In re Michael P. Coghlan
Attorney-Respondent

Commission No. 2024PR00057

Synopsis of Hearing Board Report and Recommendation
(September 2026)

The Administrator brought a two-count complaint against Respondent based upon Respondent's conduct in litigation that he brought on behalf of his client against a school district, as well as in a subsequent legal malpractice lawsuit brought against him by the same client. Following a hearing that spanned five days, the Hearing Board found that the Administrator proved by clear and convincing evidence that Respondent filed and maintained frivolous litigation; made statements with reckless disregard for their truth or falsity concerning the integrity of a judge; used means in representing a client that had no substantial purpose other than to embarrass, delay, or burden a third party; and engaged in dishonest conduct. Finding that Respondent's misconduct was significantly aggravated by his conduct during his disciplinary proceedings and his failure to recognize or acknowledge that his conduct was inappropriate or express any remorse for it, the Hearing Board recommended that Respondent be suspended for 18 months and until further order of the Court.

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

In the Matter of: MICHAEL P. COGHLAN, Attorney-Respondent, No. 6185266.	Commission No. 2024PR00057

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

The Administrator brought a two-count complaint against respondent based upon respondent's conduct in litigation that he brought on behalf of his client against a school district, as well as in a subsequent legal malpractice lawsuit brought against him by the same client. Following a hearing that spanned five days, the Hearing Board found that the Administrator proved by clear and convincing evidence that respondent filed and maintained frivolous litigation; made statements with reckless disregard for their truth or falsity concerning the integrity of a judge; used means in representing a client that had no substantial purpose other than to embarrass, delay, or burden a third party; and engaged in dishonest conduct. Finding that respondent's misconduct was significantly aggravated by his conduct during his disciplinary proceedings and his failure to recognize or acknowledge that his conduct was inappropriate or express any remorse for it, the Hearing Board recommended that respondent be suspended for 18 months and until further order of the Court.

FILED

September 15, 2026

ARDC CLERK

INTRODUCTION

The hearing in this matter was held at the Chicago office of the ARDC on August 25, August 26, October 9, and November 24, 2025, and January 9, 2026, before a panel of the Hearing Board consisting of Heather A. McPherson, Chair, Michael V. Casey, and Marc S. Needlman. Rory P. Quinn represented the Administrator. Respondent was present and represented himself.

PLEADINGS AND MISCONDUCT ALLEGED

On August 29, 2024, the Administrator filed a two-count complaint against respondent. Count I charged respondent with (1) bringing or defending a proceeding, or asserting or controverting an issue therein, with no basis for doing so that is not frivolous; (2) making statements that he knew to be false or with reckless disregard as to their truth or falsity concerning the integrity of a judge; and (3) engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of Illinois Rules of Professional Conduct 3.1, 8.2(a), and 8.4(c), respectively, based upon respondent's conduct during litigation he brought in federal court on behalf of a client against a DeKalb County school district.

Count II charged respondent with (1) using means in representing a client that have no substantial purpose other than to embarrass, delay, or burden a third person; (2) making statements that he knew to be false or with reckless disregard as to their truth or falsity concerning the integrity of a judge; and (3) engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of Illinois Rules of Professional Conduct 4.4(a), 8.2(a), and 8.4(c), respectively, based upon respondent's conduct in defending against a legal malpractice lawsuit that the same client brought against him after the client terminated respondent's representation in the school-district litigation.

Respondent filed an answer, which was stricken in its entirety for failure to comply with Commission Rule 233 and 735 ILCS 5/2-610.[1] (Order dated October 29, 2024.) He filed an amended answer, which was also stricken in its entirety for the same reason. (Order dated January 10, 2025.) In the order striking respondent's amended answer, the Chair noted that the amended answer contained "improper lengthy narratives, a diagram with photographs, and extraneous statements and allegations that do not comply with the Order of October 29, 2024." Because respondent failed to comply with the directives of the October 29, 2024 order, the Chair struck respondent's amended answer and ordered that respondent's third attempt at an answer "***shall specifically admit or deny each allegation in the Complaint***" and that "***[e]very allegation not specifically denied will be deemed admitted*** unless the answer states the reason the respondent is unable to make a specific denial." (Order dated January 10, 2025 (emphasis added).)

Respondent filed a third answer, a significant part of which repeated the errors in his first two answers by incorporating many of his improper responses in the previously stricken answers and otherwise failed to conform to Commission Rule 233 and 735 ILCS 5/2-2610. For example, most of his responses to the allegations in the complaint stated "neither admit nor deny," in contravention of the Chair's clear directive in the January 10, 2025 Order. Rather than allowing

[1] Commission Rule 233 provides that "[t]he answer shall specifically admit or deny each allegation of the complaint. Every allegation not specifically denied is deemed admitted unless the answer states the reason the respondent is unable to make a specific denial." In addition, the Illinois Code of Civil Procedure states:

> (a) Every answer and subsequent pleading shall contain an explicit admission or denial of each allegation of the pleading to which it relates.
>
> (b) Every allegation … not explicitly denied is admitted, unless the party states in his or her pleading that he or she has no knowledge thereof sufficient to form a belief, and attaches an affidavit of the truth of the statement of want of knowledge….
>
> (c) Denials must not be evasive, but must fairly answer the substance of the allegation denied.

735 ILCS 5/2-610.

respondent a fourth attempt to file a proper answer, the hearing panel chair entered an order deeming admitted the allegations to which respondent failed to properly respond. (Order dated February 27, 2025.)

EVIDENCE

The Administrator presented the testimony of six witnesses. Administrator's Exhibits 3, 4A through 4F, 5 through 10, 14A through 14G, 15 through 19, and 21 through 25 were admitted into evidence. (Tr. 35, 44, 51, 56, 57, 61, 68, 70, 73, 124, 181, 239, 243, 247, 260, 273, 332, 343, 519.)

Respondent testified on his own behalf. Respondent's Exhibits 253 through 307, 312 through 319, 323 through 330, 333, 335 through 340, 2709, 2710, and 2711 were admitted into evidence. (Tr. 170, 521, 731, 750, 752, 753, 760, 773, 775, 780, 781, 783, 790, 796.)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In attorney disciplinary proceedings, the Administrator has the burden of proving the charges of misconduct by clear and convincing evidence. *In re Winthrop*, 219 Ill. 2d 526, 542, 848 N.E.2d 961 (2006). Clear and convincing evidence requires 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, 484-85, 577 N.E.2d 762 (1991). In determining whether the Administrator has met that burden, it is the responsibility of this hearing panel to determine the credibility of witnesses, weigh and resolve conflicting testimony, and make factual findings based upon all of the evidence. *Winthrop*, 219 Ill. 2d at 542-43. As the trier of fact, we may consider circumstantial evidence and draw reasonable inferences from the evidence presented. *In re Green*, 07 SH 109, M.R. 23617 (March 16, 2010) (Review Bd. at 14-15) (citing *In re Discipio*, 163 Ill. 2d 515, 524, 645 N.E. 2d 906 (1994); *In re Krasner*, 32 Ill. 2d 121, 127, 204 N.E.2d 10 (1965)).

I. In Count I, the Administrator charged respondent with filing and maintaining frivolous litigation, making false or reckless statements about the integrity of a judge, and engaging in dishonest conduct based upon his actions in representing a client in litigation in federal court.

A. Summary

The Administrator proved that respondent brought and maintained frivolous litigation on behalf of his client, made statements about the integrity of a judge with reckless disregard as to their truth or falsity, and engaged in dishonest conduct in connection with his handling of litigation in federal court.

B. Admitted Facts and Evidence Considered

Respondent represented James Mason in a matter arising out of Mason's allegations that DeKalb School District No. 428 ("District 428") allowed non-residents to enroll in school within the district and therefore violated the civil rights of the district's taxpayers by requiring them to pay for the non-residents' education. In October 2017, respondent filed a lawsuit on behalf of Mason[2] against District 428 and various other defendants in the United States District Court for the Northern District of Illinois. The case was assigned to United States District Judge Frederick Kapala, with Judge Iain Johnston assigned as magistrate judge. (Ans. ¶¶ 1, 2; Tr. 31.)

Thomas Lester of the law firm Hinshaw & Culbertson, LLP, filed an appearance on behalf of District 428 and the other defendants. (Ans. ¶ 3.; Tr. at 27-28.) Lester testified at respondent's disciplinary hearing that the District 428 matter never belonged in federal court, but rather was a state-court matter, and that, from the outset of the litigation, he told respondent that the federal

[2] At some point during the District 428 litigation, additional plaintiffs were added. These additional plaintiffs are not relevant for purposes of this disciplinary matter.

court did not have jurisdiction to hear the matter based on principles of comity and the Anti-tax Injunction Act. Lester testified that regardless of how respondent tried to frame the issues, the plaintiffs were "objecting to the way the DeKalb school [district] was spending the local taxes it generates. And there's a whole separate system set up under Illinois [law] to address those issues." (Tr. 32-33.)

On January 22, 2018, the defendants filed a motion to dismiss the complaint. At a status hearing on January 23 before Judge Johnston, the judge asked respondent if he wanted to file an amended complaint in light of the defendants' motion to dismiss. Respondent stated that he was inclined to amend. (Adm. Ex. 3 at 3.) The judge thus set a deadline of February 26, 2018 for respondent to file an amended complaint, and scheduled another status hearing for March 8. (Adm. Ex. 3 at 4.)

Lester asked the judge if discovery was stayed, and the judge responded that it was. Respondent then told the judge that, in February 2017, he filed a Freedom of Information Act (FOIA) request with District 428. The judge responded:

> The cool thing about FOIA is I don't get to do it anymore…. I don't do FOIAs anymore. I will do federal FOIAs, but if it is a state FOIA there is a whole big, giant statute. There is an army of attorneys in Lisa Madigan's office that deal with FOIA appeals. Take them to the circuit court if you need to. That's where those go.

(Adm. Ex. 3 at 5-6; Tr. 38-42.)

Between February 5 and June 21, 2018, respondent sent four additional FOIA requests to District 428. (Ans. ¶ 6; Adm. Ex. 4(a) at 1-5.) In July, respondent filed five motions on behalf of the plaintiffs: (1) a motion for sanctions under Federal Rule of Civil Procedure 37 alleging that District 428 had failed to comply with his four FOIA requests; (2) a motion for declaratory judgement on the validity of his FOIA requests; (3) a motion for an injunction to require District 428 to provide the records he sought in his FOIA request; (4) a motion for limited depositions and interrogatories; and (5) a motion to resolve conflicts, which alleged that Lester had a concurrent conflict of interest. (Ans. ¶ 7; Adm. Ex. 4(a) through 4(e); Tr. 43.) Lester, on behalf of the defendants, filed a motion to strike those five motions and requested attorney's fees in connection with having to respond to the motions, which he described as "frivolous." (Tr. 43, 50.)

