In re Nejla K. Lane
Attorney-Respondent

Commission No. 2019PR00074

Synopsis of Hearing Board Report and Recommendation
(November 2021)

The Administrator filed a one-count Complaint against Respondent, alleging she sent multiple emails to a magistrate judge and her law clerk that contained false or reckless statements impugning the judge's integrity, were intended to disrupt the tribunal, and prejudiced the administration of justice. The Hearing Panel found the Administrator proved the charged misconduct by clear and convincing evidence. It recommended that Respondent be suspended for nine months, with the suspension stayed after six months by six months of probation.

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of: **NEJLA K. LANE,** Attorney-Respondent, No. 6290003.	Commission No. 2019PR00074

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

Respondent engaged in misconduct when she sent multiple emails to a magistrate judge and her law clerk containing false or reckless statements impugning the judge's integrity. Based on the pattern of misconduct, the factors in aggravation, the minimal factors in mitigation, and the relevant case law, we recommend that Respondent be suspended for nine months, with the suspension stayed after six months by six months of probation.

INTRODUCTION

The hearing in this matter was held remotely by video conference on March 16 and 17, 2021, before a Panel of the Hearing Board consisting of Stephen S. Mitchell, Chair, Giel Stein, and Julie McCormack. Marcia Topper Wolf represented the Administrator. Respondent was present and represented herself.

PLEADINGS

The Administrator's one-count Complaint alleges Respondent engaged in misconduct by sending emails containing false or reckless statements about Magistrate Judge Sheila Finnegan to

the judge's proposed order account and other persons. In her Answer, Respondent admits she drafted and sent the emails at issue but denies engaging in misconduct.

ALLEGED MISCONDUCT

The Administrator charged Respondent with the following misconduct: (1) in representing a client, engaging in conduct intended to disrupt a tribunal; (2) making a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge; and (3) engaging in conduct that is prejudicial to the administration of justice, in violation of Rules 3.5(d), 8.2(a), and 8.4(d) of the Illinois Rules of Professional Conduct (2010).

EVIDENCE

The Administrator presented testimony from Respondent as an adverse witness. The Administrator's Exhibits 1-13 were admitted into evidence. (Tr. 16). Respondent testified on her own behalf and presented Michael Fields as a character witness. Respondent's Exhibits 1.1-1.3, 2.1-2.3, 3.1, 3.3, 3.4, 5.9, 5.10, 5.28, 5.30, 5.31, 5.33-5.38, 6.1-6.3, 9.23, 10.1-10.5, 11.3, 11.5, 11.7, and 11.8 were admitted into evidence. (Tr. 487-521).[1]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Administrator bears the burden of proving the charges of misconduct by clear and convincing evidence. In re Thomas, 2012 IL 113035, ¶ 56. Clear and convincing evidence constitutes a high level of certainty, which is greater than a preponderance of the evidence but less stringent than proof beyond a reasonable doubt. People v. Williams, 143 Ill. 2d 477, 577 N.E.2d 762 (1991). The Hearing Board assesses witness credibility, resolves conflicting testimony, makes factual findings, and determines whether the Administrator met the burden of proof. In re Winthrop, 219 Ill. 2d 526, 542-43, 848 N.E.2d 961 (2006).

Respondent is charged with making false or reckless statements impugning Magistrate Judge Finnegan's integrity, engaging in conduct intended to disrupt a tribunal, and engaging in conduct prejudicial to the administration of justice, in violation of Rules 3.5(d), 8.2(a) and 8.4(d).

A. Summary

The Administrator proved by clear and convincing evidence that Respondent sent three emails to Magistrate Judge Finnegan's email account containing statements about Magistrate Judge Finnegan's integrity that were false or made with reckless disregard as to their truth or falsity. By sending the inappropriate emails, particularly after being instructed not to do so, Respondent engaged in conduct that disrupted the tribunal and prejudiced the administration of justice.

B. Admitted Facts and Evidence Considered

Respondent has been licensed to practice in Illinois since 2006. She is also licensed in Texas and Michigan. (Tr. 54-55).

Barry Epstein hired Respondent in 2012 to represent him in a dissolution proceeding filed by Paula Epstein. In 2014, Respondent filed a complaint on Barry's behalf in the United States District Court for the Northern District of Illinois, alleging that Paula and her attorney, Jay Frank, violated federal law by accessing Barry's private emails without his authorization. (Tr. 55). Magistrate Judge Sheila Finnegan (Judge Finnegan) supervised discovery in the federal proceeding. Judge Finnegan maintained an email account known as the "proposed order account". The charges before us arise from three email messages Respondent sent to the proposed order account and others involved in the Epstein proceedings. (Tr. 56).

