In re Margaret Jean Lowery
Respondent-Appellant

Commission No. 2023PR00060

Synopsis of Review Board Report and Recommendation
(October 2025)

The Administrator brought a six-count disciplinary Amended Complaint against Respondent, charging her with making false or reckless statements that impugned the integrity of a judge, a retired judge, and the Illinois Supreme Court ("Court"), and engaging in misconduct involving dishonesty and misrepresentations, in violation of Rules 3.3(a)(1), 8.2(a), and 8.4(c) of the Illinois Rules of Professional Conduct (2010).

The Hearing Board found that Respondent had committed the misconduct charged in five of the six counts of the Amended Complaint.

Respondent filed an appeal, pro se, arguing that the case should be dismissed or remanded for a variety of reasons. Respondent argued that the Court and the ARDC did not have jurisdiction; the Chairman of the Hearing Board Panel abused his discretion by denying certain motions; Respondent was locked out of the disciplinary hearing; the Hearing Board erred by finding that Respondent engaged in misconduct; the Hearing Board violated the Americans with Disability Act and due process; the Hearing Board and the Court ruled based on gender bias; and the ARDC engaged in selective prosecution. Respondent did not challenge or address the issue of the sanction. The Administrator argued that there were no reversible errors.

The Review Board rejected Respondent's arguments, and affirmed the Hearing Board's evidentiary rulings, findings of fact, and findings of misconduct. The Review Board concluded that there were no reversible errors. The Review Board agreed with the Hearing Board's recommendation that Respondent be disbarred, but did not address the sanction, since Respondent did not raise that issue on appeal.

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

In the Matter of:

MARGARET JEAN LOWERY,

Respondent-Appellant,

No. 6271777.

Commission No. 2023PR00060

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

SUMMARY

The Administrator filed a six-count disciplinary Amended Complaint ("Complaint") against Respondent, charging her with making false or reckless statements that impugned the integrity of a judge, a retired judge, and the Illinois Supreme Court ("Court"), and engaging in misconduct involving dishonesty and misrepresentations, in violation of Rules 3.3(a)(1), 8.2(a), and 8.4(c) of the Illinois Rules of Professional Conduct (2010). Respondent filed an Answer to the original Complaint and the Amended Complaint, in which she denied that she engaged in any misconduct.

Respondent was initially represented by counsel, but represented herself during the last six months of the disciplinary proceedings, and has continued to represent herself on appeal.

The disciplinary hearing was held on May 2, 2024 in Springfield, Illinois. The Administrator presented testimony from two witnesses, and presented thirty-seven exhibits that were admitted. Respondent did not appear at the hearing and was not represented by counsel.

The Hearing Board found that Respondent committed the misconduct charged in five of the six counts in the Complaint. The Hearing Board recommended that Respondent be disbarred.

FILED

October 03, 2025

ARDC CLERK

Respondent appealed, *pro se*, arguing that the case should be dismissed or remanded for a variety of reasons. Respondent argues that the Court and the ARDC do not have jurisdiction over her; the Chairman of the Hearing Board Panel ("the Chair") abused his discretion by denying certain motions; Respondent was locked out of the disciplinary hearing; the Hearing Board erred by finding that Respondent engaged in misconduct; the Hearing Board violated the Americans with Disability Act ("ADA") and due process; the Hearing Board and the Court ruled based on gender bias; and the ARDC engaged in selective prosecution. Respondent did not challenge or address the issue of the sanction.

The Administrator argues that there were no reversible errors.

For the reasons that follow, we reject Respondent's arguments, and affirm the Hearing Board's evidentiary rulings, findings of fact, and findings of misconduct. We conclude that there were no reversible errors. We agree with the Hearing Board's recommendation that Respondent be disbarred, but we do not address the sanction, since Respondent did not raise that issue on appeal.

Background

The facts and procedural background are fully set out in the Hearing Board's report and are summarized only to the extent necessary here.

Respondent

Respondent was admitted to practice law in Illinois in 2000, and was licensed to practice law in Oklahoma in 1987. She practiced law in Belleville, Illinois, with a focus on corporate law and healthcare law. According to Respondent, she retired from the Illinois bar in June 2023, and moved to Oklahoma, where she continued practicing law through 2025. She has one prior disciplinary case, as discussed below. In March 2024, the Court imposed an interim suspension.

The Hearing Board's Findings and Sanction Recommendation

The Hearing Board found that Respondent engaged in the misconduct charged in five of the six counts of the Complaint, and knowingly or recklessly, with disregard for the truth, made multiple false statements, which impugned the integrity of a judge (Judge Andrew Gleeson), a retired judge (retired Chief Justice Anne Burke), and the Illinois Supreme Court, in violation of Rules 3.3(a)(1), 8.2(a), and 8.4(c).

Rule 3.3(a)(1) states, "A lawyer shall not knowingly: … make a false statement of fact or law to a tribunal." Rule 8.2(a) states, "A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge." Rule 8.4(c) states, "It is professional misconduct for a lawyer to: … engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."

The Hearing Board found that the Administrator failed to prove Count III, which charged Respondent with making a false statement impugning the integrity of the Review Board. (Hearing Bd. Report at 11-14.) The Administrator does not challenge that finding. Consequently, Count III will not be addressed herein.

Overview

Count I: The Hearing Board found that Respondent knowingly and recklessly, with disregard for the truth, made a false statement of fact to the court, claiming that Judge Andrew Gleeson threatened to harm her, which falsely impugned his integrity and which constituted dishonest conduct, in violation of Rules 3.3(a)(1), 8.2(a), and 8.4(c). (Hearing Bd. Report 8-11.)

Counts II, IV, V, and VI: The Hearing Board found that through various social media posts, Respondent knowingly or recklessly made false statements of fact impugning the qualifications or integrity of Judge Gleeson, retired Chief Justice Burke, and the Court, in violation

of Rule 8.2(a), as charged in four counts (Counts II, IV, V, and VI). The Hearing Board also found that Respondent's false statements involved dishonesty or misrepresentation in violation of Rule 8.4(c) as charged in three counts (Counts IV, V, and VI). (Hearing Bd. Report 14-22.)

Misconduct Findings

The Hearing Board made the following findings:

- **Count I**: In April 2023, Respondent made a statement in a pleading, filed with the Court, in which she knowingly or recklessly impugned the qualifications or integrity of Judge Gleeson by making the following false statement: "Judge Gleeson specifically threatened Lowery with the following statement, 'I will see to it that you are homeless and living under a bridge.'"

- **Count II**: In July 2023, Respondent posted a statement on her Twitter account on the website known as "X," (formerly known as Twitter) in which she knowingly or recklessly impugned the integrity of the Court by making the following false statement: "[T]he ARDC & the Illinois Supreme Court has a history of permitting harassment of women until they committ suicide or leave the bar[.] "

- **Count III**: The Hearing Board found that the Administrator failed to prove the misconduct charged in Count III.