At a July 24, 2018 hearing before Judge Johnston on the motions, the judge again informed respondent that the federal court does not handle state FOIA requests. He stated:

> I have a raft of motions …. How am I going to sanction or do anything against [defendants]?
>
> [T]hey may be violating FOIA or they may not be violating FOIA, but your remedies for that are you go see [the Illinois Attorney General] … or you go to state court and you file something there. I deal with federal FOIA, not state FOIA. They may be totally violating FOIA or they may not be. I just don't make the call on that.

(Adm. Ex. 5 at 2; Tr. 51.)

Respondent responded that he had previously informed the court that he needed a report in order to write the amended complaint, and that District 428 had provided only 20 percent of the report. He stated that his motions asked the court "to make or to encourage the school [district] to come up with the rest of the 80 percent of the report before [the] amended complaint is due on July 31." (Adm. Ex. 5 at 3-4.)

The judge asked respondent: "If you can't file an amended complaint because you don't have the information, have you done a reasonable investigation [of] fact and law to file the amended complaint? The answer is probably no…." Respondent disagreed and stated that he could get an amended complaint on file if the court were to deny the relief requested in his motions, but he was "simply asking if the court is inclined to encourage the school to give [him] the rest of the 80 percent of the report." The judge responded:

> When all comity and federalism tell me to absolutely not do that? …. I mean, a federal court is going to, quote, encourage a state school board to issue some report relating to some other issue so that you can file an amended complaint. That seems

> like I'm overstepping my bounds. I mean, we've got a federal system here. If you've got a beef in state court, there's plenty of judges who would be glad to hear your case. I'll issue an injunction if I have the authority to issue an injunction to comply with federal law, but … I can't order state actors to comply with state law. That violates the Eleventh Amendment.

(Adm. Ex. 5 at 5.)

The judge also asked respondent what his standing was to raise a conflict of interest issue between Lester and his client, given that respondent was not the client. During a lengthy exchange with the judge, respondent stated that he "pled [the conflict] as adversely affecting the release or improper withholding of promised information," and asked for an opportunity to produce legal authority in support of his argument that he can raise a conflict of interest on behalf of Lester's client. (Adm. Ex. 5 at 8-13.)

The judge suggested that if respondent does not have what he needs to file an amended complaint, he could voluntarily dismiss the case and wait until he gets what he needs. He stated: "If you need to file in state court, get your stuff in state court. If you have a federal remedy, come on back." (Adm. Ex. 5 at 6-7.) The judge later reiterated that respondent could sue the defendants in state court for violating state law, but he was in federal court, which is a court of limited jurisdiction. He told respondent: "I don't know what you're doing, and I think you need to recalculate what you're doing." (Adm. Ex. 5 at 19-20.)

The judge told respondent that he would give respondent more time to respond to the defendants' motion to strike than he requested "because I think you're going to have much more difficulty finding what you think you're going to find…. Keep digging, but once you start hitting dry holes after a week you might want to rethink what you're doing." He then set the next status hearing for August 16, 2018. (Adm. Ex. 5 at 14; Tr. 52.)

On July 31, 2018, respondent filed a first amended complaint. (Ans. ¶ 10.) On August 6, he filed a motion for preliminary injunction and noticed it to be heard on August 9, but Judge

Johnston struck the August 9 presentment date and reset it for August 16 “to coincide with the previously scheduled motion hearing.” (Adm. Ex. 14(e) at 1.)

At the August 16 hearing, respondent stated that the plaintiff had filed a motion to withdraw his six pending motions because they were moot, given that he had filed a first amended complaint and school had started the day before. (Adm. Ex. 6 at 2.) Lester informed the court that the defendants intended to seek attorney’s fees and costs for having to respond to the plaintiff’s motions. He stated that “those motions were based on multiple different frivolous theories by the plaintiff, who admitted in court he was just trying to get the court to encourage the … Defendants to turn over a report that he alleges exists.” (Adm. Ex. 6 at 4.)

Judge Johnston allowed respondent to withdraw the six pending motions and gave defendants until September 10 to respond to the first amended complaint, which Lester indicated would be a motion to dismiss, and instructed Lester to notice up the motion to dismiss for September 20. The judge then told respondent: “So, Mr. Coghlan, you will have about ten days to look at it and figure out whether you want to file a second amended complaint or whether you want to respond to the motion, and we will figure out what we do at that point.” (Adm. Ex. 6 at 12-13.)

The following exchange then took place:

> MR. LESTER: We were already on an amended complaint.
>
> THE COURT: Sure.
>
> MR. LESTER: I mean, does the Plaintiff intend to stand on this complaint, or are we going to do this – he is not a pro se plaintiff. I mean, we are not going to be going on five amended complaints here?
>
> THE COURT: I don’t know that. Maybe we are because Rule 15 tells me we could be on five amended complaints, which there is a way around that.

> MR. LESTER: There is a limit. I mean, there is a way around it, yes.
>
> THE COURT: There is all kinds of – the rules are set up very carefully to address those things.

(Ans. ¶ 11; Adm. Ex. 6 at 13-14.)

Lester testified that he understood the foregoing exchange to mean that, even though leave to amend complaints is freely given, "there are things within the rules where you can raise issues with the complaint" or where "further amendments [aren't] going to change anything" and the complaint "won't withstand a motion to dismiss." (Tr. 60.) Thus, "there is a way around the literal reading of Rule 15A [*sic*], and that's established by case law and the factors the appellate courts have set out that are to be considered." (Tr. 60-61.)

On September 10, the defendants filed a motion to dismiss the first amended complaint. (Ans. ¶ 12; Adm. Ex. 7 at 2.) In May 2019, while the motion to dismiss was still pending, the case was reassigned from Judge Kapala to Judge Rebecca Pallmeyer. (Ans. ¶ 14.)

On July 5, 2019, respondent sent Lester a letter titled "Rule 11 Sanctions Notice" in which respondent accused Lester's firm of engaging in multiple improper acts that he claimed warranted sanctions under Federal Rule of Civil Procedure 11. One of respondent's allegations was that the exchange between Lester and Judge Johnston at the August 16, 2018 status hearing, where both Judge Johnston and Lester noted that "there is a way around" numerous amended complaints, gave "the appearance of an out of court *ex parte* communication about the procedures for circumventing Fed. R. Civ. P. 15" and "expressed willingness to circumvent the Federal Rules of Civil Procedure." (Adm. Ex. 21 at 2, 10.)

Lester testified that respondent's "baseless allegation" that he and Judge Johnston had *ex parte* communications was "absolutely false" and "[i]rresponsible." He testified that he never had an *ex parte* communication with Judge Johnston regarding the District 428 matter or any other matter. (Tr. 63.)

On September 5, 2019, Judge Pallmeyer granted District 428's motion to dismiss. Judge Pallmeyer found that the comity doctrine barred plaintiffs' claims. She reasoned that, because plaintiffs were challenging the validity of a local tax system by arguing that their property taxes were unlawfully inflated, the comity doctrine required them to pursue relief through Illinois' own "plain, adequate, and complete" state remedies, such as the Property Tax Appeal Board or county circuit court, rather than federal court. (Adm. Ex. 8 at 7-13.)

Judge Pallmeyer further found that, under the Tax Injunction Act (TIA), the court lacked subject-matter jurisdiction over plaintiffs' request for injunctive relief because that relief was aimed at helping plaintiffs recover or reduce taxes, which the TIA prohibits federal courts from doing when adequate state remedies exist. (Adm. Ex. 8. at 13-15). Finally, Judge Pallmeyer noted in a footnote that defendants' argument that plaintiffs failed to adequately plead the elements of their claims under Rule 12(b)(6) appeared to have merit, but that the court did not need to address that argument given the other findings. (Adm. Ex. 8 at 15 n. 8.)

In October 2019, Mason discharged respondent as his attorney for the District 428 matter. (Tr. 668-69.) At a hearing before Judge Johnston on October 19, 2019, respondent presented his motion to withdraw from representing Mason. (Adm. Ex. 9 at 2.) Attorney Keith Foster, of the firm Foster & Buick, LLC ("Foster Buick"), informed the court that his firm would be representing the plaintiffs and intended to withdraw the plaintiffs' motion to reconsider Judge Pallmeyer's ruling dismissing the case. (Adm. Ex. 9 at 5.)

Noting that the case was reaching its end, Judge Johnston asked whether the defendants intended to file any post-trial motions relating to sanctions or attorney's fees. The following exchange then occurred:

> MR. LESTER: Well, your Honor, there [are] a couple of things that I can address, that I think the court should be aware of….
>
> I received a letter from Mr. Coghlan dated July 5th, 2019, which he calls a "Notice of Intent to File Under Rule 11." I have a copy of it here for the court, if the court would like to review it, but not only does it contest various charges of misconduct against myself which would amount to a complaint for misconduct under Local Rule 83.25, it accuses myself as well as the court of having *ex parte* communications and the equivalent of conspiring to deprive the Plaintiffs of their rights by the continued *sua sponte* continuance of the status dates, which both the court and I realized was done because you hadn't received word from the district court as to what it was going to do with the motions. But he was –
>
> THE COURT: You and I – allegedly, you and I had ex parte?
>
> MR. LESTER: Yes.
>
> THE COURT: About what?
>
> MR. LESTER: About how to evade the Federal Rules of Civil Procedure, particularly Rule 15, relating to amendments to complaints.
>
> THE COURT: If there is an allegation against me of having *ex parte* conversations, I want to see that allegation.
>
> Do you have a copy?
>
> MR. LESTER: Yes, your Honor.
>
> ***
>
> MR. LESTER: It says: "Plaintiffs' counsel was not included in this one-side discussion between Hinshaw and the magistrate; therefore, this conversation between the magistrate and Hinshaw gives the appearance of an out-of-court, *ex parte* communication about procedures for circumventing the Federal Rules of Civil Procedure."

(Adm. Ex. 9 at 5-7.)

Judge Johnston then asked respondent how his communication with Lester in open court with respondent present could be considered *ex parte*. Respondent responded:

> Your Honor said – your Honor raised the issue of Rule 15 and said that we are going to be on our fifth amended complaint, and then your Honor said – and it is laid out in the transcript – there is a way around it, and Mr. Lester said there is a way around it, and there was no further discussion as to what the way around it is.
>
> And it was subsequently followed up by an excessive 300 days of … *sua sponte* continuances, and those *sua sponte* continuances twice put it after the start of school, where I previously pled in the affidavit that it was costing us $8.8 million every time the case got continued past school….

(Adm. Ex. 9 at 7-9.)

Judge Johnston again asked respondent how there could be an appearance of an *ex parte* conversation between him and Lester when respondent was standing in front of him and participating in the conversation. Respondent responded that "your Honor said Rule 15, there is a way around it. Mr. Lester said there is a way around it. Nobody told me what the way around it was." (Adm. Ex. 9 at 9-10.)

