

December 3, 2001

John Gregory Lambros
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**LETTER OF APPEAL AGAINST
ATTORNEY COLIA F. CEISEL.**

Edward J. Cleary, Director
Office of Lawyers Professional Responsibility
Minnesota Judicial Center
25 Constitution Avenue, Suite 105
St. Paul, Minnesota 55155-1500
Tel. (651) 296-3952
U.S. CERTIFIED MAIL NO. 7001-0320-0005-5874-4707

RE: LAMBROS vs. ATTORNEY COLIA F. CEISEL.

Dear Mr. Cleary:

On November 26, 2001, you and Kenneth L. Jorgensen, First Assistant Director of The Office of Lawyers Professional Responsibility issued an "ADMINISTRATIVE ORDER" as to John Gregory Lambros' filing of complaint against Minnesota Attorneys:

- a. Colia F. Ceisel;
- b. Douglas R. Peterson;
- c. David L. Lillehaug;

dated October 30, 2001. Your "ADMINISTRATIVE ORDER" was directed as to the actions of ATTORNEY COLIA F. CEISEL, stating "DETERMINATION THAT DISCIPLINE IS NOT WARRANTED, WITHOUT INVESTIGATION."

LAMBROS APPEALS YOUR NOVEMBER 26, 2001 "ADMINISTRATIVE ORDER."

Lambros believes that the Office of Professional Responsibility understands his complaint, "Complainant asserts that respondent [Attorney Ceisel] failed to adequately represent his [Lambros'] interests by failing to request that the presiding judge recuse himself pursuant to Title 28 U.S.C. §455 which prohibits a United States district court judge to adjudicate a case that he or she was involved with as United States Attorney."

Mr. Cleary and Jorgensen further state within their "REASONS FOR DECISION NOT TO INVESTIGATE," that Lambros may not have a clear "interpretation or application of the statute." Lambros has a very clear understanding of Title 28 U.S.C. §455(a) and §455(b)(3), and INCORPORATES all pleading within LAMBROS vs. USA, Civil File No. 99-28(RGR), that are available within Lambros BOYCOTT BRAZIL web site:

www.brazilboycott.org

under the section "ROBERT G. RENNER, UNITED STATES DISTRICT COURT JUDGE, AS TO VIOLATIONS OF TITLE 28 U.S.C. §455(a) and §455(b)(3), DISTRICT OF MINNESOTA."

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Lambros further suggests that Mr. Cleary and Jorgensen read LILJEBERG vs. HEALTH SERVICES ACQUISITION CORP., 100 L.Ed.2d 855 (1988) (Violation of Title 28 USCA §455(a) which requires judge to DISQUALIFY HIMSELF in any proceeding in which his impartiality might reasonably be questioned DOES NOT REQUIRE SCIENTER, although judge's lack of knowledge of disqualifying circumstances may bear on question of remedy.)

FULL RECORD

Lambros believes Mr. Cleary and Jorgensen should review the "**FULL RECORD**" in this action and interview Attorney Ceisel and Judge Renner. The Eighth Circuit Court of Appeals states that a "claim of bias of judge must be evaluated in the light of the **FULL RECORD** not simply in the light of an isolated incident. 28 U.S.C.A. §455(a)" See, IN RE FEDERAL SKYWALK CASES, 680 F.2d 1175, Head Note B (8th Cir. 1982). It is entirely possible that Judge Renner instructed Attorney Ceisel not to inform LAMBROS that he prosecuted him in 1976 on drug charges. Also see, U.S. vs. GREENSPAN, 26 F.3d 1001 (10th Cir. 1994) (Recusal on ground that judge's impartiality might reasonably be questioned is to be judged on **RECORD**; it is not question of either government or defendant bearing burden of proof. 28 USCA §455(a)).

**LAMBROS INCORPORATES HIS NOVEMBER 28, 2001 LETTER OF
APPEAL AS TO ATTORNEY PETERSON & LILLEHAUG**

On November 28, 2001, via U.S. Certified Mail Lambros submitted his "LETTER OF APPEAL" as to Attorney David L. Lillehaug and Douglas R. Peterson to Mr. Cleary. Lambros is requesting that letter to be incorporated within this appeal.

