

United States District Court
Eastern District of New York
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Trevor L. Brooks
Plaintiff,

COMPLAINT
PLAINTIFF DEMANDS TRIAL BY
JURY

CV 02, 4183
RAGGI, J.

Against
The New York State Supreme Court,
Appellate Division First Dept;
The Disciplinary Committee, First Dept; Thomas J. Cahill Chief Counsel
and Raymond Vallejo attorney for
Disciplinary Committee;
Michael Ross, attorney at law

BLOOM, M.J.

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Defendants
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1. Plaintiff at all times hereinafter mentioned, is an African-American and was an attorney licensed to practice law in the First Dept; and resides in Brooklyn N.Y.
2. Defendants The New York State Supreme Court, Appellate Division First Dept;(First Dept.) is an intermediate appellate Court and has plenary jurisdiction over disciplinary actions against attorneys in the said Dept; The Disciplinary Committee (Committee) is the prosecutorial arm of the First Dept; Defendants Thomas Cahill(Cahill)and Raymond Vallejo(Vallejo)are the chief and principal attorneys respectively, of the Disciplinary Committee.
3. Michael Ross is a Caucasian attorney in the First Dept;
4. Jurisdiction of this Court is invoked pursuant to 42 USC Sections 1981,1983,1985 and 1988;28 USC Sections 1331 and 1343 and the US Constitution, Fifth Amendment Due Process clause .

FOR A FIRST CAUSE OF ACTION

5. The plaintiff in 1996 because of his brother's death and medical problems, decided to relocate to Jamaica W.I. and assume his brother's place in the then upcoming general elections. Plaintiff requested but was never granted a two year leave of absence, and/or resignation.
6. By 1996-7 all previous disciplinary complaints against the plaintiff were dismissed, with the exception of two (2) pending disciplinary complaints which were previously dismissed but subsequently and illegally revived by the Committee sua sponte.

7. On November 2nd 1997 plaintiff was subpoenaed by the Committee to be deposed on November 13th 1997. The parties adjourned the deposition to December 3rd 1997 however, due to the December 1997 general elections Plaintiff and his attorney requested and was granted an adjournment to January 14th 1998. The Committee to ensure compliance filed a motion for failure to cooperate returnable on January 2nd 1998. Both plaintiff and his attorney Leonard Jones confirmed the adjournments with the Committee of both the motion and the deposition to January 14th 1998. Plaintiff was deposed on said date ,however, the Committee unethically failed to withdraw the motion and plaintiff was suspended from the practice of law for failure to cooperate. The First Dept; ruled that the suspension was valid ,since “ was a danger to his client”, even though plaintiff was permanently in Jamaica W.I.
8. That in 1998 plaintiff was informed by a member of the disciplinary panel that the Committee was planning to disbar plaintiff because of his race and on the advise of said member hired Mike Ross (Ross) an attorney who worked closely with the Committee and specialized in disciplinary matters. Plaintiff informed Ross of his valid defenses and the planned disbarment. Ross assured plaintiff that he had excellent defenses and that he would prevail on the merits.
9. The Committee during the negotiations conducted an extensive and exhaustive research of all plaintiff prior cases and unjustly added additional sua sponte cases and multiple counts to cases which previously would have been dismissed by the said Committee. Ross condoned the amendments and assisted in the search for any negative cases and refused to limit said amendments.
10. That the Defendants Cahill, Vallejo and the Committee because of plaintiff race has selectively prosecuted and targeted the plaintiff and other minorities for disbarment, while failing to prosecute and disbar similarly situated Caucasian attorneys.
11. That the defendants has conspired amongst themselves to disbar plaintiff and other minorities because of their race and national origin.

WHEREFORE; plaintiff as a result of the defendants' discrimination and selective prosecution , plaintiff was disbarred and has suffered substantial damages to his career, health and finances in the amount of three (3) million dollars.

AS AND FOR A SECOND CAUSE OF ACTION

12. Plaintiff repeats the aforesaid allegations with full force and effect.
13. After the Committee received the Eileen Davis(Davis) case, it conducted an exhaustive research and expanded a simple fee dispute to eighteen(18) new charges. Ross thereafter stated that since the Davis allegations could lead to disbarment(despite strong defenses) he recommended negotiation to obtain from the Committee a promise that it would support a joint recommendation of a five (5) year suspension retroactive to the date of the interim suspension .In return plaintiff would admit to all charges and rely on a strategy of 'admission and mitigation' to persuade the Referee, Panel and the First Dept; to accept the aforesaid recommendation. Ross also stated that although the recommendation was not binding on the on

the decision makers, it was highly influential and that in his experience it would be followed. The Committee in anticipation of the admissions inexplicably expanded the Davis charges.

14. Plaintiff, solely on the reliance of the Committee's promise to support the joint recommendation waived his substantial defenses, before the Referee and admitted to all charges.

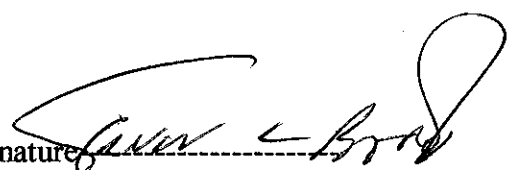
15. Plaintiff immediately after the admissions ordered Ross to modify the admissions particularly in the Davis and Donald Bailey cases since they, as well as the others were false. However, Ross refused and opted to rely on his strategy. The Referee recommended disbarment and Ross promised plaintiff that both the Committee and himself would move to overturn the Referee's recommendation.

16. The Committee once armed with the admissions and the Referee's recommendation immediately abandoned its support of the joint recommendation and strongly moved for disbarment before the Panel and the First Dept.;

17. Plaintiff urged Ross to again vacate the admissions, on the grounds that the Committee falsely breached its promise to support the joint recommendation in violation of the plaintiff's due process. Despite Ross promises he has failed to formally move to vacate the admissions were filed before the Panel, the First Dept; and /or to appeal plaintiff's disbarment to the Court of Appeals.

18. That as result of the defendants deliberate violation of the plaintiff's constitutional due process rights, plaintiff has been disbarred , his political career derailed and businesses bankrupted.

WHEREFORE plaintiff, because of the violation of his constitutional due process rights by the defendants, has suffered and continue to suffer serious medical, emotional and financial hardship in the amount of five (5) million dollars in the second cause of action and three (3) million dollars in the first cause of action plus attorneys and other fees.

Signature 

Trevor L. Brooks
Plaintiff, Pro Se

And ~~Trevor L. Brooks~~
Attorney-at-law

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