The judge then explained to respondent Federal Rule of Civil Procedure 15 and the factors that the court considers in determining whether or not to allow an amended complaint, leading to the following exchange:

> MR: COGHLAN: I understand that there are factors that would be considered outside of the complaint, but that was not discussed when your Honor said there is a way around it and Mr. Lester said there is a way around it, and that wasn't explained in that court proceeding.
>
> It was then followed by an excess of 300 days of *sua sponte* continuances, two times past the start of school, which cost us $8.8 million.
>
> And I didn't file this with the court. I filed notice. I properly read the entire Rule 11 and all notes. Mr. Lester's fake allegations do not start to allege Rule 11. Mine is a legitimate, well-grounded, factual, and legal Rule 11….
>
> THE COURT: In this document, in writing, you state that this on-the-record status hearing, that's transcribed by the court report, which you attended, "gives the appearance of an out-of-court *ex parte* communication."
>
> For the third time: How can it be an out-of-court – appearance or otherwise – an out-of-court, *ex parte* conversation if you are standing in front of me while this conversation is occurring?

> MR. COGHLAN: I didn't say the *ex parte* occurred while I was present. I said it gives an appearance that an *ex parte* occurred while I was not present. And it has got to be taken into context of the entire letter, with all the factual information that's attached to it. I think –
>
> THE COURT: So if I read this whole letter, I'm going to come to the conclusion that I had an *ex parte* conversation with Mr. Lester, while you are standing here at a status –
>
> MR. COGHLAN: No, and that's not what I said.
>
> THE COURT: -- being transcribed down by the court reporter?
>
> MR. COGHLAN: That's not what I said. I never said while I was standing there.
>
> And your honor will come to the conclusion that there is an appearance of an *ex parte* communication based upon a conversation where you said there is a way around it [and] he said there is a way around it, and then there were in excess of 300 days of *sua sponte* continuances.

(Adm. Ex. 9 at 10-12.)

Respondent also stated that he did not know why Lester was allowed to bring up the letter, because respondent "never filed it with the court" but simply gave Lester notice of the allegations as required by Rule 11. The judge responded: "Mr. Coghlan, you put in writing serious allegations of misconduct as to Mr. Lester and to me. I think it probably behooves him to let me know that this document, this written document that accuses me of violating the rules of ethics, is floating around out there." (Adm. Ex. 9 at 13.)

Respondent continued to protest that Lester handed the judge a document but did not file a notice of motion, which he claimed was improper and "an ambush." He also claimed that the "[t]he one that publicized [the letter] is Mr. Lester." (Adm. Ex. 9 at 13-14.) The court responded: "He didn't publicize it. You put it in writing, and you gave it to him. That's a publication. (Adm. Ex. 9 at 14.)

Shortly after the October 19 hearing, Tait Lundgren of Foster Buick entered his appearance as Mason's counsel in the District 428 matter. At Mason's behest, Foster Buick effectively ended the District 428 litigation by withdrawing the motion for reconsideration and voluntarily dismissing a prematurely filed appeal. (Tr. 119, 139-40.)

Lundgren testified at respondent's disciplinary hearing that he defended against the defendants' fee petition to the best of his ability, but

> it was rather difficult given that the case had been dismissed because there was no federal court jurisdiction. And especially in the context of a case where the judge had on more than one occasion … courteously advised [Respondent] that he didn't believe there was federal court jurisdiction and that maybe [Respondent] should take a nonsuit and refile the case if [he] found an underpinning of jurisdiction later.

(Tr. 293.)

On February 25, 2020, Foster sent a letter to respondent, informing him that, while Mason intended to fight the defendants' claims for fees, Mason also planned to pursue recoupment of the fees he paid to respondent for the District 428 matter as well as any fees that the federal court awarded to the defendants. Foster asked respondent to "please notify your insurance carrier immediately upon your receipt of this correspondence that you have been made aware of these potential claims as we assume they will want to be, at a minimum, advised, and potientially [*sic*] even involved with regard to the ongoing fee dispute in federal court." (Adm. Ex. 22.)

Foster testified that he sent the February 25, 2020 letter to respondent as a courtesy, and that it was his normal practice to do so. The purpose of the letter was to notify respondent that "[t]here was a claim that was going to be filed against [him] that was imminent, and it was a matter of notifying [him] that this claim was coming so that [he] could turn it [in to his] insurance company for a defense." He also had known respondent for a long time at that point and thought that respondent should be aware of the impending malpractice case. (Tr. 125, 129, 145.)

On May 29, 2020, respondent sent an email to Foster, Lundgren, and another Foster Buick attorney with a subject line of "Mason Fees Response and Counterclaim ($300k-$600k) – filing today." respondent attached pages of typed case notes to his email, the opening paragraph of which stated: "[T]he Federal judge, once again, delayed [Mason's] law suit. I think the judge knows the school violated the tuition laws." (Adm. Ex. 23 at 19.) Later in the notes, respondent quoted excerpts from the August 16, 2018 status hearing, and stated that "[t]he phrase 'way around it' means to avoid compliance … with the federal Rule 15 stated by the Rockford judge." (Adm. Ex. 23 at 21.) Still later, respondent noted that "on August 13, 2019, this Rockford judge again postponed the case until October 2019." He then stated: "We can't get the judge to make a decision. The delay makes it look like the judge knows the school is wrong and that the school attorney tried to 'cook the books', based on the investigator's internal emails with the school superintendent." (Ans. ¶ 18; Tr. 240; Adm. Ex. 23 at 23.)

Regarding the purported delays in the case, Lester testified that, in the United States District Court, the magistrate judge rules on procedural matters and the district court judge rules on substantive matters, such as motions to dismiss. In the District 428 matter, at some point after the motion to dismiss was fully briefed, Judge Kapala unexpectedly retired, so the case had to be reassigned to a different judge. The case was eventually assigned to Judge Pallmeyer, who at the time was the chief judge for the Northern District of Illinois and had her own cases, in addition to getting Judge Kapala's cases. Lester testified that, until the motion to dismiss was ruled on, "there was nothing for the magistrate judge to do because there was no discovery. There was nothing the court could do to move the case along until we knew we even had a case or a controversy…." Consequently, while the parties were waiting for the district court judge to rule on the motion to dismiss, the magistrate judge continued status conferences rather than having the parties come to court and cost their clients money. This is routinely done in federal court. (Tr. 65-67, 83.)

On March 29, 2021, the court granted the defendants' petition for fees and awarded them fees in the amount of $136,476.60. The court found:

> The plaintiffs' attempt to litigate state taxation issues in federal court was frivolous and without grounds from the outset. The doctrine of comity has long counseled federal courts to resist engaging in cases involving certain issues falling within the jurisdiction of the states. The U.S. Supreme Court recognized that taxation was one of those issues nearly 90 years ago. The doctrine's applicability to cases involving state taxation has been reaffirmed through the years. Therefore, the issue is not one of first impression. Although the plaintiffs alleged that their threat of being overtaxed was real, courts have long held that the proper forum to address such threats was in a state forum, and in Illinois that available forum is the county board of review. This long history of jurisprudence should have alerted the plaintiffs before they ever filed suit that the doctrine of comity barred their claims from proceeding in a federal forum.

(Ans. ¶ 22; Adm. Ex. 10 at 3 (internal citations omitted).) The court further noted that "parties and counsel have a duty to ensure after reasonable inquiry that claims are warranted by existing law or a non-frivolous argument for extending, modifying, or reversing existing or established law. That did not occur here." (Adm. Ex. 10 at 3 (internal citation omitted).)

Foster testified that Mason waived the right to appeal Judge Johnston's order awarding fees to the defendants because,

> [a]t the end of the day, Mr. Mason wanted out of the case. He was done with it and he wanted out for the least amount he could get out for. And, frankly, …. Everything that we saw … led us to the conclusion that [Respondent's] arguments were wrong, [his] analysis was flawed. The case [he] relied on … Judge Pallmeyer … called it inapt. It wasn't even close.
>
> So we were not going to appeal something and run up further fees that we would end up – Mr. Mason would end up getting clobbered for at some point.

(Tr. 157.)

Respondent's Testimony

Respondent testified on his own behalf over the course of a day and a half of his hearing. The bulk of his testimony reiterated all of the allegations he made during the District 428 and malpractice litigation about the various judges and attorneys involved in those matters. Because those allegations are included in the transcripts from court proceedings excerpted above as well as in the admitted documentary evidence, we will not summarize them here.

In addition to repeating his allegations about Judge Johnston, Judge Klein, Judge Pallmeyer, and the Foster Buick and Hinshaw attorneys, respondent testified about his grounds for filing the District 428 lawsuit in federal court, focusing on his argument that the U.S. Supreme Court case of *Direct Mktg. Ass'n v. Brohl*, 575 U.S. 1, 135 S. Ct. 1124 (2015), provided authority for filing the case in federal court. (See*, e.g.*, Tr. 550, 597-99, 650, 661-62, 705, 707-08.)

He further testified that, in sending the "Rule 11 Sanctions Notice" to Hinshaw & Culbertson, his "goal was not to make waves. [He] was just hoping that Hinshaw would back off or give us the documentation that the whistleblower already told us that we had." (Tr. 546.) He tried to make his "8.3 report" to Hinshaw "confidentially," but Hinshaw made it public by bringing it up in court. (Tr. 641, 773.)

Regarding the October 19, 2019 hearing during which Lester brought to Judge Johnston's attention respondent's "Rule 11 Sanctions Notice," respondent testified that "Tom Lester and Judge Johnston had a coordinated ambush" of him. Respondent expected to go into court to withdraw from representing Mason and have Foster Buick take over. Instead, Judge Johnston referenced his letter to Hinshaw and "made statements to [him] that were clearly threatening financial sanctions because [he] sent that mandatory 8.3 report to Hinshaw Culbertson." (Tr. 699-701.) He further testified that his "17 years of criminal prosecution experience, told [him] that [he] had an obligation to report criminal evidence to Judge Johnston under Northern District of Illinois Local Rule 83.58.3." (Tr. 753)

Respondent testified that the allegations he made against Judge Johnston and others provided "a very strong basis for [him] to allege misconduct on the part of Judge Johnson, specifically relating to [his] 8.3 letter" and that his "8.3 complaint is not baseless." (Tr. 774, 779.) He further testified that he had "an affirmative duty" under Illinois Rule of Professional Conduct

8.3 and Northern District of Illinois Local Rule 83.58.3 to give notice of judicial and attorney misconduct, and that his "17-page document" – referring to his July 5, 2019 letter to Hinshaw & Culbertson titled "Rule 11 Sanctions Notice" – constituted this required notice. (Tr. 546; See also Adm. Ex. 21; Resp. Ex. 60 at 21.)

C. Analysis and Conclusions

Rule 3.1

The Administrator alleges that respondent violated Rule 3.1 based on his filing the District 428 lawsuit in federal court and filing the five motions on July 17, 2018. We find the Administrator proved this charge.

