

**Debunking Disabled Attorney Discipline, a Case Study:
In Re Andrew U. D. Straw, 68 N.E.3d 1070 (Ind. 2/14/2017)**

INDIANA SUPREME COURT (ORDER)	Page, ¶	RESPONSE
Upon review of the report of the hearing officer, the Honorable James R. Ahler, who was appointed by this Court to hear evidence on the Indiana Supreme Court Disciplinary Commission’s “Verified Complaint for Disciplinary Action,” and the submissions of the parties, the Court finds that Respondent engaged in professional misconduct and imposes discipline on Respondent.	p. 1, ¶1	I complained against the Court’s ADA violations in 2014. This was retaliated against by the Court ADA coordinator, Brenda F. Rodeheffer, after the Clerk refused to file my complaint. The Court appointed a dishonest individual, James R. Ahler, as the hearing officer, and then used his dishonest report to attack me. Relying on that report while Ahler was my defendant in federal court was also dishonest. Ahler was hired by the 7 th Circuit while he was my appellee! http://dueprocess.andrewstraw.com
Facts: The four disciplinary counts in this case arise from frivolous claims and arguments advanced by Respondent in four lawsuits, three filed on his own behalf and the fourth filed on behalf of a client.	p. 1, ¶2	None of the claims and arguments was frivolous. My affidavit and ANSWER wholly rebutted this, but the Court chose to ignore my pleadings, violating due process. http://discipline.andrewstraw.com
The first case, <u>Straw v. Kloecker</u> , arose from a	p. 1, ¶3	Dishonest characterization by omitting facts. It was not just <i>a defamation lawsuit</i> . The

defamation lawsuit Respondent had filed on his own behalf against a publishing company. After opposing counsel sought information from Respondent, Respondent sued opposing counsel in federal court, alleging racketeering activity and seeking \$15,000,000 in damages and injunctive relief. The District Court dismissed Respondent's lawsuit as frivolous. When Respondent appealed, the Seventh Circuit Court of Appeals affirmed, agreeing with the District Court's determination that the suit was frivolous. The Court of Appeals also ordered Respondent to show cause why he should not be sanctioned, but ultimately elected not to impose sanctions after Respondent filed a response drawing attention to his poor financial circumstances.

newspaper printed that I was an *extortionist* for asking money from businesses that attacked me when THEY were not providing about **150 handicap parking spaces** in Streamwood, Illinois, where I lived. I even photographed the violations. This was retaliation under the ADA and the Illinois Human Rights Act. I later obtained an Illinois first with my precedent that snow piled in a handicap space is discrimination on its face. *Straw v. Reposteria*, 2015CP3541 (IHRC, 2018).

The minister who wrote the letter accusing me of extortion paid me \$2,700 and wrote me [a letter of apology](#).

Instead of following suit with an apology when I sued, Paddock Publications (Daily Herald newspaper) sent me [a letter by its counsel](#), Mr. John F. Kloecker. Kloecker, [dead now](#), demanded not just *information*, but access to my Medicare claims account, my SSN, my Medicare number, and other sensitive information. Kloecker said that if I did not give the newspaper this information, I would be subject

to \$1,000 per day in Medicare fines. [Medicare itself](#) said that such huge fines against a Medicare recipient was impossible and I should never give such a lawyer or his client this sensitive information. The very idea that my tort rights depend on giving a **NEWSPAPER** that printed I was an extortionist access to my Medicare claims is ludicrous and the money threat was **extortion using the mails and the wires**. I was right to sue them and it was an abuse for the federal court to call my case frivolous.

The district judge, [dead now](#), had a long history of abusing the litigants before him and was criticized by the 7th Circuit and accused of engaging in a [cascade of errors](#). The 7th Circuit said this judge acted with “[derision](#)” in another case. Why should I rely on the poor judgment of such an ancient judge, nearly 100 years old?

The defendant was so arrogant, it [hired the old law firm of the district judge](#) for the appeal and the disciplinary ORDER here wholly failed to mention this glaring ethical violation. The

