From: Andrew Straw
To: AO Code and Conduct Rules
Cc: Andrew Straw
Subject: Comments on Judicial Canons and Recommendations
Date: Monday, October 15, 2018 1:20:51 PM

Andrew U. D. Straw, Esq.
I make comments on my own behalf and also as Founder of Disability Party.
I make my comments on the Code and the JC&D Rules both.

SUMMARY
No more use of frivolous because the word discriminates.
It is a per se ethical violation for a court to hire any litigant and there is no excuse for doing so. The other side should automatically win when it happens.

An individual (including an individual representing a group or organization) may submit comments on proposed changes to the Code and the JC&D Rules by emailing CodeandConductRules@ao.uscourts.gov (link sends e-mail) by November 13, 2018. Please include at the top of the email the name of the individual submitting comments, whether the individual is commenting on behalf of any entity, and which document(s) the individual is commenting on (Code, JC&D Rules, or both).

Additions to the Code recommended:

ADD Canon 6. A judge must not use the word frivolous in the context of a case or controversy or an ethical complaint. Sanctions can be applied without using this word, which can be used in a discriminatory fashion to harm attorneys and litigants with disabilities, as well as other civil rights litigants.

ADD Canon 7. Neither a judge nor a court, trial or appellate, may hire a litigant that is before that court, or has any possibility of returning to the Court from an appeal.

JCD Rules recommended:

General rules should include the removal of all use of the term frivolous because it is too easily abused and discourages the public from making valid complaints. Judges overuse the term frivolous and it must be removed from the rules in all cases. Use some other term that does not insult and humiliate those who take the time to complain. If someone is so offended by the violations of a court or judge that they make multiple complaints, such a person is very valuable for court ethics reform and should be encouraged instead of insulted with the term frivolous. No

complaint is frivolous.

I have been banned from making such complaints without a $1000 bond and this is the result of the 7th Circuit chief judge, Diane Wood, attacking me after I made a complaint about 3 judges who dishonestly exonerated my appellee after he was hired by the 7th Circuit. See below. Frivolous must be purged from the judicial vocabulary because judges are public servants and must show more respect to ALL members of the public, and great respect for those interacting with the Courts, especially pro se or in forma pauperis. Frivolous does not fit this required respect.

A chief judge should never be in charge of complaints by the public against her colleagues in the same district or circuit because there is too much interaction between judges in the same court and positive collegiality and this creates a high likelihood of bias against the public and in favor of any judge. It is very easy to transfer responsibility for ethical violation allegations to another circuit since the complaints are in electronic document format.

I believe it is an ethical issue that rich defendants can afford access to Pacer.gov but IFP litigants have to pay hundreds of dollars to have access to a service that should be free to them.

Pacer should be free because it is the critical database on federal lawsuits. It contains real-time access to dockets and it is fundamentally necessary for everyone who wants to use the courts meaningfully. Judges have told me that instead of giving me this access, I should just call the clerk every time I want to know what's happening in the docket. This was a bad faith answer because he knows that only the database provides this information in real time every day. Pacer needs to be free in order for that system to be ethical.

Dear U.S. Courts:

Thank you for the opportunity to bring issues to your attention so that the Judicial Code is improved and judges are stripped of some of the means they use to abuse disabled people.

I have been very concerned with shameless disability discrimination by Courts and blatant denial of constitutional protections.

FRIVOLOUS

The word frivolous is abused by federal judges. They use it as a weapon against litigants they disfavor. The word frivolous must be obliterated from the vocabulary of federal judges or they should be removed from office if they cannot control themselves. Any disabled person bringing

an ADA or Rehab Act case should be immune from being accused of doing anything frivolous. Congress says that disability discrimination is pervasive in the ADA and that the goal of the ADA is to eliminate discrimination.

Not dabble in it because judges invoke fear and trembling with "frivolous," but eliminate it because discrimination has gone on long enough.

This requires federal judges to STOP using the word frivolous when any disabled person or their attorney attempts to eliminate any discrimination and it is not up to the judge to label these attempts as frivolous, because this word leads directly to state supreme courts imposing massive amounts of discipline, years of suspension for nothing but a federal judge calling a disability case frivolous without any sanctions. In Re Straw, 68 F.3d 1070 (Ind. 2017).

The ADA itself has a very low threshold. All a person need do is alleged discrimination based on disability.
42 USC 12133

And the Indiana Supreme Court does this while refusing to suspend many judges and a deputy prosecutor (2007-2018) for the CRIME of drunk driving. These criminals got reprimands while my ADA work got an indefinite suspension because of the federal judges who used frivolous at me without any sanction.

If federal judges do not sanction you, your case and your methods are not frivolous, but I have been suspended for over 600 days because a couple of federal judges used the "frivolous weapon" without any sanction. Then, my former employer, the Indiana Supreme Court, pounced on that weapon using its ADA Coordinator to retaliate against my ADA complaint for over a decade of discrimination. See, Straw v. Indiana Supreme Court, et. al., 17-1338 (7th Cir. 7/6/2017)

The Virginia State Bar saw through the horrible disability discrimination I have suffered at the hands of my former employer, the Indiana Supreme Court, where a reckless driver broke both my legs and my pelvis on the way to the Indiana Supreme Court to work, where I served over 400 state courts and the Chief Justice of Indiana. VSB called the attack using the Indiana ADA coordinator, "a drive-by shooting" at *3-4. VSB said that I proved by clear and convincing evidence that what I did would not be disciplined if done in Virginia.

http://www.vsb.org/docs/Straw-062217.pdf

Instead of protecting my ADA and other rights, the 7th Circuit has denied me justice 16 times out of 16 opinions and that circuit has a habit of invoking Indiana's "drive-by shooting" and the abusive word frivolous to impose even more damage on me.

