

No.

IN THE

SUPREME COURT OF THE UNITED STATES

Diana R. Williams - PETITIONER

vs.

Board of Education of Baltimore County - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

The In Banc Review by the Circuit Court for
Baltimore Baltimore City

PETITION FOR WRIT OF CERTIORARI

Diana R. Williams
1311 N. Ellwood Ave.
Baltimore, Maryland 21213
410-276-7551

QUESTIONS PRESENTED

(1) Whether the three-panel judges from the Circuit Court in Baltimore City who presided over the Petitioner's In Banc Review caused public distrust and lack of confidence in the legal system by erring egregiously as a result of an unlawful procedure and as a matter of law in violating the Substantial Evidence Standard, acting arbitrarily and capriciously, abusing their discretion, and, therefore, breaching A-104, C-101, C-102, Rules 1.1, 1.2a, 1.2b, and 2.2 of the Maryland Code of Judicial Conduct due to the highly substantiated allegation of their obstructing justice by committing perjury, fraud, professional misconduct, and deceit in their Memorandum and Order dated April 23, 2014 and whether they continued to obstruct justice in the their 6-23-14 Order that denied the Petitioner's Motion for Reconsideration and the accompanying exhibits, which prove, unequivocally, that these Officers of the Court did obstructed justice?

(2) Whether it is of public interest that the preservation of the principles of justice in the rule of law, whether the respect and honor to the judicial office as a public trust, and whether the maintenance and enhancement of confidence in the legal system is damaged when the the Petitioner's 14th Amendment Right is infringed upon as a result of the corroborated allegation that the three-panel judges erring egregiously by obstructing justice in failing to uphold their responsibility to enforce a bargained agreement, in committing perjury, fraud, deceit, and professional misconduct and, thus, violating A-104, C-101, C-102, Rules 1.1, 1.2a, 1.2b, and 2.2 of Maryland Code of Judicial

Conduct, and, as lawyers, breaching Rules 3.3(a) (1) through 3.3(a) (4), 8.4(a) through

8.4(d), and 8.4(f) of the Maryland Lawyers' Rules of Professional Conduct?

(3) Whether it is in the interest of justice and whether it is of public interest that, since

the evidence before this Honorable Court, as well as other evidence, support the

allegation that the Respondent and the three-panel judges have knowingly and

intentionally obstructed justice and, thus, demonstrated criminal misconduct and an

infringement upon the Petitioner's 14th Amendment right, they are among 8 other

Officers of the Court in Maryland that the Petitioner filed a complaint against with the

Department of Justice, requesting that the the Honorable Eric Holder assign an

investigative team to diligently investigate these substantiated allegations of the

obstruction of justice, criminal misconduct, and breaching of the Petitioners 14th

Amendment right?

REFERENCE TO PERTINENT ARTICLES AND SECTIONS OF THE

NEGOTIATED CONTRACT, THE MASTER AGREEMENT, BETWEEN THE

CHOO BOARD AND TABCO

Article IV, Sections 4.1 through 4.3.1

Article X, Section 10.14

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

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STATUTES

14TH Amendment

Maryland Constitution, Article IV, Section 22

Maryland Code Annotated, Courts & Judicial Procedure & 12-301

Maryland Code Annotated, Courts & Judicial Procedure & 12-302

REFERENCE TO PERTINENT MARYLAND RULES

A-104, A-106, C-101, C-102, Rules 1.1, 1.2(a), 1.2(b), 2.2, 2.15 (a), 2.15(b), 2.15(c),
and 2.15(d) of the Maryland Code of Judicial Conduct

Maryland Rule 2-551

Rules 3.3(a) (1) through 3.3(a) (4), 8.4(a) through 8.4(d), and 8.4(f) of the Maryland
Lawyers' Rules of Professional Conduct

IN THE

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Petitioner respectfully prays that a writ of certiorari issue to the review the judgment below.

MEMORANDUM AND ORDERS BELOW

For cases from state courts:

The Order dated 6-23-14 from the In Banc Panel of Judges from the Circuit Court in Baltimore City to review the merits appears at Appendix A to the petition and is unpublished.

The Memorandum and Order dated 4-23-14 from the In Banc Panel of Judges from the Circuit Court in Baltimore City to review merits appears Appendix B to the petition and is unpublished.

