
In Re Samuel S. Peters, Petitioner

Submitted by: Samuel S. Peters
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North Chesterfield, VA 23236

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Cell phone: (804) 363-6860

Submitted on 10/25/21

The petitioner believes that the taking of evidence is not necessary for the proper disposition of this petition.

(Service was provided on 10/22/21 by the Clerk of the Circuit Court of Chesterfield County, Virginia.)¹

Petition for a Writ of Mandamus:

This is a petition to the Supreme Court of Virginia, asking the Court to issue a writ of mandamus that compels the Honorable David E. Johnson of the Circuit Court of Chesterfield County, Virginia to ensure that citizens attempting to exercise their First Amendment right to redress their grievances against their public school system not be denied the right of realistic access to representation. Currently, access to that representation is effectively denied (because, as many law firms freely admit, they believe that any involvement in litigation against a school system might prejudice that school district against retaining their firm for future litigation). This (virtually) systematic exclusion of citizens from legal counsel violates the First Amendment because it denies citizens their right to effectively petition their government to redress grievances. This is especially the case since our nation's interpretation of the First Amendment has recently been expanded to more broadly apply to "the approach of citizens . . . to the courts" :

...[t]he right of petition has expanded. It is no longer confined to demands for a "redress of grievances," in any accurate meaning of those words, but comprehends demands for an exercise by the government of its powers in furtherance of the interest and prosperity of the petitioners and of their views on politically contentious matters. **This right extends to the "approach of citizens** or groups of them to administrative agencies (which are the creatures of the legislature, and arms of the executive) and **to courts**, the third branch of government.²

Finally, it is also the case that because all Virginia education law firms effectively deny citizen-litigants the right to counsel when they are

petitioning grievances against public-school systems, those law firms are in violation of the Virginia Antitrust Act, which “prohibit[s] restraints of trade and monopolistic practices that act or tend to act to decrease competition.”³

I wish to make the further point that whereas the ABA Code of Professional Responsibility states that “a lawyer shall not reject, except for valid reasons, the cause of the **defenseless** or **oppressed**,”⁴ the cause I am pleading in my most recent case (which was dismissed) is that of currently **defenseless** girls in public-school systems whose physical safety has now been demoted below the ideological concern that boys now have the prerogative to enter all girls’ bathrooms at will. The incidence of sexual assault in public-school girls’ bathrooms is now skyrocketing,⁵ and some girls are choosing to not go to the bathroom at all rather than risk being sexually assaulted.⁶ School-age girls are now truly being **oppressed** by public schools, since they are required to be present in a place that is no longer fundamentally committed to protect their safety.

Background:

I recently brought two cases to Chesterfield County Circuit Court (pro se) where I was petitioning the court to redress grievances against my public schools system.⁷ In each case Judge Johnson stated that because I had not retained counsel there were technical deficiencies in each petition’s presentation which prevented him from being able to consider the merits of the actual grievances themselves. In each case, and especially subsequent to the conclusion of the second case, I emphatically informed the court that the reason for the technical deficiencies was that I was effectively denied the ability to retain counsel by the fact that no Virginia education law firm I contacted (perhaps thirty in all) was willing to associate

itself with any lawsuit against a public-school district because they feared that doing so would prejudice that school system against using their services in the future. (Appendix item 2 is the email where I describe in detail how I have been denied realistic access to counsel throughout this process.)

What Hospitals Have Done to Solve a Similar Problem:

Please allow me to describe how the medical field has solved a similar problem.⁸ Some mothers who show up at a hospital to deliver a baby have never been seen by any of the obstetric practices which rotate through to staff that hospital's delivery room. No obstetrician is eager to deliver a baby under such circumstances, because the fact that there was no prenatal care makes it far likelier that something may go wrong during delivery. Any time something goes wrong, doctors are far likelier to be sued, whether it is their fault or not.

What the hospitals have done is to create a rotation schedule where each of the participating practices takes its turn delivering such babies. They don't simply refuse to provide service, as the education lawyers are now doing when they see that their financial interest might be jeopardized by taking a case that might put them at odds with a public-school system. The obstetricians recognize that it is only just that service be provided, and they equally share the burden of doing so.

The current situation with the education lawyers in Virginia is unjust. Because Virginia education-law lawyers are currently allowed to (effectively) deny counsel to citizen litigants who are petitioning their government to redress grievances with their public-school system, the Circuit Court system in Virginia is effectively denying those citizens their First Amendment right to petition their government for grievances.

