Everything else is information, not representation.

On funding, the abolition of filing fees shifts the court to a public service model funded through appropriations rather than through the litigants, removing the incentive to resolve cases at the pre-merits stage.[319]

On attorney conduct, the national grievance database changes the information environment. When a pattern of complaint behavior is visible, it can be analyzed. When it is buried, it persists.[320]

On alternative pathways, the UK's Solicitor Apprenticeship program, operational since 2016, provides a working model. Qualified solicitors are produced through a four-year paid apprenticeship that bypasses the traditional tuition burden.[321] The pathway does not produce inferior lawyers. It produces lawyers whose entry into the profession did not require them to start in debt.

10.4

Empirical Precedent

A. Complaint Transparency for Attorneys

The American bar's system of self-regulation is not the global norm. It is an outlier. New South Wales created the Office of the Legal Services Commissioner as an independent body that sits outside the Law Society and handles complaints without the conflict of interest that self-regulation

produces by design.[322] The United Kingdom went further. The Legal Services Act 2007 established the Legal Services Board as an oversight regulator above the professional bodies, with significant lay participation in governance and disciplinary oversight. Devlin and Heffernan's analysis of Commonwealth trends observed that pure self-regulation had become an "endangered species" across these jurisdictions because the evidence that it serves professional interests over public interests became impossible to ignore.[323] The United States has not reached that conclusion. Every other common law country has.

B. National Case Law Database

Free, searchable legal data is not a reform waiting to be tested. Canada established the Canadian Legal Information Institute in 2001 with a mandate to provide free online access to Canadian legal documents. CanLII now holds millions of legal documents, and for many courts and tribunals it is the only place where decisions are available online at no cost. The reason CanLII was necessary was precisely the asymmetry Amendment VIII addresses: wealthy institutional actors had access to proprietary databases that allowed them to research and predict legal outcomes in ways ordinary Canadians could not afford.[324] France enacted the Law for a Digital Republic in 2016, mandating that judicial decisions be made available electronically at no cost, a transformation projected to move public access from a fraction of annual decisions to over a million per year.[325] The United States, which nominally operates a common law system premised on public access to binding precedent, publishes far less of that precedent for free.

C. Filing Fees and Court Costs

Brazil's small claims courts charge zero filing fees. Under the constitutional principle of Justiça Gratuita, the government absorbs litigation costs for qualifying citizens because research confirmed that fees functioned as a direct barrier to low-income access rather than as a filter against meritless claims.[326] The argument that fees deter frivolous suits assumes that poor litigants are more frivolous than wealthy ones. The American data on pro se dismissal rates, where litigants who paid the filing fee were still dismissed at 77 percent before the opposing party was required to respond, suggests the filter operates on poverty, not on merit.

D. Uniform Federal Rules

Germany's Code of Civil Procedure applies uniformly across all courts. A litigant in the Frankfurt regional court faces the same procedural obligations as one in Munich. The judge's duty to clarify under ZPO § 139 means the court must identify deficiencies in a party's presentation and allow correction, rather than penalizing procedural ignorance.[327] The United Kingdom's 1999 Civil Procedure Rules replaced centuries of fragmented procedure with a single code built around an explicit objective of enabling courts to deal with cases justly and making the process accessible to

ordinary people, language that has no equivalent in the Federal Rules of Civil Procedure.[328] The U.S. system's local rule fragmentation is the problem these systems were designed to solve.

E. Protection of Self-Represented Parties

Germany's ZPO § 139 is the most comprehensive model. The court must discuss the facts and legal issues with the parties, ensure complete explanation, identify insufficient arguments, and help formulate correct requests. Research confirms that when judges exercise this duty actively, self-represented parties obtain outcomes that reflect the merits of their positions rather than their ignorance of procedural conventions.[329] Amendment VIII's requirement that a court provide specific written guidance identifying deficiencies before dismissing a self-represented party's claim imports this obligation. The requirement of equal access to electronic filing systems and procedural accommodations is not preferential treatment. It is parity.

F. Pathways to Legal Practice

The United Kingdom introduced the Solicitor Degree Apprenticeship in 2016. Aspiring solicitors are hired by a law firm, earn a salary while working, complete a degree through a training provider, and qualify for practice after passing the Solicitors Qualifying Examination, all without paying university tuition. Research on the program found that it opens the profession to people from working-class backgrounds who cannot absorb the cost of a university law degree before any income begins, without producing inferior practitioners.[330] That this model exists, has been operating for nearly a decade, and has produced qualified solicitors is a sufficient response to the objection that alternative pathways compromise professional quality.

G. Redefining Legal Advice

In 2006, Ontario authorized the regulation of independent paralegals, non-lawyer legal service providers permitted to appear in small claims courts, certain tribunals, and before provincial offenses courts. Ontario now has thousands of licensed paralegals providing direct legal services in areas where the cost of full legal representation had previously left most people unserved.[331] The paralegal framework demonstrated that a two-tier legal services market, licensed attorneys for complex matters and licensed paralegals for defined categories, can function without producing the consumer harm that unauthorized practice prohibitions claim to prevent. The legal profession's objection to paralegals, like its historical objection to every alternative pathway, is that it will reduce quality. Ontario's experience is that it reduces cost and increases access.[332] Amendment VIII Section 8 recognizes what Ontario recognized nearly two decades ago. The monopoly on legal information does not protect the public. It prices the public out.

PART THREE

THE REALITY

INTRODUCTION

In May 2024, I relocated to Raleigh, North Carolina, under significant time pressure after the property I had been renting in Colorado was sold for redevelopment. I rented the property sight unseen based on the landlord's representations and provided materials. When I arrived, the property and surrounding circumstances were not what had been represented.

For approximately two months, I attempted to work with the landlord in good faith. I took on lawn maintenance after the landscapers' work left the yard in poor condition. I tried to ease tensions involving the neighboring unit. I gave the landlord a free Human Design reading for her and her dog as a gesture of goodwill. By every measure, I went beyond what was required. The landlord recognized my efforts, consistently thanking me and even buying me a gift. I had over two decades of perfect rental history with no late payments, no bad references, and no conflict.

As things escalated, I explained my disability, trauma history, and the distress the situation was causing in the hope that the landlord would understand the seriousness of what was happening. Despite all of these factors, it became too much for my well-being, and I requested reasonable accommodation on July 8 to vacate the premises.

From that moment, the landlord's demeanor changed sharply. What began as friendliness gave way to coldness, gaslighting, retaliation, and increasing disregard for both the law and her obligations as a landlord. In the proceedings that followed, she repeatedly portrayed me as aggressive, harassing, and threatening, using random people as supposed witnesses.

I felt like I was being held hostage because she blocked my efforts to obtain a new home. I remained as calm as I could. Nothing in the correspondence shows a threat of any kind, despite repeated efforts to frame me as dangerous or unstable. The landlord even repurposed portions of the free reading, stripping it of context and presenting it in a misleading way to support that narrative. I am including all the correspondence during this time in the document library.

What followed was not merely a private dispute between tenant and landlord. The record reflects a broader pattern in which my concerns were repeatedly minimized while the landlord's account was accepted across multiple forums, even where documents, timing, and later findings raised serious reasons for doubt.

The only institution that protected me through this entire process was the City of Raleigh housing code enforcement. It is against the law to rent a property not up to code. She had fourteen housing code violations. The facts are not in dispute. But as the escalation map shows, in North Carolina, the facts and the law do not seem to matter.

To maintain analytical distance from the case, I present the narrative that follows in the third person, referring to myself as the plaintiff or petitioner.

Every document referenced in this section can be found at:
citizensbeforepolitics.org/dangerous-branch-docs

Enter the password: **citizens**

6 Degrees of Connections

The Plaintiff arrived in North Carolina knowing no one. The 15 individuals who would go on to play a role in her case did not share that disadvantage. All have 10 to 30+ years of connection to North Carolina. All but the Defendant and her father work in the legal field. The Plaintiff stands alone outside this network.

1 PLAINTIFF (TENANT)

- Native to Wisconsin
- Edu: B.S., U of WI - Madison
- Lived: NV, MN, CA, WA, CO
- Moved to NC: May 2024
- No criminal history
- Perfect 23-yr rental history
- Average income

2 DEFENDANT (LANDLORD)

- Native to the Triangle, NC
- Owns and rents multiple properties for short-term (Airbnb) and long-term lease since 2020.
- Listed her business at an $8+ million home owned by her father.

3 DEFENDANT'S FATHER

- Venture capitalist.
- Founder or cofounder of multiple companies in the Raleigh area.
- NC State, Board of Trustees, Kenan Institute since 2015; Board of Advisers, Entrepreneurship Initiative.

4 DEFENSE ATTORNEY #1

- Initial counsel; withdrew in district court
- In NC Since: ~2011
- Admitted to the NC bar: 2014

5 DEFENSE ATTORNEY #2

- Current counsel in state case
- Defendant in § 1983
- Native to: Raleigh, NC
- Admitted to the NC bar: 2014
- Law clerk at NC Court of Appeals (2015–2017)

6 SMALL CLAIMS MAGISTRATE

- Lives in Cary, NC
- Admitted to the NC bar: 2009
- Appointed in 2014

7 CHIEF WC DC JUDGE

- Defendant in § 1983
- Elected 2009; Chief Judge 2024.
- Political Affiliation: Democrat
- Ties: Grandfather - Federal Circuit Judge; Father - Chief Judge of the NC Court of Appeals.
- Up for re-election 2026

8 LEAD CIVIL DC JUDGE

- Defendant in § 1983
- Admitted to the NC bar: 1985
- Elected 2007
- Political Affiliation: Democrat
- Running for NC Court of Appeals in 2026

9 DISTRICT COURT JUDGE #3

- Defendant in § 1983
- Admitted to the NC bar: 1999
- Elected in 2015
- Up for re-election in 2028
- Political Affiliation: Republican

10 CLERK, NC COA

- Defendant in § 1983
- Admitted to the NC bar: 2005
- Associated with COA since 2007
- Married to counsel for the NC OAH Review Commission.

11 OAH AL JUDGE

- Defendant in § 1983
- Admitted to the NC bar: 1998
- Judicial law clerk, NC Court of Appeals (1999–2001);
- VP of the NCBA Board of Governors since 2025
- Accepted award for Fourth Circuit Court judge

12 U.S. DISTRICT JUDGE, EDNC

- NC Private practice (1992 - 2004)
- Adjunct professor Campbell Law School since 1997
- Appointed 2005

13 U.S. MAGISTRATE, MDNC

- AUSA for NC Middle District (1998 - 2009)
- Appointed 2009

14 U.S. DISTRICT JUDGE, MDNC

- Admitted to the NC bar: 1987
- Appointed 2007
- Filled father's seat; father served 1991 to 2007 (Bush Sr. appointee) as well as a fill-in judge for the Fourth Circuit.

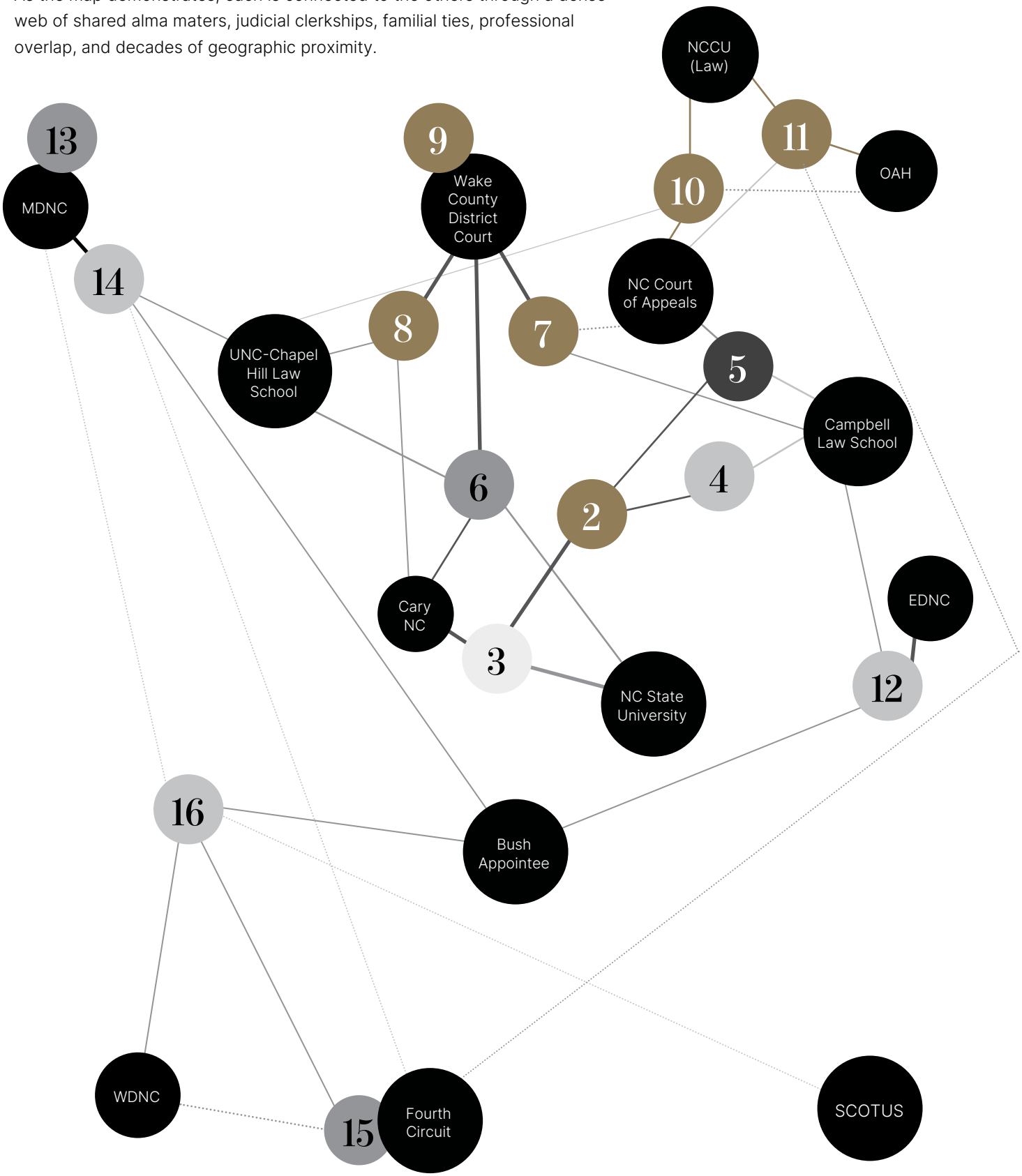
15 4TH CIRCUIT CHIEF JUDGE

- Admitted to the NC bar: 1995
- Judge for NC Superior & Business Courts (2001 – 2010)
- Appointed 2010 by President Obama; Chief Judge, 2023.
- Western District Chief Judges have advised him on administrative leadership

16 DIRECTOR, AO U.S. COURTS

- Admitted to the NC bar: 1987
- U.S. Attorney's Office, WDNC, Chief Judge for U.S. District Court, WDNC
- Appointed in 2005
- Appointed as Director by Roberts in 2024

As the map demonstrates, each is connected to the others through a dense web of shared alma maters, judicial clerkships, familial ties, professional overlap, and decades of geographic proximity.



N1

North Carolina Attorney General Office

CONSUMER PROTECTION DIVISION CASE: CP-24-11555 | JUL 11, 2024 – AUG 8, 2024

CLAIM/LEGAL BASIS

- **N.C.G.S. § 75-1.1 (UDTPA):** Material misrepresentation and failure to enforce lease terms
- **N.C.G.S. § 42-42:** Violation of implied warranty of habitability and covenant of quiet enjoyment.

EVENTS TO THE CLAIM

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jul 11 2024			Plaintiff to NC AG Consumer Protection Division	Submitted consumer complaint with allegations of violations of implied warranty of habitability, covenant of quiet enjoyment, and UDTPA. Attached correspondence with landlord, evidence of disturbances, and neighbors' criminal history.
Jul 15 2024	N1D1_2		CP Specialist to Landlord	AG Consumer Protection Division sent formal notice to landlord at the business requesting written response within 15 days.
Jul 16 2024	N1D2		Plaintiff to CP Specialist	Emailed questions about the process, expressed stress from the situation and impact on work. Asked about options for leaving without paying rent and whether additional issues could be added to complaint. No response received.
Jul 17 2024	N1D3		Landlord to CP Specialist	Landlord's first reply to AG. Claimed lease was under her personal name, not associated with any business entity. Stated rental payments go to personal checking account. Suggested phone conversation with CP Specialist occurred before written response.
Jul 19 2024	N1D4		CP Specialist to Plaintiff	Emailed respondent's reply at 4:07 PM. Called plaintiff at 4:45 PM to inform her the office could not handle the complaint because it was considered a 'personal matter.' Plaintiff explained respondent advertises as a business and does not reside on the property. Fullwood stated there was nothing the office could do.
Jul 19 2024	N1D5		Plaintiff to CP Specialist	Emailed at 5:12 PM with evidence that respondent operates under De Santis Rentals LLC, including the welcome letter sent to tenants identifying the business. Received out-of-office reply indicating Fullwood was on vacation until August 1.
Jul 22 2024			Plaintiff to AG	Left voicemail with manager about concerns. No response.
Jul 23 2024	N1D6		Plaintiff to NC AG Stein & Deputy	Raised concerns about discrepancies in the landlord's response and possible improper assistance from staff, and stated that the lack of guidance left her without support and forced her into small claims litigation.
Jul 24 2024	N1D7		AG Consumer Protection to Plaintiff	AG office notified plaintiff that additional information had been forwarded to landlord and that they were awaiting response. No name was attached to the email.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jul 24 2024	N1D7	✉	Plaintiff to AG Consumer Protection	Requested manager call about how complaint was handled. Stated being forced to file small claims because no one would return calls.
Jul 24 2024	N1D7	✉	AG Consumer Protection to Plaintiff	AG office stated it generally does not get involved in matters scheduled for court. Indicated complaint would remain on file.
Jul 24 2024	N1D7	✉	Plaintiff to AG Consumer Protection	Responded that complaint was filed prior to small claims filing so court involvement was irrelevant. Stated the handling was suspicious and that she would go to the press if no one called back.
Jul 25 2024		📱	Plaintiff to Alt CP Specialist	Spoke with an alternative specialist stated the dismissal was suspicious, that all landlord-tenant cases involve commerce and are supposed to be investigated, but could not assist because was not assigned to case. Asked plaintiff to contact her if it isn't resolved.
Jul 31 2024		📱	Plaintiff to Alt CP Specialist	Spoke another alternative specialist and recommended Plaintiff file a complaint with NCHRC as the complaint sounded more like “discrimination” than misrepresentation.
Aug 1 2024	N1D8	✉	Landlord to AG Consumer Protection	Landlord's second reply stated nothing had changed and lease was still under personal name. Disclosed involvement of attorney for upcoming small claims matter. Referenced prior phone conversation with CP Specialist. Attached screenshots of Apartments.com account showing her role as 'owner and manager.'
Aug 2 2024	N1D9	✉	CP Specialist to Plaintiff	Forwarded landlord's second reply along with attachments stating complaint was close due to a dispute about the facts regarding this matter.
Aug 2 2024	N1D10 N1D11 N1D12	✉	Plaintiff to CP Specialist	Informed landlord was lying to the AG office. Cited conversation with another staff member who confirmed the matter was between landlord and tenant regardless of which bank account payments went to, making it business and not a private matter. Sent evidence of property tied to LLC after complaint was filed. No response.
Aug 2 2024	N1D12	✉	Plaintiff to CP Specialist	Requested transcriptions of phone conversations between CP Specialist and landlord, citing respondent's references to those calls in both written responses.
Aug 5 2024	N1D12	✉	CP Specialist to Plaintiff	Stated phone conversations are not recorded and there was no additional information to relay.
Apr 3 2025		✉	Plaintiff to NC AG	Plaintiff submitted public records request for full complaint file. Request was never filled.

FINAL DETERMINATION: FAILURE TO INVESTIGATE

AG Consumer Protection Division declined to investigate, characterizing the matter as personal and then dispute of the facts in violation of **NC GS § 75 9. Duty of Attorney General to investigate**.

AVAILABLE REMEDIES

None within the agency. Forced into Small Claims Court (Node 2).