JURISDICTION

[X] For cases from state courts:

The date on which the In Banc Panel of Judges from the Circuit Court of Baltimore City issued their Memorandum and Order after presiding over the In Banc Hearing was 4-23-14. A copy of their Memorandum and Order appears at Appendix B

The date on which the In Banc Panel of Judges from the Circuit Court of Baltimore City received the Petitioner's Motion for Reconsideration was on 5-7-14. A copy of the Petitioner's Motion for Reconsideration appears as Appendix C

The date on which In Banc panel of Judges from the Circuit Court of Baltimore City issued their Order which denied the Petitioner's Motion for Reconsideration was 6-23-14.

The jurisdiction of this Court is invoked under 28 U.S.C. Section 1257(a).
because Maryland Constitution, Article IV, Section 22, Maryland Code Annotated Courts and judicial Procedures, Section 12-301, Maryland Code Annotated, Courts and judicial Procedures, Section 12-302, and Maryland Rule 2-551 do not allow the Petitioner to appeal the decision of the In Banc Panel of Judges to the Court of Special Appeals in Maryland or the Court of Appeals in Maryland.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATUTES

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and 2.15(d) of the Maryland Code of Judicial Conduct

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Lawyers' Rules of Professional Conduct

REFERENCE TO PERTINENT ARTICLES AND SECTION OF THE

NEGOTIATED CONTRACT, THE MASTER AGREEMENT, BETWEEN THE

SCHOOL BOARD AND TABCO

Article IV, Sections 4.1 through 4.3.1

Article X, Section 10.14

STATEMENT OF THE CASE

Judges should hold themselves to the highest ethical standards and seek to achieve those aspirational goals and, thus, enhance the dignity of the judicial system. The Petitioner's Memorandum in Support of an In Banc Review filed on 11-22-13 in the Circuit Court of Baltimore City (Appendix E), her written Oral Argument that was read before the In Banc panel of judges on 3-25-14 (Appendix D), and her Motion for Reconsideration (Appendix C) and the accompanying exhibits (Exhibits 1 through Exhibit 4) filed on 5-7-14 support the material fact that the three-panel judges which presided over the Petitioner's In Banc hearing did not preserve the principles of justice in the rule of law because these exhibits substantiate the allegation that the three-panel judges, unequivocally, committed perjury on the most critical issue germane to the Petitioner's dismissal by the Maryland State Board of Education ("MSBE") as a Mathematics teacher for over 30 years, namely, that her termination breached Article IV, Sections 4.1 through 4.3.1 and Article X, Section 10.14 in the bargained agreement entitled the **Master Agreement**. Also, the evidence of the Petitioner's Memorandum in Support of an In Banc Review ("Memorandum"), of her written Oral Argument that was read before the In Banc panel on 3-25-14, and the evidence of her Motion for Reconsideration ("Motion") substantiate the allegation that these three panel judges, namely, Judge Cox, Judge Rubin, and Judge Tanner committed fraud and

deceit by failing to disclose the very critical, relevant, and substantiated material facts cited below which detail more specifically how the bargained agreement was infringed upon and, thus, prevent their statement of facts from being misleading.

On page 2 in the Petitioner's Memorandum, on the first page in her written Oral Argument, on pages 2 through 4 in her Motion, as well as in her grievance complaints that are part of the record in this case, the Petitioner raised the issue of whether the sudden and unexpected implementation of the **new mandates** breached Article IV, Sections 4.1 through 4.3.1 and Article X, Section 10.14 of the **Master Agreement**. However, in their 4-23-14 Memorandum and Order (Appendix B), as well as in their 6-23-14 Order (Appendix A), the In Banc panel of judges failed to consider, address, disclose, and resolve this essential and primary issue of whether the Petitioner's dismissal violated these specific Articles and Sections of the bargained agreement, and, thus, failed to uphold their responsibility to enforce a bargained agreement. Also, although the three-panel judges acknowledge on page 6 of their Memorandum and Order that the mandates were **new mandates**, they failed to disclose the significant, relevant, and substantiated material fact that the **new mandates** were suddenly and unexpectedly thrust upon the teaching staff at Golden Ring Middle School for the first time during the beginning of the 2010-2011 school year without any prior knowledge by the teaching staff or by the Faculty Council, whose functions as a mediator between the Administrative staff and the teaching staff relative to implementing any **new mandates**.