- **Count IV**: The Hearing Board found that between January and October 2023, Respondent posted three statements on her Twitter account on X, in which she knowingly or recklessly impugned the integrity of the Court by making the following false statements:

> "Effective today, the ILLINOIS SUPREME COURT ruled no attorney in the State of Illinois has ANY FIRST AMENDMENT RIGHTS. If an attorney expresses ANY opinion about a judge, it will subject the attorney to immediate discipline." (Emphasis in original.)
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> "Wow the Illinois Supreme Court has a hit list of attorneys they want to target because they are outspoken whistleblowers? They target their political opponents? Is this true? …"

> "Now the Illinois Supreme Court is following attorneys to the Holocaust Museum in Missouri to spy on them. What possible 'confidential investigation' can there be for an attorney to attend an event at the Holocaust Museum? Oh no that's not the point, the point is to let everyone know the government spies on Jews? This is the behavior of the Third Reich or Nazi's and the purpose is to make people afraid to associate with you. The purpose is to isolate an individual same as what the SS & Hitler did."[1]

- **Count V**: In November 2023, Respondent posted a statement on her Twitter account on X, in which she knowingly or recklessly impugned the qualifications or integrity of retired Chief Justice Burke by falsely stating, "Chief Justice Anne Burke …. HATES JEWS. While smiling to me and nodding, behind those kind eyes lied [*sic*] seething JEW HATE. Then she smirked and laid her plan to destroy my career." (Emphasis in original.)

- **Count VI**: In July 2023, Respondent posted a statement on her account on X, in which she knowingly or recklessly impugned the qualifications or integrity of Judge Gleeson, by making the following false statement: "Isn't it ironic that the new SCC [St. Clair County] associate judge signed off on the majority of Chief Judge Andrew Gleeson's DIVORCE and in return gets appointed to a new judgeship? I wonder what the paid rate of exchange was for services rendered in that divorce. All above board I'm sure." (Emphasis in original.)

The Hearing Board's Description of Respondent's Conduct

The Hearing Board's description of Respondent's conduct included the following:

> Throughout this proceeding, Respondent has displayed shockingly unprofessional conduct, exemplified by the unprecedented scope and volume of baseless vitriol in her filings. Respondent wrongfully impugned nearly everyone involved with her disciplinary matters: witnesses; Administrator's Counsel; the Inquiry, Hearing, and Review Boards; and the Court. She continued this verbal tirade across more than 40 motions, petitions, and objections, as well as her responsive pleadings.
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> Throughout her pleadings, Respondent portrayed herself as the victim of an unfair, abusive, and corrupt justice system, which oppressed her for exposing the truth about it. She described her own behavior as ethical, honorable, and

> professional. She took no responsibility for her misconduct or the scurrilous accusations and name calling she employed while defending herself. For example, she claimed the Court was like 'Nazi Germany and Jim Crow South;' referred to this case as 'Andrew Gleeson's psycho vendetta' and a 'shit show;' referred to Administrator's Counsel as 'auld Lang swine;' called Inquiry Board members 'administrative whores' and the Chair 'an idiot' …. Respondent's behavior throughout this disciplinary proceeding leaves us with no confidence in her ability to act ethically in the future.

(Hearing Bd. Report at 28-29.) We agree with the Hearing Board's summary and conclusions.

Along the same lines, we note that, during the oral argument in this case on July 11, 2025, Respondent referred to the Review Board as being a "Kangaroo Court Board." (Oral Argument Transcript, at 7, 12), and stated, "I am clearly in front of a biased Board." (*Id*. at 49-50.) She also stated, "I asked your lazy ass ARDC person to look into this." (*Id*. at 11.) Additionally, she claimed that "the Hearing Board lied in their orders," (*id*. at 8), and that the Hearing Board was "corrupt." (*Id*. at 10-11.)

Respondent's Prior Discipline

In 2023, the Court suspended Respondent for 30 days for making a false statement that impugned the integrity of a judge, and making a false statement to the ARDC during her sworn statement. *See In re Lowery*, 2020PR00018, M.R. 031506 (Feb. 7, 2023).

In that case, the Review Board found that Respondent impugned the integrity of Judge Andrew Gleeson by falsely representing that Judge Gleeson had attempted to frame an innocent person for murder. The Review Board stated, "Respondent's false assertion that a judge, acting with blatant disregard for the law, was orchestrating an attempt to illegally frame an innocent person for murder is an extraordinarily serious accusation that directly attacks the integrity of the judiciary." (Review Bd., 2022, at 20.) In that case, as here, Respondent continued to insist that she had done nothing wrong.

Findings Regarding Mitigation and Aggravation in this Case

The Hearing Board found there was no mitigation in this case. Respondent did not appear at the hearing to present any mitigating evidence. (Hearing Bd. Report at 23.)

In terms of aggravation, the Hearing Board found that there were several aggravating factors. (*Id*. at 23-30.) Respondent's false statements harmed the justice system and its judges. Judge Gleeson's sense of security was upset, and he spent significant time addressing Respondent's conduct. She was previously disciplined (in part for impugning the integrity of Judge Gleeson) just three months before she began making the false statements charged in the Complaint. Respondent failed to accept responsibility and she lacked remorse.

The Hearing Board's Recommendation in the Present Case

The Hearing Board recommended that Respondent be disbarred. (Hearing Bd. Report at 27-33.) Respondent does not specifically challenge the recommended sanction of disbarment.

ANALYSIS

Respondent argues on appeal that this case should be dismissed or reversed for numerous reasons, including that she is the victim here; she did nothing wrong; there is no evidence of misconduct; she has been harassed and bullied; she has been unfairly targeted and mistreated; the Court and the ARDC lack jurisdiction; the Hearing Board made serious errors; and there have been repeated ethical and legal violations by the Hearing Board and the Administrator. For the reasons set forth below, we find that Respondent's arguments are without merit and there are no reversible errors. We affirm the Hearing Board's rulings, and the Hearing Board's findings of misconduct.

In reaching our conclusions, we have given careful consideration to all of the issues Respondent raised on appeal; the arguments that the parties made in the briefs and at oral argument;

the evidence presented at the disciplinary hearing; the caselaw presented by the parties; and the Hearing Board's Report.

Respondent's Mental Health

In reaching our conclusions, we have also given very serious consideration to the issue of Respondent's mental health and whether she was able to represent herself during the disciplinary proceedings and on appeal. After a careful review of the record, we conclude that Respondent is able to represent herself.

Although the issue of Respondent's mental health was not raised by the parties or the Hearing Board, Respondent has repeatedly made harsh, vitriolic, and derogatory statements, arguments, and accusations, and Respondent has appeared to be upset, angry, combative, and erratic at times. Those factors raised the question of whether Respondent was suffering from mental health issues that undermined her ability to represent herself. After giving careful consideration to that question, we conclude that Respondent has the ability to represent herself.

The record in this case, which contains more than 2000 pages, shows that Respondent has presented a vigorous defense of herself. She filed dozens of *pro se* motions before the Hearing Board and the Review Board; she filed *pro se* motions before the Illinois Supreme Court; she sent emails; she filed hundreds of pages of documents, identified as exhibits; she has repeatedly moved to have this case dismissed, and on appeal, she filed an opening Brief and a Reply Brief.

Respondent, who appeared via video conference, represented herself at the oral argument. Her behavior at the beginning of the oral argument was concerning, in that she was shouting at the Review Board Panel. However, she eventually asked for a short break to compose herself, and she was calmer when the oral argument continued.

