

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

In the Matter of:

KURT ALEXANDER MULLER,  
  
Attorney-Respondent,  
  
No. 6192657.

Commission No. 2025PR00048

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Kate E. Levine, pursuant to Supreme Court Rule 753(b), complains of Respondent, Kurt Alexander Muller, who was licensed to practice law in the State of Illinois on July 15, 1986, and alleges that Respondent has engaged in the following conduct that subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Communicating with a Party Represented by Counsel)*

1. At all times alleged in this complaint, Respondent owned a law firm that operated under the name “The Muller Firm, Ltd.,” which was located in Chicago and handled family law matters.

2. On October 12, 2022, the Cook County State’s Attorney’s Office filed a petition for adjudication of wardship and a motion for temporary custody of a one-year-old child, A.T. The matter was docketed as *In re A.T.* Respondent represented A.T.’s father, J.T., in the matter.

3. The basis for the State’s petition was that A.T. had been present during instances of domestic violence between J.T. and his wife, N.S., who was also A.T.’s mother, including on October 7, 2022, when J.T. and N.S. were involved in a physical altercation that resulted in N.S.

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being transported to Rush University Medical Center (the “hospital”) for medical treatment. At the hospital, J.T. was arrested by the Chicago Police Department for the alleged battery of a nurse.

4. During a temporary custody hearing in the case on October 12, 2022, which occurred electronically via Zoom, both N.S. and J.T. were present. An assistant public defender from the Office of the Cook County Public Defender appeared on behalf of N.S., and Respondent appeared on behalf of J.T. The court entered an order appointing the Office of the Cook County Public Guardian to represent A.T. and scheduled the next court date for October 14, 2022.

5. On October 14, 2022, the parties and their counsel again appeared in court via Zoom. The court entered an order appointing the Office of the Cook County Public Defender to represent N.S., and Respondent filed his written appearance on behalf of J.T. The court scheduled the next court date for November 10, 2022.

6. On or before October 21, 2022, Respondent and J.T. discussed the possibility that prior instances of domestic violence between J.T. and N.S., and J.T.’s potential criminal conviction based on his arrest on October 7, 2022, might result in J.T. losing custody of A.T. J.T. asked Respondent whether having N.S. execute an affidavit regarding the events of October 7, 2022, would be helpful to him in the wardship and custody case. Respondent agreed that an affidavit signed by N.S. may be helpful to J.T.

7. On or before October 21, 2022, Respondent drafted a 13-paragraph affidavit purporting to describe the events of October 7, 2022, which he intended to have N.S. sign. The caption of the affidavit read, “State of Illinois Department of Children and Family Services Administrative Hearing Unit,” but included the case name and case number of the Circuit Court of Cook County wardship and custody case. Respondent drafted the affidavit based on instructions from his client, J.T., regarding what information the affidavit should contain.

8. When Respondent drafted the affidavit, he knew that N.S. was represented by the Office of the Cook County Public Defender in the wardship and custody case, that the purported facts contained in the affidavit related directly to matters at issue in the court case, and that he intended to use the affidavit in a proceeding that could alter the existing family dynamic and affect the rights and responsibilities of N.S. and J.T. to the benefit of J.T.

9. The affidavit drafted by Respondent averred the following purported facts:

- That, on October 7, 2022, N.S. and A.T. were transported to the hospital's emergency room by the Chicago Fire Department;
- That, upon arriving at the hospital, N.S. informed representatives of the Chicago Fire Department and Chicago Police Department and hospital personnel that she had argued with J.T., and he had thrown a wine glass at her, tased her, and knocked her down in front of A.T.;
- That N.S.'s statements to law enforcement and hospital personnel had been false and made to gain leverage in a domestic relations proceeding that she believed J.T. was planning to initiate against her;
- That, after examining N.S., hospital personnel informed N.S. that she could not leave the hospital with A.T. because a Department of Children and Family Services ("DCFS") investigation was pending against her;
- That N.S. called J.T. to pick up A.T. at the hospital, and when J.T. arrived, all three family members attempted to leave the hospital peacefully;
- That, without cause or provocation, a nurse grabbed A.T. from J.T.'s arms;
- That at no time did J.T. react in a physically aggressive manner toward hospital personnel other than to tell the nurse to "take your hands off me" and "get the f-k away from me" (obscurity not redacted in original);
- That the nurse persisted in her aggressive action to take A.T. away from J.T. and called for her coworkers to assist her in separating A.T. from J.T.;
- That, on the sole accusation of the nurse, J.T. was detained and later charged with aggravated battery; and
- That N.S. would testify that J.T. was not guilty of "any or all accusations in this regard."