	<p>defendant law firm, Locke Lord, was accused of <u>“a hornet’s nest of ethical violations”</u> by the 7th Circuit chief judge not long after.</p> <p>I was in the right against actors who deserved punishment but because of their size, they get off and I am punished.</p> <p>But in fact I was not punished and it was not just my poverty, caused by the Indiana Supreme Court interfering over 19 years now, but the behavior of the defendant-appellees.</p> <p>The <u>Kloecker</u> case was about disability rights, handicap parking I demanded, and retaliation when I was doing something good. My actions were not frivolous and if the law did not have a remedy for the facts I presented, the law was the problem, <i>not me</i>. http://reform.andrewstraw.com</p> <p>Since my evidence shows conclusively that extortionate means were used to obtain my private health and disability information to give to a newspaper, this count is nullified. No sanction, no foul.</p>
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<p>In the second case, <u>Straw v. American Bar Association et al.</u>, Respondent filed suit in federal court against the ABA and 50 law schools, alleging violations of the Americans with Disabilities Act (“ADA”). In his complaint, Respondent sought to mandate each law school to collect disability information from students and faculty, for the ABA to collect disability-based data from students and faculty, and for that information to be provided to Respondent. Respondent soon agreed in an amended complaint to dismiss the law schools from the suit after acknowledging that mandating disclosure of disability information could be an invasion that leads to discrimination. The ABA then filed a motion to dismiss the amended complaint which the District Court granted, citing Respondent’s lack of standing and failure to state a cognizable claim under the ADA. Respondent did not appeal; rather, he sent a letter to the District Court</p>	<p>p. 1, ¶4</p>	<p>My complaint asked for the ABA Form 509 to include disability. Form 509 collects civil rights data on gender and race, but <i>not disability</i> and there is no excuse for this. Disabled people need this information just like women and minority groups. <i>Straw v. ABA, et. al.</i>, 1:14-cv-05194 (N.D. Ill. 2015) (Dkt. 1, ¶46 (page 17):</p> <p>Straw respectfully requests that this honorable Court provide injunctive relief to mandate that the American Bar Association will immediately include disability (both mental and physical) statistics about both law student classes and faculty members on its Standard Form 509. Law students from each incoming class and professors teaching at each school should be required to provide this information in an absolutely confidential manner, <u>just as they do with gender and minority status</u>.</p>
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<p>protesting the standing requirement as a form of discrimination.</p>	<p>I never asked for the private information on any individual <u>just like the gender and race statistics are collected.</u></p> <p>To say that I wanted to violate the privacy of disabled individuals is a falsehood meant to libel me. I never wanted private information or to hurt any disabled person.</p> <p>My case will be like <u>Plessy v. Ferguson</u> in the future, universally recognized as wrongly decided. <u>Straw v. ABA</u>, ¶46-54.</p> <p>Harvard Law School now collects this information and this allowed <i>Harvard</i> to make a public statement on the dramatic 60% of Harvard law students who have mental illness. If Harvard is doing it after I sued Harvard to make them do it, then I was right all along. You can't even address such health problems without collecting the data.</p> <p>I was, after all, the statistical analyst for the Indiana judicial branch, so I know something about BOTH law AND statistics. This issue is not dead and there will be more</p>
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	<p>lawsuits on this topic. Not collecting this information violates the ADA. It is not the <i>asking</i> for the information that violates the ADA, but the <i>failure to ask</i>.</p> <p>If the 7th Circuit were like the 10th Circuit, there would be ADA Title II tester standing and I would have had my relief against the public law schools. <u>Tandy v. City of Wichita</u>, 380 F.3d 1277 (10th Cir. 2004) If the 7th Circuit were like the 4th Circuit, where I have been admitted since 1999, I would have had ADA Title III standing against the private law schools. <u>Nanni v. Aberdeen Marketplace, Inc.</u>, 878 F.3d 447 (4th Cir. 2017). Instead, the ABA located itself in Chicago so that it could take advantage of a circuit that does not provide ADA tester standing for either Title II OR Title III. That's not my fault, but it is my problem.</p> <p>Being accused of not having standing when standing is treated differently in different circuits is not an accusation of a case being frivolous.</p>
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		<p>Since standing is not frivolous but variable and changeable, this count is nullified.</p> <p>No sanction, no frivolous, no foul.</p>
<p>The third case, <u>Straw v. Sconiers</u>, arose from Respondent's prior representation of a client in connection with an employment discrimination claim. The former client, by new counsel, brought a legal malpractice claim against Respondent alleging he let the applicable statute of limitations lapse without filing suit on the client's behalf. Respondent responded by filing suit in federal court against the former client, her attorney, and the St. Joseph Superior Court. Respondent alleged ADA violations by the former client and attorney and sought, among other forms of relief, for the District Court to mandate the St. Joseph Superior Court to dismiss the former client's malpractice action. The defendants filed separate motions to dismiss, which the District Court granted in an opinion that</p>	<p>p. 2, ¶1</p>	<p>This entire count is tainted by the interference of the ADA coordinator of the Indiana Supreme Court, who made her disciplinary complaint <i>before this matter was concluded</i> in an attempt to interfere and obtain evidence to use against me.</p> <p>My due process complaints about this nonsense includes much discussion about Rodeheffer and her bad faith actions.</p> <p>http://discipline.andrewstraw.com</p> <p>http://dueprocess.andrewstraw.com</p> <p>My client benefitted from my negotiations. <u>She admitted under oath</u> that she obtained removal of the sexual harasser, raises for several years, and an improved work environment. To demand that I file a lawsuit when I never agreed to file any lawsuit and <u>we agreed in writing that I would NOT file a lawsuit</u> is pure poppycock. I was punished with this malpractice case solely because</p>