During the oral argument, Respondent addressed a number of issues that she raised in her appellate briefs and motions. She argued, *inter alia*, that there was a lack of jurisdiction; that she had been locked out of the disciplinary hearing; that there was no evidence proving that she engaged in any misconduct; that the ADA had been violated; and that the members of the Review Board Panel had conflicts of interest.

During the oral argument, Respondent also stated that she is currently practicing law in Oklahoma. She stated that she has a law partner, who was present in the room with Respondent during oral argument. Respondent said she was practicing law "successfully. No problems. Amazing." (Oral Argument Transcript at 18.) She also said, "I'm in Oklahoma doing well." (*Id*. at 42.)

During the oral argument, in response to questions about her mental health, Respondent stated, "I don't have a mental health problem. I have a trauma issue from being bullied [by the ARDC.]" (*Id*. at 16-17.) She said that she had seen mental health professionals beginning approximately seven years ago (*id*. at 15-16), and she stated, "Everybody said I am completely sane. You're the problem." (*Id*. at 18.)

In September 2023, Respondent appeared before the inquiry board, with her attorney, William Moran. During Respondent's appearance, there was a discussion about her mental health. Respondent explained she had done some work in connection with the Oklahoma City bombing, which had resulted in a mental health diagnoses in the 1990s relating to stress. She stated, "You always carry the diagnosis. It just not active or not an issue." (Inquiry Board Transcript, Adm. Ex. 46, at 31-32.) Respondent testified that she had seen two mental health professionals between 2020 and 2023, and she was getting physical exams on an annual basis. At the hearing before the Inquiry Board, Respondent's attorney, William Moran, stated,

> I think if you read the tea leaves from everything that's gone on, the bottom line is that there's a fear that Margaret Lowery … [has mental health issues], and she is a danger to the public and her clients. I think her performance today -- and it's not a performance; she's testifying under oath -- shows you that she is not … [a danger based on her mental health].
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> In this instance, I think it's very important to recognize the statement that Ms. Lowery made that no client has ever complained about her. That her clients love her. That, above anything else, is important and shows that she's not a danger. Also, … she voluntarily went and sought help for her issues …. The fact that she has had self-recognition, that she has done something about it, … is all good.

(*Id*. at 41- 42.)

The Inquiry Board, which had the opportunity to observe Respondent, could have referred the matter to the Administrator to file a petition with the Hearing Board requesting a hearing to determine whether Respondent lacked the capacity to practice law, pursuant to Illinois Supreme Court Rule 758(a). The Inquiry Board, however, did not do so. Instead, the Inquiry Board voted to file a disciplinary Complaint with the Hearing Board, pursuant to Rule 753.

Based on our review of the record, we conclude that, to the extent that Respondent may have any mental health issues, those issues have not prevented Respondent from representing herself in this disciplinary proceeding and on appeal. However, we recommend that if Respondent is disbarred, she should be required to have a mental health evaluation and mental health treatment as needed, before she is allowed to be reinstated.

Documents Filed by Respondent

On appeal, Respondent has attached more than 600 pages of documents to her opening appellate brief, which she has identified as exhibits. She has also filed other documents, elsewhere, which she has also identified as exhibits. Many of the documents filed by Respondent are not part of the record before the Hearing Board. As a general matter, the Review Board will not consider

documents and information that are not part of the record. *See In re Pondenis*, 2020PR00048 (Review Bd. at 5), M.R. 030903 (Sept. 23, 2021) ("[The facts cited by respondent] are not part of the record, and this Board may not consider them on appeal.") (citations omitted); *In re Lascia*, 2007PR00125 (Review Bd. at 8, 13), M.R. 23734 (May 18, 2010) ("[The Review] Board is not the fact-finder and does not consider evidence that is outside the record. *** The general rule is that it is improper to consider matters that are not part of the record.") (citations omitted); *In re Wick*, 2005PR00066 (Review Bd. at 3-4), M.R. 23942 (Sept. 22, 2010) ("[O]ur consideration of the facts is confined to the evidence presented to the Hearing Board ... Therefore, [respondent] cannot supplement his statement of facts by directing us to sources outside the record.") (citation omitted); *In re Ford,* 2018PR00011 (Review Bd. at 7), M.R. 030123 (Jan. 17, 2020) ("None of the documents contained in those exhibits was presented at hearing, and therefore none is part of the record. We therefore will not consider them on appeal.") (citations omitted).

Accordingly, we decline to consider the documents presented by Respondent that are not part of the record before the Hearing Board, except for two pages, as discussed below.

Relevant Law

The Hearing Board's factual findings generally will not be disturbed on review unless they are against the manifest weight of the evidence. *See In re Winthrop*, 219 Ill. 2d 526, 542, 848 N.E.2d 961 (2006). The Hearing Board's findings regarding the credibility of witnesses, the resolution of conflicting testimony, and other fact-finding judgments are entitled to great deference because the Hearing Board is able to observe the witnesses' demeanor and judge their credibility. *See In re Timpone*, 157 Ill. 2d 178, 196, 623 N.E.2d 300 (1993). Evidentiary, procedural, and discovery rulings are reviewed for an abuse of discretion. *See In re Chiang*, 2007PR00067 (Review

Bd. at 10), M.R. 23022 (June 8, 2009); *In re Carroll*, 2015PR00132 (Review Bd. at 7), M.R. 029285 (June 14, 2018).

Although Respondent has raised numerous arguments on appeal, none of those arguments persuade us to overturn any of the Hearing Board's rulings or findings of misconduct. Many of Respondent's arguments are contained in one paragraph or even one sentence, often without citations to the record or legal authority. We have considered and rejected all of Respondent's arguments, including those arguments not specifically addressed in this Report.

The Court and the ARDC Have Jurisdiction Over Respondent

Respondent argues that the Court and the ARDC do not have jurisdiction over her because she took retirement status in Illinois in June 2023, and therefore the Court cannot discipline her. That argument has no merit. The Court and the ARDC have jurisdiction based on Illinois Supreme Court Rule 756, which pertains to "every attorney admitted to practice" in Illinois. (Rule 756(a)).

Rule 756(a)(6) provides that an Illinois attorney may elect to take retirement status, and the ARDC will change that attorney's registration status to retired, which impacts on the attorney's ability to practice law in Illinois, and the fees the attorney is required to pay. An attorney on retirement status may elect to return to active status, and may register as active, upon payment of certain fees.

Rule 756(j), which is entitled "No Effect on Disciplinary Proceedings," provides that taking retirement status has no effect on disciplinary proceedings. Rule 756(j) states in relevant part**,** "The provisions of this rule pertaining to registration status **shall not bar, limit, or stay any disciplinary investigations or proceedings** against an attorney." (Emphasis added.) Thus, even though Respondent's registration status changed in June 2023, that change did not deprive the

Court or the ARDC of jurisdiction in disciplinary proceedings against Respondent.[2] Accordingly, we find that the Court and the ARDC have jurisdiction in this disciplinary proceeding.

