In re Margaret Jean Lowery
Attorney-Respondent

Commission No. 2023PR00060

Synopsis of Hearing Board Report and Recommendation
(December 2024)

The Administrator charged Respondent with multiple counts arising from statements she made falsely or with reckless disregard to the truth, which impugned the integrity of a circuit judge, a retired Illinois Supreme Court justice, the Court, and the ARDC Review Board, in violation of Rules 3.3(a)(1), 8.2(a), and 8.4(c). The Hearing Board found that the Administrator proved by clear and convincing evidence that Respondent violated these Rules in five of the six counts. The Hearing Board recommended disbarment due to Respondent's egregious misconduct, which was significantly aggravated by her harmful pattern of making false, disrespectful, and vitriolic statements; lack of remorse and failure to acknowledge her wrongdoing; failure to attend the hearing; and recent, similar prior discipline.

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

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

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

The Administrator charged Respondent with multiple counts of making false or reckless statements in a pleading and on social media which impugned the integrity of a circuit judge, a retired Illinois Supreme Court justice, the Court, and the ARDC Review Board. The Hearing Board found that the Administrator proved the charged misconduct in five of the six counts. The Hearing Board recommended disbarment due to the egregious nature of the misconduct, which was significantly aggravated by Respondent's harmful pattern of making false, disrespectful, and vitriolic statements; lack of remorse and failure to acknowledge her wrongdoing; failure to attend the hearing; and recent, similar prior discipline.

INTRODUCTION

The hearing in this matter was held on May 2, 2024, at the Springfield office of the Attorney Registration and Disciplinary Commission (ARDC) before a panel of the Hearing Board consisting of Jose A. Lopez Jr., Martha M. Ferdinand, and Elizabeth Delheimer. Rachel Miller represented the Administrator. Respondent was not present and not represented by counsel.

PLEADINGS AND MISCONDUCT ALLEGED

On February 14, 2024, the Administrator filed a six-count First Amended Complaint against Respondent, charging her with knowingly making a false statement of fact or law to a tribunal (Counts I and III); making a false statement knowingly or with reckless disregard for its truth or falsity concerning the qualifications or integrity of a judge or adjudicatory officer (Counts I, II, III, IV, V, and VI); and conduct involving dishonesty, fraud, deceit, or misrepresentation (Counts I, III, IV, V, and VI), in violation of Rules 3.3(a)(1), 8.2(a), and 8.4(c) of the Illinois Rules of Professional Conduct (2010), respectively. On February 15, 2024, Respondent filed an Answer to the First Amended Complaint in which she admitted some factual allegations, denied some factual allegations, and denied misconduct.

PREHEARING PROCEEDINGS

Respondent was represented by counsel in this matter until November 2, 2023, when she was allowed to enter her substitute appearance. Once she began representing herself, Respondent filed numerous motions, including multiple motions to continue the hearing scheduled for May 2 and May 3, 2024, based on alleged medical reasons. All of her motions to continue were denied. Respondent filed the last of these motions at 4:01 p.m. on May 1, 2024, the day before the hearing. The next morning, the hearing start time was delayed so the Clerk of the Commission could notify Respondent of the Chair's order denying the continuance but allowing her to participate remotely. When Respondent did not appear, the hearing proceeded in her absence. An order detailing the reasons why Respondent's May 1, 2024, motion was not sufficient to justify a continuance was entered on May 10, 2024. The following provides additional context for the denials of Respondent's requests to continue the hearing.

Respondent filed the following motions related to alleged medical conditions that purportedly prevented her from being able to prepare for and attend her disciplinary hearing:

- February 21, 2024, Motion to Stay Proceedings. Respondent requested that the entire proceeding be stayed so she could undergo unspecified medical testing. Respondent filed a similar motion with the Illinois Supreme Court, which was denied.

- April 19, 2024, Motion to Continue Hearing. Respondent asserted she had not been able to practice law since April 11, 2024, for medical reasons. She attached a letter from her primary care provider, Patrick VanSchoyck, M.D., stating that he had previously asked that Respondent have two weeks of bed rest and hydration "for a medical illness" and that he recommended that she take time off of work. Respondent's motion refers to a kidney stone that was causing her pain and illness.

- April 22, 2024, Motion to Continue Hearing. Respondent attached an affidavit from Dr. VanSchoyck, which stated that she "could not work because of a serious medical condition," was taking narcotic pain medication, and could not practice law until she discontinued that medication. Respondent further asserted that the Chair and the Administrator were "intentionally trying to harm and cause death of the Respondent."

- April 24, 2024, Motion for Continuance for Cause. Respondent asserted she was taking prescription narcotics for pain and was not able to function as a lawyer.

- April 25, 2024, Motion for Continuance and Motion to Remove Chair and Hearing Board for Cause. Respondent asserted that the Chair improperly denied Respondent's motions to continue and entered an order "designed to cause Ms. Lowery's personal injury up to and including death."

- May 1, 2024, Motion for Continuance Due to Temporary Disability. Respondent attached some medical records as well as an affidavit of Dr. VanSchoyck, which stated that Respondent had episodes in December 2023 and February 2024 and on April 11 and 15, 2024, in which she collapsed; that because of the episode in December 2023 Dr. VanSchoyck wanted Respondent to have "testing and treatment;" that Respondent went to the emergency room on April 15, 2024, and, on that date, "was becoming septic;" that his "office" ordered Respondent off of work on April 15, 2024; and that on April 25, 2024, Respondent "had sepsis and was going into septic shock" and was ordered to undergo emergency surgery the next day.

Under Commission Rule 272, "[n]o hearing shall be continued at the request of a party except under extraordinary circumstances." It is within the Chair's discretion to determine whether such circumstances are present. Moreover, a party requesting a continuance for medical reasons

must support the request with competent medical evidence concerning the nature of the medical problems and the reasons the party cannot attend the proceeding. In re Marriage of Ward, 282 Ill. App. 3d 423, 430, 668 N.E.2d 149 (1st Dist. 1996); In re Duric, 2015PR00052, M.R. 030734 (May 18, 2021). Relevant considerations include whether the party requests a definite and reasonable time for the continuance and whether the party has exercised due diligence in attempting to bring the case to hearing. Ward, 282 Ill. App. 3d at 430. Respondent was advised of these requirements in an order entered on April 22, 2024. Her subsequent motions, however, still failed to provide the necessary competent medical evidence to demonstrate extraordinary circumstances that would justify a continuance.

Respondent did submit affidavits from Dr. VanSchoyck as well as some medical records. Many of the medical records were general in nature, including a map of a medical facility and general information sheets about sepsis and opioid medications. As detailed in the order entered on May 10, 2024, of the medical records that were specific to Respondent, none corroborated Dr. VanSchoyck's averments about Respondent's condition and treatment. Specifically, Dr. VanSchoyck stated that Respondent "had emergency surgery on 4/26 with a diagnosis of sepsis." None of the hospital records Respondent submitted contained a diagnosis of sepsis or septic shock, nor did Dr. VanSchoyck point to any test results indicating that Respondent had a life-threatening condition. Similarly, none of the hospital records indicated a need for emergency surgery. Dr. VanSchoyck stated that Respondent saw the Clinical Director of St. Francis Hospital on April 25, 2024, who ordered Respondent into emergency surgery, but Respondent provided no medical record of that visit or of the claimed directive for emergency surgery.