characterized Respondent's claims as "utterly frivolous" and "wholly insubstantial" and warned of potential sanctions should Respondent persist in advancing claims lacking any factual or legal basis. Notwithstanding this warning, Respondent filed a motion to amend his complaint, which the District Court (via a magistrate) denied in an order that described Respondent's pleadings as "confusing and jumbled" and described the proposed amended complaint as having "repackage[d] the same conclusory, frivolous claims previously rejected by this Court." Respondent then sought review of that order by the District Court judge, who in December 2015 affirmed the magistrate judge's ruling in an order that characterized Respondent's proposed amended complaint as "confusing, fantastical, and vague."

I did NOT commit malpractice and anyone who looks at my answer and affidavit knows this. See, discipline URL.

Further, no ADA coordinator can follow around behind a former employee of the Indiana Supreme Court, attempting to kneecap him so her "discipline" will stick. This violates the ADA, Titles II and V.

The ADA coordinator was [clearly interfering in this case](#) and obtained the hateful statements from the federal judges necessary for this circular attack on me. My pleadings were perfectly rational and based on facts.

This Court cannot both use its staff to gang up on me and pretend it is giving me a fair proceeding. **No way.**

You may interfere behind the scenes and then laugh as you impose the discipline justified only by your own actions and your conspiracy with federal judges who cooperate with the discrimination instead of dealing with it honestly and justly. You will lose in the end.

		<p>Rodeheffer’s interference nullifies this count.</p> <p>No sanction, no foul.</p>
<p>The fourth case, <u>Rutherford v. Zalas</u>, arose from a post-dissolution proceeding in Marshall Superior Court in which Respondent represented the former husband and another attorney (“Zalas”) represented the former wife. Ostensibly on behalf of the former husband, Respondent filed a federal lawsuit against the former wife, Zalas, and the Marshall Superior Court, alleging that the defendants had violated the ADA by discriminating against the former husband. Respondent sought, among other forms of relief, to enjoin the Superior Court from further action and to mandate that court to grant a change of venue. When Zalas asked Respondent to withdraw his complaint because it was frivolous, Respondent filed a motion for sanctions against Zalas. The District Court denied Respondent’s motion for sanctions as “ridiculous” and warned that Respondent’s conduct “may itself be</p>	<p>p. 2, ¶2</p>	<p>My childhood friend, Mr. Christopher Rutherford, is disabled and simply wanted the ADA Title II to protect his disability rights. The state court was violating his rights based explicitly on his disability and nothing else. <u>Tennessee v. Lane</u>, 541 U.S. 509 (2004) shows that state courts are covered by the ADA, Title II.</p> <p>My lawsuit for Mr. Rutherford was dismissed for violating the Anti-Injunction Act, but another district court in New York had already found such an ADA Title II case not to violate the Anti-Injunction Act. <u>Sinisgallo et. al. v. Town of Islip Housing Authority et al</u>, 2:12-cv-01733 (E.D.N.Y. 2012) (Dkt. 17)</p> <p>This New York federal precedent shows that the lawsuit was not frivolous and could have been decided the other way. Further, there was evidence that the <i>ADA coordinator of this Court</i> was watching this case and attacked it before it was concluded.</p>

sanctionable conduct.” Zalas and the former wife then filed a motion to dismiss, and Respondent filed a response that lacked cogent argument as well as several other pleadings that were stricken as being outside the applicable rules of procedure. Upon discovering what was transpiring in his case, the former husband fired Respondent and instructed him to dismiss the case. Defendants initially opposed dismissal and sought sanctions against Respondent and the former husband. The issue of sanctions ultimately was settled privately between the parties and the District Court dismissed the case.

This Court dishonestly *assumes* that Mr. Rutherford fired me when in fact, *I told him* that there was a fix going on. *I said* that to protect his rights and not subject himself to the attack, he needed to get another lawyer and let my insurance sort this out. Rutherford took my advice to the very end. He saw the documents I was filing and *approved of what I was doing* to protect him and his rights. But if there is a conspiracy going on because I used to work for the Indiana Supreme Court, I needed to protect my client and step aside. I had the integrity to do that without pride.