Rule 3.1 provides that a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous. Ill. R. Prof'l Cond. 3.1. A pleading, or a position asserted in a proceeding, is frivolous where there is no objectively reasonable basis in law or fact for the pleading or position at the time of filing. *In re Stolfo*, 2016PR00133, M.R. 29728 (Mar. 19, 2019) (Hearing Bd. at 10) (citation omitted). In applying this objective standard in determining whether a pleading or position is frivolous, we ask what was reasonable for an attorney to believe under the circumstances at the time of the filing. *In re Greanias*, 01 CH 117, M.R. 19079 (Jan. 20, 2004) (Hearing Bd. at 44). A pleading or position will be found to be frivolous if a reasonably prudent attorney acting in good faith would not have brought the action or asserted the position. *Stolfo*, 2016PR00133 (Hearing Bd. at 10); *In re Balog*, 98 CH 80 (Hearing Bd. (reprimand), Apr. 26, 2000, at 11). An attorney does not have sufficient grounds to file a pleading or assert a position simply because the attorney "honestly believed" the case was well-grounded in fact and law. *Greanias*, 01 CH 117 (Hearing Bd. at 44) (citations omitted).

In addition, hearing panels often take note of whether or not an attorney's filings resulted in adverse court rulings or sanctions against the attorney. See*, e.g., In re Witter*, 09 CH 50, M.R. 25283 (May 18, 2012) (Hearing Bd. at 33); *In re Bulger*, 02 CH 40, M.R. 19550 (Sept. 27, 2004) (Hearing Bd. at 10-11). Such rulings, however, are not binding upon us. See *In re Owens*, 144 Ill. 2d 372, 379, 581 N.E.2d 372 (1991) ("Although a civil judgment may not be the only factor of consideration of a Hearing Board, it nevertheless may be a component in the greater whole of the Board's decision").

In this matter, we have considered relevant court rulings in the District 428 litigation, in addition to the documentary and testimonial evidence presented by the parties over the course of the five-day hearing. Having carefully considered all of that evidence, we find that the Administrator proved that respondent violated Rule 3.1 by filing a federal lawsuit that solely raised state taxation issues, and by filing four baseless motions that asked the federal judge to enforce state FOIA requests after the judge told respondent that he did not handle state FOIA requests.[3]

Thomas Lester, Tait Lundgren, and Keith Foster testified at length about respondent's conduct in the District 428 litigation. Their testimony was clear, detailed, unwavering, and consistent with other evidence in the record, particularly the hearing transcripts. We found them to be both credible and persuasive witnesses.

---

[3] The Administrator's complaint charged respondent with filing five frivolous motions – the four FOIA-related motions and a motion alleging a conflict of interest between Lester and one of his clients. Judge Johnston questioned respondent at length regarding respondent's standing to raise a conflict of interest between Lester and his client. (See Adm. Ex. 5 at 8-13.) While, in general, a party does not have standing to raise a conflict of interest involving opposing counsel and his client, Illinois case law does allow a party to challenge opposing counsel's ability to represent a client where the party can show that the representation adversely affects the party's interests. See*, e.g.*, *Jones v. Brown-Marino***,** 2017 IL App (1st) 152852. Because respondent argued that the purported conflict "adversely affect[ed] the release or improper withholding of promised information," we decline to find that the conflict of interest motion had no objectively reasonable basis in law or fact at the time of filing. This narrow finding does not impact our finding that respondent violated Rule 3.1 or our sanction recommendation.

In contrast, we did not find respondent's testimony to be particularly credible or persuasive. As he did in the District 428 and malpractice matters, he refused to acknowledge uncontroverted evidence and unequivocal legal authority that undermined his positions, and doggedly adhered to all of the positions he took in the underlying litigation no matter how illogical those positions were then and remain now. His unyielding and legally and factually baseless positions came across as disingenuous and self-serving.

With these credibility determinations in mind, we find that, from the outset of the District 428 litigation, Lester told respondent that the federal court did not have jurisdiction over the matter, which solely raised state tax issues. (Tr. 32-33.) Similarly, at the July 2018 hearing, Judge Johnston suggested to respondent that he could voluntarily dismiss the case if he did not have all the information he needed to file an amended complaint. Judge Johnston told respondent: "If you need to file in state court, get your stuff in state court. If you have a federal remedy, come on back." The judge further stated that he thought that respondent was going to have difficulty finding what he thought he would find, and suggested that, if respondent "start[ed] hitting dry holes," he "might want to rethink what [he's] doing." (Adm. Ex. 5 at 6-7, 14.)

Despite Lester's initial warnings as well as Judge Johnson's suggestions, respondent proceeded with filing an amended complaint in federal court. Judge Pallmeyer eventually dismissed the matter, finding that it did not belong in federal court. (See *generally* Adm. Ex. 8.) In reaching her conclusion, Judge Pallmeyer noted that respondent's reliance on the *Brohl* case – which he also repeatedly cited in his disciplinary hearing as justification for filing the District 428 lawsuit in federal court – was "inapt." (Adm. Ex. 8 at 14.)

The federal court eventually granted the defendants' fee petition and awarded them fees in excess of $136,000. Among other things, the court found that "[t]he plaintiffs' attempt to litigate state taxation issues in federal court was frivolous and without grounds from the outset" based on the long-standing doctrine of comity. The court further noted that "[t]he doctrine's applicability to cases involving state taxation has been reaffirmed through the years. Therefore, the issue is not one of first impression." The court reasoned that the "long history of jurisprudence should have alerted the plaintiffs before they ever filed suit that the doctrine of comity barred their claims from proceeding in a federal forum." (Adm. Ex. 10 at 3.) Mason declined to appeal the fee award because his counsel believed that respondent's arguments were wrong and his analysis was flawed. (Tr. 157.)

Both Judge Pallmeyer, in dismissing the first amended complaint, and Judge Johnston, in awarding fees to the defendants, undertook thorough analyses of the claims respondent brought on behalf of the plaintiffs. We find their analyses to be sound and well-reasoned, and therefore agree with them, including their findings that respondent had no reasonable basis for bringing the District 428 lawsuit in federal court.

We are not persuaded by respondent's testimony that the *Brohl* case allowed him to file suit in federal court on behalf of Mason against the District 428 defendants. Judge Pallmeyer's reasoning as well as our independent review of the *Brohl* case convince us that respondent's interpretation and application of *Brohl* at his disciplinary hearing suffer from the same flawed reasoning in which he engaged during the District 428 litigation. Among other things, the Supreme Court held in *Brohl* that the Tax Injunction Act, 28 U.S.C §1341, did not bar a federal suit to enjoin enforcement of Colorado's notice and reporting requirements for out-of-state retailers because those requirements were not acts of assessment, levy, or collection of a state tax. The District 428 lawsuit, in contrast, specifically challenged the assessment, levy, or collection of a state tax in that the plaintiffs sought the federal court's help to recover taxes already paid and reduce future taxes. (Adm. Ex. 8 at 14.)

Moreover, even if respondent truly believed that he could challenge a state-taxation issue in federal court, we still find that he violated Rule 3.1. Comment 2 to Rule 3.1 requires lawyers to "inform themselves about the facts of their clients' cases and the applicable law and determine that they can make good-faith arguments in support of their clients' positions." See *also In re DeVore*, 2024PR00014, M.R. 32700 (Sept. 19, 2025) (Hearing Bd. at 23) (even if attorney believed his filing of a complaint was proper, "his subjectively sincere yet objectively erroneous understanding" did not preclude finding a Rule 3.1 violation, because a reasonably prudent attorney would have known it was improper) .

We find that a reasonably prudent attorney faced with the glaring deficiencies pointed out by the defendants and Judge Johnston would have understood that he had no good-faith arguments in support of his positions and, as Judge Johnston suggested he do, would have rethought his approach. Respondent, however, pursued state claims in federal court for several years until Judge Pallmeyer dismissed the case.

We reach the same conclusion, based upon the same reasoning, with respect to the four FOIA-related motions. At the January 2018 hearing, Judge Johnston was clear and unequivocal in his statements to respondent that he did not handle state FOIA requests, and that respondent needed to go through the state courts or the Illinois Attorney General's Office to pursue his FOIA requests. Yet, not even six months after that hearing, respondent filed four motions again seeking the federal court's assistance in enforcing his FOIA requests. (Adm. Ex. 5 at 2,5.)

We find that a reasonably prudent attorney would have known from the outset not to ask a federal court to enforce state FOIA requests, or at the very least, would have abandoned such efforts after being told by a federal judge that the judge had no authority to enforce state FOIA requests. Respondent, however, not only sought the federal court's assistance with his state FOIA requests but then continued to ask the federal court to enforce his state FOIA requests even after being told by the judge that he could not do so.

We therefore find that the Administrator proved by clear and convincing evidence that respondent brought a proceeding, and asserted positions in that proceeding, without a reasonable basis in law or fact for the pleadings he filed and positions he took, and in so doing, violated Rule 3.1.

Rule 8.2(a)

The Administrator charged respondent with violating Rule 8.2(a) by conduct including stating that Judge Iain Johnston "knows the school is wrong, and that the school attorney tried to 'cook the books'" when he had no basis in fact or law for making such an allegation. We find that the Administrator proved this charge.[4]

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 a lawyer from making a statement with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge. Ill. R. Prof'l Cond. 8.2(a). Reckless disregard is an objective standard. Even if a respondent genuinely believed his statement to be true, it may

---

[4] Count I of the complaint charges respondent with violating Rule 8.2(a) "by conduct including the statements that Judge Johnson 'knows the school is wrong, and that the school attorney tried to "cook the books."'" (Complt. ¶ 23(b).) In closing argument, however, counsel for the Administrator argued that respondent's allegations that Judge Johnston engaged in *ex parte* communications with Lester also violated Rule 8.2(a). Because that specific conduct was not included in the charging paragraph related to Rule 8.2(a), we decline to consider it as an additional basis for finding that respondent violated Rule 8.2(a). We also note that this decision has no impact on our sanction recommendation.

constitute a Rule 8.2(a) violation if he had no reasonable basis in fact for believing the statement he made. *In re Amu*, 2011PR00106, M.R. 26545 (May 16, 2104) (Hearing Bd. at 8); *In re Denison*, 2013PR00001, M.R. 27522 (Sept. 21, 2015) (Hearing Bd. at 29).

Taking respondent's statements in context, it appears that a purported 248-day delay in the litigation, caused by Judge Johnston's continuances of status conferences on several occasions while awaiting a decision on the defendants' motion to dismiss, is the sole basis for respondent's claim that Judge Johnston knew the school was wrong and that the school attorney tried to "cook the books." Even if respondent sincerely believed his statement, the record is devoid of any evidence whatsoever to support his belief or show that Judge Johnston took any improper action to delay or otherwise impact the litigation. Respondent seems to suggest that the mere fact that there were multiple continuances in the matter is proof that Judge Johnston delayed the case to benefit the defendants. However, multiple witnesses testified that the primary reason for any continuances that occurred after respondent filed the first amended complaint was that Judge Kapala had not yet ruled on defendants' motion to dismiss. Then, Judge Kapala left the bench and the case had to be reassigned, which it eventually was to Judge Pallmeyer.