Another important, relevant, and substantiated material fact that the three-panel judges failed to disclose is that the evidence from the Petitioner's letter to one of the members of the Faculty Council dated 11-16-10 (Exhibit 2 attached to Petitioner's Motion for Reconsideration) and the response from the member of the Faculty Council dated 11-18-10 (Exhibit 3 attached to the Petitioner's Motion for Reconsideration) substantiate that the principal never met with or discussed the new mandates, new sub-mandates, or new assessments with the Faculty Council or the teaching staff prior to implementing the new mandates for the 2010-2011 school year. Still too, another critical, relevant, and substantiated material fact that the panel of judges failed to disclose is that, as evidenced by a copy of Article IV, Section 4.1 through 4.3.1 of the **Master Agreement** (Exhibit 1 attached to the Petitioner's Motion for Reconsideration), the implementation of any new mandates which are new policies, procedures, and/or practices must be done in accordance to the protocol outlined in Article IV, Sections 4.1 through 4.3.1 of the **Master Agreement**. Moreover, since the evidence of the 4-23-14 Memorandum and Order by the three-panel judges substantiate that these Officers of the Court failed to disclose these significant, relevant and substantiated material facts although these material facts are cited in the Petitioner's Memorandum, in her Oral Argument, in her Motion, and are essential in demonstrating precisely how the new mandates violated the contractual agreement and in preventing their statement of facts from being misleading, these three-panel judges, who are attorneys, are, too, being alleged to have

knowingly and willingly committed fraud, professional misconduct, and, thus, in violation of Rules 3.3(a) (1) through 3.3(a) (4), 8.4(a) through 8.4(d), and 8.4(f) of the Maryland Lawyers' Rules of Professional Conduct.

As evidenced on pages 4 and 5 in her Memorandum and on page 2 in her Motion for Reconsideration, the Petitioner cites verbatim Article IV, Section 4.2 of the Master Agreement which asserts that "*The basic purpose of the Faculty Council is to*

establish and maintain positive relationships and communications among the faculty and staff. The council shall also serve as the vehicle by which proposed changes in existing policies and practices, and new policies and practices, for each school may be considered and may be subject for discussion at any Faculty Council-principal meeting." Moreover, in order to substantiate her claim that the new mandates included

new non-instructional mandates which, also, infringed upon not only Article IV,

Sections 4.1 through 4.3.1 but, also, another clause of the Master Agreement, namely,

Article X, Section 10.14, the Petitioner quotes on pages 5 and 6 in her Memorandum

and on page 4 in her Motion for Reconsideration Article X, Section 10.14 (Exhibit 4

attached to the Petitioner's Motion for Reconsideration) which declares that "The Board

shall provide instructional assistants and clerical personnel for the purpose of

relieving teachers of such duties as duplicating instructional materials, entering

and tabulating data, collecting money and materials from students, and supervising

students in non-instructional activities." Consequently, the evidence of the verbatim

quotes of Article IV, Section 4.2 and Article X, Section 10.14 from the Master Agreement the in the Petitioner's Memorandum and in her Motion, undoubtedly, supports the allegation that these three-panel judges committed perjury on the most critical, relevant, and substantiated material fact in the Petitioner's defense by declaring on page 6 in their April 23, 2014 Memorandum and Order that "Likewise, in the Petitioner's Memorandum in Support of En Banc Review and at the en banc hearing, Petitioner was unable to provide any clause from the Master Agreement that would indicate that the new mandates by the School Board breached the Master Agreement."

The evidence of the Petitioner's Memorandum, written Oral Argument, and her Motion for Reconsideration and the attachments to her Motion, and the 4-23-14 Memorandum and Order and the 6-23-14 Order by the In Banc panel of judges support the allegations that, by failing to disclose relevant and material facts, by failing to enforce a bargained agreement, and by lying these Officers of the Court have participated in obstructing justice in committing fraud, deceit, perjury, in failing to uphold their responsibility to enforce a bargained agreement, in committing professional misconduct and, thereby, breaching A-104, C-101, C-102 and Rules 1.1, 1.2a, 1.2b, and 2.2 of the Maryland Code of Judicial Conduct; and, as lawyers, these Officers of the Court have breached Rules 3.3(a) (1) through 3.3(a) (4), 8.4(a) through 8.4(d), and 8.4(f) of the Maryland Lawyers' Rules of Professional Conduct.

