

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA

ANDREW U. D. STRAW,)	
<i>Plaintiff,</i>)	Case No.: 2:18-cv-00028
v.)	<u>Hon. R.L.</u>
SEVENTH CIRCUIT U.S. COURT)	Judge Presiding
OF APPEALS,)	Hon. J.E.M.
<i>Defendants.</i>)	<u>Magistrate Judge</u>
)	Jury Trial Demanded

**AFFIDAVIT RE WHY JAMES R. AHLER DID NOT PROVIDE ME
WITH A HEARING THAT SATISFIED
FIFTH AMENDMENT PROCEDURAL DUE PROCESS**

I, *plaintiff* Andrew U. D. Straw, having learned that the 7th Circuit wishes to impose Indiana’s discipline in all contexts to satisfy the need for real **hearings** before inflicting any law license damage, hereby depose to oppose such actions:

Indiana suspended my law license in that state because I did ADA work and have disabilities from public service. This is prohibited under 28 C.F.R. § 35.134 and 42 U.S.C. § 12203, explained at <http://www.ada.gov/reg2.htm> The law is that no one may retaliate or interfere with an ADA attorney, **no matter what the outcome** of his cases. No federal judge should retaliate by calling a new theory “frivolous” and no state court should retaliate either. The law is not debatable.

That should have been the end of it, but Indiana was not satisfied with my broken bones in both legs and my pelvis and my crushed nose working for the Indiana Supreme Court. The Indiana Supreme Court wants to injure me as an attorney and humiliate me as well, like civil rights criminals.

AHLER THE CORRUPT

James R. Ahler's corrupt hearing officer report can be found here: *Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-SEB-TAB (S.D. Ind.) (Dkt. 1-22)

1. Ahler should not have been appointed to preside over my case because he was a candidate for an Indiana justice vacancy at the same time. He was trying to become a colleague and employee of the very court that would be evaluating his report. This is like the prosecutor working for the judge in a criminal case. It is not appropriate and shows an unholy connection to the state court.
2. Ahler tried to hold a hearing during the week that was the anniversary of my mother's death from U.S. Marine Corps

poisoning and the anniversary of my car accident on the way to work at the Indiana Supreme Court.

3. Ahler refused to allow me to make defensive motions, such as a motion to dismiss or strike the inappropriate complaint against me that violated the ADA. This refusal to allow me to make pleadings was a total failure of due process designed to prevent me from winning at any cost. The cost was *fairness*.
4. Ahler held an evidentiary hearing without me, and I opposed it both before and after it happened because Ahler would not allow me to defend myself. Further, I was not able to afford an attorney to help me and these proceedings have been described as quasi-criminal in nature by the U.S. Supreme Court.
5. Ahler held his hearing in May 2016 and he was supposed to provide a hearing officer report to the Indiana Supreme Court within 30 days, but **he did not**.
6. Ahler provided his hearing officer report 6 months later, in December 2016, in violation of a mandatory supreme court rule.

7. When Ahler did this unlawful act outside of the time, I filed my federal lawsuit, *supra*.
8. Ahler attacked my 4 ADA cases in violation of 28 C.F.R. § 35.134 and 42 U.S.C. § 12203 because he was prohibited from retaliating against my work, regardless of the outcome in my cases. Simply doing this with his “hearing” was illegal and involved him in violating the ADA and its regulations. Attacking my ADA work made his hearing a violation of law and ethics.
9. Ahler *failed to mention* that I have severe injuries, broken legs and pelvis and a crushed nose, that happened when I was driving to the Indiana Supreme Court to work. I have standing in ADA cases because I was physically broken into pieces inside while working for the court that Ahler wanted to help hurt me even further.
10. Ahler was assisting my former employer to injure my ability to use the ADA and that was the entire purpose of his hearing *in absentia*. This is a purpose that violates due process.

11. Ahler failed to mention that I am a leading attorney on disability rights and access and was featured by the ABA as its “Spotlight” disabled attorney for January 2014.

https://www.americanbar.org/groups/disabilityrights/initiatives_wards/spotlight/straw_a.html

12. Ahler failed to mention that the attack on my mental disability was an attack on my U.S. Marine Corps disability. *Straw v. United States*, 16-17573-GG (11th Cir.); *Straw v. United States*, 17-7536 (filed for certiorari on 1/25/2018). Those poisons killed my mother, disabled my daughter, and disabled me. Hurting me on that basis as Rodeheffer did with her disciplinary complaint violated the *Perdue* injunction from 2011.

13. Ahler failed to mention that the person who filed the complaint against Andrew Straw (me) was the ADA Coordinator for the Indiana Supreme Court, Brenda F. Rodeheffer.

14. Ahler failed to mention that I had made a complaint in 2014 to Rodeheffer about the Court’s ADA violations that hurt me from 2001-2014.

15. Ahler failed to mention how the ADA Coordinator had interfered in a state trial court case in South Bend to ensure I would lose by mentioning her complaint.
16. Ahler failed to mention that the Indiana Supreme Court's State Board of Law Examiners implicitly agreed with me that their encumbrances on my law license were ADA violations in 2006. The Board dropped all of the conditions, which were all based on my U.S. Marine Corps disability, bipolar disorder.
17. Ahler failed to mention that the Indiana Supreme Court has a permanent injunction against it from the *Perdue* case for discrimination in bar admissions, like what appears to be happening to me still.
18. Ahler failed to mention that I had a federal ADA lawsuit open against the Supreme Court when he was assigned to the case in January 2016. *Straw v. Indiana Supreme Court, et. al.*, 1:15-cv-1015-RLY (S.D. Ind.). Ahler waited until the federal judge slammed my case shut, then moved forward with his proceeding.