N2

Wake County Small Claims Court

CASE NO. 24CV022933-910 | JUL 22, 2024 - AUG 26, 2024

CLAIM/LEGAL BASIS

» **First Claim:** N.C.G.S. § 75-1.1 (material misrepresentation and failure to enforce lease terms)

» **Second Claim:** N.C.G.S. § 42-42 (violation of implied warranty of habitability under Section 11.6.3 and 11.6.4 of the City of Raleigh Housing Code and covenant of quiet enjoyment)

EVENTS TO THE CLAIM

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jul 22 2024	N2D1		Wake County Small Claims	Plaintiff filed a small claims complaint with violations of the implied warranty of habitability, covenant of quiet enjoyment, and NC UDTPA based on landlord misrepresentation.
Jul 23 2024	N2D2		Plaintiff & Landlord	Plaintiff reported a high-pitched squeal from the shower pipes and possible plumbing issues; landlord dismissed concerns as not being urgent.
Jul 24 2024	N2D3		Plaintiff & Landlord	Landlord terminated their 'Agreement to Exchange Tenant Service for Reduced Rent,' effective August 1, reverting to full lease rent and taking back lawn maintenance.
Aug 5 2024	N2D4 N2D4A		All Parties	Plaintiff issued a cease-and-desist over false references and retaliation; landlord denied it, counsel offered a two-month buyout tied to dismissal and non-disparagement.
Aug 5 2024	N2D6		All Parties	Plaintiff alleged selective enforcement of vehicle registration rules after filing her discrimination complaint.
Aug 9 2024	N2D7		All Parties	Plaintiff reported water leaking into the fireplace and pest infestations (imminently dangerous conditions); landlord deemed it non-emergency and delayed inspection five days.
Aug 12 2024	N2D8		All Parties	Plaintiff contacted landlord after herbicide was applied near her back door and dog enclosure without notice and contrary to lease terms. Landlord refused to provide product name. The NC Dept of Ag confirmed the product was unsafe for pets.
Aug 15 2024	N2D9 N2D9A		All Parties	After a fireplace inspection, Plaintiff learned the landlord told inspectors not to share findings, then misrepresented a limited statement as an all-clear despite reports showing longstanding issues contradicting claimed renovations.
Aug 16 2024	N2D10		All Parties	Plaintiff reported the fireplace/chimney condition to Fire Marshal and raised concerns about attorney's failure to correct the landlord's misleading statements.
Aug 16 2024	N2D11		All Parties	Plaintiff emailed attorney with a settlement offer proposing immediate lease termination reimbursement of $904 (fence, moving costs, filing fees).
Aug 17 2024	N2D12		All Parties	Plaintiff alleged landlord misrepresented qualified work and withheld inspection records, and cited a close relationship with the city inspector after Plaintiff mentioned code enforcement.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Aug 17 2024	N2D13 N2D13A	✉	All Parties	Plaintiff rescinded her August 16 settlement offer after landlord's misrepresentations about the fireplace demonstrated reckless disregard for safety.
Aug 18 2024	N2D14	✉	All Parties	Plaintiff sent a revised settlement per request from attorney. Attorney rejected most terms including any reimbursement, conditioned inspections on case dismissal and all other complaints, and a non-disparagement agreement. Plaintiff declined.
Aug 19 2024	N2D15	✉	All Parties	Plaintiff emailed about intentional misrepresentation and retaliation after landlord claimed the fireplace was 'safe and operable' after speaking with original inspector and had filed a City Code Enforcement complaint; landlord refused to acknowledge the issues.
Aug 19 2024	N2D16	✉	Attorney #1	Attorney filed a Motion to Dismiss on under Rule 12(b) after Plaintiff sent settlement offer despite this not being allowed under NC G.S. 7A-216.
Aug 19 2024	N2D17	✉	Plaintiff & Landlord	Plaintiff contested motion to dismiss as bad-faith and procedurally improper in small claims court submitting false claims that Plaintiff made 'no allegations' of uninhabitability.
Aug 19 2024	N2D18	✉	All Parties	Plaintiff reported late-night noise violating quiet hours; landlord said she addressed it.
Aug 20 2024	N2D19	✉	All Parties	Plaintiff raised habitability concerns about sticky, potentially non-food-safe epoxy countertops after discovering paper and ink imprints were adhering to countertops, unable to remove. Landlord refused to give name of product.
Aug 21 2024	N2D20	📅	All Parties	Plaintiff followed up pressing for a certified fireplace/chimney inspection and cleaning due to water intrusion and habitability concerns, and for proof of food-safe countertop materials; attorney acted obtuse to the situation refusing to comply.
Aug 21 2024		🔍	City of Raleigh	City inspector failed to conduct a thorough inspection, attempted to delay further review until after the small claims hearing, and told Plaintiff she would have to wait for rain during his working hours for him to observe any issue firsthand.
Aug 21 2024	N2D23	✉	All Parties	Plaintiff upset about the last-minute cancellation of a scheduled home inspection without any notice. Attorney implied the city inspector's review was all that was needed.
Aug 21 2024	N2D24	✉	Plaintiff to City Inspector	Emailed city inspector requesting clarification on attorney's statements asking for a written statement to verify or dispute claims.
Aug 22 2024	N2D22	✉	Plaintiff to Director of Code Enforcement	Plaintiff reported potential official misconduct with inspecting, alleging the inspector minimized fireplace and habitability concerns, refused to provide written clarification, and appeared to rely on landlord-favorable assumptions outside his expertise.
Aug 23 2024		🔍	City of Raleigh	Supervisor returned with city inspector and documented 14 code violations, opening an unfit housing case; under NC law, rent cannot be charged on noncompliant property.
Aug 23 2024	N2D25	✉	All Parties	Plaintiff raised concerns after landlord contacted her about a city inspection while officials were still at the unit, prompting questions about surveillance. Renewed complaints about possible rodents in the attic, while landlord requested Plaintiff to find droppings for proof.
Aug 23 2024	N2D26	✉	All Parties	Plaintiff reported polyurethane found in a closet and used on countertops; landlord claimed it was leftover from other units and denied prior countertop work.
Aug 23 2024	N2D27	✉	All Parties	Plaintiff emailed both attorney and landlord demanding cessation of direct communication due to alleged hostile environment and continued retaliation.
Aug 24 2024	N2D28	✉	Plaintiff	Amended small claims complaint with new information provided by city inspection.
Aug 25 2024	N2D29	✉	Plaintiff	Provided a supporting document with an outline of events to streamline small claims hearing out of respect for court's time.
Aug 25 2024	N2D30	✉	City Inspector to Plaintiff	City Inspector sent confirmation of violations sufficient to open an Unfit Housing case for hearing as promised by supervisor.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Aug 26 2024			Small Claims Hearing	See final judgment.
Aug 26 2024	N2D31		Plaintiff to NCSB	Filed grievance against attorney after behavior in small claims hearing.
Aug 27 2024	N2D32		All Parties	Attorney offered early termination without a fee and mutual nondisparagement; Plaintiff declined, sought proof of a prior court-claimed offer, and stated she would vacate without penalty due to unfit housing and accommodations.
Aug 29 2024	N2D33		All Parties	Landlord scheduled a move-out walkthrough with an assistant allegedly afraid of Plaintiff.
Sept 1 2024	N2D34		All Parties	After move-out, landlord returned the full deposit, released Plaintiff from the lease, and proposed a "clean" break; Plaintiff objected to police presence as intimidation and alleged ongoing retaliation and abuse.
Sept 5 2024	N2D35		Plaintiff	Plaintiff filed a complaint with the Chief District Court Judge alleging magistrate bias, demeaning conduct, evidentiary errors, improper hearsay, misapplication of law, and resulting mental health harm.
Oct 29 2024	N2D36		Chief District Court Judge	Acknowledged receipt of Plaintiff's complaint letter, stating she reviewed allegations and Magistrate's response, and closing the matter with no action.
Dec 16 2024	N2D37		Plaintiff to NCSB	Follow-up with grievance providing updated violations since her initial filing.

FINAL DETERMINATION: DENIED FOR LACK OF EVIDENCE

At the hearing, opposing counsel moved orally to dismiss under Rule 15, and the magistrate suggested Plaintiff was not following the rules but let the case proceed as a "favor." Plaintiff disclosed her anxiety disorder and presented a binder of organized evidence, including a city inspector's letter confirming an unfit housing case, while the landlord presented none. The landlord and counsel instead offered improper hearsay attacking Plaintiff's character, and counsel even testified for his own client about supposed rejected settlements.

When rendering judgment, the magistrate scolded the plaintiff, called her a complainer, and accused her of having a problem with authority. He stated she should never have filed a complaint before knowing everything that was wrong with the property, effectively blaming her for the fact that violations emerged after the initial filing. He mocked her requests for repairs and stated she should be grateful to have a landlord willing to address the problems.

AVAILABLE REMEDIES

Appeal for trial de novo in district court under **N.C.G.S. § 7A-229**. See Node 4.

N3

NC Human Relations Commission / HUD

CIVIL RIGHTS DIVISION, CASE NO. 24HO3237 | AUG 5, 2024 - FEB 10, 2025

CLAIM / LEGAL BASIS

- Landlord violated the Fair Housing Act by refusing to engage in the interactive process for a reasonable accommodation request to terminate lease due to disability-related distress **(42 U.S.C. § 3604(f)(3)(B))**
- Landlord retaliated against the plaintiff for exercising protected rights by providing false references, blocking housing search, and weaponizing complaints in related litigation **(42 U.S.C. § 3617; G.S. 41A-4(a)(2))**

EVENTS TO THE CLAIM

DATE	DOC #	TYPE	BY/TO	SUMMARY
Aug 5 2024			Plaintiff to NCHRC	Filed discrimination and retaliation complaint per direction from NC AG office after landlord began retaliating.
Aug 12 2024			Intake Specialist	Intake completed. Plaintiff informed commission would decide if complaint qualified. Advised process could take up to 100 days.
Aug 16 2024			Plaintiff to HUD	Plaintiff filed parallel complaint with HUD for federal oversight after landlord appeared connected to local government channels.
Aug 20 2024	N3D1		NCHRC to Plaintiff	Plaintiff received papers to sign. Complaint listed only discrimination, omitting retaliation. Plaintiff raised this with intake specialist. Told investigator could amend once assigned.
Aug 27 2024			Enforcement to Deadline Begins	Complaint officially received.
Aug 28 2024	N3D1		Plaintiff to Intake Specialist	Plaintiff requested investigator assignment for relief from landlord's retaliation. Intake specialist assured an investigator would be assigned soon.
Sept 27 2024			NCHRC to Plaintiff	Investigator assigned to case. Plaintiff reached out with questions. No response.
Oct 7 2024			Plaintiff to Investigator	Follow-up email. No response.
Oct 12 2024			Plaintiff to Investigator	Called and left voicemail. No response.
Oct 22 2024	N3D1		Plaintiff to Program Manager	Plaintiff contacted program manager requesting assistance reaching investigator. PM responded immediately, and forwarded request.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Oct 28 2024	N3D1		Investigator to Plaintiff	First contact from investigator, 27 days after assignment. Stated she would reach out that week for documentation and interview.
Nov 2 2024	N3D2		Plaintiff to Director	Plaintiff requested a different investigator due to lack of communication. Explained landlord's connections with local agencies.
Nov 4 2024	N3D2		Director to Plaintiff	Ekblad **assured complaints taken seriously**, declined to reassign, stated investigator 'is very good at keeping investigations moving in a timely fashion.'
Nov 4 2024	N3D3		Investigator to Director	Director forwarded the email to investigator from plaintiff. Investigator responded with **"Thank you. Loll, she doesn't realize I completed my quota for the year."**
Nov 4 2024	N3D1		Investigator to Plaintiff	Investigator requested documentation and sent interview questions. Referenced plaintiff's dogs as 'ESAs,' instead of service animals.
Nov 7 2024	N3D1		Plaintiff to Investigator	Plaintiff followed up with clarifying questions about scope of investigation, evidence requirements, and timeline. Interview scheduled for November 12.
Nov 12 2024	N3D1		Investigator to Plaintiff	Interview conducted. Submitted organized evidence package the day prior.
Nov 25 2024	N3D1		NCHRC	**Statutory deadline under G.S. 41A-7(e). No notification received.**
Dec 6 2024	N3D1		NCHRC	**Deadline under 42 U.S.C. § 3610(g)(1). No notification received.**
Dec 9 2024	N3D1		Plaintiff to Investigator	Requested update. Noted 90-day mark passed. Informed NCHRC that landlord's attorney stated during November 13 arbitration hearing that 'no violations have been found by this agency' despite no determination having been issued. No response.
Dec 11 2024	N3D1		Plaintiff to Investigator	Followed up again. Notified court case had to be filed for appeal.
Dec 12 2024	N3D1		Investigator to Plaintiff	Investigator stated she was writing the final determination and asked for any additional evidence. Requested conciliation proposal again that was sent a month prior.
Dec 20 2024	N3D1		Investigator to Plaintiff	Landlord declined conciliation offer without counteroffer. Stated determination would be finalized 'right after the Christmas holiday.
Jan 7 2025	N3D1		Plaintiff to Investigator	Followed up after holidays. No response.
Jan 9 2025	N3D1		Investigator to Plaintiff	Stated she was still working on the case, cited holiday vacation as reason for delay, but case was under review with legal counsel and to send additional evidence if had any. Plaintiff requested formal notice of delay reasons or final determination once again.
Jan 15 2025	N3D2		Plaintiff to Director	Plaintiff requested a clear timeline for determination and an explanation why no formal notice of delay issued when case was not complex. Noted landlord's attorney was using the lack of determination as plaintiff's claims were unfounded, causing further distress.
Jan 16 2025	N3D2		Director to Plaintiff	Ekblad characterized plaintiff's concerns as 'inaccurate,' stated Bynum had submitted a determination but counsel recommended narrowing the investigation. Provided 100-day letter. Suggested plaintiff send new offer.
Jan 17 2025	N3D2		Plaintiff to Director	Plaintiff disputed director's response as dismissive explaining delay has caused ongoing emotional and legal harm by weaponizing the unresolved complaint in court and requested that a determination be issued before the January 23 hearing.
Jan 22 2025	N3D2		Plaintiff to Director	Director failed to respond. Plaintiff followed up before hearing, reiterated the seriousness of the matter, and warned that if attorney raised the unresolved complaint at the hearing, she would escalate her concerns to HUD.
Jan 22 2025	N3D2		Director to Plaintiff	Stated he provided a response in previous email, but that she could request a right-to-sue letter and pursue the matter if federal court if she didn't want to wait for determination.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jan 22 2025	N3D2	✉	Investigator to Plaintiff	Investigator stated landlord submitted additional evidence on January 10 and January 16, 2025, which would be added to the determination and that was now the reason for delay.
Jan 22 2025	N3D2	✉	Plaintiff to Investigator & Director	Plaintiff objected that she was not informed of the submissions or given an opportunity to review and rebut them as required by HUD guidelines She stated the delays created procedural harassment and would immediately escalate the matter to HUD.
Jan 23 2025	N3D4	✉	Plaintiff to HUD	Plaintiff escalated concerns to HUD. Follow up twice. No response.
Feb 3 2025	N3D5	✉	Plaintiff to Investigator	Plaintiff had been notified by informed mail of letter from NCHRC to an old address. Requested electronic copy of correspondence she could not access. No response.
Feb 10 2025		📄	NCHRC	Final determination received stating no reasonable cause found. See final determination.
Feb 11 2025	N3D6	✉	Plaintiff to OAH's Chief ALJ	Plaintiff requested formal investigation into NCHRC's handling of the complaint.
Feb 14 2025		✉	Plaintiff to Director of FHEO	Formal appeal submitted to HUD.
Mar 6 2025	N3D7	✉	HUD to Plaintiff	HUD sent formal letter declining to reconsider, stating it lacks authority once a complaint is referred to a FHAP agency. Directed plaintiff back to Director of NCHRC.
Mar 5 2025	N3D7	✉	Plaintiff to HUD	Plaintiff responded citing 42 U.S.C. § 3610 retention of HUD jurisdiction when a FHAP agency fails to meet federal standards. Informed she would file with the OIG.
Mar 6 2025	N3D7	✉	HUD to Plaintiff	Fleming reiterated HUD would take no action and does not have jurisdiction to reconsider a decision issued by a FHAP partner.
Mar 6 2025		✉	Plaintiff to OAH	Plaintiff filed contested case hearing against NCHRC under G.S. 150B.
May 12 2025	N3D8, N3D9, N3D10	✉	Plaintiff to OIG of HUD	Plaintiff filed formal fraud complaint with HUD OIG alleging NCHRC submitted false certifications on the FHAP Case Closure Review Form and research data from North Carolina. Copied National Fair Housing Alliance. No response received.

FINAL DETERMINATION: NO REASONABLE GROUNDS FOUND

The determination reduced the plaintiff's reasonable accommodation request to a "quiet hours request," ignoring the documented C-PTSD-related housing distress and the respondent's refusal to engage in the interactive process required under federal law. The retaliation claim filed under 42 U.S.C. § 3617 was not addressed in the determination. Key evidence submitted by the plaintiff, including the therapist's letter, medical diagnosis, rental denial documentation, and proof of lease violations, was omitted from the agency's analysis.

The evidence submitted by the landlord was irrelevant and attempted to portray Plaintiff as harassing and aggressive. In addition, she submitted false statements that any investigator could have identified through simple review, including claiming she immediately cured the concerns Plaintiff raised while relying on emails dated before Plaintiff arrived at the property or had any knowledge of the information, further supporting Plaintiff's claim of the landlord's compulsive dishonesty (See N3D11).

AVAILABLE REMEDIES

» **Appeal to HUD (42 U.S.C. § 3610):** Attempted. HUD declined reconsideration, stating it lacks authority once a complaint is referred to a certified FHAP agency.

» **Judicial Review in Superior Court (G.S. 41A-7(h))**: Available but required a $200 filing fee to seek reversal in the same state court system that had already demonstrated bias in other case.

» **Right-to-Sue Letter (G.S. 41A-7(h))**: Pursue federal litigation at her own expense, effectively relieving the agency of its enforcement obligation.

» **Complaint to HUD Office of Inspector General**: Filed. No response received.

» **Complaint to State Legislature:** Filed. No response received.

» **Contested Case Filing (G.S. 150B):** Filed. See Node 6.

SYSTEMIC ISSUES

In the last 20 years, there were only three cases where the NCHRC pursued litigation or issued findings on behalf of a complainant. In contrast, Plaintiff identified at least six cases in which complainants directly or indirectly challenged the NCHRC's actions, raising concerns about the agency's failure to investigate, improper dismissals, or procedural irregularities:

» *Derrick Allen v. NCHRC & OAH*, 2019 WL 6682942

» *Young v. Lake Royale Property Owners Ass'n*, 2021 WL 3853258

» *Ashley Casanova v. NCHRC* (2024)

» *Ward v. U.S. Dep't of Hous. & Urban Dev.*, 2009 WL 2633034 (D.D.C.)

» *Yeh v. N.C. Human Relations Comm'n*, 2022 WL 19336462 (OAH)

» *Radcliffe v. Avenel HOA*, 789 S.E.2d 893 (N.C. Ct. App. 2016)

Perhaps most troubling is *Colson v. Wildlife Woods Campground, Inc.* (2020), in which the plaintiffs filed a HUD complaint that was referred to the NCHRC. After NCHRC issued a "no cause" determination, the plaintiffs brought a federal civil rights suit under 42 U.S.C. § 1981. The court ultimately granted summary judgment to the defendants but cautioned against relying on NCHRC's findings, stating: *"The interviews relied on by the Commission were neither done under oath nor by Plaintiffs' counsel… The Commission's findings are not conclusive… [and] potential evidentiary inconsistencies further support the reasonableness of Plaintiffs' pursuit of the action."*

It is common for agencies to often complain about overload of work and complaints. For context, The NCHRC received only 157 complaints in 2023. With five investigators, that averages 2.6 cases per investigator per month. The delays and failures were not caused by overwhelming caseloads.

N4

North Carolina State Court

DISTRICT COURT | CASE NO. 24CV022933-910 | SEPT 3, 2024 - ONGOING
NC COURT OF APPEALS | CASE NO. P25-113 | FEB 13, 2025 - JUN 12, 2025
NC SUPREME COURT | CASE NO. 107P25 | APRIL 17, 2025 - MAY 28, 2025
NC COURT OF APPEALS | CASE NO. 25-521 | MAY 30, 2025 - JUL 21, 2025

The state court proceedings overlapped because the plaintiff was forced to file an interlocutory appeal while the district court refused to honor the automatic stay under N.C. Gen. Stat. § 1-294. That refusal, combined with jurisdictional limits, created a procedural collapse across three levels of the judiciary. Stare decisis was ignored without explanation. Judicial authority was exceeded without identifying who issued the orders. Separating these courts into individual nodes would force the reader to reconstruct a timeline the courts themselves entangled, so this node presents the proceedings chronologically.

CLAIMS FOR DISTRICT COURT

» **First Claim:** N.C.G.S. § 75-1.1 (material misrepresentation and failure to enforce lease terms)

» **Second Claim:** N.C.G.S. § 42-42 (violation of implied warranty of habitability under Section 11.6.3 and 11.6.4 of the City of Raleigh Housing Code and covenant of quiet enjoyment)

» **Third Claim:** Defamation (libel and slander) under North Carolina common law; *Tyson v. L'Eggs Products, Inc.*, 84 N.C. App. 1 (1987)

CLAIMS FOR NORTH CAROLINA COURT OF APPEALS

» **Interlocutory Appeal** from seven (7) orders issued in district court affecting substantial rights under N.C. Gen. Stat. §§ 1-277 and 7A-27

CLAIM FOR NORTH CAROLINA SUPREME COURT

» **Petition for Discretionary Review** under N.C.G.S. § 7A-31(c)(1)-(2) of the Court of Appeals' orders denying the Writ of Prohibition, Motion for Sanctions, and Motion for En Banc Rehearing.

PHASE 1: EVENTS TO THE CASE

ARBITRATION | SEPT 2024 - NOV 2024

DATE	DOC #	TYPE	BY/TO	SUMMARY
Sept 3 2024			Plaintiff	Appeal for Trial de Novo filed requesting jury trial. Properly filed and timely.
Sept 10 2024	N4D1		District Court	Court issued Notice of Case Selection for mandatory arbitration.
Sept 16 2024	N4D2		Attorney #1	Opposing counsel requested remote hearing via WebEx, stating defendant would be out of the country during the arbitration period. Plaintiff consented.
Oct 1 2024	N3D3		Plaintiff	Motion for Leave to Amend Complaint filed under Rule 15(a). Plaintiff filed for leave due to the magistrate implying she had not done so in small claims.
Oct 31 2024	N3D4		Plaintiff	Pre-Arbitration Submission served. Included exhibit list covering property deed, water leakage documentation, inspection results, City of Raleigh unfit housing determination, expired permits, flooding evidence, lease agreement, and property listing comparisons.
Nov 1 2024	N3D5		Attorney #1	Plaintiff notified counsel of additional evidence showing materially false statements in reference letter provided by defendant (landlord) and intent to add claim for defamation.
Nov 13 2024	N3D6		Arbitrator	Arbitration hearing held. Plaintiff given ~ three minutes for cross-examination while opposing party took ~ fifteen minutes questioning plaintiff on matters outside her expertise.
Nov 18 2024	N3D7		Arbitrator	Arbitration Award filed. Plaintiff awarded nothing despite evidence and official report from the city proving that defendant made false statements under oath.

