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

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

NOTICE OF FILING

To: David B. Collins
Counsel for the Administrator
dcollins@iardc.org
ARDCeService@iardc.org

On August 27, 2021, I filed the attached answer to the complaint.

CERTIFICATE OF DELIVERY

The undersigned hereby certifies under penalties of perjury as provided by law, pursuant to 735 ILCS 5/1-109, that the above notice and any attached pleadings were sent via [X] E-mail, [ ] personal delivery, [ ] facsimile transmission, and/or [ ] U.S. Mail from 8974 N. Western Avenue #114, Des Plaines, IL 60016 with proper postage pre-paid to the addresses set forth above before the time of 4:00 p.m. on the day of August 27, 2021. The e-file service provider is Odyssey eFileIL and the document is delivered to David Collins at dcollins@iardc.gov.

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ANSWER

NOW COMES Respondent, Edwin F. Bush, *pro se* pursuant to an August 10, 2021 pancreatic cancer diagnosis and unable to afford counsel, and for his answer to the Administrator's Complaint in this matter, states as follows:

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.

Answer: Respondent admits the allegation contained in paragraph 1.

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.*

Answer: Respondent admits the allegation contained in paragraph 2.

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*.

Answer: Respondent denies the allegation contained in paragraph 3. Respondent was just as indignant at having his and his children's civil rights violated when he was represented by counsel, spending countless thousands of dollars, as when he was *pro se*. The procedural and substantive civil rights violations occurred almost continuously since this case was initiated in February, 2017, as occurs to countless parents in Illinois domestic relations courts, with or without counsel, with no effective oversight by any person or entity.

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."

Answer: Respondent admits the allegation contained in paragraph 4, and affirmatively notes that the excerpted statements in this e-mail are true. One of the primary signs of parental alienative behavior is efforts by one parent to pathologically prevent access to the children by the other parent. All experts in this field of psychology agree this is a form of child abuse in published, peer-reviewed research. The summer edition of the ABA's *Litigation* Magazine included an interview from Dr. Richard Warshak, in which he called this behavior child abuse. Courts that enable or condone this behavior are accomplices to child abuse. Moreover, this statement was made while opposing counsel and the court were defying an appellate court ordered remand on the entire issue of parenting time from December 13, 2019.

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.

Answer: Respondent denies the allegation contained in paragraph 5. Affirmatively, Respondent's statement that "this is child abuse, perpetrated by the court and its corrupt and incompetent officers" is entirely truthful and accurate. The audio captured in the recordings, which are subject to Counts III-V of this complaint, demonstrate that the children were crying repeatedly to see their father, and were severely psychologically impaired by the unlawful separation imposed by the court without due process, and their mother's perjury.

In particular, the Guardian *ad Litem* was responsible for a counseling order being entered on November 30, 2018 that was impossible to be satisfied as a matter of law. That is a practice common to corrupt and incompetent Guardian *ad Litems* in Cook and surrounding counties to prolong custody cases and pad their fees, which this Commission should already be aware of, but apparently is not. The "corrupt and incompetent" officers statement was directed towards opposing counsel and the Guardian *ad Litem*. However, the court was also corrupt and incompetent because it entered the aforementioned order(s).

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

Answer: Respondent denies the allegation contained in paragraph 6. Affirmatively, this statement was truthful and remains truthful. The State of Illinois, specifically the Cook County Domestic Relations Division, psychologically abused Respondent's children, violated their procedural and substantive due process rights, violated a 2016 federal settlement agreement, ignored an appellate court remand order, and ignored multiple instances of perjury by Erika Bush. Erika Bush's former counsel and the Guardian *ad Litem* participated in this act of child abuse, and profiteered off it. This is misconduct routinely ignored by disciplinary authorities across the country, making innocent (mostly) fathers prey to false allegations with impunity for simply trying to be a father. This abuse of legal process has turned into a multi-billion dollar industry.

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."