Respondent also argues, "The Court's Rule which prohibits a lawyer from retiring without surrendering another states bar license is unconstitutional and amounts to extortion/racketeering. Illinois may regulate its own bar but it may not require surrender of another states license to retire." (Resp. Brief at 33.) Although Respondent does not specify the Rule she is discussing, and does not cite any cases, it appears she is referring to Supreme Court Rule 756(a)(8)(B)(2), which states, "An attorney shall not be permitted to assume permanent retirement status if: …. the attorney retains an active license to practice law in any jurisdictions other than the State of Illinois." Respondent's argument has no merit.

Indeed, in May 2024, the Court denied Respondent's motion to declare Rule 756(a)(8) unconstitutional. Respondent filed a Petition with the Court seeking, *inter alia*, to be transferred to permanent retirement status, and the Court issued an order stating, "Petition by petitioner to transfer to permanent retirement status pursuant to Supreme Court Rule 756(a)(8) and to waive the rule **or to declare the rule unconstitutional**. **Denied**." (Emphasis added.) (Common law record ("C.") 2577.)

We note that once an attorney is granted permanent retirement status, any disciplinary proceeding or pending investigation against the attorney in Illinois will be dismissed (*see* Rule 756(a)(8)(C)), which explains why Respondent wanted to transfer to permanent retirement status.

Contrary to Respondent's argument, Rule 756(a)(8) does not require the surrender of a law license in another state. That choice is left to the attorney, if the attorney wants to take permanent retirement in Illinois. Rule 756 regulates retirement status in Illinois; it does not regulate licensing in other states.

The Chair Did Not Abuse His Discretion by Denying Respondent's May 1, 2024 Motion to Continue the Hearing

Commission Rule 272 states, "The Chair may continue a hearing … at the Chair's discretion. No hearing … shall be continued at the request of any party except upon written motion supported by affidavit. No hearing shall be continued at the request of a party except under extraordinary circumstances."

On May 1, 2024, the day before the scheduled disciplinary hearing, Respondent filed a "Motion for Continuance Due to Temporary Disability" ("Motion"), in which she argued that the hearing should be postponed because of her medical condition. (C. 2531.) The Chair denied that motion because Respondent failed to establish that there were extraordinary circumstances supporting a continuance. Respondent argues throughout her appeal (in various ways, based on various legal theories) that the Chair erred by denying her Motion. That argument fails.

On May 2, 2024, the Chair issued an Order denying Respondent's Motion, which stated,

> Respondent's Motion for Continuance Due to Temporary Disability is denied for the reasons stated pursuant a written order to come. Nevertheless, pursuant to Respondent's previous request and in the interests of justice and efficiency, the Hearing Panel will permit Respondent to appear at the May 2 and 3, 2024, hearing remotely. The Clerk shall provide remote appearance information to Respondent by email and shall contact Respondent by phone to inform her of the entry of this Order. The hearing will commence at 10:30 a.m. on May 2, 2024.

May 2, 2024 Order (C. 2555.) Respondent did not appear at the hearing.[3]

On May 10, 2024, the Chair issued another Order that is set forth below, essentially in full, which provides a detailed explanation of why Respondent's Motion was denied, and it identifies facts that undermine and refute Respondent's claims on appeal. The May 10 Order states:

> [T]he reasons for the denial [of Respondent's Motion] are as follows:
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> Commission Rule 272 provides that a hearing may be continued at the Chair's discretion, but no hearing shall be continued 'except upon written motion supported by affidavit. No hearing shall be continued at the request

of a party except under extraordinary circumstances.' Ms. Lowery has requested to continue the hearing or stay the proceedings in this matter at least nine times, and each time she has failed to prove the requisite 'extraordinary circumstances.' See In re Duric, 2015PR00052, M.R. 030734 (May 10, 2021) (Review Bd. at 8) (the party seeking the continuance bears the burden to show 'extraordinary circumstances').

On October 23, 2023, the Hearing Board scheduled Ms. Lowery's hearing in this matter for May 2 and 3, 2024. After 4:00 p.m. on May 1, 2024, Ms. Lowery filed a Motion for Continuance Due to Temporary Disability (Motion). The Motion included 27 pages of attachments …. All but one of these exhibits fail to constitute competent, credible, and/or reliable evidence, and the remaining exhibit fails to establish 'extraordinary circumstances' as required by Commission Rule 272.

First, the CT scan, ECG, blood test, and retrograde pyelogram screenshots are not reliable evidence because …. they contain no information that would establish that Respondent was unable to appear for her hearing on May 2, 2024. Second, although Respondent's name is printed at the top of the patient information sheets, these merely contain general information and do not indicate that Respondent was prescribed opioids or diagnosed with sepsis. While Respondent (or someone on her behalf) has represented that she is taking opioids, Respondent has never provided proof of a prescription or medical record indicating that she is taking opioids. Thus, these are also not reliable evidence. Third, even if a year-old medical opinion were considered relevant to the current Motion, the authenticity of the May 2023 letter from Dr. VanSchoyck is questionable, as the images of the first two pages differ substantially in form from the third page, which is the only page containing Dr. VanShoyck's name or signature.

Next, the Hearing Board wonders why Respondent waited until the late afternoon of May 1, 2024 – that is, the eve of the hearing – to file her Motion when Dr. VanShoyck's affidavit was dated two days prior. Regardless, Dr. VanShoyck's April 29, 2024, affidavit is not competent evidence because it lacks foundation for the facts reported and the medical opinions based on those facts. Like Dr. VanShoyck's April 24, 2024, affidavit and April 14, 2024, letter – which the Hearing Board rejected as insufficient support for Respondent's previous motions to continue – the April 29 affidavit lacks any statement that Dr. VanShoyck personally witnessed the events he describes in his affidavit or that he personally examined Respondent to form the basis for his purported medical opinions.

Moreover, Dr. VanShoyck's April 29 affidavit is contradicted by hospital records. The affidavit states: 'On April 25, 2024 [Respondent] saw the Clinical Director of St. Francis Hospital who ordered her into emergency surgery on April 26, 2024. She had sepsis and was going into septic shock. … When a patient becomes septic, they become confused, agitated, run a

fever and can present with delirium[.]' However, the hospital records provided by Respondent contain no indication that she was diagnosed with sepsis. The April 26, 2024, Anesthesia Postprocedure Evaluation listed hematuria and kidney stone as her only diagnoses and described her procedure as a kidney stone extraction with uretal stent placement. It further indicated that Respondent's temperature was a normal 97.5 degrees Farenheit at 1:45 p.m. on April 26, 2024, and that she was cleared for discharge that day with a pain score of '1,' which presumably is the lowest level of pain. In addition, the hospital records contain nothing about post-surgery recovery time or activity restrictions, contrary to Dr. VanShoyck's claim that Respondent required six weeks' recuperation time, during which she could not prepare for, travel to, or participate in a hearing.

Dr. VanShoyck's claims in his affidavit are further undermined by the fact that Respondent signed an eight-page, 30-paragraph affidavit on April 29, 2024, which she attached to her Motion. Although Respondent asserted in her affidavit that she has had 'a raging systemic infection which has prevented her from preparing her case properly since December of 2023,' she has filed over 30 motions, plus many other responsive pleadings and discovery requests, since then. Her active participation in this matter belies her claim that she has been unable to prepare for her hearing. See Duric, 2015PR00052 (Review Bd. at 12) (attorney's continued practice of law, which contradicted his alleged health concerns, was a valid basis for denying his continuance request).