It does appear from the hospital records that Respondent underwent a procedure on April 26, 2024. However, the Anesthesia Postprocedure Evaluation record listed hematuria and kidney

stone as the only diagnoses and described Respondent's procedure as a kidney stone extraction with uretal stent placement. It further indicated that Respondent's temperature was a normal 97.5 degrees Fahrenheit at 1:45 p.m. on April 26, 2024, and that she was cleared for discharge that day with a pain score of "1."

It is also noteworthy that Respondent emailed photographs of herself to Counsel for the Administrator at 9:21 a.m. on April 26, 2024, which depict Respondent standing, smiling, and extending her middle fingers while in a hospital gown. (Adm. Obj. to Res. Motion to Continue, Apr. 26, 2024, Ex. 1). Both Respondent's physical appearance and her ability to correspond with Counsel for the Administrator at a time when she purportedly was in septic shock and about to undergo emergency surgery undermine the reliability of Respondent's and Dr. VanSchoyck's sworn affidavits.

Respondent's continued representation of herself in this proceeding and her high level of activity also contradict her claimed inability to practice law since April 11, 2024, and Dr. VanSchoyck's assertions that Respondent was unable to prepare for and attend the hearing on May 2 and 3, 2024. In the two weeks prior to the hearing:

- On April 19, 2024, Respondent filed one motion;
- On April 22, 2024, she filed a motion, a reply, and a third pleading entitled "No Link for Pretrial/No Ability to Appear;"
- On April 23, 2024, she filed one motion;
- On April 24, 2024, she filed one motion;
- On April 25, 2024, the day before her procedure, she filed two motions; and
- On April 29, 2024, three days after her procedure, she executed, and presumably drafted, an eight-page affidavit that was attached to her May 1, 2024, motion to continue.

This conduct casts serious doubt on Respondent's and Dr. Van Schoyck's representations about the severity of Respondent's alleged health issues as well as Respondent's purported inability to practice law. A respondent's continued practice of law despite his or her claimed inability to practice is a relevant factor in considering a motion to continue. Duric, 2015PR00052 (Review Bd. at 12).

The Review Board in Duric noted that, when requesting a continuance for medical reasons, the submission of a physician's affidavit "is not the ceiling but rather the floor of what is required" under Commission Rule 272. Duric, 2015PR00052 (Review Bd. at 8). It is Respondent's burden to provide "sufficient competent evidence to convince the hearing panel chair that extraordinary circumstances existed to warrant a continuance." Id. (Review Bd. at 9). Thus, even though Respondent submitted affidavits from Dr. VanSchoyck, that is not the end of the analysis. Based on the significant inconsistencies between Respondent's and Dr. VanSchoyck's averments and Respondent's medical records and activity in this proceeding, the affidavits submitted did not constitute sufficient, competent evidence to warrant a continuance.

Additionally, the fact that Respondent underwent a procedure on April 26, 2024, was not sufficient to demonstrate extraordinary circumstances or due diligence absent evidence showing that she could not have scheduled the procedure for a different date. The medical records indicate that Respondent had a kidney stone, but there is no medical record demonstrating the need for emergency surgery or indicating when Respondent's procedure was actually scheduled. The hearing dates were set in October 2023. Based on Respondent's assertions, her kidney stone was not a sudden occurrence in April 2024 but something she had been dealing with since at least December 2023. Under these circumstances and in the absence of reliable medical evidence

showing that her procedure was an emergency, a significant question remains whether Respondent scheduled the procedure with the intention of using it as a reason to continue the hearing.

As set forth in detail in the Aggravation section of this Report, Respondent engaged in dilatory tactics and sought to obstruct the proceeding throughout the time she represented herself. These factors are further examples of her failure to demonstrate due diligence. See Ward, 282 Ill. App. 3d at 431-432; In re Marriage of Drewitch, 263 Ill. App. 3d 1088, 1095, 636 N.E.2d 1052 (1st Dist. 1994).

Respondent also asserted she was entitled to a continuance as an accommodation under the Americans with Disabilities Act (ADA). For the reasons already articulated, she did not provide sufficiently credible evidence to establish that she had a qualifying disability under the ADA, that is, "a physical or mental impairment that substantially limits one or more major life activities." 42 U.S.C. 12102(1)(A). Nonetheless, in the interests of justice and efficiency, the Hearing Board offered Respondent the opportunity to participate in the hearing remotely, of which she did not take advantage.

EVIDENCE

At the hearing, the Administrator called two witnesses, and Administrator's Exhibits 1-4, 6-17, 23, 25-30, 32-40, and 42-46 were admitted. (Tr. 21). Respondent was not present and offered no evidence.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Administrator bears the burden of proving the charges of misconduct by clear and convincing evidence. In re Thomas, 2012 IL 113035, ¶ 56. Clear and convincing evidence constitutes a high level of certainty, which is greater than a preponderance of the evidence but less stringent than proof beyond a reasonable doubt. People v. Williams, 143 Ill. 2d 477, 484-85, 577

N.E.2d 762 (1991). The Hearing Board assesses witness credibility, resolves conflicting testimony, makes factual findings, and determines whether the Administrator met the burden of proof. In re Winthrop, 219 Ill. 2d 526, 542-43, 848 N.E.2d 961 (2006).

I. In Count I, Respondent was charged with knowingly or recklessly making a false statement which impugned the integrity of a circuit judge and which constituted dishonest conduct, in violation of Rules 3.3(a)(1), 8.2(a), and 8.4(c).

A. Summary

We find that the Administrator proved by clear and convincing evidence that Respondent knowingly and recklessly made a false statement of fact to the Court that Judge Andrew Gleeson threatened to harm her, which falsely impugned his integrity and which constituted dishonest conduct.

B. Admitted Facts and Evidence Considered

On January 17, 2023, the Court suspended Respondent for 30 days and ordered that she complete the ARDC professionalism seminar after she knowingly or recklessly made a false statement impugning the integrity of Judge Gleeson during his 2018 campaign for retention in the Twentieth Judicial Circuit (St. Clair County), and then she dishonestly made material misrepresentations to the ARDC. In re Lowery, 2020PR00018, M.R. 031506 (Jan. 17, 2023). Judge Gleeson testified at the prior disciplinary hearing regarding these charges. (Tr. 32-33).

On April 18, 2023, the ARDC filed a petition for order and judgment of costs, seeking repayment by Respondent of up to $1,500 in costs from her disciplinary matter, per Supreme Court Rule 773. (Ans. at par. 4; Ans. to Amend. Compl. at par. 4). On April 24, 2023, Respondent filed with the Court an Objection to ARDC Petition for Taxation of Costs, in which she stated, "Judge Gleeson specifically threatened Lowery with the following statement, 'I will see to it that you are homeless and living under a bridge.'" (Ans. at pars. 5-6). She sought relief from the Court, including a stay of proceedings and reopening of her disciplinary matter. (Admin. Ex. 1 at 36-37).

On September 12, 2023, Respondent testified before the Inquiry Board that she had received harassing text messages, including one dated December 24 with a picture of someone under a bridge, and that she posted screenshots of those text messages on Twitter and Facebook. (Adm. Ex. 46 at 30-31). Mark Pointer, ARDC investigator and former police detective, testified to finding a publicly accessible account titled "Margaret J. Lowery of the Lowery Law Firm" on Twitter, now known as X ("Lowery Twitter Account"). (Tr. 39-41). Mr. Pointer testified that this account posted a screenshot of a text message, which contained a picture of a person under a bridge in a tent, along with the caption, "'When I speak of harassment and discrimination and toxic environment in the bar, this is what I am speaking about. Note the date. It was intended as my Christmas present.'" (Tr. 55-56). Mr. Pointer explained that the text message appears to have been sent – not received – by the poster, as it appears in a blue bubble on the right side of the screen. (Id.). On May 5, 2023, the Lowery Twitter Account posted a substantially similar screenshot dated December 24, along with another complaint about harassment of women by the Illinois Bar. (Adm. Ex. 23 at 9).

