IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT,L AW DIVISION

PAUL R. DULBERG, INDIVIDUALLY AND THE PAUL R. DULBERG REVOCABLE TRUST	)	
Plaintiffs,	)	
vs.	)	CASE NO. 2022L010905
ADR SYSTEMS OF AMERICA, LLC., et al.	)	
Defendants,	)	

DULBERG'S RESPONSE TO TALARICO'S MOTION TO UNSEAL...

A. TALARICO INTENTIONALLY AND SYSTEMATICALLY LIED TO THE ARDC THROUGHOUT HIS RESPONSE TO THE ARDC COMPLAINT AGAINST HIM

1. On July 15, 2024 we asked the court for permission to place all filed ARDC complaints on the record, including Talarico's ARDC complaint. We entered Talarico's Response to the ARDC complaint against him as an exhibit on July 15, 2024 and again on September 16, 2024. Talarico's ARDC Response **(Exhibit BY)** is the only statement of Talarico in which he ever attempted to explain his actions and the choices he made while representing Dulberg in 22L010905 and in 17LA377. We entered it into the record as evidence of a whole system of intentional misrepresentations by Talarico against Dulberg and as evidence that Talarico is hostile to our interests and has been intentionally and systematically destroying Dulberg's claims against all defendants in cases 22L010905 and 17LA377.

2. Talarico's ARDC Response was issued in response to an ARDC complaint filed against Talarico on January 5, 2024 **(Exhibit BS)** and January 22, 2024 **(Exhibit BT)** and supplemented and updated on February 1, 2024 **(Exhibit BU)**, on February 13, 2024 **(Exhibit BV)**, on April 10, 2024 **(Exhibit BW)** and on April 18, 2024 **(Exhibit BX)**.

3. All communication between Dulberg and Talarico and Kost and Talarico was by email or by telephone, there being no face-to-face communication. So all communication is in email and telephone records. We were amazed to see that Talarico made so many extreme and outrageous statements against Dulberg and Kost that can easily be proven to be untrue when compared to the complete record of (recorded telephone and email) communication, for example Talarico stated:

> "He often remarked to Mr. Talarico while litigating his numerous cases, that he will bring down the entire justice system in Illinois and that he and Mr. Talarico will make much money for the movie rights.", and then Talarico claimed Dulberg "avowed to bring down" the "Illinois Justice system".
>
> "That they wanted Mr. Talarico to be available for consultation 24/7 which they availed themselves of on an almost daily basis;
>
> "That they wanted a morning meeting to discuss status of all matters starting at 8:00 AM daily (including weekends);"
>
> "That Mr. Talarico would ignore ARDC Claimant Mr. Dulberg's "gaslighting" and do what Mr. Kost recommended that he does-he hangs up the phone when Mr. Dulberg gets abusive with him, based on the fact that Mr. Dulberg forgets his medications on occasion."

4. Over more than 3 years Thomas Kost had about 10 phone calls with Talarico that were longer than 10 minutes and about 20 shorter phone calls. **(Exhibit 256)**. We gave up attorney-client privilege between Dulberg and Talarico and Kost and Talarico and released our complete email records online which consist of about 2600 email communications

(Group Exhibit 50)[1], none of which contain comments like the ones Talarico has stated. Therefore Talarico is caught lying 'red handed' since communications records can decisively prove if Talarico is intentionally lying when making the quoted claims and other claims. We asked both the ARDC **(Exhibit BZ)** and then the presiding judge for permission to subpoena the phone records and recorded conversations so it could easily be proven that Talarico is systematically and intentionally lying about what transpired between Talarico and Dulberg (because all communication is recorded). We were surprised to learn that neither the ARDC investigator nor the presiding judge would ever require Talarico to produce phone records and all recorded communication.

5. Talarico placed a series of outrageous statements of a bizarre, cartoonish and extremely hostile nature in his ARDC Response without having to provide any evidence to defend the statements. Since Talarico was given no requirement to produce any of the recorded telephone conversations, Talarico certainly took advantage of this opportunity to make up a number of conspiracy theories about what Dulberg purportedly told Talarico over the phone even though there is no evidence for any of the following claims in the complete attorney-client emails, such as:

> about how Dulberg is randomly and irrationally attacking the Illinois bench and "avowed to bring down" the "Illinois Justice system" and bar and about Dulberg's and the 2nd District Appellate Court Judge Huchinson and clerks
>
> that Dulberg never revealed to Talarico that he had a (1) felony conviction and (2) past experience with Hutchenson.
>
> of Dulberg's "demands" for ARDC and JIB complaints from Talarico in October, 2023.
>
> of Dulberg's "verbal gas-lighting" of Talarico.
>
> of Talarico overwhelmed in workloads demanded by Dulberg and not being paid by Dulberg and Kost.
>
> of how all claims made by Kost and Dulberg in filed documents and in hearings and on the website www.fraudonthecourt.net (with close to 100 videos describing Talarico's actions) is all a product of our 'conspiracy theory' imagination.

6. All Talarico's claims against Dulberg and Kost are apparently of acts done during telephone conversations since there is no evidence of any of these outrageous and extreme claims occurred in the complete attorney-client email record of close to 3600 emails. We have asked for the recorded telephone conversations and we were refused. In this way Talarico was able to construct an alternative fantasyland in his ARDC Response that does not at all match the communications records. All Talarico's 'over the phone' conspiracy theories are allowed to thrive by Talarico having no requirement to provide telephone conversation recordings (which is what encourages all these conspiracy theories by Talarico to thrive unchecked).

7. For example, concerning Dulberg's "verbal gas-lighting" Talarico stated:

> "...and Mr. Talarico represented the Thomas W. Kost until leave was granted, over objection, to withdraw his Appearance based on Thomas W. Kost's written accusation that Mr. Talarico was working with and for all his legal opponents, Paul R. Dulberg's ongoing verbal "gaslighting" and both Dulberg and Kost's anticipatory repudiation of the contract fee agreement of $15,000.00" **(Exhibit BY, p7)**
>
> after Complainant had informed Mr. Talarico, just a few weeks before, that payment funds of $15,000.00 had been transferred to Mr. Dulberg's account and was

1 All attorney-client email communication between Dulberg and Talarico and Kost and Talarico (about 2600 email files) are available online at this link: https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/

ready to pay on the agreed date. (The verbal abuse, 'gaslighting," and non-payment of attorney fees is more fully revealed below) As of this writing the January 15, 2024 payment of agreed attorney fees has not been made." **(Exhibit BY, p7-8)**

Which apparently happened over the phone since there is no evidence for these actions in the close to 2600 attorney-client emails. Talarico hid from the ARDC that Talarico resigned as counsel on January 14, 2024 **(Exhibit AY)**[1]. Talarico never informed the ARDC in the Response that Talarico resigned as Dulberg's and Kost's counsel on January 14, 2024 **(Exhibit AY)**. Instead, Talarico presented the ARDC with a conspiracy theory mentioned throughout his ARDC Response about how we refused to refill his retainer with $15,000 on January 15, 2024 (after he resigned as counsel on January 14, 2024).

8. Concerning Dulberg and the 2nd District Appellate Court Judge Huchinson and clerks Talarico stated:

"This alleged prejudice on the part of Justice Hutchinson was only stated to Mr. Talarico after a final order was entered ending his Appellate Appeal No.: 2-23-0072 and signed by Justice Hutchinson" **(Exhibit BY, p3)**

"Mr. Dulberg often complained of the 2nd District process of having the Clerk of Court sign orders instead of a Second District Justice but never told Mr. Talarico why. He only revealed it in his criticism of Mr. Talarico's failing to force a Justice to sign. He then told Mr. Talarico that Justice Hutchinson was prejudiced against him because at the time she was using him to get better press during her attempt to become a Second District Justice. **(Exhibit BY, p3)**

Which apparently happened over the phone since there is no evidence for these actions in the close to 2600 attorney-client emails.

9. Concerning Dulberg never revealing to Talarico that he had a (1) felony conviction and (2) past experience with Hutchenson Talarico stated:

This is the first time he revealed his felony convictions although he asked Mr. Talarico to recommend a criminal defense attorney to represent his brother who was incarcerated for Domestic Violence. He was asking if Mr. Talarico knew anyone because, as Mr. Talarico discovered, although Mr. Dulberg's family has wealth, it seemed that most of the attorneys in three counties wanted nothing to do with his family. Mr. Talarico believes the above is relevant not because Mr. Dulberg is a convicted felon but that Mr. Talarico would know (by osmosis) that Mr. Dulberg believes that Justice Hutchinson had a prejudice against him after 30 years." **(Exhibit BY, p3)**

"Paul R. Dulberg did not reveal his past felony conviction and the alleged prejudice of Justice Hutchinson while serving as his trial court judge while she was attempting to obtain a seat on the Appellate Court 2nd District. The Final Order and Mandate of the Appellate Court in 2-23-0072, dated December 4, 2023 was the only order entered that had the names of the three Justices signing the order and one was Justice Susan F. Hutchinson." **(Exhibit BY, p7)**

At this time Paul R. Dulberg revealed his past legal experience with Justice Hutchinson and blamed Mr. Talarico herein for failing to have a prejudiced Justice removed from his case." **(Exhibit BY, p7)**

10. Each and every quote above can be verified or refuted by looking at the complete record of (phone and email) communications. If evidence for the actions described by Talarico in the above quotes is missing in the complete record of communications, the body of quotes provides clear evidence that Talarico is systematically and intentionally lying about Dulberg's actions. The conspiracy theories could easily be stopped and Talarico could be discovered to be systematically lying (once again) simply by examining the recorded telephone conversations to find whether these conspiracy theories actually took place. But the conspiracy theories are allowed to fester because Talarico can say anything happened over the phone and has no requirement to provide evidence.

11. The Illinois bench is effectively propping up these conspiracy theories of Talarico by not allowing us to subpoena the recorded phone conversations and by not requiring Talarico to produce any phone conversations or recordings or call records. This gives Talarico a platform to make ***any claim***. Because a presiding judge and the ARDC have the power to require

1 See Exhibit AY in DULBERG'S RESPONSE TO ADR'S PETITION FOR AN AWARD OF ATTORNEY'S FEES AND COSTS

Talarico to produce all recorded phone conversations and we do not, the presiding judge and the ARDC can either (1) allow Talarico to intentionally and systematically lie or (2) can stop him by requiring him to produce the recorded phone conversations as evidence.

12. Talarico must have known that the recorded phone conversations would never be required to be produced when he wrote his ARDC Response. He had to, since it would be too easy to prove Talarico is intentionally and systematically lying if we and the court had access to all recorded phone conversations. He could easily be caught 'red handed' this way. It is the purported statements from telephone conversations that Talarico uses to make the conspiracy theories. Talarico is now moving to have his ARDC Response entered into the court record to explain his actions during 22L010905 (so he must know that the telephone conversations will never be required to be produced or examined).

13. The website www.fraudonthecourt.net was created around October 13, 2023 **(Exhibit CG)**. Talarico was given access to the website on October 14, 2023 **(Exhibit CH)**. Talarico accepted $10,000 dollars retainer at around September 26, 2023 to pursue "Fraud on the court, Civil rights violations, Reopening the bankruptcy, ect" **(Exhibit CI)**. In the attorney-client email communication Talarico never referred to the website in a negative way **(Group Exhibit 50)**[1]. In Talarico's Response to the ARDC complaint Talarico makes the first statement in any record which refers to the website contents negatively as a "conspiracy theory":

> "Mr. Dulberg has created a web site with his half-brother Thomas Kost to "reveal to the world" all the injuries that the now ten named attorneys and judge and court clerks and certified court reporters have intentionally caused his family and himself." **(Exhibit BY, p3)**

Talarico intentionally hid evidence from the ARDC that Talarico accepted a $10,000 retainer to pursue "Fraud on the court, Civil rights violations, Reopening the bankruptcy, ect" and made no negative statement in any record or telephone conversation before making the quote above.

14. There is no evidence in the attorney-client email record of any statements of an extreme and outrageous nature like the following: "He often remarked to Mr. Talarico while litigating his numerous cases, that he will bring down the entire justice system in Illinois and that he and Mr. Talarico will make much money for the movie rights." **(Exhibit BY, p4)** and that Dulberg "avowed to bring down" the "Illinois Justice system". **(Exhibit BY, p4)** Talario stated a third time: "He is blameless and the Illinois Justice system, which he avows to bring down" **(Exhibit BY, p4).** This is assumed to have taken place by telephone since there is no evidence of any statements of this nature in the entire attorney-client email communications available to the public **(Group Exhibit 50)**[1]**.** These are shockingly provocative statements ***for any attorney to make about their client*** with no evidence since apparently Dulberg "avowed to bring down" the "Illinois Justice system" only over the phone to Talarico. There is no evidence anywhere in the close to 2600 emails in the complete attorney-client email communication for any claim as crazy as the ones Talarico makes here.

15. Talarico stated: "Note: some Judges deny that Dulberg qualifies as a permanently disabled person in their rulings but Mr. Dulberg categorizes himself in all cases" **(Exhibit BY, p4)** We have moved to submit medical records from Dulberg v. Colvin, No. 15 C 50219 (N.D. III.) led to a final determination of permanent full disability **(Exhibit BO)**[2] on August 29, 2023 and on July 15, 2024 and once again on March 24, 2025 and we ask once again that it be entered into the record**.** How is it that an attorney that represented Dulberg for more than 3 years doesn't know how to determine whether his own client is permanently disabled or not? This is Dulberg's former attorney questioning Dulberg's permanent disability status when Talarico had access to sealed federal records **(Exhibit BO)**. He is once again trying to invent another conspiracy that does not exist.

---

1 All attorney-client email communication between Dulberg and Talarico and Kost and Talarico (about 2600 email files) are available online at this link: https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/

2 See Exhibit BO in COURT APPROVED SUPPLEMENT TO DULBERG'S RESPONSE TO ADR'S PETITION FOR AN AWARD OF ATTORNEY'S FEES AND COSTS

16. Talarico intentionally misrepresented the number of cases for which he was retained and intentionally hid evidence that Talarico accepted a $10,000 retainer to pursue "Fraud on the court, Civil rights violations, Reopening the bankruptcy, ect" **(Exhibit BY, p4 to p8)** and Talarico is now intentionally lying about having been retained for these purposes **(Exhibit CI)**.

17. Talarico claimed to faithfully represent Dulberg during the 17LA377 and 22L010905 appeal processes **(Exhibit BY, p5)** even though in both cases Talarico deliberately filed Notices of Appeal in a way that placed Dulberg as a self represented litigant (3 times in a row) while charging Dulberg for representation and claiming to represent Dulberg **(Exhibit CF)**.

18. Talarico intentionally sabotaged Dulberg's Supreme Court Petition related to case 17LA377 **(Exhibit BJ)**. Talarico accepted money as if Talarico represented Dulberg during the preparation of the Supreme Court Petition without informing Dulberg that Dulberg was listed as a self-represented litigant **(Exhibit CF)**. Talarico stated, "The Assistant-Clerk of the Illinois Supreme Court, in contact with Mr. Talarico, indicated that the petition with hyperlinks could not be accepted" **(Exhibit BY, p6).** Talarico told us by phone on January 8, 2024 (the day the Supreme Court Petition was due) around 5:00pm, that Talarico talked to the Supreme Court clerk and the clerk told him that we can include hyperlinks in the Supreme Court Petition. The importance of the recorded telephone conversations (which we asked to be subpoenaed) as a platform which Talarico uses ***to get away with doing anything*** to his clients and to ***make any claim*** against his clients is once again demonstrated.

19. Talarico made the outrageous claims, "That they wanted Mr. Talarico to be available for consultation 24/7 which they availed themselves of on an almost daily basis" **(Exhibit BY, p9)** and "That they wanted a morning meeting to discuss status of all matters starting at 8:00 AM daily (including weekends)" **(Exhibit BY, p9)** Thomas Kost had about 10 telephone conversations with Talarico that lasted more than 10 minutes and only 30 calls total over more than 3 years **(Exhibit 256)**. Talarico can get away with making such outrageous claims because the presiding judge and ARDC investigator did not let us subpoena telephone conversations.

20. Talarico intentionally lied about his filing and motivation for filing a JIB complaint. Talarico informed Dulberg on February 14, 2022 that the presiding Judge of case 17LA377 and underlying case 12LA178 was personal fraends with defendant Popovich and had resued himself in a previous case **(Exhibit CL).** In Talarico's Response he stated: "The October 2023 demand by Paul R. Dulberg that Mr. Talarico file a Judicial Inquiry Complaint about the Honorable Thomas A. Meyer was filed by Mr. Talarico based upon his appearance and his discovery in 2017 LA 003777..." **(Exhibit BY, p9)** There is no evidence of any "demand" in the attorney-client complete record of email communication **(Group Exhibit 50)**[1]. There is only an email exchange where Dulberg is helping Talarico format a document around October 24, 2023 **(Exhibit CJ)**.

21. Talarico stated: "Regarding the October 2023 demand by Paul R. Dulberg that Mr. Talarico join in Mr. Dulberg's ARDC Requests for Investigation by filing separate Himmel Complaints against the attorneys that Mr. Dulberg has filed ARDC Requests for Investigation against are evidence by the January 17, 2024 e-mail letter from Thomas W. Kost stating..." **(Exhibit BY, p9)**. Like the previous paragraph, the "October 2023 demand' is fabricated by Talarico. There is no evidence of any demand in the attorney-client complete email communications. There is no evidence in any telephone conversation. Talarico feels free to make this amd many other outrageous claims because he can claim the event happened "by phone" and the Illinois bench will not require him to produce any evidence even though Talarico claimed that his telephone calls are automaticallly recorded by an

1 All attorney-client email communication between Dulberg and Talarico and Kost and Talarico (about 2600 email files) are available online at this link: https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/

outside agency.

22. 3D Talarico intentionally lied about when and why Talarico contacted the ARDC. On August 23, 2023 Talarico claimed that the ARDC informed him that we must remove all mention of any ARDC complaint from the 22L010905 common law record and that we cannot inform the presiding judge that any ARDC complaint had been filed or any contents of any ARDC complaint **(Exhibit CK)**. Talarico is now moving to enter his ARDC case file into the record. In his ARDC Response Talarico claims he did not contact the ARDC until October, 2023. If true, it means Talarico lied to us on August 23, 2023 when he informed us we were not allowed to inform the sitting judge about any ARDC complaint we filed against defendants and other related parties.

23. Talarico stated:

> "Every action taken, every document drafted and filed was first presented beforehand to Dulberg or Kost or Dulberg and Kost and approval was obtained or changes were made pursuant to their instructions before filing." **(Exhibit BY, p11)** and stated,
>
> "All courses of action, strategies and all potential outcomes were discussed in advance and approval obtained." **(Exhibit BY, p11)**

We presented evidence[1] that these statements are not true regarding the sanctioned act of filing the December 8, 2022 complaint.

24. Talarico concluded the ARDC Response by stating:

> Finally, it should be noted that much of Dulberg and Kost's complaint binder is old material regarding other attorneys, judges and court personnel and does not touch upon Mr. Talarico; Mr. Talarico asserts that it is added to impress the reader and to serve as a basis for now claiming that their unproven conspiracy and fraud upon the Court can now have the name of Alphonse A. Talarico added to the fantasy but since these pages do not pertain to Mr. Talarico, no response is made."

Talarico misrepresented the claims and supporting evidence as, ".old material regarding other attorneys" and "since these pages do not pertain to Mr. Talarico, no response is made." Talarico admits that he never responded to any of the issues of Talarico's actions raised in our Motion to Reconsider in his ARDC Response.

B. ARDC RECORDS (SEALED OR UNSEALED) DID NOT PREVIOUSLY ADJUDICATE ON TALARICO'S ACTIONS BECAUSE THE ARDC COMPLETELY AVOIDED AND SIDESTEPPED ADDRESSING (1) TALARICO'S ACTIONS AND (2) TALARICO'S INTENTIONAL AND SYSTEMATIC LIES IN HIS RESPONSE TO THE ARDC LISTED IN SECTION A.

25. In our May 13, 2024 reply to Talarico's response **(Exhibit BZ)**. we informed the ARDC in extreme detail just how Talarico intentionally lied in his response.

26. The ARDC final decision of January 14, 2025 **(Exhibit CE)** the ARDC never acknowledged that Talarico committed any of the acts described in the ARDC complaints and supplements against Talarico and in our March 24, 2025 submission and in our April 17, 2025 submission to this court and in our Motion to Reconsider. The ARDC never acknowledged that Talarico made any untrue statements in his response as described in Section A of this document and in our May 13, 2024 Reply to the ARDC **(Exhibit BZ)**. The very short final response letter stated we made only the following claims:

> You told us that you hired attorney Alphonse Talarico to represent Mr. Dulberg in his claims against his former attorneys. You believe that Mr. Talarico ailed to report Mr. Dulberg's former attorneys for misconduct to this agency. You also do not believe that Mr. Talarico adequately represented Mr. Dulberg.

We made completely different claims of attorney networks collaborating to commit fraud using a "Res Judicata game plan" over 5 distict stages as described in documents we

1 See paragraph 7 to 13 of DULBERG'S RESPONSE TO ADR'S PETITION FOR AN AWARD OF ATTORNEY'S FEES AND COSTS

submitted to the court. None of this is acknowledged by the ARDC. It is simply ignored and walked around.

27. The ARDC investigator gave only 2 short paragraphs of reasoning for their final decision. The first paragraph is as follows:

> "Mr. Talarico denied that he became aware of any actions by any attorney involved in Mr. Dulberg's matters.that gave rise to his reporting obligation under Rule 8.3 of the Illinois Supreme Court Rules of Professional Conduct ("IRPC"). He claimed that he had no first-hand knowledge of your accusations against the subject attorneys. As you may know, Supreme Court Rules require that this Commission establish all elements of a violation of the Rules of Professional Conduct by clear and convincing evidence. Based on the information that we reviewed, we would not be able to prove that Mr. Talarico's determination that he did not have an obligation to pursue your misconduct allegations against the named attorneys violated the IRPC."

28. The second paragraph is as follows:

> "Because of our limited duties, the Commission generally does not act on disagreements concerning the value of an attorney's services. Mr. Talarico, through counsel, maintained that he zealously represented Mr. Dulberg. He provided us with a description and list ;of the services he provided to Mr. Dulberg. The documents we reviewed appear to reflect that the attorney took actions reasonably calculated to achieve ¥,r. Dulberg's legal goals and, thus, we would not be able to prove that Mr. Talarico failed to provide Mr. Dulberg with the legal services he was obligated to provide."

29. The 2 quotes above constitute the entirety of the reasoning given by the ARDC for reaching their final conclusion on Talarico. The reasons given in the above quotes do not address or recognize any of the acts of Talarico documented in submissions to this court or any acts of Talarico documented in our submissions to the ARDC concerning Talarico. The information provided to the ARDC was simply bypassed or walked around and ignored.

30. None of the information we provided to the ARDC had any effect on the final decision or was dealt with at all in the final decision. The ARDC final decision simply reinforced and advocated for Talarico's narrative which Talarico gave in his response. Therefore this is not a decision that either confirms or denies that Talarico engaged in the behavior we have documented in our Feburary 24, 2025 submission or our March 17, 2025 submission or in our Motion to Reconsider. It is a decision that avoids and ignores the issues altogether.

31. In addition, the ARDC investigator was notified in detail that Talarico's Response is constructed using strings of intentional lies described in Section A. Yet none of the intentional lies described in detail to the ARDC had even the slightest effect on the ARDC final decision. The ARDC investigator either allowed or overlooked and ignored the fact that Talarico systematically and intentionally lied to the ARDC in his Response. The ARDC investigator did not deal with it at all.

32. After being presented with all the information listed here, the ARDC investigator issued a very short final decision concluding

> For the foregoing reasons, we have determined that a formal disciplinary prosecution of Mr. Talarico, based on your complaints, would not be successful. Accordingly, we are closing our file in this matter.

The ARDC did not acknowledge ***what we were complaining about*** and the ARDC did not deal with the claims and supporting evidence with which it was provided.

C. JUDGE SWANAGAN ALSO DID NOT ADJUDICATE ON TALARICO'S ACTIONS IN HIS RULINGS OF DECEMBER 17, 2024 AND APRIL 22, 2025 AND SUPPORTING COMMENTS.

33. In the May 29, 2025 hearing opposing counsel Chapman commented that the contents of the Motion to Reconsider is basically "rehashed' claims that have already been raised by us and ruled upon by Judge Swanagan.

34. In preparation for the June 10 hearing Dulberg filed an exhibit: QUOTES OF JUDGE SWANAGAN EXPLAINING THE DECEMBER 17, 2024 AND APRIL 22, 2025 ORDERS Entered as an exhibit to be used as a reference during the June 10, 2025 hearing **(Exhibit BR).** In the exhibit the 2 orders and all supporting quotes (labeled QUOTE 1 to

QUOTE 10) are placed together so all interested parties and reviewing courts can see what Judge Swanagan ruled upon and why and to see what Judge Swanagan did not rule upon.

35. The issues raised in Section A to Section J of MOTION TO RECONSIDER involving acts committed by Talarico were not ruled upon in either of the 2 orders or 10 quotes. The issues concerning actions by Talarico were not ruled upon in the December 17, 2024 order and the issues concerning actions by Talarico were not ruled upon in the April 22, 2025 order.

D. THERE ARE CONFLICTS OF INTEREST WHICH ENCOURAGE THE ILLINOIS BENCH (INCLUDING THE ARDC) TO AVOID ADMITTING (1) WHAT TALARICO DID AND (2) WHY TALARICO DID IT.

36. Talarico is claiming in his Motion to unseal that the issues raised in the Motion to Reconsider were already adjudicated as the ARDC unsealed record will show. To the contrary, we are demonstrating that Talarico's Response to the ARDC complaint against him consists of a systematic, coordinated and intentional system of lying.

37. Talarico is caught red-handed. Even though he was caught red handed, if the ARDC can issue a final decision in this way and the presiding judge can also issue a ruling in this way, and if the reviewing courts allow these final decisions to stand, then Talarico is allowed to get away with what he did. Talarico can get away with what he did if the Illinois Bench overlooks Talarico's actions.

38. If Talarico is allowed to get away with what he has been caught doing red handed, then it is because the trial court judge, Supreme Court judges (and possibly in this case Appellate Court judges) allowed Talarico to act in this way with no consequences.

39. Systems and networks of collaborating attorneys were well known in the history of Illinois courts. As late as 1988 the findings of the SPECIAL COMMISSION were that the Illinois Judicial branch of Government, bench and bar, was incapable and unwilling to regulate itself. THE SPECIAL COMMISSION ON THE ADMINISTRATION OF JUSTICE IN COOK COUNTY FINAL REPORT **(Exhibit 262)** was published on September 14, 1988. As the quotes below demonstrate, The Special Commission certainly did not recommend self-policing based on the honor system for the Illinois bench and bar at that time:

> "...the lack of personal honesty on the part of some judges and lawyers does not explain how the corruption revealed in the Greylord trials could be carried out for decades, undetected by responsible authorities, nor how it could evolve into such well-organized and systematic schemes." (page 8 of the FINAL REPORT)
>
> "...despite the duty that lawyers have under the Illinois Code of Profession Responsibility to report their knowledge of illegal acts, this type of corruption continued for decades, apparently unreported to law enforcement officials." (page 53 of the FINAL REPORT)
>
> "The state's agencies responsible for regulating professional conduct - the Attorney Registration and Disciplinary Commission and the Judicial Inquiry Board - also apparently failed to detect criminal wringdoing. Because lawyers and court personnel are reluctant to report misconduct, there was little risk that crimes would be brought to the attention of law enforcement or regulatory officials by private citizens." (page 53 of the FINAL REPORT)
>
> "The criminal conspiracies which persisted in Cook County's courtrooms could not have endured if lawyers had reported what they saw or suspected to law enforcement officials. Indeed, the status of lawyering as a profession is threatened when attorneys do not comply with this duty. We doubt whether the public will long tolerate the self-regulatory status of lawyers if they do not rectify the widespread disregart for their obligation to report the crimes and misdeeds of others." (page 75 of the FINAL REPORT)

The American Bar Association's Special Committee on Evaluation and Disciplinary Enforcement referred to the state of lawyer discipline as:

> "a scandalous situation that requires the immediate attention of the profession." the Committee;s report went on the note that "[w]ith few exceptions the prevailing

attitude of lawyers toward disciplinary enforcement ranges from apathy to outright hostility." (page 74 of FINAL REPORT)

Concerning the importance of federal law enforcement and federal government responsibility over Illinois courts THE SPECIAL COMMISSION concluded:

> ""...until state and local governments demonstrate the willingness and capacity to act in this area, we strongly believe federal law enforcement should continue to prosecute local corruption cases. United States Attorney for the Northern District of Illinois Anton R. Valukas has stated that he is committed to pursuing Greylord cases as long as there are viable leads to pursue. Nothing, we believe, could be more important for ensuring the integrity of our court system." (page 83 of FINAL REPORT)

Other FINAL REPORT quotes:

> The crime disclosed in the Greylord prosecutions involved many persons acting in concert over an extended period of time. (page 5 of FINAL REPORT)
>
> In the high-volume courts, as United States Attorney Anton R. Valukas has stated, there was "large-scale, continuous, well-entrenched [and] well-organized corruption" (page 5 of FINAL REPORT)
>
> One of the principal attributes of a profession is its ability and willingness to regulate itself. The failure of the legal profession to police its members - to report the misconduct of others within the legal community - casts doubt on whether the profession's long-standing tradition of self-regulation will endure." (page 7) of FINAL REPORT

40. THE SPECIAL COMMISSION found that the Illinois bench and bar was unable and unwilling to regulate itself at the time the final report was published on September 14, 1988. The Himmel case ruling was issued by the Illinois Supreme Court 8 days later on September 22, 1988. 20 years after the Himmel ruling, in 2008, former ARDC Administrator Mary Robinson stated in "A LAWYER' S DUTY TO REPORT ANOTHER LAWYER' S MISCONDUCT: THE ILLINOIS EXPERIENCE" **(Exhibit 252)** that there has only been 2 violations of the Himmel Rule in the 20 years since the 'Himmel Rule' went into effect**.** This is an average of about 1 Himmel Rule violation per decade. Since 1988 there is no evidence in ARDC statistics in any of the reports issued annually and available to the public (through the ARDC website) of any network or collaboration of attorneys being reported or discovered by the Illinois system of attorney regulation and oversight. Statistics published in ARDC Annual Reports since 1988 appear to be used to justify and reinforce the continued use of self-policing based on the 'Himmel Rule' and the 'honor system' for the Illinois bench and bar.

41. If Talarico's actions were known to the general public, upon entering a law office or courtroom the public's PRIMARY QUESTION becomes: Will I be targeted or not by my own retained law firm? Talarico's actions, if known of by the general public, are an embarrassment to the legal profession as a whole. Those regulating the profession have a vested interest in hiding Talarico's behavior and this type of collaborative behavior of attorneys and/or judges in general and in keeping it out of the public view in order to maintain the current status quo (self-policing and the honor system). The Illinois bench also has a vested interest in turning a blind eye to Talarico's system of actions for similar reasons

42. ***Metzger v. Brotman, 2021 IL App (1st) 201218*** states that the ARDC is not an independent agency that can be sued:

> "...it is undisputed that in Illinois, our supreme court has the inherent power to discipline attorneys who have been admitted to practice before it. Skolnick, 191 Ill. 2d at 229. Illinois treats attorney discipline as an exclusively judicial function under the Illinois Constitution's separation of powers clause. In re Day, 181 Ill. 73, 96 (1899). The court, in turn, has delegated the authority to investigate and prosecute claims of attorney misconduct to the ARDC. Skolnick, 191 Ill. 2d at 229. The ARDC's duties, structure, and authority derive exclusively from rules of the Illinois Supreme Court, and the ARDC is not a state agency. Chicago Bar Ass'n v. Cronson, 183 Ill. App. 3d 710, 720 (1989). Moreover, the ARDC and its various officers serve only as agents of the supreme court in administering the disciplinary functions that have been delegated to them. In re Mitan, 75 Ill. 2d 118, 123-24 (1979). Attorney disciplinary proceedings are conducted by the ARDC completely separate and apart from judicial proceedings in which the alleged attorney misconduct occurred (Reed Yates Farms, Inc. v. Yates, 172 Ill. App. 3d 519,

> 530 (1988)), and any sanctions based on alleged professional misconduct must be addressed by the ARDC and not by the trial court (Schnack v. Crumley, 103 Ill. App. 3d 1000, 1007 (1982)). Additionally, ecommendations made by the ARDC's hearing board are merely advisory, and the supreme court retains the ultimate responsibility for imposing discipline on attorneys. In re Mulroe, 2011 IL 111378, ¶ 25. Courts other than the supreme court may adjudicate matters touching on attorney discipline only when acting as agents of the supreme court upon direct order of that court. Lustig v. Horn, 315 Ill. App. 3d 319, 328 (2000) (citing Ettinger v. Rolewick, 140 Ill. App. 3d 295 (1986))."

43. If the Supreme Court bench avoids (ignores) the issue of Talarico's actions, and the presiding judges avoid the issue of Talarico's actions, and higher reviewing courts avoid the issue of Talarico's actions, in this way the issue of Talarico's actions ceases to exist, not because the issue was dealt with but because it was carefully ignored by the Illinois bench and was allowed to "slip through the cracks" and disappear. If the regulators of the judicial branch see what they want to see and ignore all issues they do not want to deal with, and if they write their conclusions in a final statement in this way, then the final statement can be taken to be evidence that the issues were already ruled upon. It is a coded language for avoiding issues which are embarrassing to the legal profession and to the Illinois judicial branch of government. The SPECIAL COMMISSION made a similar statement:

> "The official rules - such as the Court's rules, the lawyer's Code of Professional Responsibility and the criminal laws governing courtroom conduct - form what one writer has called a "myth system." What actually occurs in these courtrooms reflects a different set of norms which constitutes and "operational code."" (page 67 of the FINAL REPORT)

44. The interests of advocacy for the reputation and standing of the Illinois legal profession by current members of the ISBA and CBA and IJA form an incentive to overlook what Talarico did and why he did it This incentive may trump concerns for the civil rights of non-attorney Illinois citizen victims of abuse of due process in Illinois courts.

E. THERE ARE CONFLICTS OF INTEREST THAT ENCOURAGE THE ILLINOIS BENCH (INCLUDING THE ARDC) TO AVOID ADMITTING THE REASONS FOR TALARICO'S ACTIONS, BECAUSE THIS MAY "OPEN A WHOLE NEW CAN OF WORMS" REVEALING "MORE SKELETONS IN THE CLOSET"

45. Talarico was and still is intentionally hiding and covering up what happened in the Dulberg cases 12LA178, 17LA377 and 22L010905 and federal bankruptcy case 14-83578. That is the primary (clandestine) purpose of Talarico during case 22L010905 and related case 17LA377. If the Illinois bench admits what Talarico did, then the Illinois bench may also have to admit why Talarico did what he did. Cui Bono? This would implicate other parties involved in cases 12LA178 and 17LA377 and 22L010905, which are the very people and entities whose actions Talarico was acting to keep hidden, protected and unexposed.

46. Dulberg and Kost used terms like 'system' and 'network' and 'spy' and 'mole' and 'collaboration' to describe what they experienced directly in cases 12LA178, 17LA377 and 22L010905 and federal bankruptcy case 14-83578. Likewise, almost 4 decades earlier, 'networks' and 'systems' entrenched for decades in Illinois courts were acknowledged to exist in the 1980's as the quotes from the Special Commission Final Report prove.

47. According to ARDC records, networks of hustling attorneys using systems of fraud like a conveyor-belt factory system have not occurred since the infamous days of Greylord. The problem was apparently 'fixed' after Greylord using the Himmel Rule and the honor system. Since Greylord there has been no record of any networks of attorneys running systems of fraud in Illinois courts in ARDC statistics on attorney misconduct ever since Himmel was decided in 1988, and there is only on average one Himmel rule violation per decade. These statistics are used to provide evidence that justifies the current system based on self-policing, the honor system and the 'Himmel Rule' as a successful model of regulation of the legal profession in Illinois. Talarico's actions, if known to the public, cast doubt and suspicion on the current Illinois judicial branch status quo with respect to self-policing, the validity of the honor system and the effectiveness of the Himmel rule.

48. For these reasons there is a vested interest to imply that Dulberg and Kost are simply crazed frivolous claim filers rather than to admit that ***networks of members of the Illinois bar actually did conspire to commit fraud*** in the Dulberg cases 12LA178, 17LA377 and 22L010905 and federal bankruptcy case 14-83578 in a way which is reminiscent of the times of Greylord and that these conspiring networks of attorneys are conveniently protected by the ARDC (Illinois Supreme Court) if discovered and reported to the proper authorities in Illinois.

49. This is exactly what Talarico is knowingly and intentionally doing in his Response to the ARDC complaint filed against him. Talarico placed a stunning number of outrageous claims about his own clients on the record.

F. ANOTHER EXAMPLE OF AN ARDC FINAL DECISION, THIS TIME CONCERNING DEFENDANT BAUDINS. IN WHICH THE ARDC (1) COMPLETELY AVOIDED AND SIDESTEPPED ADDRESSING THE BAUDINS'S ACTIONS AND (2) THE ARDC COMPLETELY AVOIDED THE FACT THAT THE BAUDINS INTENTIONAL AND SYSTEMATIC LIES IN THEIR RESPONSE TO THE ARDC

50. The same 2 step process applied to Talarico's ARDC complaint by the ARDC was also applied in the case of William Randall Baudin and Kelly Baudin when same ARDC investigator made a final decision **(Exhibit CD)** on the William Randall Baudin and Kelly Baudin ARDC complaint **(Exhibit CA)**. Just like Talarico's ARDC Response, the Response by William Randall Baudin **(Exhibit CB)** was laced with (at least 7) intentional deceptions:

1) Moved bankruptcy filing date up about 22 months
2) 'Deleted' bankruptcy trustee Heeg and invented the term "the trustee" to refer only to trustee Joseph Olsen.
3) Claimed Dulberg gave consent to binding mediation
4) Ignored fact that defendant Gagnon admitting negligence for Dulberg's injury as early as March, 2013
5) Ignored Dulberg's status as sole residual beneficiary of the bankruptcy estate since all creditors were paid in full
6) All inherited actions (at least 9 out of 10 depositions in underlying case 12LA178 have no valid certification page or forgeries of court reporter signatures attached, burial of key evidence, ect)
7) Ignored reason Dulberg declared bankruptcy

51. These are the same 7 issues that Talarico intentionally removed from the complaint we wrote and provided to Talarico from December 6, 2022 to December 8, 2022. As was explained to the ARDC in our Reply to the Baudins' response **(Exhibit CC)**, the fact that (1) the Baudins intentionally lied about at least 7 features in their response to the ARDC on June 7, 2024 **(Exhibit CB)** and (2) the exact same 7 features were intentionally removed and altered by Talarico on and just before December 8, 2022 provides further evidence that Talarico was working directly with opposing counsel and/or opposing parties in the days leading up to December 8, 2022 (when the sanctioned complaint was filed)[1]. Just like with the case of Talarico, the ARDC investigator was informed in extreme detail **(Exhibit CC)** that the ARDC Response the Baudins provided **(Exhibit CB)** is intentionally engineered to deceive the reader by manipulating the chronological record of events along at least 7 features.