Answer: Respondent admits in part and denies in part the allegation contained in paragraph 7. Respondent admits that he made those statements, but this Commission omitted the context to which that statement occurred, including that the motions were filed and heard before the appellate court ordered remand hearing.

Affirmatively, much of these statements are protected First Amendment speech. In addition, Judge Carr was violating a remand order of the appellate court, and had just entered an emergency order of protection for Respondent requesting a wellbeing check of his children by the Park Ridge Police. Despite Erika Bush petitioning that Respondent have parenting time, Judge Carr denied that petition in an abuse of power by the state, but then reversed himself the next day acknowledging he exceeded his jurisdiction – which initially drew the "clown" comments.

When a judge is abusing their power, violating the United States Constitution and Illinois' own appellate court mandate, they are acting outside their official capacity and are no longer privileged to the normal courtesies. Judge Carr just spent an entire hearing, recorded on video, eating peanuts and demeaning the 25-30 bystanders as the "peanut gallery." Moreover, Judge Carr was suffering from a latent undiagnosed brain tumor, to which he is currently on terminal leave. Judge Carr was already exhibiting loss of memory, cognition, as well as an array of erratic behavior that falls far outside the norm of healthy, coherent judges in this state.

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.

Answer: Respondent denies the allegation contained in paragraph 8. Affirmatively, Respondent serves as General Counsel of the Family Civil Liberties Union, a national organization that publicly advocates the substance of the prior statements. These statements are constitutionally protected speech, and the Commission's complaint resembles a complaint by the "thought police." "[I]t is a prized American privilege to speak one's mind, although not always with perfect good taste, on <u>all</u> public institutions (emphasis added). And an enforced silence, however limited, solely in the name of preserving the digni[t]y of the bench, would probably engender resentment, suspicion and contempt much more than it would enhance respect." *In re Marriage of Weddigen*, 2015 IL App (4th) 150044, ¶54, *quoting Bridges v. State of California*, 314 U.S. 252, 270-71 (1941).

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

Answer: Respondent denies the allegation contained in paragraph 9. Respondent further asserts those statements are truthful and accurate, and constitutionally protected speech.

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).

Answer: Respondent denies the allegation contained in paragraph 10. Affirmatively, Respondent notes that approximately 2/3 of civil cases have at least one *pro se* party. That a parent passed the Illinois bar exam and was admitted to practice law does not extinguish their protected speech as a parent.

Illinois domestic relations courts routinely give custody of children to the abuser to prolong litigation because they know the non-abusing parent will never give up. The unethical and corrupt attorneys who perpetuate this obscene practice deserve no quarter from the parents abhorred by and victimized by these practices, whether they be attorneys or not.

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."

Answer: Respondent admits to the allegation contained in paragraph 11, but notes that this statement is taken from a string of communications and is the end of a three-paragraph e-mail, with the last sentence omitted. This communication arose from the December 2019 mandated remand hearing by the appellate court, which opposing counsel, the Guardian *ad Litem* and the court were purposely countermanding.

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."

Answer: Respondent admits to the allegation contained in paragraph 12, and notes the Commission is fully aware this communication pertained to Erika Bush's counsel and the Guardian *ad Litem* intentionally delaying the appellate court's ordered hearing on remand.

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.

Answer: Respondent denies the allegation contained in paragraph 13. Affirmatively, Respondent was delaying nobody, he was urgently trying to have the appellate court's ordered remand hearing. The only people who were delaying anything were everyone else in those communications, who were disobeying a mandate from an appellate court. Both of these communications from June 23, 2020 and September 18, 2020 involved the court, the Guardian *ad Litem* and opposing counsel delaying the appellate court ordered remand. In addition, Respondent was not putting any burden on the recipients of that e-mail. The burden was already put on all officers of the court to obey the appellate court's mandate.

There was no purpose to embarrass Ms. Vanderporten or Mr. Mammas. Domestic relations attorneys are well known amongst the bar and the public to be bottom-feeders. Respondent has spoken to ethics attorneys for years who note the volume of complaints they receive involving these attorneys, and call these attorneys bottom-feeders themselves. Domestic relations attorneys generally graduate from 3rd and 4th tier law schools, and will do almost anything for money, including suborn perjury from mentally ill parents.