10. On or about October 21, 2022, Respondent traveled to the home that N.S. and J.T. shared and met with them for approximately 15 minutes. Although Respondent knew that N.S. was represented by the Office of the Cook County Public Defender in the wardship and custody case, he did not contact anyone from that office prior to the meeting with N.S. Respondent also knew that the statements in the proposed affidavit, if it were presented to the court, could affect the outcome of the custody case.

11. While J.T. was present, Respondent summarized the affidavit to N.S. and asked her to sign it. N.S. told Respondent and J.T. that some of the statements in the affidavit were false and asked how signing it would benefit her. Respondent told N.S. she was at risk of losing custody of A.T. and signing the affidavit would increase her chances of maintaining custody of him. J.T. told N.S. that if she did not sign the affidavit, he would tell the court she was mentally unstable. Even though N.S. did not agree with all of the contents of the affidavit, she felt coerced into signing it by Respondent and J.T. N.S. signed the affidavit, and Respondent notarized N.S.'s signature.

12. At no time did Respondent obtain N.S.'s counsel's consent to communicate with N.S. regarding the subject matter of the court proceeding.

13. At no time did Respondent inform N.S. of her right to have her counsel present for any communications with Respondent.

14. The affidavit drafted by Respondent was prejudicial to N.S. because, by signing the document, N.S. purportedly confessed to having lied to law enforcement and hospital personnel about the circumstances of the altercation with J.T. on October 7, 2022. Moreover, Respondent knew that a DCFS investigation was pending against N.S., and her custody of A.T. was at risk.

15. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. during the course of representing a client, communicating about the subject of the representation with a person the lawyer knew to be represented by another lawyer in the matter, without the consent of the lawyer representing such party, by conduct including communicating with N.S. during Respondent's representation of J.T., when Respondent knew N.S. to be represented by the Office of the Cook County Public Defender, without obtaining the consent of the assistant public defender representing N.S., in violation of Rule 4.2 of the Illinois Rules of Professional Conduct (2010); and
- b. conduct that is prejudicial to the administration of justice by conduct including communicating with N.S., whom Respondent knew to be represented by the Office of the Cook County Public Defender, without the consent of the assistant public defender representing N.S., in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

## COUNT II

*(Using Means with no Substantial Purpose other than to Embarrass, Delay, or Burden a Third Person in the Course of Pending Litigation, Conduct Prejudicial to the Administration of Justice)*

16. On August 22, 2022, attorney Charlotte Coats filed a petition for dissolution of marriage on behalf of her client, P.C.L., against her client's husband, D.L., in the Circuit Court of Cook County. The matter was docketed as *P.C.L. v. D.L.* and was later consolidated with a previously filed case in which P.C.L. and her children had been granted an emergency order of protection against D.L.

17. On September 12, 2022, Respondent filed his written appearance as substitute counsel for D.L. in the case.

18. On November 21, 2022, pursuant to a telephone request by Respondent for parenting time by D.L. over the upcoming Thanksgiving weekend, Ms. Coats emailed Respondent a proposed parenting schedule. Ms. Coats also requested that one of the marital cars be transferred from D.L. to P.C.L.

19. On November 22, 2022, Respondent sent Ms. Coats an email that said, "Please see below. Thank you for your attempt." Respondent's reference to "below" was to a forwarded thread

of emails exchanged between Respondent and D.L.'s brother from November 10, 2022, through November 22, 2022. The thread included the following emails from November 21, 2022:

- a. At 2:16 p.m., Respondent wrote to D.L.'s brother, *inter alia*: "The lawyer said as the children haven't seen their father since May[,] they need to get acclimated. I said: BULLS--T. They've [*sic*] haven't seen their father cause their mother is playing f--king games!" (Emphasis in original; obscenities not redacted in original.)
- b. In an email to Respondent at 2:45 p.m., D.L.'s brother referred to P.C.L. as "very selfish, superficial[,] and materialistic" and "SADISTIC!!" (Emphasis in original.)
- c. At 4:55 p.m., Respondent wrote to D.L.'s brother: "Thank you for giving me a clearer picture of what's happened in May. Obviously, it changed my position on the car. As to the parenting schedule[,] she can lie all she wants. We WILL catch up with her and get things set straight." (Emphasis in original.)