52. Just like with the case of Talarico, even after having been informed in detail that the Baudins are intentionally lying to the ARDC to hide their behavior, the ARDC investigator completely bypassed and ignored the issues raised when issuing a final decision. The ARDC investigator stated our claims as follows:

> You told us that you hired attorney William Baudin, II, to pursue a personal injury case. You complained that Mr. Baudin failed to adequately represent you. You

---

1 See paragraph 7 to 13 of DULBERG'S RESPONSE TO ADR'S PETITION FOR AN AWARD OF ATTORNEY'S FEES AND COSTS.

also believed that he did not earn the fees he received, and that he coerced you to agree to mediation and a cap on your award.

53. But we claimed so much more: At least 9 out of 10 depositions with forged signatures of court reporters or no certification pages, defendant Gagnon already admitted negligence as of March, 2013, the Baudins and Allstate alone made the decision to enter into binding mediation and a high-low agreement between June 13, 2016 and August 11, 2016 while Megan Heeg was bankrupty trustee and the Baudins did not inform trustee Heeg this took place, a forgery being used as the ADR agreement because Dulberg never agreed to binding mediation and did not sign the agreement (though Dulberg's signature appears on the binding mediation agreement), ect. There is no evidence in the final decision that we made these claims and more. The claims are imply ignored.

54. Just as with the ARDC final decision on Talarico, the ARDC final decision on the Baudins at no time acknowledges what Dulberg's claims against the attorney(s) actually are. Both the Talarico and Baudins ARDC final decisions begin by misstating our claims against the attorneys. The complete reasoning the ARDC gives concerning the Baudins is as follows:

> Mr. Baudin advised that the trustee in your bankruptcy case filed a motion to appoint Mr. Baudin as Special Counsel to pursue your personal injury claim, as well as a motion to enter binding mediation. Both motions were approved by the bankruptcy court. He pointed out that although your bankruptcy placed a stay on your creditors from pursuing payment of debts against you, it did not prevent you or the estate from pursuing a potential estate asset. such as the proceeds from any court claim. Further, as the representative of the estate, the trustee has the capacity to sue and be sued and, thus, has standing to resolve the personal injury claim.

The narrative is told with no mention that Gagnon already admitted negligence for Dulberg's injury as of March, 2013 and no mention that Dulberg was the sole residual beneficiary of the bankruptcy estate since all creditors were paid in full. The Baudins hid these key facts, and the ARDC investigator is claiming the same narrative, which simply ignores these key facts.

"Mr. Baudin told us that the parties agreed that the best way to handle your matter was through binding mediation."

The Baudin ARDC Complaint **(Exhibit CA)** provided quotes from 12LA178 court transcripts that prove the Baudins and Allstate alone made the decision to go to binding mediation between June 13, 2016 and August 11, 2016. "The" bankruptcy trustee Joseph Olsen was not appointed as bankrupty trustee until August 31, 2016. The acting bankruptcy trustee was Megan Heeg, who was never consulted when the Baudins and Allstate alone decided to enter binding mediation and agree to a high-low cap more than 3 years after defendant Gagnon already admitted negligence for Dulberg's injury (as of March, 2013) **(Exhibit 112)**[1]. The ARDC continued:

> According to Mr. Baudin, you were present when the matter went before the mediator, who found you to be partially at fault for your injuries, and ultimately entered an award in your favor. Because of the high-low agreement in place, the award was further reduced. The funds received became an asset of your bankruptcy estate. According to Mr. Baudin, the bankruptcy court ordered his fees be paid, and the rest of the award was applied to your debts.

The narrative again ignores that it was the Baudins and Allstate alone (without informing bankruptcy trustee Megan Heeg) that placed a high-low cap on a case where the remaining defendant admitted negligence in March, 2013, more than 3 years earlier. The ARDC continues:

> Mr. Baudin .stated .that he advised you as to the consequences of agreeing to binding mediation, as well as to the high-low caps. He claimed that after discussing your legal rights and options, you agreed to binding mediation. Mr. Baudin pointed out, however, your consent to participate in binding mediation was not required. He also pointed out that because you filed for bankruptcy, it was up to the trustee to determine how to proceed with the lawsuit as a potential asset of the

1 1 See Exhibit 112 in COURT APPROVED SUPPLEMENT TO DULBERG'S RESPONSE TO ADR'S PETITION FOR AN AWARD OF ATTORNEY'S FEES AND COSTS

estate. The decisions in this regard did not require your consent, but did require court approval, which was obtained.

Which ignores the evidence listed here and in the ARDC complaint against the Baudins of how Gagnon already admitted negligence and about Dulberg being the sole residual beneficiary of the bankruptcy estate since all creditors were paid in full. ARDC concluded:

> The duties of this agency relate primarily to the investigation and prosecution of allegations of professional misconduct against lawyers. When we have sufficient evidence of misconduct by a lawyer, we can initiate proceedings that may seek the lawyer's disbatment or suspension from the practice of law. Absent evidence of unreasonableness, duplicate billings, intentional overcharges, or other types of fraud, the Commission generally does not act on disagreements concerning the value of an attorney's services. That appears to be the case here.
>
> As you may know, Supreme Court Rules require that this Commission establish all elements of a violation of the Rules of Professional Conduct by clear and convincing evidence. Based on the information and the documentation we reviewed, we have determined that we would not be able to prove that Mr. Baudin failed to provide you with material information about your case in a timely manner, that he pursued action which required your consent without your authorization, or that he otherwise committed professional misconduct. Thus, a formal disciplinary prosecution of Mr. Baudin would fail. Accordingly, we are closing our file in this matter.

55. Once again the fact that defendant Gagnon admitted negligence for Dulberg's injury as of Mary, 2013 is ignored. The fact that Dulberg was sole residual beneficiary of the bankruptcy estate since all creditors were paid in full is ignored. The deposition forgeries are ignored. The forged binding mediation contract is ignored, ect. The information provided to the ARDC was simply bypassed or walked around. It is not explained or dealt with at all in the legal theories given in the quotes above. None of the information we provided to the ARDC investigator had any effect on the final decision concerning the Baudins.

56. In addition, the ARDC investigator was notified in detail that Baudins's ARDC Response is constructed using a system of intentional lying. Yet none of the intentional lies described in detail to the ARDC had even the slightest effect on the ARDC final decision. Both ARDC final decisions avoided most every key issue raised. The final decisions are then later used (as Talarico is doing in this motion) to claim the ignored issues were already adjudicated.

57. Therefore this is not a decision that either confirms or denies that Talarico engaged in the behavior we have documented. It is a decision that ignores the issues altogether. The ARDC did not acknowledge ***what we were complaining about*** and they did not deal with the claims we made and the supporting evidence we provided.

58. Evidence provided to the ARDC demonstrates conclusively that both Talarico and the Baudins intentionally and systematically lied to the ARDC in their responses. The Baudins intentionally lied concerning at least 7 features of their representation of Dulberg and Talarico intentionally lied systematically throughout his ARDC Response. Even so, the ARDC actively supports the narrative that both Talarico and the Baudins wrote in their responses to the ARDC. The ARDC did this both times by (1) not acknowledging what we claimed to the ARDC, (2) not acknowledging that the ARDC was provided detailed evidence that Talarico and the Baudins intentionally and systematically lied throughout their ARDC Responses, and by (3) giving a short list of reasons why the ARDC supports and advocates for Talarico's and the Baudin's narrative.

59. It is not possible for the ARDC to state they were not informed of what we actually claimed Talarico and the Baudins did. It is not possible for the ARDC to state they were not informed in detail that both Talarico's and the Baudins reponses to the ARDC contain of intentinal and systematic lying. The ARDC was informed in detail in both cases but the information was simply ignored and walked around. In both cases the reasons stated by the ARDC for their final decisions consisted of nothing more than support for the narrative each attorney(s) gave in their ARDC Responses. The ARDC effectively acted as an advocate for the attorney narrative in both cases.

G. ILLINOIS JUDICIAL BRANCH CLAIMS EXCLUSIVE POWER OF SELF-REGULATION AND SELF-POLICING OVER ATTORNEYS BUT THEN REFUSES TO POLICE THEMSELVES IN THE CASES OF CERTAIN ATTORNEYS AND ATTORNEY NETWORKS

60. We are being sued for sanctions because of Talarico's actions (a 'trojan horse' system of case sabotage, Talarico being the 'trojan horse') and because Talarico is apparently allowed to get away with what did (and is doing) by the Illinois bench. If Talarico was required to produce the complete recordings of telephone conversations between Talarico and Dulberg and Talarico and Kost, Talarico would be found out as a person committing systematic fraud as described in our submitted documents. He would be found out and this would be over quickly.

61. The purpose of judicial branch is to resolve cases and controversies. Dulberg was cut by a chainsaw operated by Gagnon in 2011. Dulberg filed a complaint in 2012. Gagnon admitted negligence as of March, 2013 **(Exhibit 112)**[1]. and yet Dulberg was "mugged" or "jumped" by a network of attorneys from the first day Dulberg retained a law firm and about 14 years later (2025) attorneys are still conspiring to punish Dulberg with sanctions.

62. None of the evidence we presented to the ARDC concerning Talarico had any effect on the final decision. The ARDC simply ignored everything we submitted and advocated for the attorney's narrative.

63. None of the evidence we presented to the ARDC concerning the Baudins had any effect on the final decision. The ARDC simply ignored everything we submitted and advocated for the attorney's narrative.

64. None of the evidence we presented to Judge Swanagan before December 17, 2024 had any effect on his final order of December 17, 2024. Talarico was allowed to write and file Dulberg's Response for sanctions on Dulberg's behalf on February 8, 2024 over our objections.

65. None of the evidence we presented to Judge Swanagan before April 22, 2025 had any effect on his final order of April 22, 2025.

66. Talarico's actions are never acknowledged or dealt with. Talarico's actions are never explained. They are just walked around and ignored.

67. The SPECIAL COMMISSION stated:

> "The state's agencies responsible for regulating professional conduct - the Attorney Registration and Disciplinary Commission and the Judicial Inquiry Board - also apparently failed to detect criminal wrongdoing. Because lawyers and court personnel are reluctant to report misconduct, there was little risk that crimes would be brought to the attention of law enforcement or regulatory officials by private citizens." (page 53 of the FINAL REPORT)

We are private citizens informing the ARDC of a network of attorneys using systems of fraud from 2012 to 2025. We have mapped the systems in great detail and we have sent all the information to the ARDC and made the mapped systems available to the public in a website with around 100 videos.

68. We also informed the ARDC in extreme detail that there is evidence of foreknowledge of the refusal to self-police and self-regulate in the Responses of both Talarico and the Baudins. They both openly lied to the ARDC methodically throughout their ARDC responses. They must have known their statements would not be fact-checked or questioned or they wouldn't have systematically lied throughout their responses. In both cases we explained to the ARDC in detail that the responses are intentionally constructed to deceive the reader. We explained each of the deceptions in detail. The ARDC never acknowledged that Talarico intentionally and systematically lied to the ARDC. The ARDC never acknowledged that

---

1 1 See Exhibit 112 in COURT APPROVED SUPPLEMENT TO DULBERG'S RESPONSE TO ADR'S PETITION FOR AN AWARD OF ATTORNEY'S FEES AND COSTS

the Baudins intentionally and systematically lied to the ARDC. They were basically allowed to intentionally and systematically lie to the ARDC and they were allowed to get away with it.

> "...reforms which have been independently initiated by the Court and other agencies - are not self-executing. Future Greylord-type misconduct will be prevented only if the leadership of the bench and bar is firmly committed to supporting the goals of an independent and honest judicial system." (page 88 of FINAL REPORT)

There is no acknowledgement or recognition from the Illinois bench (1) What Talarico did or (2) Why Talarico did it even though it was reported to them.

> "We are certain that complacency is not the answer to the problems revealed by the Greylord prosecutions. Nothing, we believe, would be more demoralizing than failing to take action to check corruption and prevent further erosion of public confidence in the court system." (page 12 of FINAL REPORT)

69. Talarico's actions in case 22L010905 are the proverbial "elephant in the room". By what right is Talarico allowed to act in these ways while the Illinois bench acts as if they do not notice what Talarico is doing? Through what justification can the Illinois legal community claim to be 'self-policing" and "self-regulating" while Talarico's actions are overlooked and ignored? Selective self-policing allows networks of attorneys to have a back door for a trojan horse system of playing God with any case they choose.

H. CONCLUSIONS CONCERNING TALARICO'S MOTION TO UNSEAL DOCUMENTS

70. Documents are already available to the public through the internet at www.fraudonthecourt.net/ardc and have been since they were first submitted.

71. We welcome the unsealing of ARDC documents to be used as evidence that Talarico systematically lied to the ARDC. But we object to using the records as a "get out of jail free card". Talarico's actions in 22L010905 are the "elephant in the room". Talarico is caught "red handed".

Respectfully submitted, this 11th day of July 2025

By: /s/ Paul R. Dulberg
Paul R. Dulberg
4606 Hayden Ct.
McHenry, Illinois 60051
(847) 497-4250
Paul_Dulberg@comcast.net

Pro se for Plaintiffs: Plaintiffs PAUL R. DULBERG, INDIVIDUALLY AND THE PAUL R. DULBERG REVOCABLE TRUST

VERIFICATION BY CERTIFICATION PURSUANT TO SECTION 1-109

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

/s/ Paul R. Dulberg
Paul R. Dulberg

A LAWYER'S DUTY TO REPORT ANOTHER LAWYER'S MISCONDUCT: THE ILLINOIS EXPERIENCE

Mary T. Robinson∗

In September 1988, the Illinois Supreme Court issued an opinion in a disciplinary case, suspending a lawyer for one year because the lawyer failed to report another lawyer's misconduct. The decision rocked the legal profession in Illinois and beyond. For Illinois practitioners, the name of the unfortunate lawyer disciplined in the case of *In re Himmel*,[1] has become synonymous with the reporting obligation set forth in Rule 8.3 of the Illinois Rules of Professional Conduct. Indeed, in Illinois legal vernacular, "*Himmel"* is a verb, as in "to *Himmel* another lawyer" by reporting her misconduct.

At the time *Himmel* was decided, I was in private practice, largely oblivious to the workings of the disciplinary agency, and I participated with some energy in the collective gasp that went up from Illinois lawyers. The following year, I was appointed to serve on the Commission that oversees the work of the Illinois Attorney Registration and Disciplinary Commission (ARDC), and then, in 1992, I was appointed Administrator, where I have served as the chief executive and prosecutor of the ARDC for the past fifteen years. My initial horror[2] at the *Himmel* outcome has been replaced by a healthy respect for what that decision has contributed to the effectiveness of lawyer discipline in Illinois from two perspectives: 1) lawyer reports tend to involve more serious conduct and to be made more promptly, giving discipline the ability to act expeditiously to prevent harm to other clients; and 2) the fact that Illinois lawyers face discipline if they do not report another lawyer's misconduct results in discipline cases against lawyers who, because of their practice setting, would never otherwise come to the attention of discipline authorities. Those results depend upon widespread compliance with the reporting obligation by Illinois lawyers which was prompted by the *Himmel* decision and which is facilitated by the comparatively narrow scope of misconduct which Illinois Rule 8.3(a) requires Illinois lawyers to report.

Consideration of the impact of the *Himmel* decision on Illinois discipline must begin with the particulars of the *Himmel* case. Mr. Himmel agreed to represent a client whose former attorney, John Casey, had settled the client's personal injury case and then converted the entire $23,233.34 portion of the settlement due to the client. On behalf of the client, Himmel negotiated an agreement with Casey whereby Casey promised to pay the client $75,000 and the client agreed not to initiate any criminal, civil, or attorney disciplinary action against Casey. Himmel's agreement with the client entitled him to be paid one-third of any amount collected beyond the $23,233.34 Casey had initially converted. Due to Himmel's efforts, the client recovered about $10,000 from Casey, but when Casey failed to pay any more, Himmel sued and the lawsuit was reported to the ARDC. Himmel insisted that he did not make a report to the ARDC because his client directed him not to do so. The Illinois Supreme Court gave that argument short shrift, observing that a client cannot absolve a lawyer of a duty imposed by the Court. In aggravation, the Court found that Himmel's failure to report had interfered with a timely ARDC investigation, with the result that Casey had converted funds from other clients

---

∗ Former Administrator, Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois.

1. *In re* Himmel, 533 N.E.2d 790 (Ill. 1998).

2. I had tempered this description until one of my ARDC colleagues informed me that they all carefully avoided talking about *Himmel* around me because I had such a strong adverse reaction.

after Himmel learned of, and decided not to report, Casey's misconduct. The Court was particularly incensed that Himmel had bargained away his duty to report in return for economic concessions from Casey, which, the Court held, ran afoul of the criminal proscription against compounding a crime.

There is another circumstance that contributes to the real story of the *Himmel* result. Himmel represented himself throughout the proceedings, including at the oral argument before the Supreme Court. In speaking engagements after his suspension, Mr. Himmel told audiences that was a costly mistake. Some who observed the oral argument in the case felt that Himmel inadvertently managed to convince the Court that he had made a calculated decision to use Casey's fear of a disciplinary report to leverage a greater settlement for his client and a bigger fee for himself.

An important factor in the *Himmel* outcome was the comparatively narrow scope of the Illinois reporting obligation, and the fact that the evidence so clearly showed that Himmel knew that Casey's misconduct fell within the narrow parameters of the rule. At the time this case arose, Illinois still operated under a Code of Professional Responsibility. Himmel was charged with violating Illinois Disciplinary Rule 1-103(a), which provided:

> (a) A lawyer possessing unprivileged knowledge of a violation of Rule 1-102(a)(3) or (4) shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation.

Illinois DR 1-102(a)(3) and (a)(4) prohibited lawyers from engaging in illegal conduct involving moral turpitude and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. In contrast, ABA Model Code of Professional Responsibility, Disciplinary Rule 1-103(a) required lawyers to report unprivileged knowledge of *any* violation of DR 1-102, which proscribed virtually all lawyer misconduct. Under a broader rule, it seems somehow more acceptable that lawyers will assume that the rule could not really mean what it says, or, at least, that no one would seriously consider rigorously enforcing such a broadly framed obligation. Under the narrower Illinois rule, there was considerably less room for the Court to entertain that reasoning. Moreover, by bargaining with Casey to withhold criminal and disciplinary complaints in exchange for payment of a rather substantial sum and making the mistake of standing on his right to do so in his argument to the Supreme Court, Himmel signaled his recognition that Casey's misconduct fell within the parameters of the rule.

Shortly after *Himmel* was decided, the Illinois Supreme Court adopted a version of the Model Rules, but it held to the Illinois formulation of the reporting requirement. Whereas Model Rule 8.3(a) requires a report when a lawyer knows that another lawyer has committed a violation of the rules that "raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects," Illinois Rule 8.3(a) continues to require a report only when a lawyer has unprivileged knowledge that another lawyer has committed *a criminal act* that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects or has engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, as proscribed by Illinois Rule 8.4(a)(3) and (4). In reaction to the ABA's adoption of Ethics 2000 recommended revisions to the Model Rules, the Illinois State Bar Association and the Chicago Bar Association convened a joint committee to consider revisions to the Illinois Rules of Professional Conduct. During the deliberations of that joint committee, the ARDC urged that the committee's report recommend that the Illinois Supreme Court retain the present Illinois Rule

8.3(a) formulation of what conduct must be reported, and the joint committee's proposal does, indeed, recommend that Illinois retain its "more precise and limited" version of Rule 8.3(a).[3]

Since the *Himmel* case was decided, the Illinois ARDC has tracked grievances filed by lawyers separately. In 1989, the first full year after *Himmel* was decided, Illinois lawyers filed over 900 grievances out of about 6000 total grievances filed that year. The flurry of *Himmel*-motivated activity and widespread complaints that lawyers were threatening each other with Himmel reports prompted the Illinois Supreme Court to add a provision to Rule 1.2 when the Court adopted the Illinois version of the Model Rules in 1990. Illinois Rule 1.2(e) provides that a lawyer "shall not present, participate in presenting, or threaten to present criminal charges *or professional disciplinary actions* to obtain an advantage in a civil matter." Whether in response to that provision or because the initial hysteria died down of its own accord, in all years after 1989, the number of grievances filed by lawyers or judges dropped to about 500 a year, out of an average 6180 grievances per year.

While the lawyers who file reports to Illinois disciplinary authorities routinely cite *Himmel* as requiring them to do so, many of the reports would not be required under that decision. A substantial number of attorney reports complain about another lawyer's advertising, without any expressed concern that there is something dishonest in the ads. Some other common nonmandatory reports include complaints about incivility, neglect, Rule 4.2 violations, and the filing of frivolous pleadings. Nevertheless, while many of the attorney reports would not be required under Illinois Rule 8.3(a), the conduct Illinois lawyers report does tend to be more serious than conduct reported by other sources. As the chart at the end of this article shows, a report that comes from a lawyer is twice as likely to result in a formal disciplinary complaint as is a grievance that comes from another source.

My experience as Administrator of the ARDC has persuaded me that the Illinois Supreme Court's readiness to enforce the attorney reporting rule is a significant factor in the efficacy of our discipline system. Lawyers are in positions to know things about other lawyers that might not be known to others and to understand the significance of matters that might be lost on others. Yet very few lawyers want to make reports, and many would talk themselves out of it if they felt free to ignore Rule 8.3. Doubtless, much of the conduct that results in formal disciplinary charges would eventually have been reported by a client or someone else if a lawyer had not first made a report. Nevertheless, lawyers faced with potential disciplinary exposure make prompt reports, and particularly in cases where offending lawyers have high volume practices or are spending client funds, that promptness makes it possible for discipline to intervene more swiftly and limit the potential damage that might be done by the offending lawyer. Enforcing a lawyer's obligation to report enhances the public protections goals of attorney discipline.

It is also my belief that enforcing the reporting rule creates a leveling effect in terms of which lawyers are subjected to discipline. Jurisdictions which have published statistics, including Illinois, acknowledge that the overwhelming number of lawyers disciplined are sole practitioners.[4] One reason is that a sole practitioner's clients are more likely to complain to discipline. Clientele of a solo practice tend to be individuals, often of lesser means, who have little leverage if a lawyer fails to live up to their expectations, and most feel that complaining to

3. Joint ISBA/CBA Committee on Ethics 2000 Final Report (October 17, 2003) at p. 38. The report is under review by Illinois Supreme Court Committee on Professional Responsibility.

4. The data usually captures a lawyer's practice setting at the time of the misconduct or at the time the lawyer is disciplined. It is not uncommon for lawyers who are solos at the time of discipline to have formerly practiced in a more prestigious setting.

discipline is their only hope. In contrast, major corporate clients of a large firm tend to avoid complaints to discipline, and many resist becoming involved in discipline cases. It is much more efficient and palatable for them to seek a resolution of their grievances directly from the firm. Firms that become aware of serious breaches by their lawyers, e.g., fraudulent billing of fees or expenses, typically go to substantial lengths to quickly make the client whole. In most states, that will be the end of the incident. In Illinois, the partners who learned of a colleague's criminal or dishonest conduct must make a report or face potential discipline themselves. As a result, large firm lawyers are more likely to be held accountable for misconduct.

Contrary to the worst fears of some practitioners, the ARDC has not aggressively hunted for evidence of *Himmel* violations. In Illinois, the ARDC Administrator has authority to initiate an investigation on her own, without a grievance being filed by anyone. Yet over the years, the total number of *Himmel* investigations docketed by the Administrator *and* generated by a grievance from someone else has averaged only 7 a year, about one-tenth of one percent of the investigative caseload.

As a rule, the ARDC looks for factors beyond whether an attorney knew of, but failed to report, misconduct. Two such factors drove the Court's decision to discipline Himmel: evidence that the failure to report enabled the offending lawyer to cause additional harm to others and evidence that the nonreporting attorney chose to withhold a report for personal gain. Another consideration is whether the failure to report impacted public perception of the integrity of lawyers.

Since *Himmel,* there have been only two cases where an Illinois lawyer was disciplined for failing to report another lawyer's misconduct. Both cases involved facets of the above factors and, in both cases, other misconduct was also charged. In *In re Arnold,*[5] a lawyer was suspended for one year, followed by two years of probation for having possessed a controlled substance (cannabis) and having failed to report the misconduct of a judge/friend from whom he purchased cannabis several times over several years. The *Arnold*, case arose in a small city in Illinois and first came to light when federal authorities arrested a sitting judge for growing cannabis in his basement. The papers widely reported that a lawyer who regularly appeared before the judge bought cannabis the judge had cultivated. Arnold also acknowledged that he decided not to report the judge because he would have lost his source for cannabis. In *In re Daley*,[6] an attorney was suspended for nine months for entering pleas and taking other action on behalf of criminal defendants at the direction of another client of the firm, without conferring with or informing the individual clients of the actions being taken or dispositions imposed in their cases, and failing to report another attorney's use of a falsified court order to lure an undercover agent to court for purposes of obstructing a criminal investigation. The lawyer Daley failed to report and was shortly thereafter indicted for conspiracy and obstruction of justice.[7] In covering the *Cueto* trial and appeals, the local media repeated incessantly Mr. Cueto's alleged boast that he controlled the judiciary of the circuit.

In neither of those cases did the Illinois Supreme Court issue an opinion, and instead, the Court entered orders imposing discipline based upon the recommendations of lower boards. Yet from the opinion the Court did issue in an appeal from an order entered in civil litigation,[8] it seems clear that the Court did not lose its enthusiasm for enforcing the reporting obligation.

5. 93 SH 436, M.R.10462 (1994).
6. 98 SH 2, M.R.17023 (2000).
7 *See* United States v. Cueto, 151 F.3d 620, (C.A.7, 1998).
8 Skolnick v. Altheimer and Gray, 730 N.E.2d 4 (Ill. 2000).

Attorney Skolnick and his wife sued his former firm and an associate from that firm (Kass) who had reported alleged misconduct by Skolnick to the ARDC.[9] During discovery, the associate, Kass, came into possession of documents which she believed showed misconduct by Skolnick which she was required to report under Rule 8.3(a). She asked the trial judge to modify an agreed protective order governing documents produced in discovery to allow her to report the misconduct to the ARDC, but the judge declined to do so.

The Supreme Court held that the trial judge had abused his discretion. The Court reiterated its holding in *Himmel* that a lawyer's duty to report criminal or dishonest conduct by another lawyer is absolute, and observed that " . . . the principles underlying a lawyer's *Himmel* obligation are so important that, in our opinion, only the weightiest considerations of 'justice' (166 Ill.2d R. 201(c)(1)) could excuse a trial court's refusal to modify a protective order so that counsel could fulfill its absolute, ethical duties."[10] Finding no justification for refusing to modify the protective order, the Court concluded that the interests of justice weighed decidedly in favor of allowing Kass to fulfill her ethical duty.

The plaintiffs' argued that, because Rule 8.3(a) requires that a report be made to "a tribunal or other authority empowered to investigate or act upon . . ." a violation, Kass could discharge her duty by reporting Skolnick's alleged misconduct to the trial court, so that it was not necessary to modify the protective order to allow a report to the ARDC. The Court held:

> "The proper inquiry is not whether a "tribunal" means a "trial court," as the Skolnicks contend, but rather means what authority or authorities are "empowered" to act upon a charge of attorney misconduct. As stated in Rule 8.3(a), only an authority granted such power may receive reports of misconduct. In Illinois, only this court possesses the "inherent power to discipline attorneys who have been admitted to practice before it." The court, in turn, has delegated the authority to investigate and prosecute claims of attorney misconduct to the ARDC. Further, while a trial court bears an independent responsibility to report attorney misconduct to the ARDC, only this court may discipline an attorney found guilty of ethical misbehavior. Thus, Kass is correct in arguing that she was required to report the claimed misconduct to the ARDC. Her duty to report cannot be discharged by reporting the suspected misconduct to the trial court."[11] (citations omitted)

Mr. Skolnick was subsequently suspended for three years for having submitted a series of loan applications that materially misstated his financial condition.[12]

Former Illinois Supreme Court Justice Daniel Ward was fond of describing the Court's responsibility to sanction lawyers as a "melancholy business."[13] The description applies equally to the duties Rule 8.3(a) imposes upon Illinois lawyers. Many *Himmel* reports reflect a mixture of reluctance and relief, reluctance at finding oneself in the role of informer, relief that one is required to do something about conduct which all of one's professional instincts say warrants

9. Under Illinois Supreme Court Rule 775, complainants to the ARDC enjoy civil immunity, but Mr. Skolnick alleged that the firm and Kass published their allegedly defamatory statements to persons outside the ARDC.
10. 730 N.E.2d 4, 13.
11. 730 N.E.2d 4, 15.
12. *In re* Skolnick, 00 CH 92, M.R. 17529 (2001).
13. *In re* Gold, 396 N.E.2d 25, 27 (1979); *In re* LaPinska, 381 N.E.2d 700, 705; (1978); *In re* Broverman, 239 N.E.2d 816, 819 (1968).

attention. The Illinois experience suggests that as uncomfortable and even painful as a reporting obligation can be, enforcement of a duty to report precisely defined misconduct can play a significant role in enhancing the efficacy and fairness of lawyer discipline.

The Illinois *Himmel* Experience:
Proportion of Attorney Reports to All Illinois Investigations
and to Investigations that Result in Formal Disciplinary Charges, 1992 - 2006

Year	Number of Investigations	Numbers of Attorney Reports	Percent of Attorney Reports to All Investigations	Number of Investigations That Became Charges in Formal Complaints	Number of Attorney Reports That Became Charges in Formal Complaints	Percent of Attorney Reports to All Investigations That Became Charges in Formal Complaints
1992	6,291	554	8.8	277	50	18.0
1993	6,345	594	9.3	241	48	19.9
1994	6,567	578	8.8	247	54	21.8
1995	6,505	555	8.5	277	38	13.7
1996	6,801	549	8.0	300	60	20.0
1997	6,293	591	9.4	342	64	18.7
1998	6,048	539	9.3	259	54	21.0
1999	5,877	517	8.8	231	54	23.0
2000	5,716	512	8.9	224	31	13.8
2001∗	5,811	201	3.6	273	27	9.8
2002∗	6,182	346	5.6	334	53	15.8
2003	6,325	510	8.1	353	44	12.5
2004	6,070	503	8.3	320	42	13.1
2005	6,082	505	8.3	317	47	14.8
2006	5,800	435	7.5	217	35	16.1
Average	6,180	499	8.08	281	47	16.8

∗ Coding changes in these years resulted in a number of attorney reports not being recorded, so that the number of attorney reports for 2000 and 2001 are underreported.

ALL PHONE CALLS BETWEEN TALARICO AND THOMAS KOST

	TELEPHONE CALL		DURATION (minutes)
1	2022-05-01 at 2:06 PM	Outgoing	1
2	2022-05-01 at 2:13 PM	Received	15
3	2022-05-01 at 2:31 PM	Received	1
4	2022-05-02 at 3:53 PM	Received	2
5	2022-05-04 at 9:19 AM	Received	2
6	2022-05-04 at 9:27 AM	Outgoing	1
7	2022-05-04 at 9:59 AM	Received	17
8	2023-04-14 at 3:16 PM	Outgoing	8
9	2023-04-15 at 8:01 AM	Outgoing	14
10	2023-05-01 at 12:27 PM	Outgoing	11
11	2023-06-03 at 8:34 AM	Outgoing	6
12	2023-07-18 at 9:31 AM	Outgoing	11
13	2023-07-19 at 4:50 PM	Outgoing	31
14	2023-07-21 at 8:27 AM	Outgoing	11
15	2023-08-24 at 9:53 AM	Received	20
16	2023-09-12 at 12:59 PM	Received	5
17	2023-09-15 at 11:28 AM	Outgoing	10
18	2023-09-19 at 8:02 AM	Outgoing	1
19	2023-09-19 at 8:07 AM	Outgoing	2
20	2023-09-19 at 8:40 AM	Received	26
21	2023-09-25 at 8:56 AM	Outgoing	9
22	2023-10-05 at 8:01 AM	Outgoing	9
23	2023-11-21 at 8:47 AM	Outgoing	1
24	2023-11-21 at 8:55 AM	Received	6
25	2023-11-25 at 9:51 AM	Received	2
26	2023-12-03 at 10:37 AM	Outgoing	3
27	2023-12-04 at 10:59 AM	Received	11
28	2023-12-04 at 12:01 AM	Received	3
29	2023-12-29 at 1:42 PM	Received	2
30	2024-01-12 at 4:20 PM	Received	4 (answering machine message)
31	2024-01-13 at 9:23 AM	Received	1 (answering machine message)

THE SPECIAL COMMISSION ON THE ADMINISTRATION OF JUSTICE IN COOK COUNTY

FINAL REPORT

SPECIAL COMMISSION ON THE ADMINISTRATION OF JUSTICE IN COOK COUNTY
29 EAST MADISON, SUITE 1304, CHICAGO, ILLINOIS 60602
TELEPHONE: 312/263-1133

September 14, 1988

Hon. Harry G. Comerford
Chief Judge, Circuit Court
Richard J. Daley Center
Chicago, Illinois 60602

(Tolle 3rd further m.)

Dear Chief Judge Comerford:

With this letter, I am transmitting the final report of the Special Commission on the Administration of Justice in Cook County.

When the Special Commission was established on August 2, 1984, you requested that we "study in depth all facets of the Cook County Court system and ... issue a written report and make recommendations for improvements in the Circuit Court." In our attempt to accomplish this goal, during the past four years we have issued fourteen reports on the Court's major divisions and on special issues which the Court confronts. We have made 195 specific recommendations to the Circuit Court and other agencies which, we believe, will help to improve the administration of justice in Cook County.

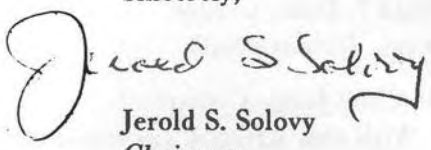
In meeting your charge, the forty-three members of the Special Commission were divided into eleven task forces, each of which was responsible for examining various aspects of the court system. The work of these task forces was supplemented by volunteers who were asked to assist us because of their expertise, interest or experience in the areas being studied.

The Special Commission's task forces and staff reviewed reports and studies, interviewed witnesses and analyzed data on court jurisdictions throughout the nation. The task forces prepared draft reports which were read, discussed and ultimately approved by the full commission.

Our specific mission, of course, has been to make recommendations designed to prevent the types of crimes and misconduct disclosed by Operation Greylord from recurring. We have no panaceas to offer. However, we believe that our recommendations will assist the Court in ensuring the integrity of our judicial system and in helping to improve the Court's overall operations.

We recognize that the Circuit Court already has adopted many of our recommendations. Moreover, several important changes have been initiated by the Court independent of our work. Although our major task has been completed, we will be pleased to continue to work with you in your efforts to improve Cook County's system of justice.

Sincerely,



Jerold S. Solovy
Chairman

SPECIAL COMMISSION ON THE ADMINISTRATION OF JUSTICE IN COOK COUNTY

OFFICERS

Chairman, President	Jerold S. Solovy, Esq. Partner, Jenner & Block
Vice President.....	Peter S. Willmott Chairman & Chief Executive Officer, Carson Pirie Scott & Co.
Treasurer	John J. Schornack Vice Chairman, Arthur Young & Co.
Secretary.....	Lynne E. McNown, Esq. Partner, Jenner & Block

COMMISSION MEMBERS

Charlotte Adelman, Esq.
Past President, Women's Bar Association of Illinois
Past President, North Suburban Bar Association
Law Office of Charlotte Adelman

Helen F. Anderson
Director, Joint Committee On Women In Courts And Detention

John E. Angle, Esq.
Partner, Kirkland & Ellis

Nina S. Appel, Esq.
Dean and Professor, Loyola University School of Law

M. Cherif Bassiouni, Esq.
Professor, DePaul University College of Law

*Edward F. Brabec
Former President, Chicago Federation of Labor

James J. Brice
Retired Senior Partner, Arthur Andersen & Co.

Thomas Campbell, Esq.
Partner, Gardner, Carton & Douglas

Michael A. Coccia, Esq.
Past President, Illinois State Bar Association
Partner, Baker & McKenzie

James P. Connelly, Esq.
Past President, Chicago Bar Association
Partner, Connelly & Ahern

Michael M. Conway, Esq.
Partner, Hopkins & Sutter

Frank M. Covey, Jr., Esq.
Professor of Law, Loyola University School of Law
Of Counsel, McDermott, Will & Emery

Richard A. Devine, Esq.
Former First Assistant State's Attorney of Cook County
Partner, Phelan, Pope & John, Ltd.

*James P. Economos, Esq.
Former Director, Traffic Court Judges and Prosecutors Conference, American Bar Association
Former Director, National Safety Council

E. Stanley Enlund, Esq.
Of Counsel, Chadwell & Kayser, Ltd.

Kevin M. Forde, Esq.
Past President, Chicago Bar Association
Kevin M. Forde, Ltd.

David J. Gibbons, Esq.
Partner, Chadwell & Kayser, Ltd.

John P. Heinz, Esq.
Former Executive Director, American Bar Foundation
Professor, Northwestern University School of Law

Albert F. Hofeld, Esq.
Past President, Illinois State Bar Association
Partner, Hofeld & Schaffner

Gary T. Johnson, Esq.
Past President, Chicago Council of Lawyers
Partner, Mayer, Brown & Platt

Suzanne E. Jones
Past President, Cook County Court Watchers

Jewel S. Lafontant, Esq.
Former Deputy Solicitor General of the United States
Partner, Vedder, Price, Kaufman & Kammholz

Donald G. Lubin, Esq.
Partner, Sonnenschein, Carlin, Nath & Rosenthal

John Cadwalader Menk, Esq.
Past President, Chicago Bar Association
Partner, John Cadwalader Menk & Associates

Newton N. Minow, Esq.
Former Chairman, Federal Communications Commission
Partner, Sidley & Austin

George M. Morrissey, Esq.
Past President, Coalition of Suburban Bar Associations
Chief Assistant Public Defender, 5th Municipal District

Norman H. Nachman, Esq.
Past President, Chicago Bar Association
Partner, Winston & Strawn

Thomas J. Nayder
President, Chicago and Cook County Building and
Construction Trades Council

Earl L. Neal, Esq.
Law Office of Earl Langdon Neal

Hon. Donald P. O'Connell
Presiding Judge, 1st Municipal District, Circuit
Court of Cook County

Lawrence X. Pusateri, Esq.
Former Justice of Illinois Appellate Court
Past President, Illinois State Bar Association
Partner, Peterson, Ross, Schloerb & Seidel

Don H. Reuben, Esq.
Of Counsel, Winston & Strawn

Victor G. Savikas, Esq.
Partner, Keck, Mahin & Cate

Hon. Joseph Schneider
Presiding Judge, County Division, Circuit
Court of Cook County

John J. Schornack
Vice Chairman, Arthur Young & Company

Leonard Jay Schrager, Esq.
Dean Emeritus and Professor, John Marshall Law School

Raymond F. Simon, Esq.
Partner, Simon & Spitalli

Chester Slaughter, Esq.
Past President, Cook County Bar Association
Law Office of Chester Slaughter

Jerold S. Solovy, Esq.
Partner, Jenner & Block

Eugene A. Tracy
Chairman, Peoples Energy Corporation

John T. Trutter
Former Vice-President, Chicago Crime Commission
President, The John T. Trutter Co., Inc.

Peter S. Willmott
Chairman and Chief Executive Officer,
Carson Pirie Scott & Co.