Furthermore, even if the multiple continuances seemed suspicious to respondent, mere suspicion is an insufficient basis for an attack on the integrity of a judge. "A reasonable belief must be based on objective facts. Thus, subjective belief, suspicion, speculation, or conjecture does not constitute a reasonable belief." *Walker*, 2014PR00132 (Hearing Bd. at 21); See also *In re Greanias*, 01 SH 117, M.R. 19079 (Jan. 20, 2004) (Hearing Bd. at 43, 57) (attorney had "no factual or evidentiary basis" for her allegations, which were "no more than conjecture and personal belief;" she therefore made the allegations with reckless disregard for their truth or falsity).

Because there is no evidence in the record to support respondent's allegation that Judge Johnston "knows the school is wrong, and that the school attorney tried to 'cook the books,'" we find that respondent had no objectively reasonable factual basis for believing his statements to be true. We therefore find that the Administrator proved by clear and convincing evidence that respondent recklessly disregarded the truth in making his false accusation, and in so doing, violated Rule 8.2(a).

Rule 8.4(c)

The Administrator alleges that respondent engaged in dishonest conduct by making false statements in his July 5, 2019 letter, in which he accused Lester of circumventing the Federal Rules of Civil Procedure and Judge Johnston and Lester of engaging in *ex parte* communications; and in his May 29, 2020 letter, in which he claimed that the delays in the case made it look like Judge Johnston "knows the school is wrong, and that the school attorney tried to 'cook the books.'"

Rule 8.4(c) provides that it is misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Ill. R. Prof'l Conduct 8.4(c). Dishonesty includes any conduct, statement, or omission that is calculated to deceive, including the suppression of truth and the suggestion of what is false. *In re Gerard*, 132 Ill. 2d 508, 528, 548 N.E.2d 1051 (1989). After listening to and observing respondent and the other witnesses testify, determining the credibility of the witnesses, and weighing conflicting testimony, we find it impossible to believe that respondent, or any attorney acting in good faith, would not know that the claims he made about Lester and Judge Johnston were false.

In assessing an attorney's conduct, the Hearing Board is not required to be naive, impractical, or blind to the intent apparent from the evidence. *In re Krasner*, 32 Ill. 2d 121, 127, 204 N.E.2d 10 (1965). In addition, intent can be inferred from the respondent's conduct and the surrounding circumstances. *In re Thomas*, 2012 IL 113035, ¶ 90 (finding dishonesty based on undisputed facts and nature and effect of misconduct); See *also In re Cutright*, 233 Ill. 2d 474, 490, 910 N.E.2d 581 (2009) ("[e]ach case is unique and the circumstances surrounding the respondent's conduct must be taken into consideration").

Moreover, depending on the circumstances of a case, a respondent's sincere belief that he was not engaging in deceitful conduct may not be sufficient to preclude a dishonesty finding if that belief is unreasonable. See *Thomas*, 2012 IL 113035, ¶ 123 (even if respondent, who appeared before the Seventh Circuit while suspended, had convinced himself that his suspension was stayed, he still engaged in dishonesty because "his belief, even if sincere, was entirely unreasonable").

Under the circumstances of this matter, we find that respondent knew or should have known that the statements he made about Lester and Judge Johnston were false. Lester and Judge Johnston repeatedly and consistently informed respondent that they did not engage in *ex parte* communications, and there is no evidence in the record to the contrary. The record further makes clear that any purported delays in the District 428 matter were caused by routine case-management and judicial-assignment issues.

Moreover, respondent's own testimony undermines his professed reason for making the accusations against Lester and Judge Johnston in the July 5, 2019 "Rule 11 Sanctions Notice." A significant portion of respondent's testimony at his disciplinary hearing focused on his contention that he was required to report judicial and attorney misconduct under Illinois Rule of Professional Conduct 8.3 and Northern District of Illinois Local Rule 83.58.3, and that the "Rule 11 Sanctions Notice" constituted that report. He also accused Judge Johnston of trying to block his "mandatory 8.3 report." His argument is flawed and patently disingenuous for several reasons.

First, even a cursory reading of Rule 8.3 should have informed respondent that he was not following the proper procedure for reporting attorney or judicial misconduct. Rule 8.3(a) provides that "[a] lawyer who knows that another lawyer has committed a violation of Rule 8.4(b) or Rule 8.4(c) ***shall inform the appropriate professional authority***." Ill. R. Prof'l Cond. 8.3(a) (emphasis added). Rule 8.3(b) provides that "[a] lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office ***shall inform the appropriate authority***." Ill. R. Prof'l Cond. 8.3(b). Comment 3 to Rule 8.3 provides that "A report should be made to the Illinois Attorney Registration and Disciplinary Commission unless some other agency is more appropriate in the circumstances. … Similar considerations apply to the reporting of judicial misconduct."

Nowhere in Rule 8.3 does it indicate that an attorney who suspects attorney or judicial misconduct must send a "Rule 11 Sanctions Notice." Given the unambiguous text of Rule 8.3 as well as respondent's many years of practice as an Illinois attorney, we cannot accept his testimony that he believed that his "Rule 11 Sanctions Notice" constituted a valid report of attorney or judicial misconduct under Rule 8.3.

In addition, the title and text of the "Rule 11 Sanctions Notice" belie respondent's claim that he believed it was a mandatory report under Rule 8.3. That document contains no reference at all to Rule 8.3; it only refers to purported violations of Federal Rule of Civil Procedure 11, which allows a litigant to seek sanctions for improper court filings. Based on the document itself, it is apparent that, at the time he drafted and sent the July 5, 2019 letter to Lester, respondent did not consider it to be a mandatory report of misconduct pursuant to Rule 8.3. We find his later assertions that the "Rule 11 Sanctions Notice" constituted a mandatory report of misconduct to be after-the-fact justifications for making the accusations that he did against Lester and Judge Johnston.

Finally, respondent's own testimony on the subject undercuts rather than buttresses his argument. Respondent testified that, in sending the "Rule 11 Sanctions Notice" to Lester, his "goal was not to make waves," and he "was just hoping that Hinshaw would back off" or give respondent the documents that he was seeking. (Tr. 546.) He also testified that he tried to make his "8.3 report" to Hinshaw "confidentially," but Hinshaw made it public by raising it in the October 2019 hearing, and that Lester and Judge Johnston "ambushed" him at the October 2019 hearing when Judge Johnston referenced the letter and threatened respondent with "financial sanctions" because he "sent that mandatory 8.3 report to Hinshaw Culbertson." (Tr. 641, 699-701, 773.) But notwithstanding his claim that he tried to send the purportedly mandatory "8.3 report" to Hinshaw confidentially, he also testified that his "17 years of criminal prosecution experience" told him that he "had an obligation to report criminal evidence to Judge Johnston under Northern District of Illinois Local Rule 83.58.3." (Tr. 753)

Respondent's testimony is inherently contradictory. He either intended to keep the "Rule 11 Sanctions Notice" confidential between him and Lester, or he intended to fulfill his purported "obligation to report criminal evidence to Judge Johnston," but he cannot have it both ways. In addition, it is evident from his testimony that his purpose in sending the Rule 11 Sanctions Notice to Lester was not because he was required to do so by Rule 8.3 but because he wanted Hinshaw to "back off" or give him the documents he needed to file an amended complaint.

With respect to respondent's statements about Judge Johnston in the May 29, 2020 letter, we do not believe that an attorney with decades of litigation experience, including 17 years as a prosecutor, would not understand why a magistrate judge would continue status hearings while awaiting a ruling from the district court judge. For this reason, we do not find credible respondent's continued assertions at his disciplinary hearing that Judge Johnston was intentionally delaying the case for nefarious reasons.

In sum, we find that respondent knowingly made false statements in his July 5, 2019 and May 29, 2020 letters. Moreover, our conclusion would not change even if respondent sincerely believed in the veracity of his objectively false statements. If respondent chose to ignore all of the obvious and uncontroverted information that was provided to him and convinced himself that his unsupported statements were true, his belief was entirely unreasonable, and his statements were so reckless as to be dishonest. See *Amu*, 2011PR00106 (Review Bd. at 7) (attorney's statements "were so reckless as to constitute a knowing misrepresentation" in violation of Rule 8.4(c)).

Accordingly, we find that the Administrator proved by clear and convincing evidence that respondent engaged in dishonest conduct in violation of Rule 8.4(c) by stating that Lester was attempting to circumvent the Federal Rules of Civil Procedure; that Lester and Judge Johnston engaged in *ex parte* communications; and that the perceived delays in the District 428 matter made it appear to respondent that Judge Johnston "[knew] the school [was] wrong and that the school attorney tried to 'cook the books.'"

II. In Count II, the Administrator charged respondent with using means that have no substantial purpose other than to embarrass, delay, or burden a third person; making false or reckless statements about the qualifications or integrity of a judge; and engaging in dishonest conduct in connection with his actions in defending against a malpractice lawsuit filed against him by his client.

A. Summary

The Administrator proved that respondent used means that have no substantial purpose other than to embarrass, delay, or burden a third person; made reckless statements about the integrity of a judge; and engaged in dishonest conduct while defending against a malpractice lawsuit.

B. Admitted Facts and Evidence Considered

In May 2021, attorney Thomas Gooch filed a complaint on behalf of Mason against respondent in the Circuit Court of DeKalb County alleging legal malpractice and charging unreasonable fees. The case was initially assigned to Judge Bradley Waller, but respondent filed a motion for substitution of judge, which was granted, and the matter was reassigned to Judge Joseph Voiland. (Ans. ¶¶ 24, 25; Tr. 241, 330.)

In April 2022, respondent filed two motions to dismiss Mason's malpractice complaint and a motion for a bill of particulars. In response to one of the motions to dismiss, Mason filed a motion to strike respondent's affidavit that was attached to the motion to dismiss. Respondent, in turn, filed a response to Mason's motion to strike and a "reply affidavit" with exhibits attached. The attached exhibits included, among other things, a police report of an incident involving Mason; a State Police Firearm Disposition Record for Mason; a copy of a Facebook post from Hinshaw & Culbertson with a photo of Judge Mary Rowland and Judge Pallmeyer at a reception at Hinshaw & Culbertson; hearing transcripts; and a screenshot of a website entitled "Corruptionpedia" that made disparaging claims about Hinshaw & Culbertson. (Ans. ¶¶ 28-31; Adm. Ex. 14(a)-(g).)

In August 2022, the malpractice matter was transferred from Judge Voiland to Judge Stephanie Klein. (Ans. ¶ 37; Tr. 260.) In October 2022, Judge Klein denied respondent's motions to dismiss and the motion for a bill of particulars. (Ans. ¶ 39.)