Contrary to the three-panel judges declaring in their Memorandum and Order dated 4-23-14 that Judge D. Brown, who initially heard the appeal of the decision of the MSBE, was not in error in affirming the MSBE'S decision to uphold the School Board's termination of the Petitioner because the Petitioner did not cite a clause in the Master Agreement that substantiated a breach in the contract, such is not the case. The Petitioner asserts in her Memorandum, in her written Oral Argument that was read before the In Banc panel of judges, and in her Motion for Reconsideration that the evidence of the Opinion of the MSBE (Appendix F) supports the Petitioner's most vital legal defense for requesting an In Banc Review, that is, because the MSBE, as well as the Administrative Law Judge ("ALJ"), the Respondent, and the Hearing Examiner, failed to consider, address, disclose, and resolve whether the Petitioner's termination infringed upon Article IV, Sections 4.1 through 4.3.1 and Article X, Section 10.14 of the Master Agreement. Also, as cited in her Motion for Reconsideration, in her written Oral Argument, and in her Memorandum, the Petitioner declares that she raised the issue of these specific Articles and Sections of the contract being breached at the initial administrative hearing, as well as on each appeal, including the appeal to the Circuit Court of Baltimore City.

Since the evidence of the Memorandum and Orders by the three-panel judges substantiate the allegation that the primary issue relevant to the Petitioner's appeal, namely, whether her dismissal breached Article IV, Sections 4.1 through 4.3.1, and

Article X, Section 10.14 of the **Master Agreement**, was not considered, addressed, disclosed, and resolved by the three-panel judges although the Petitioner raised this vital issue at her initial hearing and on each appeal, these Officers of the Court not only failed to uphold their responsibility to enforce a bargained agreement, but just as significantly, is responsible for causing the Petitioner to continue to be unlawfully and illegally terminated, continue to be without her livelihood, and, thus, continue to have her 14th Amendment right violated. Also, because of the false allegation of misconduct in office by the Respondent, the Petitioner has not been able to receive any unemployment benefits; and, due to her tarnished record, the Petitioner has not been able to be employed as a Mathematics teacher, may become homeless because her home was foreclosed on as of 7-11-14, and has been living well below the poverty line because of her being without an income for over three years and unable to find a job in her profession. Further, by failing to uphold their responsibility to enforce the **Master Agreement** which was crucial in order to determine whether the contract was violated in terminating the Petitioner and if the Petitioner's livelihood and, thus, 14th Amendment right is being infringed upon, the three panel-judges have coerced the Petitioner to continue to endure excruciating emotional distress, more unnecessary pain and suffering, and other damages.

Obstructing justice is a criminal act, and since the evidence attached to the Petitioner's Writ, as well other supporting documentation, corroborates the allegation

The three-panel judges who presided over the Petitioner's In Banc Review, namely, Judge Cox, Judge Rubin, and Judge Tanner are supposed to maintain dignity of the judicial office at all times and avoid both impropriety and professional misconduct. In spite of the overwhelming evidence that is attached to the Petitioner's Motion for

REASONS FOR GRANTING THE PETITION

violated and, thereby, prevent their statements of fact from being misleading. Facts stated in this Writ, which are essential to substantiating how the contract was that each Officer of the Court would independently fail to disclose the same material independently fail to uphold their responsibility to enforce a bargained agreement and mind would find it difficult to conceive that 13 different Officers of the Court would violation of her 14th Amendment right by these 13 Officers of the Court. A reasonable of nonfeasance, misfeasance, malfeasance, a conspiracy to obstruct justice, and a to her complaint on 7-22-14, requesting an investigation of the substantiated allegations Justice, namely, the Honorable Eric Holder, on 7-14-14 (Appendix G) and an addendum Amendment right, the Petitioner filed a complaint to attorney for the Department of Petitioner to be deprived of her livelihood for over three years and thus violated her 14th have committed nonfeasance, misfeasance, and malfeasance which has caused the ALJ, the Hearing Examiner, and 5 other Officers of the Court have obstructed justice, that the three-panel judges, as well as Judge Brown, the Respondent, the MSBE, the

