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

In the Matter of: EDWIN FRANKLIN BUSH, III, Attorney-Respondent, No. 6322150.	Commission No. 2021PR00059

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, David B. Collins, pursuant to Supreme Court Rule 753(b), complains of Respondent, Edwin Franklin Bush, III, who was licensed to practice law in the State of Illinois on April 5, 2016, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Illinois Supreme Court Rule 770:

ALLEGATIONS COMMON TO COUNTS I-V

1. Respondent and Erika Bush ("Erika") were married in 2008 and are the parents of two children. Their son, J.B., was born in 2011, and their daughter, A.B., was born in 2015.

2. On February 21, 2017, Erika filed a petition for dissolution of marriage in the Circuit Court of Cook County. The case was docketed as case number 2017D230075, *In re Marriage of Erika Bush, Petitioner and Edwin F. Bush, Respondent.*

3. Although Respondent has been represented by counsel at various times during the proceedings in case number 2017D230075, his actions giving rise to the misconduct alleged in this complaint took place while he was proceeding *pro se*.

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COUNT I

(*False and/or reckless statements about the qualifications or integrity of a judge)*

4. At 10:31 a.m. on September 15, 2020, Respondent sent an email to Attorney Steve Wasko (the *guardian ad litem* in case number 2017D230075), Attorney Evan Mammas (one of Erika's then-attorneys in case number 2017D230075), and Judge John T. Carr (the judge overseeing case number 2017D230075), copying Terry Bright (an individual in the Chief Judge's office who schedules hearings) and Attorney Caidi Vanderporten (another one of Erika's then-attorneys in case number 2017D230075). The email was in response to efforts to set a hearing date for October 21, 2020 at 11:00 a.m. and stated:

> "Judge Carr said late September. I do not agree. This is child abuse, perpetuated by the court and its corrupt and incompetent officers. I further want the court to read the federal court filings, to which it can take judicial notice, and to recuse itself and apologize to me and my children. Give us a time tomorrow to re-approach."

5. Respondent's statement that "this is child abuse, perpetuated by the court and its corrupt and incompetent officers" was false or made with reckless disregard of the truth.

6. Respondent made the statement in paragraph 4, above, knowing it was false, or with reckless disregard for the truth.

7. On September 28, 2020, a hearing was held in the dissolution proceeding on some pending motions. As Judge Carr was in the process of ruling on one of the motions, Respondent directed the following statements to Judge Carr:

> "See, that's –that's why this is the clown car. You are a clown."
> "You're a child abuser. I mean, honestly, I should call DCFS on you because you've abused these children for two years. What you have done and what people like you do to people all over this country is a disgrace."

8. Respondent's statements that "this is the clown car", that Judge Carr was a "clown," a "child abuser" and that Respondent "should call DCFS on [Judge Carr] because

[Judge Carr] abused these children for two years", and "what [Judge Carr has] done and what people like [Judge Carr] do to people all over this country is a disgrace" were false or made with reckless disregard of the truth.

9. Respondent made the statements in paragraph 7, above, knowing they were false, or with reckless disregard for the truth.

10. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

a. making statements the lawyer knows to be false or with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judge, adjudicative officer, or public legal officer by making the statements set forth in paragraphs 4 and 7, above, in violation of Rule 8.2(a) of the Illinois Rules of Professional Conduct (2010); and

b. conduct prejudicial to the administration of justice by making the false and/or reckless statements set forth in paragraphs 4 and 7, above, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Making statements with no substantial purpose other than to embarrass, delay or burden a third person in the course of pending litigation)

11. On June 23, 2020, at 3:14 p.m., Respondent sent an email to Attorney Caidi Vanderporten ("Caidi"), copying Terry Bright ("Terry") and Attorney Steve Wasko ("Steve"), Erika, and Attorney Evan Mammas ("Evan") (another one of Erika's then-attorneys in case number 2017D230075 and Caidi's father). Among the statements made was:

> "Caidi, I strenuously object to you being a lowlife bottomfeeder, who suborns perjury, breaks the IRPC and extorts your own client."

12. On September 18, 2020, at 6:22 p.m., Respondent sent an email to Evan, copying Terry, Steve, Judge Carr and Caidi, stating:

> "IF it means your fat ass and your suborning perjury piece of shit daughter have to get an order of protection against me, we will be in court before Judge Carr before October 21, 2020 one way or the other. You are all child abusing filth, all of you. Bring it. When the justice system fails, I will have my recourse."

13. Respondent's statements in the June 23, 2020 and September 18, 2020 emails, referenced in paragraphs 11 and 12, above, served no purpose other than to embarrass, delay, or burden Caidi, Evan, Steve, Terry and Judge Carr.