There was no purpose to embarrass Ms. Vanderporten when Respondent reminded her that she suborned perjury and violated the Illinois Rules of Professional Conduct (IRPC). Any attorney should already be embarrassed to suborn perjury, and should not need the assistance of another attorney to remind them they should be ashamed of themselves. Caidi Vanderporten did suborn perjury on October 10, 2018 and November 30, 2018, and the audio in Count III of this Complaint, which this Commission has possession of, further proves it.

On May 21, 2018, Kathryn Somers withdrew as Erika Bush's first counsel. That day, Ms. Somers told Respondent and his former counsel personally in the hallway outside Judge Marya Nega's courtroom that she could not take Erika Bush's case to trial. That is because Erika Bush's former attorney knew Erika Bush is a compulsive liar. When Evan Mammas and Caidi Vanderporten appeared as Erika Bush's counsel, Respondent warned them that Kathryn Somers withdrew because she could not ethically call Erika Bush as a witness due to her inevitably perjuring herself. On October 9, 2018, Respondent warned Erika Bush's counsel again that their verified petition was perjured. The next day, they proceeded to suborn perjured testimony from Erika Bush.

There was further no purpose to embarrass Ms. Vanderporten when Respondent informed everyone, including the court, that he was aware Mr. Mammas and Ms. Vanderporten had been extorting Erika Bush. In fact, Respondent was trying to protect Erika Bush from being extorted, and was informing the court.

On December 29, 2019, Respondent met Heather Stern at a Christmas Party for a support group of parents abused by Illinois domestic relations courts. It turns out that Heather Stern lived next to Erika Bush in a condominium building in downtown Park Ridge, and had been babysitting both of Respondent's children for months. Her son and Respondent's children played together regularly. Heather Stern told Respondent that both children cannot understand why they cannot see their father, they cry and are sad that they cannot. Ms. Stern further stated that both children talk about Respondent a lot, and want to see their father. This is consistent with the audio in Counts III-V of this Complaint, and is more evidence of child abuse.

Ms. Stern then proceeded to tell Respondent that based upon phone calls she witnessed Erika Bush take with both of her counsel, and individual conversations with Erika Bush, she believed Erika Bush was being extorted by Evan Mammas and Caidi Vanderporten. Ms. Stern reported both of Erika Bush's counsel threatened to withdraw if Erika Bush agreed to parenting time, and threatened Erika Bush would never get another counsel if they withdrew. That is because Evan Mammas and Caidi Vanderporten were stringing out this custody case, and expressed a property interest in the joint 401(k) account which they had no legal right to. Erika Bush relayed to Ms. Stern that Mammas and Vanderporten refused to take Erika Bush's case in June, 2018 unless she agreed to forfeit her retirement funds. Moreover, Evan Mammas and Caidi Vanderporten were representing to Erika Bush that Respondent was "100 percent" going to lose the 2019 appeal, and would have to pay all their legal fees. That did not occur.

Heather Stern is credible. Heather is a private investigator by trade. She had her own contentious divorce case, in which she investigated and discovered suspicious financial transactions involving her opposing counsel, John Steele. Ms. Stern then reported this

information to the F.B.I., causing Mr. Steele to be convicted to a five-year prison term. Thanks to Ms. Stern's investigative work, Mr. Steele was voluntarily disbarred in 2017. *In re John Lawrence Steele*, 15PR00068. Ms. Stern's report on December 29, 2019 that Erika Bush was being extorted by her own counsel was credible, as she has already sent an unethical domestic relations attorney to prison and caused their disbarment.

Finally, when Respondent was referring to the justice system failing, he was referring to the recourse of filing a mandatory injunction in federal court for Judge Carr failing to abide by the state appellate court remand order, which is what he did in *A.B. et al. v. Carr*, 20-cv-6634.

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).

Answer: Respondent denies the allegations contained in paragraph 14, and affirmatively states the referenced statements are entirely truthful and accurate.