Judge Gleeson testified that he never made the statement quoted in Respondent's Objection to ARDC Petition for Taxation of Costs, nor did he make a similar statement or direct anyone else to threaten Respondent in any way. (Tr. 26, 35). He further testified that he had never had any conversation with Respondent, nor had she been in his courtroom during his nearly 21 years on the bench. (Tr. 23, 25-26, 34).

C. Analysis and Conclusions

Rule 3.3(a)(1) states that a lawyer shall not knowingly make a false statement of fact or law to a tribunal. Ill. R. Prof'l Cond. R. 3.3(a)(1). Rule 8.2(a) prohibits a lawyer from making a statement that the lawyer knows to be false, or with reckless disregard to its truth or falsity, concerning the qualifications or integrity of a judge. Id. at R. 8.2(a). Rule 8.4(c) prohibits a lawyer

from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. The Administrator charged Respondent with violating these Rules by filing with the Court on April 24, 2023, an Objection to ARDC Petition for Taxation of Costs, in which she stated that Judge Gleeson "specifically threatened" that he would cause her to become "homeless and living under a bridge."

First, we find that Respondent made the statement at issue to a tribunal, as admitted in her Answer. "[A]n admission in a pleading is a formal judicial admission that is conclusively binding on the party making it … and dispenses of the need for any proof of that fact." In re Mills, 07 SH 2, M.R. 23070 (May 18, 2009) (Hearing Bd. at 14).

Next, we find that Respondent's accusation of Judge Gleeson's threat to harm her clearly impugned his integrity and that this accusation was false. Having observed Judge Gleeson's demeanor and candor, we believe his overall testimony to be credible. Specifically, we find credible his testimony that he never threatened to make Respondent homeless and living under a bridge, and we conclude that Respondent's contrary claim in the Objection to ARDC Petition for Taxation of Costs was not true.

The only remaining question is whether Respondent knew her statement was false or recklessly disregarded the truth when she wrote it. For both Rules 3.3(a)(1) and 8.2(a), "knowing" refers to "actual knowledge of the fact in question," and "a person's knowledge may be inferred from circumstances." Ill. R. Prof'l Cond. R. 1.0(f). The Hearing Panel may rely on circumstantial evidence to infer that a respondent did not act in good faith when it appears that the respondent made a statement in retaliation for an adverse ruling. In re Amu, 2011PR00106, M.R. 26545 (May 16, 2014) (Hearing Bd. at 6). On the other hand, reckless disregard is an objective standard. Even if a respondent genuinely believed her statement were true, it may constitute a Rule 8.2(a) violation

if she had no reasonable basis in fact for believing the statement she made. Id. at 8; In re Denison, 2013PR00001, M.R. 27522 (Sept. 21, 2015) (Hearing Bd. at 29).

As there is no objective evidence in the record that Judge Gleeson made the alleged threat, we find that Respondent had no reasonable basis for believing her statement to be true. Thus, she recklessly disregarded the truth in making her false accusation.

We further find, based on circumstantial evidence, that Respondent knowingly fabricated her statement. After Judge Gleeson testified at her prior disciplinary hearing, Respondent accused him of wrongdoing in a pleading which sought relief from the adverse consequences in that case. This demonstrates her motive for fabricating the threat. Also, as discussed in Section III below, we find that Mr. Pointer is credible and that Respondent posted on the Lowery Twitter Account the text messages that included a picture of a person under a bridge. Respondent claimed that she received this picture, but its appearance on the right side of the screen demonstrates that she actually sent it. Based on her untruthful posting of this fabricated text message, which aligns with the story she invented in her pleading, we infer that she knew her statement about Judge Gleeson was false when she made it in the Objection to ARDC Petition for Taxation of Costs.[1]

For these reasons, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rules 3.3(a)(1) and 8.2(a). We further find that, by knowingly making this false statement about Judge Gleeson, she engaged in conduct involving dishonesty or misrepresentation in violation of Rule 8.4(c).

II. In Count III, Respondent was charged with knowingly or recklessly making a false statement which impugned the integrity of the Review Board and which constituted dishonest conduct, in violation of Rules 3.3(a)(1), 8.2(a), and 8.4(c).

A. Summary

We find that the Administrator proved that Respondent made statements which impugned the integrity of the Review Board. However, the Administrator did not produce any evidence that

Respondent knew her statements were false, made them with reckless disregard to the truth, or made them dishonestly. Thus, we find that the Administrator did not prove by clear and convincing evidence that this conduct violated Rules 3.3(a)(1), 8.2(a), and 8.4(c).

B. Evidence Considered

We consider the following evidence, in addition to the admitted facts and evidence described in Section I B.

This Count also arises from the Objection to ARDC Petition for Taxation of Costs which Respondent filed with the Court on April 24, 2023. Throughout that pleading, Respondent alleged gender-based discrimination, harassment, and systemic bias by those involved in her prior disciplinary matter, including witnesses Judge Gleeson and former Judge Ron Duebbert, ARDC Deputy Administrator Peter Rotskoff, the ARDC Hearing Board and Review Board panels, and the Court. She claimed that her unwarranted discipline was not because of her professional misconduct but because she is a woman attorney. (Adm. Ex. 1 at 38-39).

Relying on various law review, journal, and magazine articles, Respondent claimed that the inherent bias of an all-male adjudicatory body deciding a case against a female respondent results in a less favorable outcome because of gender. (Id. at 25-26, 41-42). Respondent extended this generalization to the Review Board panel of three men in her prior disciplinary matter. She claimed that the alleged errors in their Report and Recommendation were either by mistake or because the panel was "so gender biased it felt emboldened to make up facts about a woman to justify its harsh legal findings[.]" (Id. at 26-27). Specifically, she argued that the Review Board's finding that her false testimony misdirected the ARDC's investigation was a "factual finding which *do[es] not exist in record* [*sic*]." (Id. at 26) (emphasis in original). This, along with other "serious factual mistakes" not specified in the Objection to ARDC Petition for Taxation of Costs, formed

the basis for her request to the Court to "reopen the entire proceedings to address the prima facie case of harassment and gender discrimination which occurred herein." (Id. at 27).

C. Analysis and Conclusions

The Administrator charged Respondent with violating Rules 3.3(a)(1) and 8.2(a) by knowingly or recklessly making false statements to the Court that the all-male Review Board panel in her prior disciplinary matter made factual findings which do not exist in the record and engaged in harassment and gender discrimination. The Administrator also alleged that this constituted dishonest conduct in violation of Rule 8.4(c).

The Review Board is comprised of panels of adjudicatory officers who hear and recommend decisions in attorney disciplinary cases. There is no dispute that Respondent made statements to the Court questioning the Review Board's qualifications or integrity, which was the basis for her request in the Objection to ARDC Petition for Taxation of Costs to reopen her prior disciplinary matter. Respondent's accusations of improper decision-making with discriminatory intent clearly impugned the Review Board and the three panelists who heard her case.