14. By reason of the conduct described above, Respondent has engaged in the following misconduct:

a. representing a client, using means that have no substantial purpose other than to embarrass, delay, or burden a third person, by conduct including, but not limited to, asserting that Caidi is a "lowlife bottomfeeder, who suborns perjury, breaks the IRPC and extorts" her own client; asserting that Evan has a "fat ass" and that his daughter (Caidi) is a "suborning perjury piece of shit daughter; and asserting that the recipients of the September 18, 2020 email (Evan, Terry, Steve, Judge Carr and Caidi) "are all child abusing filth", in violation of Rule 4.4(a) of the Illinois Rules of Professional Conduct (2010); and

b. conduct that is prejudicial to the administration of justice by conduct including, but not limited to, asserting that Caidi was a "lowlife bottomfeeder, who suborns perjury, breaks the IRPC and extorts" her own client; asserting that Evan has a "fat ass" and that his daughter (Caidi) is a "suborning perjury piece of shit daughter; and asserting that the recipients of the September 18, 2020 email (Evan, Terry, Steve, Judge Carr and Caidi) "are all child abusing filth", in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(*Criminal conduct — eavesdropping/secretly making audio recording — Dr. John Palen*)

15. On December 21, 2018, Respondent made an audiotape recording of a court-ordered counseling session involving himself, his minor son, J.B. and Dr. John Palen.

16. Respondent made the audiotape surreptitiously, and without the knowledge or consent of Dr. Palen.

17. Respondent knowingly and intentionally used the recording device for the purpose of recording all or part of the counseling session.

18. On December 21, 2018, 720 ILCS 5/14-2(a)(2) defined the offense of eavesdropping, in pertinent part, as knowingly and intentionally using an eavesdropping device in a surreptitious manner for the purpose of recording any part of a private conversation to which he is a party unless he does so with the consent of all parties to the conversation. The statute defines an "eavesdropping device" as any device capable of being used to record an oral conversation. 720 ILCS 5/14-1(a). Eavesdropping is a Class 4 or a Class 3 felony.

19. By reason of the conduct described above, Respondent has engaged in the following misconduct:

a. committing a criminal act, eavesdropping, in violation of 720 ILCS 5/14-2(a)(2), that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010); and

b. conduct involving dishonesty, fraud, deceit or misrepresentation, by surreptitiously, and without the knowledge or consent of Dr. Palen, tape-recording the December 21, 2018 counseling session, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT IV

(*Criminal conduct—eavesdropping/secretly making audio recording—Erika Bush*)

20. On September 25, 2019, Respondent made an audiotape recording of a conversation that he had with Erika.

21. Respondent made the audiotape surreptitiously, and without the knowledge or consent of, Erika.

22. Respondent knowingly and intentionally used the recording device for the purpose of recording all or part of the conversation.

23. On September 25, 2019, 720 ILCS 5/14-2(a)(2) defined the offense of eavesdropping, in pertinent part, as knowingly and intentionally using an eavesdropping device in a surreptitious manner for the purpose of recording any part of a private conversation to which he is a party unless he does so with the consent of all parties to the conversation. The statute defines an "eavesdropping device" as any device capable of being used to record an oral conversation. 720 ILCS 5/14-1(a). Eavesdropping is a Class 4 or a Class 3 felony.

24. By reason of the conduct described above, Respondent has engaged in the following misconduct:

a. committing a criminal act, eavesdropping, in violation of 720 ILCS 5/14-2(a)(2), that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010); and

b. conduct involving dishonesty, fraud, deceit or misrepresentation, by surreptitiously, and without the knowledge or consent of Erika Bush, tape-recording their September 25, 2019 conversation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT V

(*Criminal conduct—eavesdropping/secretly making audio recording—Dr. Ronald Dachman*)

25. On March 14, 2020, Respondent made an audiotape recording of a court-ordered counseling session involving himself, his minor son, J.B., and Dr. Dachman.

26. Respondent made the audiotape surreptitiously, and without the knowledge or consent of Dr. Dachman.

27. Respondent knowingly and intentionally used the recording device for the purpose of recording all or part of the counseling session.

28. On March 14, 2020, 720 ILCS 5/14-2(a)(2) defined the offense of eavesdropping, in pertinent part, as knowingly and intentionally using an eavesdropping device in a surreptitious manner for the purpose of recording any part of a private conversation to which he is a party unless he does so with the consent of all parties to the conversation. The statute defines an "eavesdropping device" as any device capable of being used to record an oral conversation. 720 ILCS 5/14-1(a). Eavesdropping is a Class 4 or a Class 3 felony.