James Zacharias, Esq.
Past President, John Howard Association
President, Precision Plating Company

COMMISSION STAFF

Executive Director.....	Peter M. Manikas, Esq.
Staff Attorneys	Cynthia J. Reichard, Esq. Elaine C. Weiss, Esq. Nancy M. Zaczek, Esq.
Office Manager.....	Shirl J. Adair
Staff Assistants	Lynn N. Weisberg Bradley S. Weiss

---

* Deceased

THE SPECIAL COMMISSION ON THE ADMINISTRATION OF JUSTICE IN COOK COUNTY

FINAL REPORT

SEPTEMBER 1988

TABLE OF CONTENTS

		PAGE
Preface		1
Introduction		5
Section 1	The Greylord Prosecutions	13
	Background	13
	A System of Favors	16
	Traffic Court	19
	Parking Ticket Fixing	21
	The Destruction of Parking Ticket Records	23
	Fixing Traffic Cases	24
	The "Miracle Workers"	26
	Bagmen and Rainmakers	28
	The Branch Courts	30
	The Courtroom Environment	31
	Hustling in the Criminal Branch Courts	33
	The CBA's In-Court Lawyer Referral Program	35
	The Hustler's Club	37
	Fixing Criminal Cases	40
	The Civil Courts	46
	Law Division	47
	Chancery Division	48
	Conclusion	51
	Charts of Convicted Greylord Defendants	54
	Chart I Convicted Judges	55
	Chart II Convicted Attorneys	57
	Chart III Convicted Personnel	61
Section 2	The Roots of Greylord	63
	The Problem of Official Corruption	63
	Local Legal Culture in the Branch Courts	67
	Administrative Procedures Which Facilitate Corruption	72
	Professional Ethics and Responsibility	73
Section 3	Remedies	77
	Enhancing Judicial Independence	77
	Decreasing Opportunities for Corruption	79
	Deterring Corruption Through Professional Regulation and Law Enforcement	81
	Increasing Court Efficiency and Accountability	84
	Increasing Public Scrutiny of the Court System	85

		PAGE
Section 4	Conclusion	87
Appendix 1	Special Commission Recommendations	89
Appendix 2	Special Commission Task Forces	135
Appendix 3	Witnesses Appearing Before the Special Commission	139
Appendix 4	Student Interns	143
Appendix 5	Special Commission Financial Support	145
Appendix 6	Special Commission Reports, Petitions and Briefs	147

Thou shalt take no bribe. . . .

Exodus 23:8

PREFACE

The Special Commission on the Administration of Justice in Cook County was established in August 1984 by the Chief Judge of the Circuit Court of Cook County, Harry G. Comerford. The Commission was formed in the wake of the federal government's Operation Greylord investigation into court-related corruption. The Chief Judge's charge to the Commission was broad in scope. He requested that the Commission "study in depth all facets of the Cook County court system" and "issue a written report and make recommendations for improvements in the Circuit Court."[1] The Chief Judge said that "[w]hile the charge is broad, our request is simple. Examine the system and tell us where and how we might improve it."[2]

The Special Commission has approached its principal mission by making specific recommendations for preventing future Greylord-type misconduct. The Special Commission did not attempt to duplicate the work of the United States Attorney's Office or of the Federal Bureau of Investigation by investigating individual acts of wrongdoing. Instead, we focused on what we believed were the major underlying problems which led to the crimes and misconduct revealed in the Greylord trials.

We recognize that regulating professional conduct and managing a court system in Cook County is an immense task. Over 27,000 lawyers are registered in Cook County.[3] Moreover, the Circuit Court of Cook County is the largest unified court system in the world. Geographically, the court system covers about 950 square miles and serves more than five million county residents. In Chicago alone, a far-flung network of 33 branch courts hear minor criminal cases and the preliminary stages of more serious felony cases. The Court must supervise the work of about 340 judges, assist in their training, assign and transfer both judges and cases, collect and publish statistical data, provide support services and ensure the efficient operation of hundreds of courtrooms.[4]

The Special Commission did not confine its role to examining corruption and wrongdoing. Inefficient procedures and other managerial problems often facilitate unethical and corrupt practices. Consequently, many of our recommendations are designed to improve the efficiency and general perform-

---

[1] Statement of Chief Judge Harry G. Comerford (Aug. 2, 1984).

[2] *Id.*

[3] Sixteenth Report of the Attorney Registration and Disciplinary Commission (1987).

[4] In May 1987, there were 172 Circuit Court judges and 168 associate judges serving in Cook County. For a general description of the Court's organization, see Report of the Circuit Court of Cook County, Ill. (undated).

ance of the court system.[5] We also have taken direct action, such as petitioning the Illinois Supreme Court to enact a new rule on judicial financial disclosure. Other actions included filing *amicus curiae* briefs in cases involving legal issues of interest to the Commission.

The 43 members of the Special Commission were drawn from a variety of backgrounds.[6] Commission members included business and labor leaders, the past presidents of major bar associations, two presiding judges of the Circuit Court of Cook County, two law school deans, prominent attorneys and civic leaders. The Commission's diversity proved to be an important strength by providing a broad perspective on the problems confronting our court system.

The Commission's staff consisted of five full-time employees. Their work was supplemented by the assistance of student interns who were recruited from the area's colleges and law schools.[7] The Commission raised its budget principally from private foundations, individuals and corporations. We are especially grateful to the Chicago Community Trust for its generous and consistent support. The Commission also wishes to thank the Lloyd A. Fry Foundation, the Field Foundation, the John D. and Catherine T. MacArthur Foundation, the Illinois State and Chicago Bar Foundations, and the many other foundations, law firms, corporations and individuals for their support during the course of the project.[8]

Additional assistance came from Commission member Peter S. Willmott, the Chairman and Chief Executive Officer of Carson Pirie Scott & Co., who provided the Commission staff with free office space and utilities. John Schornack, also a Commission member, arranged the assistance of Arthur Young & Company to help with the Commission's accounting. Their generosity is greatly appreciated.

The Commission was divided into eleven task forces, each of which was responsible for examining various aspects of the court system.[9] Generally, the

---

[5] For a discussion of how court-related inefficiency affects the ethical behavior of lawyers, see J. Carlin, *Lawyers on Their Own: A Study of Individual Practitioners in Chicago* 155-64 (1962).

[6] Thirty-six Commission members were appointed by Chief Judge Comerford in August 1984. One declined to accept the appointment. Eight additional persons were subsequently appointed. Two Commission members have died since the Commission was established.

[7] A list of student interns appears in Appendix 4 of this report.

[8] A list of the Commission's financial supporters is contained in Appendix 5 of this report.

[9] A list of the Commission's task forces and their members is contained in Appendix 2. With only a few exceptions, every major court division was examined. However, the Court's Juvenile, Probate and County Divisions were not included within the scope of the Commission's work.

task forces addressed problems related to the Court's specific divisions, such as Traffic Court, the misdemeanor courts, the felony courts, and the Adult Probation Department, as well as the Chancery, Law, and Domestic Relations Divisions. Our task force on Judicial Conduct and Ethics focused on a wide range of problems affecting the court system, such as judicial financial disclosure and the judicial and attorney disciplinary systems.

Each task force was chaired by a Commission member, but often the work of the task forces was supplemented by volunteers who were asked to aid the Commission because of their expertise, interest or experience in the areas being studied.[10] These volunteers tirelessly attended meetings, assisted in interviewing judges, lawyers and court personnel, and aided in drafting the Commission's reports. They often illuminated problem areas which might otherwise have escaped our attention. Their help proved to be essential, and it is much appreciated.

The Special Commission held frequent meetings over a four year period. At those meetings, Commission members heard testimony from over 20 witnesses and reviewed and approved draft reports. A broad range of issues affecting the court system was vigorously discussed. The Commission's task forces separately conducted their own meetings at which they heard testimony from dozens of persons, reviewed staff reports and examined data from other jurisdictions. The task forces prepared draft reports for consideration by the full Commission.[11]

The Commission's reports generally were circulated in draft form to affected parties and agencies. This proved to be an effective procedure for identifying errors and omissions, as well as for ensuring a more balanced perspective. However, our reports were issued to the news media and general public without the prior approval of any person outside of the Commission.[12]

Many persons in both public and private life assisted the Special Commission in its work. We are grateful for the cooperation of the Office of Chief Judge of the Circuit Court, the United States Attorney's Office, the Federal Bureau of Investigation, the Cook County State's Attorney's Office and the City's Law Department.

---

[10] These non-Commission member volunteers are identified in Appendix 2 of this report.

[11] A list of the Special Commission's reports is contained in Appendix 6.

[12] The Commission provided copies of its reports to the Chief Judge of the Circuit Court one day in advance of their release to the general public. The Chief Judge did not take part in the Commission's proceedings.

Lynne E. McNown, of the law firm of Jenner & Block, provided ideas, encouragement and criticisms from the Commission's inception. Her contribution to our work has been generous and is greatly valued. Michael Kreloff and Robert Grogan of the Cook County Judicial Advisory Council's staff also ably assisted the Commission over the course of this project. Additionally, we are indebted to Mindy S. Trossman, Irving R. Faber and Ellen R. Kordik for their help.

The conclusions and opinions expressed in this report, of course, do not necessarily reflect the positions or policies of any other persons or agencies.

INTRODUCTION

It has been over almost five years since the first indictments were announced as a result of the federal government's Operation Greylord investigation of court-related corruption. As this report is being written, 70 persons—including judges, lawyers and law enforcement officials—have been convicted of federal crimes.[13] The disclosures of court-related misconduct have shaken the public's confidence in our court system. The Court's overriding task has been to restore public belief in the integrity and impartiality of our system of justice.

Public corruption in any form, of course, should not be tolerated. Corruption within the judicial system, however, is an especially harmful abuse of power. Not only did serious crimes occur, but the rule of law itself was corrupted by those who sold their public offices for personal gain.

In responding to public scandals such as Greylord, there is an obvious danger that perspective on our legal system as a whole will be lost. Certainly, it is important to keep in mind that those who have been convicted as a result of Greylord constitute a small minority of the thousands of persons who work in the court system on a daily basis. The reputations of the judges and other court personnel who are honest and hard-working should not be unfairly tarnished by the activities of their corrupt colleagues.

However, it would be a serious mistake to minimize the problem of court-related corruption. Greylord is not a matter of a "few rotten apples." The Greylord prosecutions have left no doubt that corruption within some areas of the court system was widespread and of longstanding duration. In addition to those who have been convicted, many others have been granted immunity from prosecution; still others have been identified in court testimony as having engaged in criminal acts but have not been indicted. Numerous lawyers have been disciplined or face possible disciplinary action for Greylord-related misconduct.

The crimes disclosed in the Greylord prosecutions involved many persons acting in concert over an extended period of time. In some cases, such as the "miracle workers" who fixed cases in Traffic Court, the criminal conspiracy spanned at least two decades.[14] In the high-volume courts, as United States Attorney Anton R. Valukas has stated, there was "large-scale, continuous, well-entrenched [and] well-organized corruption."[15] For example, the former

---

[13] For a list of those convicted of Greylord-related offenses, see Charts I-III, *infra* at pp. 55-62.

[14] *See infra* text accompanying notes 105-114.

[15] Speech by Anton R. Valukas, U.S. Attorney, Northern District of Illinois, at Annual Cook County Court Watchers' Luncheon, in Chicago, Ill. (May 12, 1986).

Presiding Judge of the First Municipal District, Richard F. LeFevour, assigned and transferred judges within the District based on their willingness to participate in corrupt schemes. He also tested new judges to determine whether they would cooperate in the criminal activity.[16]

Furthermore, the crimes uncovered in Greylord involved far more than fixing parking tickets or minor criminal cases. Some judges took bribes to fix serious felony cases. Assault and battery, armed robbery and narcotics cases were fixed, and important public policies, such as laws to punish drunken driving, were subverted.

Much of the corruption was well-concealed. Yet many instances of misconduct on the part of judges, lawyers and courtroom personnel were visible to others who routinely appeared in the courtrooms. Lawyers passed "call money" to court clerks and judges referred cases to favored lawyers in the presence of private attorneys, prosecutors, public defenders and others who were not part of a corrupt scheme. However, the bribery that has been disclosed went undetected for many years by law-enforcement agencies, the Court's own investigators and professional regulatory bodies, such as the Illinois Supreme Court's Attorney Registration and Disciplinary Commission (ARDC) and the Judicial Inquiry Board (JIB).[17]

In part, the corruption escaped the attention of these agencies because those who witnessed illegal and unethical behavior failed to report it. Some instances of courthouse "hustling"—the unethical solicitation of clients by defense attorneys—were identified by the Court's chief investigator and reported to the ARDC.[18] However, the United States Attorney noted that

---

[16] *See infra* text accompanying notes 99-102.

[17] The Attorney Registration and Disciplinary Commission (ARDC) was established in 1973 pursuant to Rules 751-756 of the Illinois Supreme Court. Ill. Rev. Stat. ch. 110A, ¶¶ 751-756. Prior to that time, lawyer discipline in Chicago was handled by the Chicago Bar Association. A history of the lawyer disciplinary process in Illinois can be found in Powell, *Professional Divestiture: The Cession of Responsibility for Lawyer Discipline,* ABF Research Journal 31-53 (1986). The Judicial Inquiry Board (JIB) was created by the 1970 Illinois Constitution. Ill. Const. of 1970, Art. 6, § 15(b).

[18] The Chief Investigator for the Office of the Chief Judge of the Circuit Court of Cook County has informed the Special Commission that between 1980 and 1984, his office identified and reported specific instances of courthouse hustling to the ARDC. Statement of Edward S. Power (July 14, 1988). In addition, the 1986 annual report of the ARDC states:

> In 1979 ... the Administrator initiated an investigation of solicitation of legal business by lawyers in the corridors and courtrooms of the Circuit

(footnote continued on next page)

prior to the public disclosure of the Greylord investigation, "[n]ot a single lawyer had voluntarily come forward to the U.S. Attorney's Office in Chicago and reported that he or she observed a corrupt activity.... No one ... stepped forward to say, 'A judge asked me for money,' or vice versa."[19]

There were two notable exceptions: Brocton Lockwood, then a downstate judge temporarily serving in Cook County's Traffic Court, contacted the United States Department of Justice after he witnessed widespread corruption; Terrence Hake, then a Cook County Assistant State's Attorney, also reported the corruption he saw to law enforcement officials. Both Judge Lockwood and Hake agreed to work with the Justice Department during the Operation Greylord probe.[20]

One of the principal attributes of a profession is its ability and willingness to regulate itself. The failure of the legal profession to police its members—to report the misconduct of others within the legal community—casts doubt on whether the profession's long-standing tradition of self-regulation will endure.

The misconduct of judges and attorneys also escaped the attention of officials because agencies such as the JIB and ARDC lack sufficient investigative manpower. The agencies are further hindered by their reliance on a reactive, rather than proactive, investigative strategy; that is, they respond to specific reports of misconduct rather than initiate investigations based on their own observations or internally generated information.[21] To some extent, this appears to be changing; Traffic Court's Presiding Judge Thomas R. Fitzgerald, for example, has requested that the ARDC actively monitor attorney "hustling" at Traffic Court.

Court systems, of course, reflect the communities they serve. The socio-economic characteristics of the County's residents, the level of economic

---

(footnote continued from previous page)

> Court of Cook County.... The Administrator turned over to the IRS much information, including primary records regarding bond refunds.

Fifteenth Report of the Attorney Registration and Disciplinary Commission (1986).

[19] Testimony of Anton R. Valukas, U.S. Attorney, Northern District of Illinois, before the Special Commission on the Administration of Justice in Cook County, in Chicago, Ill. (Feb. 19, 1986).

[20] Both Brocton Lockwood, now a lawyer in private practice in Marion, Illinois, and Terrence Hake, now the Inspector General of the Illinois Regional Transportation Authority, were honored for their roles in the Greylord investigation by the Chicago Council of Lawyers in 1987.

[21] The ARDC and JIB are discussed *supra* note 17.

activity in the area and the manner in which judges and other court personnel are recruited all affect the operations of the Circuit Court. Operation Greylord has taught us that the court system reflects the area's problem of official corruption as well. Until the first Greylord indictments were announced, the judicial system remained one of the few arenas of local governmental life which had escaped the stigma of federal prosecutions.[22] We now know that the court system is as vulnerable as other key institutions to the problem of official misconduct.

Elsewhere in this report, we discuss the factors which, we believe, contributed to court-related corruption. However, we offer no panaceas. Nor can we trace corruption within the judicial system to a single cause. While corrupt individuals may be motivated by sheer greed, a focus on individuals alone does not provide a convincing explanation for Greylord. We do not underestimate the importance of personal rectitude. Integrity is a character trait that must be demanded of judges and all other court officials. A direct concern with moral character, moreover, can help in understanding and reducing corruption.[23] However, the lack of personal honesty on the part of some judges and lawyers does not explain how the corruption revealed in the Greylord trials could be carried on for decades, undetected by responsible authorities, nor how it could evolve into such well-organized and systematic schemes.

While attention to moral virtue is essential, alone it is not enough.[24] Consequently, our proposals have emphasized the need for structural and administrative reforms. They are designed to prevent corruption, to increase

---

[22] Prosecutions of court personnel resulted from investigations of Traffic Court in the late 1950s and again in the mid-1960s. However, no full Circuit Court judges were indicted as a result of those investigations. *See* Chicago Tribune, June 9, 1965, at 1 (summarizing the investigations of 1959 and 1965); *see also* Chicago Tribune, July 17, 1965, at 1 (four court clerks indicted for bribery).

[23] *See generally* Payne, *Devices and Desires: Corruption and Ethical Seriousness,* in Public Duties: The Moral Obligations of Government Officials (J. Fleishman, L. Liebman & M. Moore eds. 1981). Payne states, "If we are serious about limiting corruption in the public service we are going to need more than the devices of law and bureaucratic incentives. We need to learn about the shape of honesty and integrity, as well as about the sources of vice." *Id.* at 197-98.

[24] The converse, we believe, is also true. An attempt to explain and remedy court-related corruption must come to terms with organizational and institutional conditions which facilitate corruption as well as questions of moral character. For a discussion of the role of individual and professional ethics in remedying misconduct, see *infra* text accompanying notes 328-35.

our ability to detect it and to prosecute wrongdoers when it does occur. Our recommendation to adopt an appointive system for selecting judges, for example, should not only improve the quality of the judiciary, but it will also place greater emphasis on the integrity of those who are considered for judgeships.[25] Our recommendations that the Court closely monitor the cash bond refund program and routinely audit the computerized random assignment system will also help detect and prevent abuses.

We also have made several recommendations which would increase the ability of agencies like the JIB to undertake more aggressive investigative activities.[26] Additionally, our Report on Court Administration recommended that an Inspector General be appointed by the Chief Judge of the Circuit Court to help co-ordinate investigative activities. That report also contained major proposals designed to focus accountability within the state's judicial system. We recommended, for example, that the State assume full responsibility for funding the state court system. We also proposed that all court-related personnel be brought within the administrative authority of the Illinois Supreme Court.[27]

In our report on the felony courts, we wrote of the local legal culture in our criminal branch courts which hear misdemeanor and the early stages of felony cases.[28] In these branch courts, petty corruption and breaches of the Court's rules had been tolerated for decades. We believe that the ethos of this local legal culture contributed to the emergence of more serious forms of corruption. Several of the recommendations we made in our report on the felony courts would alter this local culture by increasing the visibility of the court personnel and lawyers who routinely practice in the criminal courts.

The Commission has approached its task by issuing recommendations as its work progressed. Consequently, the Illinois Supreme Court, the Circuit Court, the state legislature and other governmental agencies already have

---

[25] For a brief discussion of our proposal, see *infra* at text accompanying note 339. For a more extended discussion, see Special Commission on the Administration of Justice in Cook County, Report on Judicial Selection (Oct. 1985).

[26] *See* Special Commission on the Administration of Justice in Cook County, Report on Professional Ethics, Discipline and Education (Aug. 1988).

[27] *See* Special Commission on the Administration of Justice in Cook County, Report on Court Administration (Aug. 1988).

[28] *See* Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987).

taken action as a result of our proposals. In response to the Commission's recommendations:

> . . . the Illinois Supreme Court enacted a new rule on judicial financial disclosure. Illinois now has the nation's strongest judicial financial disclosure regulation.
>
> . . . the Circuit Court of Cook County adopted a new Court rule expanding the prohibition on *ex parte* communications (communications between a judge and another person when all the parties to the dispute are not present).
>
> . . . steps are being taken to remove the processing of Chicago parking tickets from Traffic Court. The creation of an administrative adjudication process should increase the City's parking ticket collection revenues and decrease the potential for misconduct.
>
> . . . sweeping reforms have been enacted in the branch courts by Presiding Judge Donald P. O'Connell to prevent Greylord-type abuses from recurring. These reforms include the regular rotation of court personnel and safeguards to prevent abuse of the cash bond refund program.
>
> . . . the Special Commission's task force on the Probation Department was appointed by the Chief Judge of the Circuit Court as a search committee to nominate candidates for the position of Chief Probation Officer. This action followed a Commission report which was critical of patronage abuses and other personnel policies within the Department.
>
> . . . the Court's Domestic Relations Division dramatically revised its procedures. A new Presiding Judge, Benjamin S. Mackoff, was appointed to implement an innovative two-judge system designed to reduce the number of judges involved in each case.
>
> . . . a new Public Defender of Cook County, Randolph N. Stone, was selected after the Special Commission released its report on that office. Earlier, Acting Public Defender, Paul P. Biebel, Jr., enacted several of the Commission's recommendations.

The Circuit Court, we believe, is committed to making further changes. In fact, many reforms have been initiated by the Court itself, independent of the Commission's work. Within the Court's First Municipal District, for example, Presiding Judge Donald P. O'Connell has issued a series of orders designed to prevent unethical client solicitation by lawyers and to place greater reliance on the random assignment of cases.[29] Judge O'Connell also

[29] For a summary of recent reforms in the Court's First Municipal District, see Report of the First Municipal District, Circuit Court of Cook County (Mar. 19, 1987).

has implemented an innovative pre-bench professional development program for new associate judges. The program, which emphasizes professional ethics, is the first of its kind to be established in any state court system. Another recently instituted reform will enhance judicial accountability through an individual calendar system. Consequently, one judge will be responsible for a case from the time it is filed until its disposition.[30] To prevent *ex parte* communications, judges in the First Municipal District now are required to hold scheduling conferences on the record, in open court, when attorneys for both sides of a case are not present.[31]

At Traffic Court, where much of the Greylord-related misconduct occurred, Supervising Judge Thomas R. Fitzgerald has initiated a new system for assigning judges to courtrooms to prevent "judge shopping."[32] Furthermore, judges are no longer allowed to dismiss parking tickets in their chambers; prosecutors must request the dismissal in open court. Judges also will be provided with permanent court chambers, which they have lacked in the past.[33]

The Illinois Supreme Court also recently authorized the participation of lay members in lawyer disciplinary proceedings and has requested a study of the lawyer disciplinary process.[34] These actions, we believe, will help re-establish public confidence in the legal system.

Providing remedies for Greylord-type corruption, of course, has a cost. Some of the remedies we have proposed will require substantial expenditures from the public purse. Other proposals we have made will inconvenience practitioners who are comfortable with existing rules and informal operating procedures. We recognize that many of our recommendations have been controversial. However, the proposals we have made represent our best collective effort to provide practical remedies to very difficult and long-standing problems.

We are certain that complacency is not the answer to the problems revealed by the Greylord prosecutions. Nothing, we believe, would be more

---

[30] *Id.*

[31] *Id.*

[32] These recent changes are outlined in Chicago Sun-Times, Apr. 22, 1987, at 10, cols. 1-5.

[33] *Id.*

[34] Illinois Supreme Court Press Release (Apr. 20, 1987).

demoralizing than failing to take action to check corruption and prevent further erosion of public confidence in our court system.[35]

The integrity of Cook County's judicial system is of vital importance to all residents of the metropolitan area. We rely on our court system to protect us from crime, resolve disputes over the custody of our children, preserve our property, settle conflicts between neighbors and decide business disputes involving millions of dollars. There can be no more important priority, we believe, than ensuring that our court system is, in fact, a safeguard of our liberty. The vast majority of judges, lawyers and law enforcement personnel surely want to fulfill the nobility of their calling. We hope we have helped them in that pursuit.

[35] In addressing the question of whether anti-corruption reforms are likely to have an adverse effect on morale, one writer states:

> Clearly they will not, if they are only compared to the alternative of doing nothing: unchecked corruption is demoralizing and it will probably eventuate in scandals that profoundly disrupt the agency's functioning. The problem is rather to determine which effective methods are least likely to have severely damaging collateral effects.

Payne, *supra* note 23, at 193.

Section 1

THE GREYLORD PROSECUTIONS

Background

The first Greylord indictments were announced in December 1983, the result of an unprecedented federal investigation of corruption in Cook County's courts.[36] The investigation began in the late 1970s and has been conducted under the supervision of three United States Attorneys: Thomas P. Sullivan, Dan K. Webb and Anton R. Valukas. As of September 1, 1988, 88 persons have been charged with Greylord-related offenses, 70 of whom have been convicted. Those convicted include 11 judges—among them the former Presiding Judge of the First Municipal District[37]—38 attorneys, seven police officers, ten deputy sheriffs, a court-appointed receiver and three deputy clerks. Currently, the cases of ten attorneys, three judges and a police officer are pending, and the Greylord investigation is continuing.[38]

The offenses revealed by the Greylord trials are diverse. A "hustler's club" operated within the criminal branch courts and in Traffic Court.[39] The "club" consisted of lawyers who paid off judges and "rented" courtrooms. In exchange, the attorneys were permitted to solicit clients in particular courtrooms or to receive referrals from the judges.[40] Judges also received

---

[36] The Greylord investigation is unprecedented in at least two respects: it has led to the first convictions of Cook County Circuit judges for misconduct related to their judicial duties, and it apparently marks the first time in the nation's history that electronic eavesdropping devices were used to record conversations in a judge's chambers.

[37] The First Municipal District is where preliminary hearings for serious crimes and trials of lesser civil and criminal cases are held. Its jurisdiction includes Traffic Court and branch courts in Chicago.

[38] For a list of convicted Greylord defendants, see Charts, *infra* at pp. 55-62. As of September 1, 1988, two defendants had been acquitted and two defendants died before trial.

[39] *See U.S. v. Murphy,* 768 F.2d 1518, 1526 (7th Cir. 1985). The term "hustler's club" was coined by federal prosecutors; it was also called the "hustlers' bribery club." Chicago Daily Law Bulletin, May 28, 1985, at 1, col. 1.

[40] *See U.S. v. Murphy,* 768 F.2d at 1526. Lawyers testified that, together, they paid Judge Richard LeFevour, then Presiding Judge of the Circuit Court's First Municipal District, up to $2,000 per month in exchange for being allowed to solicit cases, or "hustle," in branch courtrooms. "The sums were reduced for some months when the hustlers' take fell." *Id. See also U.S. v. Costello and Olson,* 610 F. Supp. 1450 (N.D. Ill. 1985); Chicago Tribune, Feb. 21, 1985, § 2, at 1, col. 1 (reprinted transcripts of conversations secretly recorded by the government).

bribes in return for favorable rulings,[41] and evidence emerged that some judges brokered the fixing of cases which were pending in other judges' courtrooms.[42] Two judges acted as bagmen for each other, delivering bribe money from corrupt lawyers.[43] And some judges received bribes not only in minor cases, such as those involving parking tickets, but also in major traffic and felony cases. Armed robbery and narcotics cases, as well as drunk driving cases, were fixed for a price.[44]

While much of the illegality exposed in the Greylord trials occurred in Traffic Court and in the criminal branch courts, corruption took place in certain civil courts as well. Judge Reginald J. Holzer was convicted of extorting loans and other financial favors from attorneys who practiced before him in the Law and Chancery Divisions.[45] While serving in the Chancery Division, the judge also sought loans from court appointees to whom he awarded fees.

Although judges have dominated the news media's attention, the corrupt acts of police officers, other court personnel and private attorneys also have been disclosed. Some court clerks and police officers, for example, acted as bagmen, arranging illegal payoffs between attorneys and judges.[46] They also steered criminal cases to attorneys in exchange for referral fees. Attorneys

---

[41] *See, e.g., U.S. v. LeFevour,* 798 F.2d 977 (7th Cir. 1986); *U.S. v. Devine,* 787 F.2d 1086 (7th Cir. 1986); *U.S. v. Murphy,* 768 F.2d 1518 (7th Cir. 1985).

[42] *See, e.g.,* Indictment of the Special October 1983 Grand Jury, *U.S. v. Costello and Olson,* No. 83 CR 978 (N.D. Ill.). *See also* Transcript of Proceedings at 437, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (testimony of Joseph McDermott).

[43] *See* Government's Supplemental Memorandum, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (filed Apr. 1987).

[44] *See, e.g., U.S. v. Murphy,* 768 F.2d 1518, 1526-27 (7th Cir. 1985). *See also* Government's Amended Statement in Aggravation, *U.S. v. Wolfson,* No. 83 CR 976 (N.D. Ill.).

[45] *U.S. v. Holzer,* No. 85 CR 287 (N.D. Ill.). Judge Holzer's convictions for mail fraud and racketeering were reversed by the Seventh Circuit Court of Appeals. *See U.S. v. Holzer,* 840 F.2d 1343 (7th Cir. 1988). In August 1988, Judge Holzer was resentenced on the remaining extortion convictions to 13 years in prison.

[46] For example, two policemen, Arthur McCauslin and Lawrence McLain, testified at the trial of Judge Richard LeFevour that they delivered cash payments from lawyers to the judge for dismissing overdue parking tickets. Transcript of Proceedings, Vol. 11 at 3030, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (testimony of Arthur McCauslin). *See also* Government's Supplemental Memorandum, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (filed Apr. 1987).

bribed police officers to alter arrest reports and made illegal payoffs to witnesses so they would not testify in court.[47]

Corruption in the branch courts was broad in its geographical scope. It involved Traffic Court in downtown Chicago and several suburban courtrooms where traffic cases were heard. It also affected at least nine misdemeanor and felony preliminary hearing branch courtrooms within Cook County Circuit Court's First Municipal District[48] and suburban courtrooms in Maywood and in the Fifth Municipal District.[49]

The Greylord trials also demonstrated that court-related corruption, in some instances, evolved into well-organized schemes. For instance, Richard F. LeFevour, the former Presiding Judge of the First Municipal District,[50] methodically assigned judges to particular courtrooms depending on their willingness to take bribes. Judges were even "tested" to determine if they would cooperate in an ongoing scheme to fix parking tickets.[51] Moreover, most of the Greylord cases involved several persons—judges, attorneys, police officers, clerks and deputy sheriffs—acting in concert over a long period of time; for some Greylord defendants, the pattern of illegal activity spanned at least two decades.[52]

---

[47] Romano Transcript, Government Exhibit No. 6, at 6, and Government Exhibit No. 7, at 13, introduced in *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.).

[48] *See, e.g., U.S. v. LeFevour,* 798 F.2d 977 (7th Cir. 1986).

[49] *See, e.g., U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.). In December 1987, the Greylord investigation expanded into the Fifth Municipal District when four judges and nine attorneys were charged with court-related corruption. Two judges, Michael E. McNulty and Roger E. Seaman, pleaded guilty on December 16, 1987. Judge McNulty pleaded guilty to three charges of filing false income tax returns and was sentenced to three years in prison and fined $15,000. *U.S. v. McNulty,* No. 87 CR 963 (N.D. Ill.). Judge Seaman pleaded guilty to charges of mail fraud and filing false income tax returns. His sentencing is pending. *U.S. v. Seaman,* No. 87 CR 928 (N.D. Ill.).

[50] Judge LeFevour was convicted on one racketeering/bribery count, 53 mail fraud counts and five tax counts. He was sentenced to 12 years in prison. *See U.S. v. LeFevour,* 798 F.2d 977 (7th Cir. 1986).

[51] Transcript of Proceedings, Vol. 3 at 872-76, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.).

[52] Police officer Ira Blackwood testified that a group of lawyers, known as the "miracle workers," systematically fixed traffic cases since at least the mid-1960s. Transcript of Proceedings, *U.S. v. Ward,* No. 86 CR 508 (N.D. Ill.) (testimony of Ira Blackwood). *See also* Transcript of Proceedings, *U.S. v. Olson and Costello,* No. 83

(footnote continued on next page)

Because the Greylord investigation is continuing, the full extent of court-related corruption is still unknown. However, the information that has emerged from the Greylord trials provides us with a better understanding of court-related misconduct. The task of preventing future abuses may, at least, begin.

A System Of Favors

> We have heard time and time again in the course of Greylord prosecutions of situations where judges were contacted by persons with political clout, persons to whom they owed a favor and asked to do something for them. And it is a short step . . . for a judge who has decided cases for political reasons to start deciding those cases for other poor motives.[53]

The corruption disclosed in the Greylord trials did not begin with judges taking bribes to fix criminal cases. Almost without exception, the judges, clerks and other court personnel were first compromised by accepting small favors from attorneys or others with business before the courts. In Traffic Court and in the felony and misdemeanor branch courts, the exchange of small favors helped establish a bond between the judges, clerks, police officers and private defense attorneys who worked together daily.[54]

In Branch 26 (Gambling Court), for example, when the court recessed at noon, the "regular" attorneys—private defense lawyers who frequently

---

(footnote continued from previous page)

CR 978 (N.D. Ill.) (evidence indicated that Judge Olson engaged in corrupt activities for about 25 years); Transcript of Proceedings at 435-36, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (attorney Joseph E. McDermott testified that he began taking bribes as an assistant state's attorney assigned to Traffic Court in 1965. He bribed court personnel as a private attorney from the early 1970s until 1983).

[53] Speech by Anton R. Valukas, U.S. Attorney, Northern District of Illinois, at Annual Cook County Court Watchers' Luncheon, in Chicago, Ill. (May 12, 1986).

[54] At the trial of Judge John McCollom, for example, attorney Joseph E. McDermott testified that he occasionally handled drunken driving cases as a favor for Judge Richard LeFevour. At the time, McDermott was paying bribes to Judge LeFevour and his assistant, Judge McCollom, on other cases. Transcript of Proceedings at 452, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.). *See also id.* at 414 (testimony of attorney James Noland).

appeared in that courtroom—often bought lunch for the staff. Different lawyers took turns picking up the bill, which would come to more than $90 a day. An attorney who defended one Greylord defendant contended that "nobody in that courtroom thought it [buying lunch] was a bribe because the state's attorneys knew that the defense lawyers bought lunch, and took a piece of fried chicken and ate it along with every one of them."[55]

Many of the favors appear to be trivial at first glance. Their cumulative impact, however, helped establish a courtroom environment in which more serious misdeeds could flourish. Judge Wayne W. Olson[56] explained to the court how he became mired in a pattern of corrupt conduct:

> Temptations are offered in the casual atmosphere of those courtrooms, those chambers. Veiled offers of box seats at the Cubs game or "How about a weekend to play golf?" "Do you want to go to Vegas next weekend?" "What kind of liquor do you drink, Judge? We'll send a case over to your house." Money, whatever.[57]

At Judge Olson's sentencing hearing, it also was revealed that even felony cases could be fixed as a favor. Judge Olson said that he once called another judge and asked him "to do a favor on a particular drunk driving case."[58] When the judge began asking details about the case, Judge Olson tried to put the incident in perspective by explaining, "Look, I'm sitting in felony court, and I'm getting calls all the time about murders and armed robberies. That makes me nervous, but this is just a drunk driving case. What's the big deal?"[59]

The favors received by Judge Richard LeFevour while he was Supervising Judge of Traffic Court included gifts and loans. Each year from about 1972 to 1980, several attorneys who regularly practiced in Traffic Court

---

[55] Transcript of Proceedings, Vol. 1 at 169, *U.S. v. Sodini,* No. 85 CR 813 (N.D. Ill.) .(opening statement of Edward Genson).

[56] Judge Wayne Olson was the first judge to plead guilty to charges stemming from the Greylord investigation. He was sentenced to 12 years in prison and fined $35,000. *U.S. v. Costello and Olson,* 610 F. Supp. 1450 (N.D. Ill. 1985).

[57] Transcript of Proceedings, Vol. 5 at 159-60, *U.S. v. Costello and Olson,* No. 83 CR 978 (N.D. Ill.) (testimony of Judge Wayne Olson).

[58] *Id.* at 64 (sentencing remarks of Asst. U.S. Atty. Charles Sklarsky, paraphrasing Judge Olson's tape-recorded statements).

[59] *Id.* at 65.

jointly provided over $2,000 in cash as a Christmas present to the judge.[60] Another $200 was given to the judge's cousin, police officer James R. LeFevour, who served as the judge's assistant.[61] These attorneys also held a birthday party at a private club for Judge LeFevour each July.[62]

Other court personnel, such as clerks and police officers, received favors from judges as well as from defendants who appeared in court. Judge LeFevour, for instance, helped police officers Arthur W. McCauslin and Lawrence E. McLain[63] obtain employment as security guards for Hanley Dawson's Cadillac showroom, although the jobs' hours conflicted with their police duties.[64] Officer McCauslin also enjoyed complimentary meals and cases of free beer and wine in exchange for dismissing parking tickets for the maitres d'hotel and managers of expensive restaurants.[65]

Due to the high volume and nature of its cases, Traffic Court proved to be fertile ground for the exchange of favors. Most often these favors involved fixing parking tickets and minor traffic violations. According to Brocton D. Lockwood, a former Associate Judge from Williamson County, Illinois, who temporarily served in Cook County's Traffic Court, many cases were fixed as political favors, rather than for money.[66] Judge Lockwood noted that police officer Ira J. Blackwood,[67] who supervised other police officers appearing at

---

[60] Attorney Joseph McDermott testified that he collected about $200 from each of the Traffic Court "regulars" for the judge's Christmas gift. Transcript of Proceedings at 470, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.).

[61] James LeFevour pleaded guilty to three counts of filing false income tax statements and served 30 months in prison. *See U.S. v. LeFevour,* 798 F.2d 977 (7th Cir. 1986).

[62] Transcript of Proceedings, Vol. 4 at 1007-09, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (testimony of Geri Fudema).

[63] Arthur McCauslin and Lawrence McLain both pleaded guilty to two counts of filing false income tax statements and were sentenced to 18 months and 15 months imprisonment, respectively. *See U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.).

[64] In return, Officers McCauslin and McLain frequently drove Judge LeFevour to campaign rallies and occasionally chauffeured his wife from the judge's suburban home into the city. Transcript of Proceedings, Vol. 11 at 2963, 2965, 2967, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (testimony of Arthur McCauslin).

[65] *Id.* at 3153-55.

[66] Testimony of Brocton Lockwood before the Special Commission on the Administration of Justice in Cook County, in Chicago, Ill. (Mar. 27, 1985). Judge Lockwood cooperated with the Greylord investigation while serving in Traffic Court from March 1981 to May 1982.

[67] Ira Blackwood was convicted August 10, 1984 on racketeering and extortion charges and was sentenced to seven years in prison. *U.S. v. Blackwood,* No. 83 CR 977 (N.D. Ill.).

Traffic Court, would grant favors routinely to persons with "political clout." The judge said that public officials and political figures called daily requesting preferential treatment for a constituent or friend scheduled to appear in Traffic Court.[68] During Officer Blackwood's trial, Judge Lockwood testified:

> Everyday he [Blackwood] would receive calls—I would be present sometimes—from people throughout the system to take care of minor movers [moving violations]. These were just favors that he had half a dozen to a dozen cases every day to take care of for somebody . . . with some political influence.[69]

Police Officer Arthur McCauslin's testimony graphically revealed how dismissing parking tickets as a favor could evolve into dismissing them for a price. McCauslin testified that, in the mid-1970s, parking tickets of friends and relatives were brought to Judge LeFevour who dismissed them for free.[70] Officer McCauslin also brought the judge tickets for moving violations incurred by the police officer's friends.[71] "These were favors that Judge LeFevour would do for me because of the things I had done for him," McCauslin explained.[72] A short time later—in late 1977 or early 1978—Judge LeFevour confronted McCauslin and his partner, Officer Lawrence McLain, as they passed the doorway to the judge's chambers. Judge LeFevour told them, "You know, there's a lot of money that can be made on these multiple parkers, and we can all make money and settle for half."[73] A few days later, McCauslin began taking bribes from motorists for fixing parking tickets; the first of hundreds of illegal payments from Officer McCauslin to Judge LeFevour began.[74]

Traffic Court

More Chicago residents have had direct contact with Traffic Court than any other court in Cook County. The Court, located at 321 North LaSalle Street, is a converted warehouse. Defendants would arrive for their day in

---

[68] Testimony of Brocton Lockwood before the Special Commission on the Administration of Justice in Cook County (Mar. 27, 1985).