Moreover, Respondent's affidavit suffers from credibility issues similar to Dr. VanShoyck's. For example, she states that, on April 25, 2024, her doctors 'realized Ms. Lowery had overwhelming sepsis and was headed into septic shock with death immeninet [*sic*] … resulting without surgery.' Yet, the hospital records provided by Respondent contain no indication that she was suffering from sepsis either before or after her kidney stone removal, or that this surgery was anything but routine and successful.

In sum, the only competent, credible, and reliable evidence accompanying Respondent's Motion is the April 26, 2024, Anesthesia Postprocedure Evaluation, and it does not demonstrate the 'extraordinary circumstances' required by Commission Rule 272. Respondent thus failed to meet her burden of showing that a continuance of her hearing was warranted.

Nonetheless, because Respondent is a *pro se* litigant, the Hearing Board determined that it would be appropriate to give her some leeway and afford her an opportunity to present her case. Thus, in the interests of both justice and efficiency, and with no objection from the Administrator, the Hearing Board granted leave for Respondent to appear at her May 2, 2024 hearing remotely. The hearing start was delayed by one hour, to 10:30 a.m., in order to allow the Clerk to notify Respondent of the Order and provide remote appearance information. Neither Respondent nor anyone on her behalf

> appeared remotely at any point during the hearing, which proceeded in Respondent's absence.

May 10, 2024 Order. (C. 2571-74.) We agree with the Chair's analysis and conclusions.

The Hearing Board also addressed the denial of Respondent's Motion, stating:

> As detailed in the order entered on May 10, 2024, of the medical records that were specific to Respondent, none corroborated Dr. VanSchoyck's averments about Respondent's condition and treatment. Specifically, Dr. VanSchoyck stated that Respondent 'had emergency surgery on 4/26 with a diagnosis of sepsis.' None of the hospital records Respondent submitted contained a diagnosis of sepsis or septic shock, nor did Dr. VanSchoyck point to any test results indicating that Respondent had a life-threatening condition. Similarly, none of the hospital records indicated a need for emergency surgery .
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> It is also noteworthy that Respondent emailed photographs of herself to Counsel for the Administrator at 9:21 a.m. on April 26, 2024, which depict Respondent standing, smiling, and extending her middle fingers while in a hospital gown. (Adm. Obj. to Res. Motion to Continue, Apr. 26, 2024, Ex. 1). Both Respondent's physical appearance and her ability to correspond with Counsel for the Administrator at a time when she purportedly was in septic shock and about to undergo emergency surgery undermine the reliability of Respondent's and Dr. VanSchoyck's sworn affidavits.
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> Respondent's continued representation of herself in this proceeding and her high level of activity also contradict her claimed inability to practice law since April 11, 2024, and Dr. VanSchoyck's assertions that Respondent was unable to prepare for and attend the hearing on May 2 and 3, 2024.
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> Based on the significant inconsistencies between Respondent's and Dr. VanSchoyck's averments and Respondent's medical records and activity in this proceeding, the affidavits submitted did not constitute sufficient, competent evidence to warrant a continuance.

(Hearing Bd. Report at 4-6.) The Hearing Board also stated, "We found no credible evidence to support her claim that medical issues prevented her from preparing for and attending the hearing." (*Id*. at 30.) We agree with the Hearing Board's conclusions.

An abuse of discretion occurs only when no reasonable person would have taken the position adopted by the Chair. *See In re Duric*, 2015PR00052 (Review Bd. at 7), M.R. 030734 (May 18, 2021) ("Respondent must show … that no reasonable person would have taken the hearing panel chair's position.") In this case, Respondent has failed to show that no reasonable person would have taken the Chair's position.

We find that Respondent failed to establish extraordinary circumstances justifying the continuance of the disciplinary hearing, for the reasons set forth in the May 10, 2024 Order, and the Hearing Board's Report. Therefore, we conclude that the Chair did not abuse his discretion in denying Respondent's Motion,

Respondent Was Not Locked Out of the Disciplinary Hearing

Respondent argues that the Hearing Board locked her out of the disciplinary hearing. Respondent states, "[T]he Hearing Board physically locked Ms. Lowery out of her own hearing." (Resp. Brief at 12.) That argument is misleading, inflammatory, and has no merit whatsoever.

Contrary to Respondent's claim that the Hearing Board locked her out, the record indicates that the Hearing Board attempted to facilitate Respondent's participation in the hearing. In the May 2, 2024 Order, the Chair ruled that Respondent could attend the hearing remotely, and delayed the hearing by an hour. The Order also directed the Clerk of the Commission to send Respondent an email with the information needed to join the hearing, and directed the Clerk to advise Respondent about the May 2, 2024 Order.

In support of her argument that the Hearing Board locked her out of the hearing, Respondent cites to several documents attached to her opening appellate brief. As stated above, we generally decline to consider the documents submitted by Respondent that are not part of the

record before the Hearing Board, except for two documents, one identified as Respondent's Exhibit 3, ("Exhibit 3") and the other identified as Page 6 of Respondent's Exhibit 18 ("Page 6").

Exhibit 3 is a rough transcription, presented by Respondent, of a voicemail message that Respondent received from the Clerk of the Commission. Exhibit 3 establishes that the Clerk followed the Chair's directions set forth in the May 2 Order, and provided the requisite information to Respondent. Although the transcription in Exhibit 3 contains typographical and grammatical errors, the substance of the message is clear. We have considered Exhibit 3 because it is closely tied to the May 2, 2024 Order issued by the Chair; the content of that voicemail message appears to be accurate on its face; it is contextually consistent with the events that took place on May 2, 2024; and Respondent states in Exhibit 3 that the "voice recording is available."

As set forth above, the May 2 Order stated, "Respondent's Motion for Continuance Due to Temporary Disability is denied for the reasons stated pursuant a written order to come. Nevertheless, pursuant to Respondent's previous request and in the interests of justice and efficiency, the Hearing Panel will permit Respondent to appear at the May 2 and 3, 2024, hearing remotely. **The Clerk shall provide remote appearance information to Respondent by email and shall contact Respondent by phone to inform her of the entry of this Order.**" (Emphasis added.) (C. 2555.) Respondent's Exhibit 3 states the following:

May 2, 2024 Phone MESSAGE
(VOICE RECORDING IS AVAILABLE BUT IT CANNOT BE ATTACHED)

> This message is for Margaret Jean Lowery. This is Michelle from the ARC clerks office. I am calling regarding a hearing board order that was entered this morning on May 2 - 2024. That order reads that [']respondents motion for continuance due to temporary disability is denied for the reason stated pursuant a written order to come[.] [N]evertheless pursuant to respondents previous request and any interest of justice and efficiency[,] [t]he hearing panel will permit responded [Respondent] to appear at the May 2 and third 2024 hearing remotely[.] [T]he clerks shall provide remote appearance information to responded [Respondent] by email and shell contact responded [Respondent] by phone to inform her of the entry of this order.

> The hearing will commence at 10:30 AM on May 2, 2024.[’] **I did send you an email and I did include the link that you can actually access the hearing this morning at 10:30**. If you[,] I believe that's all thank you bye-bye…’

(Emphasis added.) (Exhibit 3.) (*See also*, Page 6.)