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.

Answer: Respondent admits the allegation contained in paragraph 15, and notes he not only recorded the counseling session, he recorded picking up his son from school all the way to the counseling session as well. Parents routinely record themselves and their children to protect themselves from false allegations in kangaroo custody proceedings, in which they are often provided no notice at all of false and frivolous allegations.

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

Answer: Respondent denies the allegation contained in paragraph 16. This Commission is aware of written correspondence by Dr. Palen and even Evan Mammas stating on the record that Dr. Palen had knowledge and consented to the recording. Moreover, it was not necessary to obtain the consent of Dr. Palen to lawfully record the counseling session. Furthermore, Dr. Palen went to court three times from March to July, 2019 in attempt to tell the circuit court he had knowledge and consented to the recording, and to authenticate the contents of the recording. But Judge Carr refused to hear from Dr. Palen on all three occasions, so this evidence could never become part of the appellate record.

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

Answer: Respondent admits the allegation contained in paragraph 17.

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.

Answer: Respondent lacks information to admit or deny what the law was on December 21, 2018.

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).

Answer: Respondent denies the allegation contained in paragraph 19. Affirmatively, Respondent recorded this session primarily to protect the civil rights of himself and his children. The Court appointed Dr. Palen on December 20, 2018 to give a report to the court and recommendations, which he was legally and ethically prevented from doing, pursuant to 750 ILCS 5/607.6(d) (repealed on August 13, 2021). Dr. Palen could also not give a recommendation because he was not appointed as an evaluator, and could not counsel two people at the same time when he had already began a counseling relationship with Respondent. This was an act of incompetence and clear legal error, which this Commission is ignoring and the appellate court completely passed on in 2019.

The Commission fails to note that the transcript of this counseling session was relayed in a published Seventh Circuit Court of Appeals decision, *J.B. et al. v. Woodard et al.*, (7th Cir. 2021), in which Respondent challenged the constitutionality of 750 ILCS 5/607.6(d):

> "The domestic relations court appointed a therapist to conduct anger management counseling and permitted Edwin to have visitation with J.B. at the therapist's office on December 21, 2018. During that counseling session, J.B. said he could not remember his father ever grabbing him by the neck, had no idea why he could not see his father, and that he and A.B. were crying regularly. J.B. further reported that Erika had repeatedly slapped him and pulled his hair." *Id.* at 4.

During oral argument on December 16, 2020, Judge Diane Wood of the Seventh Circuit indicated that the 750 ILCS 5/607.6(d) statute is a constitutional problem. The Seventh Circuit did not rule on the merits, it held the state court was the proper venue. On May 27, 2021, the Illinois General Assembly voted to repeal 750 ILCS 5/607.6(d), and it was sent to the Governor for signature on June 23, 2021. This law was repealed on August 13, 2021. This recording was not only legally permissible, it is admissible evidence that was preserved.

This Commission is familiar with the crime-evidence exception to Illinois' eavesdropping statute. So is Wes Cowell, a family law attorney who published the following on December 14, 2018 – a week before the counseling session on December 21, 2018 that Respondent viewed and relied on before the counseling session (https://www.illinoisdivorce.com/eavesdropping-and-wiretapping):

"**Exception: Obtaining Evidence:** You may record surreptitiously when you reasonably suspect that a crime is about to be committed (or has already been committed) against you or someone in your household. You have to be a party to this conversation, too. You don't have to be open about it -- you can be surreptitious -- but you DO have to be part of the conversation. Here's what the law says:

> Sec. 14--3. Exemptions. The following activities shall be exempt from the provisions of this [law]:
>
> (i) Recording of a conversation made by . . . a person . . . who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording.
> 720 ILCS 5/14-3"

Respondent knew that perjury was committed and suborned on October 10, 2018 and November 30, 2018 by Erika Bush and her counsel, and the recording from December 21, 2018 is evidence of the crime of perjury. Both the Illinois Appellate Court and the Seventh Circuit Court of Appeals noted this in their opinions.

