APPENDIX SHOWING THAT THE CIRCUIT PANEL'S 3-1/4 PAGE SUMMARY ORDER FALSIFIES, MISREPRESENTS, AND SUPPRESSES THE MATERIAL ALLEGATIONS OF APPELLANT'S VERIFIED COMPLAINT, AS WELL AS THE FACTS IN THE RECORD -- ALL OF WHICH WERE HIGHLIGHTED BY APPELLANT'S UNCONTROVERTED[1] BRIEF AND REPLY BRIEF

PAGE 2 of Panel's Summary Order:

"ON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that **the Judgment of the District Court be and it hereby is affirmed**"

The panel's summary Order (p. 3) expressly does not address the motion-submissions before the District Judge -- yet it "affirms" the District Judge's Judgment [R-2] disposing of those motion-submissions, including his granting of summary judgment dismissal to Defendants. At the same time, the panel's Order dismisses Appellant's Complaint, purportedly on the pleadng. In fact, it goes outside the pleading, as reflected by its reference to Appellant's cert petition (See, inter alia, its footnote 1) -- which is not part of the Complaint [R-23-100] (See, Br. 11-12, fn. 4).

1st paragraph after "the Judgment of the District Court...is affirmed"

The characterization of the District Judge's Memorandum Opinion and Order as "cogent" is a flagrant deceit. Appellant's uncontroverted 76-page Brief, with its annexed 7-page Appendix, both meticulously cross-referenced to the record, documentarily established that the District Judge's decision, wilfully misrepresented the material allegations of the Verified Complaint and the "course of the proceedings" before him -- including the submissions before him for adjudication.

2nd paragraph after "the Judgment of the District Court...is affirmed"

Sentence One:

"**The complex facts and procedural history of this case are set forth in detail in the district court's opinion, see id. at 115-118, and are recounted here only in brief.**"

> The claim that "The complex facts and procedural history of this case are set forth in detail in the District Court's opinion" is a flagrant deceit. Comparison with the record, highlighted by Appellant's uncontroverted 76-page Brief and 7-page Appendix, shows that the District Judge deliberately falsified, distorted, and suppressed the salient facts and

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[1] Defendants' Appellees' Brief did not deny any of the factual showing or legal argument presented in Appellant's Brief. Indeed, it did not even refer to Appellant's Brief. This was highlighted in Appellant's Reply (at 2), which sought sanctions against Defendants for their bad-faith and frivolous opposition to the appeal.

PAGE 2 OF PANEL'S SUMMARY ORDER 2nd paragraph after "the Judgment of the District Court...is affirmed" (cont'd)

Sentence One (cont'd):

procedural history of the case -- none of which were particularly complex.

Such unfounded praise of the District Judge's decision is obviously to provide the panel with an excuse for recounting the case "only in brief", as well as for relying exclusively on the decision, rather than back to the record. Thus,the immediately-following four sentences of the Order track the pages of the decision, rather than the paragraphs of the Verified Complaint. This is because the panel knows, from Appellant's uncontroverted Brief and Reply, that were it to cite to paragraphs of the Verified Complaint, it could not make the selective representations it does, which, like those of the District Judge, are knowingly false and misleading.

Sentence Two:

"Sassower was a member in good standing of the New York bar in October 1990, when she was **ordered** by a state bar regional grievance committee -- **pursuant to a pending disciplinary proceeding against her** related to fee disputes --- to undergo a medical examination to determine her mental fitness to practice law. Id. at 115-116."

(A) "...in October 1990...she was **ordered**"

Like the District Judge, the panel attempts to create the misleading inference that the October 18, 1990 Order was lawful. Appellant's Verified Complaint alleged, with particularity, that the October 18, 1990 order was **not** "lawful", was erroneous in at least seven material respects -- and that she challenged it, including by an Order to Show Cause for vacatur, See ¶¶79, 83, 89. This was expressly highlighted in Appellant's Brief (at 6-7), as well as in her Appendix (at 2), which pointed out that the District Judge's decision INCORRECTLY cited ¶93 of her Complaint for its false and distorted recitation. The correct paragraph citation (¶78) relating to Defendant Second Department's issuance of the October 18, 1990 Order connects it with the Third Department's cancellation of the oral argument scheduled in the Election Law case of Castracan v. Colavita, that Appellant, was to have argued on October 19, 1990 as pro bono counsel for the petitioners in that case. That case -- and the entire political background to Appellant's suspension and the barrage of bogus disciplinary proceedings againsther -- is completely omitted by the panel's Order, much as it was by the decision of the District Judge (Br. 67; cf. Br. 6: fn. 3).

