In re George Jackson, III
Attorney-Respondent

Commission No. 2021PR00102

Synopsis of Hearing Board Report and Recommendation
(September 2023)

While representing his brother in a first-degree murder trial, Respondent made statements impugning the integrity and qualifications of judges and insulting opposing counsel. Based on his conduct, he was held in criminal contempt of court four times. The Administrator charged Respondent with engaging in conduct intended to disrupt a tribunal; using means that had no substantial purpose other than to embarrass, delay, or burden a third person; making statements that he knew to be false or with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judge; committing criminal acts that reflect adversely on Respondent's honesty, trustworthiness, or fitness as a lawyer; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and engaging in conduct prejudicial to the administration of justice, in violation of Rules 3.5(d), 4.4(a), 8.2(a), 8.4(b), 8.4(c), and 8.4(d) of the 2010 Illinois Rules of Professional Conduct. The Hearing Panel found that the Administrator proved all of the charges by clear and convincing evidence.

Based on the egregious misconduct and aggravating factors including Respondent's insistence that his conduct was justified and lack of recognition of the harmful impact of his words, the Hearing Panel recommended that Respondent be suspended for three years and until further order of the Court.

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

FILED
September 08, 2023
ARDC CLERK

In the Matter of:

GEORGE JACKSON, III,

Attorney-Respondent,

No. 6189680.

Commission No. 2021PR00102

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

Respondent was charged with engaging in misconduct while representing his brother in a first-degree murder trial. During that representation, Respondent's conduct led the court hold him in direct criminal contempt four times. Based on the criminal contempt findings, the Administrator charged Respondent with engaging in criminal acts that reflect adversely on his honesty, trustworthiness, or fitness as a lawyer. Respondent was also charged with making numerous false or reckless statements about the integrity and qualifications of judges and insulting statements about opposing counsel, which prejudiced the administration of justice and were intended to disrupt the tribunal. The Hearing Panel found that the Administrator proved all of the charged misconduct. Based on Respondent's extensive misconduct and his unwillingness or inability to acknowledge that his conduct was improper and unethical, the Hearing Panel recommended that Respondent be suspended for three years and until further order of the Court.

INTRODUCTION

The hearing in this matter was held remotely by video conference on March 13 and 14, 2023, before a Panel of the Hearing Board consisting of Heather A. McPherson, Chair, Laura K.

McNally, and Jim Hofner. Jonathan M. Wier and Rory P. Quinn represented the Administrator. Respondent was present and was represented by Lawrence S. Beaumont.

PLEADINGS AND ALLEGED MISCONDUCT

The Administrator's one-count Complaint charged Respondent with the following ethical violations: engaging in conduct intended to disrupt a tribunal; using means that had no substantial purpose other than to embarrass, delay, or burden a third person; making statements that he knew to be false or with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judge; committing criminal acts that reflect adversely on Respondent's honesty, trustworthiness, or fitness as a lawyer; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and engaging in conduct prejudicial to the administration of justice, in violation of Rules 3.5(d), 4.4(a), 8.2(a), 8.4(b), 8.4(c), and 8.4(d) of the 2010 Illinois Rules of Professional Conduct.

In his Answer, Respondent admitted making the statements alleged in the Complaint but denied they were false or intended to embarrass, delay, or burden anyone. He denied all allegations of misconduct.

EVIDENCE

The Administrator presented testimony from Respondent as an adverse witness. The Administrator's Exhibits 1-11 were admitted into evidence. (Tr. 16-17). Respondent testified on his own behalf and presented Michael Ettinger as a character witness. Respondent did not submit any exhibits.

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 was charged with violating Rules 3.5(d), 4.4(a), 8.2(a), 8.4(b), 8.4(c), and 8.4(d) based on statements he made denigrating judges and opposing counsel, some of which caused the court to hold him in direct criminal contempt.

A. Summary

Respondent made numerous statements disparaging the integrity and qualifications of judges, which were unfounded and made with reckless disregard as to their truth or falsity. He also made derogatory remarks about opposing counsel and gratuitous statements graphically depicting a sexual assault of fictional persons. Respondent's statements were intended to disrupt the tribunal, caused prejudice to the administration of justice and had no purpose other than to embarrass and burden others. Based on the court's orders holding Respondent in direct criminal contempt four times, Respondent engaged in criminal acts that adversely reflect on his fitness as a lawyer.