Furthermore, parents have a fundamental right to record their children when their health and welfare are at stake. Dr. Clifford Fishman writes a treatise on Westlaw called *Wiretapping and Eavesdropping*, and sections 6.24-6.27 of his treatise discuss the fundamental right to record

your own children, including to actually wiretap conversations to which the recording parent is not a party. Recording yourself and your own children is a fundamental substantive due process right, which this Commission should be defending not infringing upon.

This Commission should be familiar with *In re Marriage of Gasnya v.Nixon*, 2016 IL App (4th) 150905, ¶27, in which the appellate court noted the failure to record a counseling session in that case prevented expert witnesses from scrutinizing whether professional protocol was followed. In this case, it wasn't the protocol of Dr. Palen that was a concern, it was the lack of competence of Steve Wasko, the supposed representative of the children.

That this Commission would accuse Respondent of committing a crime, in which he was never charged and could never be convicted, is deeply disturbing. There is no record of a parent even being charged with recording their own children in this state. This would appear to be the first time a parent was ever accused of eavesdropping for recording their own children. This Commission has no authority whatsoever to make the assertion in this count. *In re Marriage of Jawad*, 326 Ill. App.3d 141, 144 (2001) allowed audiotapes into a custody proceeding under the crime-evidence exception. *In re Marriage of Almquist*, 299 Ill. App.3d 732, 736 (1998) suppressed a recording because it was not reasonable to suspect a six-year old was about to commit a crime. Respondent never suspected J.B. was about to commit a crime, he suspected J.B. was going to reveal evidence that Erika Bush committed a crime, which he did.

The Illinois Supreme Court already struck down a predecessor eavesdropping statute in 2014 as unconstitutional. The Commission's view would also make the current version of the eavesdropping statute overly broad and unconstitutional. Moreover, this count and the following two counts indicate what skeptics of Illinois' eavesdropping law alleges it truly intends to do – punish the whistleblower (*e.g.,* whoever records a politician taking a bribe gets prosecuted, whoever records an unlawful police beating gets prosecuted).

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.

Answer: Respondent admits to the allegation contained in paragraph 20, but notes it was hardly a conversation and the discourse was in the public view of several nurses and bystanders.

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

Answer: Respondent lacks knowledge to admit or deny the allegation in paragraph 21. Respondent does not know what Erika Bush knew, did not know, or should have known. Respondent was recording in a public waiting room at a pulmonologist's office at Advocate Lutheran General Hospital in Park Ridge, with his smart phone, and does not recall where his smart phone was located.

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

Answer: Respondent admits to the allegation contained in paragraph 22, and that this recording was lawful. Affirmatively, Respondent had warned all of Erika's counsel, the Guardian *ad Litem*, custody evaluator, the police and multiple counselors and judges that Erika Bush is a compulsive liar. When Respondent entered the pulmonologist's office, Erika Bush immediately violated 720 ILCS 5/26-1(a)(4) by claiming she had an active order of protection that she knew had expired on November 30, 2018. Erika Bush immediately begged the nurses to call the police, while Respondent's son J.B. begged Erika Bush to stop. This was an attempt to get Respondent falsely arrested for violating an order of protection that did not exist, which was continuing pathological "restrictive gatekeeping." Erika Bush then committed perjury on October 22, 2019 by denying verbatim quotes she made in the pulmonologist's office on September 25, 2019.

Erika Bush had already made 38 false and frivolous police reports, and Respondent was well-reasoned to anticipate another false police report, which she caused again. 720 ILCS 5/26-1(a)(4) is the statute famous for its non-enforcement in the Jussie Smollett case, which gained national attention. This Commission is going to new extremes to coverup and overlook a clear violation of that criminal statute, making the crime-evidence exemption applicable again. That this Commission even made such an accusation indicates it lacks familiarity with "Cluster B" personality disorders, making its ability to understand and enforce attorney misconduct in domestic relations cases hopelessly impaired – just like the courts. The September 25, 2019, audiotape, which this Commission has, clearly indicates Erika Bush committed a felony instantly and was lawfully recorded. This audiotape includes the responding police officers admitting Erika Bush caused the police to be called frivolously.