[69] Transcript of Proceedings, Vol. 3 at 627-28, *U.S. v. Blackwood,* No. 83 CR 977 (N.D. Ill.).

[70] Transcript of Proceedings, Vol. 12 at 2984, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.).

[71] *Id.* at 2986.

[72] *Id.* at 2987.

[73] *Id.* at 2989.

[74] *Id.* at 2997.

court by entering the red brick building through heavy glass doors. They would proceed to their assigned courtroom through poorly lit, littered hallways. Once in the courtroom, they often sat for hours waiting for their cases to be called. If they were charged with a minor traffic violation, their cases often were heard "en masse" and subsequently dismissed as a group, perhaps on the condition that the defendants view a short film on traffic safety.[75]

Few defendants appeared at Traffic Court already represented by an attorney. Once there, however, many were approached by lawyers who, within minutes of meeting them, assured the defendants that there would be no problem as long as they had cash immediately available. Other defendants sought the help of police officers who referred them to attorneys. On many occasions, the officers later received referral fees, or kickbacks, from the grateful lawyers.

A reputation for dishonest dealings, especially involving the fixing of parking tickets, has plagued Traffic Court throughout much of its history. Nevertheless, in the 1970s, the Court received national recognition for its efforts to streamline court procedures and implement innovative programs. Yet, as the trials of Judges John McCollom, John Murphy and Richard LeFevour revealed, the misdeeds of past decades continued into the early 1980s. Fixing parking tickets, a lucrative enterprise for some judges and court personnel, persisted. In addition, several lawyers known as "miracle workers," who had been bribing judges to fix drunken driving and other cases since the early 1960s, continued to do so.[76] One police officer testified that he passed $100 to $150 bribes to Judge McCollom "about 20 to 25 times a month" from lawyers who wanted to fix traffic cases.[77] He said he also passed $50 to $60 bribes to other police officers from lawyers who wanted to influence the arresting officers' testimony.[78] Both of these illegal activities—fixing parking tickets and fixing more serious traffic cases—were done systematically in Chicago's Traffic Court.

---

[75] *See* Special Commission on the Administration of Justice in Cook County, Interim Report on Traffic Court (Jan. 1985).

[76] For a discussion of the "miracle workers," see *infra* text accompanying notes 105-14.

[77] Transcript of Proceedings at 945, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (testimony of Peter McElligott).

[78] *Id.* at 941.

Parking Ticket Fixing

More than four million parking tickets are issued yearly in Chicago. The city has a backlog of about 34 million unpaid tickets pending in Traffic Court, with inadequate procedures for collecting them.[79] Processing this heavy volume of parking ticket cases involves several government agencies, clogs court calendars, generates massive amounts of paperwork and occupies an inordinate amount of time for court clerks and other personnel. These problems are exacerbated by the confusion which results when thousands of defendants appear in court to pay or contest their fines. As a result, the processing of parking tickets has proven to be fertile ground for misconduct.[80]

While Judge Richard LeFevour was the Supervising Judge at Traffic Court, he devised a plan for illegally dismissing multiple parking tickets. In return for dismissals, individuals who had received the tickets paid half the amount of the fine to two police officers. The police officers, in turn, passed the money to Judge LeFevour.

Officers Arthur McCauslin and Lawrence McLain were assigned to Traffic Court during Judge LeFevour's tenure there and had the responsibility of serving arrest warrants on persons with unpaid parking tickets. According to their trial testimony, the first step in the illegal scheme involved mailing a letter to defendants who had accumulated more than ten parking tickets. The letter stated that due to the number of outstanding tickets, a warrant for their arrest had been issued. The defendants were instructed to call Officers McCauslin and McLain to clear up the matter. In most cases, the defendants apparently believed they would be paying a legitimate fine rather than participating in a corrupt scheme.[81]

The police officers and defendants often reached a settlement price over the telephone. A meeting would then be arranged to pay the tickets. During the meeting, one of the officers would leave briefly to take a computer print-out sheet which itemized each ticket to Judge LeFevour. The judge either

---

[79] Special Commission on the Administration of Justice in Cook County, Report on Traffic Court (Oct. 1987). This backlog is decreasing due to new collection procedures.

[80] The City of Chicago is currently in the process of removing parking tickets from Traffic Court and establishing an administrative adjudication procedure for hearing parking ticket cases. *See id.*

[81] However, at least some defendants must have suspected illegality. *See infra* text accompanying note 87. (Defendant is asked by police officer to slip $250 into a magazine.)

dismissed the charges or sentenced the individual to supervision.[82] After the police officer returned, the defendant handed him the money. The police officer, in turn, delivered the bribe money to Judge LeFevour. The print-out subsequently was returned to the clerk's office.[83] All of this was done without the defendant appearing before the judge.

During Judge LeFevour's trial, Officer McCauslin explained how, as intermediaries, he and Officer McLain benefited from the parking ticket scheme. Judge LeFevour's plan initially resulted in the judge keeping all the illegal proceeds from the fixed parking tickets. Understandably dissatisfied with this arrangement, McCauslin confronted Judge LeFevour and asked for a "piece of the pie."[84] According to McCauslin's testimony, the judge replied, "Art, what comes in this office stays in this office. You make yours out there."[85] Afterwards, Officers McCauslin and McLain tacked on additional money to the amount due on the fine as their fee. As a result of what Officer McCauslin called the "money scheme," his income increased by $4,000 to $5,000 each year.[86]

One Traffic Court defendant who had amassed 25 parking tickets recalled dealing with Officer McCauslin. "He assured me that by virtue of my wanting to clear the matter up and pay the tickets, that there wouldn't be any problem," he said. "He asked me to be prepared to pay $500—$20 per ticket—but not to be surprised, that in many cases the penalties were cut in half." After waiting in the lobby of Judge LeFevour's office, the defendant was asked by Officer McCauslin to slip $250 into a magazine. "I asked him, 'Why?', and he said, 'How would it look handing a police officer money?' And I had to agree."[87]

In addition to dealing with many individual defendants, Officers McCauslin, McLain and James LeFevour, as well as Supervising Judge

---

[82] Supervision is "a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and judgment dismissing the charges is entered." Ill. Rev. Stat. ch. 38, ¶ 1005-1-21 (1987).

[83] Transcript of Proceedings, Vol. 8 at 2031-43, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (testimony of Louise Shanks).

[84] *Id.,* Vol. 11 at 3005.

[85] *Id.*

[86] *Id.,* Vol. 13 at 3627.

[87] *Id.,* Vol. 10 at 2553 (testimony of Arthur Vanenck).

LeFevour, frequently dismissed large quantities of parking tickets for businesses that regularly incurred parking violations. From 1972 to 1982, Judge LeFevour accepted and sometimes actively sought a variety of benefits from defendants whose businesses accumulated parking tickets. The judge, for example, received a new leased car annually from 1977 to 1982; summer employment for three of his children; a $16,000 loan for his son's college tuition; a fleet of limousines for his son's out-of-state wedding; and use of personal cars and campers—all from a car dealership owner who was both a personal friend and whose business vehicles frequently received parking tickets.[88]

Judge LeFevour also asked for a copying machine from Sims Copy Systems,[89] a company which incurred parking tickets on its delivery vehicles.[90] The machine, valued at $1,600, was used in the judge's home. Judge LeFevour also asked the company for supplies for the machine, which were provided free of charge. In addition, a car rental company provided rental cars to Judge LeFevour when he travelled both domestically and abroad. The company's law firm paid approximately $2,500 in car rental bills for Judge LeFevour for which it was not repaid.[91]

The Destruction Of Parking Ticket Records

Parking ticket records usually were kept for a time following their disposition. In October 1981, however, shortly after the airing of a television exposé on ticket fixing at Traffic Court, an assistant corporation counsel in charge of prosecuting traffic cases for the City of Chicago ordered hundreds of computer printouts, initialed by Judge LeFevour, to be destroyed.[92] At Judge LeFevour's trial, city prosecutor Anthony T. Bertuca testified that computer

---

[88] Hanley Dawson, part owner and operator of Hanley Dawson Cadillac and Kirkway Auto Leasing Company, received immunity in exchange for his testimony at Judge LeFevour's trial. *Id.*, Vol. 11 at 2793. The judge received these favors while serving as Supervising Judge of Traffic Court and later as Presiding Judge of the First Municipal District, which included Traffic Court. *Id.* at 2794, 2823, 2829-30, 2915 (testimony of Hanley Dawson).

[89] Melvin Sims, owner of Sims Copy Systems, received immunity in exchange for his testimony. *Id.* at 2505.

[90] *Id.*, Vol. 10 at 2441, 2458 (testimony of James Naughton).

[91] *Id.*, Vol. 23 at 6502-03. *See also* Chicago Tribune, June 19, 1985, § 2, at 2.

[92] Transcript of Proceedings, Vol. 21 at 5241-42, *U.S. v. LeFevour*, No. 84 CR 837 (N.D. Ill.).

printouts identifying dismissed parking tickets were routinely discarded after being put on court records. He said that when he was informed that computer printouts identifying the dismissed tickets had been misfiled—placed in the same drawer as the paid parking tickets—he ordered that they be separated. This was done privately in his personal office by two members of his staff. According to a former employee of the city's Office of Corporation Counsel who first called attention to the misfiled documents, Bertuca said, "[I]f they're there and they're not supposed to be there, you know, let's get rid of them."[93] These documents, which the government contended conclusively linked Judge LeFevour to the parking ticket scheme, were then discarded.[94]

Fixing Traffic Cases

The trials of several judges disclosed that serious traffic cases, such as drunken driving cases, could also be fixed.[95] At the trial of Judge John McCollom, for example, some attorneys testified that they had paid hundreds of bribes to judges, police officers and other court personnel to fix traffic cases. Bruce Campbell, a lawyer identified as a "miracle worker," stated that he paid between $60,000 and $70,000 in bribes at Traffic Court over a ten-year period. Campbell testified, "I didn't count them, I just bribed them ... [i]t was kind of like brushing your teeth. I did it every day."[96] Other trial testimony indicated that Campbell and other lawyers bribed about two dozen judges between 1969 and 1982 to fix drunken driving cases.[97]

Courtrooms at Traffic Court are divided into two categories, major and minor, based on the severity of the alleged traffic violation. Cases dealing with violations such as driving while intoxicated (DWI), leaving the scene of an accident and other offenses that could result in driver license suspension

---

[93] *Id.*, Vol. 24 at 5926 (testimony of James Dolinar).

[94] Federal prosecutors vigorously challenged Bertuca's version of these events, alleging that the records of the dismissed tickets were deliberately destroyed. *Id.* at 5239 *et seq.*

[95] Court testimony revealed that Judges Murphy, McCollom, Reynolds, Devine and LeFevour each fixed drunken driving cases while serving in Traffic Court. *See, e.g.,* Transcript of Proceedings at 263, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (testimony of attorney Bruce Campbell).

[96] *Id.* at 261. *See also* Chicago Tribune, Apr. 23, 1987, § 2, at 1, cols. 1-5.

[97] Court testimony revealed that attorneys James Noland and Bruce Campbell together paid bribes to 13 judges. Transcript of Proceedings at 261, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.). Attorney Joseph McDermott testified that he paid bribes to 23 judges. *Id.* at 437-46.

are handled in the five major courtrooms. Disputes involving parking tickets and less serious driving violations are heard in the 13 minor courtrooms.[98]

The Supervising Judge of Traffic Court was responsible for the daily assignment of judges to courtrooms.[99] Trial testimony revealed that some assignments to the major rooms were made based on the willingness of judges to participate in a corrupt scheme. According to police officer James LeFevour, Judge Richard LeFevour would not assign a judge to a major courtroom on a regular basis unless that judge would take money.[100]

Although several hundred judges passed through Traffic Court while Judge LeFevour controlled the assignment process, only a few judges regularly were assigned to major courtrooms.[101] Finding a "cooperative judge," one who was willing to take bribes, was sometimes trial and error, as Judge LeFevour discovered when testing newly appointed Judge Brian Crowe. Acting on Judge LeFevour's instructions, Officer LeFevour approached Judge Crowe one afternoon as the judge was coming out of court, his hands laden with books. Judge Crowe felt Officer LeFevour slip something into his suit coat pocket; only after he reached his office did the judge discover it was $50 and $100 bills. Testifying at the trial of Judge LeFevour, Judge Crowe said:

> I raced out of the chambers. I looked for James LeFevour and I found him . . . I opened up his shirt pocket. I put the money in his pocket and I said, "You son of a bitch. Don't you ever do that again." He looked at me. He turned. He walked away. I was never assigned to a major courtroom again.[102]

---

[98] Major offenses involve violations of state law and are prosecuted by an assistant state's attorney, a county official. Minor offenses involve City of Chicago ordinances and are prosecuted by an assistant corporation counsel, a city official.

[99] In 1985, Donald P. O'Connell, the Presiding Judge of the First Municipal District, implemented a system by which Traffic Court judges are randomly assigned to both major and minor courtrooms. The assignment system was further refined in April 1987 after Judge Thomas R. Fitzgerald was appointed Supervising Judge at Traffic Court. *See* Chicago Sun-Times, Apr. 22, 1987, at 10, cols. 1-5.

[100] Transcript of Proceedings, Vol. 2 at 486, *U.S. v. Murphy,* No. 83 CR 979 (N.D. Ill.). *See also* Government Brief and Appendix at 5, *U.S. v. Murphy,* 768 F.2d 1518 (7th Cir. 1985).

[101] Transcript of Proceedings, Vol. 2 at 243, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (testimony of James LeFevour).

[102] *Id.,* Vol. 4 at 872 (testimony of Judge Brian Crowe).

Other judges, however, did participate in the scheme.[103] Although Judge LeFevour kept the money illegally collected by the bagmen, the cooperating judges assigned to the major courtrooms were placed in a position to "earn" their own bribes.[104] By being assigned to a courtroom where major cases were heard, they could work out separate illegal arrangements with lawyers seeking to fix cases.

The "Miracle Workers"

Some lawyers, because of their relationships with particular judges, could almost guarantee a verdict of not guilty or a sentence of supervision, which would leave the defendants' driving records unblemished. These lawyers were known as "miracle workers"; regardless of the incriminating evidence, they rarely lost a case before certain judges.[105] While the composition of this group has varied over time, the "miracle workers" have operated in Traffic Court since the early 1960s.[106]

The success of the "miracle workers" was the result of bribery. They made illegal payoffs to judges directly and through bagmen. They also bribed police officers to influence their court testimony. One "miracle worker," James Noland, handled hundreds of drunk driving cases between 1969 and 1982.[107] He admitted making illegal payoffs "pretty much on every case."[108]

---

[103] Trial testimony suggested that the number of corrupt judges at Traffic Court diminished over time. According to court clerk Harold Conn, "It used to be all of them. Now it's one or two. But we can always squeeze something through." Government Brief at 22, *U.S. v. Devine,* 787 F.2d 1086 (7th Cir. 1986) (quoting tape-recorded statement of Harold Conn).

[104] *U.S. v. Murphy,* 768 F.2d 1518, 1525 (7th Cir. 1985).

[105] Attorneys identified as "miracle workers" included Melvin Kanter, Joseph E. McDermott, Richard H. Goldstein, Bruce L. Campbell, Jr., James E. Noland, William F. Reilly and Bernard N. Mann. Transcript of Proceedings, Vol. 2 at 182-83, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (testimony of James LeFevour). *See also* Transcript of Proceedings, Vol. 7 at 1578, *U.S. v. Murphy,* No. 83 CR 979 (N.D. Ill.) (testimony of Lawrence Finder). Those attorneys have all pleaded guilty to criminal charges. *See also* Transcript of Proceedings at 723 and 825-26, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (identifying Harry H. Kleper and Paul G. Kulerski as "miracle workers").

[106] The term "miracle workers" was used by those who, like police officer Ira Blackwood, were familiar with Traffic Court operations.

[107] Transcript of Proceedings at 374-75, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (testimony of James Noland).

[108] *Id.*

The "miracle workers" systematized their bribe-giving to ensure that their clients would receive favorable verdicts. In his courtroom testimony, police officer James LeFevour outlined the scheme: Melvin Kanter, a "regular" attorney in Traffic Court, would give Officer LeFevour a list of cases each morning which were to be dismissed or otherwise favorably treated.[109] Officer LeFevour would then deliver the list to Judge Richard LeFevour, who would assign cooperative judges to the courtrooms in which these cases were to be heard.[110] Around noon, Officer LeFevour would meet again with Kanter, who would give Officer LeFevour separate envelopes for each case. The envelopes contained money for both Officer LeFevour and Judge LeFevour.

Similar illegal methods had long been used to systematically fix traffic cases. Attorney Joseph E. McDermott, a long-time "miracle worker," testified that he made illegal payoffs to Traffic Court's former Supervising Judge in the late 1960s. These bribes were for fixing cases which were before the judge and for obtaining the judge's help in fixing cases pending in other courtrooms. If McDermott had cases before Traffic Court judges whom he did not know personally, he asked the Supervising Judge to talk to them on his behalf.[111] McDermott testified that over the course of two decades, he had bribed 23 judges at Chicago's Traffic Court and at suburban courtrooms to fix traffic cases.[112]

Other attorneys or courtroom observers did not actually witness the "miracle workers" fixing cases. Occasionally, however, certain cases with

---

[109] This arrangement apparently predated Judge LeFevour's appointment as Supervising Judge of Traffic Court. Police officer James LeFevour testified that prior to his arrival at Traffic Court, one of former Supervising Judge Raymond Berg's staff briefed him on the procedure for fixing cases. Transcript of Proceedings, Vol. 2 at 225, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.).

[110] According to Judge Brocton Lockwood, a paper clip or yellow slip attached to the case file indicated that a judge should "go easy" on the defendant. Testimony of Brocton Lockwood before the Special Commission on the Administration of Justice in Cook County (Mar. 27, 1985).

[111] Transcript of Proceedings at 438, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (testimony of Joseph E. McDermott). In November of 1986, McDermott was elected a Circuit Court Judge but was indicted before he took office. He agreed not to be sworn in and later pled guilty to bribing Judge John McCollom. *See also id.* at 663-66 (according to the testimony of attorney Melvin Kanter, Judge Raymond Berg, who preceded Judge LeFevour as Traffic Court's Supervising Judge, told Kanter in 1968, "If you want to win your cases, it's going to cost you $100 a case.").

[112] *Id.* at 437-46 (testimony of Joseph E. McDermott). McDermott also stated that he had received bribes as a corrupt assistant state's attorney assigned to Traffic Court. *Id.* at 435.

unusual circumstances caused some lawyers to question the basis of a judge's ruling. In the winter of 1977, for example, one assistant state's attorney in Judge John J. Murphy's[113] courtroom tried a case in which the teenage defendant admitted in court testimony that she was intoxicated while driving. The judge threw up his arms, called for a recess and ordered the defense lawyer, a "regular" before Judge Murphy, to consult with his client. When the trial resumed, the state's attorney told the judge he had proven his case beyond a reasonable doubt by making the defendant admit to the crime. Judge Murphy was not convinced. He found the defendant not guilty.[114]

Bagmen and Rainmakers

In Traffic Court and in the criminal branch courts, bagmen such as police officers James LeFevour and Ira Blackwood and court clerk Harold J. Conn[115] performed pivotal roles as intermediaries between corrupt lawyers and judges. Their principal function was to shield the judges from direct contact with the corrupt lawyers. In court testimony, the bagman system was described this way:

> It is designed to insulate the judge. You go to a bagman because that's who you talk to; that's who you pay. The judge doesn't want to know you. That's why he can later say, "I never talked to him. I don't know."[116]

The bagmen collected bribe money from lawyers to facilitate hustling and to fix cases. They received the bribes in court hallways, washrooms and in deserted rooms within the courthouses.[117] Some made "rounds," routinely collecting illegal payments at various branch courts; weekly bribes were paid at the same time and place according to a prearranged schedule.[118]

---

[113] Judge Murphy was convicted of one racketeering/conspiracy count, seven extortion counts and 16 mail fraud counts. He was sentenced to 10 years in prison. *U.S. v. Murphy,* No. 83 CR 979 (N.D. Ill).

[114] Transcript of Proceedings, Vol. 7 at 1590, *U.S. v. Murphy,* No. 83 CR 979 (N.D. Ill.) (testimony of Lawrence Finder).

[115] Harold Conn was convicted on one racketeering/bribery count and nine extortion counts. He was sentenced to six years in prison. *U.S. v. Conn,* 769 F.2d 420 (7th Cir. 1985).

[116] Transcript of Proceedings, Vol. 3 at 570, *U.S. v. Murphy,* No. 83 CR 979 (N.D. Ill.) (testimony of undercover FBI agent David Ries).

[117] *See, e.g., id.,* Vol. 4 at 786-89 (payment made by Terrence Hake to James LeFevour in men's washroom).

[118] *See, e.g.,* Transcript of Proceedings, Vol. 2 at 372, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (scheduled collection of bribes by James LeFevour).

The bagmen also performed ancillary tasks. James LeFevour, who acted as his cousin's "eyes and ears" at Traffic Court, was not only a conduit between lawyers and Judge LeFevour, but also an intermediary between corrupt judges.[119] Harold Conn and Ira Blackwood identified corrupt judges for inexperienced lawyers;[120] older, more experienced lawyers eventually established their own relationships with corrupt judges.

The bagmen were selected for their roles by judges who grew to trust them. Some, like police officers Arthur McCauslin and Lawrence McLain, established that trust through the exchange of small favors with Judge LeFevour. James LeFevour, of course, was a member of Judge LeFevour's family. Through his past activities as a bagman for others, Ira Blackwood developed a reputation for discretion. He claimed that he had gained the confidence of others by refusing to testify against accomplices in the past.[121]

Ira Blackwood and Harold Conn also offered something else: political connections. Blackwood held fundraising events for judges and, as previously mentioned, was widely viewed as a person with "clout."[122] Conn, an administrative assistant in his ward's political organization, raised funds by selling advertisements in his ward "ad book." Many who purchased such ads were lawyers who practiced in the Circuit Court.[123] A reputation for having political "clout" advanced the careers of bagmen who sought to spread the word that they were persons who "could get things done."[124]

The reputations of some of the bagmen deteriorated when it became clear that they could not always deliver on their promises. The "clout" on which their reputations rested often was exaggerated. And the greed of some of the bagmen further clouded their credibility. The trust that was needed to perform their role evaporated when some lawyers came to fear that not all bagmen could be trusted to pass bribes to the intended recipient.

---

[119] *See* Government's Brief at 3, *U.S. v. Murphy,* 768 F.2d 1518 (7th Cir. 1985).

[120] Sentencing Hearing at 1701-40, *U.S. v. Conn,* No. 83 CR 983, (N.D. Ill.) (remarks by Judge John Nordberg).

[121] Transcript of Proceedings, Vol. 3 at 537, *U.S. v. Blackwood,* No. 83 CR 977 (N.D. Ill.) (testimony of Brocton Lockwood).

[122] *Id.* at 521-22.

[123] Transcript of Sentencing Hearing at 1717, *U.S. v. Conn,* No. 83 CR 983 (N.D. Ill.) (remarks by Asst. U.S. Atty. John Podliska).

[124] *See supra* notes 66-68 and accompanying text. *See also, e.g.,* Transcript of Proceedings, Vol. 4 at 838-39, 876-77, *U.S. v. Sodini,* No. 85 CR 813 (N.D. Ill.) (testimony of Henry LeClaire).

In their role as couriers, for example, court clerk Harold Conn and police officers James and Joseph Trunzo[125] earned themselves reputations as "rainmakers."[126] They told attorneys that they had the ability to fix cases or procure favors when, in fact, they did not. If the case resulted in a finding of not guilty on its own merits, these "rainmakers" took the credit anyway and kept the money for themselves, often without informing the judge of their agreement with the attorneys. Suspecting lawyers thwarted these ploys by asking the judge if he had "seen" the bagman, which indicated the lawyer had given the bagman money for the judge.[127]

Some of the bagmen supplemented their roles as illegal couriers with other corrupt schemes. Ira Blackwood, for example, testified that he began taking illegal payoffs from towing companies and tavern owners shortly after he became a police officer in the late 1950s. The cumulative income from this illegal activity could be substantial. Blackwood testified that he made over $500 per week in "tax-free" income as a result of his crimes.

At the trial of Judge John H. McCollom, government prosecutors contended that two judges sometimes acted as bagmen for each other. According to the government, Judge Olson was prepared to testify at Judge McCollom's trial that "he [Judge Olson] carried cash bribes to . . . [Judge McCollom] on behalf of various lawyers, and the defendant [Judge McCollom] performed the same function for him."[128] Judge McCollom pleaded guilty to accepting bribes before his trial was concluded.

The Branch Courts

Much of the misconduct exposed to date in the Greylord trials occurred in the branch courts, where misdemeanor cases and the preliminary stages of more serious felony cases are handled.[129] These courtrooms are scattered throughout the county, largely isolated from the general public, the news

[125] The Trunzo brothers both pleaded guilty to two tax counts and each served a year in prison. *U.S. v. Trunzo,* No. 84 CR 245 (N.D. Ill.).

[126] Transcript of Proceedings, Vol. 5 at 958-62, *U.S. v. Devine,* No. 83 CR 981 (N.D. Ill.) (testimony of Arthur Cirignani).

[127] *See* Government's Brief at 7, *U.S. v. Murphy,* 768 F.2d 1518 (7th Cir. 1985).

[128] *See* Government's Supplemental Memorandum, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (filed Apr. 1987).

[129] For the Special Commission's recommendations concerning the operation of these branch courts, see Special Commission on the Administration of Justice in Cook County, Report on the Misdemeanor/Preliminary Hearing Courts (July 1985).

media and most of the legal profession.[130] They also are far removed from the Court's downtown-based administrative office which supervises the entire court system's operations. In Cook County, as in most large cities, "no attention is paid to these courts until they break down in some spectacular way."[131]

As a result of their isolation, what transpires in these courtrooms is largely determined by the routine, daily interactions of the judges, clerks, bailiffs, police officers, prosecutors, public defenders and private lawyers who form the courthouse workgroups.[132]

The Courtroom Environment

Misdemeanor courts in large cities throughout the nation have a reputation for dispensing justice "in a quick and rough manner."[133] They often are described as places where "speed and efficiency" outweigh deliberation, and the rules of evidence are often treated as unnecessary formalities.[134] In Cook County's branch courts, informality was the hallmark of their proceedings.[135] And, as several of the Greylord trials indicated, the excessive informality which prevailed in some courtrooms evolved into violations of the Courts' rules and the criminal law.

The physical condition of many of the branch courts is itself an obstacle to conducting orderly proceedings. The courtrooms housed at the Central Police Station at 11th and State Streets, in particular, are dilapidated, noisy

---

[130] The effects of this isolation were graphically illustrated during the trial of Judge Raymond Sodini. The trial revealed that the judge permitted a police officer to put on judicial robes and process criminal defendants who had been locked up overnight. The judge, having stayed out too late the night before, failed to get to court on time for these morning hearings. Transcript of Proceedings, Vol. 18 at 5983-84, *U.S. v. Sodini,* No. 85 CR 813 (N.D. Ill.) (testimony of Patrick Ryan).

[131] H. Jacob, *Law and Justice in the United States* 182 (1986).

[132] For a discussion of these work groups, see Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts 67-86 (Feb. 1987).

[133] H. Jacob, *supra* note 131, at 181.

[134] *Id.* at 182. *See also* Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts 67-68 (Feb. 1987).

[135] Greater formality now prevails in these branch courts. For a description of the widespread changes that have occurred, see Report of the First Municipal District, Circuit Court of Cook County (Mar. 19, 1987).

and crowded.[136] Branch 40 (Women's Court), for instance, seats about 125 people, but is required to accommodate over 200 persons—including defendants and their attorneys, relatives and friends—during the early morning court call. Since the courtroom is not equipped with ample seating, the crowd spills over into the building's corridors, and spectators must stand around the edges of the courtroom. Lacking air conditioning and adequate ventilation, the courtroom windows are often opened. The noise from the nearby elevated train drowns out the voices of the judge, lawyers, clerks and defendants.

The branch courtroom itself bustles with activity. In addition to the judge, defendants and witnesses, the court must accommodate two assistant state's attorneys, an assistant public defender, at least four deputy clerks and over a half-dozen bailiffs who attempt to maintain order. This courtroom staff has disparate origins. The State's Attorney's Office supplies the prosecutors, the Clerk of the Circuit Court provides the deputy clerks, and the Cook County Sheriff's Office furnishes the bailiffs. Only the assistant public defenders, probation officers and judges are employed by the Court.

Many persons who work within the court system are recruited through political channels. Almost one-half of the county's judges are elected to the bench on partisan political ballots, a procedure which often creates loyalties and obligations to political figures.[137] Partisan politics historically has influenced the hiring of clerks and bailiffs. Both the Clerk's office and the Sheriff's office have been widely known as "patronage preserves."[138]

For some, the route to courtroom employment involved other forms of abuse. At the trial of Judge Raymond C. Sodini,[139] one deputy sheriff said that

---

[136] For a description of these courtrooms, see Special Commission on the Administration of Justice in Cook County, Report on the Misdemeanor/Preliminary Hearing Courts (July 1985). In March 1987, Presiding Judge O'Connell of the First Municipal District announced an extensive renovation plan to improve physical conditions in Branches 28, 40, 64 and 65, located in the Chicago Police Department building.

[137] *See* Special Commission on the Administration of Justice in Cook County, Report on Judicial Selection (Oct. 1985).

[138] J. Eisenstein & H. Jacob, *Felony Justice: An Organizational Analysis of Criminal Courts* 121 (1977).

During the Greylord trials, several courtroom personnel testified that they had obtained their jobs through political sponsors. *See, e.g.,* Transcript of Proceedings. Vol. 18 at 6057, *U.S. v. Sodini,* No. 85 CR 813 (N.D. Ill.) (testimony of Patrick Ryan).

[139] Judge Sodini pleaded guilty in the ninth week of his trial. He was sentenced to eight years in prison. *U.S. v. Sodini,* No. 85 CR 813 (N.D. Ill).

he paid $2,000 to his supervisor in the Sheriff's office to keep and retain his job.[140] Another deputy sheriff paid bribes to his supervisor in order to obtain an assignment in auto theft court where he believed he would be in a position to receive bribes from lawyers seeking business there.[141]

Many of the courtroom staff members, then, enter the courtroom with mixed loyalties. They have allegiances to their agencies and possibly to outside political figures who have helped them obtain their jobs. As a result, the judge's task of managing the courtroom personnel is made more difficult; reassigning or disciplining an employee may be met with objections from the employee's political sponsor.

These various elements—the courtroom's workload, its physical condition and its personnel—combined differently in each courtroom. However, in several branch courtrooms the admixture produced an environment in which corruption flourished.

Hustling In The Criminal Branch Courts

Hustling was a common activity for some lawyers who practiced almost exclusively in the branch courts. These lawyers, known as "regulars" because of their frequent appearances in the same courtrooms on an almost daily basis, approached unrepresented defendants in the courts' hallway or the courtroom itself. The hustlers also sought referrals from court personnel and judges, sometimes paying illegal "referral fees," or small bribes, in return.

Both judges and lawyers have observed that hustling was a long-standing problem.[142] As an attorney for one Greylord defendant described it:

> Lawyers [the branch court "regulars"] don't want to work out of an office. They want to make the quick dollar, go to the hallways, grab a quick guy, "Give me your money and I'll take care of your case." The case takes eight minutes, not eight weeks. Quick turnover. It's been going on for years.[143]

In Illinois, lawyers have derived their profit from hustling through the state's bail system. Writing for the U.S. Court of Appeals, Judge Frank Easterbrook described how the system works:

---

[140] Chicago Tribune, Jan. 9, 1987, § 2, at 3, cols. 1-5.

[141] Government's Memorandum Outlining the Existence of a Conspiracy at 9, *U.S. v. Sodini,* No. 85 CR 813 (N.D. Ill.).

[142] Transcript of Proceedings, Vol. 27 at 7005, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (closing statement of Patrick Tuite).

[143] *Id.*

> A defendant required to post bail may do so by depositing 10% of the bail in cash. If the defendant is discharged, the cash deposit (less the clerk's handling fee) is returned. This payment, called the cash bond refund (CBR), also may be assigned to the defendant's lawyer as compensation for legal services. Assignment requires the approval of the court. Hustlers make their money by persuading defendants to hire them and assign the CBR, then persuading the judge to release the CBR to them.[144]

Lawyers who hustled in the branch courtrooms frequently relied on clerks, deputy sheriffs and other court personnel to steer them to defendants who posted the largest bonds. In exchange, the attorneys would offer a tip to the clerk or bailiff making the referral. These tips usually were five or ten dollars.[145]

In Judge Raymond Sodini's courtroom, tips from hustling lawyers became so common that eventually there was only a modest effort to conceal the activity from outside observers. At one point, for example, a deputy sheriff—acting on the judge's instructions—cautioned a clerk not to exchange money in front of the courtroom window.[146] In Judge Reynolds' courtroom, as the proceeds from the hustling activity accumulated, the clerks stashed the funds in coffee cans under their desks.[147] According to one lawyer who frequently practiced in Judge Reynolds' courtroom, clerks and other courtroom personnel stole cash—bribe money— from the judge's desk drawer. The clerks also stole bribe proceeds from each other.[148]

In Judge Sodini's courtroom, disagreements erupted over the division of "tips." Clerks competed with the deputy sheriffs for referral money, and the need arose to establish a more equitable system of allocating the illegal proceeds. To resolve the growing antagonisms among his courtroom staff,

---

[144] *U.S. v. Murphy,* 768 F.2d 1518, 1526 (7th Cir. 1985). Illinois and Kentucky appear to be the only states that have statutes expressly authorizing the return of this 10% deposit to the defendant's lawyer as payment.

[145] At the trial of Judge John Reynolds, testimony revealed that at least five court clerks received between $5,000 and $10,000 per year in illegal payoffs. Chicago Tribune, Apr. 30, 1986, § 2, at 1, col. 6.

[146] Transcript of Proceedings, Vol. 3 at 769, *U.S. v. Sodini,* No. 85 CR 813 (N.D. Ill.) (testimony of Henry LeClaire).

[147] Transcript of Proceedings, Vol. 5 at 802, *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.) (testimony of Dan Pauling).

[148] For a summary of the testimony in Judge Reynolds' trial, see Chicago Tribune, Apr. 30, 1986, § 2, at 5, cols. 1-2.

Judge Sodini called a meeting at a nearby restaurant. At the judge's trial, Deputy Sheriff Henry LeClaire testified that the court personnel devised a plan: the deputy sheriffs would greet defendants as they stepped out of the elevator; the defendants would then be referred to the clerks who, in turn, would steer them to one of the regular defense attorneys. The money collected from steering cases would then be split equally among participating court personnel.[149]

To obtain permission to hustle in a courtroom, some attorneys made a deal directly with the judge. Thomas DelBeccaro and Arthur Cirignani, for example, agreed to give Judge Reynolds one-third of the cash bond refunds they received in his courtroom, plus one-half of the cash they collected in fees.[150] Judge Reynolds kept track of the amounts owed to him. According to Cirignani, Judge Reynolds would refer to a piece of white paper the judge held in the palm of his hand. The judge would "say things like, 'You owe me $120 from last week' or, '[Y]ou were a little short last week' . . . ."[151]

In charging a percentage of the lawyers' income from hustled cases, Judge Reynolds was following a practice used by other corrupt judges as well.[152] Since a record was kept of the bond refunds awarded to attorneys, the judge had a handy way of gauging what each lawyer earned in his courtroom.[153]

The CBA's In-Court Lawyer Referral Program

Attorneys who participated in the Chicago Bar Association's (CBA) In-Court Lawyer Referral Program also received CBRs as payment for representing criminal defendants. Established in 1969, this program was designed to provide counsel to defendants who did not qualify for public defenders.

About 200 CBA lawyers rotated among the branch courtrooms on monthly or bi-monthly assignments to provide legal services to individuals in return for their CBRs. The bar attorney often depended on the judge for the referral of cases. However, the judge was under no obligation to announce the presence of a bar lawyer. Frequently, all that bar attorneys could do was to introduce themselves to the judge as the CBA lawyer for that day, and then wait for a case to be referred.

---

[149] Transcript of Proceedings, Vol. 3 at 757, *U.S. v. Sodini,* No. 85 CR 813 (N.D. Ill.).

[150] *See* Transcript of Proceedings at 820-25, *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.) (testimony of Arthur Cirignani).

[151] *Id.* at 822.

[152] *See* Government's Brief at 7-9, *U.S. v. Devine,* 787 F.2d 1086 (7th Cir. 1986).

[153] *See id.*

For some lawyers, the referral program provided a welcome break from the routine of their law practice. However, the CBA program also sparked the interest of attorneys who largely confined their practice to misdemeanor and preliminary hearing courtrooms. Often, more than 50 defendants appeared there each day. CBA lawyers in these courts could earn from $500 to $1,000 for one day's work.[154]

Unfortunately, the CBA program proved to be vulnerable to abuse. Some judges in the high-volume misdemeanor courtrooms viewed their case referrals to both CBA and other attorneys as favors and expected their favors returned. Judge John J. Devine,[155] for example, approached CBA attorney Martin Schachter after a day in which the judge had referred several cases to him. Schachter thanked the judge for the referrals. He testified that Judge Devine responded, "Thanks are nice, but they don't go very far ... [t]hese are not your cases. I do not have to appoint you on any cases. I do not have to sign any CBR petitions, in which case you would not get any money."[156] Soon after their talk, Schachter regularly began paying Judge Devine one-third of his CBRs. "I made a decision I would pay Devine some money so I could practice and continue my practice in Branch 64," said Schachter.[157]

The CBA lawyers, of course, competed with other private defense attorneys, the "regulars," for business in the branch courtrooms. Often, they competed with lawyers who corruptly obtained an advantage. Judge John F. Reynolds[158] and Judge John Murphy both referred cases to lawyers who paid the judges one-third of their CBRs.[159] This arrangement drew more of the

---

[154] In Judge Murphy's courtroom, attorney Arthur Cirignani earned over $1,000 in CBRs in one day while participating in the CBA's Lawyer Referral Program. Transcript of Proceedings, Vol. 1 at 199, *U.S. v. Murphy,* No. 83 CR 979 (N.D. Ill.).

[155] Judge Devine was convicted of racketeering/conspiracy, extortion, and mail fraud and sentenced to 15 years in prison. *U.S. v. Devine,* 787 F.2d 1086 (7th Cir. 1986).

[156] Transcript of Proceedings, Vol. 2 at 356-58, *U.S. v. Devine,* No. 83 CR 981 (N.D. Ill.).

[157] *Id.,* Vol. 3 at 361. Martin Schachter pleaded guilty to mail fraud on July 5, 1984. He was sentenced to four years probation. *U.S. v. Schachter,* No. 84 CR 242 (N.D. Ill.).