Respondent sent the first email at issue on April 18, 2017, after Judge Finnegan denied her emergency motion for an extension of time to take Paula's deposition. Respondent sent the email

to the proposed order account, opposing counsel Scott Schaefers, and Scott White, the courtroom deputy. It stated as follows in relevant part:

> Today in court, no matter what I said to you, you had already made up your mind, and even questioned my sincerity with regard to my preparation for upcoming trial.
>
> ***
>
> . . . since the beginning, you never seem to doubt anything he [Schaefers] says, as you appear to doubt me. Still, I stated to you in open court that "I don't want to be hated" for doing my job, but it sure seems that way, as I never get a break. Scott is the lucky guy who senses same as he can just pick up the phone to call you knowing he will get his way…or for so-called the Posner Defense[2].
>
> ***
>
> It's not fair that my client (and I) is [sic] being treated badly for suing his wife/ex wife, and everyone is protecting Paula – why? Since when does "two" wrongs make a "right"? [sic] How am I to prove my case if I am not given a fair chance to do my work, properly.

(Adm. Ex. 1).

The following day, Judge Finnegan instructed Respondent that the parties were not to use the proposed order account to argue the merits of a motion, share their feelings about a ruling, or talk generally about the case with her. She told Respondent her email was improper and directed her not to send any such emails in the future. (Adm. Ex. 1). Respondent received and understood Judge Finnegan's instructions. (Tr. 69-70).

On June 15, 2017, Respondent filed a motion to extend discovery and for leave to depose Jay Frank. Judge Finnegan denied the motion. Allison Engel, Judge Finnegan's law clerk, emailed a copy of Judge Finnegan's order to Respondent and Schaefers at 6:37 p.m. on June 23, 2017. Two hours later, Respondent sent an email to Engel, Schaefers, and the proposed order account which stated as follows, in relevant part:

> I'm very upset, I do not agree with Judge Finnegan's order and I will depose the former co-defendant, Jay Frank, despite the fact this court is protecting him and his co-conspirer! Scott Schaefers had no standing to challenge my subpoena to depose

> Jay Frank! I'm entitled to depose him! And I will call him to testy [sic] at trial to show the world what a corrupt lawyer he is! And the judges who protect this criminal by squeezing the discovery deadlines!!! No no no!
>
> This is outrageous order of Judge Finnegan and it will be addressed accordingly! Judges are helping the criminal to escape punishment by forcing to shorten all deadlines!!!
>
> This Judge is violating my client's rights first by the truncated discovery deadlines and now helping Plaintiff to escape punishment for wrongs she committed!
>
> I'm outraged by the miscarriage of justice and judges are in this to delay and deny justice for my client!
>
> I'm sickened by this Order!!!

(Adm. Ex. 2).

On June 26, 2017, Respondent sent another email to Engel, Schaefers, and the proposed order account, which stated as follows in relevant part:

> Plaintiff's motion is not late just because this court decided not to extend discovery deadlines, to protect the Defendant! I have asked this court numerous times for an extension of all cutoff deadlines, without avail. Take this into account when drafting your flawed order.
>
> ***
>
> For anyone to insult me in this degree calls questions [sic] this court's sincerity and veracity. How dare you accuse me of not having looked at the SC docket regularly.
>
> ***
>
> How do you know I did not see the SC order???? Where do you get this information? Exparte communications with Defendant's attorney, Scott? – smearing dirt behind my back?
>
> The more I read this order, again and again, I am sick to my stomach, and I get filled with anger and disgust over this 'fraudulent' order by this court!
>
> ***
>
> You both, Allison and J. Finnegan, have done me wrong, and depicted me very poorly in your public order. How dare you do that to me?!
>
> What goes around comes around, justice will be done at the end! I wonder how you people sleep at night? Including Scott!

(Adm. Ex. 3).

On June 27, 2017, Judge Finnegan entered an order admonishing Respondent for violating her directives related to the proposed order account and making highly inappropriate statements. Judge Finnegan directed Respondent to immediately cease all email communication with her and her staff. (Adm. Ex. 4).