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.

Answer: Respondent lacks information to admit or deny what the law was on September 25, 2019.

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).

Answer: Respondent denies the allegation contained in paragraph 24. Affirmatively, Respondent does not require Erika Bush's consent to record her breaking the law.

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.

Answer: Respondent admits in part and denies in part the allegation in this paragraph. Respondent admits to audiotaping not only the March 14, 2020 counseling session, he admits to audiotaping the March 5, 2020 counseling session. This Commission has both of these recordings, and Respondent is at a loss at what distinction this Commission made in selecting only the March 14, 2020 recording.

Respondent denies that this particular session was court-ordered. Dr. Dachman was appointed on September 20, 2019, and Respondent first saw his children on March 5, 2020 – five and a half months later. Respondent was concerned that Dr. Dachman was incompetent, and not meeting professional standards. Respondent had already filed two petitions for rule to show cause that Erika Bush was violating Dr. Dachman's appointment order that were never ruled upon. Despite stating an alleged concern on the record on December 20, 2019, Judge Carr never did anything to enforce the appointment order, and had no idea if or when Respondent and the children would be meeting.

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

Answer: Respondent denies the allegation contained in paragraph 26. Respondent repeatedly and openly told Dr. Dachman that Respondent recorded the December 21, 2018 counseling session with Dr. Palen, and even gave Dr. Dachman a copy of the transcript before March 5, 2020. Respondent otherwise has no knowledge of what Dr. Dachman knew or did not know. Respondent did not need Dr. Dachman's permission to record this counseling session.

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

Answer: Respondent admits to the allegation contained in paragraph 27. During this recording, both children indicated a deep desire to see their father and go to his house, and they were not estranged from their father. This indicated there was never any need for "reunification counseling," which is just another scam and hoax invented by family law cottage industries to profiteer off of fit parents.

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.

Answer: Respondent lacks information to admit or deny what the law was on March 14, 2020.

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).

Answer: Respondent denies the allegation contained in paragraph 29. By this time, *J.B. et al. v. Woodard et al.* was in the jurisdiction of the Seventh Circuit Court of Appeals. The federal claims were still alive in the federal courts, and Respondent had a right to collect evidence against the state defendants in that case. The only time Respondent could speak to J.B. was in counseling sessions, which was a continuing total violation of their fundamental procedural and substantive due process rights. It also intentionally interfered in J.B. and Respondent's attorney-client relationship. On March 14, 2020, J.B. in fact made statements that indicated recollection of facts surrounding the *J.B. et al. v. Woodard et al*. case. That is evidence. Moreover, these claims were not extinguished by the Seventh Circuit Court of Appeals in their May 12, 2021 opinion. In fact, the Seventh Circuit held if the state continues to refuse to hear these constitutional claims, the federal courts would assume jurisdiction. What J.B. stated on March 14, 2020 is admissible evidence of a violation of federal law by state actors.

Moreover, just like the counseling session with Dr. Palen, the two counseling sessions with Dr. Dachman invoke the crime-evidence exception because again Respondent's son implicated Erika Bush for committing perjury on October 10, 2018 and November 30, 2018. The Commission has these recordings and knows this.

Finally, this counseling session was not admissible under 750 ILCS 5/607.6(d), which is the exact same careless and catastrophic error of law Judge Carr and Steve Wasko made in appointing Dr. Palen as a counselor in 2018. The September 20, 2019 appointment order of Dr. Dachman could not legally be satisfied because Dr. Dachman could not repeat or use any statements from these sessions. These counseling sessions were an evidentiary "black hole" that Steve Wasko and Judge Carr were negligent at best in perpetrating.