The record in this case shows that “Michelle” is the first name of the Clerk of the Commission. (*See e.g.,* C. 2555.) Thus, Exhibit 3 shows that the Clerk phoned Respondent, and read the Court’s Order to her.

As set forth above, the Clerk stated, “I did send you an email and I did include the link that you can actually access the hearing this morning.” Respondent had access to the hearing because, according to the Clerk’s voicemail, the Clerk sent Respondent an email with a link that Respondent could use to join the disciplinary hearing. Respondent failed to use that link to join the hearing. Respondent’s failure to do so was a problem of her own making.

Additionally, if Respondent had any questions or needed help accessing the hearing, she could have contacted the Clerk. We note that Respondent had the Clerk’s direct line and email, based on prior communications with the Clerk. (*See e.g.,* C. 2396.) However, as discussed below, Respondent did not attempt to contact the Clerk.

Exhibit 3 does not identify the time of the Clerk’s voicemail. However, Page 6, which is a partial transcription of the Clerk’s voicemail, shows the date and time of the voicemail, as being “May 2, 2024 at 10:01 AM,” approximately half an hour before the hearing was scheduled to start. We have considered Page 6 because it establishes the time of the voicemail, and it is consistent with Exhibit 3. (We do not consider the other pages contained in the document identified as Exhibit 18.) We note that the Administrator will not suffer any prejudice as a result of our consideration of Exhibit 3 and Page 6, and Respondent offered those documents to be considered.

As further evidence that the Hearing Board did not attempt to lock Respondent out, we note that the Chair postponed the start of the hearing for an hour so that Respondent would have

sufficient time to join the hearing. Moreover, at the beginning of the hearing, the Chair stated, "We have now opened up the … connection [for Respondent to appear remotely] and it does not appear that Ms. Lowery or anyone on her behalf is present …. We will leave the … connection open so that if anybody, either Ms. Lowery or anybody on her behalf, decides to join, we will know that immediately." (Disciplinary Hearing Transcript at 42.)

In her appellate brief, Respondent describes the very limited steps she took to join the hearing remotely. (Resp. Brief at 14.) Respondent states that she made three phone calls to the ARDC, and the ARDC hung up on each of those calls. She also states that a friend of hers made one phone call on her behalf, in which an ARDC staff member hung up, and her friend made subsequent calls that went unanswered.

Based on Respondent's own description, it is clear that Respondent did not attempt to contact the Administrator's Counsel who was handling the disciplinary hearing, even though Respondent had Counsel's direct phone number and email, which appeared in pleadings. (*see e.g.,* C. 2533), and Respondent did not attempt to contact any other ARDC representatives with whom she had previously had contact, including the Clerk of the Commission, in order to obtain help gaining access to the hearing. We find that Respondent failed to take reasonable steps to join the hearing.

We note that the hearing lasted for almost two hours (10:30 a.m. to 12:16 p.m.). Thus, Respondent had ample time to gain access to the hearing before it ended. Additionally, even after the hearing was over, Respondent could have contacted the Clerk or the Administrator's Counsel and asked for the Hearing to continue to give her an opportunity to participate, and to present witnesses and evidence. Based on her own description, Respondent did not do so.

Throughout the disciplinary proceedings, Respondent has portrayed herself as the victim in this case, claiming that she has been treated unfairly. Respondent's claim that she was locked out of the hearing is consistent with that narrative, but her claim is baseless. We conclude that Respondent was not locked out of the hearing.

The Chair Did Not Abuse His Discretion by Denying Respondent's Request to Serve Interrogatories

Respondent argues that the Chair erred in issuing an Order on April 9, 2024 (C. 2135), denying two of Respondent's Motions for Leave to File Discovery. (C. 1908, C. 1943.) In those two Motions, Respondent requested permission to serve written interrogatories on the Administrator. The Administrator filed responses to those motions, (C. 1925, C. 2042), arguing that Respondent had not shown good cause to serve written interrogatories, as required by Commission Rule 251(a), which states, "Written interrogatories shall not be served by any party without leave of the chair of the hearing panel and upon good cause shown."

On appeal, Respondent failed to explain how the Chair abused his discretion in denying those motions, or any other motions that she filed. A review of the record shows that Respondent failed to establish good cause to serve written interrogatories.

Respondent also argues that the denial of her discovery requests violated due process. That argument also fails. In a disciplinary proceeding, due process generally entitles the respondent to notice of the allegations of misconduct, and an opportunity to defend against those allegations. See In re Chandler, 161 Ill. 2d 459, 470, 641 N.E.2d 473 (1994). The due process requirements were fully satisfied in this case. Respondent had notice concerning the allegations in this case, and the record shows that she had an opportunity to defend against those allegations.

The Hearing Board's Findings that Respondent Engaged in Misconduct Were Not Against the Manifest Weight of the Evidence

Respondent argues that there was no evidence that she engaged in any misconduct and the Hearing Board's findings of misconduct are against the manifest weight of the evidence. We reject this argument based on the record in this case.

The Hearing Board set forth the facts, and provided a detailed and thorough analysis of the evidence establishing that Respondent engaged in the misconduct charged in five of the six counts of the Complaint. We have given careful consideration to the Hearing Board's summary of the evidence, and conclude that the Hearing Board's findings of misconduct are not against the manifest weight of the evidence.

Respondent admitted that she made several of the charged statements, or similar statements. The Hearing Board stated, "Respondent admitted to making at least three of the same or similar posts that were found on the Lowery Twitter Account, including those at issue in Count II and Count V. She also admitted to making the Lowery LinkedIn Account post at issue in Count IV." (Hearing Bd. Report at 18.) Respondent also admitted in her Answer to the Complaint that she made the statement charged in Count I, in a pleading filed with the Court, claiming that Judge Gleeson threatened her. Judge Gleeson testified he did not make that statement.

At the disciplinary hearing, Mark Pointer, who is an investigator for the ARDC office in Springfield, testified about the statements Respondent posted online, and identified the evidence that showed Respondent had made those posts. The Hearing Board stated, "Mr. Pointer's testimony further convinced us that Respondent made the alleged posts, given the consistency of content across the two social media accounts and the direct connection between the posts and events occurring in Respondent's disciplinary matters." (Hearing Bd. Report at 18.)

Without repeating the Hearing Board's summary of the evidence, set forth below are several relevant points:

- In terms of Count I of the Complaint, the Hearing Board found that Respondent knowingly or recklessly falsely stated in a pleading, that Judge Andrew Gleeson "specifically threatened" Respondent by saying, "I will see to it that you are homeless and living under a bridge." In her Answer to the original Complaint, Respondent admitted that she made that statement. (Ans., pars. 4-6, C. 32-33.) At the disciplinary hearing, Judge Gleeson testified he did not make that statement, and the Hearing Board found his testimony to be credible. The Hearing Board stated, "After Judge Gleeson testified at her prior disciplinary hearing, Respondent accused him of wrongdoing in a pleading which sought relief from the adverse consequences in that case. This demonstrates her motive for fabricating the threat."
- In terms of Count II, the Hearing Board found that Respondent knowingly or recklessly posted the false statement, "[T]he ARDC & the Illinois Supreme Court has a history of permitting harassment of women until they committ suicide or leave the bar[.]" During Respondent's appearance before the Inquiry Board, she admitted that she posted a statement on her Twitter account, stating that the ARDC and the Supreme Court harass female attorneys until they leave the profession or commit suicide. (*See* Inquiry Board Transcript, Admin. Ex. 46 at 26-30.) The Hearing Board stated, "Based on Respondent's admissions of making a similar post and our finding that Respondent made the posts on the Lowery Twitter Account, we find that she made this statement." (Hearing Bd. Report at 18.)

