
Disability Party of Indiana Principles

Andrew U. D. Straw, Founder, v. 4/23/2022

COURT ACCESS

1. *In Forma Pauperis (IFP)* for poor people should be freely granted unless there is no fact even remotely related to the cause of action asserted. Any legal theory is allowed to be tested and no retaliation is allowed by any judge for putting forth a legal theory.
2. When *IFP* is granted, this should include PACER.gov access for free in federal court cases.
3. When *IFP* is granted, the Court shall request service information if it is not otherwise present in the Complaint. The U.S. Marshal service shall serve the defendant. 28 U.S.C. § 1915(d).
4. In Indiana state court cases, when *IFP* is granted, service must be provided as per **Indiana Trial Rule 86(B)(2)(e)**:

“When fees and other court costs are waived, and the clerk has received the required notification that the User is entitled to this waiver, **the clerk shall serve the complaint and summons(es)**. * * *”
5. All courts must be open and this means all parties are welcome to resolve their disputes in court fora. No court may make any person a pariah, unwelcome to use the courts, for any fact or legal theory presented. BE&K Constr. Co. v. NLRB, [536 US 516](#), 523 (2002) (“*

* * unfettered right to seek court resolution of differences”); Domanus v. Locke Lord LLP, 847 F.3d 469, 483 (7th Cir. 2017) (“Whether the branch of government is the legislature, the executive, or the courts, **the right to present one's viewpoint is protected by the First Amendment.**”).

6. Objecting to alleged crimes of other parties in a lawsuit may not be punished by any judge unless a factual falsehood by the person complaining is alleged under oath.
7. All e-filing systems provided for lawyers must also be open to non-lawyer *pro se* litigants. Allowing filings to a special email account is sufficient.
8. No court must ever use banning as a punishment for any reason. Access to the Courts is a constitutional right and this may not be restricted by any state or federal court.
9. The system of almost absolutely certain denial known as the certiorari system of the U.S. Supreme Court represents a judicial taking of law license property. Lawsuits are property, protected by the Fifth Amendment and the Fourteenth Amendment. Logan v. Zimmerman Brush Co., 455 U.S. 422, 428 (1982) (“a cause of action is a species of property protected by the Fourteenth Amendment's Due Process Clause”). When an appeal is denied for no reason but reducing the docket load, payment is due from the United States. Straw v. Judges Act of 1925, 1:22-cv-00463 (D.DC 2022) (the DC District Court refused to review the Judges Act of 1925 for constitutionality). **Congress must repeal the Judges Act of 1925** for unconstitutionally restricting access to the highest court, which violates Article III and the First and Fifth Amendments to the United States Constitution.

10. No discipline or words of criticism may be levied against a lawyer unless that lawyer has committed **a crime or some act of proven dishonesty**. Simply being wrong about a factual or legal matter is not enough to punish such a lawyer. The word frivolous in a court order or opinion does not represent an ethical violation unless due process is given to the lawyer or party to allow a chance to oppose it. Straw v. Frivolous, 1:22-cv-00868 (D.DC 2022) (D.C. District Court refused to review the word frivolous as used in U.S. federal law for constitutional violations). **Congress must pass a law defining frivolous** and limiting the ability to injure any person without due process.
11. The Indiana Supreme Court has demonstrated its malice in governing the lawyers under its purview. **A separate body must be created by the Indiana legislature** to govern lawyers and only the full body of the bar may admit or discipline lawyers. This body should be called the **Indiana Bar** and all lawyers must be members. **Article 7 of the Indiana Constitution must be amended** so that lawyer admission and discipline is no longer under the control of the courts, but the bar as a whole under the Indiana Bar.
12. Courts must be accountable to democratic forces and judicial independence must be limited so that abuses stop. The **Indiana Constitution must be amended in Article 7 so that all appellate judges are elected in nonpartisan elections** and membership in the bar is not required to be a judge. Any U.S. citizen who resides in Indiana as of the date of the election may run. Even FDR appointed a U.S. Supreme Court justice with no law degree during WWII. There is no reason for a judge or justice to be insulated from the people they affect in their most fundamental rights. No expenditures should be allowed except a limited public funding, equal for each person. Further, every candidate should be allowed to post documents and host discussions on an Indiana Supreme Court webpage devoted to such elections. Each candidate should have her or his own page with a unique URL. The Senate should

be able on its own initiative to remove a justice for any or no reason with 60% of the senate approving on a recorded vote. Any judge so removed should not be able to serve as a judge or justice again. Appellate judges should have term limits of 3 years. The public must retain the power to recall any judge with an early election and this too belongs in Article 7. 1,000 valid voter signatures should be enough to place a recall on the ballot statewide. 100 valid voter signatures should be enough to recall a trial judge.