PAGE 2 OF PANEL'S SUMMARY ORDER: 2nd paragraph after "the Judgment of the District Court...is affirmed" (cont'd)

(B) **"pursuant to a pending disciplinary proceeding against her"**

Like the District Judge, the panel attempts to create the deliberately false and prejudicial impression that the October 18, 1990 Order was related to the pending disciplinary proceeding involving fee disputes. It was not. It was completely separate and unrelated. This was emphasized, with particularity, in the Verified Complaint (¶¶83, 87, 88, 108, 158), precisely because such deliberate misrepresentation blossomed into the fraudulent means by which Defendants pretended the Defendant Second Department had jurisdiction to issue that Order, pursuant to §691.13(b)(1), and the subsequent, equally jurisdiction-less June 14, 1991 "interim" suspension Order, pursuant to §691.4(l) -- both of which were unsupported by any petition, as called for by the court rules. This was expressly highlighted in Appellant's Brief (at 7) and in her Appendix (at p. 2), which pointed out that the District Judge's decision INCORRECTLY cited ¶93 of her Complaint for its false and distorted recital.

Sentence Three:

"Sassower **refused** to comply with that **order**, and in June 1991 her license to practice law in the State was suspended; two supplemental disciplinary petitions were subsequently filed against her as well. Id. At 116."

(A) "Sassower **refused** to comply with that **order...**"

There is no evidence in the record to substantiate the characterization "refused", which the panel takes from the District Judge's decision. It appears nowhere in the Verified Complaint and is belied by its allegations. Moreover, Appellant's Appendix (at p. 2) pointed out that the District Judge, in purporting to support his false statement "refused", cross-referenced an incorrect paragraph of her Complaint. See, also Appellant's Reply Brief (at 17), which noted that Defendants' Appellees' Brief modified the wording in its factual recitation to "she failed to comply", thereby highlighting "Plaintiff's allegation in her Complaint [R-86], reinforced in her cert petition [R-341], that §691.4(l) is unconstitutional in that it 'contains no requirement of wilfulness or mala fides in connection with the act(s) constituting a basis for suspension."

The panel's Order suppresses the allegations of the Verified Complaint as to Appellant's true response to the jurisdiction-less, erroneous, and factually and legally baseless October 18, 1990 Order: her lawyer attempted to clarify the matter with Defendant Casella (¶83) and, following Defendant Casella's arrogant response (¶84), the lawyer brought

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Sentence Three (cont'd)

a legal challenge to the October 18, 1990 Order by an Order to Show Cause for vactur (¶85). This, Defendant Second Department denied, without findings or reasons, on June 12, 1991 (¶91), two days before it suspended Appellant, without findings or reasons (¶93) and only days following publication of Appellant's Letter to the Editor in the New York Times, announcing her intention to appeal the Election Law case of Castracan v. Colavita to the New York Court of Appeals and her transmitted opposition to the Governor of information as to the unfitness of a prospective judicial appointee (¶90).

(B) "Sassower refused to comply with that **order...**"

The panel's Order suppresses that the Verified Complaint expressly alleged (¶¶89, 107) that the October 18, 1990 Order was not a "lawful mandate", as is required under §691.4(l)(1)(i). This is highlighted, as well in Appellant's Appendix (p. 2).

(C) **"...and in June 1991 her license to practice law was suspended"**

The panel's Order omits any identification of the rule provision under which Appellant was suspended, which is §691.4(l) -- an "interim" suspension rule. Appellant's Brief (at 56, 71), Appendix (at 3), and Reply Brief(at 14) pointed out that the District Judge's decision had misidentified the rule under which Appellant was suspended as §691.13(b)(1) and suggested that this was because the facial unconstitutionality of §691.4(l), by reason of its failure to provide for a prompt post-suspension hearing, had been recognized by the New York Court of Appeals in Matter of Russakoff, 72 N.Y.2d 520 (1992) [R-529]. Moreover, as alleged by Verified Complaint (¶94), the New York Court of Appeals in Matter of Nuey, 61 N.Y.2d 513 (1984) [R-528], recognized that §691.4(l) is statutorily unauthorized. Both cases expressly held that interim suspension orders without findings must be immediately vacated -- and were so identified in Appellant's Verified Complaint since her suspension was "without findings" -- notwithstanding the express findings requirement of §691.4(l).