Respondent had lost all confidence in Steve Wasko, and preserved the evidence for the sake of his and his children's fundamental civil rights. In fact, Steve Wasko repeatedly ignored or mischaracterized what occurred in this session, which is what corrupt Guardian *ad Litems* do. It is a rampant problem ignored by this Commission, necessitating parents recording children in custody cases for their own survival. The attorneys oppose it because recordings take away their ability to manipulate, control and prolong custody cases; they try to intimidate parents into not recording with no legal authority. There was no lawful basis for these counseling sessions to be ordered by the state, and the state effectively turned Dr. Dachman into one of its officers, implicating First Amendment rights as well as Fourteenth Amendment rights.

This Commission is apparently lost and cannot distinguish between the cloak of authority and the cloak of corruption. Domestic relations courts and their surrounding cottage industries are predatory and resemble organized crime – seizing children from fit parents and then selling them back with unnecessary and unwanted "services." That is none other than child trafficking. A recently deceased named partner at a large domestic relations law firm compared these courts and officers to the mafia. Even a study committee commissioned by the Illinois General Assembly made a similar finding published on April 10, 2010, regarding family law "cottage industries" and their inherent lack of any value. Other similar cases, including Brittany Spears and Greg Ellis, have made national news in recent weeks involving similar allegations.

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*.

Answer: Respondent admits to the allegation contained in paragraph 30, and notes this ongoing two-year representation of a disabled 20-year Navy veteran is *pro bono*.

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

Answer: Respondent admits to the allegation contained in paragraph 31, but is not sure if she was presiding "at all times."

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.

Answer: Respondent admits in part and denies in part the allegation in paragraph 32. Respondent admits this e-mail address allowed her to receive motions, pre-trial memoranda, GAL reports, expert reports and trial exhibits. Respondent denies that this e-mail address did not allow her to receive other types of communication, and in fact she regularly received other types

of communications through this e-mail address. On July 24, 2020, Judge Christensen explicitly told Respondent to send a doctor's note from Mr. Jackson to the Court, which he did on July 27.

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.)

Answer: Respondent lacks information to admit or deny the allegation contained in this paragraph. Respondent does not know when Judge Christensen modified her standing orders. If this Commission was familiar with the daily practice of domestic relations courts post Covid-19, it would know that judges make such pronouncements to discourage *ex parte* and other communication, but that these courts do in fact expect and request communications, especially when there is an unexpected need to reschedule a proceeding.

For example, on April 16, 2021, in the W*inderweedle* case, Judge Christensen herself requested Sally Lichter, the Guardian *ad Litem*, forward an e-mail from a counselor named Katie Angell. Sally Lichter in fact did send this e-mail to CC-102 without Respondent's knowledge or consent on behalf of Mr. Jackson. Respondent saw this e-mail and objected "to all" in writing that this was improper communication, and did not belong before a judge under any circumstances or transmitted in any manner. This was entirely justified to prevent the immediate and unfair prejudice to Mr. Jackson.

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.

Answer: Respondent admits in part and denies in part the allegation contained in paragraph 34. Respondent denies that the only matter discussed on July 24, 2020 were to schedule non-evidentiary motions for hearing on July 27, 2020. At the end of the pre-trial conference on July 24, 2020, Judge Christensen indicated she would not provide a court reporter on July 27, 2020. That is contrary to what the Second District Appellate Court expected her to do in a June 30, 2020 Order. Judge Christensen indicated that Mr. Jackson had to file a financial affidavit in order to be determined indigent. Mr. Jackson stated he was already found to be indigent by a prior judge, and therefore entitled to a court-provided reporter independently of the appellate court expecting all future proceedings in this very troubling case be on the record.

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.

Answer: Respondent admits to the allegation contained in paragraph 35. Respondent and Mr. Jackson spent substantial time on the phone that night, as Mr. Jackson was very reluctantly preparing a financial affidavit to obtain rights he was already entitled to.

36. Neither Respondent nor Benjamin appeared for the hearing.

Answer: Respondent admits to the allegation contained in paragraph 36. Mr. Jackson was in Arkansas and had no money to travel to Illinois, and was feeling sick with Covid-19 symptoms. Judge Christensen was further barring Mr. Jackson from appearing remotely because he asserts the right to record public officials conducting public business, which he ran on as the 2018 Libertarian Party candidate for Governor.

