

**IN UNITED STATE DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
Northeastern Division**

Martin Wishnatsky,

Civil Case No. \_\_\_\_\_

Plaintiff,

vs.

**AMENDED COMPLAINT**

Laura Rovner, Director,  
Clinical Education Program,  
University of North Dakota  
School of Law,  
in her individual and official capacity,

Defendant.

Plaintiff, for his complaint, states and alleges as follows:

**Parties**

1. Plaintiff Martin Wishnatsky is 59 years old and a resident of Fargo, North Dakota.

2. Defendant Laura Rovner is Director of the Clinical Education Program ("the Clinic") at the University of North Dakota School of Law in Grand Forks, North Dakota. The law school is a state institution. She is sued in both her individual and her official capacity.

**Jurisdiction**

3. Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343. Plaintiff's causes of action are brought pursuant to 42 U.S.C. § 1983. All causes of action arose in this judicial district.

### **Factual Background**

4. On October 29, 2003, Plaintiff made a written request to the Clinical Education Program at the University of North Dakota Law School ("UND Law School") for representation in a lawsuit challenging the statute of the goddess Themis on the Grand Forks County Courthouse as an unconstitutional establishment of religion.

5. On November 12, 2003, Defendant responded to Plaintiff's letter and declined the request for representation, stating that the "ethical obligations" of the Clinic under the North Dakota Rules of Professional Conduct prohibited such representation. As support for this position, Defendant cited the "persistent and antagonistic actions" of the Plaintiff "against the Clinical Education Program and faculty involved[.]"

6. The only actions of the Plaintiff in regard to the Clinical Education Program prior to November 12, 2003, are one phone conversation with Defendant, the letter cited in ¶ 4, public letters and commentary in the *Grand Forks Herald*.

### **Causes of Action**

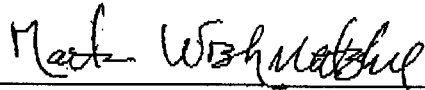
7. Defendant's refusal of legal representation to Plaintiff on the basis of criticism of the Clinical Education Program and its director violates the Free Speech and Equal Protection Clauses of the United States Constitution and is actionable under 42 U.S.C. § 1983.

**Relief Requested**

8. Plaintiff requests a declaration that Defendant has unconstitutionally limited Plaintiff's access to the services of the Clinical Education Program and an injunction to prohibit such conduct in the future.

9. Plaintiff requests costs of suit.

DATED: January 26, 2003



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