The panel suppresses from its Order any identification of the fact that Appellant was not suspended under a final order, but an "interim" order, which, contrary to the District Judge's decision, was unconditional [R-24, 97](Br. App p. 3), omits any identification of the rule under which Appellant was suspended, and omits any mention of Nuey and Russakoff, as well as ALL the material pleaded facts relating to Appellant's suspension, namely, it was without notice of

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Sentence Three (cont'd):

charges, without findings, without reasons, and without a hearing -- as alleged repeatedly thoroughout the Verified Complaint (¶3), and without a right of appellate review. These in addition to the political backdrop to the suspension, as set forth throughout the Verified Complaint in nearly 70 allegations (Br. at 6: fn. 3).

(D) "...two supplemental **disciplinary petitions were** subsequently filed against her, as well. Id at 116."

The panel suppresses from its Order the innumerable specific allegations of the Verified Complaint that the supplemental disciplinary petitions (¶¶101-105, 123-4, 125-133, 135-142; 146-7, 149-156, 160-162) like the first disciplinary petition (¶¶40-42, 55-60), which was completely separate from and unrelated to Appellant's suspension -- violated the express jurisdictional and due process requirements of §691.4 et seq., and were factually and legally baseless, retaliatory, and politically-motivated. These egregious violations were pointed out in Appellant's uncontroverted Brief (at 6) and in her Appendix (pp. 4, 5).

Sentences Four and Five:

[4]
"Over the course of the next several years, Sassower filed numerous appeals, motions, and **independent actions** challenging the suspension of her license, including, inter alia, **a direct appeal of the suspension order to the New York State Court of Appeals**, a proceeding under Article 78, N.Y.C.P.L.R. §§7801 et seq., and a petition for a writ of certiorari to the United States Supreme Court, pursuant to 28 U.S.C. §1257(a).

[5]
All of Sassower's actions, petitions, and motions (including motions for reargument) have been denied or dismissed. Sassower, 927 F. Supp. at 116-118."

The panel has concealed from its Order the allegations of the Verified Complaint as to the bias of the state adjudicators -- bias not only in the Second Department, but reaching to the Court of Appeals by reason of the political ramifications of Appellant's judicial whistle-blowing challenge to state judicial selection. Appellant's Reply Brief (at 26-32), in particular, highlighted that the District Judge's decision had entirely obliterated all her allegations of the bias of the

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Sentences Four and Five:

state adjudicators, alleged with particularity in the Verified Complaint as making a travesty of all subsequent (as well as prior) motion practice. Appellant's presentation at oral argument included description of the bias and the retaliatory background to her suspension (Exhibit "K", pp. 8-9) -- all omitted by the panel's Order.

(A) **"independent actions"**

There were no multiple **actions**, but one Article 78 proceeding, which was not **independent** by reason of Defendant Second Department's failure and refusal to recuse itself from a proceeding to which it was a party. The panel fails to identify that critical fact, as alleged in the Verified Complaint, highlighted by Appellant's Brief (at 74-75) and Reply (at 28-29) -- and recognized by Judge Korman in an explicit question posed to Assistant Attorney General Weinstein at oral argument (Exhibit "K", pp. 14-15). Defendant Second Department was without jurisdiction to adjudicate an Article 78 proceeding against itself, as its own case law, cited in the record [R-20] and by Appellant's Brief (at 74) and Reply (at 29) show.

(B) **"a direct appeal of the suspension order to the New York State Court of Appeals"**

The panel creates the false impression that Appellant actually had a direct appeal. This is not adequately clarified by "catch-all" sentence four that "All of Sassower's actions, petitions, and motions (including motions for reargument) have been denied or dismissed". The fact that Appellant had no appellate or independent review was highlighted by her Brief (at 9-11) and Reply (pp. 27-28, 30-31), which drew attention to the pertinent allegations of the Verified Complaint:

(1) The allegations that Defendant Second Department denied her leave to obtain appellate review (¶¶134, 143);

(2) The allegations that Defendant Second Department subverted her Article 78 independent action by refusing to recuse itself (¶¶178, 183), and blocked her from obtaining review by the New York Court of Appeals (¶¶107, 110, 117, 144-5), including by fraud and deceit (¶¶108-9);

(3) The First Cause of Action for Declaratory Judgment [R-83-87], which recites, as a basis upon which to declare the statutorily-unauthorized interim suspension rules unconstitutional, that they do not provide a right of appeal comparable to the right, albeit limited, given under Judiciary Law §90(8) to attorneys suspended under a final order [R-85-6].