Conclusion:

I therefore now ask the Supreme Court of Virginia to issue a writ of mandamus that compels the Honorable David E. Johnson, Judge in the Circuit Court of Chesterfield County, Virginia, to remedy the current injustice in the Chesterfield County Circuit Court system that currently allows education lawyers to (effectively) deny citizens their First Amendment right to petition their local government for the redress of grievances relating to the public-school system.

Signed and submitted this day of October 25, 2021 by

Samuel S. Peters

Citizen of Chesterfield County
Employee of Chesterfield County Public Schools

Email: samandpaula1@verizon.net

Cell: (804) 363-6860

Footnotes

- 1) See Appendix item 1 for letter requesting the provision of service.
- 2) Congressional Research Service (U.S. Constitution Annotated [Amdt1.4.1]). (Emphasis added.)
- 3) Code of Virginia 59.1-9.2. By effectively refusing to represent anyone contesting the policies of the public-school system, the education lawyers are enabling the public-school system to have a monopolistic access to counsel, and the general citizen is being denied their constitutional right to formally challenge public-school policies.
- 4) ABA Code of Professional Responsibility (Rule 2.02). (Emphasis added.)
- 5) The precipitous increase in sexual assaults of girls by boys in Virginia public-school girls' bathrooms (and elsewhere) correlates with the recent (2020) enactment of HB 145 and SP 161 by the Virginia General Assembly. This legislation is currently interpreted by Virginia public schools to allow all boys who (even spontaneously) claim to be "transgender" to go into all girls' bathrooms and locker rooms. The precipitous increase in sexual assaults of girls in those places is not being officially reported because another recent (2020) law enacted by the Virginia General Assembly (22.1-279.3:1) allows schools to refrain from reporting incidents of sexual battery that do not rise to the level of being a felony. The fact that, in Virginia, the

sexual violence against girls in girls' public-school bathrooms (and elsewhere) by boys claiming to be "transgender" is not being officially acknowledged is made evident by the fact that at the June 2021 School Board Meeting of the Loudoun County Public Schools the Superintendent denied that any sexual assault of girls in Loudoun County Public School girls' bathrooms by boys claiming to be "transgender" had even occurred (even though a police rape test had confirmed that a fifteen-year-old girl had been raped in a LCPS girls' bathroom by a boy claiming to be "transgender" the previous month). (Various news reports confirm the Loudoun County story, including the *DailyWire* report entitled "Loudoun County Schools Tried to Conceal Sexual Assault Against Daughter in Bathroom, Father Says").

- 6) As reported by Yael Levin-Shelton (President of the Virginia Chapter of *No Left Turn in Education*) in her October 14 WRVA radio interview with John Reid.
- 7) The cases relating to these two petitions are No.CL21001417-00 and No.CL21002797-00. (The full text of the petition for the second of these cases constitutes Appendix item 3).
- 8) Information about the rotation of responsibility among obstetric practices was gleaned from my wife, Paula Peters, who has been a hospital pharmacist for over thirty years (and has worked in the Chippenham/Johnston-Willis Hospital system in the Richmond area for the last twenty-five years).

Appendix:

- 1) Letter that was to be submitted to the Clerk of the Chesterfield County Circuit Court requesting provision of service, as mandated by the Supreme Court of Virginia. (The Clerk of the Circuit Court refused to accept this letter [because, they said, the person to be served was a judge]. This letter was instead hand-delivered to the Judge's Chambers.)

October 22, 2021

To: Clerk of Chesterfield County Circuit Court

Please provide service to the Honorable David E. Johnson, Judge in Circuit Court of Chesterfield County, Virginia.

Thank you.

Samuel S. Peters

Citizen of Chesterfield County

Address: 413 Pleasanthill Drive
North Chesterfield, VA 23236

Email: samandpaula1@verizon.net

Cell #: 804-363-6860

- 2) Email sent to the Law Clerk to the Honorable David E. Johnson (at Chesterfield County Circuit Court) which details how I have been denied access to counsel:

September 27, 2021

Constantine Politis
Law Clerk to the Honorable David E. Johnson

Mr. Politis,

I understand that legally there can be no direct communication between plaintiffs and judges, and that all communication between those persons needs to pass through the judge's clerk. So what I would like to communicate to you is that I have presented two petitions for matters relating to the public's need to hold those in charge of our public school system accountable for gross negligence. In each case I was unable to obtain any legal help whatsoever. I contacted perhaps thirty law firms and none would agree to represent me (either completely or partially [as a consultant]). I was told point blank by many of those firms why they were unwilling to do so: they did not want to represent me because they feared that by doing so they would jeopardize their chances of being retained by CCPS in the future.