B. Admitted Facts and Evidence Considered

Respondent was licensed to practice in Illinois in 1985. From 1990 until 2006, he was an assistant United States Attorney in the Northern District of Illinois. (Tr. 369). Respondent then went into in private practice. (Tr. 376). In 2015, he left his law firm to represent his brother, Anthony Jackson (Anthony), in *People v. Anthony Jackson*, 2013CR7738, in the Circuit Court of Cook County. In that case, Anthony was charged with two counts of first-degree murder. (Tr. 324). Respondent filed his appearance on the first day of trial, January 12, 2015. Anthony was

convicted on January 15, 2015. Judge James Linn granted Anthony a new trial on November 22, 2016. (Tr. 39-40). Respondent continued to represent Anthony after he was granted a new trial.

Respondent's Emergency Motion for Investigator and Motion to Reconsider

On May 5, 2017, Respondent filed a motion to substitute Judge Linn for cause in which he identified several reasons why he believed Judge Linn was biased against him and his client. (Adm. Ex. 2). On May 8, 2017, while in Judge Linn's courtroom, Respondent observed Judge Linn leave the bench during a busy court call. A few minutes later, Respondent observed First Assistant State's Attorney Eric Sussman walk into Judge Linn's chambers. (Tr. 75). Sussman was not one of the prosecutors in *People v. Jackson*. (Tr. 77). Respondent stood near the door to the judge's chambers so he could hear the conversation between Judge Linn and Sussman. Respondent testified they were discussing DNA evidence strategies and case law. (Tr. 76, 82). When *People v. Jackson* was called, Respondent asked Judge Linn about his discussion with Sussman. Judge Linn responded that he and Sussman were discussing closed cases and DNA evidence.

Respondent does not think Judge Linn was completely honest because he did not explain why he was having that discussion in the middle of his court call without anyone from the defense bar present. (Tr. 96-97). When asked whether he knew if the cases discussed were ones that involved Judge Linn or the Cook County State's Attorney, Respondent answered, "What I understood is that they were talking case law. What were the underlying parties – who were the underlying parties, I don't know. They very well could have been civil cases discussing DNA evidence, because, you know, those are civil cases, too. I don't know." (Tr. 82). Respondent believes it was unfair to all Cook County criminal defendants for Judge Linn and the State's Attorney to discuss DNA evidence and strategy without defense counsel present. (Tr. 99).

On May 10, 2017, Respondent filed an emergency motion in *People v. Jackson* asking the court to authorize Anthony Jackson to engage an investigator at the expense of the Cook County State's Attorney's office to look into the communications between Judge Linn and Sussman. In that emergency motion, Respondent made the following statements:

> One cannot expect Associate Judge Linn to honestly reveal details of the discussion.
>
> ***
>
> Having shamelessly and secretively –in a literal backroom meeting—availed himself of the State's institutional stance with DNA evidentiary issues, the Associate Judge has forever foreclosed his ability to be a fair judge in matters involving the office of the Cook County State's Attorney, and certainly he cannot continue to preside over this case because it was defense counsel who caught him in the act. In other words, having bitten from the state's apple of knowledge, the judge in simple fairness to the putative men and women who would stand before him, must be cast out of the garden. At least in theory, he cannot continue as a judge presiding over any case being prosecuted by the office of the Cook County state's Attorney. Because of his conduct, he should not be a judge period.
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> ***
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> Linn, who for years has convicted defendants and sentenced them to jail for skirting the rules, has himself skirted the rules, ensnared a First Assistant new to the state system, now Linn must go.
>
> ***
>
> The miscreant behaviors of Linn and Sussman were, in a word, stupid.
>
> ***
>
> Linn's childish and blistering personal attacks on defense counsel's mental stability and legal acumen, which are vile and gutless attacks on his competency demand that counsel defend himself.
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> ***
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> Associate Judge James B. Linn mirrors in clone-like fashion the Jack Nicholson character Colonel Nathan Jessup in A Few Good Men, a narcissist with unchecked hubris freely and knowingly violating rules he considers being nothing more than inconvenient nuisances. That arrogance which encapsulates Associate Judge Linn portends that he will be met with the same fate as the Colonel as well he should.

(Adm. Ex. 3). Respondent further stated that Judge Linn "was without any meaningful supervision, from his immediate boss all the way up to the farcical Timothy C. Evans, the Chief Judge." (Adm. Ex. 3).

Judge Dennis Porter denied Respondent's motion. Respondent then filed a motion to reconsider containing the following statements:

> Linn is broken and, we suspect, he has been for some time.
>
> ***
>
> Associate Judge James B. Linn's judicial career balloon has burst. He very well may have been [sic] good judge in times past, but he is not a good judge now. He has run amuck [sic] in his actions as a judge, as recounted in greater detail in the SOJ motion.

(Adm. Ex. 3).