[158] Judge Reynolds was convicted of racketeering, extortion, mail fraud, perjury and tax charges. He was sentenced to twelve years in prison and fined $33,000. *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.).

[159] Transcript of Proceedings, Vol. 3 at 431, *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.) (testimony of Thomas DelBeccaro).

"regulars" to these courtrooms, and the scheduled CBA attorneys received fewer and fewer cases. Often, corrupt judges would instruct the CBA attorneys to go to a different courtroom where they could expect more referrals.[160] The judges would then give all the unrepresented CBR cases to the lawyers who had established paying relationships. This arrangement was especially profitable for a few lawyers. Some attorneys were able to earn over $100,000 a year from CBRs alone by soliciting cases in branch courtrooms.[161]

Because CBA assignment dates were a valuable commodity, some attorneys participating in the program, such as James J. Costello,[162] made money by selling their assigned court dates on days when they could not appear.[163] Depending on the courtroom to which the attorney was assigned, the asking price ranged from $50 to $150. Another attorney forged the required notarization to collect his CBR, using the name of a clerk who had died.[164] Still other attorneys paid a CBA employee to schedule them more frequently as bar attorneys, enabling them to receive more referrals and more money.[165]

It appears that only a small number of lawyers abused the CBA's In-Court Lawyer Referral Program. Because of those who did, however, the CBA tightened its standards and now monitors the administration of the program more carefully.[166]

The Hustlers' Club

The combination of hustling and the CBR system resulted in the formation of what federal prosecutors termed the "hustlers' club." The club was formed in 1981, soon after Judge Richard LeFevour became Presiding Judge of the First Municipal District. With this promotion, the judge no

---

[160] *Id.*, Vol. 5 at 739 (testimony of Barbara Davis).

[161] Transcript of Sentencing Hearing at 11, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (remarks by U.S. Atty. Dan K. Webb).

[162] James Costello pleaded guilty to one racketeering/bribery count and one mail fraud count. He was sentenced to eight years in prison. *U.S. v. Olson and Costello,* No. 83 CR 978 (N.D. Ill.).

[163] Transcript of Proceedings, Vol. 4 at 966, *U.S. v. Devine,* No. 83 CR 981 (N.D. Ill.) (testimony of Arthur Cirignani).

[164] *Id.*, Vol. 3 at 560-62 (testimony of Martin Schachter).

[165] *Id.* at 338.

[166] For a discussion of the CBA's changes, see Special Commission on the Administration of Justice in Cook County, Report on the Misdemeanor/Preliminary Hearing Courts (July 1985).

longer received regular payoffs from certain Traffic Court attorneys.[167] A few weeks after his transfer, Judge LeFevour arranged for his cousin, police officer James LeFevour, to be assigned to the judge's office at the Daley Center. In February 1981, Judge LeFevour showed his cousin around the branch courts. "Judge LeFevour told me there was money to be made out there in the courts, in the outlying courts. I said I didn't—I couldn't see it yet," Officer LeFevour testified.[168]

In March 1981, an article appeared in the *Chicago Lawyer* describing how lawyers in certain branch courts participated in hustling to obtain cash bond refunds. A short time after the article appeared, Judge LeFevour sent Officer LeFevour to the branch courts to curtail hustling in an attempt to deflect the attention the news media had generated.[169] Ironically, rather than curtailing attorney hustling, the news media account prompted the hustling lawyers to devise a more elaborate scheme. In order to escape detection, they reached an agreement with Judge LeFevour allowing them to rotate between several branch courtrooms.

The scheme began in late April or early May of 1981, when two lawyers in the "hustlers' club" suggested to Officer LeFevour that they would each be willing to pay $500 per month to Judge LeFevour to hustle clients in three courtrooms at 11th and State Streets in addition to Branch 29 at Belmont and Western.[170] As part of the agreement, Judge LeFevour would assign cooperative judges to these courtrooms. The lawyers assured Officer LeFevour that "they would see the judges direct after they made so much money in the judge's courtroom,"[171] meaning they would pay each judge separately after they made money off the initial arrangement. When Officer LeFevour presented the idea to Judge LeFevour, the judge said he personally would speak with another judge to make arrangements and instructed Officer LeFevour to contact three additional judges. As a result of the four judges' approval, from April 1981 to August 1983 Officer LeFevour collected $2,500

---

[167] Transcript of Proceedings, Vol. 2 at 334, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (testimony of James LeFevour).

[168] *Id.* at 335.

[169] *Id.* at 347-49.

[170] The "hustlers' club" included lawyers Neal Birnbaum, Martin Schachter, Vincent Davino, Lee Barnett and Edward Nydam. Robert Daniels later joined the club when one lawyer refused to pay the full $500. *See* Government's Brief and Appendix at 18, *U.S. v. Murphy,* 768 F.2d 1518 (7th Cir. 1985).

[171] Transcript Proceedings, Vol. 3 at 414, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (testimony of James LeFevour).

each month from the lawyers, keeping $500 for himself and giving the remainder to Judge LeFevour.[172]

In order to ensure that the club operated effectively, Judge LeFevour used his power to assign judges to the branch courtrooms. When certain judges began to stymie the club's operation, Judge LeFevour replaced them with other judges who were willing to cooperate.[173]

Judge Thaddeus Kowalski, for example, was reassigned to the East Chicago Avenue Police Court, which largely handles criminal cases arising out of the Cabrini Green housing project. The transfer was engineered by Judge LeFevour after Judge Kowalski attempted to curtail courtroom hustling. In the fall of 1981, Judge LeFevour replaced Judge Odas Nicholson, who sat in Branch 40, after club members complained that Judge Nicholson inhibited their arrangement by curtailing hustling activity.[174]

At about the same time, when a news media exposé on Traffic Court was televised, Officer LeFevour suggested to Judge LeFevour that they shut down the hustlers' club. "His reply was no," Officer LeFevour testified, "that the government was just on a wind shot and it didn't concern the club."[175]

In early 1982, club members complained that they were unable to afford the monthly payments of $500 each. Nevertheless, Judge LeFevour refused to lower the fee. Instead, new courtrooms located at Grand Avenue were added to club territory in order to stabilize profits. In May 1982, when the judge finally agreed to cut the club members' rates, he also prohibited their hustling at the Grand Avenue courtrooms.[176] To maintain his illegal income, Judge LeFevour selected another lawyer, who was not a member of the club, to hustle at the Grand Avenue location. He instructed police officer James LeFevour to pick up an envelope containing between $200 to $300 from the new lawyer once each week.[177]

In its two years of operation, federal prosecutors estimated that the six lawyers who formed the "hustlers' club" together received more than $500,000 alone in CBRs, excluding any additional cash they may have

---

[172] *Id.*, Vol. 2 at 374.

[173] *Id.* at 367.

[174] Transcript of Proceedings, Vol. 2 at 366-67, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.) (testimony of James LeFevour).

[175] Transcript of Proceedings, Vol. 3 at 462, *U.S. v. LeFevour,* No. 84 CR 837 (N.D. Ill.).

[176] *Id.*, Vol. 2 at 398 (testimony of James LeFevour).

[177] *Id.*, Vol. 3 at 414.

collected from defendants.[178] However, hustling resulted in more than just larger incomes for those who participated in the illegal schemes; it also affected the outcomes of cases. In order to obtain the CBRs, attorneys had an incentive to plead their clients guilty at the earliest opportunity. Moreover, corrupt judges who split the CBR with the lawyer to whom the case had been referred also had an incentive to resolve cases immediately instead of permitting bonds to be continued while the cases were transferred to felony courtrooms.[179] These judges had an incentive to grant a motion to suppress evidence or to find no probable cause that the defendant committed a crime.[180] For both the corrupt lawyer and the dishonest judge, the faster a case was resolved, the quicker they would be paid. Consequently, either defendants were advised to quickly plead guilty or their cases were dismissed regardless of the evidence.[181]

Fixing Criminal Cases

Most of the judges who received illegal payoffs to allow hustling in their courtrooms did not stop there. They also received bribes specifically to influence the outcome of cases. Felony cases involving violence, dangerous weapons and narcotics, as well as serious traffic offenses such as drunken driving, were fixed for bribes.

Attorneys, such as Dean S. Wolfson, paid bribes to police officers and were willing to bribe witnesses, prosecutors, clerks and judges in order to obtain favorable treatment for clients.[182] In a case involving defendant Salvatore Romano, whom Wolfson described as a professional thief, Wolfson bribed a police officer to alter an arrest report by omitting three incriminating sentences.[183] Wolfson was so confident that he offered Romano a money-back

---

[178] *Id.*, Vol. 28 at 6887.

[179] Transcript of Sentencing Hearing at 71-75, *U.S. v. Olson and Costello,* No. 83 CR 978 (N.D. Ill.) (remarks by Asst. U.S. Atty. Daniel Reidy).

[180] The prosecution can appeal the judge's decision granting a motion to suppress. Additionally, if a judge does not find probable cause, the state nevertheless may seek a grand jury indictment. However, the state rarely does either. *Id.* at 72.

[181] Also, judges sometimes were asked to reinstate the bond of an obviously bad bond risk. This situation was discussed during the sentencing hearing of Judge Wayne Olson. *Id.* at 73.

[182] *See* Government's Amended Statement in Aggravation, *U.S. v. Wolfson,* No. 83 CR 976 (N.D. Ill.). On several occasions, Wolfson offered bribes to FBI undercover agent Terrence Hake when Hake was employed as a state prosecutor.

[183] Romano Transcript, Government Exhibit No. 6, at 6, introduced in *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.).

guarantee. "If the thing isn't walked out, you pick up every penny you give me. You get it right back. I don't want a nickel," Wolfson told his client.[184]

When fixing a case directly with a judge, Wolfson, or one of his associates, worked out an arrangement in the judge's chambers. In the Romano case, for example, Wolfson asked lawyer Thomas F. DelBeccaro to speak with Judge John Reynolds when the altered arrest report did not lead to the expected result. According to DelBeccaro, the judge said, "Tell Dean Wolfson it will be 1,000 dollars."[185] Judge Reynolds dismissed the charges against Romano when a complaining witness was bribed not to testify.[186] DelBeccaro delivered $1,000 in cash to Judge Reynolds' chambers two days after the dismissal.[187]

In explaining to his clients how corrupt deals were made, Wolfson said he had a lengthy *ex parte* conversation with the judge in his chambers. He told the judge that his clients were professional burglars and that he had to have a "not guilty."[188] According to Wolfson's tape-recorded remarks, the judge assured him that he would not press the issue if the complaining witness did not show up in court.[189]

With Judge John Murphy, like Judge Reynolds, what began as a scheme to take payoffs from hustling lawyers evolved into even more serious forms of bribery. Judge Murphy engaged in a pattern of corrupt activity, including the fixing of cases, for over eight years. This period covered his service at Traffic Court and in the criminal branch courts.[190] Judge Murphy accepted bribes to secure favorable results in hundreds of cases, ranging from drunken driving to battery and felony theft.[191]

New or inexperienced lawyers did not approach Judge Murphy directly to ask if he would accept a bribe; they relied on intermediaries to provide them

---

[184] *Id.*

[185] Transcript of Proceedings, Vol. 4 at 506, *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.).

[186] Romano Transcript, Government Exhibit No. 7, at 1-3, introduced in *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.).

[187] Transcript of Proceedings, Vol. 4 at 511, *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.) (testimony of Thomas DelBeccaro).

[188] Government Amended Statement in Aggravation at 19, *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.).

[189] *Id.* The conversation between Wolfson and the defendants was recorded by Romano, who was a government informant.

[190] *U.S. v. Murphy,* 768 F.2d 1518 (7th Cir. 1985). Judge Murphy was the first judge convicted in the Greylord investigation.

[191] *Id.* at 1524.

with an introduction. Arthur Cirignani, for example, was first introduced to the judge by a police officer who told the judge that he should help Cirignani if possible.[192]

Cirignani had a felony theft case pending in Judge Murphy's courtroom. On the morning the case was to be heard, Cirignani approached the judge privately in his office and informed him he would present a motion to suppress evidence.[193] Judge Murphy told Cirignani he would "take a look at it."[194] When the case was called, Judge Murphy ruled in favor of Cirignani's client, and the case was dismissed. After Judge Murphy had finished his court call, Cirignani found the judge in his chambers and, using his briefcase to shield the transaction, handed the judge $300 contained in an envelope. Cirignani testified that he picked the amount arbitrarily. "I didn't want to . . . insult him and not give him enough money," Cirignani said.[195]

Some of the cases that Judge Murphy fixed were fabricated by the FBI. In these cases, Terrence Hake, acting as an FBI operative, performed the role of defense counsel. The defendants were, in fact, undercover FBI agents. Sometimes Presiding Judge Richard LeFevour asked Judge Murphy to fix particular cases. Other times, the cases contrived by the FBI bypassed Judge LeFevour and were fixed directly by Judge Murphy.[196]

When Judge Richard LeFevour was involved, his cousin, James LeFevour, often acted as a bagman. In one case concerning an alleged battery, Hake approached Officer LeFevour and told him he "needed some help."[197] Hake gave Officer LeFevour a business card on which he wrote the case name, the court (Branch 29) and the date and time at which the case was to be heard. He also wrote the name of Judge Murphy.[198] After speaking with

---

[192] Transcript of Proceedings, Vol. 1 at 144, *U.S. v. Murphy,* No. 83 CR 979 (N.D. Ill.) (testimony of Arthur Cirignani).

[193] *Id.* at 169. The Illinois Appellate Court later reversed Judge Murphy's order that the evidence be suppressed.

[194] *Id.* at 169-71.

[195] *Id.* at 166-68.

[196] *See, e.g.,* Government's Brief and Appendix at 41, *U.S. v. Murphy,* 768 F.2d 1518 (7th Cir. 1985) (Judge Richard LeFevour split bribes with James LeFevour in a case fixed by Judge Murphy); *U.S. v. Murphy,* 768 F.2d 1518, 1527 (7th Cir. 1985) (Hake passed money to police officers Joseph and James Trunzo which they share with Judge Murphy).

[197] Transcript of Proceedings, Vol. 4 at 786, *U.S. v. Murphy,* No. 83 CR 979 (N.D. Ill.) (testimony of Terrence Hake).

[198] *Id.* at 800.

Hake, Officer LeFevour went to see Judge LeFevour to determine how to proceed. The judge told him to see Judge Murphy about it.[199]

Acting on Judge LeFevour's instructions, Officer LeFevour went to Judge Murphy's chambers and gave him Hake's business card. He told Judge Murphy that Judge LeFevour was interested in the case and wanted a not guilty verdict.[200] Judge Murphy said that he would see what he could do. He told Officer LeFevour not to worry about it.[201] The case went to trial without a jury before Judge Murphy. The prosecution called the complaining witnesses, the defendant testified and there were brief closing arguments. Judge Murphy immediately ruled not guilty. He did not state any reasons for his verdict.[202]

Similar arrangements were made in two other cases pending before Judge Murphy: one involved criminal damage to property and the other concerned a defendant charged with battery. These two cases were fixed for $300 each. In each case, $200 went to Judge Richard LeFevour and $100 went to the bagman, Officer James LeFevour.[203]

Judge Murphy did what he was asked to do, but he did not share in the bribe proceeds. Prosecutors explained that this scheme allowed defense counsel Hake to be paid when Judge Murphy granted his CBR petition (returning the defendant's bond proceeds to Hake), the LeFevour cousins to be paid with Hake's bribes, and "Judge Murphy [to] remain at Branch 29 in Judge LeFevour's good graces."[204] Because of this arrangement, Judge Murphy was permitted to stay in the courtroom where he could fix cases with corrupt lawyers and receive bribes from them directly.

In another case involving a battery, Hake went directly to Judge Murphy's chambers and told him he wanted a verdict of not guilty. Murphy replied, "I'll throw the [expletive] out the window."[205] Hake then told the judge he would arrange the payoff through police officers Joseph and James Trunzo. The Trunzos later tried to "fleece" Hake by not passing the $200 he gave them to the judge.[206] However, Judge Murphy tracked down the

---

[199] *Id.*

[200] *Id.*

[201] Government Brief and Appendix at 34, *U.S. v. Murphy,* 768 F.2d 1518 (7th Cir. 1985).

[202] *Id.* at 35.

[203] *Id.* at 37.

[204] *Id.* at 47.

[205] *U.S. v. Murphy,* 768 F.2d 1518, 1527 (7th Cir. 1985).

[206] *Id.*

Trunzos at Traffic Court, where the police officers were assigned, to collect the money. Joseph Trunzo gave Judge Murphy the $200, explaining, "I got busy and forgot to call you."[207] Hake paid the Trunzos $100 for their participation in the scheme.[208]

Other judges, such as Judge John Devine, did not rely on intermediaries to provide introductions. Attorney Arthur Cirignani testified that he began directly paying Judge Devine for case referrals in August of 1980, about three months after Cirignani left the Cook County State's Attorney's Office to enter private practice.[209] According to Cirignani, he went to Judge Devine's chambers at Branch 64, where auto theft cases were heard, in the summer of 1980. He left his card with the judge indicating that he was participating in the CBA's Lawyer Referral Program. Later that day, Cirignani received five case referrals from the judge, including one with an unusually high bond.[210] At the end of the day, Cirignani met alone with the judge in his chambers. "Here, this is for you," Cirignani told the judge. He handed him $200, which the judge put in his pocket.[211] One month later, Cirignani began paying Judge Devine directly to obtain favorable dispositions.[212]

Judge Devine actively sought bribes and punished uncooperative lawyers by refusing to appoint them as counsel to unrepresented defendants. One former assistant state's attorney who, as a private attorney, participated in CBA's Lawyer Referral Program testified at Judge Devine's trial. He said that after spending a day in the judge's courtroom, a clerk told him that the judge wanted to see him in chambers.[213] The judge said, "You had a good day." The lawyer responded, "Yes, thank you." Judge Devine asked, "You made $1,200 today ... what are you going to do with the money?" The lawyer responded noncommittally.[214]

Believing the judge had tried to shake him down, the lawyer complained to prosecutors who practiced in the judge's courtroom. He said that in his 14 years as a lawyer, he had never had a conversation like that with another

---

[207] *Id.*

[208] *Id.*

[209] Transcript of Proceedings, Vol. 4 at 641, 688, *U.S. v. Devine,* No. 83 CR 981 (N.D. Ill.).

[210] *Id.* at 672.

[211] *Id.* at 673.

[212] *Id.* at 674.

[213] *Id.*, Vol. 6 at 1139.

[214] *Id.* at 1140-41.

judge.[215] When the lawyer appeared again in Judge Devine's courtroom a month or two later, he was not appointed to any cases, although defendants appeared without attorneys. When he returned to Branch 64 on another occasion, Judge Devine again refused to refer unrepresented defendants to him.

Another judge, Wayne Olson, not only received bribes during the entire time he was a judge, but as a private attorney, he also paid judges to fix the outcomes of cases.[216] In a conversation recorded by the government, Judge Olson essentially admitted to having paid or taken bribes for over 25 years.[217] Since the late 1970s, when federal authorities began developing evidence against the judge, 15 lawyers were identified as having engaged in corrupt activities with Judge Olson.[218] Inexperienced or new lawyers generally dealt with Judge Olson through his clerk in fixing cases. However, lawyers who knew the judge fixed cases with him directly.[219] The cost of fixing a serious felony case ranged between $1,000 and $3,000. Judge Olson was even willing to discuss with a lawyer how a murder case pending in another courtroom might be fixed.[220]

In addition to fixing cases pending in his courtroom, Judge Olson brokered the fixing of cases with other judges.[221] The government intercepted conversations revealing that this brokering occurred in at least two instances.[222] One of these brokered cases involved the battery of two police officers. When Judge Olson was approached by a lawyer seeking a favorable verdict in the case, Olson said that the other judge will want "at least a grand."[223] The lawyer gave the money to Judge Olson to convey, but Judge Olson was offered nothing for his brokering services. Dissatisfied, Judge Olson

---

[215] *Id.* at 1157.

[216] Transcript of Sentencing Hearing at 68-92, *U.S. v. Olson,* No. 83 CR 978 (N.D. Ill.) (remarks by Asst. U.S. Atty. Daniel Reidy).

[217] Federal authorities intercepted oral communications in the judge's chambers from December 1, 1980 to January 20, 1981. *U.S. v. Olson and Costello,* 610 F. Supp. 1450, 1455 (N.D. Ill. 1985).

[218] *Id.* at 1457 n.4. The 15 lawyers included Judge Olson's co-defendant James Costello and FBI undercover agent Terrence Hake.

[219] *Id.* at 1456.

[220] Transcript of Sentencing Hearing at 53, *U.S. v. Olson,* No. 83 CR 978 (N.D. Ill.) (remarks by Asst. U.S. Atty. Charles Sklarsky).

[221] *Id.* at 45.

[222] *Id.*

[223] *Id.*

complained: "What am I? Chopped liver."[224] It appears from the recorded conversation that Judge Olson was then offered money for his services.

The Civil Courts

Although Operation Greylord has focused largely on Traffic Court and the branch criminal courts, the trial of Judge Reginald Holzer demonstrated that certain civil courts were also vulnerable to judicial and attorney corruption.[225] While serving in the Law and Chancery Divisions of the Circuit Court, Judge Holzer repeatedly sought financial benefits from attorneys, litigants and court appointees. During a ten-year period, the judge received more than $200,000 from persons with business in his courtroom.[226] These benefits included loans, many of which Judge Holzer did not repay, and commissions on the purchase of insurance from his wife.[227]

The nature of the corrupt activities that took place in Judge Holzer's courtrooms differed from what occurred in the branch courts. Holzer's courtrooms were not "rented" to lawyers who openly solicited business. The terminology of "bagmen," "rainmakers" and "miracle workers" did not emerge at Judge Holzer's trial. Unlike branch court proceedings, in the courtrooms in which Judge Holzer presided, strict decorum prevailed. Yet, like the other Greylord judges, Judge Holzer abused his judicial position to enrich himself.[228] In the Law and Chancery Divisions, the large financial sums involved in the cases there provided a powerful incentive to grant the judge the loans and other financial favors he requested.

---

[224] *Id.* at 46.

[225] Judge Holzer was convicted on one racketeering/bribery count, three acts of extortion and 23 mail fraud violations. He was sentenced to 18 years in prison, the longest prison sentence to date. *U.S. v. Holzer,* No. 85 CR 287 (N.D. Ill.). Judge Holzer's convictions for racketeering/bribery and mail fraud were reversed by the Seventh Circuit Court of Appeals. The Court of Appeals also ordered that Holzer be resentenced on the three extortion convictions. *U.S. v. Holzer,* 840 F.2d 1343, 1352 (7th Cir. 1988). On August 2, 1988, Judge Holzer was resentenced to 13 years in prison.

[226] Government's Version of the Offense and Statement in Aggravation and Mitigation and Concerning Victim Impact at 2, *U.S. v. Holzer,* No. 85 CR 287 (N.D. Ill.) (hereinafter Gov't Victim Impact).

[227] *Id.*

[228] Trial testimony revealed that Judge Holzer repeatedly sought loans in order to maintain an extravagant lifestyle. According to federal prosecutors, "While ... saddled with debt, [Judge Holzer] owned and continued to reside in an apartment

(footnote continued on next page)

Law Division

During the time Judge Holzer served in the Law Division, between 1968 and 1978, attorneys with a large number of cases awaiting trial were permitted to transfer those cases to the docket of a single judge. This practice was designed to expedite the processing of cases; a single judge, it was believed, could more efficiently settle the cases or bring them to trial.[229] This procedure proved vulnerable to abuse. Judge Holzer apparently viewed it as an opportunity to extort loans from attorneys who had up to two dozen cases pending before him.[230]

The testimony of attorney Jerrold Morris, given under a grant of immunity, illustrated Judge Holzer's approach. In 1971, while Morris had about two dozen cases pending before Judge Holzer, he was called to the judge's chambers. Judge Holzer told Morris he was in urgent need of a $5,000 to $10,000 loan. Morris initially turned down the judge's request, but Judge Holzer persisted. Finally, Morris agreed to obtain a loan of $3,500 through his wife's uncle.[231] In September of 1973, Morris again requested Judge Holzer to hear another group of about one dozen cases. The judge agreed, and shortly thereafter he asked Morris for another loan. After Judge Holzer paid $400 in interest on the first loan, Morris gave the judge a second personal loan of $5,000. Judge Holzer never repaid either loan.[232]

The process was repeated three years later in 1976, but rather than providing a personal loan, Morris agreed to arrange a $15,000 loan through a bank.[233] Although this loan was repaid, in 1978 Judge Holzer asked that still another bank loan be arranged. The second bank loan subsequently went into default.[234]

(footnote continued from previous page)

valued, by his own estimate, at more than half a million dollars. He and his wife owned two cars, one a Cadillac, and travelled extensively . . . Reginald Holzer did not live as a man in need and his apparent belief that he was entitled to live an upper-class lifestyle on other people's money clearly contributed to his crimes." *Id.* at 36-37.

[229] Transcript of Proceedings, Vol. 4 at 536, *U.S. v. Holzer,* No. 85 CR 287 (N.D. Ill.) (testimony of Jerrold Morris).

[230] *Id.* at 540-65.

[231] *Id.* at 540-46.

[232] *Id.* at 561-65.

[233] *Id.* at 571.

[234] Gov't Victim Impact, *supra* note 226, at 5.

On another occasion, Judge Holzer requested a campaign loan from Fred Lane, an attorney who appeared before him.[235] Lane's secretary testified at Judge Holzer's trial that she provided the judge with a $2,500 cashier's check, payable to the judge's bank. The judge later deposited the check into his personal savings account. The loan was never repaid. Moreover, the judge's own financial records listing his personal loans showed that Lane's name had been crossed off the list of creditors after Judge Holzer awarded him about $50,000 in fees in connection with a lawsuit.[236]

Judge Holzer was able to obtain loans from at least a half dozen attorneys who had cases pending before him while he was in the Law Division. At other times, the financial benefits the judge requested took another form; he asked attorneys to purchase insurance from his wife, an agent for a large insurance company. Apparently, this tactic was used by Judge Holzer from the very inception of his wife's career in the insurance business.[237]

Chancery Division

When Judge Holzer was elevated to the prestigious Chancery Division in February of 1978, he again took advantage of various court procedures to elicit personal financial benefits.[238] As a chancellor, Judge Holzer had broad discretion in appointing and awarding fees to lawyers, receivers, appraisers, trustees and other court officers.[239] The judge continued to request loans from attorneys who practiced before him. In addition, he received loans from court officers in exchange for making lucrative court appointments.

Ernest Worsek, a realtor and property manager who was often appointed as a receiver by Judge Holzer, provided about $45,000 in loans and other benefits to the judge between 1978 and 1984.[240] In return, Worsek was appointed as a court officer in approximately 90 cases and awarded about

[235] Transcript of Proceedings, Vol. 16 at 2707, *U.S. v. Holzer,* No. 85 CR 287 (N.D. Ill.) (testimony of Reginald Holzer).

[236] Gov't Victim Impact, *supra* note 226, at 6.

[237] *Id.* at 22.

[238] Judge Holzer served in the Law Division from December 3, 1968 to February 15, 1978, when he was then transferred to the Chancery Division.

[239] *See* Special Commission on the Administration of Justice in Cook County, Report on the Chancery Division (Aug. 1988).

[240] In October 1985, Worsek pleaded guilty to mail fraud and failing to file income tax returns. He was sentenced to six months in prison. For a description of Worsek's relationship with Judge Holzer, see Gov't Victim Impact, *supra* note 226, at 16-19.

$170,000 in fees by the judge.[241] In making some of these appointments, Judge Holzer not only abused his judicial power by seeking loans from Worsek, but he also misused his authority by appointing Worsek in cases in which a court officer was clearly unneeded. In the case in which Worsek obtained his largest single fee, for example, the judge's appointment of Worsek as a receiver was ruled unnecessary and reversed on appeal.[242] In still another case, even after the litigants offered to manage the contested property, which consisted of several apartment buildings, Judge Holzer refused to dissolve the receivership. This case resulted in $35,000 in fees for receiver Worsek. Moreover, in this particular case, an attorney who also loaned money to the judge was appointed as Worsek's lawyer.[243]

In addition to requesting loans from Worsek, in September 1978, Judge Holzer asked Worsek to buy a $1 million insurance policy from his wife, who was in an insurance contest.[244] Worsek explained that due to his poor health, he could not carry such a policy. However, he arranged for his son-in-law to purchase a $500,000 insurance policy from Judge Holzer's wife and agreed to pay the premiums for the first year. "I felt I had to purchase the insurance to insure my further receiving of receiverships through [Judge Holzer]," Worsek testified.[245]

While the relationship between Judge Holzer and Worsek was the most enduring of the corrupt relationships disclosed during the judge's trial, such abuses extended to several other court appointees. The evidence presented at Holzer's trial identified over a dozen court officers from whom the judge requested loans and other benefits.

One such court appointee was Stanley Lieberman, who owned a real estate company. In late 1982, Lieberman became interested in obtaining receivership appointments from Judge Holzer. Upon the recommendation of one of Lieberman's employees, whose wife was a bailiff in Judge Holzer's courtroom, Lieberman bought a $200,000 insurance policy from Judge Holzer's wife.[246] As a result, Judge Holzer appointed Lieberman as a receiver, for which Lieberman collected more than $4,000 in fees. When Lieberman bought another $200,000 insurance policy four months later, he

---

[241] *Id.* at 16.

[242] *Id.* at 40.

[243] *Id.*

[244] Transcript of Proceedings, Vol. 7 at 1091, *U.S. v. Holzer,* No. 85 CR 287 (N.D. Ill.) (testimony of Ernest Worsek).

[245] *Id.* at 1105.

[246] *Id.,* Vol. 11 at 1721 (testimony of Stanley Lieberman).

also took on another receivership which earned him almost $6,000.[247] Judge Holzer also approached Lieberman for loans, first asking him to guarantee a $100,000 loan for Mayor Jane Byrne's re-election campaign in the winter of 1983. Later that year, Holzer requested a $25,000 to $30,000 personal loan. While Lieberman did not help Holzer with his first request, he later guaranteed a $25,000 loan to the judge.[248] "I wanted to stay on the good side of the judge," Lieberman testified.[249]

Occasionally, Judge Holzer directed court officers to employ lawyers who had loaned money to Holzer. For instance, Judge Holzer repeatedly directed Worsek to use lawyers who made loans to the judge.[250] On two occasions, Judge Holzer also requested Worsek to deposit receivership funds in banks from which the judge had received loans.[251]

Judge Holzer had been the subject of criminal investigations on three occasions prior to the Greylord investigation: twice by the Internal Revenue Service (IRS) and once, in 1980, by the United States Attorney's Office. The latter investigation involved allegations identical to the ones which eventually led to the judge's conviction.[252] Indeed, Judge Holzer's corrupt conduct continued even after he knew he was under suspicion and after the Greylord investigation was first reported in the news media in mid-1983. However, after the public disclosures of the Greylord investigation, Judge Holzer did take some precautions. In the spring of 1984, for example, after Ernest Worsek was interviewed by agents from the IRS, Judge Holzer suggested that he and Worsek communicate through handwritten notes. According to Worsek's testimony, after the notes changed hands the judge would flush them

---

[247] *Id.* at 1732, 1739.

[248] *Id.* at 1733-34, 1751.

[249] *Id.* at 1744. In the U.S. Court of Appeals' decision upholding Judge Holzer's conviction, Judge Posner referred to the loans that Holzer received as "thinly disguised bribes." Judge Posner stated, "[I]t is extortion if the official knows the bribe, gift or other favor is motivated by a hope that it will influence him in the exercise of his office . . . [T]he facts reveal and the jury found an appalling betrayal of the public trust." *U.S. v. Holzer,* No. 86-1879, slip op. at 13 (7th Cir. April 3, 1987), *vacated,* 108 S. Ct. 53 (1987), *on remand* 840 F.2d 1343 (7th Cir. 1988) (reversing Holzer's convictions for racketeering and mail fraud and upholding extortion conviction).

[250] Gov't Victim Impact, *supra* note 226, at 19.

[251] Transcript of Proceedings, Vol. 7 at 1129-30, 1155, *U.S. v Holzer,* No. 85 CR 287 (N.D. Ill.) (testimony of Ernest Worsek).

[252] Gov't Victim Impact, *supra* note 226, at 36.

down the toilet in his chamber.[253] Judge Holzer thus became the first Greylord judge to be convicted of court-related corruption that occurred after the Greylord investigation was disclosed in the news media.[254]

As in the criminal branch courts, where lawyers and others knew of corruption and failed to report it, dozens of lawyers who had appeared before Judge Holzer and provided him with loans remained quiet until his trial. Furthermore, it is clear that Judge Holzer's reputation for dishonesty extended beyond those who had business in his courtroom—even other judges within the Chancery Division had been told of Judge Holzer's illegal conduct.[255]

Testifying before a federal grand jury, for example, attorney Russell Topper stated that a chancellor told him that Judge Holzer had once promised an attorney to help fix a case pending before another judge.[256] According to Topper's testimony, the then-presiding judge of the Chancery Division also had been informed of Judge Holzer's corruption.[257]

Currently, several lawyers connected with Judge Holzer's trial face disciplinary action by the Attorney Registration and Disciplinary Commission.[258] Among the potential charges they face is the failure to report misconduct, a violation of the Illinois Code of Professional Responsibility.[259]

Conclusion

Since the Greylord investigation is continuing, the full scope and nature of the corruption which plagued Cook County's courts are still unknown. However, the evidence that has emerged allows us to reach several conclusions.

---

[253] Transcript of Proceedings, Vol. 7 at 1179, *U.S. v. Holzer,* No. 85 CR 287 (N.D. Ill.).

[254] Gov't Victim Impact, *supra* note 226, at 36.

[255] Testimony before the Special October 1983 Federal Grand Jury at 11920, No. 83 GJ 1452 (Feb. 20, 1985) (testimony of Russell Topper).

[256] *Id.* at 11921.

[257] *Id.*

[258] Chicago Tribune, Jan. 4, 1987, at 3, cols. 1-6.

[259] Rule 1-103 of the Illinois Code of Professional Responsibility provides that a lawyer possessing unprivileged knowledge of conduct involving dishonesty, fraud, deceit or misrepresentation or illegal conduct involving moral turpitude "shall report such knowledge to a tribunal or other authority empowered to investigate or act" upon such conduct. Ill. Rev. Stat. ch. 110A, ¶ 1-103 (1987).

Corruption within the court system did not spring up overnight.[260] Testimony at the Greylord trials disclosed that the group known as the "miracle workers" have bribed Traffic Court judges to obtain favorable rulings since at least the early 1960s. Two supervising judges at Traffic Court systematically manipulated case assignments in order to fix drunken driving cases during a period covering two decades. Other Greylord defendants, such as Judge Wayne Olson, attorney Joseph McDermott, police officer Ira Blackwood and court clerk Harold Conn, engaged in corrupt activities for over 20 years.[261]

The corruption disclosed in the Greylord trials should not be characterized as isolated acts of personal greed. In Judges Sodini's and Reynolds' courtrooms, for example, large portions of the courtroom staff were engaged in a pattern of misconduct orchestrated by the judges. With the promotion of Judge Richard LeFevour to Presiding Judge of the First Municipal District, much of the corruption in the criminal branch courts became systematic and well-organized. The participants in corrupt schemes, such as the members of the "hustlers' club," knew each other, understood the roles that various participants performed and, at least loosely, coordinated their activities.

The extent of the corruption is, of course, difficult to measure. While 70 persons have been convicted of criminal offenses, dozens more have been granted immunity from prosecution. Many lawyers also reportedly face disciplinary action for Greylord-related misconduct.[262] Furthermore, several persons, including judges, have been identified in court testimony as having engaged in corrupt activity but have not yet been indicted.

Clearly, the criminal conduct that the Greylord prosecutions disclosed involved many persons. What perhaps is even more striking is that even more persons knew about the misconduct and failed to report it. Although some of the criminal activity was well-concealed—judges did not collect bribes in

---

[260] Instances of organized and systematic court-related corruption long pre-date the involvement of Greylord participants. Such corruption can be traced to at least the mid-1920s. For the historical background of court-related corruption, see *infra* notes 277-83 and accompanying text.

[261] *See, e.g., supra* text accompanying notes 106-128. *See also supra* note 52.

[262] In May 1987, it was reported that 317 complaints had been filed with the Illinois Attorney Registration and Disciplinary Commission against lawyers whose names surfaced in the Greylord investigation. Chicago Daily Law Bulletin, May 13, 1987, at 3. As of April 30, 1987, 30 lawyers or judges had been suspended or disbarred because of their Greylord-related activities. *Id.* at 6.

view of the general public—much of the misconduct took place openly. The "call money" passed to clerks, the hallway "hustling" by lawyers in the branch courts, the steering of cases by deputy sheriffs, clerks and police officers and the referring of cases to select attorneys by branch court judges were occasionally visible to at least some observers.[263] However, despite the duty that lawyers have under the Illinois Code of Professional Responsibility to report their knowledge of illegal acts,[264] this type of corruption continued for decades, apparently unreported to law enforcement officials.

Moreover, the investigators employed by the Chief Judge's office, and those within the Clerk of the Circuit Court's Office, the Cook County Sheriff's Office and the Chicago Police Department, failed to uncover the widespread criminal activity. The state's agencies responsible for regulating professional conduct—the Attorney Registration and Disciplinary Commission and the Judicial Inquiry Board— also apparently failed to detect criminal wrongdoing. Because lawyers and court personnel are reluctant to report misconduct, there was little risk that crimes would be brought to the attention of law enforcement or regulatory officials by private citizens.

In some instances defendants and litigants benefited from the corruption. In many cases, however, the defendants did not know bribes were being passed. At Traffic Court, under the parking ticket scheme initiated by Judge LeFevour and police officers McCauslin and McLain, many defendants believed they were paying fines and did not know their money was being pocketed by corrupt officials.

In large measure, the illegal schemes to hustle defendants and fix cases were designed to benefit corrupt lawyers, judges and other courtroom personnel—not necessarily defendants. As we noted earlier, hustled cases frequently resulted in an early guilty plea so that the lawyers, and sometimes the judges, could profit from the return of the cash bond refund.[265] In felony

---

[263] *See, e.g.,* Chicago Lawyer, Mar. 1981 (observing "hustling" in branch courtrooms); J. Eisenstein & H. Jacob, *supra* note 138, at 120-21 (academic observers witness a bailiff solicit a bribe).

[264] Ill. Rev. Stat. ch 110A, ¶ 1-103 (1987). The failure of attorneys to report any knowledge of illegal conduct by others in the legal profession is a violation of the Code. *See id.*

[265] At the trial of Judge John Devine, state prosecutors testified that one defense lawyer "did very little for his clients except take their bond money. He never tried a case or put on a hearing. If the state refused to dismiss a case . . . [he] would plead his

(footnote continued on next page)

cases, it was only those defendants who had posted a high bond or had a thousand dollars or more in bribe money who could take advantage of the corruption. Ordinary criminal defendants, often indigent, were represented by honest assistant public defenders or criminal defense attorneys who were paid little for their work.

The corruption, then, usually did not benefit the many, but the few. It primarily helped those defendants who either had the financial resources to pay a corrupt lawyer or who had been charged with a serious crime and could afford to post a high bond.

Charts of Convicted Greylord Defendants

The following charts list the judges, lawyers, and law enforcement and court officials convicted of Greylord-related offenses as of September 1, 1988. As this report went to press, the trials of those persons indicted from the Fifth Municipal District were scheduled to begin. On September 6, 1988, three attorneys pleaded guilty to racketeering charges in connection with those cases. Those convictions are not reflected in the statistics contained in this report or in the following charts.