13. Banning any person from becoming or remaining a member of the Indiana bar or any federal court bar on the basis of disability must be abolished. <http://ban.andrewstraw.com>
14. When an attorney is under investigation for discipline, all mitigating facts must be considered before filing any verified complaint, in requesting a hearing officer report, in the hearing officer report, and in any sanction ORDER. Lack of explicit consideration of mitigating facts shall make the discipline null and void as a violation of due process.
15. **Non-attorneys may not be disciplined** as though they are attorneys. Once an attorney submits a letter of resignation, that person may not be disciplined.
16. When an attorney submits a letter or affidavit for resignation purposes, all reference to that person in the Roll of Attorneys shall cease and a letter or certificate of resignation acceptance shall be granted to provided via email immediately, and in no case more than 5 business days after its submission. Resignations must be in PDF format as a letter and sent to Indiana Bar via email.
17. It shall not be a disciplinary or criminal matter for an attorney or non-attorney to discuss legal matters with a person. UPL shall only consist of writing legal documents to be used in court and appearing before a court for a person. The First

Amendment protects discussion of legal issues orally or in writing between any member of the public, including on specific legal issues. Both **Congress and the Indiana legislature must fully protect the right to discuss legal issues**, even specific to a person's matter, so long as that other person has the power and right to make their own choices about how to proceed in their own cases and controversies. Providing examples of pleadings and cases shall not be a crime or ethical violation.

STANDING

Tester standing is enough to proceed with an ADA TITLE II or III lawsuit. Given there is a split in the U.S. circuit courts on this issue, **Congress must add a standing provision to the ADA to ensure that tester standing will always be allowed** so long as the person claims a violation of the ADA and facts demonstrating this. No judge should have the power to dismiss an ADA lawsuit if facts are alleged and discrimination is alleged. Thus, ADA lawsuits by testers shall be elevated to the same level as testers under the Civil Rights Act of 1964 and the Fair Housing Act of 1968.

ANTI-INJUNCTION ACT

The Anti-Injunction Act must not apply to any lawsuit under the ADA. Title II of the ADA applies to state courts and no other law must limit the ability of federal courts fully to enforce disability rights under the ADA. No immunities must apply, including any restriction on injunctions when a state court has made orders affecting any disability right. Tennessee v. Lane, 541 U.S. 509, 525, 531 (2004). **Congress must act to exempt the ADA in all its provisions from the Anti-Injunction Act.**

STATUTE OF LIMITATIONS

Congress should set a statute of limitations of 10 years for an ADA violation under Title II and 6 years for Title III. No statute of repose must ever be created or applied.

ADA TITLES II & III – LAWSUIT MINIMUM

All that is required of a *bona fide* disabled person or a tester is “alleging discrimination” by a defendant.

ADA APPLIES TO FEDERAL GOVERNMENT

Discrimination by federal employees or officers should be abolished and Congress needs to pass a new title for the ADA covering the federal government and all its agencies.

ADA APPLIES TO COURTS, COURT OFFICERS, AND COURT EMPLOYEES TO ENFORCE THE FIRST AND FIFTH AMENDMENTS OF THE U.S. CONSTITUTION

Congress must make the ADA apply to all federal courts and court agencies and officers without any immunities. If courts resist this basic human right, a constitutional amendment must be passed to limit courts and maximize disability rights protections.

EXTRATERRITORIALITY

The ADA must apply to any entity or person who discriminates who would be covered by the ADA within a U.S. state. The federal government is covered by the ADA globally with no exceptions.

ADA RIGHTS – EXPLICIT EXAMPLES

1. There is a right to parenting time for **disabled parents** and the ADA overrides the Anti-Injunction Act. Congress must make this explicit. Rutherford
2. There is a right to health insurance and SSN **privacy** and pressure to give access to a newspaper is fraudulent. **Congress must create a new cause of action** to punish those who would pressure a disabled person to give their Medicare or Medicaid claims information to a newspaper or other publisher. Kloecker
3. **No ADA coordinator may retaliate** against an ADA complaint in any fashion, shape, or form whatsoever. **No ADA coordinator may double as counsel for the same government office** due to the incompatibility of these roles. There must be damages when

retaliation happens and **Congress needs to explicitly state this** in Title V of the ADA. Sconiers

4. All law schools must **track and report on disability of students** in the exact same manner as gender and race are reported to the American Bar Association. ABA
5. No state court or disciplinary body may interfere with any federal lawsuit by claiming it to be frivolous or wrong in some way. **Congress must create a severe penalty and high damages** under Titles II & V for such interference.
6. Federal courts have been hostile to disability rights cases, especially in the 7th Circuit and a separate national court in D.C. must be created with jurisdiction over any violation of the ADA, anywhere. Congress must pass legislation to create the U.S. Disability District Court and U.S. Court of Appeals for the Disability Circuit. No disabled person should be forced to use courts that are hostile and it shall be up to the plaintiff to decide whether to file a case in the Disability Courts.

INTEGRITY - PERJURY

When counsel for a defendant states a longer time is allowed for answering than appears in the FRCP, this is perjury and punishable.

INTEGRITY - COURT HIRINGS

No court may ever hire a litigant that is before it. If this happens, the hired party must lose in the appeal, along with all of the other parties on that side of the caption. **Congress must create a new cause of action in the Disability Courts with high damage awards and criminal penalties for any federal judge or court officer who hires litigants.**

DISABILITY PARTY BELIEVES IN **LIMITED GOVERNMENT** AND THIS INCLUDES **LIMITING THE COURTS' ABILITY TO REJECT DISABILITY LAW AND CASES** AND LIMITING THEIR POWER TO ABUSE DISABLED LAWYERS AND LITIGANTS.

OTHER POLICY POSITIONS SHALL APPEAR HERE LATER, BUT INDIANA'S STATE AND FEDERAL COURTS ARE A SEVERE PROBLEM, MAKING THESE REFORMS A TOP PRIORITY FOR THIS POLITICAL PARTY.