PHASE 2: EVENTS TO THE CASE

PRE-TRIAL | DEC 2024 - FEB 7, 2025

DATE	DOC #	TYPE	BY/TO	SUMMARY
Dec 2 2024	N4D8		Plaintiff	Withdrawal of Motion for Leave to Amend Complaint. No ruling had been made on the original motion and did not require leave in a trial de novo.
Dec 16 2024	N4D9 N4D9A		Plaintiff	Demand for Trial de Novo and Amended Complaint filed adding claim for defamation.
Dec 23 2024	N4D10		Plaintiff	Motion for Designation of Exceptional Case Status for case involving defamation, perceived bias from small claims, anticipated procedural gamesmanship, and ADA accommodation. Only Chief District Court Judge allowed to rule. Hearing scheduled for 1/23/2025.
Dec 23 2024	N4D11		Plaintiff	Trial scheduled 2/4/2025. Filed motion to continue due to out-of-state for work conference. This will be used later on against her.
Dec 26 2024	N4D12		Plaintiff	Plaintiff served discovery requests for first set of interrogatories and requests for production of documents.
Jan 2 2025			Plaintiff	Plaintiff served Requests for Admission on opposing counsel.
Jan 6 2025	N4D13		Judge	Order granting continuance on trial. New trial date set for 2/24/2025.
Jan 9 2025	N4D14		Attorney #1	Opposing counsel emailed plaintiff stating defendant was in the process of retaining a civil litigator but could not say when new counsel would be secured.
Jan 13 2025	N4D14		Attorney #1	Requested plaintiff's consent to extend answer deadline to February 14, citing defendant's search for new representation. Plaintiff declined since the case had been pending since August 2024; core claims were unchanged; it would only be 10 days before trial.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jan 13 2025	N4D15		Attorney #1	Defendants' Motion for Extension of Time to Respond to Plaintiff's Amended Complaint filed under Rule 6(b). Claimed need for additional time due to securing new counsel. Didn't file required cover sheet to show Plaintiff objected.
Jan 13 2025	N4D16		Plaintiff	Objection to Defendants' Motion for Extension of Time. Argued motion lacked good cause and granting the extension would compress the pre-trial timeline.
Jan 15 2025	N4D17		Attorney #1	Service of filing of Motion to Strike/Dismiss. Attorney looks to deter plaintiff from filing default judgment acting as if the 20 days is automatic no matter what.
Jan 15 2025	N4D18		Attorney #1	Defendants' Motion to Strike Plaintiff's Amended Complaint under Rule 12(f), and in the Alternative, Motion to Dismiss under Rule 12(b)(6). Argued plaintiff's amended complaint was improperly filed without leave of court, citing N.C. Gen. Stat. §§ 7A-210 through 7A-229. Improperly captioned for Superior Court. Dual file with extension of time pending.
Jan 15 2025	N4D19		Plaintiff	Response to Defendants' Motion to Strike/Dismiss. Argued Rule 15(a) permits amendment as a matter of right and defendants previously attempted dismissal improperly.
Jan 15 2025			Deadline.	Answer due from defendants. No answer filed.
Jan 16 2025	N4D20		Plaintiff	Motion for Default Judgment. Detailed the procedural deficiencies in defendants' motions to strike and dismiss, noting they did not constitute responsive pleadings and did not toll the answer deadline.
Jan 17 2025			Deadline	Case officially became an aged case pursuant to Rule 4.2(c) of local rules, which means case is meant to be priority and avoid extensions.
Jan 17 2025	N4D21		Attorney #1	Motion to Withdraw as Counsel filed under Rule 16 and Rule 1.16 of NC Rules of Professional Conduct. Cited defendants securing new counsel but provided no proof of substitution.
Jan 23 2025	N4D22H		District Court Judge	Hearing on Motion for Exceptional Case Status and Default Judgment. Chief District Court Judge was supposed to ruling as the only judge that can decide on motion that Plaintiff had to wait for a month to be ruled on. Opposing counsel orally requested continuance on both motions without prior written notice to plaintiff, violating Rule 6(d). Counsel claimed new counsel was retained on January 17. Plaintiff objected. Judge asked to review case, left for exactly 30 seconds and tried to schedule hearing to the middle of March past trial date. TCA had to interrupt and scheduled to February 13. When plaintiff attempted to request reconsideration, Judge interrupted and stated plaintiff would not be allowed to speak if attempting to change his mind, denying plaintiff's procedural right to be heard.
Jan 23 2025	N4D22		Plaintiff to TCA	Sought clarification for judicial reassignment and inquiring about her motion for designation of exceptional case. Attorney requests hearing for withdrawal.
Jan 23 2025	N4D23		Attorney #1	Suggested plaintiff not object to his withdrawal or ask for reconsideration to avoid further delay. Plaintiff demanded proof of new counsel retention before agreeing. Counsel refused.
Jan 23 2025	N4D24		Plaintiff	Expedited Objection to Motion to Withdraw. Argued case age (187+ days), lack of verified new counsel, and requested defendants immediately file answer.
Jan 23 2025	N4D25		District Court Judge	Order continuing motions to 2/13/2025.
Jan 23 2025	N4D26		Attorney #1	Motion for Extension of Time on Interrogatories and Request for Production of Documents. Requested 30 additional days.
Jan 24 2025	N4D27		Plaintiff	Objection to Extension of Time for Discovery. Argued defendants failed to show good cause, cited pattern of procedural delays and aged case status, and prejudice to trial.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jan 24 2025	N4D28		Attorney #1	Counsel informed Plaintiff he is filing a continuance on Plaintiff's upcoming motions so it could be handled by new counsel, while refusing to identify who that attorney was.
Jan 24 2025	N4D29		Judge Hauter	Order granting defendants' motion for extension of time to file responsive pleading until February 14, 2025; ex parte with no mention of Plaintiff's objection and 10 days after filing.
Jan 24 2025	N4D30		Plaintiff to TCA	Following up on motion for exceptional case status pending Chief Judge' review with uncertain timeline for ruling.
Jan 24 2025	N4D31		Attorney	Motion to continue all motions except for Motion to Withdraw for upcoming hearing.
Jan 24 2025	N4D32		Plaintiff	Objection to motion to continue.
Jan 27 2025	N4D33		Plaintiff	Emergency Motion to Vacate Improper Orders, Resolve Pending Motions, and Ensure Judicial Economy. Cited procedural violations, improper extensions without notice, and less than 30 days remaining before trial.
Jan 27 2025	N4D34		Plaintiff	Supplemental Objection to Defendants' Motion to Continue.
Jan 27 2025	N4D35		Attorney #1	Counsel stated landlord had signed an engagement letter with new counsel but wouldn't provide counsel's identity until the retainer was paid.
Jan 27	N4D36		Plaintiff	Plaintiff requested emergency motion be added to 1/30 docket.
Jan 30 2025	N4D38		Lead Civil District Court Judge	Hearing on Emergency Motion, Motion for Withdrawal of Counsel, and Motion to Compel Answer. Plaintiff was pushed to last, waiting an hour and half to present. Judge appeared hostile from the onset. Opposing counsel claimed he had to withdraw because the case had was "too complex" for him to litigate. Claimed defendant had not retained new counsel, only that she had a 'letter of engagement.' When plaintiff asked for the name of new counsel, he stated new counsel did not want to share the name until defendant paid the retainer. Judge allowed this. Plaintiff argued withdrawing without substitution violates G.S. 84-5. Judge responded with legal advice to Plaintiff encouraging her to let him withdraw. Judge approved extension of discovery past the trial date without requiring cause, stating plaintiff could continue the trial or proceed without discovery. When plaintiff objected that no cause was shown in the written motion, judge stated cause was 'assumed.' Judge refused to vacate prior ex parte orders, stating they had a right to be decided ex parte; when plaintiff asked for the rule authorizing this, judge said it was 'generally granted.' Before concluding, Judge informed plaintiff that Chief District Court Judge was denying the motion for exceptional case status, indicating improper discussion of the motion prior to hearing. Plaintiff stated on the record that the judge was severely prejudicing her case.
Jan 30 2025	N4D39		Chief District Court Judge	Amended Rule 2.1 Order denying Motion for Exceptional Case Status. Found case did not meet complexity requirements with only three parties. Misquoted the record.
Jan 30 2025	N4D40		LCDC Judge	Order granting defendants extension on time to gather discovery pass the trial date.
Jan 30 2025	N4D41		LCDC Judge	Order granting Motion to Withdraw Counsel Denied Motion to Compel Answer as moot and denied emergency motion as moot due to extensions already granted.
Jan 30 2025	N4D42		Attorney #1	Counsel reached out to Plaintiff stating he would be filing an extension for admissions. Plaintiff reminded order for withdrawal was final and prohibited any further contact.
Jan 30 2025	N4D43		Plaintiff	Request for Court-Initiated Clerical Correction under Rule 60(a) for Chief Judge incorrectly referenced withdrawn October 1 motion in denial order.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jan 31 2025	N4D44		Attorney #2	Notice of Appearance filed by new counsel.
Jan 31 2025	N4D45		Attorney #2	Motion to Extend Time for Answering Requests for Admission for 30 days citing need to investigate and finalize responses due to being new to the case. Certificate of Service defective and mailed instead of electronic service knowing Plaintiff was out of town.
Feb 4 2025	N4D46		Plaintiff	Motion to Deem Requests for Admission Admitted under Rule 36(a). Argued defendants filed defective extension motion with incorrect Certificate of Service and improperly served.
Feb 4 2025	N4D47		Plaintiff	Motion to Strike Defendants' Extension Motion based on improper and defective service
Feb 4 2025	N4D48		Attorney #2 to Plaintiff	Requested trial continuance due to personal reasons. Plaintiff objected, arguing counsel accepted the case 20 days before trial and should not have taken it if unavailable.
Feb 4 2025	N4D49		Attorney #2	Supplemental Certificate of Service correcting the erroneous certificate that had mistakenly referenced a different prior motion instead of the RFA Extension Motion.

PHASE 3: EVENTS TO THE CASE

INTERLOCUTORY APPEAL | FEB 10, 2025 - JUL 21, 2025

DATE	DOC #	TYPE	BY/TO	SUMMARY
Feb 10 2025	N4D50		Plaintiff	Notice of Appeal from five interlocutory orders (Jan 23-30). Claimed orders violate due process rights and create systematic bias starting at small claims hearing.
Feb 10 2025	N4D51		Plaintiff	Motion to Stay Proceedings Pending Interlocutory Appeal under N.C. Gen. Stat. § 1-294. Requested halt to all trial court proceedings on discovery deadlines and trial preparation.
Feb 10 2025	N4D52		Plaintiff	Notified TCA that Notice of Appeal automatically stays proceedings and requested upcoming hearing to be canceled. TCA instructed her to let Judge know at hearing.
Feb 10 2025	N4D53		Plaintiff	Informed new counsel that automatic stay is in effect, requested proper eService registration, and notified intent to seek sanctions for procedural misconduct.
Feb 13 2025			District Court Judge #3	Appeared as instructed and asserted the automatic stay, and moved to vacate. Defense counsel orally objected despite having notice, claimed Plaintiff's appeal was improper for routine "interlocutory orders." Judge made dismissive and prejudicial remarks about pro se litigants, permitted mischaracterizations of the record, and ordered everyone to return the next day without clear justification for another hearing. Second hearing where Plaintiff was forced to wait two hours to be put last and strangely Defendant appeared in hearing.
Feb 10 2025	N4D55		Plaintiff to TCA	Emailed TCA asking for clarification on improperly noticed hearing for 2/14. Judge responded dismissively, stating he didn't need plaintiff present for his ruling and criticized her for not seeking professional courtesy accused her of using "scorched earth" tactics.
Feb 10 2025	N4D55		Plaintiff	Formal Objection to Improperly Noticed Hearing and Assertion of Automatic Stay citing lack of proper notice, violation of automatic stay, and pending emergency writ.
Feb 10 2025	N4D57		Plaintiff	Formally notified counsel of intent to seek sanctions for violating automatic stay, misrepresentation about service, and failure to register for eService.
Feb 10 2025	N4D58		Plaintiff	Petition for Writ of Supersedeas and Emergency Motion to Stay filed in Court of Appeals. Argued trial court's refused to acknowledge automatic stay constitutes reversible error.
Feb 14 2025	N4D61		Court of Appeals	Denied plaintiff's Petition for Writ of Supersedeas and Motion for Temporary Stay by unanimous anonymous three-judge panel. No reasoning cited.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Feb 14 2025	N4D59		Plaintiff	Motion for Clarification asking Court of Appeals whether its denial of the writ was based on the automatic stay already providing the requested relief.
Feb 14 2025	N4D62		Court of Appeals	Denied plaintiff's Motion for Clarification of the February 14 order, filed same day.
Feb 17 2025	N4D63		District Court Judge #3	Order denying automatic stay and motion to dismiss/strike amended complaint. Mischaracterized her case as a "summary ejectment action". Extended Defendants' time to answer by an additional 28 days (totaling over 90 days from the original) despite Rule 12(a) limiting post-motion response time to 20 day. Also retroactively justified cancellation of the trial date and conspicuously failed to address any of Plaintiff's pending motions.
Feb 19 2025	N4D64		Plaintiff	Supplemental Notice of Appeal of the February 17 order denying automatic stay, challenging trial court jurisdiction.
Feb 17 2025	N4D65		Plaintiff	Filed a petition for writ of prohibition in the COA seeking to bar the trial court from exercising jurisdiction over matters that were automatically stayed by appeal and argued the trial court improperly ruled on whether her substantial rights were affected.
Feb 25 2025	N4D66		Attorney #2 to Plaintiff	Defendants' discovery responses contained improper objections, defamatory statements, and false statements under oath per plaintiff. Plaintiff warned against grievance filing if not corrected by 2/28.
Feb 26 2025	N4D67		Plaintiff	Notice of Deemed Admissions filed. Argued defendants' requests for admission were deemed admitted under Rule 36(a) due to failure to timely respond with valid extension.
Feb 27 2025	N4D68		Attorney #2	Objection to Deemed Admissions. Argued former counsel's withdrawal created timing issues implying Plaintiff at fault for it and being deceitful.
Feb 27 2025	N4D69		Lead Civil Court Judge	Order retroactively granting Defendant's extension motion filed 20 days prior falsely claiming it was "properly heard" that day despite no hearing occurring. Order was filed 18 minutes after counsel's objection to Plaintiff's Notice was accepted.
Feb 27 2025	N4D70		All parties	Plaintiff sought to understand Court's position on automatic stay requesting trial date if was doing so. TCA initially cited incomplete pleadings but Plaintiff reminded her that trial de novo and aged cased get priority. Defendant's counsel accused Plaintiff of being manipulative and request TCA to tell judges to a gatekeeping order against her.
Feb 27 2025	N4D71		All parties	Contentious exchange regarding discovery disputes. Counsel requested phone conference; plaintiff refused, setting boundary for abusive language.
Feb 27 2025	N4D72		Plaintiff	Supplemental Notice of Appeal of the 2/27 extension order, alleging trial court lacked jurisdiction while appeal was pending and violated the automatic stay.
Mar 5 2025	N4D73		Plaintiff	Filed grievance against attorney to NC State Bar for multiple rule violations including false statements, improper litigation tactics, and obstruction of justice.
Mar 5 2025	N4D74		Plaintiff	Record on Appeal served electronically via eServe. Defendants' objections due within 30 days of service.
Mar 10 2025	N4D75		Attorney #2	Response to Petition for Writ of Prohibition containing factual misrepresentations and legal misapplications in COA.
Mar 10 2025	N4D76		Plaintiff	Motion for Sanctions filed in COA under Rule 34 against defendants' response.
Mar 11 2025	N4D77		Attorney #2	Emailed TCA asking to forward his and plaintiff's appellate filings to Judge despite Judge already receiving them by service.
Mar 14 2025	N4D78		Attorney #2	Answer due to by 5PM. Files another Motion to Dismiss under Rule 12(b)(6) instead.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Mar 14 2025	N4D79		Attorney #2	Defendants' Answer and Counterclaim denying breach claims, asserting affirmative defenses including statutes of limitation, waiver, qualified privilege and defamatory statements. Counterclaim for Abuse of Process. Filed after deadline at 5:07 PM.
Mar 16 2025	N4D80		Plaintiff to Attorney #2	Offered opportunity to withdraw the refiled motion to dismiss. Attorney declined, asserting it was not previously ruled upon. Disagreement over automatic stay continued.
Mar 17 2025	N4D81		Plaintiff	Notice of violation of automatic stay and improper filings for the official record on motion to dismiss and counterclaims and the automatic stay remained in effect.
Mar 17 2025	N4D82		Attorney #2	Amended Answer and Counterclaim correcting typos.
Mar 24 2025	N4D83		Attorney #2	COA: Motion to Strike plaintiff's Motion for Leave to Reply as inappropriate and repetitive.
Mar 24 2025	N4D84		Attorney #2	COA: Response opposing plaintiff's Motion for Sanctions, arguing sanctions not warranted.
Mar 26 2025	N4D85		Attorney #2	Motion to Transfer Division from District Court to Superior Court based on combined monetary relief for counterclaim exceeding $25,000.
Mar 27 2025	N4D86		Plaintiff	COA: Supplement to Petition for Writ documenting continued stay violations including refiled motion to dismiss and counterclaim as intimidation.
Mar 27 2025	N4D87		Court of Appeals	Order denying Defendant's Motion to Strike plaintiff's Motion for Leave to Reply.
Mar 27 2025	N4D88		Court of Appeals	Order denying Plaintiff's Motion to Leave Reply.
Apr 4 2025			Deadline	Objections for Record on Appeal due by Defendants. Did not send.
Apr 7 2025	N4D89		Attorney #2 to Plaintiff	Emailed untimely objections on April 7 argued service had been improper and claimed the record was still unsettled. Plaintiff disputed and stated would not engage with intimidation.
Apr 9 2025	N4D90		Plaintiff	Record on Appeal served filed with Superior Court and Plaintiff paid $250 bond with COA.
Apr 9 2025	N4D91		Attorney #2	Bypassed proper jurisdictional channels and filed a motion in the appellate writ docket—not the trial court—seeking to have his objections deemed timely under Rules 27(c)(2) and 37.
Apr 9 2025	N4D92		Plaintiff	Filed a motion to strike Defendants' motion, citing the improper forum and procedural violation.
Apr 10 2025	N4D93		Court of Appeals	A three-judge panel denied plaintiff's motion to strike defendants' Rule 11(c) motion. Clerk's signature only. No judicial names provided.
Apr 10 2025	N4D94		Court of Appeals	A three-judge panel granted Defendants' motion deeming objections were timely. Rejected Plaintiff's Record on Appeal from being filed. No judicial names listed. Clerk's signature only.
Apr 10 2025	N4D95		Plaintiff	Emergency Motion to vacate or clarify April 10 order, arguing court lacked jurisdiction under petition docket and defendants' April 7 objections were untimely.
Apr 11 2025	N4D96		Court of Appeals	A three-judge panel denied plaintiff's motion for reconsideration citing Rule 27(b) that did not apply to Plaintiff's circumstances. No judicial names listed. Clerk's signature only.
Apr 11 2025	N4D97		Plaintiff	Filed Emergency motion for En Banc on both April 10 and April 11 orders.
Apr 12 2025	N4D98		Plaintiff	After discovering further support of position, filed supplemental motion to En Banc request arguing trial court retained jurisdiction over record settlement under Rule 11(b) and counsel improperly shifted it to appellate court.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Apr 12 2025	N4D99		Plaintiff	Supplement to Motion for Sanctions seeking escalated sanctions for continued misconduct despite pending sanctions review and grievance proceedings.
Apr 16 2025	N4D100		Attorney #2	Request for Judicial Settlement of Record on Appeal seeking to strike ex parte mentions and full exclusion of Rule 9(d) exhibits. Required 15-day hearing under Rule 11(c).
Apr 17 2025	N4D101		Plaintiff	Objected to Defendants' request for judicial settlement of the record on appeal, arguing it exceeded the narrow scope of Rule 11(c), relied on inconsistent service arguments, and improperly sought to strike materials outside the trial court's authority. Asked for Court to wait until Writ of Prohibition and En Banc motion was ruled on.
Apr 17 2025	N4D102		Court of Appeals	Denied Plaintiff's emergency motion for en banc reconsideration claiming: having received no votes to allow, the motion is denied. Clerk's signature only.
Apr 17 2025	N4D103		Court of Appeals	Denied Plaintiff's motion for sanctions as by order of the Court, sitting as a three-judge panel. Clerk's signature only.
Apr 17 2025	N4D104		Court of Appeals	After two months, denied plaintiff's Petition for Writ of Prohibition filed February 21 by unanimous three-judge panel. All three motions decided only 6 hours after Plaintiff objected to Defendants' judicial request in trial court asking to wait on COA's rulings.
Apr 17 2025	N4D105		Plaintiff	Petition for Discretionary Review filed in NC Supreme Court raising issues of exceptional public importance and structural jurisdiction after Court of Appeals denied writ, sanctions, and en banc rehearing.
Apr 21 2025	N4D106		Attorney #2 to Plaintiff	Asked for continuance of trial. Plaintiff opposed citing automatic stay under N.C. Gen. Stat. § 1-294.
Apr 21 2025	N4D107		Attorney #2 to Plaintiff	Defense conveyed $3,600 settlement offer contingent on mutual releases and dismissal of all complaints with prejudice, and mutual non-disparagement provision. Offered same day Plaintiff had contacted the U.S. District Court of North Carolina–Middle District about filing an FHA claim and requesting injunction on abuse of process.
Apr 21 2025	N4D108		Attorney #2	Motion to Continue Trial from April 28 to August 4, 2025 citing procedural complexity, pending record settlement, and supposed death of counsel's aunt. Plaintiff found no death records of counsel's aunt or funeral listings.
Apr 23 2025	N4D109		Chief District Court Judge	Order removing case from trial docket and setting record settlement hearing for April 28 at 9:00 AM under Appellate Rule 11(c) in person.
Apr 23 2025	N4D110		TCA to parties	TCA served order, plaintiff notified court of federal civil rights action filed in U.S. District Court for Middle District of NC with pending TRO motion alleging retaliation.
Apr 23 2025	N4D111		Plaintiff	Objection and Notice of Intent Not to Appear at April 28 hearing. Cited ADA accommodation concerns, failure to acknowledge automatic stay, and psychological harm from proceedings.
Apr 24 2025	N4D112		Plaintiff to TCA	Informed federal TRO was denied based on Anti-Injunction Act. Submitted formal objection to hearing. Defense claimed rules required hearing in person and wanted to give Plaintiff the chance to heard. TCA suggested to apply for remote hearing.
Apr 24 2025	N4D113		Plaintiff	Comprehensive motion for remote hearing as ADA accommodation citing fourth accommodation request, medically documented disability, emotional distress from abusive litigation, fear of retaliation, and prior unaddressed requests.
Apr 24 2025	N4D114		Attorney #2	Objection to remote hearing arguing Rule 11(c) requires in-person proceedings. Claimed Plaintiff's safety concern was "out of bounds and does not warrant a response." Motion was granted in Plaintiff's favor.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Apr 28 2025			Chief District Court Judge	At 9AM, Plaintiff logged for scheduled hearing at 9 AM on judicial settlement of the record, but no other participants were visible. At 9:16 a.m., counsel briefly appeared on camera before turning it off. When the clerk reactivated his camera feed, he was no longer present. Defendant Eagles appeared at 9:30 a.m., with counsel reappearing precisely one minute later. During the hearing, counsel referenced Judge's "personal computer issues"—information never previously disclosed on the record, revealing prior off-record communication. Hearing lasted 10 minutes. Judge stated ruling would be issued April 29.
Apr 28 2025			Deadline	Judge did not issue ruling. Deadline for settlement of record due by May 6.
Apr 29 2025	N4D116		Plaintiff to Attorney #2	Plaintiff notified defense that federal civil rights complaint would be served on client and declined settlement offer. Attorney stated client was currently in the process of obtaining counsel for federal proceedings and attempted to reopen settlement discussions because "things have gotten out of hand." Plaintiff refused citing automatic stay and warned further non-procedural communications would be treated as harassment.
Apr 30 2025	N4D115		Attorney #2	After Plaintiff denied offer, counsel filed response to Motion for Discretionary Review in Supreme Court, that was materially false, improperly spoke for both the trial and appellate courts by referencing orders never entered into the record, claiming the appeal had been dismissed, and used aggressive inappropriate language suggesting Plaintiff was "confused."
May 2 2025	N4D117		Plaintiff	Ex Parte Motion for TRO under Rule 65(b) to enforce automatic stay, stop harassment through litigation, alleging trial court improperly continued proceedings and engaged in ex parte communications.
May 2 2025	N4D118		Plaintiff	Notice of Procedural Irregularity and Record Tampering Risk alleging selective docketing of appellate denials while withholding other key orders, raising due process concerns.
May 2 2025	N4D119		Plaintiff	Emergency Motion for Clarification and Protection of Appellate Record asking COA to oppose counsel's statements in Supreme Court response that misrepresented the case.
May 2 2025	N4D120		Plaintiff	Motion to Strike or Motion for Sanctions filed in NC Supreme Court for materially false statements misrepresenting appellate rulings and omitting key procedural facts.
May 5 2025	N4D121		Court of Appeals	Summary denial of plaintiff's Emergency Motion for Clarification without elaboration on reasons. No judicial names. Clerk's signature only.
May 5 2025			Plaintiff	Plaintiff called Court of Appeals to request the names of the judges issuing orders without legal reasoning. Told to speak to Clerk and that he would return her call.
May 7 2025	N4D122		Plaintiff	Notice of Judicial Inaction documenting Chief District Court Judge's failure to issue Rule 11(c) record settlement order by May 6 deadline and failure to rule on TRO motion.
May 7 2025	N4D123		Attorney #2	Motion for Retroactive Extension of Trial Court's Time for entering record settlement order in COA acting as defense for Chief District Court Judge citing workload constraints.
May 7 2025	N4D124		Plaintiff	Motion to Strike defendants' retroactive extension motion filed in COA stating under Rule 27(c)(1)3, extensions of time must be granted by the trial court, and only within a specific timeframe. No such motion was made.
May 7 2025	N4D125		Court of Appeals	Plaintiff received an anonymous email that only contained a link to press release from 2022 purporting to explain a 90-day judicial name delay policy. Plaintiff called COA Clerk's Office asking who sent it and why and told no one did as the COA never sends unsigned emails.
May 9 2025	N4D126		Attorney #2 to TCA	Counsel requested TCA contact Judge about a pending record-settlement ruling and related appellate filings. Plaintiff objected that the communications were improper and interfered with matters pending before COA. Requested status on ex parte TRO. TCA accused Plaintiff of delay and not following rules. Plaintiff cited rule for ex parte and demanded counsel and TCA top stop with off-record coercive and improper coordination.