The night of July 26, 2021, Mr. Jackson further instructed his counsel not to participate in this case without a court reporter. Mr. Jackson further refused to participate in any proceeding that did not solely address and end the unlawful separation between him and his children. Until recently, custody matters taking precedence over financial matters was the explicit law in Illinois. That provision was repealed but the priority for custody matters remains custom. Mr. Jackson effectively went on "strike," and Respondent felt no professional obligation to cross Mr. Jackson's picket line.

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,

IT IS HEREBY ORDERED:

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.)

Answer: Respondent admits the allegation contained in paragraph 37, as it appears to be excerpted from a portion of the order entered on July 28, 2020. At the end of this selection, it notes that Judge Christensen reversed herself from July 24, 2020, and had an official court reporter cover this case on July 27, 2020. This order and the partial communication quoted from

the July 27, 2020, e-mail is consistent with what Mr. Jackson instructed his counsel to do on July 26, 2020, which is not attend the hearing.

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).

Answer: Respondent denies the allegation contained in paragraph 38(a). Respondent finds it incredible that this Commission is alleging Respondent failed to properly represent Mr. Jackson, when Mr. Jackson never made any such allegation. In fact, on August 27, 2020, a month later, Mr. Jackson wrote to the ARDC and stated Respondent should be "Attorney of the Year" for his *pro bono* work in this case. Furthermore, Mr. Jackson explicitly told Respondent not to attend court on July 27, 2020 due to the lack of coverage by a court reporter and Judge Christensen's refusal to allow Mr. Jackson to appear remotely – which is what the Illinois Supreme Court expected post Covid-19.

Respondent denies the allegation contained in paragraph 38(b). This Commission should have the entire e-mail from July 27, 2020, which included an attachment containing the prior indigency finding from 2017 and Mr. Jackson's doctors note allowing absenteeism – which Judge Christensen explicitly asked for on July 24, 2020.

If this Commission read the entire e-mail and watched the July 24, 2020 pre-trial conference, it is clear that Respondent was not directing these statements to Judge Christensen. He was directing these statements to Raymond Boldt, the opposing counsel. This was reiterating Mr. Jackson's concern that since 2016, Raymond Boldt was pursuing frivolous contempt petitions, and then turning those petitions into petitions for attorneys fees, and then seeking Mr. Jackson's incarceration for non-payment. Raymond Boldt filed approximately 20, possibly more, contempt and fee petitions. These were harassing and frivolous motions that almost no person could wither, and were meant to distract from the most important issue that Mr. Jackson's ex-wife was preventing Mr. Jackson from seeing his children.

Respondent used the word “crap” and in fact apologized for using that word in another case before Judge Christensen, which is on the record. Respondent did not know it was a swear word. On approximately July 27, 2021, Mr. Jackson used the word “crap” during his direct testimony in a week-long hearing, got admonished by Judge Christensen, and also did not know that was a swear word.

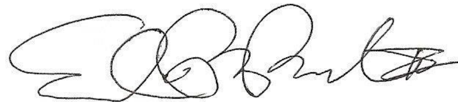
Respondent denies the allegation contained in paragraph 38(c), and incorporates the prior answers in Count VI to note Respondent did nothing improper, and did not prejudice the administration of justice whatsoever. If this Commission were to strictly enforce such standing orders post Covid, effectively on its own initiative, it would be inundated with so many violations it would need to spend months hiring new staff. In fact, Raymond Boldt was banned from using CC102’s e-mail by Judge Christensen for violating her standing order. Respondent eagerly awaits similar charges being filed against Mr. Boldt.

WHEREFORE, Respondent requests that this matter be dismissed in its entirety.

RESPONDENT’S DISCLOSURE PURSUANT TO COMMISSION RULE 231

1. Respondent is admitted to practice law in the state of Illinois.
2. Respondent currently holds no other professional licenses other than his license to practice law.

RESPECTFULLY SUBMITED:



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