**DO ERRORS SO SERIOUS THAT ATTORNEY CEISEL WAS NOT
FUNCTIONING AS COUNSEL QUALIFY AS UNPROFESSIONAL
CONDUCT ?**

Mr. Cleary and Mr. Jorgensen state, "The Directors Office is limited to investigating complaints of unprofessional conduct and prosecuting disciplinary actions against attorneys." Lambros clearly outlines in his November 28, 2001 **APPEAL LETTER** as to Attorney Lillehaug and Peterson the standards of "The ABA Model Code of Professional Responsibility," "The ABA Model Rules of Professional Conduct," "Federal Rule of Civil Procedure 11," and "Title 28 USCA §455," that would clearly qualify, if breached, as Sixth Amendment violations. In fact, the Eighth Circuit Court of Appeals has ruled, *sua sponte*, that an attorney is **DEFICIENT** when he/she is not familiar with the criminal guidelines and failed to challenge the government's breach of its agreement. See, U.S. vs. GRANADOS, 168 F.3d 343 (8th Cir. 1999)

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The First Circuit has stated, "A motion to recuse a trial judge is inherently offensive to the sitting judge, See, HOLT vs. VIRGINIA, 14 L.Ed.2d 290, 294 (1965), because it requires the moving party to allege and substantiate bias and prejudice—traits contrary to the impartiality expected from a mortal cloaked in judicial robe. Yet the **FAIR ADMINISTRATION OF JUSTICE REQUIRES THAT LAWYERS CHALLENGE A JUDGE'S PURPORTED IMPARTIALITY WHEN FACTS ARISE WHICH SUGGEST THE JUDGE HAS EXHIBITED BIAS OR PREJUDICE. THE APPROPRIATE MECHANISM FOR SUCH A CHALLENGE IS A MOTION TO RECUSE.**" See, U.S. vs. COOPER, 872 F.2d 1, 4-5 (1st Cir. 1989). Also see, HOLT, 14 L.Ed.2d 291, Head Note 2 (The due process right to be heard necessarily embodies a right to file motions and pleadings essential to present claims and raise relevant issues, including motions for change of venue to **ESCAPE A BIASED TRIBUNAL**).

The Supreme Court has described attorneys as "assistants to the court in search of a just solution to disputes." OHRALIX vs. OHIO STATE BAR ASS'N, 436 U.S. 447, 460 (1978), Quoting, HOWELL vs. STATE BAR OF TEXAS, 843 F.2d 205, 207 (5th Cir. 1988). Also, IN RE SNYDER, 472 U.S. at 644-45 (1985), Former Chief Justice Burger described the lawyers role in the administration of justice in the following language, ". . . The license granted by the court requires members of the bar to conduct themselves in a manner **COMPATIBLE WITH THE ROLE OF COURTS IN THE ADMINISTRATION OF JUSTICE.**"

In a courtroom, a lawyer without a client is like an actor without a part: he/she has no role to play, and no lines to deliver. Attorney Ceisel denied LAMBROS his due process right to file a motion for recusal of Judge Renner under Title 28 USCA §455(a) and §455(b)(3), as illustrated in HOLT. The question is, "DID LAMBROS HAVE A RIGHT TO PRESENT EVIDENCE OR TESTIMONY AS TO VIOLATIONS OF TITLE 28 U.S.C. §455(a) and §455(b)(3) AGAINST JUDGE ROBERT G. RENNER?" It is only fair to measure Attorney Ceisel's rights by LAMBROS' rights. If LAMBROS has no trial right to present evidence or testimony, then the evidence or testimony may not be presented. Attorney Ceisel denied LAMBROS his right to present a defense and should be sanctioned under ABA STANDARDS RELATING TO THE ADMINISTRATION OF CRIMINAL JUSTICE.

