

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WISCONSIN

Office of Lawyers Professional Responsibility,

Appellee,

v.

Jill Clark,

Appellant

TO: Eighth Circuit Court of Appeals c/o Clerk

C: Office of Lawyers Professional Responsibility

NOTICE OF FILING NOTICE OF REMOVAL

Please be advised that on September 3, 2012, the Appellant filed a petition for removal of Eighth Circuit file number 12-2844 with the United States District Court for the Western District of Wisconsin (attached).

Dated: September 3, 2012

APPELLANTS

Jill Clark for Jill Clark

Jill Clark, LLC for Jill Clark, P.A.

Jill Clark for Jill Clark, LLC

2005 Aquila Av. N.

Golden Valley, MN 55427

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WISCONSIN

Office of Lawyers Professional Responsibility,

Appellee,

v.

Jill Clark,

Appellant

PETITION FOR REMOVAL

Appellant filed this appeal shortly after the Honorable John R. Tunheim issued an order for remand in the District of Minnesota file no. 12-cv-1373. Appellant has never conceded that any proper clerk letter was issued, and in fact, filed on the Eighth Circuit ECF both a motion to stay and a letter to the Panel which objected to the process that she had been told had been used regarding the clerk's letter regarding remand. At this time Clark is not able to fully ascertain the state of the official record, or the state of the electronic record.

At this time it appears that Clark's motion to stay is still pending. When that motion was filed, the briefing schedule was not stayed. Yet when the Appellee filed a motion for 'summary disposition,' it appears that there may have been a letter indicating that the briefing schedule would be stayed until the Appellee's motion was decided.

There is no question this matter was commenced in the State of Minnesota. It also appears that on or about August 15, 2012, the Honorable John R. Tuheim issued an order in District of Minnesota file number 12-cv-1874, remanding a similar but different case to the Minnesota Supreme Court.

Although Clark has no knowledge of any clerk letter being sent to the Minnesota Supreme Court with regard to that file, the Minnesota Supreme Court issued an order, and is apparently expecting that Clark comply with it.

Based on what Clark knows at this time, that order of the Minnesota Supreme Court was issued in the absence of all jurisdiction, it should not have been issued, and Clark has no duty to comply with it.

Clark cannot risk "complying" with that order, because it deals with issues on a sort of 'appellate' level (that is, the Supreme Court sitting in supervision of the Referee) even though Clark has never had a hearing on the Minn.R.Prof.Resp. 28(c) issue it discusses.

It is clear that due process requires the Minnesota Supreme Court to hold an actual hearing, where Clark is present, where Clark can subpoena witnesses and cross examine them, and other due process protections.

The August 22, 2012 order of the Minnesota Supreme Court attempts to leap-frog over that entire issue, and command substantive responses on health issues, without any indication of what the future process would be (and certainly without any promise of a post-deprivation hearing), without any promise of confidentiality, and indeed, questions that appear to place Clark in a position of being unable to protect her rights.

Clark's rights in this context have serious import. The State seems intent on taking Clark's state law license from her, not due to proven violations, but because of health issues. Clark has written at length about the chronology that led up to her health issues, and the unsavory role of the Officer of lawyers Professional Responsibility in that chronology.

It is not accurate (as the Appellee states in response to Clark's motion to stay) that Clark has been vague on these issues. Quite the contrary: the Appellee has chosen to ignore the facts, and simply make argument. The facts include, but are not limited to, Clark being served with a non-emergency, low-level charge (which the OLPR indicated would result in a public reprimand if proven) while she was on medical leave. And when questioned about that choice of timing (which Clark has also indicated would have pushed the matter before the 2012 election), the OLPR stated that the only way Clark could halt the disciplinary process was a Rule 28(c) disability suspension of her license.

Clark began protesting the process as soon as she emerged from the hospital in June, and has never conceded that the process is appropriate. However, it appears that Clark's protestations regarding her US Constitutional right to due process have fallen on deaf ears. Clark has been unable to obtain any process either in the District of Minnesota, at the Eighth Circuit Court of Appeals, or the Minnesota Supreme Court, that prioritized and considered her US Constitutional rights.

Clark has for months also protested the unequal treatment of her in the context of the disciplinary proceeding, and has articulated numerous ways in which the proceedings thus far have denied her equal protection of the laws. Clark hastens at this time to call to mind that the Fourteenth Amendment promised to citizens of the states that they have the equal protection of the laws, and Clark contends that no case law restriction on that Constitution precept is apt. (See, in particular, the Congressional history at the passage of 42 USC 1983).

The OLPR's allegations against Clark have emerged in several different case files. Neither the OLPR nor the Minnesota Supreme Court have objected. Indeed, it was the Minnesota Supreme Court action that commenced with no less than 5 file numbers at the state level. At this time issues of fact and law relating to the OLPR prosecution of Clark are pending in the Western District of Wisconsin.

Pursuant to 28 USC 1443, Appellant removes this action to the District Court for the Western District of Wisconsin.

Dated: September 3, 2012

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UNITED STATES COURT OF APPEAL

FOR THE EIGHTH CIRCUIT

SERVICE OF PARTIES ON ECF

This certifies that all parties are on ECF, and were served September 3, 2012 with Jill Clark's Notice of filing Notice of Removal.

September 3, 2012

Jill Clark, Esq.