(footnote continued from previous page)

client guilty, even though he may have had a triable case or viable motions." Government's Brief at 5, *U.S. v. Devine,* 787 F.2d 1086 (7th Cir. 1986) (summarizing the trial testimony of state prosecutors). For a general description of the effects hustling had on defendants and the outcomes of their cases, see Transcript of Sentencing Hearing at 70 *et seq., U.S. v. Olson,* No. 83 CR 978 (N.D. Ill.) (remarks of Asst. U.S. Atty. Daniel Reidy).

CHART I

OPERATION GREYLORD—CONVICTED JUDGES AS OF SEPTEMBER 1, 1988

DEFENDANT	POSITION	CONVICTION	SENTENCE
John J. Devine 83 CR 981	Associate Judge	Convicted Oct. 8, 1984 on one racketeering/conspiracy count, 25 extortion counts and 21 mail fraud counts.	15 years prison
Martin F. Hogan 85 CR 813	Former Associate Judge	Convicted Aug. 29, 1988 on one racketeering/bribery count, one racketeering/conspiracy count and three tax counts.*	(Sentencing pending)
Reginald J. Holzer 85 CR 287	Circuit Judge	Convicted Feb. 18, 1986 on one racketeering/bribery count, three extortion counts and 23 mail fraud counts. Racketeering/bribery and mail fraud convictions reversed by the Seventh Circuit Court of Appeals on February 19, 1988.	Resentenced to 13 years prison
Richard F. LeFevour 84 CR 837	Presiding Judge—First Municipal District	Convicted July 13, 1985 on one racketeering/bribery count, 53 mail fraud counts and five tax counts.	12 years prison
John H. McCollom 86 CR 410-11	Circuit Judge	Pleaded guilty May 1, 1987 to eight racketeering/conspiracy counts and two tax counts.	11 years prison, 5 years probation
Michael E. McNulty 87 CR 963	Former Associate Judge	Pleaded guilty Dec. 16, 1987 to three tax counts.	3 years prison, $15,000 fine, 3 years probation, 600 hours community service
John M. Murphy 83 CR 979	Associate Judge	Convicted June 14, 1984 on one racketeering/conspiracy count, seven extortion counts and 16 mail fraud counts.	10 years prison, 5 years probation
Wayne W. Olson 83 CR 978	Circuit Judge	Pleaded guilty July 18, 1985 to one racketeering/bribery count, one extortion count and one mail fraud count.	12 years prison, $35,000 fine, 5 years probation

* "Tax counts," unless otherwise indicated, refer to the felony charge of filing false income tax statements.

CHART I—(Continued)

OPERATION GREYLORD—CONVICTED JUDGES AS OF SEPTEMBER 1, 1988

DEFENDANT	POSITION	CONVICTION	SENTENCE
John F. Reynolds 85 CR 812	Circuit Judge	Convicted May 7, 1986 on one racketeering/bribery count, one racketeering/conspiracy count, six extortion counts, 25 mail fraud counts and three tax counts.	10 years prison, $33,000 fine
		Pleaded guilty April 8, 1988 to two perjury counts.	2 years prison, 2 years probation
Roger E. Seaman 87 CR 928	Former Associate Judge	Pleaded guilty Dec. 16, 1987 to two mail fraud counts and one tax count.	(Sentencing pending)
Raymond C. Sodini 85 CR 813	Circuit Judge	Pleaded guilty Jan. 20, 1987 to one racketeering/conspiracy count and one tax count.	8 years prison, 5 years probation, 750 hours community service

CHART II

OPERATION GREYLORD—CONVICTED ATTORNEYS AS OF SEPTEMBER 1, 1988

DEFENDANT	POSITION	CONVICTION	SENTENCE
Hugo Arquillo 87 CR 967	Attorney	Pleaded guilty Dec. 16, 1987 to two tax counts.*	2 months work release, $1,300 fine, 3 years probation, 200 hours community service.
Lee Barnett 85 CR 813	Attorney	Pleaded guilty Jan. 15, 1987 to one racketeering/ conspiracy count and one mail fraud count.	6 months prison, 2 years probation
Lebert D. Bastianoni 87 CR 214	Attorney	Pleaded guilty July 6, 1987 to two tax counts.	30 days work release, $5,000 fine, 4 years probation, 500 hours community service, ordered to pay back taxes and penalties
Harlan Becker 84 CR 813	Attorney	Convicted Feb. 17, 1987 on two tax counts. Pleaded guilty Nov. 6, 1987 to one racketeering/conspiracy count and one racketeering/ bribery count.	6 years prison, $60,000 fine, 5 years probation, ordered to pay $63,000 in back taxes and penalties
Jerry B. Berliant 84 CR 834	Attorney	Pleaded guilty April 15, 1985 to three tax counts.	20 weekends in jail, 3 years probation
Neal Birnbaum 85 CR 813	Attorney	Pleaded guilty Oct. 14, 1987 to one racketeering/ conspiracy count, one racketeering/bribery count and one mail fraud count.	(Sentencing pending)
Dale Boton 88 CR 216	Attorney	Pleaded guilty Mar. 23, 1988 to four misdemeanor tax counts for failure to file income tax returns.	90 days work release, 3 years probation, 300 hours community service
Howard M. Brandstein 85 CR 813	Attorney	Pleaded guilty Sept. 19, 1986 to one racketeering/ conspiracy count and one tax count.	1 year and one day prison, $56,000 forfeiture, 5 years probation, 200 hours community service
Houston Burnside 85 CR 813	Attorney	Pleaded guilty June 5, 1985 to three tax counts.	30 weekends in prison, $3,000 fine, 3 years probation

* "Tax counts," unless otherwise indicated, refer to the felony charge of filing false income tax statements.

CHART II—(Continued)

OPERATION GREYLORD—CONVICTED ATTORNEYS AS OF SEPTEMBER 1, 1988

DEFENDANT	POSITION	CONVICTION	SENTENCE
Bruce L. Campbell, Jr. 86 CR 410	Attorney	Pleaded guilty Feb. 4, 1987 to one racketeering/ bribery count and one tax count.	1 year prison, 6 months of which is work release; 5 years probation
James I. Canoff 84 CR 249	Ass't Corporation Counsel	Pleaded guilty April 17, 1984 to one racketeering/ bribery count, 18 mail fraud counts and one obstruction of justice count.	6 months work release, 300 hours community service, $5,000 restitution to the City of Chicago
James J. Costello 83 CR 978	Attorney	Pleaded guilty July 18, 1985 to one racketeering/ bribery count and one mail fraud count.	8 years prison, $100 fine, 5 years probation
Robert Daniels 85 CR 813	Attorney	Convicted Feb. 17, 1987 on two tax counts. Pending trial on one racketeering/bribery count and one racketeering/ conspiracy count.	6 years prison
Vincent E. Davino 85 CR 813	Attorney	Pleaded guilty Jan. 16, 1987 to one racketeering/ conspiracy count and one mail fraud count.	4 years prison, 5 years probation, 500 hours community service
Thomas F. DelBeccaro 85 CR 812	Attorney	Pleaded guilty April 11, 1986 to two mail fraud counts.	90 days in prison, later revoked; $1,000 fine; 5 years probation
Thurman Gardner 84 CR 836	Attorney	Pleaded guilty April 1, 1985 to four tax counts.	6 months prison, 3 years probation, 750 hours community service
Richard H. Goldstein 86 CR 410	Attorney	Pleaded guilty Feb. 4, 1987 to one racketeering/ conspiracy count and one tax count.	1 year prison, 6 months of which is work release; 5 years probation; 400 hours community service
Alphonse C. Gonzales 84 CR 248	Attorney	Pleaded guilty June 25, 1986 to two tax counts and on July 8, 1986 to one extortion count.	3 years prison, later reduced to 1 year; $2,000 fine; 5 years probation

CHART II—(Continued)

OPERATION GREYLORD—CONVICTED ATTORNEYS AS OF SEPTEMBER 1, 1988

DEFENDANT	POSITION	CONVICTION	SENTENCE
William H. Kampenga 88 CR 215	Attorney	Pleaded guilty Mar. 23, 1988 to two tax counts.	(Sentencing pending)
Melvin Kanter 86 CR 410-12	Attorney	Pleaded guilty Dec. 17, 1986 to one racketeering/ bribery count.	90 days work release, $25,000 fine, 5 years probation, 400 hours community service
Edward Kaplan 84 CR 244	Attorney	Pleaded guilty Jan. 28, 1985 to three tax counts.	2 years prison, 5 years probation
Paul G. Kulerski 86 CR 410	Attorney	Pleaded guilty March 18, 1985 to two tax counts.	3 months prison, 5 years probation, 400 hours community service
Bernard N. Mann 86 CR 410	Attorney	Pleaded guilty Feb. 25, 1987 to one racketeering/ bribery count and one tax count.	6 months prison, $25,000 fine, 5 years probation, 400 hours community service
Joseph E. McDermott 86 CR 410-11	Attorney	Pleaded guilty Dec. 10, 1986 to one racketeering/ bribery count and one tax count.	1 year and one day prison, $30,000 fine, 5 years probation
Ralph E. Meczyk 87 CR 214	Attorney	Pleaded guilty July 6, 1987 to two tax counts.	30 days work release, $5,000 fine, 4 years probation, 500 hours community service, ordered to pay back taxes and penalties
Jay I. Messinger 83 CR 979	Attorney	Convicted May 8, 1986 on one mail fraud count.	2 years prison, $1,000 fine
James E. Noland 86 CR 410	Attorney	Pleaded guilty March 27, 1987 to one racketeering/ bribery count and one tax count.	15 months prison, $15,000 fine 5 years probation, 400 hours community service
Edward E. Nydam 85 CR 812	Attorney	Pleaded guilty April 29, 1985 to two tax counts and on Feb. 25, 1986 to one mail fraud count.	6 months prison, 5 years probation (on tax counts only)

CHART II—(Continued)

OPERATION GREYLORD—CONVICTED ATTORNEYS AS OF SEPTEMBER 1, 1988

DEFENDANT	POSITION	CONVICTION	SENTENCE
James L. Oakey 85 CR 813	Attorney, Former Associate Judge	Convicted May 15, 1987 on two tax counts. Pending trial on one racketeering/bribery count and one racketeering/conspiracy count.	18 months prison, $5,000 fine, 5 years probation, ordered to pay back taxes and penalties
Cary N. Polikoff 87 CR 928	Attorney	Pleaded guilty Aug. 22, 1988 to two mail fraud counts.	(Sentencing pending)
William F. Reilly 86 CR 410	Attorney	Pleaded guilty March 27, 1987 to one racketeering/bribery count and one tax count.	14 months prison, $5,000 fine, 5 years probation, 400 hours community service
Mark Rosenbloom 87 CR 965	Attorney	Pleaded guilty March 11, 1988 to two tax counts.	2 years probation, 300 hours community service
Bruce Roth 85 CR 763	Attorney	Convicted Aug. 24, 1987 on two extortion counts, one racketeering/bribery count and one racketeering/conspiracy count.	10 years prison, 5 years probation
Martin Schachter 84 CR 242	Attorney	Pleaded guilty July 5, 1984 to one mail fraud count.	4 years probation
R. Frederic Solomon 85 CR 814	Attorney	Pleaded guilty April 8, 1986 to four tax counts.	2½ years prison, 5 years probation
Dean S. Wolfson 83 CR 976	Attorney	Pleaded guilty Jan. 25, 1985 to one racketeering/bribery count and three mail fraud counts.	7½ years prison, $3,000 fine, 5 years probation
Cyrus Yonan, Jr. 84 CR 246	Attorney	Pleaded guilty May 14, 1987 to one racketeering/bribery count and two tax counts.	1 year and one day prison, $15,000 fine, 3 years probation, 400 hours community service, ordered to pay $12,300 in back taxes and penalties
Arthur Zimmerman 87 CR 966	Attorney	Pleaded guilty Dec. 22, 1987 to two tax counts.	3 years prison, $10,000 fine, 3 years probation, 300 hours community service

CHART III

OPERATION GREYLORD—CONVICTED COURT PERSONNEL AS OF SEPTEMBER 1, 1988

DEFENDANT	POSITION	CONVICTION	SENTENCE
Gaetano Bianco 87 CR 690	Deputy Sheriff	Pleaded guilty to one misdemeanor count for civil rights violation.	(No information available; court file sealed.)
Ira J. Blackwood 83 CR 977	Police Officer	Convicted Aug. 10, 1984 on one racketeering/ bribery count and ten extortion counts.	7 years prison, $20,000 fine, 5 years probation
Harold J. Conn 83 CR 983	Deputy Clerk	Convicted March 15, 1984 on one racketeering/bribery count and nine extortion counts.	6 years prison, $2,000 fine, 5 years probation
James F. Hegarty 85 CR 813	Police Officer	Pleaded guilty Feb. 28, 1986 to one tax count.*	3 years probation, 300 hours community service
Leopoldo Hernandez 85 CR 432	Deputy Sheriff	Pleaded guilty July 31, 1985 to one extortion count.	6 months work release, 5 years probation, 500 hours community service
Paul B. Hutson 85 CR 813	Deputy Sheriff	Pleaded guilty Feb. 25, 1986 to one misdemeanor tax count for failure to file income tax returns.	60 days work release, 5 years probation
Alan Kaye 83 CR 980	Deputy Sheriff	Convicted March 1, 1985 on official misconduct, theft, bribery and intimidation counts (in state court).	5 years (state prison)
Jerome R. Kohn 85 CR 813	Deputy Sheriff	Pleaded guilty Jan. 26, 1987 to one racketeering/ conspiracy count and one tax count.	18 months prison, $10,000 fine, 5 years probation
Nick La Palombella 85 CR 813	Deputy Clerk	Pleaded guilty Feb. 25, 1986 to one tax count.	60 days work release, 5 years probation
James R. LeFevour 84 CR 837	Police Officer	Pleaded guilty Dec. 4, 1984 to three tax counts.	30 months prison
Henry F. Lemanski 88 CR 322	Deputy Clerk	Pleaded guilty Aug. 30, 1988 to two obstruction of justice counts.	(Sentencing pending)

* "Tax counts," unless otherwise indicated, refer to the felony charge of filing false income tax statements.

CHART III—(Continued)

OPERATION GREYLORD—CONVICTED COURT PERSONNEL AS OF SEPTEMBER 1, 1988

DEFENDANT	POSITION	CONVICTION	SENTENCE
Arthur W. McCauslin 84 CR 837	Police Officer	Pleaded guilty Dec. 4, 1984 to two tax counts.	18 months prison
Lawrence E. McLain 84 CR 837	Police Officer	Pleaded guilty Dec. 4, 1984 to two tax counts.	15 months prison
Frank L. Mirabella 85 CR 813	Deputy Sheriff	Pleaded guilty Sept. 19, 1986 to two racketeering/ bribery counts and one tax count.	7 months prison, $15,000 fine, 5 years probation, 300 hours community service
Lucious Robinson 88 CR 219	Deputy Sheriff	Pleaded guilty June 27, 1988 to one extortion count.	3 years prison, $3,000 fine
Steve Ruben 85 CR 813	Deputy Sheriff	Pleaded guilty Feb. 25, 1986 to one tax count.	(Sentencing pending)
Patrick J. Ryan 85 CR 813	Deputy Sheriff	Pleaded guilty Feb. 25, 1986 to one racketeering/ bribery count and one tax count.	60 days work release, 5 years probation
James V. Trunzo 84 CR 245	Police Officer	Pleaded guilty Sept. 5, 1984 to two tax counts.	1 year prison, $10,000 fine, 3 years probation
Joseph Trunzo 84 CR 245	Police Officer	Pleaded guilty Sept. 5, 1984 to two tax counts.	1 year prison, $10,000 fine, 3 years probation
Ernest Worsek 85 CR 288	Receiver	Pleaded guilty Oct. 22, 1985 to one mail fraud count and one misdemeanor tax count for failure to file income tax returns.	6 months prison
Nick Yokas 85 CR 813	Deputy Sheriff	Pleaded guilty Feb. 25, 1986 to one tax count.	60 days work release, 5 years probation

Section 2

THE ROOTS OF GREYLORD

The corruption revealed by Operation Greylord cannot, we believe, be traced to a single cause. The conditions that bred corruption in many of the criminal branch courts and at Traffic Court, such as rampant courtroom hustling, did not exist in Judge Holzer's courtrooms in the Law and Chancery Divisions. The purposes of the corrupt activity also varied. In some cases, the misconduct involved lawyers bribing judges and court personnel to obtain business. In other instances, judges received bribes to fix the outcome of cases.

Greed, of course, may have been the individual motivation of many Greylord defendants.[266] Yet, as we previously mentioned,[267] greed alone does not explain why the corruption could continue for so long, undetected by law enforcement officials and regulatory agencies. Nor does it explain why so many participants were able to coordinate their corrupt activities in what became well-organized schemes. Thus, while the corruption that occurred cannot be traced to a single source, several factors that contributed to the corruption can be identified.

The Problem Of Official Corruption

To some extent, the illegal activity that occurred within the court system reflects the broader problems of official corruption and other forms of white collar crime that Chicago and other large urban areas have experienced for decades.[268] Upon leaving office in 1981, former United States Attorney for the Northern District of Illinois Thomas P. Sullivan observed:

> There seems to be in Chicago and the surrounding areas a pervasive, deep-seated lack of honesty at all levels of government and business. I do not know whether it is worse here than elsewhere, but I do know that public and private corruption is commonplace in our city.[269]

---

[266] Certainly greed was a characteristic that some Greylord defendants attributed to each other. Police officer Ira Blackwood, for example, said that Judge Richard LeFevour "got them . . . vacuum cleaner pockets . . . [e]verything goes in and nothin' comes out." Tape recorded conversation (Oct. 16, 1981), introduced in *U.S. v. Blackwood,* No. 83 CR 977 (N.D. Ill.).

[267] *See supra* text accompanying note 23.

[268] For a historical view of the problem of urban corruption, see generally J. Gardiner & D. Olson (eds.), *Theft of the City: Readings on Corruption in Urban America* (1974). *See also,* J. Noonan, Jr., *Bribes* 425-652 (1984).

[269] Statement of Thomas P. Sullivan, former U.S. Attorney, Northern District of Illinois, U.S. Dept. of Justice Press Release (Apr. 30, 1981).

There is no doubt that official corruption in the Chicago area has been a pervasive problem. Between 1976 and 1984, almost 200 state and local public officials in the region were convicted for violating federal laws.[270] Since 1971, for example, 14 alderman have been convicted of federal crimes. In 1987, the United States Attorney reported, eight percent of Chicago's 50 alderman were under indictment.[271] Last year alone, more than 100 public officials and others in the Chicago area were indicted in federal corruption cases.[272] The news media inform us almost daily of aldermen, city inspectors and law enforcement officials who have come under federal investigation.[273] Currently, five major federal investigations—Operations Greylord, Incubator, Phocus, Lantern and Safebet—are probing official corruption in the Chicago area.

The number of those convicted of federal crimes, of course, is only a rough measure of the amount of corruption which may exist. Bribery, for example, is a consensual act and may never be reported to law enforcement officials. However, news media reports and other accounts of wrongdoing reinforce the official statistics on corruption.[274]

---

[270] *See* U.S. Dept. of Justice, Report to Congress on the Activities and Operations of the Public Integrity Section for 1984 (Apr. 1985). These figures include federal prosecutions of state and local public officials in the Northern District of Illinois, which covers the entire Chicago metropolitan area and outlying counties. However, the vast majority of convicted officials have been from Cook County.

Other districts experiencing large numbers of prosecutions for public corruption during the same period were New York, Southern District (240); Pennsylvania, Middle District (144); New Jersey (141), and New York, Eastern District (136). *Id.*

[271] Statement by U.S. Attorney Anton R. Valukas, Keynote Address to the Chicago Council of Lawyers Annual Luncheon, in Chicago, Ill. (June 30, 1988).

[272] Chicago Tribune, Dec. 27, 1987, at 1, col. 6.

[273] *See, e.g.,* Chicago Sun-Times, Mar. 16, 1987, at 1, cols. 1-4 (12 persons expected to be indicted in connection with the FBI's Operation Phocus investigation of city licensing). *See also* Chicago Tribune, Apr. 24, 1987, at 1, col. 1 (former alderman pleads guilty to accepting a bribe in connection with the FBI's Operation Incubator investigation into the awarding of city contracts). For a review of recent prosecutions of public officials, see Chicago Sun-Times, Apr. 26, 1987, at 13 (interview with Anton R. Valukas, U.S. Attorney for the Northern District of Illinois).

[274] *Id.* In the past two years, other convicted public officials include over 30 sewer and consumer service inspectors, seven Cook County deputy sheriffs, two Chicago aldermen and one former state representative. *Id.*

It was not until the early 1970s that federal prosecutors identified official corruption at the state and local governmental levels as a priority.[275] Some federal prosecutions, of course, had taken place earlier, including those of high-ranking state officials. However, until recently, officials frequently were permitted to resign from public office in the wake of allegations of wrongdoing rather than face criminal charges.[276]

Greylord represents the first time Cook County judges have been convicted for crimes related to their official duties. Yet, allegations of misconduct by judges and court personnel have emerged repeatedly since the early decades of this century. Allegations of political "fixing" in criminal and civil cases appeared in major studies of the court system during the 1920s and 1930s.[277] Studies of legal practice in Cook County's criminal courts in the 1960s and 1970s revealed that many of these abuses continued.[278]

The Illinois Crime Survey reported conditions in the criminal branch courts in 1929 that were almost identical to those described by Greylord

---

[275] J. Noonan, Jr., *supra* note 268, at 575. *See also* Ruff, *Federal Prosecution of Local Corruption: A Case Study in the Making of Law Enforcement Policy*, 65 Geo. L. J. 1171-1228 (1977).

[276] Until the late 1960s, criminal sanctions were rarely invoked by either federal or state prosecutors against high-ranking officials. According to Noonan, "Governors, judges of courts of general jurisdiction, major state officers were, on the whole exempt [from bribery laws]." J. Noonan, Jr., *supra* note 268, at 575.

[277] *See, e.g.*, H. Gilbert, *The Municipal Court of Chicago* 86-88, 294-96 (1928). *See also* E. Martin, *The Role of the Bar in Electing the Bench in Chicago* 295 (1936) (quoting then-Chief Judge of the Criminal Court Michael L. McKinley on "[t]he fine art of the fixer"). For a general discussion of the role partisan politics played in the Circuit Court in this era, see J. Wigmore (ed.), *The Illinois Crime Survey* (1929). *The Illinois Crime Survey* was a product of the Illinois Association for Criminal Justice. *See also* H. Gosnell, *Machine Politics: Chicago Model* (2d ed. 1968).

[278] *See, e.g.*, J. Carlin, *supra* note 5. Based on 100 interviews with Chicago lawyers, Carlin wrote, "Better than two out of three lawyers interviewed candidly admitted purchasing favors from clerks." *Id.* at 158. *See also* J. Eisenstein & H. Jacob, *supra* note 138, at 120.

In 1959, and again in 1965, Chicago's Traffic Court was the subject of allegations of corruption. In 1959, for instance, 35 persons were indicted for participating in a scheme in which parking tickets and moving violations were allegedly fixed. No convictions resulted. For a summary of the 1959 investigation of Traffic Court, see Chicago Tribune, June 21, 1965, at 3, col. 1. The newspaper reported that 4 former Traffic Court referees who had been indicted in 1959 were judges in the Circuit Court in 1965. *Id.*

prosecutors and others almost 60 years later. The survey found that lawyers in branch courts, who were called "regulars":

> solicit business very largely through the assistance of clerks, bailiffs, assistant prosecutors, and occasionally through the judges themselves .... Such lawyers divide the profits from their activities with the kindly officers who throw business to them. In fact ... such a privileged position in a given branch court is paid for by the lawyer, either on a percentage basis or as an initial fee, for the privilege of preying upon the victims of that particular neighborhood.[279]

An attorney held his position in certain courtrooms "by giving favors, if not money to those who assist him." The lawyer's cases would not be vigorously prosecuted if he accepted the status as a "regular."[280]

This, of course, also describes the "hustlers' club" of the 1970s and early 1980s. Whether such a "club" has existed on a continuous basis since the 1920s is difficult to determine. However, many of the same conditions which give rise to systematic corruption—such as bribery among lawyers and clerks and the unethical solicitation of cases—have been observed continuously.[281]

Judicial and other court-related wrongdoing is not confined to Cook County. In New York City and Philadelphia, allegations of court-related misconduct have recently emerged.[282] In Illinois, outside of Cook County, serious and well-publicized judicial misconduct also has occurred. Two justices of the Illinois Supreme Court, including the Chief Justice, were forced to resign in the late 1960s. The resignations came in the wake of conflict of interest allegations and after a call for their removal by an investigative commission.[283]

---

[279] Moley, *The Municipal Court in Chicago,* in J. Wigmore, *supra* note 277, at 408.

[280] *Id.*

[281] *See, e.g.,* J. Carlin, *supra* note 5, at 155-67. *See also* Chicago Lawyer, Mar. 1981, at 1; Chicago Tribune, June 9, 1965, at 3, col. 1 (reporting on ticket fixing in Chicago's Traffic Court).

[282] *See* 1 The State City Commission on Integrity in Government (Sovern Comm'n), Reports and Recommendations (New York, Jan. 1987). *See also* New York Times, Mar. 15, 1987, § E, at 6, cols. 3-5; *Disorder in the Court,* The Philadelphia Inquirer (reprinted from a series published Jan. 26-31, 1986).

[283] *See* The Special Commission in Relation to No. 39797 (People of the State of Illinois v. Theodore J. Isaacs, et al.), Report of the Special Commission of the Supreme Court of Illinois (July 31, 1969). The Commission concluded that public confidence could "best be restored by the prompt resignation of the two justices." *Id.* at 61.

There is reason to believe that the integrity and professional performance of both judges and lawyers is improving.[284] Yet, Operation Greylord revealed that much remains to be done to insulate the court system from partisan politics and the "system of favors" that prevails in the political domain. Court-related corruption is influenced by factors which lie beyond the court system.[285] Nevertheless, there are several practical steps the Court and other agencies can take to help prevent corruption and to deal with it effectively when it does occur. Those steps are outlined later in this report.[286]

Local Legal Culture In The Branch Courts

The criminal branch courts are a far flung network of often isolated courtrooms where misdemeanor cases and the preliminary stages of felony cases are handled. In a previous report, the Special Commission noted that a subculture has existed in many criminal branch courts.[287] The subculture's prevailing ethos tolerates violations of professional and societal norms. The official rules—such as the Court's rules, the lawyer's Code of Professional Responsibility and the criminal laws governing courtroom conduct—form what one writer has called a "myth system."[288] What actually occurs in these courtrooms reflects a different set of norms which constitutes an "operational code."[289]

---

[284] Viewing the general evolution of trial courts, Malcolm Feely recently wrote, "A few short years ago, open appeals to friendship, party loyalty and bribery were not at all uncommon as ways of disposing of cases in the trial courts. Now such practices are limited to isolated cases in a few cities or restricted to traffic tickets." M. Feely, *Court Reform on Trial* 30 (1983).

The formal requirements for enhancing legal ethics also have grown in recent years. For example, courses in professional responsibility are required at most law schools, and professional ethics is a subject included in bar examinations.

[285] The general problem of urban political corruption has been attributed to a variety of factors. These include "machine-style politics"; demographic factors, such as population density, urbanization and industrial concentration; and inequalities in wealth, power and status. *See* Gardiner, *The Legacy of Corruption,* in J. Gardiner & D. Olson, *supra* note 268, at 39-45; Johnson, *Corruption and Political Culture in America: An Emperical Perspective,* Publius 19-39 (Winter 1983); Dobel, *The Corruption of a State,* 72 APSR 958-73 (1978). For a general review of the scholarly literature on governmental corruption, see J. Noonan, Jr., *supra* note 268, at 544-50.

[286] *See* Section 3, *infra.*

[287] Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987). What is said here about the criminal branch courts generally applies to Chicago's Traffic Court as well.

[288] *See* W. Reisman, *Folded Lies: Bribery, Crusades and Reforms* (1979).

[289] *Id.*

In the branch courts, the local legal subculture is largely the product of the courtroom workgroup—the judges, policemen, bailiffs, clerks, public defenders, prosecutors and private attorneys who work together on a daily basis.[290] In many of these courtrooms, the formal rules are ignored by workgroup members. *Ex parte* communications have been common, and cases are delayed because continuances are routinely granted. In the past, courtrooms often adjourned early to accommodate the wishes of courtroom personnel.[291]

In some courtrooms, there were widespread violations of not only the Court's rules, but of the criminal laws. For many years, some members of the courtroom workgroups engaged in small-scale corruption. For instance, they referred cases to lawyers in exchange for "referral fees" and received "call money" to ensure that a lawyer's case would be called early.[292]

In some instances, several members of the courtroom workgroup engaged in a pattern of corrupt behavior which continued over several years. The deputy sheriffs and police officers met defendants outside the courtroom and led them to the clerk. The clerk steered the most lucrative cases to particular lawyers. The lawyers, in turn, paid "referral fees" to court personnel, who split the bribes among themselves.[293] The judge was paid separately for permitting lawyers to hustle cases in the courtroom—and perhaps to fix the outcome of cases as well. This illegal pattern of behavior persisted because no one complained. The corruption went unreported.

The norms reflected in this pattern of misconduct, of course, are not those expressed by the formal rules. The rules emphasize honesty, efficiency and impartiality. The behavior of some courtroom workgroups, however, reflect values such as favoritism and loyalty to friends.[294] As Professor

---

[290] For a general discussion of the concept of courtroom workgroups, see J. Eisenstein & H. Jacob, *supra* note 138, at 19-64. *See also* Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987).

[291] *Id. See also* past reports of the Cook County Court Watchers. In January 1985, the Circuit Court of Cook County enacted a new local rule strengthening the prohibition on *ex parte* communications. *See* Cir. Ct. R. 17.

[292] *See supra* at text accompanying notes 145-49.

[293] *See, e.g.,* Transcript of Proceedings, Vol. 3 at 757, *U.S. v. Sodini,* No. 85 CR 813 (N.D. Ill.) (testimony of Henry LeClaire). It should be noted that Judge Sodini was convicted of receiving bribes to permit hustling and not for directly fixing cases.

[294] *See* Wilson, *Three Theories of Corruption,* in J. Gardiner & D. Olson, *supra* note 268, at 282.

Geoffrey C. Hazard, an expert on legal ethics from Yale Law School, observed, there is a "discrepancy between the ethical standards that lawyers acknowledge are binding on them and the standards of conduct that many of them observe in fact ... This [also] is true ... of the rules of ordinary honesty."[295]

The branch court subculture exists, in part, because the practice of criminal law is largely isolated from the rest of the profession.[296] Not only are the lower-level criminal courts geographically removed from other courts and the news media, but the lawyers who practice there tend to be professionally isolated from their colleagues in other fields of practice.[297] As we stated in a previous report, criminal defense lawyers, especially those who center their practice in the misdemeanor branch courts, "represent low status and low income clients, tend to earn less income, do not command the resources available to large firm lawyers and have little contact socially or within professional organizations" with lawyers in other fields.[298]

Operation Greylord revealed that the lawyers who practiced in the lower criminal courts and at Traffic Court were exposed to courtroom hustlers, corrupt courtroom personnel and sometimes corrupt judges on a daily basis. They routinely confronted pressure to conform to corrupt patterns of behavior unlike the pressure faced by lawyers who practiced in other courtrooms.[299] After winning his first drunken driving case, for example, attorney Richard H. Goldstein was jubilant—until he was approached by Judge John Murphy's clerk outside the courtroom. According to Goldstein's testimony, the clerk said, "[Y]ou know, that wasn't for free. The judge expects to be seen."[300] Goldstein then paid his first bribe by giving $100 to the clerk.[301]

---

[295] J. Carlin, *Lawyers' Ethics* xxi (1966).

[296] *Id.* at 82.

[297] *See* J. Heinz & E. Laumann, *Chicago Laywers: The Social Structure of the Bar* 47-88 (1982). *See also* F. Zemans & V. Rosenblum, *The Making of a Public Profession* 99 *(1981)*.

[298] Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts 75 (Feb. 1987).

[299] Some lawyers, it should be noted, seemed to have corrupted other members of the courtroom staff rather than vice versa. *See, e.g.,* Transcript of Proceedings at 432-530, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (testimony of Joseph McDermott).

[300] *Id.* at 535-36.

[301] *Id.* at 536.

Other lawyers told similar stories. Melvin Kanter testified that his initiation into courtroom corruption occurred in 1968 when he was solicited by the personal bailiff of Traffic Court's then-supervising judge. Kanter said he later met alone with the supervising judge who told him, "[I]f you want to win your cases, it's going to cost you $100 a case."[302] These and similar events took place all too frequently in the lower level courtrooms.

Although lawyers who practice in more prestigious areas of law face many ethical dilemmas, they seldom, if ever, confront such blatant pressures. As Jerome Carlin phrased it, large firm lawyers are "able to insulate [themselves] from ethically contaminating influences."[303] The same point has been made by others. In the practice of law, there is:

> . . . a moral division of labor, if one keeps in mind that the term means not simply that some lawyers . . . are more moral than others; but that the very demand for highly scrupulous and respectable lawyers depends in various ways upon the availability of less scrupulous people to attend less respectable legal problems of even the best people. I do not mean that the good lawyers all consciously delegate their dirty work to others (although many do). It is rather a game of live and let live.[304]

We believe that all segments of the bar should assume some responsibility for improving the administration of justice in the criminal courts. Lawyers who practice in other fields, especially attorneys in large firms who concentrate in more prestigious areas of the law, should concern themselves with areas of legal practice outside of their own specialty.[305]

The cases of several Greylord defendants involved lawyers bribing judges and others to obtain business and restrict competition.[306] These corrupt lawyers sought exclusive franchises to practice in particular courtrooms.[307]

---

[302] *Id.* at 663.

[303] J. Carlin, *supra* note 295, at 177.

[304] *Id.* at 177 (statement of Everett Hughs).

[305] This recommendation, and several others designed to increase professional involvement in the lower courts, is contained in our report on the felony courts. Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987). For a complete list of our recommendations, see Appendix 1 to this final report.

[306] *See supra* text accompanying notes 167-81 (description of the "hustlers' bribery club").

[307] For a discussion of criminal behavior and the control of markets, see T. Schelling, *Choice and Consequence* 158-94 (1984).

Competition, of course, affects lawyers and law firms of all sizes. Even the largest and most prestigious law firms aggressively seek new clients, recruit lawyers with the potential to attract business, engage in bidding wars to hire the best law school graduates and merge with other firms to gain a market advantage over their competitors. However, the solo practitioners and small firm lawyers who practice in the criminal branch courts and at Traffic Court are vulnerable to the competitive nature of legal practice in a way that other lawyers are not. As the testimony during the Greylord trials revealed, some of the Greylord attorneys used the courtrooms as their offices.[308] Many of them had no secretaries, office equipment or support staff. They sought business by hustling in the corridors of Traffic Court and the misdemeanor branch courts. Some of these lawyers centered their entire practices around just a few branch courtrooms. They paid bribes to judges and other courtroom personnel, for that was the only way they could obtain a steady flow of clients.[309]

Several Greylord attorneys earned over $100,000 per year through illegal hustling.[310] This income level, for many, could only be sustained through oligopolistic control of the market.[311] Recent law school graduates frequently begin their practices in the misdemeanor courtrooms.[312] They compete with older attorneys, some of whom practice almost exclusively in the branch courts and have done so for most of their careers.[313]

Members of the "hustlers' club," described in the previous section, not only illegally obtained business, but they also restricted competition. Private

---

[308] Judge Thaddeus L. Kowalski described one Greylord defendant this way: "He [Edward Nydam] would always be working right there in the lobby area. To me it seemed like that was his office." Court personnel told the judge that Edward Nydam had been showing up at Branch 29 every day for about three years. Government Brief, *U.S. v. Murphy,* 768 F.2d 1518 (7th Cir. 1985).

[309] For a description of courtroom hustling, see text accompanying notes 167-81.

[310] *See supra* note 161 and accompanying text.

[311] For example, Arthur Cirignani testified that he and his partner, Thomas DelBeccaro, received the vast majority of their legal fees from cash bond refunds (CBRs). Transcript of Proceedings at 839, *U.S. v. Reynolds,* No. 85 CR 812 (N.D. Ill.). In order to obtain the CBRs, they, in effect, rented the courtroom, and other lawyers were sent elsewhere by the judge.

[312] For example, in the misdemeanor branch courts, few trials are held, and the rules of evidence often are not vigorously enforced. For a description of legal practice in these courtrooms, see generally J. Carlin, *supra* note 5. *See also* J. Eisenstein & H. Jacob, *supra* note 138.

[313] *See, e.g.,* Transcript of Proceedings at 623-76, *U.S. v. McCollom,* No. 86 CR 410-11 (N.D. Ill.) (testimony of Harry Kleper and Melvin Kanter).

attorneys and lawyers working in the CBA's Lawyer Referral Program, for example, were directed to other courtrooms by corrupt judges so that the corrupt lawyers would not have to compete for business.[314] These judges, of course, also benefited from the scheme; they received bribes from members of the "hustler's club" for their help in keeping honest lawyers away from the corrupt lawyers' territory.

Criminal defendants often have few effective alternatives in obtaining legal counsel. If they are not eligible to receive the services of a public defender, they are easy prey for courtroom hustlers. The hustlers, after all, are the only private defense lawyers they are likely to meet.

Several recommendations contained in the Special Commission's reports on both the misdemeanor and felony courts can help alleviate the problem of illegal hustling in these courtrooms.[315] Actions already taken in the First Municipal District,[316] and of course the Greylord investigation itself, have curtailed hustling—at least temporarily—in the lower criminal courts.

Administrative Procedures Which Facilitate Corruption

As several previous reports of this Commission indicate, various court procedures were highly vulnerable to abuse.[317] At Traffic Court, the practice of processing more than four million parking tickets annually was especially susceptible to corrupt practices.[318] When individuals and businesses are allowed to accumulate large numbers of unpaid parking tickets, they are tempted to resort to illegal means to reduce their fines. In the lower criminal courts, the practice of returning the cash bond refunds to attorneys was a lure for corrupt lawyers.[319] In order to obtain the refund, some lawyers bribed judges and court personnel for case referrals.[320]

---

[314] *See supra* text accompanying notes 167-81.

[315] *See* Special Commission on the Administration of Justice in Cook County, Report on the Misdemeanor/Preliminary Hearing Courts (July 1985); Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987).

[316] *See* Report on the First Municipal District, Circuit Court of Cook County (Mar. 27, 1987). *See also* Appendix 1 of this report.

[317] Special Commission on the Administration of Justice in Cook County, Report on the Misdemeanor/Preliminary Hearing Courts (July 1985).

[318] Special Commission on the Administration of the Justice in Cook County, Interim Report on Traffic Court (Jan. 1985).

[319] Special Commission on the Administration of Justice in Cook County, Report on the Misdemeanor/Preliminary Hearing Courts (July 1985).

[320] *Id. See also supra* at text accompanying notes 167-81.

Inefficient procedures also offered incentives for corruption.[321] In the high volume misdemeanor courtrooms, attorneys waited for hours to have their cases heard because most of the cases had been scheduled in the morning.[322] These unbalanced court calls permitted the courtroom staff to leave work by mid-afternoon.[323] To have their cases called early, lawyers passed "call money," or $5 to $10 bribes, to clerks who had the power to call a case out of sequence.[324]

The practice of engaging in *ex parte* communications also encourages abuse.[325] When it is common for judges and only one side of a case to meet and discuss a case privately, the opportunity to elicit or pass bribes obviously increases. Even when done innocently, acceptance of the practice of *ex parte* communications creates the appearance that something highly improper is occurring. These prohibited communications erode the public's confidence in the impartiality of the court system and increase the likelihood that serious abuses will occur.