- In terms of Count IV, the Hearing Board found that Respondent falsely or recklessly posted three false statements between January and October 2023 impugning the integrity of the Court.

The October 2023 post stated: "Now the Illinois Supreme Court is following attorneys to the Holocaust Museum in Missouri to spy on them. What possible 'confidential investigation' can there be for an attorney to attend an event at the Holocaust Museum? Oh no that's not the point, the point is to let everyone know the government spies on Jews? This is the behavior of the Third Reich or Nazi's and the purpose is to make people afraid to associate with you. The purpose is to isolate an individual same as what the SS & Hitler did." In her Answer to the Amended Complaint, Respondent admitted that she posted that statement; she stated, "Respondent did post her objection to the State of Illinois targeting the Missouri Holocaust Museum with a secret governmental investigation demanding the name of every Jew in attendance because it was state action across state line into her religion and ethnicity which is not bar regulation." (Resp. Answer to Amended Complaint, par. 31, at C. 1319.)

The January 2023 post stated "Effective today, the ILLINOIS SUPREME COURT ruled no attorney in the State of Illinois has ANY FIRST AMENDMENT RIGHTS. If an attorney expresses ANY opinion about a judge, it will subject the attorney to immediate discipline." (Emphasis in original.) That statement was posted on the same day that the Court ordered Respondent's 30-day suspension in her prior disciplinary case.

- In terms of Count V, the Hearing Board found that Respondent knowingly or recklessly posted the false statement: "Chief Justice Anne Burke …. HATES JEWS. While smiling to me and nodding, behind those kind eyes lied [*sic*] seething JEW HATE. Then she smirked and laid her plan to destroy my career." (Emphasis in

original.) The Hearing Board stated, "Respondent admitted to making the latter post, explaining that she was 'commenting about the Illinois problems reported on the news and about its anti Semitism' and that she was 'complaining about Ed and Anne Burkes [*sic*] Jew hate.' (Ans. to Amend. Compl. at par. 38)." (Hearing Bd. Report at 16.)

- In terms of Count VI, the Hearing Board found that Respondent knowingly or recklessly posted the false statement, "[The new St. Clair County] associate judge signed off on the majority of Chief Judge Andrew Gleeson's DIVORCE and in return gets appointed to a new judgeship[.]"

Judge Gleeson testified that his divorce was not handled by the judge who was appointed around that time, and he does not have the authority to appoint a new judge; a judicial appointment must be approved by a majority of the eight circuit judges. The Hearing Board stated, "Based on our finding that Respondent made the posts on the Lowery Twitter Account, we find that she made this specific post, which resembles the others in tone and language. Because we find Judge Gleeson to be a credible witness, we believe his testimony that he did not exchange benefits with another judge." (Hearing Bd. Report at 22.)

We conclude that the Hearing Board's findings are supported by the record, and are not against the manifest weight of the evidence.

There Were No Reversible Errors Concerning the ADA, Due Process, Gender Bias, or Selective Prosecution

Respondent argues that (1) the Hearing Board violated the ADA; (2) the Hearing Board violated Respondent's due process rights; (3) the Hearing Board and the Court ruled based on gender bias; and (4) the ARDC engaged in selective prosecution. There is no merit to those arguments.[4]

The ADA: Respondent argues that the Hearing Board violated the ADA by retaliating against her for engaging in protected activities, namely, filing complaints concerning harassment with the Illinois Supreme Court and the Department of Justice. Specifically, Respondent claims that the Hearing Board retaliated by denying her May 1 Motion to Continue, and by recommending that she be disbarred. We disagree.

In order to show that the Hearing Board violated the ADA, Respondent must show that there was a causal connection between the alleged protected activity (Respondent's filing complaints) and the adverse action (denying the motion and recommending disbarment). *See Dickerson v. Bd. of Trustees.*, 657 F.3d 595, 601 (7th Cir. 2011) ("To establish a case of retaliation … a plaintiff must show (1) he engaged in a statutorily protected activity; (2) he suffered an adverse action; and (3) [there was] a causal connection between the two."); *Bruno v. Wells-Armstrong*, 93 F.4th 1049, 1055 (7th Cir. 2024) ("[P]laintiff must show: (1) statutorily protected activity; (2) an adverse … action; and (3) a causal connection between the protected activity and the adverse action."). *See also*, *H.P. v. Naperville Cmty. Unit School Dist. #203*, 910 F.3d 957, 960-61 (7th Cir. 2018) ("[T]he statutory language in … the ADA requires proof of causation …. [The plaintiff must] prove 'that, "but for" his disability, he would have been able to access the services or benefits desired' … Our analysis begins and ends with the causation requirement.") (citations omitted).

In this case, Respondent has failed to show a causal connection between the alleged protected activity (filing complaints) and the adverse actions (denying the motion and recommending disbarment). As discussed above, the Motion was denied because Respondent failed to show extraordinary circumstances. In terms of disbarment, the Hearing Board set forth the reasons for recommending disbarment in great detail (Hearing Bd. Report at 23-33), and stated,

"[D]isbarment is warranted in order to protect the public from Respondent's continued use of her law license to wrongfully impugn others and undermine public trust in the legal system. Considering the egregious proven misconduct, serious aggravating factors, lack of mitigation, and relevant case law, we recommend that Respondent, Margaret Jean Lowery, be disbarred." (*Id*. at 33.) We find that the Hearing Board did not violate the ADA.

Due Process: Respondent argues that the Hearing Board violated her due process rights, by denying her May 1 Motion to Continue. That argument fails. As noted above, in a disciplinary proceeding, due process generally entitles the respondent to notice of the allegations of misconduct, and an opportunity to defend against those allegations. *See In re Chandler*, 161 Ill. 2d 459, 470 (1994). The due process requirements were fully satisfied in this case. Respondent had fair notice concerning the allegations in this case, and she had an opportunity to defend against those allegations. Respondent's failure to participate in the hearing does not mean that the Hearing Board deprived her of the opportunity to defend herself.

Gender Bias: Respondent argues that the denial of her Motion to Continue reflects gender bias because the Chair rejected Respondent's claims that she could not participate in the hearing due to her disabilities. That argument is not supported by the record. As previously discussed, the Chair's denial of Respondent's Motion was appropriate for the reasons set forth in the Chair's May 10, 2024 Order.

Respondent also argues that the Court's imposing an interim suspension constituted gender based discrimination. Although there is no support in the record for that argument, we decline to address that issue because the Review Board does not have authority to review decisions made by the Court. *See In re Peterson*, 2001PR00083 (Review Bd at 14), M.R. 19162 (March 12, 2004) ("[I]t was the Court that entered the interim suspension order. This Board does not have authority

to review decisions of the Court.") The Hearing Board stated, "We find no evidence in the record to support Respondent's claims of gender harassment, religious and ethnic discrimination, or conspiracy." (Hearing Bd. Report at 28.) We agree.