Attorney Ceisel bears the burden of proving Judge Renner's impartiality might reasonably be questioned by the average person on the street who knew all the relevant facts of the case. See, RANISTER vs. DELO, 100 F.3d 610, 614 (8th Cir. 1996) ("Under §455(a), we consider whether the judge's impartiality might reasonably be questioned by the average person on the street who knew all the relevant facts of a case.")

It is also necessary for The Office of Lawyers Professional Responsibility to ask Attorney Ceisel if Judge Renner solicited advice from her to determine whether to disqualify himself. See, MATTER OF NAT. UNION FIRE INS. CO. OF PITTSBURGH, 839 F.2d 1226, 1230-31 (7th Cir. 1988) (judge should not solicit counsels' views on questions of appearance of partiality and recusal because judge should reach own determination and such questions are "fraught with potential coercive elements.")

Attorney Ceisel knew that if any doubt existed as to Judge Renner's "IMPARTIALITY MIGHT REASONABLY BE QUESTIONED BY THE AVERAGE PERSON ON THE STREET WHO KNEW ALL THE RELEVANT FACTS OF THE CASE," doubts would be resolved in favor of recusal. See,

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IN RE CHEVRON, U.S.A., INC., 121 F.3d 163, 165 (5th Cir. 1997)(if question of whether §455(a) requires disqualification is close one, balance tips in favor of recusal.)

CONCLUSION

Attorney Ceisel, Judge Renner, U.S. Attorney Lillehaug, and U.S. Assistant Attorney Peterson were obligated to stay informed of John Gregory Lambros' past criminal proceedings that were filed as INFORMATION on December 17, 1992 in U.S. vs. LAMBROS, Criminal No. 4-89-82(5), that LAMBROS was resentenced on February 10, 1997. See, November 28, 2001, LETTER OF APPEAL as to Attorney LILLEHAUG & PETERSON, **EXHIBIT A.**

The December 17, 1992, INFORMATION filed by Attorney LILLEHAUG & PETERSON, clearly may raise the appearance of impartiality or impropriety, as Judge Renner was the U.S. Attorney that investigated, indicted, and assisted in the sentencing of LAMBROS in the crimes outlined within the December 17, 1992, INFORMATION. And when such circumstances are present appropriate actions should of been taken by Attorney Ceisel. In this instant case either Judge Renner, Attorney Ceisel, Attorney Peterson, or Attorney Lillehaug must have known of the grounds for disqualification and any of them should have raised the issue. If the issue had been raised and fully disclosed John Gregory Lambros would not of been denied his **FAIR ADMINISTRATION OF JUSTICE** and **DUE PROCESS** right to be file motions and pleadings essential to present claims and relevant issues, including motions for change of venue to escape a biased tribunal.

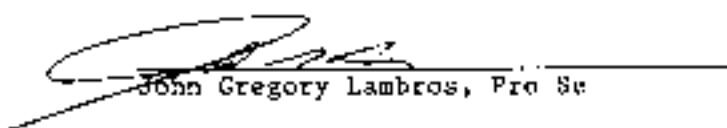
Lambros believes that The Office of Lawyers Professional Responsibility must consider the following steps: 1) the risk of injustice to John Gregory Lambros in this appeal; 2) the risk that the denial of sanctions against Attorney Ceisel will produce injustice in other cases; and 3) the risk of undermining the public's confidence in the judicial process of The Office of Lawyers Professional Responsibility.

I John Gregory Lambros believes that a substantial likelihood existed as to Minnesota Attorney Colin F. Ceisel violations of the ABA MODEL CODE OF PROFESSIONAL RESPONSIBILITY, THE ABA MODEL RULES OF PROFESSIONAL CONDUCT, ABA STANDARDS RELATING TO THE ADMINISTRATION OF CRIMINAL JUSTICE, and other rules pertaining to the ethics of Minnesota Attorneys.

LAMBROS requests that this complaint be investigated.

Thanking you in advance for your consideration into the investigation of this matter. I declare under penalty of perjury that the foregoing is true and correct. Title 28 USCA § 1746.

EXECUTED ON: December 3, 2001


John Gregory Lambros, Pro Se

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