Also in his motion to reconsider, in connection with an allegation that Judge Linn's conduct was "centered on race and ethnicity," Respondent set forth a lengthy scenario graphically describing the abduction of two "Jewish females," a "mother and pre-bat mitzvah daughter," and the rape of the fictional daughter by "Guy Black, aka 'Meatman,' a moniker bestowed on Guy because of his physical endowment." (Adm. Ex. 3). Respondent testified that the purpose of the rape scenario was "shock" and "attention." (Tr. 143). He "wanted to demonstrate the appearance of impropriety." (Tr. 145). He described the rape victim as Jewish because if he had described her as a black girl, Judge Porter "would not have been moved." (Tr. 148).

Respondent also made the following statement:

> What better way to emasculate a cadre of African-American and Hispanic male defendants than to have them prosecuted by white women at the direction of a pseudo black woman guided by a Jewish man, and under the presiding control of a white judge, who in turn meets in private with the Jewish man in promoting the goals of the pseudo black woman?

(Adm. Ex. 3). Respondent testified that "pseudo black woman guided by a Jewish man" was a reference to Cook County State's Attorney Kimberly Foxx and attorney Sussman. (Tr. 151).

Respondent testified at length that Judge Linn improperly denied his motion for a HIPAA order but signed a HIPAA order for the prosecutors. Respondent concluded from these rulings that Judge Linn was engaged in efforts to hide evidence that might exculpate Anthony Jackson. (Adm. Ex. 9).

Respondent testified that his statements were "legally permissible because they were based on my view, and as long as I have a meritorious view that I can point my finger to as the motive behind what my comments are, they're allowed." (Tr. 137). Respondent did not report Judge Linn to the Judicial Inquiry Board. (Tr. 92).

On May 24, 2017, Judge Porter found Respondent in direct criminal contempt based on his statements that maligned Judge Linn's character and intelligence, accused Judge Linn of making false statements and being involved in a conspiracy with attorney Sussman, and denigrated the court's authority. Judge Porter found that Respondent intentionally embarassed and hindered the court in the orderly administration of justice. (Adm. Ex. 5). Respondent testified that he did not read Judge Porter's order, "nor will [he] under any circumstance." (Tr. 153).

Following the contempt order, Judge Linn disqualified Respondent from representing Anthony. That order was reversed on appeal, and the case was transferred to Judge Ursula Walowski. (Tr. 155-56).

Order of Protection Proceedings

At some point prior to April 26, 2021, the Cook County State's Attorney's office sought an order of protection against Respondent. Judge Levander Smith granted the petition and entered an order of protection that prohibited Respondent from entering the George N. Leighton Criminal Courthouse. The order was later modified to allow Respondent to enter the courthouse if he was

accompanied by Cook County Sheriff's deputies. (Tr. 169). Neither the petition for order of protection nor the order of protection was made part of the record in this case.

Respondent testified that he was never served with the petition for an order of protection and was not allowed to attend the hearings pertaining to that order. (Tr. 156). He presented a motion to dismiss the order of protection petition to Judge Smith. Respondent testified that no one from the State's Attorney's office was present to oppose his motion, yet Judge Smith denied it. Respondent further testified that Judge Smith was on the phone with Judge Walowski, talking about Respondent, while Respondent was waiting in Judge Smith's courtroom. Respondent learned of this conversation from individuals who were in Judge Walowski's courtroom. These individuals were not parties to the judges' conversation. (Tr. 170-72).

Motion before the Illinois Supreme Court

On April 26, 2021, Respondent filed a motion with the Illinois Supreme Court entitled "Anthony Jackson's Motion to Find Unconstitutional Burden Shifting Rule Requiring Defendants to Demand Trial and Clarify Sole Jurisdiction Before This Court." In that motion, Respondent made the following statements about Judges Porter, Linn, Walowski, and Smith:

> There exists in Cook County extremely diabolical prejudice against Mr. Jackson in this case against his lawyer of choice, former decorated Department of Justice Attorney George Jackson III, by Cook County Judges (primarily Criminal Court Judges Porter, Linn, Walowski and Walowski's various replacements, along with the woefully intellectually challenged Honorable Judge Levander Smith of domestic violence court).
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> ***
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> There is no way that Cook County Circuit Court Judges would dare sit a jew or an anglo in jail for 6.5 years awaiting trial.
>
> ***
>
> Without exception, every single Judge that Mr. Jackson and his Attorney have appeared before at the Criminal Courthouse and before the exceptionally low intellect Judge Levander Smith and other domestic violence court judges, has

> engaged in conduct to inappropriately prolong Mr. Jackson's stay in jail, in violation of his Speedy Trial rights.

Respondent testified there were many reasons for his statement that Judge Waloswki was prejudiced against him, including sending sheriffs to his home and law office. (Tr. 164). The basis for Respondent's statement that Judge Smith was "woefully intellectually challenged" is that in three instances after signing an order he said that he made a mistake or got it wrong. (Tr. 173-74).