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Sentences Four and Five:

> Appellant's presentation at oral argument further emphasized that she had had no appellate review of the "interim" suspension order (Exhibit "K", pp. 4-6). The fact that she had no appeal as of right was recognized by Judge Korman in his exchange with Mr. Weinstein, who, likewise, conceded that Appellant had been unsuccessful in obtaining discretionary review (Exhibit "K", pp. 14-15).

PAGE 3 OF PANEL'S SUMMARY ORDER:

First Paragraph:

The panel reduces to a two-sentence paragraph, what, in general terms, Appellant's Verified Complaint seeks. Even here the cross-references are not to the Complaint, but to the District Judge's decision. The panel does not identify any specifics about the basis upon which the Complaint challenges New York's attorney disciplinary law, as written and as applied, or anything about Appellant's claims that Defendants violated her constitutional rights.

Second Paragraph:

The panel relies on the District Judge's decision for its four-sentence recitation of the "Course of the Proceedings" -- notwithstanding Appellant's uncontroverted Brief, cross-referenced to the Record -- demonstrated the falsity of such recitation -- a fact thereafter reinforced by her Reply.

Sentence One:

"The defendants moved under Fed.R.Civ.P.12(c) for a judgment on the pleadings, arguing that the district court lacked subject matter jurisdiction, and that Sassower's claims were barred by res judicata, absolute immunity, and the Eleventh Amendment. Id. At 115."

> The panel omits any mention of Appellant's opposition to Defendants' dismissal motion or the basis therefor. Appellant's opposition demonstrated that the dismissal motion was predicated on misrepresentation of the Complaint and the controlling law -- without which it could not have asserted its defenses. These facts are all meticulously presented by Appellant's uncontroverted Brief (at 14-18, 41-50), with cross-references to the record.

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Second Paragraph: Sentence Two:

"Sassower **cross-moved for a preliminary injunction and for summary judgment,** and moved for reconsideration of the court's prior ruling refusing to recuse itself from the case. Id. at 115, 118."

Appellant did **not** cross-move for either a **preliminary** injunction or for summary judgment. Appellant's uncontroverted Brief (at 18, 19-20, 22: fn. 16, 27, 50, 61) and Reply (at 5-6) demonstrated that this evidentiary fact was repeatedly pointed out to the District Judge, whose decision nonetheless misrepresented those motions, as did his Judgment [R-2]. Yet, the panel relies on the District Judge's decision for its recitation, denying Appellant the benefit of de novo review.

The record shows that Appellant moved for a preliminary injunction by Order to Show Cause [R-488; Br. 20, 50-51] -- which the Disrict Judge wrongfully delayed and then refused to sign (Br. 50-56). And Appellant sought summary judgment by way of a Rule 12(c) conversion in her favor [R-168(b), Br. 18, 60-62)].

Moreover, the panel, like the District Judge, misrepresents the sequence in which Appellant sought the relief she did, which was summary judgment, preliminary injunction, and recusal. As set forth in Appellant's Brief (at 20, 52), one of the reasons why she was absolutely entitled to the preliminary injunction was because Defendants had defaulted in opposing her application for summary judgment.

Unlike the panel's particularization in sentence one of the bases upon which Defendants sought dismissal, its sentence two provides no information whatever as to what Appellant sought to enjoin by her preliminary injunction (Br. 51), or the basis for her summary judgment request (Br. 18), or the grounds upon which she sought the District Judge's recusal and the form it took, which was by an Order to Show Cause for recusal, pursuant to 28 U.S.C. §144 and §455 (Br. 22-23; 34)--all of which are particularized in Appellant's uncontroverted Brief. Such particularization of Appellant's submissions would have revealed her entitlement to relief -- which the panel chooses to conceal.

Second Paragraph: Sentence Three:

"The district court treated the defendants' motion for judgment on the pleadings as one for summary judgment **(because of the extensive affidavits filed by the parties)**, and granted the motion..."

As pointed out by Appellant's Brief (at 58), the District Judge's stated basis for conversion is completely **non-existent** as to Defendants. The record shows that the **only** extensive affidavits filed were by Appellant. Defendants'

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Second Paragraph: Sentence Three:

affidavits consisted of a 2-paragraph affidavit of Assistant Attorney General Weinstein, whose purpose was to annex legal cases [R-129], and a 2-1/2 page frivolous, irrelevant, and non-probative affidavit of Defendant Casella [R-630], for which Appellant sought Rule 56(g) sanctions [R-734].