While Administrator's Counsel mentioned these accusations in her opening statement, she presented no evidence during her case in chief that Respondent's statements were false or that Respondent knowingly or recklessly disregarded the truth in making them. We could take judicial notice of the Hearing Board and Review Board Reports in Respondent's prior disciplinary matter and determine from them that there was no objective basis for Respondent's statements. However, we decline to do so. The Administrator did not offer the Reports at issue into evidence, ask us to take judicial notice of them, or identify how they objectively contradicted Respondent's claim that the Review Board made unsubstantiated findings based on fabricated facts. Nor did the Administrator call any witnesses, such as the Review Board panelists in question, to testify about whether they discriminated against Respondent.

We find that the Administrator failed to meet her burden of proof as to the Rule 3.3(a)(1), 8.2(a), and 8.4(c) charges in Count III because she produced no evidence that Respondent knowingly or recklessly disregarded the truth or acted dishonestly when impugning the Review Board. Therefore, we recommend that Count III be dismissed. We emphasize that this finding does not imply that we agree with Respondent's allegations of systemic gender bias, disparate treatment of women, and biased treatment of Respondent in the disciplinary process. These are very serious allegations. However, because our analysis ended with the preliminary finding that the Administrator failed to produce any evidence on an essential element of each of these charges, we could not address the persuasiveness of that evidence.

III. In Counts II, IV, V, and VI, Respondent was charged with knowingly or recklessly making false statements which impugned the integrity of the Illinois Supreme Court, a retired chief justice, and a circuit judge, and which constituted dishonest conduct.

A. Summary

We find that the Administrator proved by clear and convincing evidence that, through various social media posts, Respondent knowingly or recklessly made false statements of fact concerning the qualifications or integrity of the Illinois Supreme Court, retired Chief Justice Anne Burke, and Judge Gleeson, and that Respondent thereby engaged in conduct involving dishonesty or misrepresentation. We find that Respondent's conduct violated Rule 8.2(a), as charged in Counts II, IV, V, and VI, and Rule 8.4(c), as charged in Counts IV, V, and VI.

B. Admitted Facts and Evidence Considered

We consider the following admitted facts and evidence, in addition to those described in Sections I B and II B.

On September 12, 2023, Respondent testified before the Inquiry Board about her social media posts, including the screenshot of a text message that was discussed in Section I above. She also testified to making a post on her Twitter account about the ARDC and the Court harassing

female attorneys until they leave the profession or commit suicide. (Adm. Ex. 46 at 26). Respondent later admitted to making a similar post but claimed that it was not on the Lowery Twitter Account. (Ans. at par. 12). However, Mr. Pointer testified that both of the posts she addressed before the Inquiry Board appeared on the Lowery Twitter Account. Specifically, on July 6, 2023, she posted: "Did you know the ARDC & the Illinois Supreme Court has [*sic*] a history of permitting harassment of women until they comitt [*sic*] suicide or leave the bar? That's how they enforce their 'anti discrimination and non harassment policy.' How do I know this? I interviewed the affected women." (Tr. 44-45; Adm. Ex. 4 at 1).

Along with the acknowledged posts, Mr. Pointer testified that he determined that the Lowery Twitter Account belonged to Respondent because "[t]he content of the account was all based out of southern Illinois, St. Clair County[,]" and the account made posts related to Respondent's disciplinary matters as developments occurred in those cases. (Tr. 39-46). For example, Mr. Pointer testified that on January 17, 2023, the Lowery Twitter Account posted, "Effective today, the ILLINOIS SUPREME COURT ruled no attorney in the State of Illinois has ANY FIRST AMENDMENT RIGHTS. If an attorney expresses ANY opinion about a judge, it will subject the attorney to immediate discipline." (Tr. 45-46; Adm. Ex. 6 at 2) (emphasis in original). This was the same day that the Court ordered Respondent's 30-day suspension due to her prior false statement that impugned Judge Gleeson. In re Lowery, 2020PR00018, M.R. 031506 (Jan. 17, 2023). Additionally, on August 11, 2023, the Lowery Twitter Account posted a July 13, 2023, letter from the Administrator to Respondent's then-counsel about an investigation of Respondent's conduct. Mr. Pointer testified that the disciplinary investigation was confidential at that time, and no one other than Respondent or her attorney would have had access to that letter. (Tr. 47-49; Adm. Ex. 7 at 4-5).

According to Mr. Pointer, the Lowery Twitter Account posted on August 11, 2023, "Wow the Illinois Supreme Court has a hit list of attorneys they want to target because they are outspoken whistleblowers? They target their political opponents?" (Tr. 45, 47; Adm. Ex. 7 at 4). That account also posted in November 2023:

> Today I found out that a person I had admired, profoundly broke my heart and that person was Chief Justice Anne Burke. …
>
> I then found out today, that she lied to my face about her kindness. She HATES JEWS. While smiling to me and nodding, behind those kind eyes lied seething JEW HATE. Then she smirked and laid her plan to destroy my career.

(Tr. 53-54; Adm. Ex. 9 at 5) (emphasis in original). Respondent admitted to making the latter post, explaining that she was "commenting about the Illinois problems reported on the news and about its anti Semitism" and that she was "complaining about Ed and Anne Burkes [*sic*] Jew hate." (Ans. to Amend. Compl. at par. 38).

After the Lowery Twitter Account posted on June 16, 2023, that Respondent had attended an in-person event at the Kaplan Feldman Holocaust Museum in St. Louis, the Administrator contacted the museum's representative to verify her attendance. (Tr. 49-51; Adm. Ex. 17 at 1). Mr. Pointer explained that this was because, on June 6, 2023, Respondent claimed that a medical condition made her too ill to travel to the ARDC office to give a sworn statement later that month. He testified that there was no "anti-Semitic tinge behind this investigation." (Tr. 49-51; Adm. Ex. 16 at 2).

Mr. Pointer testified that he found a publicly accessible account titled "Margaret J. Lowery, JD, MHA" on LinkedIn ("Lowery LinkedIn Account"), which shared the same profile picture as the Lowery Twitter Account. In fall 2023, the Lowery LinkedIn Account posted:

> Now the Illinois Supreme Court is following attorneys to the Holocaust Museum in Missouri to spy on them. What possible 'confidential investigation' can there be for an attorney to attend an event at the Holocaust Museum? Oh no that's not the point, the point is to let everyone know the government spies on Jews?

> This is the behavior of the Third Reich or Nazi's [*sic*] and the purpose is to make people afraid to associate with you. The purpose is to isolate an individual same as what the SS & Hitler did.

(Tr. 42, 51; Adm. Ex. 8 at 1). The post included a picture of part of the Administrator's letter to the museum representative, inquiring about Respondent's attendance at the event. (Adm. Ex. 8 at 1-2). Respondent admitted to making this post. (Ans. to Amend. Compl. at par. 31).

Judge Gleeson testified that he began viewing the Lowery Twitter Account after colleagues brought to his attention some posts involving him. He recognized Respondent in the profile picture that Mr. Pointer identified as common across Respondent's social media accounts. (Tr. 26-27). A Lowery Twitter Account post dated July 19 stated: "Isn't it ironic that the new SCC associate judge signed off on the majority of Chief Judge Andrew Gleeson's DIVORCE and in return gets appointed to a new judgeship? I wonder what the paid rate of exchange was for services rendered in that divorce. All above board I'm sure. [laughing/crying emoji]" (Adm. Ex. 10) (emphasis in original). Judge Gleeson testified that "SCC" referred to St. Clair County, where he serves as Chief Judge. He testified emphatically that no one received a judicial appointment in exchange for providing a benefit to him, and he would never make such an exchange. Moreover, the judge appointed around that time did not even handle his divorce, and a judicial appointment must be approved by a majority of the eight circuit judges, not by him alone. (Tr. 23, 28-29).