DATE	DOC #	TYPE	BY/TO	SUMMARY
May 9 2025			Plaintiff	Called COA to follow up about judicial names. Clerk confirmed he sent the anonymous email stating this was typical procedure. When Plaintiff referenced the Public Records Act and noted that the Court was withholding information to which she is legally entitled, the clerk became hostile and aggressive stating it would take a federal court order to get the names.
May 12 2025	N4D127		Chief District Court Judge	Order denying plaintiff's Motion for TRO by just a "Denied" stamp on motion.
May 12 2025	N4D128		Chief District Court Judge	Order settling record on appeal. Ruled removal of all supplemental exhibits that supported bias and struck use of 'ex parte' language. Plaintiff not notified of order and was not available on the docket for download.
May 12 2025	N4D129		District Court Clerk	Certificate of service showing order settling record on appeal was mailed to Plaintiff's old address despite Court already mailing documents to current address. Addressed order directly to landlord instead of attorney.
May 12 2025	N4D130		Court of Appeals	Order granting Motion for Retroactive Extension of Trial Court's Time giving Court until May 23 to serve order.
May 12 2025	N4D131		Court of Appeals	Denied plaintiff's Motion to Strike challenging defendants' retroactive extension motion.
May 12 2025	N4D132		Plaintiff	Motion to Identify Judicial Panel requesting disclosure of judges' names per NC Public Records Law. Alleged Clerk improperly withheld panel identities.
May 12 2025	N4D133		Plaintiff to TCA	Plaintiff requested electronic copy of order not available on docket. TCA refused and directed her to clerks. Counsel interjected claiming it was an order settling record on appeal. Plaintiff asked how he obtained information. Clerks didn't respond until next day stating it was available on the docket to download.
May 12 2025	N4D134		Plaintiff	Notice of Procedural Misconduct alleging improper handling of Emergency TRO motion including improper striking of certificate of service and failure to issue proper denial.
May 12 2025	N4D135		Plaintiff	Notice of Denial of Access documenting violations of Rule 5(b): order mailed to wrong address, no electronic notice, and certificate of service omitted opposing counsel.
May 12 2025	N4D136		Plaintiff	Resubmitted the record on appeal and objected that the COA and trial court had improperly interfered with or altered it without valid authority. COA rejected it for the second time.
May 14 2025	N4D137		Court of Appeals	Dismissed Plaintiff's Motion to Identify Judicial Panel without reason.
May 12 2025	N4D138		Supreme Court	Denied Plaintiff's Motion for Sanctions.
May 12 2025	N4D139		Supreme Court	Denied Plaintiff's Motion to Strike.
May 12 2025	N4D140		Supreme Court	Denied Plaintiff's Petition for Discretionary Review.
May 30 2025	N4D141		Plaintiff	Plaintiff's 3rd attempt to file Record on Appeal with formal Objection that both courts had improperly rejected, altered, and limited it without lawful authority. It was finally accepted.
Jun 2 2025	N4D142		Court of Appeals	Sent invoice stating Plaintiff owed $10 for docketing record on appeal and if not paid with 10 days, case would be dismissed.
Jun 10 2025	N4D143		Plaintiff to NC Courts Media	Plaintiff submitted a press inquiry seeking the names of the judges who ruled on orders in case. Office responded by directing her to public appellate sites. Plaintiff explained information wasn't available on site. Follow up requests, including to Director, were ignored.
Jun 10 2025	N4D144		Plaintiff	Motion for a refund of $90 in appellate motion-related fees, arguing the Court of Appeals unlawfully assessed charges for motions even though Appendix F states there is no fee for filing a motion in a cause.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jun 12 2025	N4D145		Court of Appeals	Order denying refund of charges without reason or judicial names.
Jun 17 2025	N4D146		Attorney #2	Defendants moved for sanctions in COA arguing Plaintiff's record on appeal grossly violated the appellate rules and warranted dismissal, attorneys' fees, removal of exhibits, and possible gatekeeping restrictions on future filings.
Jun 18 2025	N4D147		Plaintiff	Plaintiff moved to disqualify Clerk and Attorney from further involvement in the appeal and to stay proceedings, arguing both were named defendants in her pending federal civil rights case arising from the same appellate matter.
Jun 26 2025	N4D148		Plaintiff	Motion for 30-Day Extension of Time to File Brief in COA due procedural irregularities and burden from judicial delays.
Jun 26 2025	N4D149		Plaintiff	Plaintiff opposed Defendants' sanctions motion as procedurally defective, retaliatory, and unsupported by the appellate rules, arguing it was part of a broader pattern of obstruction tied to her pending federal civil rights case. Asked Court to deny sanctions and address the underlying due process violations.
Jul 1 2025	N4D150		Court of Appeals	Order dismissing Motion to Disqualify with no legal reasoning or judicial names.
Jul 1 2025	N4D151		Court of Appeals	Granted motion for sanctions by dismissing appeal, but denying other requests. Ordered Plaintiff to pay $364.25 for printing record on appeal without court order. No legal reasoning or judicial names listed on order.
Jul 3 2025	N4D152		Plaintiff	Plaintiff moved for supervisory relief to vacate the July 1, 2025 dismissal and cost order, arguing it was void because it was issued without judicial signature, legal reasoning, or identification of any judge.
Jul 21 2025	N4D153		Court of Appeals	Denied Motion for Protective Supervisory Relief and to Vacate Void Order. No judicial names listed on order.

PHASE 4: EVENTS TO THE CASE

POST-INTERLOCUTORY APPEAL | AUG 8, 2025 - ONGOING

DATE	DOC #	TYPE	BY/TO	SUMMARY
Aug 8 2025	N4D150		Attorney #2	Motion for Entry of Default under Rule 55(a) alleging plaintiff failed to respond to amended counterclaim served March 17 by April 16. Requested decision without hearing. Motion had no signature.
Aug 8 2025	N4D155		Plaintiff	Motion to Strike defendants' default motion on grounds that counterclaim was untimely, and Motion to Dismiss proceedings automatically stayed, and attorney is a named defendant in federal action related to the case.
Aug 12 2025	N4D156		Attorney #2 to Plaintiff	Counsel informed Plaintiff he intended to calendar Defendants' motion to dismiss and motion for entry of default for hearing since she objected to it. Plaintiff refused further direct communication, stating that the contact was inappropriate given the pending federal litigation and would only address any further filings only through formal court channels.
Aug 12 2025	N4D157		Attorney #2 to TCA	Requested hearing on motion on September 25 due to other judges being involved with federal case and could not rule on motion. Plaintiff objected to direct communications and improper filing.
Sept 5 2025	N4D158		Plaintiff	Emergency Request for ruling on motion to strike without hearing, asserting 28 days passed without opposition, no factual dispute exists, and hearing is improper under automatic stay.
Sept 5 2025	N4D159		Attorney #2	Opposition to emergency request arguing no emergency exists and plaintiff can make arguments at September 25 hearing.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Sept 16 2025	N4D160		Plaintiff to TCA	After following up twice with no response, Plaintiff discovered emergency motion was routed to Lead Civil District Court Judge, a named defendant in her federal case and was directed could not rule on motion. Plaintiff demanded reassignment and why the Judge held it for 18 days and how she obtained it.
Sept 16 2025	N4D161		Plaintiff	Notice of Conflict and Request for Reassignment. Identified the three judges in District Court as defendants in federal litigation creating conflicts of interest.
Sept 17 2025	N4D162		District Court Judge	Order setting both motions for hearing on September 25, 2025. The order noted that Defendants had not opposed Plaintiff's motion to strike but found factual issues existed despite Plaintiff providing evidence to the contrary.
Sept 17 2025	N4D163		Plaintiff to TCA	Plaintiff promptly filed a motion for reconsideration and a motion for sanctions, while counsel sought to file a response before the hearing. The email exchange reflects escalating dispute over whether counsel's response was proper without court order, Plaintiff's concern about informal coordination between defense counsel and court staff.
Sept 17 2025	N4D164		Plaintiff	Notice of Improper Ex Parte Communication alleging attorney requested TCA to provide Judge with entire email thread between parties outside the docket.
Sept 17 2025	N4D165		Plaintiff	Motion for Sanctions under Rule 11 against defendants for filing Motion for Entry of Default without legal basis. Requested monetary penalties and State Bar referral.
Sept 17 2025	N4D166		Plaintiff	Motion for Reconsideration of order requiring oral argument on September 25. Argued no disputed facts exist and requested ruling on papers with ADA accommodation.
Sept 17 2025	N4D167		Attorney #2	Filed improper opposition to reconsideration.
Sept 18 2025	N4D168		District Court Judge	Order denying Motion for Reconsideration. Found no additional legal basis and claimed Plaintiff didn't provide evidence to ADA claim. Order was never properly served to plaintiff.
Sept 18 2025	N4D169		Plaintiff	Motion to Strike defendants' response to Motion for Reconsideration, arguing NC rules don't authorize responses to reconsideration motions absent court order.
Sept 19 2025	N4D170		Plaintiff to Court Media Staff	Plaintiff submitted Rule 15 request to record and livestream September 25 hearing as a journalist. Court denied the request without legal basis.
Sept 19 2025	N4D171		Plaintiff to TCA	Plaintiff notified court staff that the September 18 order on her motion for reconsideration had not been properly served, contained no certificate of service, and was not accessible on the public docket, requested an immediate copy. No response.
Sept 19 2025	N4D172		Plaintiff	Notice of Obstruction and Due Process Violations documenting federal § 1983 case against defendants and judicial officers, alleging improper routing, ADA denials, and retaliation.
Sept 19 2025	N4D173		Plaintiff	Emergency Motion to Disqualify Judge for Title II ADA and Due Process Violations. Argued judge denied accommodation requests without proper legal basis.
Sept 22 2025	N4D174		Plaintiff to TCA	Email exchange documenting plaintiff's attempts to obtain proper routing of emergency motion to disqualify as it was sent to the Judge violating case law. Claimed it was a mistake.
Sept 22 2025	N4D175		District Court Judge	Judge rejected Emergency Motion to Disqualify stating 'this type of motion cannot be addressed as an emergency.' Returned without substantive ruling on merits.
Sept 23 2025	N4D176		Plaintiff	Notice of Improper Routing, Lack of Judicial Authority, ADA Violations, and Failure to Respond to Press Access Request on hearing.
Sept 24 2025	N4D177		Attorney #2	Signed version of Motion for Entry of Default filed, correcting the unsigned August 8 version night before hearing.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Sept 25 2025			Plaintiff	At calendar call, Plaintiff appeared under protest and raised objections based on due process, the ADA, and judicial disqualification. The Court placed Plaintiff's case last on the docket, requiring a two-hour wait before the hearing. This marked the third consecutive instance in which Plaintiff was placed last and subjected to extended delay. The Court excluded Plaintiff's supporting witnesses from the hearing. Upon Plaintiff's objection, the Court permitted their return. During the proceedings, the Court allowed Defendants to argue against Plaintiff's motion for disqualification, effectively permitting defense counsel to respond on behalf of the presiding judge. The Court then denied the motion for disqualification. The Court ruled that Defendants' motion for entry of default was not properly noticed due to the filed motion being unsigned. The Court also ruled that Plaintiff's motion for sanctions was untimely, despite Plaintiff asserting that the delay resulted from the Court's refusal to serve its order. The Court deferred ruling on Defendants' motion to dismiss and allowed defense counsel to submit an additional brief by September 30.
Sept 28 2025	N4D178		Plaintiff	Notice of Exceeding Judicial Authority documenting objections to September 25 hearing proceedings and reservation of rights.
Sept 28 2025	N4D179		Plaintiff	Response to Motion to Dismiss arguing it is barred by law-of-the-case doctrine under February 17 order. Contended defendants cannot litigate already-decided issues.
Sept 30 2025	N4D180		Attorney #2	Memorandum of Law supporting Motion to Dismiss under Rule 12(b)(6). Counsel never submitted memorandum on the record asking TCA to pass it along to the judge.
Oct 22 2025	N4D181		District Court Judge	Order on Hearing ruling on five motions: denied disqualification; found default motion not properly served; found sanctions not properly before court; ordered motion to dismiss recalendared. Order never served; discovered on 11/21 when plaintiff checked docket.

FINAL DETERMINATION: PENDING

No trial has occurred. The case remains in limbo in state court after the appeal was dismissed on retaliatory sanctions without identified judges or written findings (see Node 5). The plaintiff intends to amend the 1983 complaint to add the most recent judicial officers and state actors involved in compelling her appearance at a hearing conducted during an active statutory stay. That amendment is currently blocked by the Middle District's refusal to act on pending motions (see Node 7).

The plaintiff has been unable to obtain the names of the judicial officers who issued dispositive orders in her appeal. The federal court has refused to order disclosure. The state legislature acknowledged the practice lacks legal authority but took no corrective action (see Node 13). Every other channel has been denied or ignored.

The plaintiff has been unable to identify any other case in the United States in which dispositive appellate orders were issued without disclosing the identities of the judges who entered them.

AVAILABLE REMEDIES

» **Federal Civil Rights Action (42 U.S.C. § 1983):** Filed. See Node 7.

SYSTEMIC ISSUES

A review of the North Carolina Court of Appeals' public docket reveals that approximately 7% of dispositive orders in civil appellate cases in 2023 identified the judicial panel members by name. At least one such order in 2024 did the same. The remaining orders did not. Clerk Soar's claim of a longstanding policy withholding judicial names is contradicted by the court's own record.

The language of the orders themselves shifted during this period. Prior to the 2024 election, most orders stated "By order of the Court." Coinciding with the Griffith-Riggs dispute, the language changed to "By order of the Court sitting as a three-judge panel." No judges were named under either formulation. If these orders were in fact issued by the Clerk rather than by judges, the adoption of judicial language is not merely an administrative irregularity. It is a misrepresentation of judicial authority.

When the plaintiff raised this with the NC General Assembly's House Oversight Committee, the committee's legislative attorney stated that it is "well known" among attorneys that clerks issue dispositive appellate orders. The committee later retracted that statement in writing, conceding that the Clerk "is only permitted to sign documents or orders as directed by a three-judge panel." The retraction itself is a primary source document. It confirms the practice was known to be improper and was tolerated as institutional custom until challenged.

More than 50% of civil appellate dismissals in 2023 and 2024 involved pro se litigants. The 2025 data follows the same trajectory. The plaintiff identified approximately 30 affected cases within the applicable statute of limitations. The Court of Appeals also imposed unauthorized fees in the plaintiff's case, a practice documented in over 50 additional cases across the same period.

N5

Office of Administrative Hearings

CASE NO. 25 HRC 00824 | MAR 5, 2025 - JUL 8, 2025

CLAIM / LEGAL BASIS

- **G.S. § 41A-7(e); 42 U.S.C. § 3610(g)(1):** Failure to issue a timely determination
- **42 U.S.C. § 3617; G.S. § 41A-4(a)(2):** Failure to investigate retaliation and discrimination
- **24 C.F.R. § 100.204; 24 C.F.R. § 103.200:** Mischaracterization and improper narrowing of reasonable accommodation claims with exclusion of key evidence
- **24 C.F.R. § 103.230; HUD Handbook 8024.01 REV-2:** Failure to provide access to investigative evidence and follow required final report procedures
- **G.S. § 7A-761; 24 C.F.R. § 103.203(a):** Procedural irregularities indicating bias, negligence, or undue influence
- Contested case under **N.C. Gen. Stat. § 41A-7(l) and § 150B-23** challenging the NCHRC's investigative process
- **N.C. Gen. Stat. §114-2:** The attorney general statutory duty to defend state agencies, but also bound by Rule 1.2 of the NC Rules of Professional Conduct

EVENTS TO THE CLAIM

DATE	DOC #	TYPE	BY/TO	SUMMARY
Mar 5 2025	N5D1		Petitioner	Filed petition for contested case on NCHRC's determination.
Mar 13 2025	N5D2		OAH	OAH accepted the contested case and assigned ALJ.
Mar 14 2025	N5D3		NCHRC/AG	Special Deputy Attorney General entered an appearance on behalf of the NCHRC despite the Commission already having designated counsel.
Mar 17 2025	N5D4		NCHRC/AG	Respondent filed its documents constituting agency action attaching determination as the agency action that led to the contested case.
Mar 18 2025	N5D5		NCHRC/AG	Filed a Motion to Dismiss, arguing the OAH lacks subject matter jurisdiction over appeals of the NCHRC's housing discrimination determination and fails to state a claim for relief.
Mar 18 2025	N5D6		ALJ	Issued order for Petitioner to respond to Motion to Dismiss.
Mar 20 2025	N5D7		Petitioner	Filed a Response in Opposition to the Motion to Dismiss, arguing the OAH has jurisdiction under N.C.G.S. § 150B-23(a) to review procedural violations and due process errors by the NCHRC. Contended motion was premature to file before Petitioner presented the prehearing statement.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Mar 20 2025	N5D8		Petitioner	Filed a Motion to Disqualify the NC DOJ as NCHRC's counsel, citing an inherent conflict of interest as the DOJ simultaneously enforces civil rights compliance while defending the NCHRC against claims of rights violations. Argued the NCHRC has its own general counsel and that the DOJ's involvement creates bias and undermines public trust.
Mar 21 2025	N5D9		Petitioner	Filed Prehearing Statement outlining three main issues: (1) NCHRC's failure to issue a timely determination; (2) failure to investigate documented claims of retaliation and discrimination; and (3) mischaracterization of claims and exclusion of key evidence.
Mar 21 2025	N5D10		ALJ	Order providing AG 21 days from the date of this Order to file a written Response to Motion to Disqualify including a Memorandum of Law to support objections.
Apr 1 2025	N5D11		NCHRC/AG	Response to Motion to Disqualify arguing that DOJ has a statutory obligation to defend state agencies and that Petitioner was never a DOJ client, so no conflict of interest exists.
Apr 1 2025	N5D12		NCHRC/AG	Filed an affidavit from Clint Minatee, manager of consumer protection division, to show DOJ had only processed and declined Petitioner's consumer complaint against landlord.
Apr 1 2025	N5D13		Petitioner	Filed motion to strike the DOJ's response and the affidavit arguing the response was procedurally deficient for failing to submit a separate memorandum of law as ordered and affidavit lacked personal knowledge and constituted inadmissible hearsay.
Apr 2 2025	N5D15		ALJ	Order denying both motion to disqualify the DOJ and motion to strike, finding no good cause existed for either motion. The order also scheduled a hearing on the respondent's motion to dismiss for April 16, 2025.
Apr 3 2025	N5D16		Petitioner	Motion for Reconsideration and Objection to Hearing, challenging the tribunal's April 2 denials on multiple procedural and legal grounds including failure to enforce its own orders, mischaracterization of her arguments, improper scheduling with insufficient notice, and violation of prior order limiting hearings.
Apr 10 2025	N5D17		Petitioner	Notice regarding unreasonable delay in ruling on Reconsideration, noting that no ruling had been issued despite pattern of ruling on all prior motions within one business day.
Apr 10 2025	N5D18		ALJ	Order denying motion for reconsideration but vacating the scheduled hearing. The order directed the tribunal to issue a final decision within 45 days based solely on the record.
Apr 15 2025	N5D19		Petitioner	Motion for Summary Judgment based on the undisputed administrative record and documented procedural violations by the OAH.
Apr 24 2025	N5D20		Petitioner	Notice of Federal Filing and Procedural Delay, informing that she had filed a FHA federal complaint and noted Motion for Summary Judgment remained pending without action.
Apr 24 2025	N5D21		NCHRC/AG	Filed a response opposing Summary Judgment, arguing the NCHRC has sovereign immunity that bars the contested case petition and fails to state a claim upon which relief can be granted rather than disputing the factual record.
May 5 2025	N5D22		Petitioner	Filed a Motion to Compel on her pending summary judgment motion and, in the alternative, moved for recusal of Judge, citing unreasonable delay, procedural inconsistencies, tolerance of respondent's noncompliance, and the appearance of partiality. She included an addendum identifying material misstatements in the DOJ's April 24, 2025 response.
May 23 2025	N5D23		ALJ	Dismissed Petitioner's contested case under Rule 12(b)(6), claiming she failed to state a valid claim. See final determination.
Jun 5 2025	N5D24		Petitioner	Rule 59(e) Motion asserting the May 23 ruling contained clear errors of law, mischaracterized her legal claims, omitted factual procedural history, misapplied sovereign immunity, introduced retaliatory language, and cited inaccurate extra-record material.
Jun 5 2025	N5D25		ALJ	Order Denying Petitioner's Rule 59 Motion characterizing it as a second request, applies to judgments resulting from a trial and the motion untimely.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jun 9 2025	N5D26		Petitioner	Rule 60(b) Motion for Relief arguing the tribunal misapplied Rule 59(e) by wrongly limiting it to trial judgments, misrepresented her procedural history, improperly found her motion untimely, and violated due process. Requested a ruling within five days.
Jun 12 2025	N5D27		NCHRC/AG	Argued Rule 60 is an improper mechanism for reviewing alleged legal errors and cannot substitute for an appeal.
Jun 13 2025	N5D28		Petitioner	Motion to strike the DOJ's filing for defending the ALJ reasoning rather than the agency's position creating an appearance of improper coordination with the tribunal.
Jun 16 2025	N5D29		NCHRC/AG	Opposed motion to strike, asserting it had a right under administrative code rules to respond to motions without a specific order, accusations of improper coordination were unsubstantiated, and has an obvious interest in preserving the tribunal's rulings in its favor.
Jul 8 2025	N5D30		Director to Plaintiff	Denied both Rule 60 motion and motion to strike effectively closing the OAH proceedings.