In November 2022, respondent filed a document entitled "Certificate of Service of Discovery, Affidavit and Objections to the Court's *Sua sponte* Discovery Order 10/26/22 and Extra Judicial Rejection of Defendant Coghlan's Written Arguments submitted to the Court 9/12/22." (Ans. ¶ 40; Adm. Ex. 15.) In that pleading, respondent stated:

> [T]here is no other adequate remedy available to Coghlan because the record shows repeated defiance of the rules and laws by the judiciary in retaliation for Coghlan's mandatory reporting of criminal evidence pursuant to RPC 8.3 and *Himmel*; … the record shows a pattern of judicial misconduct, consistent with US v Murphy and said actions by the judiciary cannot be addressed by the usual appellate court process;
>
> * * *

> Judge Voiland's refusal to follow the statutory requirement to consider evidence under 301, and Judge Klein's refusal to allow Coghlan's written argument 9/12/22 to be filed in the official court file, are consistent with Judge Buick using extrajudicial influence to require her associate judges to defend her husband's law firm, Foster Buick, from insurance fraud and legal malpractice claims.

(Ans. ¶ 41; Adm. Ex. 15 at 4.)

On January 18, 2023, respondent sent an email to Foster in which respondent told Foster that "[t]here's a good chance that you, Foster Buick, and Mason Properties will be added to Jim Mason's litigation." In the email, respondent accused Foster of committing insurance fraud by, among other things, "knowingly sen[ding] a letter to Coghlan by mail and wire/email demanding and transmitting a false insurance claim for $455,000," referring to the February 25, 2020 letter in which Foster informed respondent about Mason's impending malpractice claim and suggested that he notify his malpractice insurance carrier about the claim. Respondent also accused Foster of omitting and concealing legal authority and material evidence, including

> Hinshaw & Culbertson['s] allegedly False Statements understating 900 residency documents for federal funding reports administered by the US Department of Education;
>
> Judge Iain D. Johnston's allegedly False Statements omitting and concealing responses in his US Senate disclosure report filed by wire online … and publicized for review by the American people, wherein Judge Iain D. Johnston failed to explain;
>
> > (i) allegations that Judge Johnston retaliated against Coghlan by unlawfully threatening Coghlan with Rule 11 sanctions for an unfiled document disclosing judicial misconduct and attorney misconduct, said disclosure being required by RPC 8.3 [citation omitted], [and]
> >
> > (ii) issues regarding Judge Johnston and 28 USC 455 Disqualification and whether Judge Johnston convened an unnoticed hearing with unsworn testimony and testified in his own defense to his personal knowledge then unlawfully threatened Coghlan with sanctions in retaliation for Coghlan's disclosures of judicial misconduct and attorney misconduct [citation omitted]….

(Ans. ¶ 44; Adm. Ex. 24 at 1-2.)

On January 25, 2023, respondent filed a Motion for Leave to Add Parties and Counterclaims in which he made allegations of wrongdoing against Foster, Foster Buick, and Judge Johnston similar to those contained in his January 18, 2023 email. (Ans. ¶ 48; Ex. 16.)

Shortly thereafter, Lundgren sent a request for investigation of respondent to the ARDC. Lundgren testified that he sent the request for investigation because he "received a pleading that in writing accused a federal judge of corruption, which [he] underst[ood] to be in violation of the Rules of Professional Conduct." (Ans. ¶ 49; Tr. 189, 265.)

Myrrha Guzman, intake counsel for the ARDC, sent Lundgren's request for investigation to respondent on February 7, 2023 and asked him to respond to the request for investigation by February 28. (Ans. ¶¶ 50, 51; Tr. 191-92.) On February 28, respondent sent an email to Guzman with his "initial response" to the request for investigation. In that response email, he stated that he "was not informed of the facts and law discussed between" Lundgren and the ARDC and asked Guzman to provide that information to help him respond. (Resp. Ex. 2710A.) In another email from respondent to Guzman on March 10, respondent told Guzman that he had "not yet received the facts and law discussed between" Lundgren and the ARDC that gave rise to the ARDC's investigation, and again asked for that information so that he could respond. (Resp. Ex. 2710D.) He also accused Lundgren of making a false report to the ARDC. (Resp. Exs. 2710A, 2710E.)

In the meantime, on February 24, 2023, four days before he sent his "initial response" to Guzman, respondent filed a pleading in the malpractice matter entitled "Claims/Complaint Against – Mason Properties" in which he alleged that

> Mason Properties worked in concert with judges and lawyers to falsify the finding in Fee Order [citation omitted] in order [to] pursue Mason Properties' $450,000 fraudulent insurance claim…. Specifically, Mason Properties, Hinshaw & Culbertson, and Judge Johnston all glaringly omitted the critical US Supreme Court legal authority of Brohl [citation omitted], and glaringly omitted the critical admission of 'prevailing party' that was written explicitly in the school board

> minutes June 19, 2018 [citation omitted]. The omission of Brohl and the Minutes allowed the falsification of the findings that form the basis of the same Insurance Fraud claim of Mason Properties for $450,000.

(Ans. ¶ 56; Adm. Ex. 17 at 13.)

Respondent attached two exhibits to the pleading: Foster's February 25, 2020 letter to respondent notifying him of Mason's impending malpractice claim, and a one-page diagram titled, on the first line, "21-L-45 allegations of common purpose engaging in a course of conduct to aid the offenses," and, on the second line, "LeFevour, 748 F. Supp. 579, Murphy, 768 F. 2d 1518." The diagram is a visual representation of respondent's allegations that 14 individuals – including Judge Johnston, Judge Pallmeyer, Judge Voiland, Judge Klein, Lester, Foster, Lundgren, Gooch, and Guzman – engaged in specific acts that furthered a conspiracy to violate federal and state statutes.

Attorney Victor Pioli began representing Mason in the malpractice matter in March 2023. He took the matter over from Gooch after Gooch began experiencing health issues, and handled it until its disposition in June 2025. (Tr. 267, 330.) When Pioli first took over the case, there were imminent deadlines for Mason to respond to respondent's counterclaim and affirmative defenses. Pioli was not going to be able to timely respond to those pleadings, so he filed a motion to extend the time to respond. After Pioli filed his motion to extend time, respondent sent him an email stating that he had no objection to the motion. Pioli thus submitted to Judge Klein an agreed order modifying the briefing schedule, which Judge Klein granted. He then filed a motion to dismiss the counterclaims and affirmative defenses. The hearing on those motions was set for June 22, 2023. (Tr. 340-42.)

During the June 22, 2023 motion hearing, Judge Klein and respondent had the following exchange:

> MR. COGHLAN: At 1:25 p.m., five minutes before court started, I saw Attorney Keith Foster coming out of the area of Your Honor, the Judge Stephanie Klein's chambers, and since he's basically accused of felony insurance fraud and legal malpractice, I would respectfully ask for disclosure before we proceed.
>
> THE COURT: There was nobody in my chambers other than the bailiff who came to see me about signing some marriage certificates for two weddings that I performed before this afternoon's court proceeding, neither of which involved any of the individuals who are present in this courtroom.
>
> MR. COGHLAN: I know there are two doors there and two rooms. He was coming from the area of the second room which leads then into your chambers, and to my experience with those rooms, which has been a number of years, there is no reason for an attorney to be back there unless they're conferring with judicial staff.
>
> THE COURT: There was no attorney back there, Mr. Coghlan.
>
> MR. COGHLAN: I personally observed Mr. Foster come out at 1:25 p.m. today, right five minutes before court started, and I would ask that he be asked as well. That fits into the *ex parte* situation … that happened with Mr. Pioli….

(Adm. Ex. 18 at 5-6.)

Judge Klein asked Foster to respond to respondent's accusation of *ex parte* communications, and Foster explained that he met with a potential client in the hallway outside the door that respondent claimed he exited from, and that he "never went through any doors." He confirmed that he was in the public part of the courthouse. Judge Klein reiterated that Foster was not in her chambers and that she did not see him until she entered the courtroom. (Adm. Ex. 18 at 6-7.)

Regarding respondent's accusation that he had *ex parte* communications with Judge Klein, Foster testified at respondent's disciplinary hearing that he was talking with two people in an alcove shortly before court started, that he was not in the judge's chambers or any other room connected to the courtroom, and that he did not speak to the judge about the malpractice case while he was in the alcove. (Tr. 164-72; See also Resp. Ex. 2709 (Foster's hand-drawn diagram of Judge Klein's courtroom and surrounding areas).)

Pioli also testified at respondent's hearing that he and Mason were outside the courtroom waiting for the June 22, 2023 motion hearing to begin and started talking to a couple whose marriage ceremony Judge Klein was going to officiate. The couple mentioned that the groom had a legal issue, and Mason said he knew an attorney who could potentially help, meaning Foster. A few minutes later, Foster arrived and Mason introduced him to the couple. Foster and the groom then went into one of the little cubbyholes outside the courtroom to talk about the groom's situation. The cubbyhole was a recessed entrance to the chambers, but the door to the chambers was locked. (Tr. 344-46.) Pioli testified that he was with and observed Foster the entire time, and that respondent's statements to Judge Klein during the June 22, 2023 hearing did not conform to what Pioli observed. (Tr. 347.)

On August 25, 2023, Judge Klein held another motion hearing, during which respondent alleged that Foster Buick held back or shredded "critical evidence" and filed a false ARDC complaint against him. He stated that he was "alleging things that are crimes because [he] know[s] how to allege crimes and [he] was a witness for the FBI in Operation Greylord when Judge Sodini fixed 13 cases…." (Adm. Ex. 19 at 9.) Judge Klein and respondent then had the following exchange:

> COURT: Mr. Coghlan, what does Operation Greylord have to do with this case?
>
> MR. COGHLAN: Because it is part and parcel of the specific diagrams my observations and my knowledge of the gravity of the comparison between the delays that the Court allowed to occur, which then resulted in missing evidence….
>
> THE COURT: Mr. Coghlan, are you equating discovery delays with corrupt judges?
>
> ***
>
> COURT: Are you equating me to the judges who were prosecuted as a part of Operation Greylord, Mr. Coghlan?
>
> MR. COGHLAN: Am I equating you to the judges that were prosecuted.

> I am equating, not I, but the evidence that is in this court file is the same type of evidence that is in the U.S. vs. Murphy case that I cited back in February in this court file. I cited the Greylord case of U.S. vs. Murphy and U.S. vs. LeFevour, and if Your Honor takes a look at the pattern of Your Honor's rulings with no findings and rejection of what you previously allowed on September 12th was my filing the proposed findings, which were very fact specific but negative to Judge Johnston, that's what you rejected. That gives an appearance of impropriety. That's only part of the evidence.

(Adm. Ex. 19 at 9-12.)