C. Anlysis and Conclusions

Rule 8.2(a) prohibits a lawyer from making a statement that the lawyer knows to be false, or with reckless disregard to its truth or falsity, concerning the qualifications or integrity of a judge. Ill. R. Prof'l Cond. R. 8.2(a). Rule 8.4(c) prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Id. at R. 8.4(c). The Administrator charged Respondent with violating Rule 8.2(a) by knowingly or recklessly posting false statements on social media that impugned the integrity of the Illinois Supreme Court (Counts II and IV), retired

Chief Justice Burke (Count V), and Judge Gleeson (Count VI). The Administrator also charged dishonest conduct in violation of Rule 8.4(c) based on the posts in Counts IV, V, and VI.

We begin by finding that Respondent made the alleged posts on the Lowery Twitter Account and the Lowery LinkedIn Account. Respondent admitted to making at least three of the same or similar posts that were found on the Lowery Twitter Account, including those at issue in Count II and Count V. She also admitted to making the Lowery LinkedIn Account post at issue in Count IV. In addition, we considered Mr. Pointer's testimony, which we find to be credible based on his experience as an investigator and our observations of his demeanor and candor. Mr. Pointer's testimony further convinced us that Respondent made the alleged posts, given the consistency of content across the two social media accounts and the direct connection between the posts and events occurring in Respondent's disciplinary matters. We find it particularly compelling that the August 11, 2023, post on the Lowery Twitter Account included a copy of a letter about Respondent that only she and her attorney would have had at that stage of the Administrator's confidential investigation.

Count II

Count II involved Respondent's alleged July 6, 2023, Twitter post claiming that "the ARDC & the Illinois Supreme Court has [*sic*] a history of permitting harassment of women until they comitt [*sic*] suicide or leave the bar[.]" Based on Respondent's admissions of making a similar post and our finding that Respondent made the posts on the Lowery Twitter Account, we find that she made this statement. Respondent's post clearly impugned the qualifications or integrity of the Court, whose justices are prohibited from engaging in harassment based on sex or gender while performing their judicial duties. Ill. Code Jud. Cond. R. 2.3. Because the evidence showed no objectively reasonable basis for this statement, which we note occurred just five months after the

Court's adverse ruling in Respondent's prior disciplinary matter, we find that Respondent knew it was false or recklessly disregarded the truth in making it.

For these reasons, we conclude that the Administrator proved by clear and convincing evidence that Respondent violated Rule 8.2(a), as charged in Count II.

Count IV

Count IV of the First Amended Complaint alleged four more social media posts by Respondent that falsely impugned the Illinois Supreme Court. While any one statement may constitute a violation of Rules 8.2(a) and 8.4(c), three of the four examples support our finding that Respondent clearly and convincingly violated these Rules.

First, we find that Respondent made the Lowery Twitter Account post on January 17, 2023, about the Court denying attorneys' First Amendment rights and subjecting attorneys to immediate discipline for expressing any opinion about a judge. This was the same day that the Court ordered Respondent's 30-day suspension for making a false statement that impugned Judge Gleeson and for making misrepresentations to the ARDC.

We take judicial notice that the Court has never made a blanket ruling that eliminates attorneys' right to freedom of speech, nor has the Court bypassed the disciplinary process by immediately sanctioning attorneys for their conduct. Rather, alleged misconduct must be proven by the Administrator through a hearing and review process, which Respondent knew because she had just been through it. Moreover, the Court has a long-established precedent that the First Amendment does not protect all speech, including false statements impugning the judiciary that are knowingly or recklessly made by attorneys. In re Amu, 2011PR00106, M.R. 26545 (May 16, 2014) (Review Bd. at 11-12).

By falsely accusing the Court of disregarding the attorney disciplinary process and constitutional rights, despite her actual knowledge and the objectively clear case law to the

contrary, Respondent knowingly or recklessly made a false statement that impugned the Court in violation of Rule 8.2(a). When an attorney so recklessly disregards the truth, it can be considered as knowingly engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. In re Jackson, 2021PR000102, M.R. 031932 (Hearing Bd. at 18). Accordingly, we find that Respondent's post also constituted dishonest conduct in violation of Rule 8.4(c).

Second, we find that, on August 11, 2023, Respondent posted on the Lowery Twitter Account, accusing the Court of targeting a "hit list" of whistleblower attorneys and political opponents. The evidence showed no reasonable basis for such a statement, which Respondent also made in the months following the Court's disciplinary action. Thus, we find that Respondent made this statement knowing that it was false or with reckless disregard to the truth, in violation of Rule 8.2(a). Likewise, by making such a recklessly false statement, she engaged in conduct involving dishonesty or misrepresentation in violation of Rule 8.4(c).

Third, we find that, in fall 2023, Respondent posted on the Lowery LinkedIn Account, accusing the Court of acting like Nazis by following attorneys to a Holocaust Museum and spying on Jews, for the purpose of isolating Jews and making people afraid to associate with Jews. We find credible Mr. Pointer's testimony that the Administrator's inquiry about Respondent's attendance at an event at the Holocaust Museum in St. Louis was not motivated by anti-Semitism but rather was an attempt to verify Respondent's claim that her medical condition made her too sick to travel to the ARDC office.

We further find that no reasonable attorney would have interpreted the Administrator's letter in the way that Respondent did in her LinkedIn post. Respondent feigned ignorance of the context of the "confidential investigation," which the letter explicitly referenced as "Administrator's Investigation No. 2023IN01374." She had referred to that case number in

communications with Administrator's Counsel about the potential charges that later became Count I, so she knew that the museum inquiry was related to that ongoing investigation and was not random, nefarious governmental surveillance of a Jewish attorney. (Adm. Ex. 11 at 2, 12 at 1-2). Respondent's post deliberately obfuscated the purpose of the Administrator's investigation for a public audience that lacked the context she had.

The evidence showed no reasonable basis for Respondent's scurrilous accusations against the Court in her LinkedIn post, which she admitted to making. As such, we find that Respondent made these statements knowing that they were false or with reckless disregard to the truth, in violation of Rule 8.2(a), and that she thereby engaged in conduct involving dishonesty or misrepresentation, in violation of Rule 8.4(c).

Each of these three knowingly or recklessly false statements that impugned the judiciary through dishonest misrepresentations support our finding that Respondent clearly and convincingly violated Rules 8.2(a) and 8.4(c), as charged in Count IV. However, we note that the Administrator did not present any evidence about the alleged Twitter post from March 24, 2023, found in Paragraphs 25-27 of the First Amended Complaint, so our finding of misconduct is not based on that statement.

Count V

In Count V, the Administrator alleged that Respondent's November 2023 post on the Lowery Twitter Account falsely accused retired Chief Justice Burke of hating Jews and planning to destroy Respondent's career. Based on our finding that Respondent made the posts on the Lowery Twitter Account and Respondent's admission of making this post, we find that Respondent made the statement at issue. We further find that this statement impugned the qualifications or integrity of retired Chief Justice Burke, as the Code of Judicial Conduct prohibits

acts of bias or prejudice based on protected classes, including religion and ethnicity, while performing judicial duties and in judges' personal lives. Ill. Code Jud. Cond. R. 2.3, 3.1.

As the evidence showed no reasonable basis for Respondent's accusation, which again occurred in the months following the Court's disciplinary order, we find that Respondent made this statement knowing that it was false or with reckless disregard to the truth, and that Respondent thus engaged in conduct involving dishonesty or misrepresentation. We conclude that the Administrator proved by clear and convincing evidence that Respondent violated Rules 8.2(a) and 8.4(c), as charged in Count V.