Reconsideration that corroborates the material fact that the panel of judges obstructed justice by committing perjury, fraud, deceit, and professional misconduct, and, thereby, have infringed A-104, C-101, C-102, Rules 1.1, 1.2a, 1.2b, and 2.2 of the Maryland Code of Judicial Conduct and Rules 3.3(a) (1) through 3.3(a) (4), 8.4(a) through 8.4(d), and 8.4(f) of the Maryland Lawyers' Rules of Professional Conduct, these Officers of the Court still refused to acknowledge, repent, and correct their criminal misconduct, but chose to simply state in their 6-23-14 Order that they "deny" the Petitioner's Motion for Reconsideration without any explanation; therefore, these Officers of the Court, also, intentionally inflicted emotionally distress and pain and suffering upon the Petitioner, has caused her to have her home foreclosed on and, thus, becoming homeless, have caused her to be deprived of her livelihood and, thereby, have imposed on her 14th Amendment right. Moreover, such obstruction of justice, breach of Maryland Code of Judicial Conduct, and violation of the Maryland Lawyers' Rules of Professional Conduct should be viewed by this Honorable Supreme Court of the United States as a total dishonor to the judicial office as a public trust which causes a great lack of confidence in the legal system. The three-panel of Judges who presided over the Banc hearing knew that there would be no reason for not granting the Petitioner a new hearing as requested in her Motion for Reconsideration had they not intentionally obstructed justice by committing perjury, fraud, deceit, and professional misconduct and therefore, violated Rules A-104, C-101, C-102, Rules 1.1, 1.2a, 1.2b, and 2.2 of the

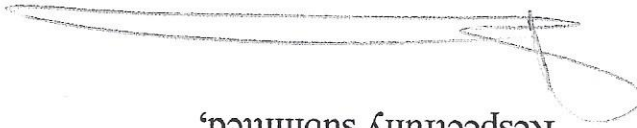
Maryland Code of Judicial Conduct, and Rules 3.3(a) (1) through 3.3(a) (4), 8.4(a) through 8.4(d), and 8.4(f) of the Maryland Lawyers' Rules of Professional Conduct. And, although the Petitioner has spent over 30 years of her life trying to make a difference in the lives of our children as a Mathematics teacher, she is now being forced to live her life in the most inhumane manner, deprived of her livelihood and, thereby, her 14th Amendment right as a result of the substantiated allegations of obstruction of justice by the Respondent, the three-panel judges, and others. Thus, these three panel-judges erred egregiously as a result of an unlawful procedure and as a matter of law in violating the Substantial Evidence Standard, acting arbitrarily and capriciously, abusing their discretion in committing such criminal misconduct, and, thus, in the interest of justice, this Supreme Court of the United States should take or initiate appropriate and swift corrective measures with respect to such unprofessional conduct of these three-panel judges who willingly and intentionally obstructed justice by committing perjury, fraud, deceit, and professional misconduct and, thereby, violated A-104, C-101, C-102, and Rules 1.1, 1.2a, 1.2b, and 2.2 of the Maryland Code of Judicial Conduct. The Court of Appeals has determined that a violation of Rule 8.4(c) is at least serious misconduct which requires a serious and prompt response. See *Attorney Grievance Commission v. Vanderline*, 364, Md. 376, 418, 773 A2d 463, 488 (2001) (stating disbarment ordinarily should be the sanction for intentional dishonest conduct; *Attorney Grievance Commission v. Kahn*, 290 Md. 654, 431 A 2d 1336 (1981) (citing *Attorney Grievance*

Commission v. Barnes, 286 Md. 474, 408 A 2d 719 (1979) (stating that when an attorney is convicted of a crime of moral turpitude disbarment follows automatically unless compelling extenuating circumstances are established).

CONCLUSION

Therefore, for the reasons cited above, the Petitioner respectfully requests that her Petition for Writ of Certiorari be granted, that she be granted a new trial, and that swift corrective measures be taken against Judge Cox, Judge Tanner, and Judge Rubin.

Respectfully submitted,



Diana R. Williams

Executed on August 1, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Margaret Ann F. Howie, Esq.
Baltimore County Public Schools System
6901 Charles Street
Towson, Md. 21204

The names and addresses of those served are as follows:

I, Diana R. Williams, do swear or declare that on this date, August 1, 2014, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

PROOF OF SERVICE

Board of Education of Baltimore County - RESPONDENT

vs.

Diana R. Williams - PETITIONER

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