Respondent acknowledged it was wrong to send the emails but presented numerous explanations for her conduct. She testified she was under a great deal of stress due to a short discovery schedule in the federal case, her client's abusive behavior, and a dispute with a former partner. (Tr. 190-91, 213-217). She further testified she made poor word choices because English is not her native language and she wrote the emails "in the heat of the moment" when she felt the court was insulting her. In addition, she testified that the purpose of the proposed order account was unclear. (Tr. 164, 292). With respect to the second and third emails, she did not think she was violating Judge Finnegan's directives because she addressed the emails to Judge Finnegan's law clerk rather than to Judge Finnegan. (Tr. 68, 77).

Respondent's belief that she and her client were not being treated fairly was based upon the entirety of the record, including the short discovery schedule and rulings that were not favorable to her client. (Tr. 67-68).

After the Epstein matter ended, Judge Finnegan submitted a complaint about Respondent's conduct to the Executive Committee of the United States District Court for the Northern District of Illinois (Executive Committee). On January 22, 2018, the Executive Committee suspended Respondent from the general bar for six months and the trial bar for twelve months. The Executive Committee found that Respondent used "unprofessional, inappropriate, and threatening language" in her emails. In order to be reinstated, Respondent was required to demonstrate that she obtained professional assistance with managing her anger and complying with the Rules of Professional

Conduct. (Adm. Ex. 7). The Executive Committee reinstated Respondent to the general bar on August 7, 2018 and the trial bar on June 11, 2019. (Adm. Exs. 9, 10).

C. Analysis and Conclusions

Rule 8.2(a)

Attorneys may express disagreement with a judge's rulings but, as officers of the court, have a duty to protect the integrity of the courts and the legal profession. In re Walker, 2014PR00132, M.R. 28453 (March 20, 2017) (Hearing Bd. at 19-20). Consequently, Rule 8.2(a) prohibits an attorney from making a statement concerning the qualifications or integrity of a judge that she knows to be false or with reckless disregard as to its truth or falsity. Ill. R. Prof'l Conduct 8.2(a). Respondent is charged with violating Rule 8.2(a) when she made the statements set forth above impugning Judge Finnegan's integrity. We find the Administrator proved this charge by clear and convincing evidence.

It is undisputed that Respondent made the statements at issue. The fact that she made them in email messages rather than in a pleading or document available to the public makes no difference. Rule 8.2(a) applies broadly, with no limitation as to where or how a statement is made.

The statements at issue clearly pertained to Judge Finnegan's qualifications and integrity. Respondent not only expressly questioned Judge Finnegan's "sincerity and veracity" but accused her of protecting and assisting criminal conduct, participating in improper *ex parte* communications with attorney Schaefers, and entering a "fraudulent" order. These statements unquestionably crossed the line from expressing disagreement with rulings to making unsubstantiated accusations that maligned Judge Finnegan's honesty. An attorney violates Rule 8.2(a) by making such statements without a reasonable basis for believing they are true. There is no such reasonable basis on the record before us.

Although Respondent disputes that she knowingly or recklessly made false statements, she had no objective, factual basis for her comments. Subjective belief, suspicion, speculation, or conjecture does not constitute a reasonable belief. Walker, 2014PR00132 (Hearing Bd. at 21). Here, Judge Finnegan, who is presumed to be impartial, set forth the factual and legal reasons why she denied Respondent's requests to extend discovery. For Respondent to assert that Judge Finnegan made her rulings to deny justice to Barry Epstein and protect criminal conduct, rather than for the reasons articulated in her orders, was unreasonable and untenable. Respondent was not entitled to decisions in her client's favor, and a judge's rulings alone "almost never constitute a valid basis for a claim of judicial bias or partiality". See Eychaner v. Gross, 202 Ill. 2d 228, 280 (2002). Likewise, there are no objective facts whatsoever to support Respondent's accusations that Judge Finnegan's conduct was "fraudulent" or that she engaged in improper *ex parte* communications.

Accordingly, we find that the Administrator established by clear and convincing evidence that Respondent made statements concerning Judge Finnegan's qualifications and integrity that were false or made with reckless disregard for their truth or falsity, in violation of Rule 8.2(a).

Rule 3.5(d)

Rule 3.5(d) provides that a lawyer shall not engage in conduct intended to disrupt a tribunal. Ill. R. Prof'l Conduct 3.5(d). The duty to refrain from disruptive conduct applies to any proceeding of a tribunal. Comment [5] to Rule 3.5.