In the Court's Chancery Division, the appointment of court officers historically has been an area of abuse.[326] In the past, some judges used their appointment power to distribute patronage to their friends and political supporters. In the case of Judge Holzer, the power to appoint receivers and other court officers was corruptly used to elicit loans and other financial benefits from those receiving the appointments.[327]

Professional Ethics and Responsibility

Even the best reforms will fail if public officials do not fulfill their moral obligations. We have proposed several reforms focusing on broad institutional arrangements, such as the relationship between the judicial system and

---

[321] For example, Jerome Carlin writes: "The wide currency of such practices [giving gifts or small bribes to court clerks] results in part from the sheer inefficiency characteristic of most of these offices [the courts and administrative agencies] which are generally understaffed and invariably plagued with a large backlog of matters." J. Carlin, *supra* note 5, at 160.

[322] Balanced court calls are now required in the First Municipal District.

[323] *See generally* past reports of the Cook County Court Watchers.

[324] *See supra* at text accompanying notes 145-49.

[325] *See* Special Commission on the Administration of Justice in Cook County, Report on Ex Parte Communications (Dec. 1984).

[326] *See* Special Commission on the Administration of Justice in Cook County, Report on the Chancery Division (Aug. 1988).

[327] *See supra* text accompanying notes 238-59.

political organizations, and on more narrow administrative measures, such as the processing of parking tickets. However, we believe these legal and organizational strategies must be supplemented by a more direct concern with moral character. As one scholar recently wrote, "The problem of corruption is not simply to be met by the development of more effective devices . . . reform may require psychological insight and moral inquiry. . . ."[328]

If professional ethics are to have meaning, attorneys and judges must have a clear understanding of their moral obligations, and those moral duties must be enforced. Consequently, the attorney and judicial disciplinary systems must be strengthened. We also have proposed educational programs for lawyers and judges so that they will be more aware of ethical dilemmas which are likely to arise in the course of their professional lives.

The Court already has undertaken imaginative and innovative programs for judges in the area of professional ethics. These programs have received praise from members of the judiciary. We believe such programs will provide judges with a greater appreciation of the tremendous moral authority which attends their judicial role. We also note that the American Bar Association's Committee on Professionalism and the Illinois State Bar Association have recently made important and thought-provoking recommendations on professional ethics.[329]

Greylord, of course, offers compelling testimony for the need to improve the legal profession's compliance with professional norms. However, Greylord is only the most recent example of the need to improve the legal profession's ethical enforcement mechanisms. Over 15 years ago, the American Bar Association's Special Committee on Evaluation and Disciplinary Enforcement referred to the state of lawyer discipline as "a scandalous situation that requires the immediate attention of the profession."[330] The Committee's report went on to note that "[w]ith few exceptions the prevailing attitude of lawyers toward disciplinary enforcement ranges from apathy to outright hostility."[331] We believe that attitude can change, but only with the exertion of moral leadership by officials of the organized bar and judiciary.

---

[328] B. Payne, *supra* note 23, at 177.

[329] *See* ABA Committee on Professionalism, *In the Spirit of Public Service: A Reprint for the Rekindling of Lawyer Professionalism* (1986); Illinois State Bar Association, *The Bar, the Bench and Professionalism in Illinois* (May 1987).

[330] American Bar Association, *Problems and Recommendations in Disciplinary Enforcement: Report of the American Bar Association Special Committee on Evaluation of Disciplinary Enforcement* (1970).

[331] *Id.*

One major element of any profession is its ability and willingness to regulate itself. The Illinois Code of Professional Responsibility requires attorneys to report the misconduct of others.[332] The criminal conspiracies which persisted in Cook County's courtrooms could not have endured if lawyers had reported what they saw or suspected to law enforcement officials. Indeed, the status of lawyering as a profession is threatened when attorneys do not comply with this duty. We doubt whether the public will long tolerate the self-regulatory status of lawyers if they do not rectify the widespread disregard for their obligation to report the crimes and misdeeds of others.

Several studies show that those lawyers who are most exposed to professional misconduct are the least involved in professional activities regarding professional ethics.[333] The profession's attempts to deal with misconduct must do more than preach to the converted. Perhaps one of the greatest tasks facing the bar is to design ethics programs which reach those lawyers who are most at risk.

Finally, several of the Greylord trials revealed that some of the judges, lawyers and other defendants suffered from alcohol or drug-related problems.[334] Whether or not substance abuse is a causal factor in the corruption that occurred, it seems reasonable to assume that it may have weakened the ability of some defendants to resist temptation. In fashioning the sentences of these Greylord defendants, judges have taken substance abuse into account and have required that the defendants undergo treatment.[335] Also, other programs have been designed to deal with the problem of substance abuse—such as the Lawyers Assistance Program, which has been widely publicized by the Illinois State and the Chicago Bar Associations. Additionally, the Circuit Court's recently established peer review program potentially can act as an early warning device, permitting the Court's Presiding Judges to identify colleagues who exhibit signs that they may have a substance abuse problem.

---

[332] This duty is contained in Rule 1-103 of the Illinois Code of Professional Responsibility. Ill. Rev. Stat. ch. 110A, ¶ 1-103 (1987).

[333] *See* Parker, *Social Control and the Legal Profession,* in White-Collar and Economic Crime 197-230 (P. Wickman and T. Dailey eds. 1982). *See also* Wood, *Professional Ethics Among Criminal Lawyers,* Social Problems 7, 70-83 (1959).

[334] For a review of the problem of alcohol abuse by Greylord defendants, see Chicago Sun-Times, Mar. 27, 1985, at 38, cols. 1-6.

[335] *See, e.g.,* Transcript of Sentencing Hearing at 1736, *U.S. v. Conn,* No. 83 CR 983 (N.D. Ill.) (remarks by Judge John Nordberg).

The steps that have been taken by the bar associations and the Court are reassuring. They will not only help in ameliorating the problem of corruption but also may aid in improving the general performance of our system of justice.

Section 3

REMEDIES

Since the Special Commission was formed, we have made almost 200 specific recommendations designed to prevent Greylord-type misconduct and to improve the general performance of the court system. What follows is a discussion of some recurring themes that run throughout the proposals we have made.

Enhancing Judicial Independence

Several of the Commission's recommendations are designed to insulate the court system from the partisan political process and from other outside organizational interests. We recognize, of course, that the court system is part of a larger political and governmental system. Yet, the public must be assured that the judicial system is impartial. There must be no question of favoritism in the treatment of litigants or lawyers, nor in the selection of court personnel.

Greylord has provided many illustrations of how favors provided for political and other reasons can subvert the judicial process. Brocton Lockwood, a former associate judge who served in Traffic Court, testified that fixing parking tickets as favors for political figures was "routine."[336] In the criminal branch courts, favors also could determine the outcome of criminal cases, even serious felony cases.[337] Indeed, much of the misconduct which occurred there involved judges and other court personnel granting favors for friends. "Favors were granted not for money," U.S. Attorney Anton R. Valukas has said, "but because of the political position of the person asking."[338]

Limiting this kind of favoritism has been a major concern of the Special Commission. In October 1985, we proposed a new system for selecting judges.[339] A major purpose in making this recommendation was to assure the public that individual merit, not political background, would be the principal criterion on which judges would reach the bench. Judges selected through an appointive process will not be under the same pressure to perform favors in

---

[336] Judge Lockwood's full quote appears at *supra* text accompanying note 69.

[337] *See* the remarks of Judge Wayne Olson at *supra* text accompanying note 59.

[338] Chicago Daily Law Bulletin, Nov. 25, 1985, at 1, cols. 5-6.

[339] Special Commission on the Administration of Justice in Cook County, Report on Judicial Selection (Oct. 1985).

exchange for political support. Under an appointive process, judges also no longer would have to rely on lawyers to finance election campaigns.

Other proposals made by the Special Commission have stressed the need to limit political influence in the hiring of court personnel. Our report on the Court's Adult Probation Department, for example, stated that political sponsorship should not be considered in the hiring of any applicant.[340] We further recommended a substantial restructuring of the Department's personnel policies to prevent patronage abuses.[341] The Special Commission's Report on the Felony Courts and our Report on Court Administration recommended that clerks and other courtroom personnel become employees of the Illinois Supreme Court's Administrative Office and subject to a uniform personnel code.[342]

Judicial independence also would be enhanced by encouraging greater collegiality among judges. Our Report on Court Administration suggested that mechanisms be developed which facilitate the exchange of information between judges and which encourage them to develop their professional skills. Establishing greater collegiality would, we believe, increase the Court's ability as an institution to develop its own strong sense of identity. This, in turn, would facilitate judicial independence.[343]

Promising steps have been taken by the Court to improve its selection of top administrators. For instance, a nominating commission was established to assist in the selection of a new Public Defender. The commission nominated three candidates, one of whom was chosen by the Court. In addition, a committee composed of members of the Special Commission acted as a search committee after the Court's Chief Adult Probation Officer resigned. After conducting a nationwide search, the committee nominated five persons to fill this vacancy. The Court appointed one of the persons nominated by the committee.

The manner in which we select our judges and other court personnel is a major factor in ensuring an independent and honest judiciary. The in-

---

[340] Special Commission on the Administration of Justice in Cook County, Report on the Adult Probation Department (July 1986).

[341] *Id.*

[342] Special Commission on the Administration of Justice in Cook County, Report on Felony Courts (Feb. 1987). *See also* Special Commission on the Administration of Justice in Cook County, Report on Court Administration (Aug. 1988).

[343] *See* Special Commission on the Administration of Justice in Cook County, Report on Court Administration (Aug. 1988).

dependence of judges and court personnel from other governmental, political and organizational interests is critical to enhancing the public's confidence in our court system.

Decreasing Opportunities For Corruption

Many of the recommendations we have made are administrative in nature. They are designed to prevent corruption by limiting opportunities to engage in misconduct.

The process used for collecting parking fines in Traffic Court, as we mentioned earlier, almost invites abuse. When individuals and businesses are allowed to accumulate tickets, there is an incentive to offer a bribe which would result in the violator paying less than the fine. Similarly, court officials may be tempted to dismiss parking tickets when the volume of tickets processed is great and there is little likelihood of misconduct being detected. The problem inherent in large numbers of tickets being processed through the Court was compounded by the practice of judges dismissing tickets in their chambers.

One of the first proposals the Commission made was to establish a system of administrative adjudication for processing parking tickets.[344] In January 1985, the City established a new system for collecting past due tickets. However, tickets currently being issued are still processed through the court system. As the final report of the Special Commission's Traffic Court Task Force stated, "The time for action on parking tickets is now."[345] We believe that implementation of our recommendation remains essential to the effective operation of Traffic Court.[346]

Courtroom hustling has been a perennial problem in some branch courts. As the Greylord prosecutions showed, hustling was an essential part of the schemes which involved bribing police officers, court clerks and judges so that attorneys could obtain business.[347] The lure for the hustling lawyer was the

---

[344] Special Commission on the Administration of Justice in Cook County, Interim Report on Traffic Court (Jan. 1985).

[345] Special Commission on the Administration of Justice in Cook County, Report on Traffic Court (Oct. 1987).

[346] In November 1987 the Illinois General Assembly passed legislation authorizing municipalities to establish an administrative adjudicatory system for dealing with parking tickets. Public Act 85-876 (effective Nov. 6, 1987).

[347] For a description of courtroom "hustling," see *supra* text accompanying notes 167-81.

prospect of receiving the defendant's cash bond refund (CBR). Since clerks and judges knew which defendants had posted the highest bond, they could refer those defendants to certain attorneys in exchange for bribes. Greylord trial testimony also revealed that the bonds provided a handy bench mark for corrupt judges.[348] Since they knew how much an attorney would earn through their referral, judges could charge a certain percentage of the income the lawyer would illegally obtain. The Special Commission recommended that several safeguards be imposed to prevent cash bond refund abuses. The Commission proposed, for example, that a list of attorneys receiving CBRs be maintained by the clerk, along with the amount of money the lawyer received. This list should be available for public inspection.[349]

The Presiding Judge of the First Municipal District, Donald P. O'Connell, has enacted several of the reforms we proposed, and he has implemented still others. To prevent courtroom hustling, for example, attorneys must fill out "sign in" sheets when they enter the courtroom to prevent clerks from providing some attorneys with preferential treatment by calling their cases out of order. Attorneys also are now prevented from reviewing court files for cases in which they have not filed an appearance. Their access to defendants held in the lock-ups adjacent to the courtroom has been restricted. These measures are designed to prevent the hustling that was rampant in the past. Perhaps most important, Judge O'Connell and Judge Warren Wolfson are conducting a professional development program for newly appointed associate judges. The program stresses instruction in judicial ethics and provides training in the management of high volume courtrooms. This imaginative program should be instrumental in changing the legal culture that prevailed in branch courtrooms for many years.[350]

In another of our proposals, we have recommended the rotation of court personnel to prevent the formation of tightly knit courthouse workgroups which might develop corrupt patterns of behavior.[351] As discussed earlier, in some courtrooms almost every member of the courtroom staff engaged in

[348] *See, e.g.,* Transcript of Proceedings, Vol. 2 at 366, *U.S. v. Devine,* No. 83 CR 981 (N.D. Ill.) (testimony of Martin Schachter).

[349] Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987).

[350] That legal culture is discussed *supra* text accompanying notes 287-316.

[351] Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987).

corrupt activities.[352] They coordinated their illegal conduct, and each member knew the roles others performed. This concerted wrongdoing could take place because the courtroom staff had worked together for an extended period of time. They trusted each other not to report the crimes that were being committed.

The Greylord trials also showed that attorneys and court personnel attempted to manipulate the case assignment system to ensure that their cases came before judges they knew to be corrupt.[353] Whenever feasible, cases should be assigned on a random basis. We also have recommended that the computerized assignment system used in the felony courts be regularly audited to ensure the integrity of the system.[354]

Our Report on Court Administration stressed the need to rotate judicial assignments on a regular basis. Regular rotation would help to circulate judges with special skills and would be a useful device for ensuring the Court's integrity.[355]

Deterring Corruption Through Professional Regulation And Law Enforcement

The current professional disciplinary systems—the Attorney Registration and Disciplinary Commission (ARDC), which regulates lawyers' compliance with the Code of Professional Responsibility, and the Judicial Inquiry Board (JIB), which is responsible for enforcing the Code of Judicial Conduct—are relatively new. They represent significant steps toward the professionalization of lawyer and judicial discipline. One study of the ARDC, for example, concluded that:

> [i]ncreased funds, separate offices, and a full-time legal and investigatory staff have transformed lawyer discipline in Chicago from

---

[352] *See* discussion of *U.S. v. Sodini* and *U.S. v. Reynolds* at *supra* text accompanying notes 146-49.

[353] *See, e.g.*, Government's Brief at 23, *U.S. v. Devine*, 787 F.2d 1086 (7th Cir. 1986) (quoting court clerk Harold Conn). According to reprinted transcripts of Conn's tape-recorded remarks, Conn told FBI undercover agent Terrence Hake, "when you have a case come ask me and I'll find out what room. Then I can tell whether it's yes or no. And then we'll push it around [to get it before a favorable judge]. . . ." *Id.*

[354] Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987).

[355] *See* Special Commission on the Administration of Justice in Cook County, Report on Court Administration (Aug. 1988).

an amateur exercise totally dependent on volunteer assistance into a more professional operation.[356]

However, the professional disciplinary systems did not detect or prevent the corruption revealed in the Greylord probe.[357] Part of the reason for this, we believe, is that both the ARDC and the JIB have in large measure been reactive rather than proactive; that is, they generally rely on complaints from others rather than initiate investigations on their own. The Commission believes that effective regulation of the legal profession requires that both agencies be provided with a greater investigative capacity.

In our report on Professional Ethics, Discipline and Education,[358] for example, we recommended that the JIB be provided with increased resources to prevent and detect court-related misconduct. We also proposed that the JIB assume greater responsibility for investigating misconduct by non-judicial personnel, such as court clerks and deputy sheriffs. Additionally, our Report on Court Administration called for the creation of an Inspector General within the Chief Judge's office, who would work closely with the JIB, the ARDC and law enforcement authorities.[359]

Furthermore, official corruption should not be the sole province of federal law enforcement. The first line of defense against public corruption should be state and local government. State and local officials are in the best position to know where problems exist and to design effective policies for dealing with corruption. Moreover, federal officials do not have jurisdiction over all forms of corruption which may occur. In fact, the scope of federal law enforcement in public corruption cases was recently restricted by the United States Supreme Court.[360] If investigative and prosecutorial efforts are to be successful, increasing the effectiveness of state and local efforts may be essential.

---

[356] Powell, *supra* note 17, at 47-48.

[357] Nor did their predecessors. The Greylord prosecutions also revealed misconduct and illegality that took place during the 1960s and early 1970s before the ARDC and JIB were established. *See supra* text accompanying notes 106-14 (some "miracle workers" fixed traffic cases since early 1960s).

[358] *See* Special Commission on the Administration of Justice in Cook County, Report on Professional Ethics, Discipline and Education (Aug. 1988).

[359] *See* Special Commission on the Administration of Justice in Cook County, Report on Court Administration (Aug. 1988).

[360] *See McNally v. United States*, ____ U.S. ____, 108 S.Ct. 53 (1987). *See also* New York Times, June 6, 1987, at 1, cols. 5-6.

The Special Commission previously made several recommendations designed to increase the capacity of the Cook County State's Attorney's Office to investigate and prosecute corruption cases.[361] These proposals included: (1) expanding the Public Integrity Unit; (2) establishing an Undercover Activities Review Committee to oversee investigations and establish guidelines for undercover operations; (3) providing Illinois law enforcement officials with the same eavesdropping authority that exists under federal law for the purpose of investigating official misconduct cases; and (4) amending the immunity statute so that the more narrow "use" immunity authorized under federal law would be available to state officials.[362] The Special Commission also has recommended that state prosecutors be granted the right to a jury trial, as is permitted under federal law.[363]

Of course, until state and local governments demonstrate the willingness and capacity to act in this area,[364] we strongly believe federal law enforcement should continue to prosecute local corruption cases. United States Attorney for the Northern District of Illinois Anton R. Valukas has stated that he is committed to pursuing Greylord cases as long as there are viable leads to pursue. Nothing, we believe, could be more important for ensuring the integrity of our court system.

Although more effective law enforcement measures are necessary, it is apparent that some officials will not be deterred by the threat of punishment. Judge Holzer, for example, continued to extort loans from receivers and lawyers even after the first Greylord prosecutions took place.[365] It may well be that those who create a lifestyle dependent on illegal, "tax-free" income cannot readily change their behavior, even when the risk of detection and likelihood of punishment is great. However, more effective law enforcement should deter others who have not yet begun to rely on illegal gains. In any

---

[361] Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987).

[362] *Id.*

[363] Effective January 1, 1988, state prosecutors have the right to request jury trials in cases involving Class-X felonies, criminal sexual assault and certain drug offenses. Public Act 85-0463.

[364] The Illinois General Assembly has been reluctant to provide state prosecutors with the means to effectively combat official corruption. Until they do, the federal government will undoubtedly carry the heaviest responsibility in this area. *See* Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987).

[365] *See supra* text accompanying notes 253-54.

event, more effective law enforcement is necessary to bring individual wrongdoers to justice.

Increasing Court Efficiency and Accountability

In addition to our recommendations to combat court-related corruption, the Special Commission has made several proposals aimed at improving the Court's overall performance. Inefficiency can create conditions conducive to corruption. Court delay, for example, encourages attorneys to engage in misconduct, such as bribing a court clerk to have their cases called early. Furthermore, when administrative procedures are not clearly stated, "insiders"—or those who frequently practice in the same courtrooms and before the same judges—have an advantage over lawyers who practice in these courtrooms on a less regular basis. They develop informal ways of getting information which becomes "insider knowledge." Although this does not always result in improprieties, such as *ex parte* communications, it nevertheless creates the appearance that some lawyers or litigants are given special treatment.

Accountability also has been a major concern of the Special Commission. When court procedures involve several judges in the same case, the result is often excessive delay. This occurs because no single person can be held accountable for how a case is managed. The Special Commission's reports on the Domestic Relations and the Law Divisions emphasized the need for greater accountability in case management.[366] Our report on the Law Division noted, for example, that the current system "diffuses judicial authority so that individual judges are not accountable for the progression of cases."[367] Our reports on both divisions proposed that a new calendar system be adopted so a single judge could be held accountable for the disposition of a case. As we noted earlier, the Court's Domestic Relations Division took action soon after the release of our report. The division's new Presiding Judge, Benjamin S. Mackoff, formed a task force which created an innovative team approach to case management.

Our reports on these two divisions also emphasized the need for the random assignment of cases. When cases are assigned on a non-random basis,

---

[366] *See* Special Commission on the Administration of Justice in Cook County, Report on the Domestic Relations Division (Feb. 1986); Special Commission on the Administration of Justice in Cook County, Report on the Law Division (July 1987).

[367] Special Commission on the Administration of Justice in Cook County, Report on the Law Division (July 1987).

an appearance may be created that favoritism is being shown to lawyers who want their cases heard before particular judges.

Our report on the Law Division contains over a dozen additional specific recommendations to help improve the division's ability to manage its heavy case load. Our proposals include strengthening the authority of judges to impose sanctions on attorneys and litigants.[368] Judges, we believe, must ensure that deadlines are met and events occur on schedule. We also recognize that the Law Division may need greater resources to meet its responsibilities. Consequently, we recommended that the division be provided with additional staff, or court coordinators, to assist the division's Presiding Judge. We also recognized that additional judges may be needed.

As we previously indicated, we have proposed new safeguards for the appointment of court officers.[369] During the trial of Judge Holzer, abuse of the appointment power was graphically illustrated. Historically, the appointment of court officers often was used as a form of judicial patronage. Our proposal attempts to prevent abuses by requiring greater public disclosure of the appointments that are made. Our recommendation also would expand the number of persons and firms likely to be considered for appointment.

Increasing Public Scrutiny of the Court System

Other proposals we have made are meant to increase citizen participation in the court system. Corruption thrives when government institutions are insulated from the larger society and shielded from public scrutiny. We believe that greater citizen involvement in the court system will help deter wrongdoing and improve the Court's operations.

To increase citizen involvement, we have recommended that a Citizens' Advisory Committee be established for the Adult Probation Department[370] and that particular court records, such as those relating to cash bond refunds[371] and receivership appointment,[372] be available for public inspection.

---

[368] *Id.* For a complete list of the Special Commission's recommendations, see Appendix 1.

[369] Special Commission on the Administration of Justice in Cook County, Report on the Chancery Division (Aug. 1988).

[370] Special Commission on the Administration of Justice in Cook County, Report on the Adult Probation Department (July 1986).

[371] Special Commission on the Administration of Justice in Cook County, Report on the Misdemeanor/Preliminary Hearing Courts (July 1985).

[372] Special Commission on the Administration of Justice in Cook County, Report on the Chancery Division (Aug. 1988).

As we mentioned earlier, professional organizations, such as the major bar associations, should become more active in monitoring the practice of law in the lower courts, like the misdemeanor branch courts.[373] These courts in particular have been insulated from outside scrutiny, and that insulation helped create an environment in which corruption could occur and remain undetected by law enforcement agencies.

[373] Special Commission on the Administration of Justice in Cook County, Report on the Felony Courts (Feb. 1987).

Section 4

CONCLUSION

Corruption within the court system strikes at the heart of our system of justice—the equality of all persons before the law. Our conception of justice rests on the notion that those who arrive for their day in court will be treated impartially and that a fair reading of the law and the facts of the case will determine the outcome of judicial proceedings. Operation Greylord disclosed that too often cases were not resolved according to the rule of law; cases, including serious felonies, were fixed for favors and for a price.

In this report, we have identified the principal factors contributing to corruption within the court system. We also have identified five themes which run throughout our proposals: (1) enhancing judicial independence; (2) decreasing opportunities for corruption; (3) deterring corruption through professional regulation and law enforcement; (4) increasing court efficiency and accountability; and (5) increasing public scrutiny of the court system. Our specific recommendations, however, should not be considered a "blueprint" for reform. Changing conditions will require a continuous review and reappraisal of the Court's policies and rules.

Moreover, the corruption revealed by Operation Greylord has persisted in some courtrooms for decades. In the criminal branch courts, patterns of organized corruption were observed in the early decades of this century. Changing long-standing patterns of behavior is an exceedingly difficult task, especially when corrupt conduct is embedded in a local culture that has been largely impervious to previous reform efforts. Nevertheless, we believe that the recommendations we have made can bring about substantial change if our proposals are adopted and faithfully implemented.

In the Special Commission's reports, recommendations have been made to several different agencies which share responsibility for operating and ensuring the integrity of the court system. We believe, however, that the legal profession has a special responsibility for overseeing the integrity of the bench and bar. Judges and lawyers are the court system's major participants; they set the standard of conduct for others. When judges and lawyers act corruptly, there is no hope of justice.

The major bar associations must become more actively involved in monitoring the practice of law and enforcing the profession's ethical standards in areas of practice where wrongdoing is most likely to occur.[374] We have

[374] For example, these areas include court divisions where cases involve highly emotional issues and sometimes substantial sums of money. Additionally, the appointment of court officers historically has been an area with a high potential for abuse.

mentioned that lawyers failed in their obligation to report the crimes of others. Perhaps this failure occurs because attorneys fear retaliation, or because they simply do not want to be considered "whistleblowers," or because they view the disciplinary mechanisms as ineffective. This failure has serious repercussions because the profession's regulatory bodies—the ARDC and the JIB—in large measure rely on others to bring complaints. If professional self-regulation is to succeed and receive public support, both agencies will have to adopt more effective strategies for investigating court-related misconduct.

In testimony before the Commission, a theme that repeatedly emerged was the need to divorce the judicial system from politics and the system of favors that undergirds local political life. As one witness before the Special Commission testified, "If I could pinpoint the one thing that I think is wrong with the practice of the judiciary in this county, it is 'doing favors.' The feeling is that if you are not taking money for favoritism, but simply 'doing a favor' it is okay. That is what is wrong with the Cook County justice system."[375]

Most judges, we believe, successfully resist the influence of political factors such as party loyalty and favoritism. However, Operation Greylord revealed that too frequently such considerations did intrude on the judicial process. When judges "must run the gauntlet of endorsement by ward and township committeemen [and] questions by party slatemakers about extraneous matters such as service in the precinct,"[376] the probability increases that political factors will affect how the judicial system operates.

We have made several proposals to insulate the judiciary from the political system. We strongly urge that efforts continue for the adoption of an appointive system of selecting judges and that merit procedures be used in making all judicial appointments.

Finally, the proposals we have made—as well as the reforms which have been independently initiated by the Court and other agencies—are not self-executing. Future Greylord-type misconduct will be prevented only if the leadership of the bench and bar is firmly committed to supporting the goals of an independent and honest judicial system.

---

[375] Special Commission on the Administration of Justice in Cook County, Report on Judicial Selection 2 (Oct. 1985) (testimony of former First Assistant State's Attorney William J. Kunkle).

[376] *Id.* at 1.

APPENDICES

APPENDIX 1

SPECIAL COMMISSION RECOMMENDATIONS

The following are recommendations that have been made by the Special Commission on the Administration of Justice.

Recommendation	Status
Ex Parte Communications Released: December 26, 1984 **Proposed Circuit Court Rule to prohibit ex parte communications** 1. That the Circuit Court of Cook County adopt a rule prohibiting ex parte communications between a judge and another person concerning any matter before that judge. The proposed rule strengthens the existing prohibition by providing that if an ex parte communication occurs, the judge shall disclose the circumstances and substance of that communication to all parties on the record at the next hearing.	Accepted.
Judicial education and enforcement of the proposed rule 2. That the Court adopt a broad program of education and enforcement of the rule concerning ex parte communications. Specifically, the Court should implement training programs for new judges and continuing education programs for sitting judges. Those courses should stress that ex parte communications are prohibited.	
Additional judicial chambers and support staff 3. That the Circuit Court provide chambers for every judge and the support staff to screen telephone calls.	

Recommendation	Status
Traffic Court	
Released: January 31, 1985	
Administration handling of parking tickets	
4. That responsibility for parking tickets be removed from Traffic Court and transferred to an administrative unit of City government.	Accepted. City ordinance needed for implementation.
5. That the City of Chicago use its home rule powers and prepare an ordinance to implement the administrative adjudication of parking tickets.	
Traffic court facilities	
6. That attorney interview rooms be adequately furnished.	Accepted.
Information systems	
7. That use of the Traffic Application System be expanded.	
8. That traffic data kept by the Secretary of State be made available through the Traffic Application System.	
New facility	
9. That officials plan for a new facility to replace the existing Traffic Court.	Accepted.
Minor moving violations	
10. That officials investigate the use of administrative adjudication for minor moving violations.	

Recommendation	Status
State's Right to a Jury Trial	
Released: May 8, 1985	
11. That the Illinois General Assembly enact legislation giving state prosecutors the right to a jury trial in criminal cases.	Legislation enacted giving state prosecutors the right to a jury trial in cases involving narcotics offenses and other selective cases.

Recommendation	Status
Misdemeanor and Preliminary Courts Released: July, 1985 **State legislation to prohibit courthouse hustling** 12. That the Illinois General Assembly enact legislation prohibiting courthouse solicitation and making courthouse "hustling" a Class A Misdemeanor.	
Attorneys' affidavits of ethical compliance 13. That the Circuit Court adopt the expanded use of the Affidavit of Ethical Compliance in all cases.	In February 1988, the Illinois Supreme Court decided that the use of such an affidavit exceeded the Circuit Court's rulemaking authority. People ex rel. Brazen v. Finley, 119 Ill. 2d 485 (1988).
14. That the Illinois General Assembly amend the perjury statute to include within the definition of perjury attorneys who falsely take the oath concerning their use of the Affidavit of Ethical Compliance.	
15. That the Illinois Supreme Court strengthen its rule requiring lawyers to report unethical conduct to authorities.	
Judicial training programs 16. That the Circuit Court expand judicial training programs to include discussions of: (a) the trial judge's appropriate role in overseeing a lawyer's conduct in court, (b) how to conduct contempt procedures and (c) the judge's duty to report suspected misconduct to the Chief Judge's Office for transmittal to the ARDC.	Accepted.

Recommendation	Status
Misdemeanor and Preliminary Courts cont'd.	
Sign-in sheets	
17. That the Circuit Court require that courtroom sign-in sheets be used throughout criminal branch courts.	Accepted.
Cash bond refund	
Public list of attorneys and attorney identification numbers	
18. That the Circuit Court adopt a rule requiring that a list of attorneys and the cash bond receipts they receive be made available for public scrutiny. That the Circuit Court adopt a rule requiring that all court pleadings list an attorney's identification number.	Accepted.
Judicial questioning of defendant	
19. That the Circuit Court adopt a rule requiring judicial interrogation of the defendant or attorney before a cash bond is returned to the attorney.	Required by general order.
Gratuities	
20. That the Sheriff, State's Attorney, Public Defender and Clerk of the Circuit Court give their employees strict written warnings about the illegality of offering or accepting gratuities and that failure to report such an offer is illegal.	Clerk of the Circuit Court provides written warnings.
21. That the Circuit Court require that notices be posted in each courtroom informing court personnel that offering or accepting gratuities is prohibited and failure to report such an offer is illegal.	

Recommendation	Status
Misdemeanor and Preliminary Courts cont'd.	
Rotation of deputy sheriffs and clerks	
22. That the Clerk of the Circuit Court and the Cook County Sheriff frequently rotate clerks and deputy sheriffs.	Accepted.
Balanced court calls	
Afternoon court calls	
23. That afternoon court calls be increased in the Circuit Court.	Accepted.
Transfers	
24. That the entire Circuit should adopt the rule now being used in the First Municipal District prohibiting call transfers.	Accepted.
Funding for management assistants	
25. That the County Board provide additional management assistants who would assist the presiding judges.	Accepted.
Relocation of courtrooms	
26. That the Circuit Court and Cook County Board relocate the courtrooms at 1121 South State Street, 61st Street & Racine, Wood Street and Chicago Avenue.	Under consideration.

Recommendation	Status
Merit Selection of Judges	
Released: October, 1985	
27. That Illinois Associate and Circuit Judges and all justices of the Appellate Courts and the Supreme Court be selected through an appointive system.	A constitutional amendment was introduced in the Illinois General Assembly but failed to pass.

Recommendation	Status
Financial Disclosure for Illinois Judges	
Date of Petition: October, 1985	
28. That the Illinois Supreme Court adopt a rule requiring that all Circuit judges publicly file a financial disclosure statement similar to the statement currently filed by federal judges.	Accepted.

Recommendation	Status
Domestic Relations	
Released: February, 1986	
Individual calendar system	
29. That the Domestic Relations Division convert from a master calendar system to an individual calendar system.	Modified individual calendar system adopted.
Random computer assignment of cases	
30. That a case, when filed, be randomly assigned by computer to a judge who will be responsible for that case until its disposition.	Random assignment to a team of judges adopted.
Change of venue	
31. That the Court's policy allowing each party the right to one change of venue, upon request and before any substantive action on the case is taken, be continued.	Accepted.
Management of individual court call	
32. That judges, in managing their own call, set specified times during the week to handle prove-ups, agreed orders, motions for temporary trials, pre-trial conferences and post-trial motions.	Accepted.
Custody mediation	
33. That trained mediators instead of separate mediation judges should mediate custody disputes.	The number of trained mediators has been increased from 5 to 18.
Conciliation and mediation service	
34. That conciliation and mediation service should continue the way it is.	Services have been improved with additional personnel.

Recommendation	Status
Domestic Relations cont'd.	
Pre-Trial procedures	
35. That the judge to whom the case is assigned should be responsible for supervising and implementing pretrial procedures and any other efforts that may be helpful in settling cases.	Accepted on a modified basis.
Post-Trial motions	
36. That post-trial motions should be filed before the judge to whom the case was originally assigned.	Accepted.
Implementation	
37. That the Chief Judge of the Circuit Court of Cook County appoint an implementation task force to implement the foregoing in substance and in form.	The Division's Presiding Judge established an advisory council to review recommendations.

Recommendation	Status
The Adult Probation Department	
Released: July, 1986	
Personnel administration	
Creation of a Citizen's Advisory Board	
38. That a Citizen's Advisory Board be created to advise and work with the Judges' Adult Probation Committee and the Chief Probation Officer concerning recruitment, hiring standards, job descriptions, long range personnel planning and the usefulness of testing job applicants.	Under consideration.
Recruitment and hiring	
39. That the Judges' Adult Probation Committee be given authority to restructure the hiring process: to establish job qualifications beyond those set by the Administrative Office of the Illinois Courts; to establish a recruitment program; to inform all Department personnel that political considerations in hiring, promotion or discipline will not be tolerated, and to revise the interviewing process so that the Chief Judge and the members of the Judges' Adult Probation Committee interview each applicant whose name has been submitted by the Chief Probation Officer.	Accepted.
40. That the Chief Probation Officer submit at least two names for each vacancy.	
Secondary employment	
41. That the Judges' Adult Probation Committee examine current policies and procedures concerning secondary employment.	Accepted.

Recommendation	Status
The Adult Probation Department cont'd.	
42. That frequent management audits be done to ensure that personnel policies are being properly implemented.	Accepted.
Disciplinary action	
43. That the Judges' Adult Probation Committee mandatorily review all cases involving significant disciplinary action (especially suspensions, punitive transfers, demotions and changes of assignment) when such review is requested by an employee.	
Presentence investigation	
Reports	
44. That the Probation Department improve its preparation of the presentence investigation reports.	Accepted.
45. That Ill. Rev. Stat. ch. 38, sec. 1005-3-1 be amended to allow the reports to be prepared on a more selective basis, if the Probation Department is unable to improve the quality of its reports.	
46. That all factual information provided by the defendant be verified.	Accepted.
47. That the presentence investigation report be mailed to both the prosecution and the defense at least one week prior to the sentencing hearing.	The Probation Department reports that the "logistics and cost of mailing investigations is prohibitive at this time."
Rehabilitation plan	
48. That the Court prepare a rehabilitation plan after both the prosecution and the defense have presented suggestions in writing.	

Recommendation	Status
The Adult Probation Department cont'd.	
Case classification and supervision	
49. That the case classification system be continually researched and refined to reflect Cook County's norms and values and that the data gathered should be structured to aid probation officers in developing individual offender supervision plans and goals.	Accepted.
Intensive Probation Supervision (IPS)	
Screening and intake	
50. That the direct commitment screening and intake approach be conscientiously followed for at least one year, but be re-evaluated after one year to assess whether special measures should be taken to expand the pool of persons eligible for the IPS.	
Presentence reports	
51. That all presentence investigations on Class 1, 2, 3 and 4 felony convictions be screened by the IPS Unit and all presentence investigation reports note the intensive probation recommendation and rationale.	Accepted.
Reporting system	
52. That the Adult Probation Department establish a readily accessible record keeping and reporting system on IPS recommendations and decisions.	Accepted.
53. That there be frequent feedback to judges, assistant state's attorneys, assistant public defenders and the defense bar on the use and effects of the IPS.	Accepted.

Recommendation	Status
The Adult Probation Department cont'd.	
Promoting IPS	
54. That the Probation Department apprise judges, prosecutors and defense counsel of the IPS program and procedures.	Accepted.
55. That the Adult Probation Department work with the Administrative Office to ensure that the IPS program is used.	Accepted.
Special Services	
Training probation officers	
56. That training programs for probation officers be implemented to teach them to identify the probation needs and the existing community resources to meet those needs.	Accepted.
Community services	
57. That the Department compile, publish and distribute a resource directory listing community resources.	Accepted.
58. That the Department expand its evaluation of community services.	Accepted.
59. That the Department monitor the probationer's participation and progress in community programs and publish the results in the Department's annual Statistical Report.	Accepted.
60. That the Department assist in developing new community programs, such as for alcohol treatment.	Accepted.

Recommendation	Status
The Adult Probation Department cont'd.	
61. That the Department encourage judges to use community sentencing programs more frequently by informing judges of these programs.	Accepted.
62. That the Department establish formal agreements with community agencies and use any available funds to purchase services for probationers.	Accepted.
Violations, revocations and discharges	
Failure to report	
63. That probation officers promptly investigate failure of probationers to report and follow Departmental procedures when probationers fail to report.	Accepted.
64. That probation officers call repeated technical violations to the judge's attention by filing a violation of probation petition.	Accepted.
Violation of probation warrants and petitions	
65. That outstanding violations of probation warrants be more diligently served.	
66. That the State's Attorney's Office and the Probation Department develop a system to alert assistant state's attorneys of violations so that it will appear on their court call.	
67. That judges proceed promptly on violations of probation petitions without regard to the status of newly filed charges.	

Recommendation	Status
The Adult Probation Department cont'd.	
68. That assistant state's attorneys withdraw petitions for violation of probation when they intend to proceed with the new charge first.	
Judicial oversight of probationers	
69. That judges meet regularly with their probationers.	
70. That judges require probationers be present when their probation is terminated.	
71. That when judges order restitution payments, they specify the amount of the payment, when payments are due and to whom they are due.	
72. That probation officers promptly file violation of probation petitions when restitution payments are delinquent.	
Criminal history	
73. That the Probation Department develop a system for regular, periodic updating of criminal history sheets of all persons on felony probation.	Accepted.
74. That the Probation Department establish a system to inform the agency providing the criminal history sheet of the absence of the probation deposition or any known inaccuracies or omissions.	Accepted.