19. Ahler failed to mention that I am the founder of a political party for people with disabilities: Disability Party, founded on 2/5/2013.
20. Ahler failed to mention that I am a public figure and work on civil rights for people with disabilities, even when the Illinois Court of Appeals in Chicago adjudicated me as such in 2015. *Straw v. Chamber*, 2015 IL App (1st) 143094-U.
21. Ahler failed to mention that I have recognized expertise on disability law and policy. He failed to mention that U.S. Office of Personnel Management (OPM) found me “qualified” to be the general counsel of the U.S. Access Board, which generates ADA standards.
22. Ahler failed to mention that I was found qualified to be the attorney advisor for the U.S. Army Medical Command (MEDCOM), also in 2014.
23. Ahler failed to mention that I was a finalist in the Indiana Protection & Advocacy Service’s executive director search, also in 2014.

24. Ahler failed to mention that I was found highly qualified for Director of the Kluge Center at the Library of Congress, which provides advice to Congress and hosts scholars and legislators from around the world.
25. Ahler failed to mention that I was found qualified to be the attorney advisor for the U.S. Army's Ninth Signal Command (NETCOM, serving a 2-star general).
26. While Ahler attacked my statistical demands of the ABA, he failed to mention that I was the statistical analyst for the entire Indiana judicial branch, hired by the Chief Justice of Indiana, and served every state court and judge in the State of Indiana.
27. Ahler failed to mention that I worked for the Indiana University Provost and former president of the Association of American Law Schools, Lauren Robel. He failed to mention that I clerked for the 1976 president of the Virginia State Bar, Judge Spruill. He failed to mention that my first client after passing the bar was billionaire Alan M. Voorhees, a WWII hero and UDT-11 member (SEAL).

28. Ahler's job was to ridicule my disability work and make me appear incompetent by omission or falsehood, and he was successful in damaging me with his falsehoods and omissions.
29. In short, Ahler played the Indiana Supreme Court's disability abuse game, which included trying to make me seem as incompetent as possible and downplaying the possibility that I was in fact ***RIGHT*** when I pushed for ADA law advances in several areas in court and the federal judges who opposed me were simply wrong.
30. Ahler failed to mention that my positions in those cases have been supported by the ABA and the National Council on Disability.
31. Ahler's report failed to mention *any* mitigating factor, only what he called "aggravating factors."
32. Ahler also failed to state in his report that he was unconflicted. This was a critical omission and when the Virginia State Bar held its hearing, the first thing done was to poll the panel and see if anyone had any reason to recuse. None of them did.
33. Ahler, on the other hand, was conflicted. And when he applied for the job at the 7th Circuit while he was my appellee, he absolutely

thrashed any possibility of any honest person thinking he was fair and unbiased. Ahler is for Ahler and he got his \$2.6 million job from the 7th Circuit illegally because he was my appellee.

34. Ahler clerked for the judge Diane Wood replaced. He also clerked for one of my panel members in *Straw v. Indiana Supreme Court*, 17-1338 (7th Cir.).

35. The 7th Circuit may squirm and attempt to justify hurting me and favoring Ahler, but the more injury they cause, the greater the compensatory and punitive damages must be.

36. After reading this affidavit, there is absolutely no excuse for the 7th Circuit favoring Ahler or the Indiana Supreme Court ANYMORE. Now it is time to pay me damages and apologize for the atrocious manner in which Indiana was favored over me, with lies and false legal doctrines invented to ensure my rights would be oppressed and denied.

37. Without an honest hearing officer, Ahler's cannot be considered as a hearing. There was no due process and the proceedings were unfair and should be wiped from the earth.

38. Without a **fair hearing** in Indiana, the following must be undone: Indiana's discipline/suspension; Indiana's retaliatory acts; 4 U.S. district court law license suspensions (SDIN, NDIN, NDIL, WIWD); ABA's termination of my membership, which depended wholly on Indiana's suspension. None of the 5 suspensions was done with me having a proper and unconflicted hearing and so were done without the process required. *In Re Ming & In Re Ruffalo*.

39. The 7th Circuit has been hostile and duplicitous toward me and cooperated with the abuse of Indiana and its conflicted and abusive hearing officer, James R. Ahler, now a bankruptcy judge under the 7th Circuit.

40. Further, *affiant* sayeth not.

I, *affiant* and *plaintiff* Andrew U. D. Straw, verify that to the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances and to the best of my knowledge, that the above statements and factual representations are true and correct on penalty of perjury. **Dated: January 30, 2018**

Respectfully submitted,



s/ ANDREW U. D. STRAW
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CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, certify that I filed the above AFFIDAVIT with the Clerk of this Court via U.S. Mail, First class and postage prepaid, on **January 30, 2018**, and this AFFIDAVIT will be served to all counsel of record through that CM/ECF system after the Clerk scans this and my other initiating documents.

Respectfully submitted,



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