We find Respondent violated Rule 3.5(d) when she misused the proposed order account to express her anger with Judge Finnegan's rulings and make unfounded accusations against Judge Finnegan. Respondent's contention that the purpose of the proposed order account was unclear lacks merit. Respondent's emails were inappropriate and unprofessional under any circumstances. Moreover, after the first email in question, Judge Finnegan made it absolutely clear to Respondent

that her conduct was improper. The fact that Respondent continued to send inappropriate emails to the proposed order account after Judge Finnegan directed her to stop demonstrates that she acted with an intent to disrupt the tribunal.

Rule 8.4(d)

Rule 8.4(d) prohibits an attorney from engaging in conduct prejudicial to the administration of justice. Ill. R. Prof'l Conduct 8.4(d). In order to prove a violation of this Rule, the Adminstrator must establish actual prejudice. Evidence that a court had to spend time and resources addressing an attorney's inappropriate conduct establishes actual prejudice. See In re Cohn, 2018PR00109, M.R. 30545 (Jan. 21, 2021) (Hearing Bd. at 12). Here, the evidence that Judge Finnegan had to address Respondent's inappropriate conduct on two occasions and ultimately prohibit her from sending email to her and her staff was sufficient to establish actual prejudice to the administration of justice and a violation of Rule 8.4(d).

EVIDENCE IN AGGRAVATION AND MITIGATION

Aggravation

On July 4, 2017, Respondent sent an email to Barry Epstein's daughter accusing her and her mother of "destroying" Epstein. The email further stated, "You have no shame or respect…You and your loving, greedy mother will take nothing when you go face God or rot instead in hell…so if anything happens to your father, the blood is in your hands and your mother's hands". Respondent testified she got carried away when she wrote this email. (Tr. 296-97).

Mitigation

Respondent testified at length about stressful circumstances in her life around the time she sent the emails at issue. Her client, Barry Epstein, was abusive and threatening. She felt she was his "slave" and believes she is now being punished for doing his dirty work. (Tr. 213, 217). In

addition, in 2015 she was involved in a lawsuit against her former partner, which caused her stress. Respondent accused the former partner of stealing money and data from her. (Tr. 190-91).

Respondent has attended 40 to 50 sessions pertaining to anger management with Tony Pacione of the Lawyers Assistance Program. She also had what she considered to be informal therapy sessions with Dr. Michael Fields. (Tr. 336-337). Respondent presented evidence of legal education courses she has taken in order to fulfill her MCLE and PMBR requirements. (Resp. Ex. 9).

Since approximately 2007, Respondent has assisted the Turkish Consulate General and the Turkish community in Chicago with legal issues. (Tr. 417-18).

Dr. Michael Fields, a clinical and forensic psychologist, testified as a character witness. He has known Respondent for ten years. Respondent has hired him to perform evaluations of clients in immigration and criminal matters. (Tr. 353). He has not heard anything negative about Respondent. (Tr. 387). She expressed regret to him for writing the emails. (Tr. 373).

Prior Discipline

Respondent does not have any prior discipline from the Illinois Supreme Court.

RECOMMENDATION

A Summary

Based on the serious nature of the misconduct, the factors in aggravation, and the minimal amount of mitigation, the Hearing Board recommends that Respondent be suspended for nine months, with the suspension stayed after six months by six months of probation.

B. Analysis

The purpose of the disciplinary process is not to punish attorneys, but to protect the public, maintain the integrity of the legal profession, and safeguard the administration of justice from reproach. In re Edmonds, 2014IL117696, ¶ 90. In arriving at our recommendation, we consider

these purposes as well as the nature of the misconduct and any factors in mitigation and aggravation. In re Gorecki, 208 Ill. 2d 350, 360-61 (2003). We seek to recommend similar sanctions for similar types of misconduct, but must decide each case on its own unique facts. Edmonds, 2014IL117696,¶ 90.

The Administrator asks us to recommend a suspension of six months and until further order of the court. Respondent asserts no suspension is warranted because the federal court has already disciplined her for the misconduct at issue.

Respondent's false accusations against Judge Finnegan were very serious. The Supreme Court has made clear that unfounded attacks on the judiciary have the potential to damage the reputation of the judge involved and to undermine confidence in the integrity of the entire judicial process. This is the case even when the improper statements were made in a communication that was not available to the public, such as a telephone call or letter. See In re Hoffman, 2008PR00065, M.R. 24030 (Hearing Bd. at 42-43).