FINAL DETERMINATION: DISMISSED UNDER RULE 12 (b) (6)

Concluded that Petitioner failed to state a valid claim. In doing so, it refused to consider Petitioner's Prehearing Statement, despite previously ordering its submission and being a legal requirement of the process. She incorrectly stated that a prehearing statement is not part of the complaint unless filed as part of an amended petition.

The decision also relied on extra-record material not introduced by either party and included commentary about Petitioner's ex parte federal TRO filed in the Eastern District, even though that matter was never served and was voluntarily withdrawn. The unexplained reliance on that separate federal filing raised serious concerns about improper judicial coordination or unauthorized monitoring of Petitioner's unserved federal litigation.

The ALJ further concluded that any procedural violations by the NCHRC would not have changed the outcome and therefore did not constitute prejudice. That reasoning contradicted the purpose of the contested case, which was to review the legality and adequacy of the agency's investigative process, not to relitigate the underlying discrimination complaint. The decision also mischaracterized Petitioner's requested relief by framing the case as seeking reversal of the agency's determination or monetary damages, despite Petitioner making no such demand.

Overall, the ruling substituted prejudicial commentary to frame Petitioner as vexatious and procedural mischaracterizations for meaningful legal analysis, disregarded the governing standards, and denied Petitioner a fair adjudication on the merits.

AVAILABLE REMEDIES

» **Federal Civil Rights Action (42 U.S.C. § 1983):** Filed. See Node 7.

SYSTEMIC ISSUES

Petitioner could locate only one other instance in which a complainant filed a contested case against the NCHRC and the matter was fully on the record, *Yeh v. N.C. Human Relations Comm'n*, 2022 WL 19336462 (OAH). There was one additional instance, but it included only the title and indicated that the case was dismissed, without any further information. This is not easily known. Petitioner had to read through North Carolina administrative law to discover it. This approach forces people either to spend $200 filing in North Carolina Superior Court or to end up in federal court, neither of which is a reasonable or straightforward alternative to the NCHRC's failures.

Second, although the North Carolina Department of Justice is required to defend state agencies under N.C. Gen. Stat. § 114-2, the statute also specifically provides that the Attorney General must act in conformance with Rule 1.2 of the North Carolina Rules of Professional Conduct.

Petitioner's argument concerned an institutional conflict of interest under Rule 1.7(a)(2), namely that the DOJ cannot simultaneously claim to enforce civil rights law while defending an agency accused of violating those same protections. The DOJ instead reframed the issue as a personal conflict based on Petitioner's prior complaint to the Attorney General. When an institution charged with upholding the law manipulates the very rules it is supposed to enforce, it signals not merely a procedural failure, but a breakdown in the rule of law itself, where the state is free to choose whom it protects and whom it suppresses.

N6

U.S. District Court, Eastern District of NC

CASE NO. 5:25-CV-260 | MAY 15, 2025 – MAY 27, 2025

CLAIM / LEGAL BASIS

- **42 U.S. Code § 1983:** Civil action for deprivation of rights
- **42 U.S.C. §§ 12131–12165**: Title II of the Americans with Disabilities Act

EVENTS TO THE CLAIM

DATE	DOC #	TYPE	BY/TO	SUMMARY
May 15 2025	N6D1		Plaintiff	Complaint under 42 U.S. Code § 1983 and ADA Title II against 3 district court judges, clerk of the NC Court of Appeals, and opposing counsel detailing 27 different constitutional violations and obstruction of appellate access.
May 15 2025	N6D2		Plaintiff	Emergency ex parte Motion for TRO under Rule 65(b) seeking to stay all state court proceedings and compel disclosure of appellate judges' identities on orders.
May 21 2025	N6D3		EDNC Judge	Denied the TRO finding Plaintiff failed to meet the required showing on merits or irreparable harm. Also denied Plaintiff's motion for electronic filing access without explanation.
May 23 2025	N6D4		Plaintiff	Voluntary dismissal without prejudice under Rule 41(a)(1)(A)(i). Plaintiff preserved the record of the TRO denial and e-filing denial for future proceedings and noted an undisclosed institutional connection between the Judge and opposing counsel.
May 27 2025	N6D5		Plaintiff	Judicial misconduct complaint under 28 U.S.C. §351 against the Judge alleging delayed ruling on emergency TRO and mischaracterization of claims and failure to disclose conflict of interest and denial of ADA based efiling access.
Jun 17 2025	N6D6		Fourth Circuit Chief Judge	Dismissed the judicial complaint finding all allegations were directly related to the merits of judicial rulings and therefore not cognizable under 28 U.S.C. § 352(b)(1)(A)(ii).
Jul 16 2025	N6D7		Petitioner	Judicial Council denied Plaintiff's Petition for Review of the Chief Judge's dismissal order. Exhausts the judicial misconduct remedy.

FINAL DETERMINATION: VOLUNTARY WITHDRAWAL

The plaintiff initially filed in the Eastern District because the events giving rise to the claim occurred within its jurisdiction. She was aware the Middle District was also available and had been encouraged by clerks there to file locally, but she was operating under time pressure and assumed a federal court would adjudicate without personal or professional ties influencing the proceeding. She was wrong.

In his opinion, the presiding judge singled out opposing counsel by name, stated the plaintiff could not involve him in the case, and refused to address her request for an order identifying the appellate judges whose conduct formed the basis of the § 1983 claim. The judge implied the lawsuit was frivolous. He did not disclose that he teaches at the law school opposing counsel and another defendant attended. The plaintiff recognized the signals, voluntarily dismissed the case to preserve her claims, and refiled in the Middle District. The cost of reaching a federal court that would hear the case was $810 in duplicate filing fees.

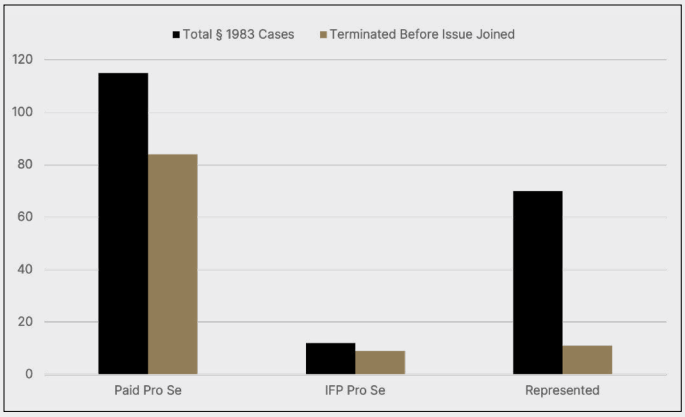
AVAILABLE REMEDIES

» **Federal Civil Rights Action (42 U.S.C. § 1983) in Middle District:** Filed. See Node 8.

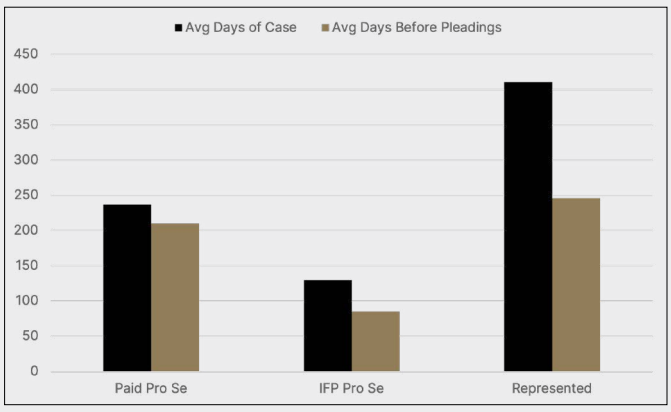
SYSTEMIC ISSUES

Between 2020 and 2025, the **Eastern District of North Carolina** oversaw **197 § 1983 cases** from filing to termination. Of those, 64.5% were filed by pro se litigants, and 90.5% of the pro se cases were paid filings. Of all the cases, **only one resulted in a judgment for the plaintiff, and that plaintiff was represented by counsel**. No pro se litigant has obtained a plaintiff's judgment there in the last five years at the least.

Total § 1983 Cases Filed vs. Cases Terminated Before Pleadings, 2020–2025



Average Days of Case vs Avg Days Before Pleadings, 2020–2025



Source: *Federal Judicial Center's Integrated Database* 2020 -2025

N7

U.S. District Court, Middle District of NC

CASE NO. 1:25-CV-302 | APR 22, 2025 – ONGOING
CASE NO. 1:25-CV-417 | MAY 23, 2025 – ONGOING

The federal court proceedings overlapped because both the magistrate judge and the district judge combined them in their rulings. In addition, the primary Defendant from the state proceedings was named as a party in both federal cases.

CLAIM / LEGAL BASIS

- **42 U.S. Code § 1983:** Civil action for deprivation of rights
- **42 U.S.C. §§ 12131–12165**: Title II of the Americans with Disabilities Act

EVENTS TO THE CLAIM

DATE	DOC #	TYPE	BY/TO	SUMMARY
Apr 21 2025	N7D1		Plaintiff to Clerk	Required to send documents to clerk for prescreening before Plaintiff could file even though she was paying.
Apr 22 2025	N7D2		Plaintiff	FHA complaint against landlord alleging housing discrimination and retaliation.
Apr 22 2025	N7D3		Plaintiff	Ex parte motion for emergency TRO requesting stay of state case and injunctive relief.
Apr 22 2025	N7D4		Plaintiff	Motion for CM/ECF electronic filing access as pro se litigant as required by local rule.
Apr 22 2025			Plaintiff	Summons filed with Durham County Sheriff; defendant's family claimed she didn't live at registered address; certified mail was rejected at same address.
Apr 23 2025	N7D5		Judge	Denied TRO under the Anti-Injunction Act.
Apr 28 2025	N7D6		Magistrate	Magistrate denied CM/ECF access, stating Plaintiff must first demonstrate ability to comply with court rules.
Apr 30 2025	N7D7		Plaintiff	Renewed CM/ECF motion citing ADA needs, financial hardship, geographic distance, and prior e-filing experience.
Apr 30 2025	N7D8		Plaintiff	Motion to recuse Magistrate for implied bias against pro se litigants based on pattern of restrictive rulings.
May 22 2025			Court	Pending motions finally submitted to Judge after 22-day delay.

DATE	DOC #	TYPE	BY/TO	SUMMARY
May 23 2025			Court	Motions reassigned to Magistrate without formal referral order late Friday before Memorial Day weekend.
May 23 2025	N7D9		Plaintiff	Expedited motion for alternative service after certified mail and Sheriff attempts failed due to Defendant being out of the country.
May 23 2025	N7D10		Plaintiff	Filed § 1983 civil rights action (Soar, et al.) with ex parte TRO requesting stay of state case and disclosure of unidentified appellate judges.
May 23 2025	N7D11		Plaintiff	Emergency TRO motion requesting stay and compelled disclosure of unidentified judicial officers.
May 23 2025	N7D12		Plaintiff	Motion for CM/ECF access under Local Rule 5.3(c)(2) in § 1983 case.
May 15 2025	N7D13		Magistrate	Magistrate denied renewed CM/ECF motion on Memorial Day, citing failure to file supporting briefs under Local Rule 7.3(a) when recusal motion was still pending.
May 21 2025	N7D14		Magistrate	Magistrate denied recusal motion using same procedural reasoning as CM/ECF denial.
May 23 2025	N7D15		Judge	Judge denied emergency TRO, dismissing Plaintiff's assertions as vague, conclusory, and insufficient under Rule 65. Did not address the order for judicial officers.
May 28 2025	N7D16		Plaintiff	Rule 59(e) motion renewing request for judicial identification and outlining immediate ongoing harm.
May 28 2025			Court	Motion to for alternative service referred to Judge.
May 28 2025	N7D17		Plaintiff	Motion challenging Magistrate's authority to rule on motions submitted to Judge without formal referral.
May 30 2025			Court	Motion to strike referred to Judge.
Jun 5 2025	N7D18		Magistrate	Magistrate denied motion to strike without referral, claiming Plaintiff failed to cite evidence or authority and rejected disability accommodation request.
Jun 5 2025	N7D19		Magistrate	Magistrate denied motion for alternative service, dismissing declaration under penalty of perjury and opposing counsel email as unreliable.
Jun 5 2025			Plaintiff	Plaintiff called case manager to question why Magistrate ruled on motions submitted to Judge; informed docket entries may have been erroneous. Docket later altered.
Jun 6 2025	N7D20		Plaintiff	Rule 72(a) objection to CM/ECF denial in FHA case.
Jun 6 2025	N7D21		Plaintiff	Supplement to Rule 59(e) motion detailing coerced appellate record submission, unauthorized fees, ignored press request, and evidence of improper influence.
Jun 6 2025	N7D22		Magistrate	Magistrate denied CM/ECF in § 1983 case citing same reasons from related case without individualized assessment.
Jun 6 2025	N7D23		Plaintiff	Rule 72(a) objection to CM/ECF denial in § 1983 case.
Jun 6 2025	N7D24		Plaintiff	Notice of improper case assignment to same Magistrate despite pending recusal motion in related case.
Jun 6 2025	N7D25		Plaintiff to Clerks	Emailed the federal clerk's office to clarify that her method of service on state defendants in their official capacities was valid under Federal Rule 4(j)(2)(B) and North Carolina Rule 4(j)(4) after they literally laughed at her when she tried to file it stating it was wrong.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jun 13 2025	N7D26		Plaintiff	Emergency motion to compel rulings on pending motions; court took no action.
Jun 16 2025	N7D27		Plaintiff	Filed judicial misconduct complaint against Magistrate's bias against pro se litigants with Fourth Circuit Chief Judge providing evidence.
Jun 18 2025	N7D28		Plaintiff to Clerk	Plaintiff requested emergency permission to file a supplemental motion about the NC Court of Appeals trying to dismiss the case by email due to physical illness and out of state travel and the Court blocking access to CM/ECF filing. The Clerk's Office denied the request.
Jun 26 2025	N7D29		DOJ Attorney	Defense filed Rule 12(b) motion to dismiss citing non-existent N.C. R. App. § 16.06 and broken URL claiming that they do not have to provide the names of the judges.
Jun 26 2025	N7D30		Plaintiff	Administrative complaint under Judiciary Policy § 1440.10(a) to Chief District Court Judge.
Jul 3 2025	N7D31		Plaintiff to Clerk	Followed up with the Clerk regarding disability-based CM/ECF access, explaining that the lack of electronic filing was causing severe stress. The Clerk responded stating the ADA does not apply to the federal judiciary, and directed Plaintiff to the court's "Access Coordinator." Plaintiff asked the Clerk to refrained from mocking her requests.
Jul 3 2025	N7D32		Private Attorney	Defense filed 12(b) motion arguing *Rooker-Feldman* barred relief based on state appellate dismissal Plaintiff had warned about and now had evidence to.
Jul 7 2025	N7D33		Judge	Judge denied Rule 72 objection in FHA case, upholding Magistrate's CM/ECF denial and citing internal memorandum as authority for first time.
Jul 7 2025	N7D30A		Chief District Court Judge	Denied administrative oversight complaint by stating it did not raise a legitimate issue under the Judiciary Policy and declined to intervene. Characterized Plaintiff's concerns as dissatisfaction with the timing or quality of judicial decisions.
Jul 10 2025	N7D34		Plaintiff	Rule 59(e) motion challenging denial of Rule 72 objection.
Jul 10 2025	N7D35		Plaintiff	First amended complaint removing Title II claim in FHA. Still unable to serve Defendant due to evasion.
Jul 10 2025	N7D36		Plaintiff	Motion for extension of time to serve summons under Rule 4(m).
Jul 10 2025	N7D37		Plaintiff	Notice documenting ongoing harm from retaliation and obstruction explaining what harms and how the misconduct and abusive tactics have negatively affected Plaintiff.
Jul 10 2025	N7D38		Plaintiff	Notice of procedural misconduct and clarification of relief sought, preserving the record as attorneys were submitting materially false evidence and reframing her relief.
Jul 10 2025	N7D39		Plaintiff	Amended complaint in § 1983 case adding judge from OAH case and landlord and eleven additional constitutional violations; still unable to identify John Doe judicial actors.
Jul 11 2025	N7D40		Judge	Judge denied pending 12(b) motions as moot following amended complaint without addressing any of Plaintiff's motions.
Jul 18 2025	N7D41		Plaintiff to US Courts Admin	Filed second administrative oversight complaint outlining denial of accommodations, delayed rulings, and systemic barriers.
Jul 22 2025	N7D42		Judge	Judge denied extension in FHA but sua sponte granted 30 additional days while threatening dismissal; questioned authenticity of Sheriff and USPS records.
Jul 22 2025	N7D43		Plaintiff to US Courts Admin	Follow up with Assistant Deputy of the US Courts Aministration about complaint. Admin acknowledged complaint had been received.
Jul 24 2025	N7D44		Private Attorney	Defense filed second 12(b) motion labeling Plaintiff's claims fantastical and vexatious, requesting court deny all future amendments.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jul 24 2025	N7D43		DOJ Attorney	Defense sought extension to respond to amended complaint without required consultation under Local Rule 6.1(a); granted before Plaintiff could object.
Jul 24 2025	N7D27A		Fourth Circuit Chief Judge	Dismissed Plaintiff's judicial misconduct complaint holding it challenged the merits of rulings and found her other claims unsupported to raise an inference of misconduct.
Jul 31 2025	N7D46		Plaintiff	Notice of intent to petition for writ of mandamus and request for expedited ruling.
Jul 31 2025	N7D47		Plaintiff	Response in opposition to private attorney's motion to dismiss.
Jul 31 2025	N7D48		Plaintiff	Supplemental motion to renewed ex parte TRO with new evidence and request for judicial name disclosure.
Jul 31 2025	N7D49		Plaintiff	Motion for leave to effect alternative service on defendant in § 1983 case as Wake County Sheriff's Department also failed and Plaintiff had already paid $160 in service fees.
Jul 31 2025	N7D50		Plaintiff	Renewed motion for alternative service on defendant in FHA case.
Aug 7 2025	N7D51		DOJ Attorney	Defense filed motion for extension of time to respond.
Aug 13 2025	N7D52		DOJ Attorney	Defense filed second extension without required consultation under Local Rule 6.1(a); granted within one hour before Plaintiff could object.
Aug 19 2025	N7D53		Plaintiff to Clerk	Confirming Clerk could accept her writ of mandamus and motion for expedited relief could be provided electronically to the assigned district judge and requested Clerk to not grant anymore extensions of time when opposing counsel hasn't properly followed the rules.
Aug 20 2025	N7D54		Plaintiff to Private Attorney	Sent defense counsel a courtesy copy of her mandamus and asked that counsel direct his client to stop contacting her directly, stating that further direct communications would prompt her to seek a protective order and raise the issue with the court.
Aug 20 2025	N7D55		Plaintiff to DOJ Attorney	Send a courtesy copy of her mandamus and questioned the legal and ethical basis for the DOJ representation as part of a broader failure to protect public access and civil rights, to which the Special Deputy Attorney General simply acknowledged receipt.
Aug 20 2025	N7D56		Judge	Judge denied Plaintiff's motion for alternative service by email on Defendant or through her state attorney in the FHA matter, citing insufficient evidence and implying possible perjury while also acknowledging Plaintiff's legal competence. He stated that Plaintiff must develop her own plan, find supporting case law, and that he would not provide legal advice, despite Plaintiff having already attempted all available methods. The order, issued two days before the summons expired, again threatened dismissal and did not allow sufficient time for Plaintiff to seek an extension or file a rebuttal due to blocked CM/ECF access.
Aug 21 2025	N7D57		Judge	Judge denied Plaintiff's Rule 59(e) motion to amend as procedurally improper, characterized the filing as a complaint rather than a valid request for relief, and suggested Plaintiff would be held to a stricter standard than counsel based on an implication of deceit.
Aug 21 2025	N7D58		Judge	Judge denied motion for alternative service in § 1983 case on some Defendant, adopting same rationale despite distinct legal and factual posture.
Aug 22 2025	N7D59		Plaintiff to All Parties	Notified that she intended to supplement her mandamus petition after Judge issued three new orders, which she viewed as retaliatory and an abuse of discretion. She stated she would also file a notice documenting ongoing constitutional violations and related conduct in the state case to preserve the record.
Sept 3 2025	N7D60		Plaintiff	Notice of obstruction, retaliation, and ongoing harm filed in both cases.
Sept 3 2025	N7D62		DOJ Attorney	First Motion to Dismiss under Rule 12 (b) for OAH AL Judge.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Sept 3 2025	N7D63		DOJ Attorney	Second Motion to Dismiss under Rule 12 (b) against judicial actors. Submitted same motion including citing the same non-existent N.C. R. App. § 16.06 and broken URL.
Sept 24 2025	N7D64		Plaintiff	Response in opposition to judicial defendants' motion to dismiss.
Sept 24 2025	N7D65		Plaintiff	Response in opposition to ALJ's motion to dismiss.
Sept 24 2025	N7D66		Plaintiff	Emergency motion for protective order and injunctive relief under Rule 65 due to Defendant trying to get the state dismissed.
Sept 24 2025	N7D67		Plaintiff to Clerk	Followed up after her emergency motion had been delivered but not docketed, stressing the urgency because of the next morning's state hearing and the risk of additional harm. The Clerk confirmed though no timeline for a ruling could be provided.
Mar 25 2025	N7D68		Judge	Denied Plaintiff's pending Rule 59(e), emergency relief, TRO, and protective order motions, and overruled her objections to the magistrate judge's denial of CM/ECF access and referral authority. The order held that Plaintiff had not shown grounds for reconsideration or injunctive relief, found her objections to the magistrate judge meritless, and noted that Defendants' dismissal arguments appeared substantial enough to undermine any showing of likely success on the merits even though no ruling has been made on those motions.
Mar 25 2025	N7D69		Plaintiff	Filed a notice of interlocutory appeal to the Fourth Circuit from the order denying her Rule 65 motion for protective order and injunctive relief.
Mar 25 2025	N7D70		Plaintiff	Moved to stay all district court proceedings, including the pending motions to dismiss, while her interlocutory appeal of the Rule 65 denial was pending in the Fourth Circuit.
Mar 25 2025	N7D72		Plaintiff	Notice in the FHA that she had filed for appeal in the § 1983 case and pending on issues bearing directly on the companion case.

FINAL DETERMINATION: BOTH CASES PENDING

Federal actions remain stalled at the threshold. In the § 1983 action, Plaintiff cannot proceed without identification of the judicial officers who issued the anonymous state appellate orders. The judge had not ruled in either case for six months, which may have changed only after Plaintiff filed a writ of mandamus in the Fourth Circuit. (See Node 8.)

That mandamus petition was denied, forcing Plaintiff to seek relief in the US Supreme Court through a petition for writ of certiorari. Certiorari was denied without review on March 2. Plaintiff filed a petition for extraordinary writ under Rule 20 and 28 U.S.C. § 1651(a), which was received by the Court on March 12. The Supreme Court refused to accept that filing on April 1, 2026. (See Node 9.)

The sudden movement and denial of seven filings without warning follows a pattern of reactive action rather than merits-based adjudication. Because of the continued retaliatory language in the orders and repeated preemptive threats of dismissal, Plaintiff had to drive two and a half hours out of her way to file a notice of appeal because she remains blocked from CM/ECF access.