Selective Prosecution: Respondent argues that the ARDC selectively prosecuted her in order to suppress her research exposing systemic gender bias. That argument fails. The Illinois Supreme Court has held that claims of selective prosecution in disciplinary cases fail because each disciplinary case has to be decided on its own merits, and there is no requirement that respondents receive identical treatment. *See In re Damisch*, 38 Ill. 2d 195, 230 N.E.2d 254 (1967). In that case, the Court stated, "[T]he fact that a particular case was treated differently by the Commissioners from respondent's case is simply not relevant here. Each case depends on its own facts … and identical treatment is not required, since the conditions and circumstances under which categorical misconduct may occur vary widely." 38 Ill.2d at 205 (citations omitted.). *See also, In re Novoselsky*, 2015PR00007 (Review Bd. at 18), M.R. 030416 (Sept. 21, 2020) ("The Court has held that [selective prosecution is] irrelevant in disciplinary proceedings, and has stated that each disciplinary case must be decided on its own merits …. The Court has also noted that the Administrator has the authority to determine which cases to prosecute …. [T]he Review Board has rejected similar selective prosecution arguments made in other cases.") (citations omitted); *In re Gilsdorf*, 2012PR00006 (Review Bd. at 13), M.R. 26540 (April 4, 2014) ("The Illinois Supreme Court has stated that each disciplinary case must be decided on its own merits and 'identical treatment is not required.'") (quoting *Damisch,* 38 Ill. 2d at 205).

CONCLUSION

For the foregoing reasons, we find that none of Respondent's arguments have merit, and we affirm the Hearing Board's rulings and findings of misconduct. As discussed above, we find

that the Court and the ARDC have jurisdiction; the Chair did not abuse his discretion by denying Respondent's May 1 Motion to Continue or her requests to serve interrogatories; Respondent was not locked out of the disciplinary hearing; the Hearing Board's findings that Respondent engaged in misconduct were not against the manifest weight of the evidence; the Hearing Board did not violate the ADA or Respondent's due process rights; the Hearing Board and the Court did not rule based on gender bias; and selective prosecution is not an issue in this case.

We agree with the Hearing Board's recommendation that Respondent be disbarred, and in our view, the record shows that Respondent is unwilling to conform her conduct to the ethical rules in the future. However, we do not address the sanction in this case because Respondent did not raise that issue on appeal.

Respectfully submitted,

Esther J. Seitz
Ashley N. Greer Shambley
Juan R. Thomas

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 Review Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on October 3, 2025.

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

4922-1970-0847, v. 1

[1] At the disciplinary hearing, Mark Pointer, who is an investigator for the ARDC office in Springfield, testified that Respondent declined to attend a deposition at the ARDC's Springfield office on June 16, 2023, claiming that she was too ill to travel and would be extremely sick. Pointer

testified, however, that Respondent posted on her Twitter account that, on June 16, 2023, she attended an in-person event at the Kaplan Feldman Holocaust Museum in St. Louis. In order to confirm Respondent's attendance at the Museum, the ARDC sent a letter to the Museum requesting information about whether Respondent had attended the event. Pointer testified that there was nothing antisemitic about the inquiry. The Hearing Board stated, "We find credible Mr. Pointer's testimony that the Administrator's inquiry about Respondent's attendance at an event at the Holocaust Museum in St. Louis was not motivated by anti-Semitism but rather was an attempt to verify [or disprove] Respondent's claim that her medical condition made her too sick to travel to the ARDC office." (Hearing Bd. Report at 20.)

[2] *See In re Betts*, 1990PR00049 (Review Bd. at 10), M.R. 9296 (Sept. 27, 1993) ("[R]espondent argues that … he was not on the Master rolls and therefore not subject to any provisions of the Illinois Code of Professional Responsibility or the Supreme Court Rules during that time …. A suspended attorney remains a member of the bar and is subject to the authority of the disciplinary system."); *Applebaum, v. Rush Univ. Medical Center*, 231 Ill. 2d 429, 441, 899 N.E.2d 262 (2008) ("Although a change in ARDC registration status from 'active' to 'inactive' is accompanied by [certain] restriction[s] in the attorney's practice, … it is a fundamental error to equate such a status change with stripping the attorney of his or her license to practice law."). *See also*, *In re Kubiatowski*, 2011PR00012, M.R. 25679 (Jan. 18, 2013) (The attorney, who was 77 years and had been retired for approximately four months, was disbarred even though he was retired).

[3] Respondent erroneously refers to the May 2, 2024 Order as being a "default order." (*See, e.g*., Resp. Brief at 17, 21, 24, 28.) The Chair did not find that Respondent was in default, or rule that she was prohibited from participating in the hearing.

[4] In her Reply Brief, Respondent also made arguments that she did not make in her opening brief, or had not developed. Those arguments are waived. *See* Rule 302(f)(5) ("Points not argued [in the opening brief] are waived and shall not be raised in the reply brief or oral argument." Those arguments include (but are not limited to) the following: (1) Respondent argues, in one sentence, that there was no transcript of the Inquiry Board's proceedings (except for Respondent's appearance), which voids the Complaint (Reply Brief at 8); (2) Respondent argues, in one sentence, that the Administrator erred by referring to Respondent's prior discipline during the hearing, before proving misconduct. (*Id*.) Respondent included the same sentence in the opening brief, but failed to develop the argument; (3) Respondent argues, in one sentence, that the Chair erred by issuing an Order on April 9, 2024, denying Respondent's motion requesting permission to retain her own independent court reporter to record the disciplinary hearing. (*Id*.) Respondent did not challenge that Order in her opening brief; (4) Respondent argues that the Chair erred by denying the nine motions to continue that she filed, and violated the ADA in doing so. (*Id*. at 9.) In her opening brief, although Respondent mentioned the other motions in passing, she did not present an argument challenging them; (6) Respondent argues (in one sentence) that the Hearing Board violated privacy regulations by disclosing Respondent's medical records. (*Id*. at 10.) In her opening brief, Respondent also included one sentence making the same argument, but she did not develop that argument or explain it; (7) Respondent argues, for the first time in the Reply Brief, "A stay is warranted to investigate the pattern of Gleeson's 22 complaints … and the recent exculpatory witness who just came forward." (*Id*. at 15.) She did not ask for a stay in her opening brief. Although those arguments are waived, we have considered those arguments and find no merit to any of them.

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

In the Matter of: **MARGARET JEAN LOWERY,** Respondent-Appellant, No. 6271777.	Commission No. 2023PR00060

PROOF OF SERVICE
OF THE REPORT AND RECOMMENDATION
OF THE REVIEW BOARD

I, Michelle M. Thome, hereby certify that I served a copy of the Report and Recommendation of the Review Board on the Respondent-Appellant listed at the address shown below by e-mail service on October 3, 2025, at or before 5:00 p.m. At the same time, a copy was sent to Counsel for the Administrator-Appellee by e-mail service.

Margaret Lowery
Respondent-Appellant
mlowery@thelowerylawfirm.com

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

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

4922-1970-0847, v. 1

FILED

October 03, 2025

ARDC CLERK