Respondent also made the following statements about the Illinois Supreme Court:

> Setting aside the complete power-grabbing absurdity of this Honorable Court's interpretation of Illinois Constitution, Article VI, Section 16, that section (Section 16) expressly states that it is an "Administration" provision.
>
> The painfully obvious plain meaning of Section 16 of Article VI is that this Court has administrative authority to supervise inferior courts, nothing more. A counter contention really is absurd, obviously so.
>
> Perhaps most disturbing is that by its self-serving interpretation, this Court would be the only court in the entire United States, including the United States Supreme Court, that can willy-nilly—literally—grant itself jurisdiction.

Proceedings Before Judge Walowski

On April 26, 2021, Respondent appeared by videoconference before Judge Walowski for a status hearing in *People v. Jackson*. When Judge Walowski asked Respondent if he wanted to set the case for trial on a certain date, Respondent responded as follows:

> Judge I have fear in talking to you. I don't think you're an honest person. I think my personal view is that you cheat as a judge, that you don't follow the law. That's my personal view. And I fear you.

Respondent further stated:

> As I said, I don't trust you to be honest at all, Judge. I think you're dishonest. My personal view is that you're dishonest and you should not be on the bench that's my personal view.

Respondent also stated to Judge Walowski during this appearance, "We have right now, these white folks, you included, we had these pathetic white folks who hid information, hid exculpatory evidence." (Adm. Ex. 9).

Motions of May 6, 2021 and May 10, 2021

On May 6, 2021, Respondent filed a motion to change the venue of the *People v. Jackson* trial to a county other than Cook County. On May 10, 2021, he filed an amended motion and a second amended motion seeking the same relief. In the May 6 motion, Respondent stated:

> This Court, especially the Honorable Judge Waloski as [sic] acted in concert with the State.
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> ***
>
> The recalcitrance of Judge Walowski to Illinois and Constitutional law is unbridled, completely.
>
> ***
>
> Attorney Jackson was barred from entering 2650 California Courthouse, unless he submitted to the custody of the Cook County Sheriff. This would never happen to a Jew or White Man. We posit that ordering a Black Man in Cook County to voluntarily submit to being placed in custody is akin to ordering a Jewish man to, "Take this train to mandatory summer camp."

Respondent denied that he was comparing the Cook County Sheriff to Nazis. Rather, he was comparing what he was enduring to what Jewish people had to endure. (Tr.223).

In addition, Respondent made the following remarks about two female prosecutors, in a section of his motion entitled "Modern-Day Emmett Till":

> The white woman is entirely unattractive in general and her white woman traditional features sorely unattractive to Attorney George Jackson III in particular, though thankfully she lacks the feminine hygiene slight body odor of her former co-prosecutor, which we mention because that ever present odor, though slight, turned off Attorney Jackson to the specter of servicing any of the white women in that courtroom. The white woman is barely breasted. She has classic white person faint inward lips, which on experience are horrible to kiss. She has a drafting board flat behind, which is a complete turn-off to Black Men like Attorney Jackson …

> Attorney Jackson considers her to be funny looking with wide and high hips. She has a long facial structure, similar to that character in the Scream movies.

(Adm. Ex. 10).

When asked why he believed his remarks about opposing counsel were appropriate, Respondent answered that he was defending himself from the allegations that led to the order of protection and that opposing counsel invited his comments by seeking the order of protection. Respondent characterized his comments as "merciful." (Tr. 200-203). He further testified that seeking an order of protection was a strategy on the part of the State's Attorney to keep him from representing Anthony Jackson. (Tr. 204).

Respondent's second amended motion for change of venue included the following statements:

> Judge Martin apparently was whispering into Judge Walowski's ear, directing her to do his bidding. After having eased into the conspiracy, Judge Walowski gradually became its biggest advocate. We believe this is because Judge Martin egged Judge Walowksi to stand up to Attorney Jackson.
>
> ***
>
> Indeed, Cook County Criminal Court Judges before who [sic] Attorney Jackson has appeared, without exception, have concertedly manifested a street-gang psychosis of protecting its imagined turf and fellow members instead of following the law. Criminal Judges have engaged in never ending retaliation against Attorney Jackson for his fidelity to our laws and for his valiance in demanding that Cook County Criminal Judges adhere to our laws as well.
>
> ***
>
> The State and the Cook County Circuit Court appears [sic] to have conspired to block Anthony from uncovering the medical report by refusing to grant Anthony a HIPAA order.
>
> ***
>
> Here we present our invited retort to this Sweet Polly Purebread Plaintiff Whitegirl/Hungry Mandingo Black Stud Utter Nonsense.
>
> ***

> While the Honorable Judge Levander Smith, Jr. is yet another Cook County Judge who attacked and threatened Jackson with arrest, his situation demands patience because Judge Smith truly is intellectually limited-at least as a Judge-as revealed by the tree [sic] times in separate cases that he issued incorrect Orders only to correct himself afterwards. From Jackson's personal lens, Judge Levander Smith, despite his considerable intellectual shorts, still had sufficient wit to join, and did join, the conspiracy.