Moreover, conspicuously omitted by the panel is the fact that the District Judge's conversion of Defendants' dismissal motion into one for summary judgment in their favor was not only sua sponte, but without notice. The legal significance of this fact is identified in Appellant's uncontroverted Brief (at 57-59) and Reply (at 21). It is dispositive of her right to reversal, as a matter of law. This is quite apart from the fact, detailed by Appellant's uncontroverted Brief (at 23-4, 68, 75) and Reply (at 21), that the record demonstrates the complete absence of any evidence to support an award of summary judgment to Defendants -- a fact omitted from the panel's Order.

Second Paragraph: Sentence Four:

"Sassower's motions were likewise denied. Id. At 121."

The panel omits that Appellant's numerous sanctions applications against Defendants were **not** denied by the District Judge's decision. They were not identified by it, are not identified by the panel and, to date, remain unadjudicated. As particularized at Point II of Appellant's uncontroverted Brief (Br. 38-50), the reason the District Judge did not adjudicate those sanctions applications was because doing so would have exposed the same strategem of falsification he needed to employ in his decision to award summary judgment to Defendants, which is what he was pre-determined to do. The panel has similarly not addressed the sanctions issue because doing so would foreclose it from dismissing the Complaint and, indeed, would require it to grant Appellant summary judgment.

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Second Paragraph:

"**On appeal**, Sassower argues that her complaint does raise claims -- such as her facial challenge to the constitutionality of New York's attorney disciplinary regulations -- that either were **not raised** in her various state-court actions, motions, and appeals, or 'do[] **not require review of any state court decisions.**' Appellant's Brief at 71." (underlining in the original)

(A) **"On appeal...not raised"**

This assertion that, on appeal, Appellant argued that her challenge to the facial unconstitutionality of New York's attorney disciplinary law was not also raised in state court is a fabrication. It appears nowhere in Appellant's Brief, Reply -- or in the oral argument. Indeed, Appellant's Brief (at 72) expressly stated that Feldman required that general challenges first be raised in state court to give it an opportunity to address the constitutional issues.

(B) **"'do[] not require review of any state court decisions.' Appellant's Brief at 71."**

The panel improperly puts a period at the end of the word "decisions", making it appear that that is where the sentence from Appellant's Brief ends. It does not. The panel cuts out both the end and beginning. The full sentence reads at p. 71 reads "Clearly, where, as at bar, state court disciplinary rules are facially unconstitutional and not based upon state statutory authority, as Russakoff and Nuey reveal, the declaratory judgment relief sought in Appellant's First Cause of Action, does not require review of any state court decisions in Plaintiff's case." This is absolutely true -- and, undoubtedly, the reason why the panel does not provide the full sentence or address the explanatory discussion appearing on that page -- or on subsequent pages establishing that her challenge meets the standards of Feldman and that the District Judge's claim that it was "inextricably intertwined" was boiler-plate, failing to address the critical issues (Br. 72-75).

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Third Paragraph:

"At the outset, **we disagree with Sassower's contentions of fact: we think that all of her present claims were raised in one form or another in the prior proceedings** *[fn. 1]*, and that **she now is 'effectively seek[ing] review of judgments of [the] state courts,'** Moccio, 95 F.3d at 197, **judgments that have deprived her of her license to practice law,** and with which she is (understandably) displeased."

[fn. 1] "For example, Sassower's petition for certiorari to the Supreme Court specifically challenges the constitutionality of New York's attorney disciplinary regulations both facially and as applied. See Sassower 927 F. Supp. At 117-118."

(A) **"..., we disagree with Sassower's contentions of fact: we think that all of her present claims were raised in one form or another in the prior proceedings *[fn. 1]*..."**

It is ludicrous for the panel to "disagree" when -- as hereabove noted, Appellant did not contend on appeal that she was asserting claims not raised in the state forum. Moreover, by its footnote 1 cross-reference to Appellant's constitutional challenge in her petition for certiori, the panel demonstrates that it has gone outside Appellant's Complaint to dismiss it. The cert petition is not part of Appellant's Verified Complaint [R-23-100], having been written after the §1983 action was already commenced. This is highlighted in Appellant's Brief (11-12, fn. 4). The panel conceals this fact by not giving a citation to the cert petition in the record [R-303-439], but instead citing the District Judge's decision.

(B) **"...she now is 'effectively seek[ing] review of judgments of [the] state courts,'** Moccio, 95 F.3d at 197, **judgments that have deprived her of her license to practice law..."**

There are **no judgments** that have deprived Appellant of her license to practice law -- as **de novo** review of the record would have disclosed to the panel, had it undertaken such review. The Verified Complaint alleges that Appellant was suspended by a June 14, 1991 "interim" suspension Order -- a copy of which it annexed [R-96].