For instance, the 7th Circuit has twice now threatened me with a total ban from using any of the courts in the 7th Circuit area. All because no federal court has reviewed or will review the Indiana discipline even when I finally sued over it.

I was also punished because I tried to use the ADA to force local governments to clear the sidewalks of snow so that disabled people would not have to travel in the street at risk of life and limb. This case resulted in the first threat by 7th Circuit Chief Judge Diane P. Wood to ban me from all federal courts in her circuit. Instead of me being banned, she should be removed from office for such a threat that violates both my ADA rights and the 5th Amendment guarantee of due process. Straw v. Streamwood, et. al., 17-1867 (7th Cir. 2018).

I have right to use those courts and she does NOT have the right to make such a threat. Her office should be at stake and in fact it and her whole circuit is at stake. Straw v. United States, 18-5247 (D.C. Cir.) I also have a right, which she denied, to oppose ADA violations so other disabled people without law degrees don't have to. The sidewalks should be cleared when I demand it with my disabilities and I should be given damages as guaranteed in the ADA. But Wood denies me ALL rights when she makes dishonest and unlawful orders, colluding with other 7th Circuit judges just as dishonest as she is. She uses the word frivolous liberally, and threatens to ban a disability rights "public figure who works on disability issues." (at *2) http://illinoiscourts.gov/R23_Orders/AppellateCourt/2015/1stDistrict/1143094_R23.pdf

The second "threat to ban" case was a case where I just wanted to have my law license rescinded because that district court abused me with the word frivolous and Indiana used it against me to impose discipline. Straw v. U.S. District Court (INND), 18-2192 (7th Cir.) I want nothing to do with that court after what it did to me, but the 7th Circuit is forcing me to be associated with that Court and it is a violation of my rights under the First Amendment.

The Indiana discipline was because I fought for my own and others' disability rights in federal court 3 times and one time for a disabled father who just wanted to be able to see his kids when the state court was stripping him of that right.

Using the word frivolous is an abuse that makes people scared to use the Court.

Any judge who uses the word frivolous without some crime or serious misbehavior involving

dishonesty beyond merely being wrong in the Court's view is abusing the litigant or their attorney. Such judges prevent disabled people from using the ADA. Such judges are hateful examples of judicial discrimination with ORDERs full of hate speech and discrimination will never be eliminated with such judges tossing around the word frivolous.

Frivolous is how judges discriminate.

Frivolous should not be available as a word in any civil rights case unless a very serious sanction is going to be imposed for very good cause, like a crime, not just casually criticizing disabled people and lawyers so that they are stuck with state level discipline for years, or in my case, what is likely to be the rest of my life. Even my attempts at First Amendment boycott of the courts that did this to me are being denied by the very courts that hurt me.

See, Straw v. U.S. District Court (INND), 18-2192 (7th Cir.)

You don't destroy a disabled lawyer who became disabled serving over 400 state courts with "frivolous." Judges are using this word in bad faith to hurt people, not provide justice.

The Judicial Code must radically restrict the ability to use the word frivolous in all areas, including making complaints about judges. No complaint about a judge is ever frivolous. It is always a very serious matter if someone decides to do this. Diane Wood habitually defends her colleagues and herself using the word frivolous. It needs to be removed from the judicial vocabulary unless a crime has happened such as lying to the Court on a material matter. Judges should not be allowed to pummel and insult and disrespect the public who put their honor on the line when they accuse a judge of a violation of the Code. Judges should be punished more, not less, when they abuse a word like frivolous.

Misuse of the word frivolous should be in the Code and sanctionable to a high degree. A judge should be afraid of using this word, not the public.

HIRING LITIGANTS

No federal judge and no federal trial or appellate court should EVER, and I mean EVER hire someone who is an appellee or defendant in front of them. The same with appellants and plaintiffs. It should be an impeachable offense for a judge to hire someone litigating before that judge and certainly grounds for automatic recusal. If a circuit or an entire district hires someone, the plaintiff should have the automatic right from then forward to have their cases and appeals in that circuit or district heard outside that circuit or that district.

The hiring of a litigant during a case should be a per se violation of the ethics code and must result in severe punishment. The 7th Circuit and my U.S. District Court (INSD Chief Judge Jane Magnus-Stinson) trial judge hired my appellee and made him into a federal bankruptcy judge. He started working as a federal judge with my appeal against him still open, with one of my panel members employing him as a clerk before.

Straw v. Indiana Supreme Court, et. al., 17-1338 (7th Cir. 7/6/2017) (one appellee was James R. Ahler)

The 7th Circuit, Chief Judge Diane Wood in particular, was so proud of hiring my appellee that it still appears on the 7th Circuit website, showing that he began work as a federal judge on June 15, 2017, with my appeal against him still open. 3 weeks later, he got another gift: exonerated with "res judicata" when I had never sued him before. This is dirty.

http://www.ca7.uscourts.gov/news/positions/2017_appt_Judge_Ahler.pdf

That should not be possible and it should automatically result in the person NOT hired winning the case before the Court and all judges involved in hiring such a person being suspended for at least 3 years as a judge, unable to decide anything. Straw v. United States, 18-5247 (D.C. Cir.)

The Code needs to prohibit dishonesty. Hiring litigants and then favoring them is dishonest. Hiring litigants should be absolutely prohibited. Favoring such a person during the middle of a case or an appeal should be a criminal act of dishonesty on the part of the hired litigant, but the Code must prohibit hiring litigants during a case and at any time until that case is completely finished on appeal.

FEDERAL JUDICIAL CODE CHANGES:
1) No more using frivolous to injure disabled people and lawyers or any other civil rights litigants.

2) No more hiring litigants.

Sincerely,

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Sincerely,

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