I did not hide what I was doing. Rutherford HIRED ME to do what I did. He was not satisfied with being stripped of his parenting time rights because he had a mental illness that needed treatment.

The National Council on Disability issued [an enormous document](#) in 2012 that fully supported everything I did in this case.

It was ignored.

		<p>The judge was biased in such a way that I KNOW the Indiana Supreme Court took an interest and got involved behind the scenes.</p> <p>No sanction, no foul, and my insurance settled this outside court. You don't get to go inside that private contract where I admitted no frivolous action and invent a finding of frivolous sanction where there was no sanction.</p>
<p>In each of the four counts, the Commission charged Respondent with violating Indiana Professional Conduct Rule 3.1, which prohibits bringing a proceeding or asserting an issue therein unless there is a basis in law and fact for doing so that is not frivolous. Following a hearing in which Respondent refused to participate, the hearing officer found Respondent violated Rule 3.1 as charged in each of the four counts and recommended that Respondent be suspended without automatic reinstatement.</p>	<p>p. 2, ¶3</p>	<p>In each of the four counts, no sanction was applied and I was pursuing disability rights in all 4. Only one involved a client. All of my cases had facts and law supporting them, but there was irrational resistance by federal courts that are totally in alignment with my abusive former employer.</p> <p>In <u>ABA</u>, I sought statistics to help remedy the national discrimination catastrophe that was the LSAC scandal of 2014. This represented thousands of disabled lawyers when the Indiana Supreme Court in its admission and discipline rules bans all disabled lawyers. Rule 23, Sections 2(c) & 3(b). No</p>

		<p>labeled as frivolous. No sanction.</p> <p>In <u>Kloecker</u>, I fought for 150 handicap parking spaces, was accused of extortion, and experienced extortion as a crime victim, but could not get relief. The other side engaged in ethical violations as mentioned above. No sanction.</p> <p>In <u>Sconiers</u>, I protected myself from baseless and meritless attacks that I committed malpractice when I never agreed in the written contract to do what my disloyal client asked. No sanction, settled privately.</p> <p>And in <u>Rutherford</u>, if I set a new precedent in line with the NCD report, this would have helped MILLIONS of disabled parents protect their own parenting time rights. No sanction, settled privately.</p>
<p>Violations: After carefully reviewing the hearing officer's thorough report, the Court concludes that the hearing officer's assessment of the evidence, findings of fact, and conclusions</p>	<p>p. 3, ¶1</p>	<p>The hearing officer's report was bogus. He did not even mention that the Court's ADA coordinator started this <i>before</i> all 4 of these cases were even concluded. She attacked in retaliation against my complaint and then went on the offensive, contacting people</p>

<p>of law are well supported, and accordingly we concur with the hearing officer's conclusion that Respondent violated Professional Conduct Rule 3.1 with respect to each of the four counts.</p> <p>Respondent's argument that the hearing officer's report must be dismissed for untimeliness is without merit; Admission and Discipline Rule 23(14)(i) (2016) provides no such remedy, and Rule 23(14)(a) (2016) expressly provides that no motion to dismiss or dilatory motion shall be entertained. Further, we categorically reject Respondent's arguments that he is being persecuted for his disability-related advocacy. A necessary corollary of the frivolousness of Respondent's lawsuits is that no relief benefitting the plaintiffs (whether a client or Respondent himself) possibly could have come from those actions. Further, Respondent's actions risked harm to himself and his client in the form of sanctions, and by</p>		<p>outside the Court to ensure that I would lose so this discipline would be possible.</p> <p>The Virginia State Bar gave me an unconflicted 3-judge panel to review this and they said Indiana Supreme Court's use of its ADA coordinator to attack me, "<u>had all the grace and charm of a drive-by shooting.</u>"</p> <p>My arguments help disabled people whether I win or not because now we know where the problems are. This system is not right and disabled people do not have the same rights that women and minorities have. This is why I have suggested reforms. And under Rule 3.1, if the lawsuits are done as part of a law reform effort, they cannot be frivolous by definition.</p> <p><u>http://reform.andrewstraw.com</u></p> <p>This is how civil rights reforms work. Arguing a <u>Brown v. Board of Education</u> case in 1899 would get you a charge of frivolous after <u>Plessy v. Ferguson</u>.</p> <p>NAACP lawyers were accused of bringing a frivolous case in</p>
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<p>Respondent's own acknowledgement the relief he sought in <u>Straw v. American Bar Association et al.</u> could have led to discrimination against disabled law school faculty. In sum, Respondent does not face discipline for standing up for disabled persons' rights, as he perceives, but rather for having done so incompetently.</p>	<p>1926 because they argued a constitutional right to racial fairness in housing. <u>Corrigan v. Buckley</u>, 271 U.S. 323 (1926). But today we have the Fair Housing Act, <i>necessary</i> because there is no constitutional right to fair housing.</p> <p>All that has happened here is that now I know a disabled person has no ADA rights against a state court in federal court to protect parenting time. But Congress could alleviate this.</p> <p>All I know is that an ADA coordinator can retaliate against an ADA complaint without any repercussions. I also know that a state supreme court can ban all disabled people from practicing law, though I am challenging this. <u>Straw v. Indiana</u>, 20-1332 (4th Cir.). But Congress could impose <i>both criminal and civil penalties</i> on an ADA coordinator who acts in ANY WAY to retaliate against a complaint like I made in August of 2014. <u>Straw v. Indiana Supreme Court, et. al.</u>, 1:16-cv-3483-SEB (S.D. Ind. 2017) (Dkts. 1-11 & 1-13).</p>
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Congress could provide criminal and civil penalties against a lawyer who threatens fines from Medicare to get a disabled person's Medicare access and give it to a newspaper! You hurt me because **I defended myself against Kloecker** and then you attack me because you say I was violating the privacy of law students and staff.