Her FHA case is nearly one year old, and she has been the only active party in it. The judge has threatened dismissal three times yet refused to dismiss the case, preventing immediate appeal. Plaintiff cannot file another writ of mandamus because the Fourth Circuit systematically denies mandamus petitions filed by pro se petitioners. (See Node 9.) There is no remaining method of service on Defendant that Plaintiff has not already attempted.

AVAILABLE REMEDIES

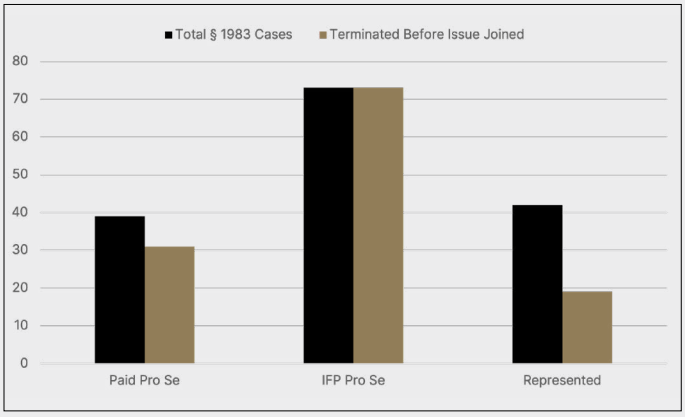
» **Writ of Mandamus under 28 U.S.C. § 1651 (All Writs Act):** Filed and denied. See Node 8.

» **Interlocutory Appeal under 28 U.S.C. § 1292(a)(1):** Filed. See Node 8.

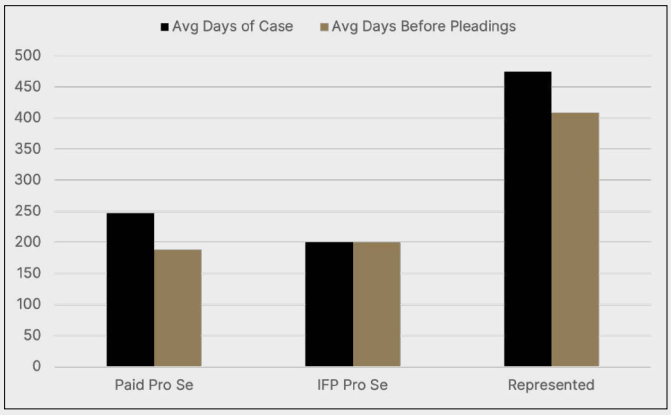
SYSTEMIC ISSUES

Between 2020 and 2025, the **Middle District of North Carolina** oversaw **154 § 1983 cases** from filing to termination. Of those, 72.7% were filed by pro se litigants, and 53.4% of the pro se cases were paid filings. **All IFP cases were dismissed before the pleadings**, despite an average case duration of 208 days. Of all the cases, **only one resulted in a judgment for the plaintiff, and that plaintiff was represented by counsel**. In the district where the statute originated in 1871, no pro se plaintiff has had a judgment in their favor since 1988.

Total § 1983 Cases Filed vs. Cases Terminated Before Pleadings, 2020–2025



Average Days of Case vs Avg Days Before Pleadings, 2020–2025



Source: *Federal Judicial Center's Integrated Database* 2020-2025; 1988 - 2025

N8

Fourth Circuit Court of Appeals

CASE NO. 25-1995 | AUG 20, 2025 - NOV 18, 2025

CLAIM / LEGAL BASIS

» **28 U.S.C. § 1651 (All Writs Act):** Writ of Mandamus to compel rulings and abuse of discretion

EVENTS TO THE CLAIM

DATE	DOC #	TYPE	BY/TO	SUMMARY
Aug 20 2025	N8D1		Petitioner	Petition for Writ of Mandamus seeking emergency relief in two MDNC cases alleging constitutional violations and obstruction of federal court access.
Sept 3 2025	N8D2		Petitioner	Supplemental Petition for Writ of Mandamus addressing three new district court orders issued after the original petition, arguing they compounded the pattern of constitutional violations.
Sept 17 2025	N8D3		Fourth Circuit Panel	Unpublished per curiam opinion denying the petition for writ of mandamus. See final determination.
Sept 18 2025	N8D4		Petitioner	Petition for Rehearing and Rehearing En Banc challenging the per curiam denial, arguing the panel failed to address documented constitutional violations and misapplied the mandamus standard.
Sept 19 2025	N8D5		Petitioner	Notice of Emergency Circumstances Pending Rehearing alerting the court to ongoing harm and urgent developments requiring immediate attention while rehearing was pending.
Oct 21 2025	N8D6		Fourth Circuit Panel	Order denying the petition for rehearing and rehearing en banc.
Oct 23 2025	N8D7		Petitioner	Motion to Correct or Modify the September 17 Opinion under 28 U.S.C. § 2106, arguing the per curiam opinion contained factual and legal errors requiring correction.
Oct 24 2025	N8D8		Petitioner	Responded to the Clerk's refusal to docket her motion to correct or modify the opinion, arguing that a request to correct an order is not the same as a motion for reconsideration. She asserted the court had inherent authority under 28 U.S.C. § 2106 to correct its own orders and that the record needed to accurately reflect the purpose of the mandamus petition so she could seek certiorari.
Nov 18 2025	N8D9		Petitioner	The court construed Plaintiff's response to the clerk's refusal letter and motion to correct the opinion as a motion to reconsider its Local Rule 40(h) notice and to accept the correction motion, then denied that request. In doing so, the court used a local rule to block a filing brought under federal statutory authority.

FINAL DETERMINATION: DENIED

The Fourth Circuit denied Plaintiff's petition for writ of mandamus in both pending federal cases, but the order did not meaningfully apply the governing *Cheney* standard. Under *Cheney v. U.S. District Court for the District of Columbia*, 542 U.S. 367 (2004), mandamus requires a showing that the petitioner has no other adequate means to obtain relief, that the right to relief is clear and indisputable, and that issuance of the writ is appropriate under the circumstances. The court's ruling addressed the petition only in broad, conclusory terms, stating that the record did not show undue delay and that no other basis for mandamus relief had been identified, without engaging the specific argument that Plaintiff had no adequate avenue to challenge discretionary district court rulings that were not immediately appealable.

The order also stated that mandamus could not be used to vacate or overturn district court orders because such relief must be pursued through ordinary appellate review. Plaintiff's position, however, was not simply that she wanted adverse rulings reversed on the merits. Rather, she argued that certain rulings were issued through abuse of discretion and procedural irregularity, and that mandamus relief was necessary precisely because ordinary appellate review was not available at that stage. In that respect, the court characterized the petition as an improper substitute for appeal without squarely addressing the narrower claim that mandamus was being sought to correct nonappealable harms for which no adequate alternative remedy existed.

AVAILABLE REMEDIES

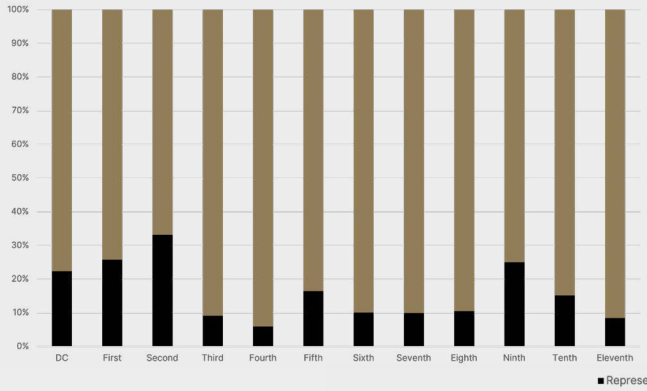
» **28 U.S.C. §§ 1254, 1257:** Petition for Writ of Certiorari. Filed See Node 10.

SYSTEMIC ISSUES

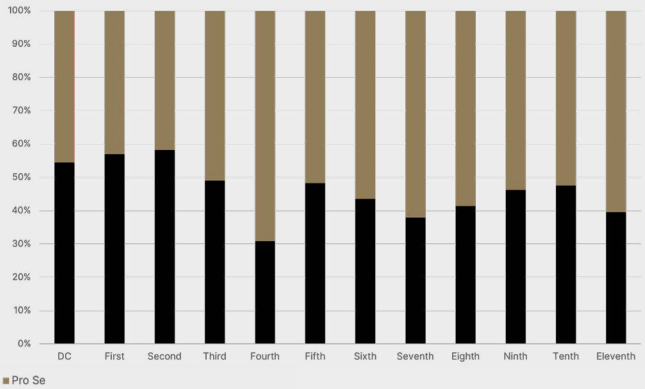
The Fourth Circuit has the highest rate of pro se mandamus filings at 94%. In the last 10 years, 10 petitions were granted for represented parties, but none were granted for pro se, and every recorded opinion was unpublished.

It also has the highest rate of pro se appellate filings at 69%, with only 1.8% resulting in reversal, compared with 11.3% for represented parties.

% of Mandamus Filings By Party Per Circuit



% of Appeal Filings By Party Per Circuit



Source: *Federal Judicial Center's Integrated Database* 2016-2025

N9

North Carolina General Assembly; NC Executive Branch; U.S. Congress

JUN 24, 2025 - JAN 5, 2026

CLAIM / LEGAL BASIS

NC General Assembly (Senate Judiciary, House Judiciary 1, House Oversight)

- **Article I, §6 of the NC Constitution:** all branches of government remain accountable to the people
- **Article IV, §17(2):** General Assembly shall prescribe procedures for removal of a justice or judge for willful misconduct
- **N.C. Gen. Stat. §120-19.1:** empowers oversight committees to compel testimony, subpoena records, and investigate state agencies including judicial actors in administrative roles (like the Clerk of Court or AOC)
- **Article IV, §13(2) and G.S. §7A-33:** charge the NC Supreme Court with approving Court of Appeals rules; legislature's oversight extends to whether that supervisory duty is being fulfilled

U.S. Congress (Rep. Foushee, Sen. Tillis, Rep. Crockett, Rep. Ross)

- **House Rule X, clauses 2–4**: standing committees must conduct oversight of laws and programs within their jurisdiction
- **The House Judiciary Committee:** has explicit jurisdiction over federal courts, judges, and the administration of justice
- **Subcommittee on Judicial Oversight:** authority to investigate how federal courts handle pro se mandamus petitions and § 1983 cases
- **Congressional Duty:** to ensure federal courts fulfill their obligation under 42 U.S.C. § 1983 to provide remedies for constitutional violations by state actors

N.C. Attorney General & Governor

- **N.C. Gen. Stat. § 143B-1208.6:** Department heads to report possible violations of criminal statutes involving misuse of State property to State Bureau of Investigation.

  The head of any department, agency, or institution receiving such information or evidence shall, within a reasonable time but no later than 10 days from receipt thereof, report such information… in writing to the Director of the State Bureau of Investigation.

EVENTS TO THE CLAIM

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jun 24 2025	N9D1	✉	NC Senate Judiciary, House Judiciary 1, House Oversight	Formal request for legislative oversight into alleged fraud at the Court of Appeals. Detailed Clerk Soar's issuance of orders without judicial review, unauthorized court fees, concealment of judicial names, and obstruction of public records requests.
Jun 25 2025	N9D2	✉	Rep. Valerie Foushee (US House, NC-04)	Written response declined jurisdiction, calling it a state matter. Plaintiff replied that she was asking about a federal rule weaponized against pro se litigants, not requesting interference. Foushee's office called Plaintiff almost immediately after receiving the email. Staff listened to her situation and asked what she was hoping for. Foushee's staff stated she was not on the judiciary committee but would do her best. Nothing came from it.
Jul 4 2025	N9D3	✉	NC Rep. Ted Davis to Plaintiff	Rep. Davis responded that his committee's limited duty is to address bills assigned by the Speaker or House Rules Chairman and does not have authority to act on the request.
Jul 9 2025	N9D4	✉	Senator Thom Tillis (US Senate) to Plaintiff	After reaching out via Senator Tillis' website, Tillis' response declined jurisdiction, characterizing the matter as a legal issue outside his office's authority. Suggested contacting the NC Bar Association's Public Lawyer Referral Service.
Jul 17 2025	N9D5	✉	Joe Coletti and NC House Oversight Committee	Plaintiff documented Jul 17 phone call in which Wes Jones, legislative attorney, stated it was 'well known among attorneys' that clerks issue dispositive appellate orders. Coletti later retracted this in writing. Plaintiff challenged Coletti's Jul 31 response and requested a direct yes-or-no vote from every Oversight Committee member on their duty to investigate and along with the NC Supreme Court's supervisory role. No response.
Jul 22 2025	N9D6	✉	Governor Stein	Requested accountability in state procedures. Asked whether the Governor was aware of the practice and whether he would support an investigation, noting the AG office's prior failure to investigate her original consumer complaint.
Aug 3 2025	N9D7	✉	NC Attorney General Jeff Jackson	Requested internal investigation of staff attorneys for submitting false filings in federal court, public advisory opinion affirming judicial names on appellate orders are public records, investigation of COA and Supreme Court practices, and recusal from representing state defendants in Plaintiff's litigation due to conflict of interest. No response received.
Dec 3 2025	N9D8	✉	Governor Stein	Stated the judicial branch is independent and the Governor's office lacks jurisdiction to change its policies. Directed Plaintiff to contact state representatives, the Judicial Standards Commission, and the Administrative Office of the Courts.
Dec 12 2025	N9D9	✉	Plaintiff to US Rep. Jasmine Crockett; Rep. Deborah Ross	Plaintiff had first contacted Rep. Ross's office on Jul 22 2025 but never heard back; was later told the office was experiencing turnover and the inquiry was likely lost in transition. Email to Crockett and Ross that presented Fourth Circuit mandamus data, federal pro se dismissal statistics, and requested investigation into systemic barriers. Ross's staff claimed it was outside their scope and suggested Legal Aid. Plaintiff pushed back, citing House Rule X oversight authority. Follow-ups to both offices sent Jan 5, 2026 with no response.

FINAL DETERMINATION: NONE

Every single entity either deflected to another body, mischaracterized your request as asking for legal interference rather than oversight, or simply didn't respond.

AVAILABLE REMEDIES

» Vote them out of office in the next election.

N10

Supreme Court of the U.S.

CASE NO. 25-768 | DEC 9, 2025 - MAR 2, 2026

REJECTED FILING BY CLERK | MAR 12, 2026 - APR 1, 2026

CLAIM / LEGAL BASIS

» **28 U.S.C. §§ 1254, 1257:** Petition for Writ of Certiorari.

EVENTS TO THE CLAIM

DEC 9, 2025 | DOC N10D1

Petitioner filed a petition for writ of certiorari seeking review of the Fourth Circuit's denial of mandamus relief and its later refusal to correct that opinion under 28 U.S.C. § 2106. The petition presented two central questions. First, whether the Fourth Circuit may impose "undue delay" as a standalone prerequisite to mandamus relief when Cheney does not include that requirement. Second, whether the court may categorically deny mandamus as a "substitute for appeal" without first determining whether any appeal is actually available.

The petition set out the broader procedural background in both the federal Fair Housing Act case and the related § 1983 action, both arising from the same state court landlord-tenant dispute and both assigned to the same district judge and magistrate judge. It described a pattern of threshold barriers in federal court, including repeated denial of CM/ECF access, denial of alternative service despite evidence of evasion and actual notice, unresolved motions preventing the cases from moving forward, and the continuing inability to identify the state appellate judges who issued anonymous orders against her. The petition argued that these barriers left both federal cases stalled before reaching the merits and that the district court's refusal to rule on critical motions compounded the harm over time.

The petition further explained that mandamus was sought not only to compel rulings on pending threshold motions, but also to address later district court orders characterized as abusive and retaliatory. It argued that the Fourth Circuit denied relief in a brief unpublished opinion without meaningfully applying the Cheney factors, instead relying on boilerplate findings. According to the petition, that reasoning was legally defective because delay is not an independent Cheney requirement, and because the substitute-for-appeal principle presupposes that an appeal actually exists, which petitioner argued was not true in her cases.

The petition also framed the issue as a broader structural problem. It asserted that the Fourth Circuit routinely disposes of pro se mandamus petitions through unpublished, formulaic opinions invoking "undue delay" and "substitute for appeal" without explaining what qualifies as undue delay or whether an adequate alternative remedy exists. It compared that practice with other circuits, argued that it creates an outcome-determinative split, and contended that these categorical rules disproportionately affect pro se litigants by insulating district court inaction and threshold obstruction from meaningful supervisory review.

FINAL DETERMINATION: DENIED WITHOUT JUDICIAL REVIEW

AVAILABLE REMEDIES

» **28 U.S.C. § 1651(a):** Petition for Extraordinary Writ

EVENTS TO THE CLAIM

MAR 12, 2026 | DOC N10D2

After certiorari was denied, petitioner was left without relief while both federal cases remained stalled at the threshold. She had exhausted every ordinary avenue available to her. The Supreme Court had been presented with a systemic issue affecting more than a thousand litigants, yet the discretionary nature of certiorari left unclear whether the denial reflected judicial review by the Chief Justice, administrative screening, or some other internal process. Because no law prohibited a litigant from seeking clarification where constitutional rights remained impaired and no supervisory relief had been provided, petitioner proceeded under 28 U.S.C. § 1651(a) through a separate petition for extraordinary writ.

That filing did not fit neatly within any traditional writ category. Petitioner was not seeking mandamus in the ordinary sense because she was not merely asking the Court to compel a lower court to perform a ministerial act, nor was prohibition appropriate, nor would another petition framed as certiorari have addressed the problem already presented and denied. In her view, forcing the filing into one of those established labels would have invited automatic rejection based on standards that did not match the relief sought. She therefore characterized the request as sui generis, not to evade legal requirements, but to reflect that the petition was of its own kind while still grounded in the All Writs Act and Rule 20, both of which require only that the requested writ be necessary or appropriate in aid of the Court's jurisdiction and agreeable to the usages and principles of law.

The petition argued that 28 U.S.C. §§ 1254 and 1257 are unconstitutional as applied where no alternative supervisory authority exists, because they permit discretionary review without an intelligible principle even when only the judiciary can correct structural failures within the Article III hierarchy. It further argued that the Court's treatment of extraordinary writ petitions under § 1651(a) has been improperly collapsed into the ordinary certiorari process. According to the petition, certiorari permits discretionary review, while § 1651(a) requires a judicial determination whether issuance of a writ is necessary or appropriate in aid of the Court's jurisdiction. Summary denial without any indication that this separate statutory standard was evaluated, petitioner argued, effectively nullifies the independent force of the All Writs Act and raises the question whether an Article III judge meaningfully applied the governing standard at all.

The petition emphasized that both federal actions remained effectively frozen, that the summonses had expired, and that petitioner had already exhausted motions, objections, emergency filings, judicial-conduct complaints, administrative complaints, mandamus in the Fourth Circuit, certiorari, and congressional outreach without obtaining substantive supervisory relief. On that basis, she asked the Court to grant an extraordinary writ sui generis and address both the nondelegation problem embedded in §§ 1254 and 1257 and the Court's own practice of summarily disposing of writ petitions under § 1651(a).

FINAL DETERMINATION: BLOCKED BY ADMINISTRATION

APR 1, 2026 | DOC N10D3

The Office of the Clerk of the United States Supreme Court returned petitioner's Petition for Extraordinary Writ Sui Generis, which had been submitted under Rule 20 and 28 U.S.C. § 1651(a). The return letter stated that the Rules "make no provision" for such a petition and directed petitioner to reframe the filing as a petition for writ of mandamus, prohibition, or habeas corpus.

Petitioner spoke both with the case manager and supervisor. She explained that her petition did not fit within the enumerated writ categories because it challenged the constitutionality of the Court's own procedural framework, and forcing it into one of those labels would ensure denial on grounds unrelated to the substance of the filing. She was told that Rule 20 required the petition to be named as one of four recognized writ forms. When petitioner read Rule 20.2 aloud, she was asked whether she was reading the actual Rules. After a pause, she was told that the limitation was simply assumed, and that Rule 1.1 allowed them to reject her filing. Petitioner responded that denying a filing on grounds not found in the Rules violated due process.

She was further told that no one is permitted to question the constitutionality of a Supreme Court decision. When she asked for the rule or law imposing that prohibition, she was told that it was simply understood. Petitioner stated that she would file a motion seeking judicial review. She was then told that such a motion would not be docketed, nor would any related motion she attempted to submit. When she asked for that position in writing, the Clerk's Office refused.

It remains unclear whether the Clerk's Office acted on its own or at someone else's direction. What was clear, however, was that petitioner was prevented from obtaining judicial review of the filing by administrative staff rather than by an Article III judge. The Clerk's Office not only imposed extra-textual filing restrictions, but also effectively gave legal direction that would have forced her into a writ category she knew did not apply. In her view, the filing was blocked because it presented a question the Court's administrative process did not want placed on the record for the public to view.

AVAILABLE REMEDIES

» **The only remedy is constitutional amendment**

SYSTEMIC ISSUES

From 1993 through 2025 Terms, the Supreme Court received 3,202 mandamus petitions and not one was granted.[333] The Court **has not issued a writ of mandamus since 1962**.[334]

Furthermore, **205,522** out of 211,988 **petitions for certiorari have been denied or dismissed**;[335] The Court itself has acknowledged that approximately 97% of petitions may be denied at a preliminary stage without joint discussion among the Justices.[336]

N11

Durham County District Court

CASE NO. 26CV001489-310 | AUG 29, 2025 – APR 8, 2026

This node documents a proceeding unrelated to the primary dispute at the center of this case study, but it was not isolated. The same structural failures appeared again in the administrative handling of this matter before the case ever began, in a different forum, on a different claim. What occurred in the courtroom on April 8, 2026 suggests the plaintiff was not appearing before a neutral arbiter. It was only after the hearing that she discovered the presiding judge's attendance at NCCU of Law overlapped with that of the NC Court of Appeals clerk. Any appeal of the ruling would route directly to him. This case is included because it demonstrates how abuse of power continues to spread when federal courts refuse to hold anyone accountable, and the extreme lengths the institution will go to punish those who defend their rights.

CLAIM / LEGAL BASIS

- **N.C.G.S. § 105-381(a)(1)(a):** Refund of Tax Imposed Through Clerical Error
- **N.C.G.S. § 105-381(a)(1)(b):** Refund of Illegal Tax

EVENTS TO THE CLAIM

DATE	DOC #	TYPE	BY/TO	SUMMARY
Aug 29 2025	N11D1	✉	Plaintiff	Reported clerical error in property tax of vehicle (Hyundai Ioniq 5 misclassified as Disney 100 P), requesting reassessment and refund under N.C.G.S. § 105-381 for 2024 and 2025. County has 90 days to issue refund or deny the request in writing citing legal basis.
Sept 8 2025	N11D2	✉	Durham Cty	County recommended adjusting vehicle assessed value from $50,880 to $40,676 based on NADA valuation for 2025, treating correction request as an appeal.
Sept 8 2025	N11D3	✉	Plaintiff	Plaintiff responded that she did not file an appeal but a clerical error correction under N.C.G.S. § 105-381.
Sept 19 2025	N11D4	✉	Both parties	County explained its position on clerical error vs. appeal distinction; Plaintiff challenged the recommendation and noted DMV had already corrected the error.
Oct 1 2025	N11D5	✉	Durham Cty	Issued second recommendation letter with same value adjustment ($50,880 to $40,676), requesting acceptance or rejection within 10 days.
Oct 5 2025	N11D6	✉	Plaintiff	Continued disputing mishandling of correction request, citing same statutes and requesting both 2024 and 2025 tax years be reassessed.
Dec 17 2025	N11D7	✉	Durham Cty	Tax Administrator provided vehicle valuation data noting discrepancy between assessed value and market value, indicating formal appeal would be required.