20. Respondent knew or should have known that he forwarded Ms. Coats an email thread between himself and D.L.'s brother that contained remarks about Ms. Coats and her client, as described in paragraph 19, above, that Ms. Coats would reasonably interpret as disparaging of her and her client.

21. On November 23, 2022, after Respondent and Ms. Coats were unable to come to an agreement for D.L.'s parenting time over Thanksgiving weekend and Ms. Coats suggested that they work to submit an agreed order for parenting time to the court the next week, Respondent wrote to Ms. Coats: "I figured. Too bad that your client conditions her children's time with their father upon the receipt of material items. She's a fine example for the holidays. Please let her know that karma

is going to be a b---h.” (Obscenity not redacted in original.) The same day, Respondent filed a motion for holiday parenting time and a petition to establish allocation of parental responsibilities and parenting time on behalf of D.L.

22. Respondent knew or should have known that Ms. Coats would reasonably interpret Respondent’s email described in paragraph 21, above, as disparaging of her client.

23. On December 14, 2022, the parties appeared in court via Zoom for presentment of the filings described in paragraph 21, above. Ms. Coats advised Respondent and the court that P.C.L. was voluntarily offering parenting time to D.L. with certain stipulations that Ms. Coats would later communicate to Respondent. After court, Ms. Coats emailed Respondent a draft order containing the proposed parenting time and stipulations and asked Respondent to let her know if the order could be submitted to the court.

24. On December 15, 2022, Respondent’s law clerk sent an email to the Chief Judge’s Office at the Rolling Meadows Courthouse, Ms. Coats, and Respondent to which she attached a copy of Ms. Coats’s proposed order and a copy of a separate proposed order drafted by Respondent. The same day, Ms. Coats responded to all email recipients that both orders had been submitted to the court by Respondent without her consent and that P.C.L. did not agree to parenting time without the protections outlined in Ms. Coats’s proposed order. Later the same day, Respondent replied to all email recipients that Ms. Coats had mischaracterized the nature of his law clerk’s communication and asked the court to enter the order that best reflected the court’s intent on December 14, 2022.

25. On December 16, 2022, Ms. Coats replied to all email recipients that the court had not ordered parenting time on December 14, 2022, and that since D.L. had rejected the terms of the parenting time offered by P.C.L., there was no agreement. Ms. Coats attached a new proposed order with only the terms that had been agreed upon by the parties while in court on December 14, 2022.

26. The same day, Respondent replied to all email recipients: “Are you this ignorant with everyone? The agreement IS for visitation. The restrictive terms you inserted subsequently do not go to the basis of the bargain. Let he [*sic*] court decide what is appropriate and we will abide by it so the man doesn’t have to have his children used as a bargaining chip to suit your misguided penchant for control.” (Emphasis in original.)

27. Respondent knew or should have known that the email he sent to Ms. Coats, as described in paragraph 26, above, was also addressed to the Chief Judge’s Office at the Rolling Meadows Courthouse and that Ms. Coats would reasonably interpret Respondent’s email as embarrassing and disparaging and as an attempt to demean her before an authority figure.

28. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. in representing a client, using means that have no substantial purpose other than to embarrass, delay, or burden a third person, by conduct including forwarding opposing counsel an email thread between Respondent and his client’s brother in which Respondent used obscenities and made disparaging remarks about opposing counsel and her client, by sending opposing counsel an email in which he asked her to inform her client that “karma is going to be a b---h,” and by asking opposing counsel in an email on which the Chief Judge’s Office was copied whether she was “this ignorant with everyone” and accusing her of using the parties’ children as a “bargaining chip to suit [her] misguided penchant for control,” in violation of Rule 4.4(a) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct that is prejudicial to the administration of justice by conduct including asking opposing counsel in an email on which the Chief Judge’s Office was copied whether she was “this ignorant with everyone” and accusing her of using the parties’ children as a “bargaining chip to suit [her] misguided penchant for control,” in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).



WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Lea S. Gutierrez, Administrator  
Attorney Registration and  
Disciplinary Commission

By: /s/ Kate E. Levine  
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