29. By reason of the conduct described above, Respondent has engaged in the following misconduct:

a. committing a criminal act, eavesdropping, in violation of 720 ILCS 5/14-2(a)(2), that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010); and

b. conduct involving dishonesty, fraud, deceit or misrepresentation, by surreptitiously, and without the knowledge or consent of Dr. Dachman, tape-recording the March 14, 2020 counseling session, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VI

(Lack of diligence, engaging in conduct prejudicial to the administration of justice, and making, false and/or reckless statements about the qualifications or integrity of a judge)

30. At all times alleged in this count, Respondent represented Benjamin Winderweedle ("Benjamin") in his dissolution of marriage case, Lake County case number 2014D1411, *Benjamin Winderweedle (a/k/a Kash Jackson a/k/a Grayson Jackson), Petitioner vs. Julia Winderweedle, Respondent*.

31. At all times alleged in this count, Judge Janelle K. Christenson was presiding over Lake County case number 2014D1411.

32. At all times alleged in this count, Judge Christensen utilized an email address ("CC102 email address") that allowed her to receive motions, pre-trial memorandums, GAL reports, expert reports and trial exhibits.

33. At all times alleged in this count, Judge Christensen had a standing order regarding the use of the CC102 email address, which stated, in pertinent part: "**DO NOT USE THE CC1O2 EMAIL ADDRESS TO COMMUNICATE WITH THE COURT, THE CLERK, OR EACH OTHER**". (Emphasis in original.)

34. On July 24, 2020, Judge Christensen conducted a conference in case number 2014D1411. Respondent and Benjamin were present for the conference. Judge Christensen entered an order setting the non-evidentiary motions for hearing on July 27, 2020 at 9:00 a.m.

35. On July 27, 2020, at 12:02 a.m., Respondent sent an email to the CC102 email address and the email boxes for opposing counsel, Raymond Boldt, former guardian *ad litem* Nicole Frederico Slobe, and the current guardian *ad litem*, Sally Lichter, copying Benjamin.

36. Neither Respondent nor Benjamin appeared for the hearing.

37. On July 28, 2020, Judge Christensen entered an order, which states, in pertinent part:

> This matter coming to be heard on the Motions set for hearing on July 27, 2020, pursuant to the July 24, 2020 order, all parties having notice the GAL being present, Mr. Raymond Boldt present on behalf of Julia Winderweedle, and with Mr. Bush and Mr. Jackson absent,
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> **IT IS HEREBY ORDERED:**
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> Pursuant to the Court's order, all parties present in the Courtroom tendered their phones to the deputy. The Court waited until 9:15 for Mr. Bush. The Court asked the GAL to check her phone for any messages. The deputy returned the phone to the GAL. The GAL advised the Court that Mr. Bush had sent a communication to the Court's CC102 email box. The GAL read the message from Mr. Bush, wherein he states that neither he nor his client were coming to court today. In part, Mr. Bush stated, "I will not be at court tomorrow and I object to the court proceeding on any matter, other than the court sua sponte vacating the void orders entered on March 12, 2018 and November 14, 2018, which it has a duty to do. In conclusion, my client will not put up with this self-serving abusive crap any more, and either will I. If we have to appeal, we will." **The Court reminds the parties that the CC102 email is not to be used for correspondence between the parties or the Court. Please see the Court's Standing Order on the use of the CC102 email.** The Court further admonishes Mr. Bush for his use of language.
>
> Mr. Bush and Mr. Jackson were present on the Zoom call on Friday, July 24, 2020 wherein the non-evidentiary motions were set for hearing on Monday, July 27, 2020. Mr. Bush has chosen not to attend court. Having proper notice, and being set for hearing, the Court proceeded with the hearings. A staff reporter from the 19th Judicial Circuit was present and recorded the proceeding. (Emphasis in original.)

38. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

a. failure to act with reasonable diligence and promptness in representing Benjamin in case number 2014D01411 by conduct including failing to appear in court for the July 27, 2020 hearing on non-evidentiary motions, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);

b. making statements the lawyer knows to be false or with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judge, adjudicative officer, or public legal officer by making the statement "my client will not put up with this self-serving abusive crap any more, and either will I" set forth in paragraph 37, above, in violation of Rule 8.2(a) of the Illinois Rules of Professional Conduct (2010); and

c. conduct prejudicial to the administration of justice by using the court's CC102 email to communicate with the court, in violation of the court's Standing Order, and making the statement "my client will not put up with this self-serving abusive crap any more, and either will I" set forth in paragraph 37, above, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the hearing board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ David B. Collins
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