DATE	DOC #	TYPE	BY/TO	SUMMARY
Jan 29 2026	N11D8		Plaintiff	Plaintiff detailed five procedural and substantive deficiencies in county's tax refund denial, requesting Board reconsideration or announcing intent to file suit under § 105-381.
Jan 29 2026	N11D9		Plaintiff	Plaintiff requested outstanding public records and challenged county's legal position on clerical error, citing *Ammons v. County of Wake*.
Feb 10 2026	N11D10		Plaintiff	Complaint for refund of property taxes under N.C.G.S. § 105-381, alleging county unlawfully assessed vehicle and failed to respond within statutory 90-day period. Relief was for $293 plus statutory interest at the rate of 6% per annum and court fees.
Feb 12 2026	N11D11		Plaintiff	Civil summons served on Durham County by personally delivering to Clerk's office as allowed under under N.C.G.S. § 4(j)(5)(b) that states: "Upon a county by personally delivering a copy of the summons and of the complaint[.]"
Feb 12 2026	N11D12		Plaintiff	Affidavit of service confirming personal delivery of summons and complaint to Durham County Clerk's office with witnesses present after court flagged her filing claiming it was not valid because it did not contain a signature.
Mar 10 2026	N11D13		Defendant	Motion to dismiss under Rules 12(b)(2), 12(b)(5), and 12(b)(6), claiming governmental immunity, improper service, and failure to state a claim. Filed without memorandum.
Mar 13 2026	N11D14		Plaintiff	Motion to strike defendant's motion to dismiss and motion for default judgment under Rule 55(b), arguing defendant failed to properly appear.
Mar 13 2026	N11D15		Plaintiff	Request for entry of default under Rule 55(a), citing defendant's failure to appear with counsel as required by Local Rules 1.9 and 1.14.
Mar 13 2026	N11D16		Plaintiff	Served motions by email and asserted that defendant's counsel had not properly appeared or registered in eCourts, leaving Durham County listed as pro se in the official record. Counsel responded that he complied with Local Rule 1.14 by filing a pleading bearing his name, even though the motion was not classified as a pleading under N.C.G.S. § 7(b).
Mar 13 2026	N11D17		Both parties	The chain documents that Plaintiff's request for entry of default was not denied by rule or judicial order in the first instance. Instead, court staff altered counsel's status administratively, misidentified the proper scheduling authority, injected a new service objection based on outside administrative advice, and then redirected a mandatory clerk function to a judge without citing any written legal authority.
Mar 19 2026	N11D18		Plaintiff	Notice of bad faith and misconduct alleging improper procedures and violation of local rules by opposing counsel.
Mar 23 2026	N11D19		Plaintiff	Formal notification to County Attorney and Board of Commissioners regarding litigation developments in property tax refund dispute.
Mar 23 2026	N11D20		Plaintiff	Motion to compel entry of default or, alternatively, for court to enter default against defendant for failure to properly appear.
Apr 2 2026	N11D21		Defendant	Memorandum in support of motion to dismiss arguing procedural defects in service and challenging plaintiff's tax assessment claims.
Apr 2 2026	N11D22		Defendant	Memorandum in opposition to plaintiff's motion to strike, motion for default judgment, and motion to compel default entry.

FINAL DETERMINATION: DISMISSED WITH PREJUDICE IN ERROR

APR 8, 2026

Plaintiff attended a hearing on four pending motions: Motion to Dismiss, Motion to Strike, Motion for Default Entry, and Motion to Compel. The judge invited Plaintiff to argue her Motion to Strike first. Plaintiff suggested addressing the service issue first, as a finding of improper service would render the Motion to Strike moot. The judge declined and proceeded with the Motion to Strike. After Plaintiff presented her argument, the judge denied the motion without addressing Plaintiff's central argument that the defendant, a county corporation, had not properly appeared in violation of North Carolina law prohibiting corporations from appearing pro se. The judge stated he would provide the legal basis for the denial after the Motion to Dismiss.

During argument on the Motion to Dismiss, Plaintiff presented evidence from the North Carolina Attorney General's website supporting her position on service. When opposing counsel made statements Plaintiff had documentary evidence to contradict, she asked the judge to review it before ruling. The judge declined, stating he was ready to rule.

Before announcing the ruling to Plaintiff, the judge directed opposing counsel to retrieve pen and paper and dictated the terms of the dismissal order aloud in open court. Plaintiff had not yet been told the outcome.

The court dismissed the case with prejudice for lack of jurisdiction based on alleged failure of service, ruling that Plaintiff was required to serve the complaint through the sheriff's department. No statute, rule, or case law was cited in support of that requirement. The Motion to Strike was denied as having no legal basis, without engaging the arguments Plaintiff presented.

Plaintiff asked to be heard on reconsideration. The judge declined. When Plaintiff requested the legal authority supporting the sheriff-only service requirement, the judge stated she would have to wait for the written order and then seek an attorney. Plaintiff responded that she did not need an attorney and repeated her request for the legal basis. The judge repeated that she would have to wait for the written order. Plaintiff stated she was done and began gathering her materials. The judge directed her to look at him and listen. Plaintiff repeated that she was done and that nothing further needed to be said. The judge then ordered the bailiff to take her into custody.

The bailiff physically restrained Plaintiff, escorted her to a corner of the courtroom, and began placing handcuffs on her in front of parties waiting for the next hearing. When Plaintiff asked whether she was being arrested and on what charge, the judge directed the bailiff to remove the handcuffs. The judge declared Plaintiff had been disrupting proceedings and stated he would release her from custody only if she agreed to leave the courtroom without disruption and without making any further statements. Under physical coercion, Plaintiff agreed and left the courtroom.

Plaintiff immediately filed a request for the recording of the hearing. The dismissal order had not been signed as of the time of this summary.

AVAILABLE REMEDIES

- **Rule 59 (a):** Amendment of judgments
- **Federal Civil Rights Action (42 U.S.C. § 1983**

FROM THE AUTHOR

THE RESOLVE

This paper is not a look at what the system has become. It is a meta-analysis of what the system has been, cloaked in complexity, secrecy, and superiority, preying on the idealism of hope and justice. It is anchored in a case that is playing out in real time, on public record, with real filings, real orders, and real consequences for my day-to-day life. It is harder to dismiss this as a theory when you can trace it line by line through documents, dates, and transcripts supported by more than a century of scholarly observation.

In deciding to write this paper, I was unsure whether to include my case. It is ongoing, and every time I have stood up for myself within the judiciary, I have been retaliated against. It was frightening to think how I would be treated when this was exposed to the public. But that is why I wrote it. Not only for the courts or for Congress to confront their failures, but also to be a voice for every person who has been silenced by this branch.

Before this case, I believed in the justice system. I understood it was not perfect. But if someone broke the law and there was no disputing of fact, then there would be consequences. I respected the courts. I respected attorneys. I respected judges. I worked for a police department for 3 years. I have always been "legally minded" and easily understood law. At one point, I was determined to have a career in it.

That is why I thought my case was unusual. It didn't make sense to me. It forced me to ask "why," and every time I did, more questions arose. Yet through the cognitive dissonance, I still had hope. I was rationalizing injustice as incompetence and convinced that the next court would be the one that would do something about it because they are a "real court."

That hope failed me when a clerk from the highest court in the country blocked my petition from being docketed under no legal or judicial authority. There was absolutely nothing I could do about it. That is not adjudication. It is administration masquerading as law.

Every filing took hours of my time making sure I followed every rule. Did I make mistakes? Small ones. Punctuation, citing a case that had been codified into statute without my knowledge or the wrong page number in the citation. But every filing had evidence supporting my statements, was grounded in case law, and was signed under declaration of perjury.

Yet almost every filing by an attorney or a judge at every level contained false statements, misinterpretations of the law, or mischaracterizations. No consequences. No oversight. No answers.

Law on the page is not complicated. What complicates it, what makes it dangerous, is when people twist it, selectively apply it, or use its procedures to bury inconvenient truths.

I am neurodivergent. I live with ADHD, am on the spectrum, have anxiety, and carry a history of trauma. These conditions fall under ADA-recognized disabilities, and I hated having to bring them into this case. However, the necessity of bringing them up and their subsequent neglect reveals more about the system than it does about me.

In this country, “disability” implies something is broken, that a person is fundamentally less. That is not true for me or anyone. The disability is not my mind. The disability is a society that refuses to make space for difference and instead punishes it. But that is what drives people like me.

All the anxiety that is created by it, supported and intensified by my AuDHD and justice sensitivity, requires a release. I do so by intellectualizing through study and research.

I process information differently, notice patterns other people miss, and connect dots quickly. All the dots must connect based on the fundamental information that is presented to me. If one dot is missing and it holds value, I can’t function until I find it. The hunt is meticulous and structured and involves researching every tiny detail, asking nonstop questions, making mistakes along the way so I can learn what does and doesn’t work, and moving one piece to the next until I locate it. This paper was written in this way, and I found a pattern that has been repeating in this country for over a century.

I chose to focus on the civil side of the system because the harm I experienced kept being minimized or treated as irrelevant precisely because it lived in that space called “civil.”

Civil court is where you go when something deeply personal has been damaged, whether your home, your livelihood, your reputation, or your rights. It is where emotion should matter, because the outcome doesn’t fall on the state; it falls on the person who had the courage to put it on public record.

Yet in civil court, if you are forced to take on your own case, you aren’t allowed to bring emotion into the court. You must never appear “too emotional,” even as the other side uses every psychological tool available to push you to the brink. You are expected to take a beating without flinching, and I did over and over again.

I did everything I could to make each of them understand what I was going through. I shared studies and definitions they might not understand. Instead of educating themselves, it was used as a weapon to provoke me, to portray me as unstable and irrational, and to set me up so the accusations of aggressiveness and violence could be confirmed by a triggered reaction. It was enabled by judges who called me incompetent, ridiculed my claims, and accused me of deceit. It reached a point where every notification made my adrenaline spike. I would feel dizzy as I prepared myself to read each notification.

Some call this “hard-fought” or “zealous” litigation. A deliberate tactic to weaponize someone’s vulnerabilities, push them towards questioning their reality, and cause physical, emotional, and financial distress is not litigation. That is the definition of malice. Malice in law is what defines criminal intent. Changing the word doesn’t change the action.

This country was so intent on classifying law as this distinguished science, yet it refuses to learn from its environment. Law is rooted in philosophy and connected to psychology. You cannot judge the impact of harm on a person without understanding how they are impacted,

not just physically or financially, but emotionally. Yet the very expression of that impact is treated as disqualifying.

Judges are supposed to be the people who can step back from their ideology, religion, politics, and personal biases long enough to see the person in front of them. That's the root of knowing oneself. That is why the role is so important and so dangerous when it fails. When judges refuse to examine their biases, when they conflate "respect for the court" with silence and submission, the system harms the very people it claims to protect.

Justice is not something a person chooses to seek. It is the acknowledgment of an individual's humanity, rights, dignity, and position within the moral and legal framework. Injustice distorts reality, strips a person of legitimacy, denies their voice, and severs the connection between who they are and how they are treated.

That is why the harm runs deeper than being disgruntled. It is an injury to personhood, to truth, and to rightful place. Once humanity is stripped out of the law, so are ethics and morality. When that happens, law stops being a tool for justice and becomes a shield for power.

We are in a unique time in history. The system is being forced to confront itself, not just by this paper, but by AI. It played a real role in how I survived this process. I did not outsource my thinking for it. I used it as a sounding board. It did something else for me that no human in the system seemed willing to do. It met me where I was, treating me as competent, acknowledging my questions, and validating my confusion as evidence that something was wrong. It helped me stay grounded on nights when my heart rate spiked while reading an order or motion that lacked logical or legal sense.

What does that say about this country? What does it say about this branch? That a piece of code trained not to be biased protected me more than a federal judge on a bench. That the contempt for a pro se litigant can be more powerful than the oath they swore to uphold.

They will try to paint me as disgruntled. They will do everything to discredit me. This is the American way. This system tends to avoid confronting the harsh realities. They try to bury it rather than fixing it. It is easier that way.

But I am an American citizen with ancestors who fought in the Revolutionary War. I am part of the largest generation in the population. There is no label that can be placed on me to make this easier. So even though this is not the worst situation, it is a case that reveals how this branch, how this government, truly operates and values its citizens. It is not a theory. It's not one view. It's evidence supported by hundreds of citations, disturbing numbers, and a full public record.

I ask you not to pay attention to the noise. Let the record speak for itself. Pay attention to how it connects. Because I do not believe it was a coincidence that this happened in North Carolina. The patterns in this paper trace back to this state even at their farthest points. The rule of law in this state is an option for those in power and used as punishment for anyone that challenges them.

Everyone should also pay attention to those running for the bench and how deeply politics and the machinery of division cause harm. The fact that a judge facing documented constitutional violations in an active case can simultaneously run for a higher court on a platform of defending constitutional rights is not a scandal. It is the system working as designed. A party will promote a candidate embedded enough in the system to hold power regardless of the record. That is why politics was never supposed to be part of judging. In North Carolina, they are the target.

However, not every problem documented in this paper is unique to North Carolina. The most consistent structural failure I encountered at all levels was that clerks were acting with judicial authority that they do not possess. Courts offload responsibility onto staff who, in most cases, have no legal authority or credentials to exercise it. It is a double standard. I had a straightforward case in Seattle, initially filed in King County Small Claims, that escalated due to clerks' refusal to accept ex parte motions that the law explicitly allowed.[337] The docket became disorganized. A simple case turned into complex, multilevel, multiparty litigation because they are allowing a district court to assert the same level of authority as the Supreme Court. It makes sense that King County also made the list for Judicial Hellholes this year.[338]

The judiciary is only one branch of a decayed tree that must heal. The only way it can be done is through constitutional amendment. They have had over 200 years to correct it. Instead, it has gotten worse. That is why this paper has a larger purpose. The goal is not only to restore the courts, but also to heal the nation and transform it into the symbol it aspires to be. A country represents the people who inhabit it, and a country worth its name acts with integrity at the core.

This paper is part of a Bill of Structural Integrity that calls for constitutional amendment. This paper addresses the architectural corrections needed to resolve the failures that this country has been facing for far too long.

No single reform can correct a system whose breakdowns are mutually reinforcing. The entire framework must work together, or it does not work at all. Efforts have been made throughout history, but they did not have the resources and talent this time has. Change has never come from permission granted by power. It has come from ordinary people who decided they would no longer accept a system that treats them as expendable. You are not expendable. No one is. There are over 300 million people in this country. We share 99.9% of the same DNA. That remaining fraction, the part that holds our differences, our temperaments, and our vulnerabilities, has been used as a weapon by a system designed only for the wealthy and elite to keep us divided.

We deserve better. If we choose to act together, with clarity, courage, and integrity, we can amend the damage. Together, we can make this a country that finally lives up to its own promise.

A promise of life, liberty, and justice for all.

Citizen

APPENDIX

THE REFERENCES

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AMENDMENT V

JUDICIAL COMPOSITION & AUTHORITY

Proposing an amendment to the Constitution of the United States to establish a Constitutional Court, restructure the Supreme Court, impose term limits and mandatory retirement for justices, define the jurisdiction and authority of each court, and provide for transition of sitting justices.

Section 1. Establishment of Courts

(a) The judicial power of the United States shall be vested in a Constitutional Court, a Supreme Court, and such inferior courts as Congress may from time to time ordain and establish.

(b) The Constitutional Court shall be composed of eleven justices, including a Chief Justice of the Constitutional Court.

(c) The Supreme Court shall be composed of nine justices, including a Chief Justice of the United States.

(d) The number of justices on either court shall not be altered except by constitutional amendment.

Section 2. Terms of Office

(a) Justices of the Constitutional Court and Supreme Court shall serve a single term of eighteen years. No person who has served a full term on either court may be appointed to any seat on either court thereafter.

(b) No justice shall remain in office after attaining the age of seventy-five years.

(c) A vacancy occurring for any reason shall be filled for a full eighteen-year term.

(d) A justice whose term expires or who is required to retire due to age shall continue to serve until a successor is confirmed, but in no case longer than one hundred eighty days.

Section 3. Jurisdiction of the Constitutional Court

(a) The Constitutional Court shall have jurisdiction over:

1. All claims arising under this Constitution alleging violation of individual rights;
2. All questions concerning the structure, separation, or powers of the federal government or the relationship between the federal government and the States under this Constitution;
3. All challenges to the constitutionality of any federal law or executive action;
4. All determinations regarding political parties under Amendment II;
5. All claims alleging that a federal court violated constitutional rights in its procedures or process.

(b) The Constitutional Court shall review the following matters without discretion to decline:

1. Any case in which a lower federal court has declared a federal law unconstitutional;
2. Any case presenting a question of constitutional interpretation on which the circuit courts of appeals are in conflict;
3. Any case in which a petitioner alleges that a federal court's procedure or process violated the petitioner's constitutional rights.

(c) The Constitutional Court may organize itself into panels of no fewer than three justices to screen petitions and resolve claims presenting settled questions of constitutional law. Panels may dismiss petitions or grant relief unanimously. Any petition not unanimously resolved by a panel shall be heard by the full court.

(d) All decisions of the Constitutional Court, including denials of review where permitted, shall include a written explanation of the court's reasoning.

Section 4. Jurisdiction of the Supreme Court

(a) The Supreme Court shall have jurisdiction over:

1. The interpretation of federal statutes;
2. Disputes arising under federal regulatory and administrative law;
3. Admiralty and maritime matters;
4. Bankruptcy;
5. Federal criminal law not involving constitutional claims;
6. Patents, copyrights, and intellectual property;
7. Disputes between States not arising under this Constitution;
8. All other matters of federal law not assigned to the Constitutional Court.

(b) The Supreme Court shall review the following matters without discretion to decline:

1. Any case presenting a question of statutory interpretation on which the circuit courts of appeals are in conflict;
2. Any case in which a lower federal court has invalidated a federal regulation or administrative action;
3. Any case in which the United States is a party and the Solicitor General petitions for review.

(c) The Supreme Court may organize itself into panels of no fewer than three justices to screen petitions and resolve claims presenting settled questions of law. Panels may dismiss petitions or grant relief unanimously. Any petition not unanimously resolved by a panel shall be heard by the full court.

(d) All decisions of the Supreme Court, including denials of review where permitted, shall include a written explanation of the court's reasoning.

(e) Where a case presents both constitutional and non-constitutional questions, the Constitutional Court shall hear the constitutional claims and may certify remaining questions to the Supreme Court or retain jurisdiction over the entire matter in the interest of judicial economy.

Section 5. Judicial Authority and Limitations

(a) The Constitutional Court shall have authority to declare any federal law or provision thereof unconstitutional by majority vote. A law declared unconstitutional shall have no force or effect.

(b) Congress may restore a law declared unconstitutional by vote of two-thirds of both the House of Representatives and the Senate, provided such vote occurs within one year of the decision declaring the law unconstitutional. A law so restored may be subject to future constitutional challenge upon a substantial change in circumstances or legal reasoning.

(c) No precedent of the Constitutional Court or Supreme Court that has stood for ten years or more shall be overturned except by a vote of no fewer than three-fourth of the justices of the court that established the precedent.

(d) For purposes of subsection (c), the date of precedent shall be the date of the original decision, not the date of any subsequent decision affirming or applying that precedent.

Section 6. Transition and Reassignment

(a) Upon ratification, any justice of the Supreme Court who has attained the age of seventy-five years shall retire within one hundred eighty days.

(b) Within ninety days of ratification, each justice of the Supreme Court who has not retired under subsection (a) shall submit to the Judicial Selection Commission a statement indicating whether such justice seeks assignment to the Constitutional Court or the Supreme Court as reconstituted under this article.

(c) The Commission shall review each justice's qualifications, judicial record, and expertise, and shall assign each justice to the Constitutional Court or Supreme Court based on:

1. The justice's stated preference;
2. The justice's demonstrated expertise in constitutional law or statutory interpretation;
3. The justice's compliance with all ethics and disclosure requirements established by this Constitution;
4. The needs and balance of each court.

(d) No sitting justice shall be entitled to assignment to their preferred court. The Commission's assignment decision shall be final.

(e) Any justice who fails to submit a preference within ninety days, or who fails to meet the ethics and disclosure standards required of all judicial nominees, shall be deemed to have retired.

(f) Upon assignment of sitting justices, the Commission shall fill remaining vacancies on both courts through the standard nomination process established in the Judicial Qualification and Selection Amendment.

Section 7. Enforcement

(a) The rights secured by this article are self-executing and shall not require enabling legislation to be enforceable.

(b) Congress shall have power to enforce this article by appropriate legislation.

(c) Any citizen of the United States shall have standing to bring suit in any federal court to enforce the provisions of this article.

(d) No State law or action inconsistent with this article shall have any force or effect.

(e) No provision of this article shall be construed to limit individual rights or remedies otherwise available under this Constitution or the laws of the United States.

Section 8. Effective Date and Implementation

(a) This article shall take effect immediately upon ratification.

(b) Congress shall provide for the funding necessary to implement this article through existing appropriations, budget reallocations, or reductions in other expenditures, and may not fund its implementation through fees, surcharges, or new taxes imposed on the general public. Nothing in this section shall be construed to prohibit Congress from adjusting tax policy applicable to higher-income individuals or large corporations to meet these obligations.

(c) The mandatory retirement age established in Section 2(b) and the limitations on judicial authority established in Section 5 shall apply immediately upon ratification.

(d) Within sixty days of ratification, the Judicial Selection Commission established in the Judicial Qualifications and Selection Amendment shall be constituted and sitting justices shall be notified of the requirement to submit preference statements under Section 6(b).

(e) Within one hundred eighty days of ratification, all justices who have attained the age of seventy-five years shall retire, the Commission shall complete review and assignment of remaining justices, and the Commission shall nominate candidates for all vacant seats on both courts.

(f) Within one year of ratification, the Constitutional Court and the Supreme Court shall be fully constituted and operational.

(g) If the Commission is not constituted within sixty days, the chief justices of the state supreme courts, acting collectively, shall appoint temporary commissioners. If either court is not fully constituted within one year, the chief justices of the state supreme courts shall appoint temporary justices with full judicial authority until permanent justices are confirmed.

(h) This article shall be inoperative unless ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within one year from the date of its submission to the States by the Congress.

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AMENDMENT VI

JUDICIAL QUALIFICATIONS & SELECTION

Proposing an amendment to the Constitution of the United States to establish a Judicial Selection Commission, define the composition and procedures for selecting federal judges, establish qualifications and disqualifications for judicial nominees, and provide for geographic restrictions on judicial assignment.