Judge Walowski's Contempt Orders

On May 24, 2021, Judge Walowski entered two orders holding Respondent in direct criminal contempt. One of the orders was based on Respondent's conduct when he appeared before her on April 26, 2021. The second order was based on Respondent's statements in his motions for a change of venue. Judge Walowski found that Respondent intentionally embarrassed the court, hindered the court in the orderly administration of justice, derogated the court's authority and dignity, and brought the administration of justice into disrepute. (Adm. Exs. 9, 10).

On June 7, 2021, Judge Walowski held Respondent in direct criminal contempt again for failing to appear on time for the *People v. Jackson* jury trial, which was scheduled to begin on that date at 9:30 a.m. Respondent did not appear until after 11:00 a.m. He told Judge Walowski he had been waiting in a different courtroom. Judge Walowski found Respondent's explanation "unbelievable and unpersuasive." Respondent's failure to appear caused the jurors who had been sent to Judge Walowski's courtroom to be sent to another courtroom. (Adm. Ex. 11). Respondent testified that Judge Walowski's statement that Respondent was not in court was a lie. (Tr. 228).

C. Analysis and Conclusions

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). When determining whether the Administrator proved misconduct, we may take judicial notice of a court's findings and judgment and consider them along with all of the other evidence. In re Owens, 144 Ill. 2d 372, 378-79, 581 N.E.2d 633 (1991); In re Ebert,

09 CH 108, M.R. 25341 (Sept. 17, 2012) (Hearing Bd. at 47). Accordingly, we take judicial notice of Judge Porter's and Judge Walowski's findings and judgments holding Respondent in direct criminal contempt.

In order for a court to find direct criminal contempt, it must find that the contemnor's conduct was willful and calculated to embarrass, hinder, or obstruct a court or to derogate its authority or dignity. People v. Simac, 161 Ill. 2d 297, 305-307 (1994). Judge Porter found that the statements in Respondent's motion for substitution of judge intentionally embarrassed and hindered the court in the orderly administration of justice. Judge Walowski found that Respondent's conduct when he appeared before her on April 16, 2021, and in his statements in the motions for change of venue impeded and interrupted the proceedings and hindered the court in the orderly administration of justice. We give significant weight to Judge Porter's and Judge Walowski's findings. We further find that Respondent's intent to disrupt the proceedings was established by the fact that he persisted in making scurrilous accusations after he was found in direct criminal contempt the first time and was thereby on notice that such conduct was impermissible and contemptuous. See In re Lane, 2019PR00074, M.R. 31402 (Jan. 17, 2023) (Hearing Bd. at 8-9). For these reasons, we find that the Administrator proved by clear and convincing evidence that Respondent engaged in conduct intended to disrupt a tribunal.

Rule 4.4(a)

When representing a client, a lawyer may not use means that have no substantial purpose other than to embarrass, delay, or burden a third person. Ill. R. Prof'l. Conduct 4.4(a). We find the Administrator proved this charge by clear and convincing evidence. In particular, Respondent's description of Cook County State's Attorney Kimberly Foxx as a "pseudo black woman" and his derogatory remarks about opposing counsel's physical attributes had no legitimate purpose and were clearly intended to embarrass or burden a third person. Respondent's use of the term "pseudo

black" served no purpose other than to insult State's Attorney Foxx. His comments describing why opposing counsel were unattractive to him were especially egregious and intentionally insulting. His position that his remarks were "invited" or made in defense of the State's Attorney's allegations against him lacks merit. Had Respondent been challenging the allegations in the petition for order of protection, he could have done so without resorting to insults about opposing counsel's appearance. His comments were highly inappropriate and unprofessional under any circumstance.

Second, Respondent was not actually seeking to defend himself because he made the statements in a pleading filed in *People v. Jackson*, not the order of protection matter. There was no issue before the court in *People v. Jackson* pertaining to the order of protection and therefore no need for Respondent to defend himself. Rather, it is apparent that Respondent made the statements for the improper purposes of retaliating against and humiliating opposing counsel. For these reasons, we find the Administrator proved that Respondent violated Rule 4.4(a). There are many additional statements that the Administrator alleges violated Rule 4.4(a), but we do not find it necessary to address all of them in detail given our findings that the statements discussed above clearly violated the Rule.