Respondent also accused Judge Klein of improperly advocating for and having *ex parte* communications with Pioli. Respondent repeatedly denied that the order granting Pioli's request for an extension of time was an agreed order, and claimed that Judge Klein's entry of an "agreed order" that he did not agree to was evidence of *ex parte* communications between Judge Klein and Pioli. (Adm. Ex. 19 at 14-24.) He also claimed that her "continued noncompliance with the discovery rules gave [Foster Buick] time to shred documents." (Adm. Ex. 19 at 24.)

Later in the hearing, while still complaining about Judge Klein's actions, respondent stated:

> That's why I cite the United States vs. Murphy, the LeFevour case and the specific ex parte, extrajudicial, ultra vires acts which also makes Your Honor part and parcel of the three U.S. Marshals showing up at my door on July 14, 2023, which are incorporated in the affidavit that I have on file, I believe, on July 21, 2023.
>
> ***
>
> A rule violation and a law violation and a procedural violation, if they are in concert to helping Foster Buick shred evidence, and if you've got a conflict with somebody that may have appointed you as an associate judge, that is the U.S. vs. Murphy and LeFevour and 13 other published … cases, of which I participated in in Operation Greylord as a witness for the FBI, and Judge Sodini who went to prison for eight years for fixing 13 cases that I had.

(Adm. Ex. 19 at 44-45.)

Judge Klein continued to press respondent about whether he was alleging that she was part of a criminal enterprise, leading to this exchange:

> COURT: As you stand here today, because you have accused me of being part of a criminal enterprise --

MR. COGHLAN: The evidence accused you.

(Adm. Ex. 19 at 110.)

Respondent's Testimony

As noted above with respect to Count I, the bulk of respondent's testimony regarding the charges in Count II repeated the allegations he made in the underlying litigation. He also testified at length about the alleged conspiracy involving the 14 individuals or entities listed on page 35 of Administrator's Exhibit 17, which respondent described as the "RICO investigation collocation diagram." (Tr. 548.)

Among other things, respondent testified that "the common purpose" of the purported conspiracy was "to silence honest reports of Local Rule 8.3 and Federal Local Rule 83.58.3" (Tr. 558-59.) He testified that he "was mandated to report an 8.3 judicial misconduct complaint, and [he] did so confidentially." (Tr. 694.) He further testified that his "assembly of that diagram was obligated by the word 'knowledge' because [he had] knowledge" of judicial and lawyer misconduct and therefore "was required to comply with Ethics Rule 83.58.3 [and] report it to the tribunal." (Tr. (Tr. 695, 763.) Consequently, he had "a very strong basis … to allege misconduct on the part of Judge Johnson, specifically relating to [his] 8.3 letter." (Tr. 779.)

Respondent claimed that the 14 individuals or groups of individuals listed on the "collocation" diagram "earned" their way onto the diagram by committing a crime; aiding, abetting, encouraging, or facilitating the commission of a crime; or engaging in an act to effect the object of the conspiracy. (Tr. 550-51; 812-13.)

Respondent testified that, in the August 25, 2023 hearing, Judge Klein "got into things like Greylord, and I answered her honestly." He further testified that "there's still a solid factual basis" for his statements about Foster having *ex parte* communications with Judge Klein." (Tr. 638.)

C. Analysis and Conclusions

Rule 4.4(a)

The Administrator charged respondent with violating Rule 4.4(a) based upon the statements he made in pleadings and open court as alleged in paragraphs 31 through 70 of the complaint. Among those allegations are the following:

- In his response to Mason's motion to strike his affidavit, respondent filed a "reply" affidavit that attached, among other things, a police report of an incident involving Mason and a State Police Firearm Disposition Record for Mason;
- In multiple pleadings filed in the malpractice matter, respondent accused judges and lawyers of violating rules and laws, making false statements, engaging in *ex parte* communications, and generally engaging in unethical conduct;
- In his February 24, 2023 pleading titled "Claims/Complaint Against – Mason Properties," respondent attached the "collocation" diagram in which he claimed that 14 individuals or entities were part of a conspiracy to violate federal and state laws;
- In a June 22, 2023 hearing before Judge Klein, respondent accused Klein and Foster of engaging in *ex parte* communications; and
- In an August 25, 2023 hearing before Judge Klein, respondent made statements to Judge Klein equating her with judges who were prosecuted as part of Operation Greylord.

We find that the Administrator proved that the foregoing conduct violated Rule 4.4(a).

In representing a client, a lawyer shall 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) (2010). We consider respondent's behavior and its purpose to determine whether he violated this rule. *Stolfo*, 2016PR00133.

Respondent took the foregoing actions during his defense against a malpractice lawsuit. We find that none of those actions served a legitimate purpose in the context of the malpractice litigation, but rather served only to burden or harass the targets of the actions.

For example, the police report about an incident involving Mason and the State Police Firearms Disposition Record for Mason had absolutely no bearing on or connection with Mason's allegations in or respondent's defense against the malpractice lawsuit. The only purpose they served was to cast aspersions on Mason's character.

With respect to the "collocation" diagram and respondent's many statements accusing judges and attorneys of criminal and unethical conduct, we have thoroughly reviewed all of the evidence presented in this matter and have found no evidence of unethical conduct by any of those individuals or entities. We thus find that respondent had no reasonable basis for believing his accusations were true and therefore had no legitimate reason for making his accusations. See *In re Hoffman*, 08 SH 65, M.R. 24030 (Sept. 22, 2010) (Hearing Bd. at 36-37) (where attorney accused judge of dishonesty and bias but Hearing Board found no evidence that his accusations were true, it found that he had no legitimate reason for making his comments and no reasonable basis for believing they were true).

As the Hearing Board stated in *Hoffman*,

> [a]n attorney certainly has the right to zealously represent his or her client, make appropriate objections, and preserve issues for appeal. However, the respondent went far beyond making objections or preserving issues, and exceeded the bounds of professional conduct. His offensive and insulting comments to the administrative law judge were completely unnecessary to preserve issues and make a record for appeal. We are unable to think of any circumstance in which insulting, offensive, and disrespectful comments like those by the respondent would be necessary to make an objection or preserve an issue for appeal.

Id. at 37. We agree. Respondent had every right to zealously represent Mason in the District 428 proceeding and himself in the malpractice matter, but by making baseless accusations that attacked the integrity of judges, attorneys, and others, he went far beyond engaging in appropriate advocacy and, instead, engaged in unprofessional behavior that violated the Illinois Rules of Professional Conduct.

Accordingly, we find that respondent's actions and statements set forth in paragraphs 31 through 70 of the complaint served no purpose other than to embarrass, delay, or burden the individuals and entities he targeted, and therefore that the Administrator proved by clear and convincing evidence that he violated Rule 4.4(a).

Rule 8.2(a)

The Administrator alleges that respondent violated Rule 8.2(a) by stating that Judge Johnston was "blocking 8.3 reporting" and testifying falsely; that Judge Johnston, Judge Pallmeyer, the Executive Committee of Judges, Judge Voiland, and Judge Klein conspired to violate state and federal law; and that Judge Klein was engaged in conduct similar to the judges in Operation Greylord. We find that the Administrator proved this charge.

As we stated above in our analysis of Count I, Rule 8.2(a) prohibits a lawyer from making a statement with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, and reckless disregard is an objective standard. *Amu*, 2011PR00106 (Hearing Bd. at 8); *Denison*, 2013PR00001 (Hearing Bd. at 29). We find that respondent made the following statements with reckless disregard of the truth, because he had no objectively reasonable factual basis for any of the statements:

- that Judge Johnston was "blocking 8.3 reporting" and was "testifying falsely;"
- that the judiciary repeatedly defied rules and laws to retaliate against him;
- that there was a pattern of judicial misconduct consistent with *US v. Murphy*;
- that Judge Buick used "extrajudicial influence to require her associate judges to defend her husband's law firm;"
- that Judge Johnston "retaliated" against and "unlawfully threatened" respondent;
- that Judge Johnston, Judge Pallmeyer, the Executive Committee of Judges, Judge Voiland, and Judge Klein conspired to violate federal and state law;

- that Judge Johnston "worked in concert" with Mason and lawyers to "falsify findings;"
- that it was possible that "Judge Buick facilitated the eFileIL block because her husband's law firm, Foster Buick, is withholding evidence of Insurance Fraud and legal malpractice;"
- that Foster was in Judge Klein's chambers prior to the hearing on June 22, 2023;
- that Judge Klein was engaged in conduct similar to the judges prosecuted in Operation Greylord; and
- that Judge Klein was engaged in a criminal enterprise.

We find that the numerous disparaging statements that respondent made about the various judges involved in the District 428 and malpractice lawsuits have absolutely no basis in objective facts. Based on the increasingly irrational and venomous nature of respondent's attacks on the integrity of the judges, we are skeptical that he actually believed in the truth of what he was alleging. But even if he did, his personal or subjective belief was not reasonable, given that the record is devoid of any evidence that would support his statements.

Accordingly, we find that the Administrator proved by clear and convincing evidence that respondent violated Rule 8.2(a).

Rule 8.4(c)

The Administrator alleges that respondent violated Rule 8.4(c) by making false statements in pleadings and open court as set forth above with respect to the Rule 4.4(a) charge. We find that the Administrator proved that respondent violated Rule 8.4(c) in connection with Count II.

As with the Rule 8.4(c) charge in Count I, we find, based upon the record in this matter, that respondent's statements were objectively false and unfounded. We further find that the record demonstrates that respondent was knowingly disingenuous in making his accusations of unethical and criminal conduct against attorneys, judges, and others. We discussed our reasoning in depth in our analysis of the Rule 8.4(c) charge in Count I and will not repeat it here.

In sum, much of respondent's testimony and argument with respect to Count II focused on justifying his accusations against judges, attorneys, and others under the guise of his "mandatory" Rule 8.3 report. As discussed above, we did not find credible his testimony that he believed he was required to report judicial and attorney misconduct pursuant to Rule 8.3 and that all of the statements he made about judges, attorneys, and others were part and parcel of that reporting requirement. Also as discussed above, even if respondent genuinely believed that he was entitled to make his accusations of unethical and criminal conduct, his belief was entirely unreasonable, and his statements were so reckless as to constitute a knowing misrepresentation. See *Amu*, 2011PR00106 (Review Bd. at 7).

Accordingly, we find that the Administrator proved by clear and convincing evidence that respondent violated Rule 8.4(c).

EVIDENCE IN MITIGATION AND AGGRAVATION

Mitigation

Respondent was an assistant state's attorney and later was elected State's Attorney for DeKalb County. He also served as president of Rotary Club and was involved in three veterans organizations. (Tr. 117, 535.) He has not been previously disciplined.