Count VI

Count VI involved a post on the Lowery Twitter Account accusing Judge Gleeson of providing payment or a judicial appointment in exchange for another St. Clair County judge "sign[ing] off" on his divorce. Based on our finding that Respondent made the posts on the Lowery Twitter Account, we find that she made this specific post, which resembles the others in tone and language. Because we find Judge Gleeson to be a credible witness, we believe his testimony that he did not exchange benefits with another judge to gain a favorable outcome in his divorce case. We find Respondent's accusation to be even more implausible based on Judge Gleeson's testimony that the judge appointed around that time did not handle his divorce and that Judge Gleeson did not have the sole authority to approve such an appointment.

As the evidence showed no reasonable basis in fact for Respondent's statement about Judge Gleeson, we find that Respondent made this statement knowing that it was false or with reckless disregard to the truth, and that Respondent thereby engaged in conduct involving dishonesty or misrepresentation. We conclude that the Administrator proved by clear and convincing evidence that Respondent violated Rules 8.2(a) and 8.4(c), as charged in Count VI.

EVIDENCE OFFERED IN MITIGATION AND AGGRAVATION

Mitigation

Respondent did not appear at the hearing to present any mitigating evidence.

Aggravation

In the seven months that Respondent represented herself leading up the hearing in this matter, she filed over 40 motions, petitions, and objections with the Hearing Board or the Court. These included 10 motions to stay or continue the hearing; 7 motions to disqualify each assigned Hearing Board chair and member, all Commissioners of the ARDC, and the entire Illinois Supreme Court; and 2 motions to dismiss the amended complaint despite her awareness that such motions are not permitted under Commission Rule 235. (See Res. Motion to Dismiss Adm. Amend. Compl., Mar. 14, 2024, at par. 1). None of these requests were granted, after consideration at various times by Hearing Board Chair Jose A. Lopez Jr., Chairperson of the full Hearing Board Kenn Brotman, and the Court.

Respondent also filed numerous discovery-related motions. Respondent acknowledged that written interrogatories may only be served with leave of the Chair, upon good cause shown, according to Commission Rule 251. (Res. Motion for Leave to File Discovery, Oct. 26, 2023, at par. 2). Yet, after her first request to serve interrogatories was denied on November 2, 2023, she filed six more motions renewing her request, which she deemed the "right to conduct discovery." (Res. Motion to Reconsider or in the Alternative Clarify Order, Nov. 2, 2023, at p. 6). Despite her insistence that the Chair "summarily rule[d] against Respondent on every single motion," thereby "openly prov[ing] not only HIS bias, but the unconstitutional nature of the process," the Chair granted some of Respondent's motions, including allowing two of her interrogatories on March

14, 2024. (Res. Obj. to Assignment of Comm'r Due to Conflict of Interest, Apr. 1, 2024, at 6:03 p.m., at par. 4) (emphasis in original).

Not only were Respondent's pleadings voluminous and duplicative, but they also included hundreds of false, disrespectful, and vitriolic statements. A complete list would be too long to set forth here, but representative examples include the following:

- Respondent asserted multiple times that individuals associated with this proceeding had a conflict of interest because their political affiliation differed from hers.
  (Res. Petition to Remove Chair for Cause, Nov. 7, 2023, at par. 2, 13; Res. Motion for Continuance & Motion to Remove Chair & Hearing Bd. for Cause, Apr. 25, 2024, at par. 13);

- Respondent stated, "So Ms. Lowery is being imprisoned in a state bar that won't let her leave by an Administrator who wants to put Jewish attorneys into a regulatory concentration camps [*sic*]."
  (Res. Obj. to Adm. Motion to Amend & Motion for 137 Sanctions, Feb. 5, 2024, at par. 22).

- "This case is not about professional regulation – it is about bullying by a group of attorneys who hate Jews. …
  Individuals in the Illinois Bar are dying because of the abusive conduct by the Administrators. …
  In Illinois if an attorney is a white male, he can rape and pillage without fear of being charged or interim suspended. But if you are female, Black and Jewish, the ARDC will destroy your life and career."
  (Res. Ans. to Rule 744 Petition, Feb. 7, 2024, at pars. 23, 24, 30);

- "The Administrator by her actions is arguing by analogy that the life of Emmett Till was a figment of our collective imaginations. Conduct that amounts to gas lighting. Gas lighting is a form of domestic violence, and it is emotional abuse. Yet the Administrator engages in the tactic as bar regulation and this Court refuses to address it."
  (Res. Motion to Disqualify Ill. S.Ct. Due to Direct Conflict of Interest & Pecuniary Interest, Feb. 21, 2024, at par. 37);

- "Time and again as demonstrated in this case, when the metal met the mat, this Court and its Administrators failed its own Character & Fitness requirements. …
  Ms. Lowery retired from Illinois because this Court refuses to follow the Rule of Law, refuses to follow its Constitutional obligations and targets individuals in a way that reminds Margaret Jean Lowery of times that are best left in the past, Nazi Germany and Jim Crow South. …
  The Illinois Supreme Court reacts by cancelling the career of any woman who reports harassment just like Anita Hill and Christine Ford Blasey."

(Res. Petition to Transfer to Permanent Retirement Status & to Waive Rule, Mar. 5, 2024, at pp. 12, 18);

- Respondent asserted that she lives on an "Indian" reservation, that the Administrator violated federal law by "stalking" her there, and that, "[n]ot only does [*sic*] the Illinois Supreme Court laws not apply on an Indian Reservation, the Court and its justices are inferior to and subject to the concurrent jurisdiction of the Indian Nations and Federal Court. … Ms. Lowery no longer lives in the USA, she lives in Indian country."

  (Res. Notice of Rule 137 Violation by Adm., Mar. 8, 2024, at pars. 14-15);

- Respondent contended that "[e]very single person within the Illinois Disciplinary system is a partisan political appointee of the Illinois Supreme Court," and characterized the disciplinary system as one in which "everyone at the Court are politicians first and jurists/legal scholars second."

  (Res. Obj. to Assignment of Comm'r Due to Conflict of Interest, Apr. 1, 2024, at 6:03 p.m., at pars. 14, 16);

- "This case has been Andrew Gleeson's psycho vendetta all along and now this Chair is being asked to participate in a conspiracy to deprive Ms. Lowery of her Oklahoma bar licnse [*sic*] by engaging in trial by ambush."

  (Res. Reply to Adm. Object [*sic*] to Permit Remote Testimony, Apr. 9, 2024, at p. 7);

- "Ms. Miller's conduct is further evidence of bullying. She can pick up the phone and call Dr. VanSchoyck and ask him if he wrote the letter as his phone number is on his letterhead, but of course she won't do that - because this quote applies perfection [*sic*] to Ms. Miller: f [*sic*]

  Oh Madam Administrator, what a scold you are!
  And when your man is down, how bold you are!
  Of Christian (or Jewish) charity how scant you are!
  And, auld Lang swine, how full of cant you are!"

  (Res. Reply to Adm. Obj. to Continuance, Apr. 22, 2024, at par. 13);

- Respondent claimed that a conflict of interest existed because the attorney member of the Hearing Panel and her husband donated to Judge Gleeson's campaign. However, that panel member has never been married, nor did she ever donate to Judge Gleeson's campaign.