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 he 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 he made statements impugning the

integrity and qualifications of numerous circuit court judges and the Illinois Supreme Court. We find the Administrator proved this charge by clear and convincing evidence.

It is undisputed that Respondent made the statements identified in the Complaint. These statements clearly pertained to the qualifications and integrity of the judges at issue, as Respondent accused them of dishonesty, lying, cheating, knowingly violating rules, and participating in a conspiracy with the State's Attorney. He also accused the Supreme Court of "power-grabbing" and granting itself jurisdiction without a legal basis. Given that Respondent admits making the statements at issue, the question we must decide is whether he made them know they were false or with reckless disregard as to their truth or falsity. We find that he did.

Even if Respondent genuinely believed his statements were true, it is a violation of Rule 8.2(a) to make those statements if he had no reasonable basis to believe them. In re Amu, 2011PR00106, M.R. 26545 (May 16, 2014) (Hearing Bd. at 8). Respondent contends he had a reasonable basis based on the purportedly improper meeting between Judge Linn and attorney Sussman, certain rulings against his client in People v. Jackson, and the entry of the order of protection against him. We disagree.

With respect to Judge Linn's conversation with attorney Sussman, there is no objective evidence to substantiate Respondent's accusations of impropriety. Respondent admittedly had no idea what cases they discussed. He has not asserted that Judge Linn and attorney Sussman were discussing the People v. Jackson case, so his assertion that their conversation was part of a conspiracy against his client is baseless. It does not logically follow that any private discussion between Judge Linn and attorney Sussman was improper or prejudiced criminal defendants. Further, when Respondent asked Judge Linn about the conversation, Judge Linn provided an explanation. That should have ended the matter. Instead, Respondent continued to assert that

Judge Linn was not being completely honest, based solely on speculation. Respondent's subjective belief, suspicion, speculation, or conjecture does not constitute a reasonable belief. See Walker, 2014PR00132 (Hearing Bd. at 21).

Respondent also bases his accusations on certain rulings in the People v. Jackson matter. His beliefs that those rulings were wrong or unfair do not constitute an objective basis for saying that judges lied, cheated, or acted dishonestly. Judges are presumed to be impartial. 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). The rulings of Judge Linn and Judge Walowski, viewed individually or cumulatively, did not demonstrate bias, dishonesty, involvement in a conspiracy, or a lack of fitness to serve as a judge. Any attempt by Respondent to couch his statements as opinions did not make them permissible. "While statements of opinion typically are protected speech, the Constitution does not protect a statement, phrased as an opinion, which implies a factual basis that does not exist." Ditkowsky, 2012PR00014, citing In re Hoffman, 08 SH 65, M.R. 24030, 23426 (Sept. 22, 2010). Respondent clearly meant for his accusations to be taken as fact.

With respect to the order of protection, we presume, absent evidence to the contrary, that Judge Smith acted impartially and appropriately in entering that order and denying Respondent's motion to dismiss. The unusual nature of the circumstances surrounding the order of protection does not necessarily lead to the conclusion that Judge Smith acted improperly or justify Respondent denigrating his intelligence. We do not give any weight to Respondent's testimony suggesting that Judge Walowski somehow improperly influenced Judge Smith's decision-making. Respondent's testimony about a purported telephone conversation between the judges was based on something that an unidentified person, who was not a party to the conversation, purportedly

observed. We find that testimony unreliable and lacking in credibility. Similarly unpersuasive is Respondent's testimony that he criticized Judge Smith's intelligence because Judge Smith said he made a mistake or got something wrong on three occasions. Even if Respondent's testimony as to what Judge Smith said is accurate, that in no way justifies Respondent's insults. The mere occurrence of mistakes does not allow an attorney to insult a judge's intelligence.

If Respondent had a good faith belief that any judge was unfit, dishonest, or acting in a corrupt manner, his recourse was to bring his concerns to the attention of the Judicial Inquiry Board. The fact that he did not do so casts doubt on the sincerity of his protestations.

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

Rule 8.4(b)

It is misconduct for a lawyer to engage in criminal acts that reflect adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer. Ill. R. Prof'l Conduct 8.4(b). The Administrator's allegations that Respondent engaged in criminal conduct are based on the four orders holding Respondent in direct criminal contempt of court.

Criminal contempt requires proof beyond a reasonable doubt that the alleged contemnor's conduct was willful. The necesssary intent may be inferred from the surrounding circumstances. "Similar to a criminal conviction or judgment entered on a plea of guilty in a criminal case, a judgment of criminal contempt is conclusive evidence of misconduct, and an attorney is not permitted to relitigate the matter in a disciplinary proceeding." In re Baril, 00 SH 14, M.R. 18162 (Sept. 19, 2002) (Hearing Bd. at 41); citing In re Ciardelli, 118 Ill. 2d 233, 239-40, 514 N.E.2d

1006 (1987). Thus, based on the four judgements of direct criminal contempt against Respondent, we find the Administrator proved by clear and convincing evidence that he violated Rule 8.4(b).