Section 1. Judicial Selection Commission

(a) There shall be a Judicial Selection Commission composed of nine members:

1. Three retired federal judges;
2. Two attorneys; and
3. Four lay citizens who have never practiced law or held judicial office.

(b) The Chair of the Commission shall be a lay member, selected by the Commission from among its lay members.

(c) The Commission shall nominate candidates for appointment to the Constitutional Court, the Supreme Court, and the circuit courts of appeals.

Section 2. Selection of Commissioners

(a) The three retired judge members shall be selected as follows: retired federal judges may apply to serve; the chief judges of the thirteen circuit courts of appeals, acting collectively, shall select three from among the applicants.

(b) The two attorney members shall be selected by the American Bar Association.

(c) The four lay members shall be selected by the chief justices of the state supreme courts, organized into four regions:

1. Northeast: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia;
2. South: Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, and Arkansas;
3. Midwest: Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas;

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4. West: Texas, Oklahoma, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Nevada, California, Oregon, Washington, Idaho, Alaska, and Hawaii.

(d) The chief justices of each region, acting collectively, shall select one lay member from among applicants residing in their region.

Section 3. Commissioner Terms

(a) Commissioners shall serve terms of four years. No person shall serve more than eight years total on the Commission.

(b) Terms shall be staggered such that no more than three commissioners' terms expire in any single year.

(c) Upon the initial constitution of the Commission, commissioners shall be assigned initial terms of two, three, or four years by lottery to establish staggered terms. Thereafter, all terms shall be four years.

(d) A vacancy occurring before expiration of a term shall be filled for the remainder of that term by the same method used for the original appointment. Service of a partial term of two years or less shall not count toward the eight-year limit.

Section 4. Commissioner Qualifications and Disqualifications

(a) No person shall serve as a commissioner who:

1. Is a current elected official at any level of government;
2. Is a current registered lobbyist;
3. Has been employed by a political party committee within the ten years preceding appointment;
4. Has been a registered lobbyist within the ten years preceding appointment;
5. Is the spouse, parent, child, or sibling of any member of Congress or senior executive official;
6. Has received formal discipline from any court, bar association, or judicial conduct body at any time; or
7. Has been the subject of a complaint before any court, bar association, or judicial conduct body that was substantiated upon investigation within the twenty years preceding appointment.

(b) Each commissioner shall file upon appointment, and annually thereafter, a disclosure statement including:

1. All assets, income, and debts;
2. All political donations made within the preceding ten years;
3. Employment history for the preceding ten years; and
4. The identity of any family member currently serving in federal, state, or local government.

(c) Disclosure statements shall be made available to the public.

Section 5. Commissioner Removal and Compensation

(a) A commissioner may be removed only for misconduct, incapacity, or failure to perform the duties of office.

(b) Removal shall require a vote of two-thirds of the Senate.

(c) Commissioners shall receive compensation equal to the salary of a federal district court judge.

Section 6. Commission Procedures

(a) Six commissioners shall constitute a quorum for the conduct of business.

(b) Six commissioners shall be required to nominate any candidate for judicial appointment.

(c) The Commission shall establish rules and procedures for receiving applications, evaluating candidates, and conducting nominations, which shall be made available to the public.

Section 7. Nomination Process

(a) For each vacancy on the Constitutional Court, Supreme Court, or a circuit court of appeals, the Commission shall nominate three candidates.

(b) The Commission shall select one nominee from among the three candidates for appointment.

(c) The nominee shall be submitted to the Senate.

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Section 8. Confirmation Process

(a) A nominee shall be confirmed thirty days following submission unless a member of the Senate files a written objection stating specific grounds for rejection.

(b) If an objection is filed, the Senate shall vote within thirty days of the objection. A vote of two-thirds of the Senate shall be required to reject the nominee.

(c) If the Senate fails to vote within thirty days of an objection, the nominee shall be deemed confirmed.

(d) If a nominee is rejected, the Commission shall select another nominee from the remaining candidates and the process shall repeat.

(e) If all three candidates nominated for a vacancy are rejected, the Commission shall submit three new candidates. If the Senate rejects all candidates from a second slate, the Commission's first-ranked candidate from that slate shall be deemed confirmed.

Section 9. Qualifications for Judicial Nominees

(a) No person shall be eligible for appointment to the Constitutional Court, Supreme Court, or any circuit court of appeals who:

1. Has received formal discipline from any court, bar association, or judicial conduct body at any time; or
2. Has been the subject of a complaint before any court, bar association, or judicial conduct body that was substantiated upon investigation within the twenty years preceding nomination.

(b) Each nominee shall file with the Commission a disclosure statement including:

1. Complete federal, state, and local tax returns for the ten years preceding nomination;
2. All assets, liabilities, and debts exceeding ten thousand dollars;
3. All sources of income exceeding one thousand dollars during the preceding ten years;
4. All positions held in any corporation, partnership, or other business entity during the preceding ten years;
5. All political donations made within the preceding ten years;
6. The identity of any family member currently serving in federal, state, or local government.

(c) Disclosure statements of confirmed judges shall be made available to the public.

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Section 10. District Court Appointments

(a) Judges of the district courts shall be nominated by the President and confirmed by the Senate by majority vote.

(b) No person shall be eligible for appointment to a district court who:
(1) Has received formal discipline from any court, bar association, or judicial conduct body at any time; or
(2) Has been the subject of a complaint before any court, bar association, or judicial conduct body that was substantiated upon investigation within the twenty years preceding nomination.

(c) Each district court nominee shall file the disclosure statement required by Section 9(b). Disclosure statements of confirmed judges shall be made available to the public.

Section 11. Geographic Restrictions

(a) No person shall be assigned as a judge of a district court in any state in which such person, within the ten years preceding appointment:

1. Practiced law;
2. Resided; or
3. Owned real property.

(b) No person shall be assigned as a judge of a circuit court of appeals in any circuit containing a state in which such person, within the ten years preceding appointment:

1. Practiced law;
2. Resided; or
3. Owned real property.

(c) The Judicial Selection Commission shall consider geographic restrictions when nominating and assigning judges to ensure adequate judicial coverage in all districts and circuits.

Section 12. Enforcement

(a) The rights secured by this article are self-executing and shall not require enabling legislation to be enforceable.

(b) Congress shall have power to enforce this article by appropriate legislation.

(c) Any citizen of the United States shall have standing to bring suit in any federal court to enforce the provisions of this article.

(d) No State law or action inconsistent with this article shall have any force or effect.

(e) No provision of this article shall be construed to limit individual rights or remedies otherwise available under this Constitution or the laws of the United States.

Section 13. Effective Date and Implementation

(a) This article shall take effect immediately upon ratification.

(b) Congress shall provide for the funding necessary to implement this article through existing appropriations, budget reallocations, or reductions in other expenditures, and may not fund its implementation through fees, surcharges, or new taxes imposed on the general public. Nothing in this section shall be construed to prohibit Congress from adjusting tax policy applicable to higher-income individuals or large corporations to meet these obligations.

(c) Within sixty days of ratification, the chief judges of the circuit courts of appeals shall select retired judge commissioners, the American Bar Association shall select attorney commissioners, and the chief justices of state supreme courts in each region shall select lay commissioners.

(d) Within ninety days of ratification, the Commission shall be fully constituted and shall elect a Chair.

(e) If any selecting body fails to choose commissioners within sixty days, the chief justices of all state supreme courts, acting collectively, shall appoint temporary commissioners from the appropriate category to serve until permanent commissioners are selected.

(f) This article shall be inoperative unless ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within one year from the date of its submission to the States by the Congress.

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AMENDMENT VII

JUDICIAL TRANSPARENCY & ACCOUNTABILITY

Proposing an amendment to the Constitution of the United States to establish a Judicial Conduct Commission with authority to receive complaints, investigate misconduct, discipline and remove federal judges, and maintain transparent public reporting on judicial conduct.

Section 1. Judicial Conduct Commission

(a) There shall be a Judicial Conduct Commission composed of nine members:

1. Two federal Inspectors General;
2. Two retired judges of the circuit courts of appeals;
3. Two justices of state supreme courts; and
4. Three lay citizens who have never practiced law or held judicial office.

(b) The Commission shall receive and investigate complaints against justices of the Constitutional Court, justices of the Supreme Court, and judges of the circuit courts of appeals and district courts.

(c) The Commission shall have authority to discipline or remove any federal judge for misconduct.

(d) No person may serve simultaneously on the Judicial Selection Commission and the Judicial Conduct Commission.

Section 2. Selection of Conduct Commission Members

(a) The two Inspector General members shall be selected by the Council of Inspectors General on Integrity and Efficiency.

(b) The two retired circuit judge members shall be selected by the chief judges of the thirteen circuit courts of appeals, acting collectively. No person who has served on the Judicial Selection Commission may serve as a retired judge member of the Conduct Commission.

(c) The two state supreme court justice members shall be selected by the chief justices of the state supreme courts, organized into regions different from those used for selection of lay members of the Judicial Selection Commission.

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(d) The three lay members shall be selected by the chief justices of the state supreme courts, organized into three regions, with each region's chief justices selecting one lay member. These regions shall be different from those used for selection of lay members of the Judicial Selection Commission.

Section 3. Conduct Commission Terms

(a) Members shall serve terms of four years. No person shall serve more than eight years total on the Commission.

(b) Terms shall be staggered such that no more than three members' terms expire in any single year.

(c) Upon the initial constitution of the Commission, members shall be assigned initial terms of two, three, or four years by lottery to establish staggered terms. Thereafter, all terms shall be four years.

(d) A vacancy occurring before expiration of a term shall be filled for the remainder of that term by the same method used for the original appointment. Service of a partial term of two years or less shall not count toward the eight-year limit.

Section 4. Conduct Commission Qualifications & Disqualifications

(a) No person shall serve as a member of the Conduct Commission who:

1. Is a current elected official at any level of government;
2. Is a current registered lobbyist;
3. Has been employed by a political party committee within the ten years preceding appointment;
4. Has been a registered lobbyist within the ten years preceding appointment;
5. Is the spouse, parent, child, or sibling of any member of Congress or senior executive official;
6. Has received formal discipline from any court, bar association, or judicial conduct body at any time; or
7. Has been the subject of a complaint before any court, bar association, or judicial conduct body that was substantiated upon investigation within the twenty years preceding appointment.

(b) Each member shall file upon appointment, and annually thereafter, a disclosure statement including:

1. All assets, income, and debts;
2. All political donations made within the preceding ten years;
3. Employment history for the preceding ten years; and
4. The identity of any family member currently serving in federal, state, or local government.

(c) Disclosure statements shall be made available to the public.

Section 5. Conduct Commission Removal and Compensation

(a) A member may be removed only for misconduct, incapacity, or failure to perform the duties of office.

(b) Removal shall require a vote of two-thirds of the Senate.

(c) Members shall receive compensation equal to the salary of a federal circuit court judge.

Section 6. Conduct Commission Procedures

(a) Six members shall constitute a quorum for the conduct of business.

(b) The Commission shall establish rules and procedures for its operations, which shall be published for public comment for no fewer than sixty days before adoption and made publicly available upon adoption. Congress may disapprove any rule by vote of two-thirds of both the House of Representatives and the Senate.

(c) No member of the Commission shall participate in any proceeding involving a judge from the same state in which the member resides or has resided within the preceding ten years.

Section 7. Complaints

(a) Any person with direct knowledge of judicial misconduct may file a complaint with the Commission.

(b) Complaints must be filed within one year of the alleged misconduct.

(c) Complaints must be supported by evidence and submitted in writing.

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(d) The Commission shall screen all complaints within thirty days of filing. Complaints determined to be frivolous or without evidentiary basis shall be dismissed.

(e) A complainant who files repeated frivolous complaints shall receive a warning. Upon subsequent frivolous filing, the complainant may be banned from filing further complaints and fined an amount determined by the Commission.

Section 8. Complaint Transparency

(a) The Commission shall establish and maintain a publicly accessible database of judicial complaints, indexed by judge's legal name and current judicial position, containing up-to-date records of the following for each judge:

1. Current total number of complaints filed;
2. Current total number of cases presided over, reported by case type (criminal, civil, family, and appellate);
3. Ratio of complaints to caseload, reported by case type;
4. Category of alleged misconduct for each complaint;
5. Court in which each complaint was filed;
6. Current status of each complaint; and
7. Outcome of each resolved complaint, including whether the complaint was: (i) dismissed as frivolous; (ii) dismissed after investigation with no wrongdoing found; (iii) substantiated, with any discipline imposed; or (iv) pending.

(b) The name of the accused judge shall not be made public upon filing. If the Commission opens an investigation, the judge's name shall be added to the public record.

(c) If a complaint is dismissed as frivolous within the initial screening period, no further information shall be published.

(d) Upon imposition of any discipline, the full content and details of the complaint that resulted in discipline shall be made public.

(e) The database shall be searchable by judge name, court, category, date, outcome, caseload volume, and complaints-to-caseload ratio.

(f) The database shall be available at no cost to the public.

Section 9. Categories of Misconduct

(a) The Commission shall receive and investigate complaints in the following categories:

1. Bias;

2. Ethics violations;
3. Improper conduct;
4. Undue delay;
5. Abuse of discretion;
6. Discrimination; and
7. Other misconduct.

(b) A complaint alleging that a judge's ruling was incorrect on the merits shall not be dismissed solely on that basis if the complaint also presents evidence of misconduct in categories listed in subsection (a).

Section 10. Discipline

(a) Upon finding misconduct, the Commission may impose the following discipline:

1. Public reprimand;
2. Fine;
3. Suspension from duties for a period determined by the Commission;
4. Mandatory training or education;
5. Referral for criminal prosecution; or
6. Removal from office.

(b) Removal from office shall require a vote of no fewer than six members of the Commission.

(c) Removal may be imposed for:

1. Criminal conviction of a felony;
2. Bribery or corruption;
3. A pattern of bias or discrimination;
4. Repeated ethics violations;
5. Failure to disclose conflicts of interest; or
6. Any single act of serious misconduct.

(d) A judge removed by the Commission shall be permanently barred from holding any federal judicial office.

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Section 11. Annual Reporting

(a) The Commission shall publish an annual report including:

1. Total complaints filed;
2. Complaints by category;
3. Complaints by court and circuit;
4. Disposition rates, including complaints dismissed, substantiated, and pending;
5. Average time to resolution;
6. Discipline imposed, by type; and
7. Comparison of complaint rates across courts and circuits.

(b) The annual report shall be made available to the public and transmitted to Congress.

Section 12. Complaint Database

(a) The Commission shall establish and maintain a publicly accessible database containing:

1. All complaints that have proceeded to investigation;
2. Status of pending complaints;
3. Disposition of resolved complaints; and
4. Discipline imposed.

(b) The database shall be searchable by judge name, court, category, date, and outcome.

(c) The database shall be available at no cost to the public.

Section 13. Enforcement

(a) The rights secured by this article are self-executing and shall not require enabling legislation to be enforceable.

(b) Congress shall have power to enforce this article by appropriate legislation.

(c) Any citizen of the United States shall have standing to bring suit in any federal court to enforce the provisions of this article.

(d) No State law or action inconsistent with this article shall have any force or effect.

(e) No provision of this article shall be construed to limit individual rights or remedies otherwise available under this Constitution or the laws of the United States.

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Section 14. Effective Date and Implementation

(a) This article shall take effect immediately upon ratification.

(b) Congress shall provide for the funding necessary to implement this article through existing appropriations, budget reallocations, or reductions in other expenditures, and may not fund its implementation through fees, surcharges, or new taxes imposed on the general public. Nothing in this section shall be construed to prohibit Congress from adjusting tax policy applicable to higher-income individuals or large corporations to meet these obligations.

(c) Within sixty days of ratification, the Council of Inspectors General on Integrity and Efficiency shall select Inspector General members, the chief judges of the circuit courts of appeals shall select retired judge members, and the chief justices of state supreme courts shall convene to select state justice members and lay members.

(d) Within ninety days of ratification, the Commission shall be fully constituted.

(e) Within one hundred eighty days of ratification, the Commission shall establish rules and procedures, the complaint database shall be operational, and the Commission shall begin receiving complaints.

(f) If any selecting body fails to choose members within sixty days, the chief justices of all state supreme courts, acting collectively, shall appoint temporary members from the appropriate category to serve until permanent members are selected.

(g) This article shall be inoperative unless ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within one year from the date of its submission to the States by the Congress.

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AMENDMENT VIII

ACCESS TO JUSTICE

Proposing an amendment to the Constitution of the United States to require transparency in attorney discipline, establish a national case law database, abolish filing fees for natural persons, standardize federal court rules, protect self-represented parties, create alternative pathways to legal practice, and define the scope of legal information versus legal representation.

Section 1. Attorney Transparency

(a) Complaints filed against attorneys with any state bar association, disciplinary body, or court shall be made available to the public.

(b) Upon filing of a complaint, the following information shall be made public:

1. Date of filing;
2. Name of the attorney;
3. Category of alleged misconduct;
4. State bar or disciplinary body receiving the complaint; and
5. Status of the complaint.

(c) Upon disposition of any complaint, the following shall be made public:

1. The full complaint;
2. The attorney's response;
3. The findings of the disciplinary body; and
4. The outcome, including any discipline imposed.

Section 2. National Attorney Grievance Database

(a) There shall be established a national database of attorney complaints and discipline, maintained by the Administrative Office of the United States Courts.

(b) Every state bar and attorney disciplinary body must report the following to this database, indexed by individual attorney and identified by state bar number and full legal name:

1. The total number of complaints filed annually and the attorney's total active caseload for that year;
2. The current status of all pending complaints;

3. The final disposition of all resolved complaints, including whether each complaint was dismissed without investigation, dismissed after investigation, or substantiated;
4. Any discipline imposed;
5. The full content and details of any complaint that results in discipline.

(c) The database shall be searchable by attorney name, state, category, date, and outcome.

(d) The database shall be available to the public at no cost.

(e) Reporting to the national database shall be a condition of attorney admission to practice before any federal court.

Section 3. National Case Law Database

(a) There shall be established a national database of legal decisions and filings, maintained by the Administrative Office of the United States Courts.

(b) The database shall include:

1. All decisions of federal courts;
2. All decisions of state courts as reported by the states;
3. Docket information for all filed cases; and
4. All court rules, forms, and procedural guidance.

(c) The database shall be free, searchable, and downloadable by the public.

(d) States shall report decisions and docket information to the database within five years of ratification.

Section 4. Filing Fees and Court Costs

(a) No filing fee or court cost shall be imposed upon any natural person seeking access to any federal court.

(b) Corporations, partnerships, and other legal entities shall remain subject to filing fees as established by law.

(c) No case brought by a natural person shall be dismissed for failure to pay fees or costs.

(d) In any case brought by a natural person against a corporation, partnership, or other legal entity, if judgment is entered in favor of the natural person, the court shall order the defendant to pay all court fees and costs that would have been assessed had the plaintiff been subject to such fees

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Section 5. Uniform Federal Rules

(a) The Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, Federal Rules of Appellate Procedure, and Federal Rules of Evidence shall apply uniformly in all federal courts.

(b) No federal court shall promulgate, enforce, or apply any local rule.

(c) All existing local rules are void upon ratification.

(d) No party shall be sanctioned, have a filing rejected, or suffer any adverse consequence based on any requirement not contained in the Federal Rules.

(e) Any party who suffers an adverse ruling based on a requirement not contained in the Federal Rules shall be entitled to immediate reversal and recovery of costs incurred.

Section 6. Protection of Self-Represented Parties

(a) No motion to dismiss for failure to state a claim shall be granted against a self-represented party until such party has had opportunity to conduct discovery relevant to the claims alleged.

(b) Before dismissing any claim brought by a self-represented party, the court shall provide specific written guidance identifying the deficiencies in the claim and shall grant leave to amend at least once.

(c) No court shall deny any party access to any filing method, procedure, system, or court resource that is available to licensed attorneys. A self-represented party shall have equal access to electronic filing systems, court records, procedural accommodations, and all other resources available to parties represented by counsel.

(d) Court clerks and staff shall provide the same assistance to self-represented parties as they provide to attorneys regarding procedural requirements, filing methods, and court processes. Such assistance shall not constitute legal advice.

(e) No court rule shall require representation by a licensed attorney as a condition of filing, appearing, or participating in any proceeding.

Section 7. Pathways to Legal Practices

(a) Every State and the United States shall establish multiple pathways to legal practice, which shall include at minimum:

1. Completion of an undergraduate law degree with qualifying examination; and

2. Completion of a supervised legal apprenticeship of no fewer than four years with qualifying examination.

(b) No person shall be denied admission to practice before any court based solely on lack of a graduate or doctoral degree in law if such person has satisfied a pathway established under subsection (a).

(c) States shall comply with this section within five years of ratification.

Section 8. Legal Information and Advice

(a) The following activities are reserved to persons licensed to practice law:

1. Appearing before any court or tribunal as representative of another person; and
2. Holding oneself out as a licensed attorney, solicitor, or counselor at law.

(b) The following activities shall not require licensure and shall not constitute unauthorized practice of law:

1. Providing information about laws, legal rights, or legal procedures;
2. Explaining legal options available to another person;
3. Preparing legal documents on behalf of another person;
4. Assisting another person in completing court forms; and
5. Providing advice regarding legal matters.

(c) No person who is not a licensed attorney shall be subject to criminal prosecution, civil penalty, or professional sanction for engaging in activities described in subsection (b).

(d) Every person receiving legal information or advice from a person who is not a licensed attorney bears responsibility to verify such information and make their own informed decisions.

Section 9. Attorney Professional Duties

(a) Licensed attorneys shall remain subject to professional duties of competence, loyalty, confidentiality, and candor when providing legal services. An attorney who provides legal advice for compensation or who holds themselves out as providing legal services shall owe full professional duties to the person receiving such services.

(b) No attorney shall provide legal advice or information to any person whom the attorney knows or reasonably should know is an opposing party or potential opposing party in any legal matter. Any communication by an attorney to an unrepresented opposing party

must clearly state that the attorney represents an adverse party and that the unrepresented person should seek independent legal advice.

Section 10. Enforcement

(a) The rights secured by this article are self-executing and shall not require enabling legislation to be enforceable.

(b) Congress shall have power to enforce this article by appropriate legislation.

(c) Any citizen of the United States shall have standing to bring suit in any federal court to enforce the provisions of this article.

(d) No State law or action inconsistent with this article shall have any force or effect.

(e) No provision of this article shall be construed to limit individual rights or remedies otherwise available under this Constitution or the laws of the United States.

Section 11. Effective Date and Implementation

(a) This article shall take effect immediately upon ratification.

(b) Congress shall provide for the funding necessary to implement this article through existing appropriations, budget reallocations, or reductions in other expenditures, and may not fund its implementation through fees, surcharges, or new taxes imposed on the general public. Nothing in this section shall be construed to prohibit Congress from adjusting tax policy applicable to higher-income individuals or large corporations to meet these obligations.

(c) This article shall be inoperative unless ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within one year from the date of its submission to the States by the Congress.

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