  (Id. at par. 11(f); Tr. 7);

- "For Ms. Lowery to even write this pleading, she has to stop taking her medication. When she stops her medication, Respondent has uncontrollable projectile vomiting. Apparently the Chair and Ms. Miller want to see projectile vomiting all over the Chair, the Board and Ms. Miller so as to require the entire hearing board room to require a biohazard clean up because of the unreasonable stance of this Commission. …

  Here is today's photo of the vomiting episode preparing this pleading filed.

[photograph of vomit on top of trash in a paper bag]"

(Res. Motion to Seal Medical Records from Public, Apr. 23, 2024, at pars. 5-7, 11);

- Respondent reported that her doctors called Chair Lopez "'an idiot who clearly can't read an affidavit and understand it,'" and she agreed with them that "'[h]is opinion isn't worth the paper its [*sic*] written on'" because a "'100% failure rate is not bias, its [*sic*] an intention to harm.'" She continued, "Then after creating this 'shit show' the ARDC and State of Illinois expect Ms. Lowery to do what, file pleadings from the OR surgical suite because their wrongful acts are the sole proximate cause of this entire event."

  (Res. Motion for Continuance & Motion to Remove Chair & Hearing Bd. for Cause, Apr. 25, 2024, at pars. 5, 16).

Respondent sent similar emails to Administrator's Counsel. Despite her awareness of Supreme Court Rule 753(a)(1), which states that the Inquiry Board shall be comprised of lawyers and nonlawyers, Respondent said, "I demand to be judged by my peers and that excludes the nincompoop laypeople the Court 'selects' as their administrative whores." (Adm. Ex. 32 at 1). In response to the Administrator's objection to recording a deposition, Respondent wrote, "Are you insane?" (Adm. Ex. 44 at 4). Then, the week before the hearing, Respondent sent several photographs of herself with raised middle fingers, as mentioned in the Prehearing Proceedings section.

Nonetheless, Respondent claimed to have behaved appropriately throughout this proceeding, stating, "at every turn the Respondent acted in an Honorable way" and "Respondent is not a danger to the profession because even after everything that has been done to her, she still acts professionally in response to this Court." (Ans. to Amend. Compl. at par. 18; Res. Motion to Disqualify Ill. S.Ct. Due to Direct Conflict of Interest & Pecuniary Interest, Feb. 21, 2024, at par. 38). In her words:

> Respondent is ethical, honorable and not subject to public clamor or the whim of public opinion. She is a principled attorney, but can be a complete pain in the ass, speaking the truth to a fault. (Respondent knows that as she won't agree to other peoples [*sic*] lies, and will tell them to their face to knock it off and do the right

> thing.) But then again, that's not someone impugning anyone, that's merely an attorney enforcing this Court's Rules, Standards and Expectations.

(Res. Petition to Transfer to Permanent Retirement Status & to Waive Rule, Mar. 5, 2024, at p. 22).

At the hearing, Judge Gleeson testified that he generally did not worry about the security concerns of being a chief judge because he had spent a lifetime feeling safe while actively participating in his community. (Tr. 29-31). However, when Respondent posted on Twitter a photograph of the vehicle he was driving, parked about a block from the courthouse, "it upset that sense of security." (Tr. 31). Because of her post, he now thinks more seriously about the safety of himself and others who are with him. (Id.). Judge Gleeson further testified that, over the course of nearly seven years, he had to respond to "scurrilous accusations about [his] family," reported Respondent's conduct to the ARDC, and testified in both of Respondent's disciplinary matters. (Tr. 32-34). He explained that these issues involving Respondent had taken "an inordinate amount of time," which was "a nightmare of sorts" and "a surreal ordeal." (Tr. 33-34).

Prior Discipline

Respondent has been licensed to practice law in Illinois since 2000. She was previously suspended for 30 days, effective February 7, 2023, and ordered to complete the ARDC professionalism seminar for making a false statement about Judge Gleeson and making material misrepresentations to the Administrator, as explained in Section I B. In re Lowery, 2020PR00018, M.R. 031506 (Jan. 17, 2023)

RECOMMENDATION

A. Summary

Based on the egregious proven misconduct, significant aggravation, and lack of mitigation, the Hearing Board recommends that Respondent be disbarred.

B. Analysis

The purpose of the disciplinary process is not to punish attorneys, but to protect the public, maintain the integrity of the legal profession, and safeguard the administration of justice from reproach. In re Edmonds, 2014 IL 117696, ¶ 90. When recommending discipline, we must consider the nature of the misconduct and any factors in mitigation and aggravation. In re Gorecki, 208 Ill. 2d 350, 360-61, 802 N.E.2d 1194 (2003). We may also consider the deterrent value of a sanction, the need to impress upon others the seriousness of the misconduct, and whether the sanction will help preserve public confidence in the legal profession. Id.; In re Twohey, 191 Ill. 2d 75, 85, 727 N.E.2d 1028 (2000). We seek to recommend similar sanctions for similar types of misconduct, but we must decide each case on its own unique facts. Edmonds, 2014 IL 117696, ¶ 90.

Throughout this proceeding, Respondent has displayed shockingly unprofessional conduct, exemplified by the unprecedented scope and volume of baseless vitriol in her filings. Respondent wrongfully impugned nearly everyone involved with her disciplinary matters: witnesses; Administrator's Counsel; the Inquiry, Hearing, and Review Boards; and the Court. She continued this verbal tirade across more than 40 motions, petitions, and objections, as well as her responsive pleadings. We find no evidence in the record to support Respondent's claims of gender harassment, religious and ethnic discrimination, or conspiracy. Ironically, through these repeated false disparagements, Respondent perpetrated the very bullying that she so vehemently decried. We find this behavior to be significantly aggravating. In re Amu, 2011PR00106, M.R. 26545 (May 16, 2014) (Hearing Bd. at 31-32).

We also find aggravating Respondent's lack of remorse and "complete inability to recognize the wrongfulness of [her] acts." In re Lewis, 138 Ill. 2d 310, 347-48, 562 N.E.2d 198 (1990); see also Amu, 2011PR00106 (Hearing Bd. at 31). Throughout her pleadings, Respondent

portrayed herself as the victim of an unfair, abusive, and corrupt justice system, which oppressed her for exposing the truth about it. She described her own behavior as ethical, honorable, and professional. She took no responsibility for her misconduct or the scurrilous accusations and name-calling she employed while defending herself. For example, she claimed the Court was like "Nazi Germany and Jim Crow South;" referred to this case as "Andrew Gleeson's psycho vendetta" and a "'shit show;'" referred to Administrator's Counsel as "auld Lang swine;" called Inquiry Board members "administrative whores" and the Chair "'an idiot;'" and accused Administrator's Counsel and the Chair of trying to kill her. She also emailed vulgar hand gestures to Administrator's counsel and included in a motion a photograph of vomit. Respondent's behavior throughout this disciplinary proceeding leaves us with no confidence in her ability to act ethically in the future. In re Samuels, 126 Ill. 2d 509, 531, 535 N.E.2d 808 (1989).

In addition, we find aggravating that Respondent caused risk of harm or actual harm to those she wrongfully impugned. In re Saladino, 71 Ill. 2d 263, 276, 375 N.E.2d 102 (1978). Judge Gleeson credibly testified that he spent an inordinate amount of time addressing Respondent's conduct. He also testified that seeing a picture of his vehicle on her Twitter account upset his sense of security. Thus, we find that Respondent caused actual harm to Judge Gleeson. Moreover, we find that Respondent caused risk of harm or actual harm to the justice system and its judges with her unfounded accusations, especially those posted on her public social media accounts. "A suspicious public, and rightfully so, relies upon statements made by those who work within the system as to corruption therein. … The damage that false allegations have on the public's perception of the Court system is incalculable." In re Palmisano, 92 CH 109, M.R. 10116 (May 19, 1994) (Hearing Bd. at 22). We find further aggravating that Respondent's conduct was not an isolated incident but rather a pattern of behavior spanning nearly a year and a half, during which

she made hundreds of such statements to the Court, the Hearing Board, and the public. Lewis, 138 Ill. 2d at 342.