There is mitigation in this case. Respondent has been licensed since 2006 and has no prior discipline. She cooperated in this proceeding. Her misconduct arose from a misguided effort to help her client and not from a dishonest or improper motive. We also consider Respondent's service to the Turkish community in the Chicago area as another mitigating factor.

Respondent testified at length about the stressful circumstances in her life at the time of the misconduct. We accept Respondent's testimony but, for the following reasons, do not give it significant weight in mitigation. If a Respondent's circumstances contributed to an aberration in his or her behavior, we may consider that in mitigation. See In re Czarnik, 2016PR00131, M.R. 029949 (Sept. 16, 2019) (Hearing Bd. at 48). While we do not doubt that Respondent was under stress, her testimony and conduct in this disciplinary hearing lead us to conclude that her misconduct was not an aberration. Although Respondent expressed that what she did was wrong,

she spent a great deal of time maligning others and presenting numerous excuses for lashing out against Judge Finnegan. It also concerns us that Respondent called one of the Administrator's questions "so stupid" and accused others of criminal conduct in attempting to justify her own wrongful behavior. Based on these observations, we believe Respondent still has work to do on addressing and managing her anger.

Similarly, we do not give substantial weight to Respondent's expressions of remorse due to her repeated efforts to minimize the misconduct and portray herself as a victim. Respondent showed little concern for the effects of her words on Judge Finnegan or the legal profession.

In aggravation, we agree with the Executive Committee that Respondent's language toward Judge Finnegan and Allison Engel was threatening, in addition to being inappropriate and unprofessional. Respondent used particularly aggressive language in the June 26, 2017 email, which the recipients could have reasonably interpreted as threatening and concerning. Respondent used similarly inappropriate language in her email to Barry Epstein's daughter. Such language has no place in any legal matter.

Contrary to Respondent's assertion that she sent the emails "in the heat of the moment," they were not spontaneous outbursts. Respondent was not required to respond to Judge Finnegan and Allison Engel but chose to do so. She also had the time and opportunity to reflect on her words and actions before sending the emails, but instead chose to proceed with conduct she should have known was improper.

We further find that Respondent was not completely candid in her testimony. For example, she testified that when she sent the emails complaining about Judge Finnegan's order to Allison Engel, she thought she was just having a "lawyer to lawyer" conversation with Engel. This testimony is simply not plausible or truthful given Respondent's knowledge that Engel was Judge Finnegan's law clerk and had acted on Judge Finnegan's behalf in transmitting the orders.

Respondent's testimony that she was merely responding to Judge Finnegan and Allison Engel was also less than candid. No response was required, and Respondent's angry accusations clearly were not invited or appropriate under any circumstance.

Of the Administrator's cited cases, we find the misconduct in this case most similar to In re Sides, 2011PR00144, M.R. 26732 (Nov. 13, 2014). Sides falsely asserted in several pleadings that three specific judges and all of the judges in the Sixth Judicial Circuit were biased and had colluded against him. Similar to Respondent, Sides expressed remorse and recognized his language was inappropriate, but still believed the court had treated him unfairly. Sides, 2011PR00144 (Hearing Bd. at 60-61). Sides was suspended for five months, with the suspension stayed after 120 days by two years of probation. The probationary conditions included working with a supervising attorney who reviewed and appraised Sides' legal work. Sides, 2011PR00144 (Hearing Bd. at 68).

The recent case of In re Cohn, 2018PR00109, M.R. 030545 (Jan. 21, 2021) is instructive as well. Cohn was suspended for six months and until he completed the ARDC Professionalism Seminar for using vulgar and abusive language toward opposing counsel and making false accusations against a judge. Similar to Cohn, Respondent has no prior discipline but engaged in conduct during the hearing that was similar in nature to the proven misconduct. Unlike Respondent, Cohn had the additional misconduct of using vulgar and demeaning language toward opposing counsel.

We decline to rely on Hoffman, 2008PR00065, (Sept. 22, 2010) (six-month suspension until further order of the court for making insulting and disparaging comments about a judge and an administrative law judge and directing an insulting comment toward another attorney based on his ethnicity) or In re Walker, 2014PR00132, M.R.28453 (March 20, 2017) (two-year suspension until further order of the court for filing six pleadings attacking the integrity of several appellate

court justices). The misconduct in those cases was more extensive than the misconduct in the matter before us. Moreover, neither Hoffman nor Walker showed any recognition that they had acted improperly, which is not the case here.