Rule 8.4(c)

It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Ill. R. Prof'l Conduct 8.4(c). The Administrator alleges that Respondent violated Rule 8.4(c) by making false statements about judges' honesty and integrity. A violation of Rule 8.4(c) may be proven if the Administrator establishes that the Respondent "knowingly, or at least so recklessly as to be considered knowingly, engaged in conduct involving dishonesty, fraud, deceit or misrepresentation." See ~~A~~mu, 2011PR00106 (Hearing Bd. at 8). Based on our findings set forth in the discussion of Rule 8.2(a) that Respondent had no objective basis for his statements that Cook County Circuit Court judges lied, cheated, acted dishonestly and engaged in a conspiracy against him and his client, we find that those statements were so reckless as to constitute a knowing misrepresentation, in violation of Rule 8.4(c).

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 Administrator must establish actual prejudice. Evidence that a court had to spend time and resources addressing an attorney's improper conduct establishes actual prejudice. See In re Cohn, 2018PR00109, M.R. 30545 (Jan. 21, 2021) (Hearing Bd. at 12). There is no question that Respondent's behavior caused actual prejudice to the administration of justice. As evidenced by the orders holding Respondent in direct criminal contempt, his conduct took the court's time and attention away from the merits of *People v. Jackson* and impeded and interrupted those proceedings. We therefore find the Administrator established actual prejudice to the administration of justice and violations of Rule 8.4(d) by clear and convincing evidence.

EVIDENCE IN AGGRAVATION AND MITIGATION

Aggravation

Respondent's multiple inappropriate remarks about Jewish persons went beyond embarrassing or burdening third persons. His language demonstrated a pattern of hostility toward Jews. Specifically, Respondent made a point of describing the victim of his fictitious rape scenario as a "16 year old Jewish princess." (Adm. Ex. 3). He compared the court's directive that he be accompanied by Cook County Sheriff's personnel while in the courthouse to ordering a Jewish man to "get on a train to mandatory summer camp." (Adm. Ex. 10). He further stated, "What better way to emasculate a cadre of African-American and Hispanic male defendants than to have them prosecuted by white women at the direction of a pseudo black woman guided by a Jewish man…" (Adm. Ex. 10). Respondent's testimony that he that tried to be respectful to people of Jewish ancestry rings hollow. There was absolutely no reason for Respondent to bring up Jewish ancestry or religion in his pleadings. Moreover, he used language associated with negative stereotypes, e.g. "Jewish princess," that is disrespectful of Jewish women. His comparison of himself to a Holocaust victim is similarly disrespectful and tone-deaf. In addition, Respondent clearly fails to recognize that depicting his fictitious victims of brutal violence as Jewish can be reasonably viewed as efforts to threaten and intimidate Jewish persons.

Respondent stands by all of the statements he made. (Tr. 119). He believes he did the right thing and is being punished as a result. (Tr. 94). He testified, "I'm in a position to be able to say something, and it's like what the Rule says, people believe the words of lawyers when they talk about judges. I want the people to know. I want the people to rise up. I want the people to say, 'Replace everybody on that ARDC.'" (Tr. 116).

With respect to whether he regrets his comments, Respondent testified, "I regret having used the word miscreant . . . I have a regret because what it allows to happen now is for you to point the finger at me. For you to ignore what it is that I'm talking about, and instead focus on me." (Tr. 114). When asked whether he believed it was appropriate to comment on a judge's intellectual ability, Respondent stated he would not do so again because "it's nothing but an invitation to be right back here." (Tr. 457).

Mitigation

Attorney Michael Ettinger practices in the area of criminal defense. He has worked on criminal matters with Respondent when Respondent was an assistant U.S. Attorney. Ettinger testified that Respondent had an excellent reputation and was respectful and honest. Ettinger did not review the disciplinary complaint against Respondent and was not familiar with the statements at issue. He acknowledged that it has been some time since he considered Respondent's reputation in the legal community. In 1989, the Court suspended Ettinger's law license two years for his involvement in a scheme to bribe a police officer in order to dispose of a criminal case. (Tr. 241-68).

Prior Discipline

Respondent does not have prior discipline.

RECOMMENDATION

A. Summary

Based on the serious nature of the misconduct and Respondent's refusal to take responsibility for it, the Hearing Panel recommends that he be suspended for three years and until further order of the Court.

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, 802 N.E.2d 1194 (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 disbarment. Respondent requests a lesser sanction accompanied by conditions such as counseling and training.