Respondent should have had a heightened awareness of her ethical obligations because of her prior discipline. In re Storment, 203 Ill. 2d 378, 401, 786 N.E.2d 963 (2002). Her license had just been suspended for 30 days in early 2023 for making a false statement impugning Judge Gleeson and for making material misrepresentations to the ARDC. Yet she continued to engage in similar behavior that increased in frequency and intensity throughout 2023 and 2024. This resulted in four counts being added to the original two counts in this matter, all regarding false or reckless statements impugning the judiciary. Based on the similarity of the misconduct and the short time between these two proceedings, we give Respondent's prior discipline significant weight in aggravation. In re Banks, 2020PR00068, M.R. 031115 (Mar. 25, 2022) (Hearing Bd. at 12).

Finally, we find it significantly aggravating that Respondent failed to cooperate with the disciplinary process. Her pre-hearing participation focused on causing delay and obfuscation by filing a steady stream of voluminous and often duplicative pleadings that were filled with false accusations and meritless legal arguments. Such behavior does not satisfy an attorney's duty to cooperate in this proceeding. In re Smith, 168 Ill. 2d 269, 296, 659 N.E.2d 896 (1995). Moreover, Respondent did not attend her hearing, as required by Supreme Court Rule 753(f). We found no credible evidence to support her claim that medical issues prevented her from preparing for and attending the hearing, as explained in the Prehearing Proceedings section. She was also offered the opportunity to appear remotely but did not do so. By failing to appear, Respondent not only missed the opportunity to provide any mitigating evidence and present argument regarding an appropriate sanction, but she also showed further disrespect for the disciplinary system.

The Administrator advocated for disbarment as our recommended sanction. In support, the Administrator cited In re Harshman, 05 SH 93, M.R. 21232 (Jan. 12, 2007); In re Denison, 2013PR00001, M.R. 27522 (Sept. 21, 2015)1; and Amu, 2011PR00106. In light of these applicable cases and others found in our research, we recommend disbarment for Respondent.

Harshman was disbarred for "extremely serious" misconduct including conflicts of interest, improper fees, client neglect, and failure to cooperate with ARDC rules and procedures in two disciplinary proceedings. Harshman, 05 SH 93 (Hearing Bd. at 10). Like Harshman, Respondent had prior discipline which did not deter her from engaging in a pattern of misconduct of a similar nature both during and shortly after her first proceeding. Both Harshman and Respondent failed to attend the hearing in their second proceeding and demonstrated no mitigation. Id. at 10-14.

Respondent's conduct was more egregious and more aggravated than the factually similar misconduct by Denison and Amu, who were suspended for three years and until further order of the Court. Denison knowingly or recklessly made 10 public blog posts over four months that falsely impugned the integrity of the judges and attorneys involved in a pending probate case. Denison, 2013PR00001 (Hearing Bd. at 11). Similar to Respondent, she showed no remorse for her harmful actions and continued falsely accusing others of serious wrongdoing while her disciplinary proceeding was pending. Id. at 48-51. However, Respondent's misconduct merits a more severe sanction because, unlike Denison, Respondent had prior discipline, did not appear at her hearing, and presented no mitigating factors. Id. at 53. Respondent's false or recklessly made statements also occurred over a longer period of time, in greater volume, and in larger scope, extending to pleadings and communications with opposing counsel, in addition to online posts.

Amu knowingly or recklessly made false statements impugning the integrity of four judges and the Illinois Appellate Court in multiple court filings, letters to the judiciary, and a public website over a seven-year period. Amu, 2011PR00106 (Hearing Bd. at 7-9, 14, 19-20, 25-26). Similar to Respondent, Amu lacked remorse and portrayed himself as courageous for speaking out against judicial unfairness and discrimination, yet he presented no evidence to support these claims, instead demonstrating that his false statements were in reaction to unfavorable rulings. Id. at 6-7, 19, 31. Amu's misconduct lasted longer than Respondent's, but he had no prior discipline, and he presented favorable character witnesses at his hearing. Id. at 31. In contrast, there are no mitigating factors in the present case. Although the Hearing Board considered disbarring Amu, they opined that a suspension for three years and until further order was as effective at protecting the public and deterring future misconduct, as Amu would have to demonstrate his changed ways before his license could be reinstated. Id. at 36-37. Considering Respondent's facts in light of Harshman, Denison, and Amu, we find disbarment to be an appropriate sanction for Respondent.

Additional cases have resulted in disbarment for attorneys who repeatedly made knowingly or recklessly false statements about the judiciary and who disrespected the disciplinary process. For example, an attorney was disbarred for his "continual abusive, unwarranted, unsubstantiated, false, scurrilous and scandalous" accusations of corruption and conspiracy "against everyone whom he feels has wronged him," including various judges and the ARDC. Palmisano, 92 CH 109 (Hearing Bd. at 24-25). Upon reviewing Palmisano's court filings, the Hearing Board stated, "we have seldom seen more vituperative, scandalous and unprofessional documents," which it found were in retaliation to adverse rulings and a perceived personal grievance. Id. at 23. Considering Palmisano's extreme unprofessionalism and the "incalculable" damage of false allegations on the public's perception of the court system, he was disbarred. Id. at 22, 25-26.

In another case, an attorney filed numerous motions falsely claiming that judges were discriminating based on political affiliation or race, biased by current or former relationships with opposing counsel, or otherwise conspiring against him and his clients. In re Kozel, 96 CH 50, M.R. 16530 (June 30, 2000). During his disciplinary proceeding for these and other charges, he filed over 30 "repeated frivolous, baseless and simply ridiculous" motions, seeking dismissal of the case, reconsideration of unfavorable rulings, and continuances from the Hearing Board, as well as seeking a supervisory order from the Court. Id. (Hearing Bd. at 84). The Review Board explained that this behavior "creates a need to pour over and address issues which have little or no relevance to the real issues in the case, and distracts the tribunal from being able to address, on their merits, legitimate issues presented and issues which are central to resolving the case." Id. (Review Bd. at 10). In alignment with Palmisano and other precedent, Kozel was disbarred because of the proven misconduct and his behavior before the Hearing Board. Id. at 85.

Respondent's misconduct was as egregious and aggravated, or more, than in these two cases. Respondent's false accusations were at least as outrageous and as unsubstantiated as in Palmisano, and they occurred in greater number than in Kozel.

For all of these reasons, we determine that disbarment is warranted in order to protect the public from Respondent's continued use of her law license to wrongfully impugn others and undermine public trust in the legal system. Considering the egregious proven misconduct, serious aggravating factors, lack of mitigation, and relevant case law, we recommend that Respondent, Margaret Jean Lowery, be disbarred.

Respectfully submitted,

Jose A. Lopez, Jr.
Martha M. Ferdinand
Elizabeth Delheimer

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 December 12, 2024.

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

4932-7071-6421, v. 1

[1] While we find no misconduct for posting this text message, as none was charged by the Administrator, we do consider these posts as circumstantial evidence supporting our finding that Respondent knew she made a false statement about Judge Gleeson in her Objection to ARDC Petition for Taxation of Costs.