Respondent did not cite any cases in support of her contention that no suspension is warranted.

Due to the serious nature of the misconduct and the substantial aggravating circumstances, we conclude that a period of suspension is warranted. Although the misconduct was limited to one matter, it is significant that Respondent knowingly defied Judge Finnegan's directives and used language that was not only inappropriate and unprofessional but threatening. We believe it is necessary to recommend a sanction that will deter Respondent and other attorneys from engaging in such conduct in the future.

We do not agree with Respondent that no suspension is warranted because the federal court already suspended her for the same misconduct. While we take that fact into consideration, we also note that the federal discipline did not affect Respondent's state practice. For this reason, the previous sanction was not the equivalent of a suspension from the Illinois Supreme Court. See In re Craddock, 2017PR00115, M.R. 030266 (March 13, 2020) (Hearing Bd. at 20-21). As in Craddock, we determine that additional discipline is warranted, even after taking the federal discipline into account.

We do not agree with the Administrator that a suspension until further order of the court (UFO) is necessary. A suspension UFO is the most severe sanction other than disbarment. In re Timpone, 208 Ill. 2d 371, 386, 804 N.E.2d 560 (2004). It is typically reserved for cases where there are issues of mental health or substance abuse, a disregard of ARDC proceedings, or other factors that call into question the attorney's ongoing fitness to practice law consistent with the Rules of Professional Conduct. In re Forrest, 2011PR00011, M.R. 26358 (Jan. 17, 2014). The

Administrator has not articulated what circumstances in this case warrant a suspension UFO, and we do not find any such circumstances on the record before us. Respondent recognizes that she acted inappropriately, even though she continues to place some of the blame for her conduct on others. In our view, this belief does not render her unfit to resume practice once the term of suspension is completed.

That said, based on our observations of Respondent, we believe she would benefit from a period of probation focused on her professionalism and communications with others. We also note that, while Respondent is a zealous advocate, her representation of herself in this proceeding was disorganized and often not on point. These issues support our recommendation that Respondent would benefit from a period of probation that includes working with a mentor.

Having considered the purposes of the disciplinary process, the nature of Respondent's misconduct, the factors in aggravation and mitigation, and the cases cited above, we recommend that Respondent, Nejla K. Lane, be suspended for nine months, with the suspension stayed after six months by six months of probation subject to the following conditions:

a. Respondent's practice of law shall be supervised by a licensed attorney acceptable to the Administrator. Respondent shall provide the name, address, and telephone number of the supervising attorney to the Administrator. Within the first thirty (30) days of probation, Respondent shall meet with the supervising attorney and meet at least once a month thereafter. Respondent shall authorize the supervising attorney to provide a report in writing to the Administrator, no less than once every quarter, regarding Respondent's cooperation with the supervising attorney, the nature of Respondent's work, and the supervising attorney's general appraisal of Respondent's practice of law;

b. Respondent shall provide notice to the Administrator of any change in supervising attorney within fourteen (14) days of the change;

c. Prior to the completion of the period of probation, Respondent shall attend and successfully complete the ARDC Professionalism Seminar;

d. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the

Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to her conduct;

e. Respondent shall attend meetings as scheduled by the Commission probation officer;

f. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

g. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773, and shall reimburse the Commission for any further costs incurred during the period of probation; and

h. Probation shall be revoked if Respondent found to have violated any of the terms of probation. The remaining period of suspension shall commence from the date of the determination that any term of probation has been violated.

Respectfully submitted,

Stephen S. Mitchell
Giel Stein
Julie McCormack

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on November 4, 2021.

Michelle M. Thome

Michelle M. Thome, Clerk of the
Attorney Registration and Disciplinary
Commission of the Supreme Court of Illinois

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[1] The record remained open until May 4, 2021 to allow Respondent to organize her voluminous group exhibits in conformance with Commission rules and procedures. The Administrator was allowed to file written objections to Respondent's proposed exhibits, and Respondent was allowed to file a written response to the objections. The Administrator was then granted leave to file a reply, and Respondent was granted leave to file a surreply. An exhibit conference with the Chair and the parties took place on May 4, at which time the Chair ruled on Respondent's exhibits.

[2] The "Posner defense" refers to Judge Posner's comments in his concurring opinion in Epstein v. Epstein, 843 F.3d 1147 (7th Cir. 2016), which, according to Respondent, contributed to the difficulties she was experiencing.