YOU HAVE IT ALL WRONG.

Congress could make everything I experienced on YOUR SIDE a crime and compensable.

Rule 3.1 does not apply. [Courts abuse the word frivolous](#) as a political ploy and to injure those they disfavor.

Your ADA coordinator needs to be punished and I will keep fighting for legislation so no one like me has to go through this 6 year battle AGAIN.

Your hearing officer is so corrupt that **he was hired by the 7th Circuit to be a federal judge** while I was suing him before the 7th Circuit over this disciplinary case. [Straw v. U.S.](#)

	<p><u>District Court, et. al., 20-1352 (4th Cir.); <u>Straw v. Indiana Supreme Court, et. al., 17-1338 (7th Cir. 7/6/2017).</u></u></p> <p>VSB exonerated me and rejected your discipline before and after the <u>In Re Straw</u> order. VSB said no in 2016 and NO in 2017 before the appeals of this discipline were complete. Clear and convincing evidence, VSB said, and NO SANCTION.</p> <p>VSB's being the first to have a final ORDER made its exoneration a matter of Full Faith and Credit under federal statute and the Constitution. 28 U.S.C. § 1738.</p> <p><i>3+ years of suspension</i> in Indiana and Virginia says it is a <u>drive-by shooting</u>. Indiana should be ashamed of what it did to me after my sacrifice to this Court. It is a crime.</p> <p>You want to hurt me because I have a disability from the U.S. Marine Corps and that makes this very dirty and unpatriotic indeed. <i>Straw v. Wilkie</i>, 18-7129 (U.S. CAVC); <i>Straw v. N.C.</i>, 20-1295 (4th Cir.)</p>
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<p>Discipline: For Respondent's professional misconduct, the Court suspends Respondent from the practice of law in this state for a period of not less than 180 days, without automatic reinstatement, effective immediately. At the conclusion of the minimum period of suspension, Respondent may petition this Court for reinstatement to the practice of law in this state, provided Respondent pays the costs of this proceeding, fulfills the duties of a suspended attorney, and satisfies the requirements for reinstatement of Admission and Discipline Rule 23(18). Reinstatement is discretionary and requires clear and convincing evidence of the attorney's remorse, rehabilitation, and fitness to practice law. See Admis. Disc. R. 23(18)(b)</p>	<p>p. 3, ¶2</p>	<p>I deserve a MEDAL for my disability work in the face of a conspiracy both state and federal against disability rights.</p> <p>You did NOT sanction me for 180 days. I have been sanctioned for over 3 years with no hearing and no evaluation of my pleadings when the 180 days was up. 2.5 years of suspension based on nothing more than bootstrapping a total lack of sanctions and then convincing those same federal courts to impose this bogus discipline reciprocally. Two reciprocal disciplines with no substance under them. I am so glad that Virginia saw through this dirty deal you dealt me.</p> <p>5 law licenses of mine were suspended for 3+ years.</p> <p>YOU OWE ME for the 5th Amendment and 14th Amendment takings under <u>Stop the Beach Renourishment v. Florida</u>, 560 U.S. 702 (2010).</p> <p>YOU OWE ME remorse, not the other way around. Dirty, rotten scoundrels, you are. You should resign and be punished with</p>
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