Aggravation

During his disciplinary hearing, respondent repeatedly referred to the "false malpractice case" and "false judgment for $421,000" against him. (See*, e.g.*, Tr. 536, 566, 569, 672, 717, 717, 793.) He also made numerous allegations of wrongdoing by the Illinois Supreme Court, ARDC, Hearing Board, and Administrator's counsel, including the following:

- "[T]here is a pattern of this hearing board [burying] my 8.3 reports from public view…. There's a pattern here with this board and frankly, there should be disclosures from you." (Tr. 572)

- The ARDC tried to hide a document "on two or three occasions" and Administrator's counsel "tried to hide my 243-page report of judicial misconduct." (Tr. 562, 645, 818.)

- The ARDC filed a false and defamatory complaint and made false allegations against respondent. (Tr. 566, 578, 579, Tr. 626-27, 638, 646, 713, 784, 788-89.)

- Respondent did not get counsel to represent him in the ARDC matter, despite consulting with ten or more lawyers, because "they are all afraid for their licenses" because the ARDC "can file frivolous actions like they did against me" and " they will try and financially ruin the law firm, which is actually what happened to me." (Tr. 788)

- The ARDC engaged in "a pattern of … blocking my evidence." (Tr. 818.)

At the close of the hearing, Administrator's counsel asked respondent if, in retrospect, he believes he was wrong to make any of the allegations he made against the court staff, lawyers, or judges, and specifically, the allegations in the "collocation" diagram. Respondent responded: "[Y]es, it's accurate. The document that I filed is accurate." Administrator's counsel asked him if he regrets attaching that document to a court filing, and respondent responded: "No. It's 100 percent appropriate." (Tr. 819-20.)

RECOMMENDATION

A. Summary

Based upon the nature of respondent's misconduct, and considering the minimal mitigating factors and extensive aggravating factors, the Hearing Board recommends that respondent be suspended for 18 months and until further order of the Court.

B. Analysis and Conclusions

The Administrator requested that respondent be suspended for three years and until further order of the Court. Respondent presented no argument on sanction, instead arguing only that the Administrator did not prove that he committed misconduct.

In determining appropriate discipline, we are mindful that the purpose of these proceedings is not to punish the attorney but rather to safeguard the public, maintain the integrity of the profession, and protect the administration of justice from reproach. *Edmonds*, 2014 IL 117696, ¶ 90. We also consider the deterrent value of attorney discipline and "the need to impress upon others the significant repercussions of errors such as those committed by" respondent. *In re Discipio*, 163 Ill. 2d 515, 528, 645 N.E.2d 906 (1994) (citing *In re Imming*, 131 Ill. 2d 239, 261, 545 N.E.2d 715 (1989)). Finally, we seek to recommend a sanction that is consistent with sanctions imposed in similar cases, *In re Timpone*, 157 Ill. 2d 178, 197, 623 N.E.2d 300 (1993), while also recognizing that each case is unique and must be decided on its own facts. *Mulroe*, 2011 IL 111378, ¶ 25.

In arriving at our recommendation, we consider those circumstances that may mitigate or aggravate the misconduct. *In re Gorecki*, 208 Ill. 2d 350, 802 N.E.2d 1194 (2003). In mitigation, we find that respondent has no prior discipline, and that he engaged in civic volunteer work. We also acknowledge that he served as an assistant state's attorney and elected State's Attorney in DeKalb County, but do not find that service to be mitigating. Rather, given his role as prosecutor, we believe he should have known better than to engage in the type of conduct that he did in the District 428 and malpractice matters.

In aggravation, respondent's behavior during his disciplinary proceeding mirrored his conduct in the District 428 and malpractice litigation. During his hearing, he continued to disparage the integrity of the judges and lawyers involved in the District 428 and malpractice matters. Moreover, he expanded his baseless accusations to include attacks on the integrity of the Illinois Supreme Court, the ARDC, the Hearing Board, Administrator's counsel, and the disciplinary process as a whole. In addition, in his disciplinary proceeding as in the underlying litigation, respondent seemed to be unable or unwilling to abide by basic rules of practice. For example, he failed to file an answer that comported with the applicable rules despite being given three opportunities to do so. He also failed to follow ARDC rules regarding submission of exhibits, as well as an order entered by the hearing panel chair directing him how to number, organize, and submit his exhibits. See *In re Gomez*, 2020PR00064, M.R. 31256 (Sept. 21, 2022) (Hearing Bd. at 23) (finding that attorney's obstreperous behavior during his disciplinary proceedings, which was similar to his underlying misconduct, indicated a significant risk that he would commit further misconduct that would harm other lawyers, the reputation of the legal profession, and the administration of justice, which warranted a suspension until further order of the Court).

We also find that respondent's misconduct was not limited to a single incident or an isolated lapse in judgment but rather occurred in numerous court filings and court appearances over the course of at least five years, and continued during his disciplinary proceedings. See *Walker*, 2014PR00132 (Hearing Bd. at 52) (finding it aggravating that attorney's misconduct involved the filing of six different pleadings over a lengthy period of time, and noting that attorney "had ample time and opportunity to fully consider the nature of his pleadings and the language he used in them").

Finally, and most concerning to us, respondent wholly failed to recognize or acknowledge that his conduct was inappropriate or express any remorse for it. Instead, until the very end of his hearing, he continued to insist that his accusations were accurate, that his behavior was appropriate, and that he had no regrets about any of it. See *id*. at 52-53 (finding it aggravating that attorney "showed no recognition or understanding of the nature or seriousness of his misconduct," "expressed no remorse for the adverse affects of any of his actions," and "continue[d] to justify his actions despite court rulings to the contrary").

These aggravating factors leave us convinced that respondent would be likely to engage in similar conduct in the future if he were to continue to practice law.[5] We therefore believe that respondent should be required to prove that he is able and willing to practice law ethically before he is permitted to do so again. Accordingly, we recommend that respondent's suspension continue until further order of the Court. We believe this provision is necessary to protect the public and the legal system from the type of conduct in which respondent engaged in the District 428 and malpractice matters as well as in his disciplinary proceeding. See*, e.g.*, *In re Houdek*, 113 Ill. 2d 323, 326-27, 497 N.E.2d 1169 (1986) (attorney suspended until further order because of "lack of evidence that he is willing or able to meet professional standards of conduct in the future").

While we agree with the Administrator that respondent should be suspended until further order of the Court, we disagree that his misconduct warrants a three-year suspension. The cases cited by the Administrator involve significantly more egregious conduct than respondent's. See *In re Amu*, 2011PR00106, M.R. 26545 (May 16, 2104) (attorney suspended for three years and until further order for making numerous statements alleging juridical misconduct in four separate matters, over the course of seven years, and disseminating documents containing these statements to other judges and public officials); *In re Denison*, 2013PR00001, M.R. 27522 (Sept. 21, 2015) (attorney suspended for three years and until further order for making at least 10 statements on a blog impugning judges, attorneys, guardians *ad litem*, and the probate court in general); *In re Jackson*, 2021PR00102, M.R. 31932 (Jan. 17, 2024) (attorney suspended for three years and until

---

[5] Respondent stated during his hearing that he has retired and is no longer practicing law. However, voluntarily changing his status from active to retired does not preclude respondent from simply re-registering as an actively practicing attorney at any time. See Ill. S. Ct. Rs. 756(a)(6) and 756(i). Thus, his voluntary retirement has no bearing on our sanction recommendation because it does not require him to prove his fitness to practice law before changing back to active status, and therefore is insufficient to protect the public and legal profession from future harm that he could cause if he were permitted to resume practicing law without demonstrating that he is able and willing to do so ethically.

further order for making statements impugning the integrity of judges, making numerous antisemitic statements, and insulting opposing counsel).

Recognizing that each disciplinary case has unique facts and circumstances, we found guidance for our recommendation in the following cases.

In *In re Cohn*, 2018PR00109 (Review Bd., Oct. 9, 2020), M.R. 030545 (Jan. 21, 2021), the attorney made false statements concerning a judge's integrity by claiming that the judge was acting out of anger where there was no factual basis for making the statements attacking the judge. The attorney also used abusive language to opposing counsel. In aggravation, the attorney failed to fully acknowledge his wrongdoing or its impact; failed to express sincere remorse; and attempted to rationalize his misconduct, which included blaming the judge. The Court suspended the attorney for six months and until he completed the ARDC Professionalism Seminar.

In *In re Hoffman*, 08 SH 65, M.R. 24030 (Sept. 22, 2010), the attorney made baseless attacks on two judges in two separate matters and, in a third matter, made an antisemitic remark to another attorney. In aggravation, the attorney showed no remorse for his conduct and failed to acknowledge any wrongdoing. Also, during his disciplinary proceedings, he accused the Hearing Board of bias and incompetence. In mitigation, he practiced law for 35 years without being disciplined. The Court suspended him for six months and until further order of the Court.

In *In re Walker*, 2014PR00132, M.R. 28453 (March 20, 2017), the attorney filed six pleadings over two and a half years accusing three Illinois Appellate Court justices of corruption, fraud, and record-tampering, stemming from his belief that they misstated facts in a Rule 23 order and never corrected it. In aggravation, among other things, he lacked remorse, continued to impugn the justices during his disciplinary hearing, and was previously disciplined in federal court. The Court suspended him for two years and until further court order.

In *In re Greanias*, 01 SH 117, M.R. 19079 (Jan. 20, 2004), the attorney, in five separate client matters, filed frivolous lawsuits accusing Illinois Industrial Commission Commissioners, opposing counsel, and others of fraud, bribery, racketeering, and conspiracies without any factual basis. Although the Hearing Board concluded that she subjectively believed many of her allegations, it found that she acted with reckless disregard for their truth or falsity and pursued claims that had already been rejected by the courts. In aggravation, the misconduct was not an isolated incident but a sustained pattern of meritless litigation that publicly impugned the integrity of judges, commissioners, and attorneys; forced them to defend baseless accusations; and undermined public confidence in the legal profession. The Court suspended the attorney for two years and until further order of the Court.

We find respondent's misconduct to be more egregious than the serious albeit somewhat limited misconduct in *Cohn* and *Hoffman* but, on balance, less egregious than the misconduct in *Walker* and *Greanias*. The most troubling element of respondent's course of conduct is his repeated impugning of the integrity of judges, attorneys, and others, over the course of many years and continuing through his disciplinary hearing. That conduct, combined with the minimal mitigation and significant aggravation present in this matter, lead us to conclude that a suspension longer than the six-month suspensions imposed in *Cohn* and *Hoffman* is necessary. Concomitantly, we find that respondent's misconduct is lesser in scope and gravity than the extensive misconduct in *Greanias* and *Walker*, and therefore that a suspension of less than two years is warranted.

Accordingly, we recommend that respondent be suspended for 18 months, with the suspension to continue until further order of the Court. We find this sanction to be commensurate with respondent's misconduct, consistent with discipline that has been imposed for comparable misconduct, and necessary to serve the goals of attorney discipline.

Respectfully submitted,

Heather A. McPherson
Michael V. Casey
Marc S. Needlman

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 15, 2026.

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

4928-6875-4896, v. 1