The **only** state court judgment that exists in the record arises from Appellant's post-suspension Article 78 proceeding against Defendant Second Department. As highlighted in Appellant's Brief (at 10, 74-75) and Reply (at 27-31), Defendant Second Department's judgment in that Article 78 proceeding [R-362] -- which the panel does not cite -- is not an adjudication responsive to the merits, was alleged by the

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Third Paragraph (cont'd):

Complaint to be a fraud [R-75: ¶182; R-77: ¶¶189-191; R-80-81: ¶¶291-202], and is a jurisdictional nullity because, by decisional law cited in the record [R-333], Defendant Second Department was legally disqualified and without jurisdiction to render it, Colin v. Appellate Division, First Department, 3 A.D.2d 682, 159 N.Y.S.2d 99 (2d Dept. 1957), citing Smith v. Whitney, 116 U.S. 167 (1886).

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Full Paragraph:

"**Examining Sassower's complaint** under **contemporary preclusion principles**, it is manifest that her present claims -- **as the district court determined** -- were effectively 'raised and denied in the state proceedings,' and consequently 'are inextricably intertwined with her particular case."

(A) **"Examining Sassower's complaint"**

The panel offers no evidence of any such examination -- failing to identify either the precise claims raised in any of the proceedings, the proceedings themselves, or the issues adjudicated therein. Any purported examination is belied by the allegations of the Verified Complaint -- none of which the panel cites.

(B) **"contemporary preclusion principles"**

The panel fails to specify the "contemporary preclusion principles" to which it is referring and does not identify any of the prerequisites to invocation of those principles. These prerequisites were set forth in Appellant's Memorandum of Law [R-471-476] in opposition to Defendants' dismissal motion and in support of her own summary judgment application, were recited continually in the Brief (at 18, 65-66), and were particularized in Appellant's Reply Brief (at 26-32). The panel does not deny or dispute the correctness of the arguments and legal authority, set forth therein.

(C) **"as the district court determined"**

The District Judge did not make the essential determinations that prerequisites for preclusion had been met: due process, a full and fair opportunity to litigate, and adjudications responsive to the merits. The District Judge's failure to make such determinations -- and the complete

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unavailability of such determinations on this record -- is highlighted in Appellant's Reply Brief (at 9, 26-31).

Moreover, by relying on the District Judge's decision for preclusion [R-17], the Circuit panel is going outside the Complaint: the District Judge having granted summary judgment dismissal. Indeed, Appellant's cert petition, which the District Judge includes in his discussion of preclusion, is nowhere mentioned in Appellant's Verified Complaint. Additionally, the panel is affording preclusive effect to non-final orders, as well as the judgment in Appellant's Article 78 proceeding, which -- as a matter of law -- is a jurisdictional nullity (Br. 74; Reply Br. 28-29).

The panel -- like the District Judge -- does not identify that Appellant's Verified Complaint alleged that all proceedings in the state forum were tainted by bias and political motives by reason of Appellant's whistle-blowing challenge to the politicization of judicial selection -- thereby denying her due process. Likewise the panel does not identify that the particularized allegations of Appellant's Verified Complaint, highlighted in her Brief (at 4-11), delineated outright fraud and criminality by Defendants, covered up by Defendant Second Department's failure and refusal to issue anything but unlawful and finding-less orders. (Reply Br. 27-28).

Like the District Judge, the panel does not address any of the evidence in the record -- all substantiating Appellant's allegations as to the denial of her due process and equal protection rights in the state forum.

(D) **"effectively raised"**

This phrase has a convenient double meaning, "**effectively**" may mean "essentially" or, it may imply, "with results" or "fully and fairly". By such ambiguity, the panel avoids making an actual finding of requisite due process in the prior proceedings affording Appellant a full and fair hearing or that there were any decisions responsive to the issues raised. As highlighted by Appellant's Reply Brief (at 27-28), Defendant Second Department has not issued any reasoned decisions, but rather, "peremptory orders setting forth no reasons at all". None of these have made "any finding as to [Appellant's] challenges to Defendant Second Department's impartiality, jurisdiction, or compliance with due process requirements". Appellant's Reply Brief (at 9) pointed out that the District Judge did not make any finding that Appellant was afforded "a full and fair opportunity" to litigate or the minimum due process standards governing state attorney disciplinary proceedings, without which they are violative of federally-protected constitutional rights.