Eventually one firm (Coates and Davenport) did finally offer to represent me, after having been prompted (?) by Board of

Supervisors Member Chris Winslow. What that firm offered was so unaffordable for a teacher/ordinary citizen that it was equivalent to no offer at all: they would work with me if I paid them \$900 up front, and then \$300 per hour thereafter. That price range is completely beyond my capacity to pay, and it did seem to me that part of the reason that one firm did agree to offer to work with me is that they knew that by quoting me that exorbitant rate (exorbitant in my world) they knew I wouldn't be able to retain them.

At the end of the court session on 9/22 I was again informed by Judge Johnson that the technical deficiencies of my presentation kept my grievance from even being considered. But I wish to ask the following question: Is mine not a situation where the citizen is effectively being denied the right of redress? My goals in the petitions I have filed are civic and not personal. Furthermore, they are not (essentially) political: I fully recognize the right of a school system to try a different path for providing education if doing so seems warranted. Furthermore, I also recognize that citizens do have the capacity to change school policy at the ballot box every four years. However, if by the middle of that four-year-period the school system is egregiously failing to fulfill its obligations to its constituents (by, for instance, not providing the compulsory education that the public paid to receive, and that is mandated by the state constitution) shouldn't the public also have some right of legal redress?

So what I wish to have conveyed to the judge is that it is not because of obstinacy or reluctance on my part that I have not retained formal legal assistance. It is rather the case that I have been effectively denied the capacity to receive that assistance. I therefore respectfully submit this message to you,

Mr. Politis, Clerk to the Honorable David E. Johnson, so that my predicament can be understood, and so that any possible influence might be effected which could correct the fact that a citizen is being effectively denied his right to petition his government for the redress of grievances.

Sincerely,

Samuel Peters

Service of this communication will be provided to Counsel for CCPS (Sands Anderson PC) by email and also (more formally) by the Clerk's Office.

- 3) I am here presenting the full text of the second of the two petitions (CL21002797-00), since the grievance contained in that petition is specifically cited in this (current) petition. (The grievance cited in the first petition does not directly bear on the grievance cited in this petition. Because of this, and also because that first petition is quite lengthy [41 pages], I am refraining from presenting it in full here.)

Full text of the second of the cited petitions:

**Petitioner: Samuel S. Peters, Parent of Current Chesterfield County
Public Schools Female Student**

(address: 413 Pleasant Hill Drive
North Chesterfield, VA 23236)

(email: samandpaula1@verizon.net)

(cell #: (804) 363-6860)

Defendant: Chesterfield County School Board

(address: 9900 Krause Road
Chesterfield, VA 23832-0001)

(phone: (804) 748-1434)

**Petition to the Circuit Court of Chesterfield
County, Virginia, for an Emergency Injunction
in Response to Chesterfield County Public
Schools now Placing its Female Students
Under Imminent Threat of Sexual Assault**

Chesterfield County Public Schools (CCPS) is about to subject all female students to the very real prospect of imminent and ongoing sexual assault.

In March 2021 the Virginia Department of Education (VDOE) issued the directive entitled “Model Policies for the Treatment of Transgender Students in Virginia’s Public Schools.” Section IX of that directive, entitled “Access to Facilities,” states the following:

Access to facilities such as restrooms and locker rooms that correspond to a student’s gender identity will be available to all students.

In response to this state directive, CCPS has issued “School Board Policy 1015,” which enumerates the same requirements specified in the state directive. What are not specified in Policy 1015, however, are any safeguards to prevent female CCPS students from being sexually assaulted whenever they go to the bathroom. Currently, there are in place no CCPS safeguards to protect girls from being sexually assaulted whenever they go to the bathroom. **This situation defies the moral standards of all civilized societies and can not be tolerated.**

We ask the Court to require that CCPS provide adult female supervision in all girls’ bathrooms to protect our female students from imminent, and ongoing, sexual assault and permanent emotional injury.

I swear, under penalty of perjury, that the information contained in this petition is correct.

Samuel S. Peters

10/25/21