Respondent's misconduct was egregious. Unfounded attacks on the judiciary damage the reputation of the judges involved and undermine public confidence in the administration of justice. See Comment [1] to Rule 8.2; In re Zurek, 99 CH 45, M.R. 18164 (Sept. 19, 2002) (Review Bd. at 13). Respondent's statements about opposing counsel were reprehensible and have no place in the practice of law.

There are significant factors in aggravation. Respondent's conduct was not an isolated instance. He engaged in a pattern of impugning the integrity of judges and the legal system, which continued in this hearing. He made multiple remarks displaying hostility toward Jews. He displayed little to no recognition of or remorse for the impact his derogatory remarks had on others. Although Respondent expressed that he understands his words were offensive, he continues to maintain they were justified. He appears to be unable to see that his conduct was unethical and wrong.

We have considered in mitigation that Respondent has no prior discipline, cooperated in this proceedings, was active in the Federal Bar Association, and presented evidence of good character from one character witness. In addition, although Respondent denied that the stress of representing his brother in a murder trial affected his behavior, the fact that the misconduct was related only to that representation suggests otherwise. Therefore, we give some weight in mitigation to those circumstances.

We reject Respondent's request to recommend a sanction that includes conditions such as receiving training or counseling. Respondent's misconduct is not amenable to mentoring or training. The impropriety of his behavior should have been obvious to any attorney, particularly an experienced attorney such as Respondent. With respect to counseling, although Respondent raised certain emotional and physical issues that may have impacted his conduct, he did not present evidence from a health care provider to establish a connection between those issues and the misconduct. Absent such evidence, we are unable to make a determination whether any health issues are affecting Respondent's fitness to practice and unable to recommend counseling as part of the sanction.

While some attorneys who have engaged in misconduct similar to Respondent's have been disbarred (E.g. In re Zurek, 99 CH 45, M.R. 18164 (Sept. 19, 2002)), we determine that the purposes of the disciplinary process will be served by a suspension until further order of the Court (UFO). Disbarment should be used in moderation, as it represents the "utter destruction" of a lawyer's professional life, character and livelihood. In re Timpone, 208 Ill. 2d 371, 384, 804 N.E.2d 560 (2004).

A suspension UFO is appropriate 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). Based on Respondent's recalcitrant refusal to acknowledge the wrongfulness of his behavior, we do not have confidence in his ability to comply with professional standards in the future. Where such doubts are present, it is appropriate to continue a suspension until further order of the Court. E.g. In re Haley, 06 CH 92, M.R. 22235 (May 19, 2008); see also In re Denison, 2013PR00001, M.R. 27522 (Sept. 21, 2015). In the interest of protecting the public and the profession, Respondent should be required to prove that he is able to conduct himself in conformance with ethical rules before he may return to practice.

The following cases in which attorneys have made multiple accusations against the character or integrity of judges without objective evidence or reasonable belief of a supporting factual basis guide our recommendation. The attorney in In re Amu, 2011PR00106, M.R. 26545 (May 16, 2014) filed pleadings containing unfounded accusations against four judges, asserting that they were corrupt and discriminated against him due to his race. In his disciplinary hearing, Amu stood by his statements and displayed a lack of understanding of the harm caused by his conduct. For this misconduct, Amu was suspended for three years UFO. In In re Walker, 2014PR00132, M.R. 28453 (March 20, 2017), the Court imposed a suspension of two years UFO upon an attorney who made unfounded accusations of corruption against three appellate court justices. Walker continued to make his false accusations during his disciplinary proceeding and failed to express any remorse for his conduct. The attorney in In re Gomez, 2020PR00064, M.R. 031256 (Sept. 21, 2022), was suspended for three years UFO for engaging in a pattern of harassing and abusive behavior toward opposing counsel in three matters by directing threatening and insulting statements to them. Other than apologizing for using profanity, he displayed no recognition of the wrongfulness of his conduct and no remorse. Respondent's pattern of

unfounded accusations and insulting remarks and his ongoing refusal to acknowledge his wrongdoing closely resemble the misconduct in Amu, Walker, and Gomez. Given the number of unfounded accusations Respondent made, and the fact that he made them about every judge involved in People v. Jackson as well as the order of protection proceedings, we believe that Respondent's misconduct warrants a suspension of three years and until further order of the Court.

Accordingly having carefully considered the purposes of the disciplinary process, the nature of the misconduct, the relevant circumstances, and the cases cited above, we recommend that Respondent, George Jackson, III, be suspended for three years and until further order of the Court.

Respectfully submitted,

Heather A. McPherson
Laura K. McNally
Jim Hofner

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 September 8, 2023.

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

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