Recommendation	Status
The Adult Probation Department cont'd.	
Accreditation	
75. That the Adult Probation Department seek accreditation from the Commission on Accreditation for corrections.	The Probation Department reports that it anticipates that the accreditation process will be initiated in 1988.

Recommendation	Status
The Felony Courts	
Released: February, 1987	
Judicial administration of the Criminal Division	
Assignment of judges	
76. That the Division's Presiding Judge actively participate in the assignment and reassignment of Felony Court judges.	Accepted.
Case assignment	
77. That the Circuit Court adopt a rule requiring all cases to be randomly assigned and that the Presiding Judge publicly identify the "special group of judges" to whom the more difficult cases are randomly assigned.	
78. That the quality of judges assigned to the Felony Court be improved.	
79. That the random assignment system be routinely audited to ensure that the cases assigned through the computer are indeed assigned on a random basis.	
Judicial performance evaluation	
80. That a peer evaluation system be established within the Criminal Division.	
Support personnel, research facilities and information flow	
81. That the Cook County Board of Commissioners provide funding for additional secretaries and other administrative support personnel.	

Recommendation	Status
The Felony Courts cont'd.	
82. That the Division's library be opened before 9:00 a.m. and close later than 4:00 p.m. and that the judges be given keys to the library.	
83. That the Division's judges be provided with law clerks to perform legal research. The Presiding Judge should also explore the possibility of obtaining law clerks from area law schools.	
84. That the Division offer formal programs and seminars on a regular basis.	
The Public Defender's Office	
Creation of a commission to nominate candidates for Public Defender	
85. That the Circuit Court establish a nine-member nominating commission, composed of a wide spectrum of community representatives, for the purpose of nominating three candidates for the Office of Public Defender.	A "merit selection" process recently was used for the appointment of the Public Defender of Cook County. However, there is no court rule establishing this appointment process.
86. That the commission encourage bar associations to evaluate candidates and receive testimony from any organization or interested party desiring to promote or comment on a candidate.	
87. That the same commission make a recommendation with respect to the retention of the Public Defender every four years. If the commission recommends that the Public Defender not be retained in office, the commission would again nominate three candidates for that Office.	

Recommendation	Status
The Felony Courts cont'd.	
Budget, hiring practices and management	
Budget	
88. That the Court expressly permit the public Defender to develop, advocate and present a budget for the office to the Cook County Board of Commissioners.	
89. That the Cook County Board of Commissioners correct chronic deficiencies in the Public Defender's Office such as low salaries, insufficient support services and investigative resources, inadequate library and research materials and unavailable word processing and copying equipment.	Accepted.
Hiring assistant public defenders	
90. That the Chief Judge delegate the hiring authority exclusively to the Public Defender or to his designees; prior screening by the Committee on Help would be unnecessary.	
91. That the Public Defender restructure the hiring process by expanding the interviewing team to include supervisors from the trial division and to correspond with law school graduation so that students may submit applications and be interviewed.	Accepted.
Management	
92. That in order to prevent secondary employment that conflicts with the office's policy, each assistant public defender be assigned an individual attorney code number to be used in all pleadings he or she files.	Accepted.

Recommendation	Status
The Felony Courts cont'd.	
93. That the Public Defender's Office contract with a consulting firm to review the office's management policies and recommend specific ways to improve them.	Accepted.
94. That the number of mid-level positions within the office be increased, specifically more supervisory positions in the $30,000 to $50,000 salary range.	Accepted.
95. That the Public Defender publish and distribute to employees and the public generally a manual stating the office's policies regarding hiring, firing, promotions and other personnel matters.	Under consideration.
The State's Attorney's Office	
Budget	
96. That the Cook County Board of Commissioners allocate additional funds to increase assistant state's attorneys' salaries.	
Attorney training	
97. That the State's Attorney review the office's training programs to determine whether they should be expanded and whether more assistants might benefit from the six-day trial skills program.	Accepted.
Prosecuting narcotics cases	
The Chicago Police Department's crime lab	
98. That the crime lab be allocated additional laboratory technicians and the salary resources necessary to retain them.	Accepted.

Recommendation	Status
The Felony Courts cont'd.	
Felony review	
99. That the State's Attorney's current policy of not conducting felony review in narcotics cases be reviewed.	The State's Attorney's Office requested funds for this purpose.
Diversion	
100. That the State's Attorney's Office review its diversion program to determine whether it should include other non-violent offenses.	
Prosecuting local corruption cases	
101. That the resources of the Public Integrity Unit be increased.	
102. That the State's Attorney's Office review the United States' Department of Justice guidelines for the purpose of establishing an internal mechanism governing the initiation and operation of undercover activities.	
103. That no undercover operation be undertaken without the express approval of the State's Attorney or a person designated to approve such operations.	
104. That no undercover investigation be initiated unless facts or circumstances reasonably indicate that a felony has been, is being, or will be committed.	

Recommendation	Status
The Felony Courts cont'd.	
Creation of an Undercover Activities Review Committee	
105. That the State's Attorney's Office establish an Undercover Activities Review Committee to advise the State's Attorney about conducting particular investigations, periodically review on-going investigations and establish guidelines for conducting such investigations.	
Eavesdropping authority for Illinois prosecutors	
106. That Illinois law enforcement officials be granted the same eavesdropping authority that exists under federal law for the purpose of investigating possible violations of felony statutes relating to controlled substances, gambling and official misconduct.	Legislation signed into law August 1988. Eavesdropping restricted to cases involving drugs, kidnapping and hostage-taking.
Use immunity	
107. That the Illinois legislature authorize the granting of "use" immunity which is authorized under federal law.	
Code of Professional Responsibility	
108. That the Illinois Supreme Court review the Code of Professional Responsibility to clarify the Code's applicability to prosecutors or other attorney-law enforcement personnel employing lawful undercover techniques.	

Recommendation	Status
The Felony Courts cont'd.	
Criminal courts and local legal culture	
Court rules	
109. That the Presiding Judge survey court rules relating to the Criminal Division and enforce those that are desirable and eliminate those that are undesirable.	
Court personnel	
110. That judges be given more control over court personnel such as clerks and bailiffs who should become employees of the Illinois Supreme Court's Administrative Office and subject to a uniform personnel code.	
The organized bar	
111. That major bar associations review on a periodic basis practice areas where ethical problems seem most acute.	
112. That teams, consisting of practitioners in a variety of fields from both small and large firms, review legal practice in the criminal courts.	
New commission	
113. That private foundations, professional organizations and other non-profit organizations be provided the resources needed for a continuing examination of our criminal justice system.	The Criminal Justice Project of Cook County was established in October 1987.

Recommendation	Status
The Law Division	
Released: August, 1987	
Stacking cases before the trial judge	
114. That to alleviate "dead time" (a period of time between the finish of one case and the start of another), judges be assigned an inventory or "stack" of five or six cases. As judges dispose of cases in their stack, they notify the trial assignment judge that they are ready for another case.	Stacking is now being utilized to a limited extent. Judges are assigned more than one, but less than five or six cases.
Supervision of complex cases	
115. That complex cases (those involving complicated issues, multiple parties or with ultimate recoveries greater than $20,000) be assigned to one judge to handle from beginning to end.	
116. That the Circuit Court of Cook County specifically adopt a new rule which would permit one judge to handle a complex case including hearing all motions, supervising discovery and presiding over the trial.	
117. That on the motion of any party, or on the court's own motion, to the presiding judge of the Law Division, a case may be assigned to one judge for all purposes.	

Recommendation	Status
The Law Division cont'd.	
Simplified and accelerated procedures for less complex cases	
Identifying and accelerating less complex cases	
118. That at the progress call (which occurs six months after a case has been filed) the judge determine whether a case should be categorized as having a potential for resolution at or below $20,000, and, if so, require the case to proceed on a simplified and accelerated basis.	Under consideration.
119. That a new Circuit Court rule be adopted requiring that plaintiffs, at least 21 days before the sixth month anniversary of the date the case was filed, file a pleading identifying the elements of damages. Plaintiffs claiming personal injury would be required to identify medical bills, lost earnings and other out-of-pocket expenses. Plaintiffs claiming property damage would be required to identify where the property was repaired, the date of service, the amount paid for repair, etc.	Under consideration.
120. That on or after the sixth month anniversary from the date the case was filed, the case shall appear for a progress call at which time the attorneys of record are required to appear. The judge shall determine whether the case has the potential for resolution by a recovery of $20,000 or less. The judge hearing the progress call also may determine that the amount genuinely in controversy does not exceed $15,000 and order the parties to proceed to mandatory arbitration.	Under consideration.

Recommendation	Status
The Law Division cont'd.	
Accelerating cases of $20,000 or less	
121. That a Circuit Court Rule be adopted which would accelerate the disposition of cases which have a potential for resolution at or below $20,000.	Under consideration.
122. That once a case has been determined to have a recovery of $20,000 or less, the judge shall set a discovery and motion cut-off date. This cut-off date should be within 90 days of the progress call unless there are substantial grounds for a longer period of time.	Under consideration.
123. That the progress call judge shall enter an order sending the case to the trial assignment call upon the completion of all discovery. Once an order has been entered sending the case to the trial assignment call, the case shall be deemed ready for trial as of that date.	Under consideration.
Mandatory arbitration	
124. That at the sixth month progress call, the progress call judge have the power to order the parties to mandatory arbitration if the judge determines that the amount genuinely in controversy does not exceed $15,000.	
125. That once the mandatory arbitration system is in place, presently pending Law Division cases be directed to mandatory arbitration, where appropriate, whenever the judge, at any pretrial hearing, progress call or special trial setting call, determines that the amount genuinely in controversy is less than $15,000.	

Recommendation	Status
The Law Division cont'd.	
Use of outlying districts	
126. That the Circuit Court of Cook County establish a procedure for assigning some portion of the less substantial cases (those designated for simplified and accelerated disposition) to the outlying municipal districts for trial, namely District Two in Skokie, Three in Niles, Four in Maywood, Five in Chicago Ridge and Six in Markham.	
Pretrial/discovery status conferences	
127. That in those cases which involve potential recoveries greater than $20,000, the pretrial call be advanced to the 18 month anniversary. This advanced pretrial can be called the "pretrial/discovery status conference."	Pretrial mediation process will be expanded.
128. That judges in the pretrial and motions sections consider having a "no continuances" policy or otherwise adopting strict standards which they will enforce, including the use of sanctions, to eliminate the perceived policy that continuances and lack of preparation will be tolerated.	
129. That upon receipt of a mandate from the appellate court or other event reactivating certain cases, the clerk send notices to the attorneys of record and the cases be set for a pretrial/discovery status conference before the pretrial judges.	

Recommendation	Status
The Law Division cont'd.	
130. That a Circuit Court Rule be adopted which would specifically require that during the 18 month pretrial/discovery status conference, the parties file a pretrial memorandum which identifies the elements of damage, the respective offers, the remaining discovery, the identity of experts and any unresolved motions and any other matters in need of resolution before trial.	
Annual intensive pretrial program	
131. That there be an intensive pretrial program at least once a year, the purpose of which is to bring other judges into the pretrial process. This program could be held during the last two weeks of December and the first week of January when it is difficult to hold trials.	Adopted through summer pretrial program.
132. That notice be sent to the major insurance companies, the City of Chicago and other parties who can be identified as having a large number of pending cases, inviting them to participate in the intensive pretrial program.	Adopted through summer pretrial program.
133. That in order to give lawyers without large numbers of pending cases an opportunity to participate in this intensive program, notices could be published in the Daily Law Bulletin and elsewhere, stating that any attorney wishing to participate in a special pretrial for any particular case should notify the Clerk of the Court.	Adopted through summer pretrial program.

Recommendation	Status
The Law Division cont'd.	
Streamlining pretrial motion practice	
134. That at the motion call, judges adopt procedures to eliminate unnecessary arguments or hearings to set briefing schedules.	Court will adopt revised rule 2.1.
Computerized random assignment	
135. That cases be assigned randomly by computer. As trial judges dispose of cases on trial before them and are available to accept additional cases in their "stack," the trial assignment call will then assign cases to specific judges by computer.	
136. That cases assigned for supervision also be randomly assigned by computer.	
137. That those cases designated for accelerated handling to the outlying courts also be randomly assigned by computer.	
138. That in the event a change of venue is taken after a case is assigned by computer, that case should be returned for reassignment by computer to assure random assignment.	

Recommendation		Status
The Law Division cont'd.		
Disparate experience and ability of judges		
139.	That organizations proposing judicial candidates, groups reviewing their qualifications and administrative judges making judicial assignments require that trial judges in the Law Division should have at least five years of litigation experience in trial or appellate advocacy and have participated in at least two jury trials resulting in a verdict.	
140.	That the Law Division periodically hold continuing legal education seminars for its judges (1) to orient new judges to the division, (2) to keep judges abreast of developments in the law and (3) to review the use of sanctions and establish uniform standards for their invocation to achieve the case management goals discussed here.	Monthly meetings are being held.
Court coordinators to monitor productivity		
141.	That at least one, preferably two, persons be hired for full-time positions as "Court coordinators" to act as liaisons between the assignment judge and trial judges to ensure the expeditious and efficient assignment of cases for trial.	Under consideration.
142.	That administrative judges should also consider utilizing a peer review program.	Under consideration.

Recommendation	Status
The Law Division cont'd.	
Regular statistical reporting to assist in monitoring productivity	
143. That certain statistics should be regularly computed; namely, statistical reports should be maintained for each trial judge on a monthly and a yearly basis showing caseload, dispositions and days on trial. Statistics also should be kept on those judges not handling trials, such as the progress, motion and pretrial judges, showing the number of dispositions, period of time within which pretrial is completed or other suitable means of productivity.	Accepted.
Rotation of judicial assignments	
144. That a regular system of rotation of judges be implemented throughout the Law Division and throughout the entire Circuit Court.	Under consideration.
Advancing cases for trial by stipulation	
145. That in the event all parties are ready for trial prior to the 18 month pretrial, the parties could move for assignment to the trial call by stipulation.	Accepted.
Limitation on the number of cases trial attorneys can handle	
146. That the Circuit Court of Cook County adopt a Circuit Court Rule requiring that trial attorneys with more than ten cases on the daily assignment call be required to designate another in the case as alternative trial counsel so that their other trial engagements do not impede the progress of cases.	

Recommendation	Status
The Law Division cont'd.	
Disposing of pre-1979 cases	
147. That for a period of four months, from January 1, 1988 to May 1, 1988, there be a moratorium on the assignment of other cases for trial so that the Court can concentrate on assigning the oldest cases in the system for trial.	Accepted.
148. That the initial pilot program apply to all cases filed prior to January 1, 1979 and operate as follows, subject to administrative revision as necessary: On July 20, 1987, a special trial setting call will begin at 2:00 p.m. in Room 2005 to set trial dates for the cases filed prior to January 1, 1979. The call will proceed every afternoon until all the cases have been given "must go" dates for trial in January, February, March or April of 1988. Minimal discovery will be allowed, where necessary. Failure to appear to answer the trial setting call will result in cases being dismissed or defaults being entered.	Accepted.
149. That the program be assessed to determine whether it should be continued at a later time or on a different basis to assure that the system will continue to dispose of both pre-1979 cases and newer cases simultaneously.	Accepted.

Recommendation		Status
The Law Division cont'd.		
Standards for imposing sanctions for delay		
150.	That the judges' power to impose sanctions be strengthened so that judges can better enforce deadlines and assure that events occur when scheduled.	Accepted.
151.	That the following additions or amendments either be made to the Code of Civil Procedure and to the Supreme Court Rules or that newly available provisions be appropriately utilized:	
	Section 2-611 of the Code of Civil Procedure - Vigorous application of Section 2-611 would both reduce the caseload confronting the Law Division and facilitate the prompt disposition of cases remaining on the docket.	Accepted.
	Supreme Court Rule 219 These sanctions should also apply to persistent failures to proceed diligently, failures to file motions and pretrial materials or failures to take other steps required for the case progress. Rule 219 also should be amended to provide for sanctions against attorneys for failure to comply with discovery orders and rules and other failures to proceed. These sanctions should be imposed contemporaneously at the time a violation is found.	
	Voluntary dismissal and refiling - a Supreme Court Rule should be adopted mandating that a plaintiff cannot use Sections 2-1009 and 13-217 to circumvent discovery schedules and orders under Illinois Supreme Court Rule 219(c).	

Recommendation	Status
The Law Division cont'd.	
Miscellaneous recommendations	
152. That a new transition task force be appointed to work with the presiding judge of the Law Division to implement the recommendations made here and to consider additional matters that would appropriately complement these recommendations.	
153. That the transition task force or a successor group evaluate the efficacy of any recommendation implemented as a result of this study within three or four years after their implementation.	
154. That the transition task force further study the issue of necessary judges and courtrooms after the full effect of mandatory arbitration is determined.	

Recommendation	Status
Professional Ethics, Discipline and Education Released: August 1988 **Investigation of court-related corruption and misconduct** The Judicial Inquiry Board 155. That the Judicial Inquiry Board (JIB) should be provided with increased resources to investigate ethical violations among judges and new powers conferred by statute and rules of the Supreme Court to investigate misconduct among other participants in the courts, such as deputy sheriffs, clerks and police officers.	
The Illinois Courts' Commission 156. That the Illinois Courts Commission contract with an outside entity to review the Commission and to make recommendations to enhance its effectiveness.	
Restitution as an enforcement mechanism 157. That Illinois law enforcement officials employ the constructive trust as a civil remedy to the fullest extent to bring corrupt personnel to justice.	
Attorney Registration and Disciplinary Commission **Non-lawyer members** 158. That non-lawyer members be appointed to the hearing boards and review boards in a ratio of two lawyers to every non-lawyer. Non-lawyers should not serve as chairpersons of any board or panel, but should otherwise have all rights and duties of members.	

Recommendation	Status
Professional Ethics, Discipline and Education cont'd.	
167. That the Supreme Court require a conduct and ethics component to to be included in all regional seminars.	
168. That each judicial circuit establish its own ethics training program with special emphasis on programs peculiar to that circuit.	
Feedback for judges	
169. That the Circuit Court of Cook County create an informal feedback mechanism for judges.	
Advisory opinions	
170. That the Illinois Supreme Court appoint a committee to consider establishment of a mechanism for issuing advisory opinions on matters of judicial conduct and ethics and to assess the need for a similar mechanism for questions of attorney conduct and discipline.	
Education for lawyers and legal ethics	
171. That if the Illinois Supreme Court establishes a mandatory continuing legal education program, the program should include instruction in legal ethics.	

Recommendation	Status
Judicial Administration Released: August 1988	
Rotation of judicial assignments 172. That judicial assignments be rotated on a regular basis.	
Illinois Supreme Court supervision of trial courts 173. That all courtroom employees, such as clerks and bailiffs, become state employees, subject to the supervision and personnel policies of the Supreme Court's Administrative Office.	
State funding of Circuit Courts 174. That the Illinois General Assembly fully fund the state's trial courts.	
Assignment of judges and appointment of presiding judges 175. That the Chief Judge should publicly and forcefully stress that no assignment or appointment will be made except on the basis of the Court's needs and the individual merits of the assignments or appointments.	
176. That the Chief Judge continue and expand the practice of seeking the advice of other judges, especially the presiding judges, in making assignments and promotions.	
177. That the Chief Judge establish a policy of limiting the appointment of presiding judges to a period between three to six years.	

Recommendation	Status
Judicial Administration cont'd.	
Protecting the integrity of the court	
178. That the Illinois Supreme Court explicitly recognize the Chief Judge's authority to reassign, or place on "unassigned status," judges who have been accused of serious wrongdoing but have not yet been prosecuted by law enforcement authorities or disciplined by the Illinois Court Commission.	
179. That the Court establish the position of Inspector General who would report directly to the Chief Judge. The Inspector General would evaluate court procedures to assess their vulnerability to abuse and report suspicious conduct to the appropriate disciplinary and law enforcement authorities.	
Encouraging greater collegiality among judges	
180. That, in order to facilitate the exchange of information, the Court establish a mechanism whereby the presiding judges maintain memo banks containing legal memoranda which judges prepare in their individual cases.	
Public Defender's Office	
181. That the Illinois General Assembly remove the Office of Public Defender from the Court's jurisdiction.	
182. That the Public Defender be nominated by a merit selection panel and selected by the President of the County Board.	

Recommendation	Status
Judicial Administration cont'd.	
Chicago Board of Election Commissioners	
183. That the Illinois General Assembly provide for a different manner of selecting election commissioners. Responsibility for selecting election commissioners should not reside in the Court.	

Recommendation	Status
Chancery Division	
Released: August 1988	
Performance review	
184. That the performance of the chancellors be continuously reviewed by the Division's presiding judges and that a formal peer evaluation program be implemented for the Division.	
Emergency motions	
185. That when a chancellor is presented with an emergency motion in a newly filed matter and the chancellor is on trial, the emergency motion should be transmitted back to the Presiding Judge for reassignment.	
Continuous trial time	
186. That chancellors should use a trailing trial call, prudently impose rule 2-611 sanctions, and refer emergency motions to judges not on trial.	
Emergency injunctions	
187. That an emergency judge be available at all times.	
Written opinions	
188. That chancellors write opinions or make written findings of fact and conclusions of law.	

Recommendation	Status
Chancery Division cont'd.	
Foreclosures and name changes	
189. That the Court consider whether mortgage foreclosures, name changes and other routine matters should be removed from the chancellors' dockets.	
Appointment of Receivers	
190. That the Circuit Court enact a rule requiring that a list of all court officer appointments and the fees awarded to them be kept in the clerk's office and that the list be made available to the public.	
191. That the Clerk of the Court also maintain a list of those appointed by the State's Director of Insurance as receivers, special deputies, attorneys and the like, disclosing their fees or compensation. This list would be available for public inspection.	
192. That the Division's Presiding Judge adopt formal procedures by which persons seeking Court appointments submit applications to the Court.	
Reporter system	
193. That a system be established to collect and publish written decisions or findings of fact and conclusions of law.	
Support services and physical facilities	
194. That each chancellor be afforded up to 2 law clerks for assistance in legal research and writing.	

Recommendation	Status
Chancery Division cont'd.	
195. That a formal extern law clerk program be established whereby law students receive school credit for their work in the Chancery Division.	

APPENDIX 2

SPECIAL COMMISSION TASK FORCES

Adult Probation Task Force

Suzanne E. Jones, Chair
Helen F. Anderson
Hon. Thomas P. Cawley*
Hon. Gino L. DiVito*
Renee Hansen*
George P. Lynch*
Michael J. Mahoney*
William P. Murphy*
Hon. R. Eugene Pincham*
Lawrence X. Pusateri
Hon. Stephen A. Schiller*
Dr. Douglas Thomson*

Adult Probation Search Committee

Suzanne E. Jones, Chair
Helen F. Anderson
George M. Morrissey
Earl L. Neal
Lawrence X. Pusateri
Leonard Jay Schrager
Raymond F. Simon
Peter S. Wilmott
James Zacharias

Alternative Dispute Resolution Task Force

Frank M. Covey, Jr., Chair
Frank Belmonte*
James H. Bradner, Jr.*
Theodore A. Groenke*
William E. Hartgering*
Hon. Benjamin S. Mackoff*
Hon. Kenneth C. Prince*
Leonard Jay Schrager
Hon. Glenn K. Seidenfeld*

Chancery Division Task Force

David J. Gibbons, Chair
Thomas Campbell
James P. Connelly
Kevin M. Forde
Robert L. Graham*
Lionel G. Gross*
Edward T. Joyce*
Lawrence X. Pusateri
Mitchell S. Rieger*
John B. Simon*

Court Administration Task Force

Richard A. Devine, Chair
Patrick T. Driscoll, Jr.*
Robert L. Graham*
Donald B. Hilliker*
Suzanne E. Jones
James R. Kavanaugh*
Thomas J. McNulty*
Catherine M. Ryan*
Hon. Joseph Schneider
Chester Slaughter

Domestic Relations Task Force

Michael M. Conway, Chair
Thomas Campbell
Albert F. Hofeld
Norman H. Nachman
Victor G. Savikas
Leonard Jay Schrager

Felony Courts Task Force

Lawrence X. Pusateri, Chair
Michael J. Angarola**
Keith Davis**
Hon. Gino L. DiVito*
Richard S. Kling*
William J. Kunkle, Jr.*
George M. Morrissey
Hon. Stuart Nudelman*
Hon. Stephen A. Schiller*
Dan K. Webb*
James Zacharias

Final Report Task Force

Richard A. Devine
John P. Heinz
Gary T. Johnson
Jerold S. Solovy
Peter S. Willmott

Judicial Conduct and Ethics Task Force

Gary T. Johnson, Chair
Charlotte Adelman
Nina S. Appel
Richard William Austin*
Prof. Twiley W. Barker*
Prof. M. Cherif Bassiouni
Frank M. Covey, Jr.
Andrew R. Gelman*
John P. Heinz
Donald B. Hilliker*
Hon. Donald P. O'Connell
Lawrence X. Pusateri
Hon. Joseph Schneider
Peter S. Willmott
Hon. Warren D. Wolfson*
James Zacharias
Dr. Frances K. Zemans*

Law Division Task Force

Thomas Campbell, Chair
James H. Alesia*
Richard William Austin*
Patricia C. Bobb*
James P. Connelly
William E. Dietrick*
R. Bruce Duffield*
Donald J. Duffy**
John Cadwalader Menk
Peter J. Mone*
Leonard M. Ring*
Bernard M. Susman*

Misdemeanor/Preliminary Hearing Courts Task Force

Richard A. Devine, Chair
Helen F. Anderson
James J. Brice
James P. Connelly
Patrick T. Driscoll*
John J. Gearen*
David J. Gibbons
Suzanne E. Jones
James P. Kavanaugh*
Donald G. Lubin
George M. Morrissey
John T. Schornack
Chester Slaughter
James Zacharias
Daniel G. Welter*

Traffic Court Task Force

Don H. Reuben, Chair
John E. Angle
James J. Brice
Michael A. Coccia
James P. Economos**
John J. Schornack
Eugene A. Tracy
John J. Trutter

* Not a member of the Special Commission on the Administration of Justice in Cook County

** Deceased

APPENDIX 3

WITNESSES APPEARING BEFORE THE SPECIAL COMMISSION

Testimony Date	Witness
Sept. 12, 1984	Dan K. Webb United States Attorney, Northern District of Illinois
Nov. 29, 1984	Patrick Healy Executive Director, Chicago Crime Commission
Dec. 19, 1984	Richard M. Daley Cook County State's Attorney
Jan. 30, 1985	Betty Herrmann Executive Director, Cook County Court Watchers
Feb. 27, 1985	Robert P. Cummins Chairman, Judicial Inquiry Board
Mar. 27, 1985	Brocton Lockwood Former Associate Judge from Williamson County, Illinois
May 22, 1985	William J. Kunkle First Assistant State's Attorney, Cook County, Illinois
Aug. 7, 1985	Carl H. Rolewick Administrator, Attorney Registration and Disciplinary Commission (ARDC)
	John C. O'Malley Assistant Administrator and Chief Counsel, ARDC
	Lester Asher Commissioner, ARDC
Aug. 29, 1985	Richard J. Phelan President, Chicago Bar Association
	Terrence Murphy Executive Director, Chicago Bar Association

ɔv. 6, 1985	Robert G. Perkins President, Chicago Council of Lawyers
	George F. Galland Past president, Chicago Council of Lawyers
ɛc. 4, 1985	Rob Warden Editor, Chicago Lawyer
ɪn. 29, 1986	Hon. Richard H. Jorzak Presiding Judge, Domestic Relations Division
ɛb. 19, 1986	Anton R. Valukas United States Attorney, Northern District of Illinois
ɪy 7, 1986	Roy O. Gulley Former Director, Administrative Office of the Illinois Courts
ɪly 23, 1986	Richard G. Napoli Cook County Chief Probation Officer
	Hon. Richard J. Fitzgerald Presiding Judge of the Criminal Division and Chairman of the Judges' Adult Probation Committee
	Jeffrey M. Arnold Administrative Director of the Circuit Court
	Also attending were members of the Judges' Adult Probation Committee: Hon. James M. Bailey, Hon. Thomas R. Fitzgerald, Hon. Francis J. Mahon and Hon. Paul F. Gerrity.
ɔr. 8, 1987	Hon. P.A. Sorrentino Presiding Judge, Law Division
	Hon. Lester D. Foreman
	Hon. Myron T. Gomberg
	Hon. Thomas R. Rakowski
	Hon. John W. Gustafson

May 26, 1988

Hon. David J. Shields
Presiding Judge, Chancery Division

Hon. Richard L. Curry

Hon. Arthur L. Dunne

Hon. Kenneth L. Gillis

Hon. Albert Green

Hon. Anthony J. Scotillo

APPENDIX 4

STUDENT INTERNS

Public Interest Law Internship Program

Ed Goetz
Bradley S. Weiss
Daniel Montinez
Irwin Saltz

Chicago-Kent School of Law

Steven Fisher
Ellen Horberg
Robert Klimas
Sean Sullivan

DePaul School of Law

Bill Hogan

Northwestern University Medill School of Journalism

Meg Dennison
Katherine Lawson
Deborah Lutterbeck
Tim Peek

Northwestern University Undergraduate Program

Heather Marquardt
Jon Pincus
Lori Watson

APPENDIX 5

SPECIAL COMMISSION FINANCIAL SUPPORT

Foundations and Trusts

Allstate Foundation
M.R. Bauer Foundation
Francis Beidler Charitable Trust
Chicago Bar Foundation
Chicago Community Trust
Lloyd A. Fry Foundation
Field Foundation
Bowman C. Lingle Charitable Trust
John D. and Catherine T. MacArthur Foundation
Signode Foundation

Corporations

Peoples Gas Light and Coke Co.
Precision Plating Co.
Washington National Insurance Co.

Law Firms

Altheimer & Gray
Arvey, Hodes, Costello & Burman
Chadwell & Kayser
Epton, Mullin & Druth
Gardner, Carton & Douglas
Lord, Bissell & Brook
Keck, Mahin & Cate
Mayer, Brown & Platt
Reuben & Proctor
Sachnoff, Weaver & Rubenstein
Sidley & Austin
Sonnenschein, Carlin, Nath & Rosenthal
Wilson & McIlvaine
Winston & Strawn

Individuals

Albert F. Hofeld
Suzanne E. Jones
Lynne E. McNown
Henry J. Nord
Victor G. Savikas
Raymond F. Simon

APPENDIX 6

SPECIAL COMMISSION REPORTS, PETITIONS AND BRIEFS

Reports

Report Concerning Ex Parte Communications, December 1984

Interim Report on Traffic Court, January 1985

Report Concerning the State's Right to a Jury Trial, May 1985

Report Concerning the Action by the Illinois Courts Commission in the Matter of Judge John Laurie, June 1985

Report on the Misdemeanor/Preliminary Hearing Courts, July 1985

Report on Judicial Selection, October 1985

Report on the Domestic Relations Division, February 1986

Report on the Adult Probation Department, July 1986

Report on the Felony Courts, February 1987

Report on the Law Division, August 1987

Report on Traffic Court, October 1987

Report on Professional Ethics, Discipline and Education, August 1988

Report on the Chancery Division, August 1988

Report on Court Administration, August 1988

Petition Filed with the Illinois Supreme Court

Petition for Adoption of a Supreme Court Rule and Administrative Order Relating to Disclosure on the Financial Interests of Judges, October 1985.

Amicus Briefs

In re Judge Robert J. Dempsey, October 1986 (filed with the Illinois Courts Commission and with the Illinois Supreme Court).

People of the State of Illinois ex rel. Brazen v. Finley, March 1987 (filed in support of the Circuit Court of Cook County's anti-solicitation rule).

#7243-5-6-92L
5-40
CC

QUOTES OF JUDGE SWANAGAN EXPLAINING THE DECEMBER 17, 2024 AND APRIL 22, 2025 ORDERS

Entered as an exhibit to be used as a reference during the June 10, 2025 hearing.

From the December 17, 2024 Report of Proceedings:

(QUOTE 1 page 11 line 9) "I couldn't imagine -- I'm paraphrasing, but I couldn't imagine a basis on which there was reasonable grounds for the breach of contract complaint against ADR."

(QUOTE 2: page 11 line 21) "Even if you didn't think that Mr. Talarico was appropriately representing your interests as far as the motion for sanctions was concerned, his interests were at stake as well. And so he had absolute right to put forth whatever he thought was in his best interest to defeat the motion for sanctions."

(QUOTE 3 page 11 line 3) "And you may have the opinion that you had different interests as far as that motion was concerned. I did not see that. And your interests are basically intertwined, in that he's responsible for what he wrote, and you're responsible for what he wrote. And that would be vice versa as well: You're jointly responsible. Lawyer and client are responsible for pleadings made by a lawyer."

(QUOTE 4 page 8 line 3) "...I know what I read, and I know how narrow were the issues that I was deciding here. And so the substance of the case, for the most part, was decided quite a while ago, and it went through an appeal. There's all sorts of things that -- for which I think the horses are long gone, the barn door closed and locked quite a while ago. And so this isn't -- this is not, as far as I'm concerned, the time to try to rehash alleged sabotage going back to the beginning of the case."

(QUOTE 5: page 9 line 3) "...I'm going to say this is late in the game for further say, I think. And so forgive my abruptness, but, no, I don't think I need to hear any more. Okay?"

(QUOTE 6: page 14 line 8) "I'm going to deny your request for any relief against Mr. Talarico as far as your files, because that's not in front of me. You know, those sorts of disputes between lawyers and their clients are sometimes the result -- they are sometimes disputes that produce other litigation, but I don't have any basis for reviewing your request for files. There are ways in which clients are supposed to address those requests. I don't know whether you have, but those requests aren't supposed to be handled here. So I'm going to deny your request for anything to do regarding a dispute over files between you and Mr. Talarico.

(QUOTE 7 page 14 line 22) "Now, I'll also say I am not expressing any opinion, nor am I in a position to express an opinion or make any ruling on anything that you're suggesting that Mr. Talarico did that was adverse to the interests of you or your family. Again, I only decide what's in front of me and what's in front of me based on what this case has been about. So that's all I'm going to say about those motions."

SW

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

PAUL DULBERG and THE PAUL DULBERG REVOCABLE TRUST,	)	
Plaintiffs,	)	
v.	)	No. 2022 L 010905
KELLY N. BAUDIN a/k/a BAUDIN & BAUDIN, et al.,	)	
Defendants.	)	

ORDER

This matter coming to be heard for status, due notice having been given, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that:

1. Any and all Motions filed by Paul R. Dulberg which are pending on the Court's docket are denied; #5246

2. The request by Paul R. Dulberg relative to the file of Alphonse Talarico is denied. #4251

DATE:_____

ENTER:

A. Swanagan 2197
Honorable Anthony C. Swanagan

Prepared by:
Thomas J. Long
KONICEK & DILLON, P.C./Firm No. 37199
21 W. State Street
Geneva, IL 60134
(630)262-9655
tlong@konicekdillonlaw.com

Judge Anthony C. Swanagan
DEC 23 2024
Circuit Court - 2197

From the April 22, 2025 Report of Proceedings:

(QUOTE 8 pag 3 ine 9) "The thing that I have on my mind for today was to rule on ADR Systems' fee petition. If you check your emails, you should have gotten an order shortly ago with my ruling on that. You know, to me, it is what it is. Hopefully, I explained it sufficiently. But, yeah, the punchline to me is, I did see all the things Mr. Kost and Mr. Dulberg filed on behalf of the plaintiffs, but I think I have -- well, let's see. It was sort of amusing to see myself quoted in the transcript, but one of the things I think I said -- I used cliches to say, "The barn door's closed," or "The ship has sailed," or something like that. The key moment was, you know, the December 8th filing of the complaint, as far as I'm concerned, on Rule 137, which is the basis for the fee petition. It's about what goes into any sort of filing, and it was filed by Mr. Talarico, but it was also verified by Mr. Dulberg. And so, you'll read it in the order, but where -- you know, where I came out was that if -- I didn't make any findings on these allegations. But if Mr. Dulberg and Mr. Kost thought that Mr. Talarico wasn't adequately representing what they thought their interests should be, I think their obligation was to sever the relationship and speak up on that point sooner than they did. Like I said, the complaint was filed in reviewed the details of the pleadings and the transcripts provided to me, and I also reviewed the fee petition. So the punchline is, it's in the -- you should -- you should check your emails because sooner or later -- and I even emailed it to myself and I haven't gotten it yet, so I don't know what the delay is, but there should be an order in your emails soon."

(QUOTE 9 pag 7 ine 4) "Well, the point is, Mr. Dulberg was obliged to do something long before that because he signed the complaint. The signing of the complaint is where you get in trouble. And so, that complaint was December 8th, I think, of 2022. Signing the complaint subjects you to, you know, 137 liability. And what I think -- I don't know if I should be speculating. Let me just say: I'm not going to say what should have been done, but I will say what could have been done. A client can fire their attorney at any time. Now, at whatever time you thought that your interests weren't being represented in the way you thought they should have been represented, you could have immediately severed the attorney-client relationship and sought to, you know, withdraw the complaint, which I think is what you were invited to do by ADR, but that was some ways down the road. So I guess the point I'm trying to make is that the dye is basically cast and it's in the rule. The dye is basically cast when somebody files a pleading. And, you know, the cases and the rule both say that both the attorney and the client have the responsibility, when they file something, to have investigated the basis for the filing before they file it, and if the filing isn't supported by a reasonable argument in fact or law, in fact and law, then both the attorney and the client are subject to sanction. So I did read all of the things that were submitted since we were last in court and the things that were submitted before, but none of them suggests that Mr. Dulberg disavowed the complaint in a timely fashion, in an official manner on the docket soon enough after it was filed, so that's -- that's the basis for me saying that whatever might have been your thought, and I understand your argument that you did not think it was a good approach, but you were obligated to do something sooner than you did, particularly since Mr. Dulberg had signed the complaint."

SW

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – LAW DIVISION

PAUL DULBERG and THE PAUL DULBERG REVOCABLE TRUST, Plaintiffs, v. ADR SYSTEMS OF AMERICA, LLC, et al. Defendants.	)	No. 22 L 010905

ORDER

Plaintiff Paul Dulberg and his co-plaintiff, The Paul Dulberg Revocable Trust, participated in a mediation conducted by defendant ADR Systems of America LLC to resolve Dulberg's personal injury claim against David Gagnon. The mediation was governed by an agreement between the parties, unbeknownst to the ADR mediator, that Gagnon would pay to Dulberg no less than $50,000 and no more than $300,000. The mediation occurred in the course of Dulberg's personal bankruptcy proceeding and was conducted with the approval of both the trustee of his bankruptcy estate and the presiding bankruptcy judge. The mediator's actual award to Dulberg was $561,000, with the result that the high/low agreement between the parties produced an amount payable to Dulberg that was $261,000 less than he would have been due in the absence of the mediation agreement's high/low limitations.

Dulberg and his trust filed suit against multiple parties in an apparent attempt to recover the difference. Among the defendants he named was ADR. The Dulberg plaintiffs claim that bankruptcy trustee Joseph Olsen presented to the bankruptcy judge a proposed ADR mediation agreement form that was not signed by any party and was modified before reaching the final form executed by the parties. Plaintiffs claim that because of the modifications from the unsigned form, the executed form could not control; that ADR breached the unsigned contract form by amending it, and that this breach caused the Dulberg plaintiffs damages "in excess of $261,000" "because the contract under the changed terms should not be allowed to regulate the procedure."

Plaintiffs' complaint against ADR was dismissed with prejudice, and this court found plaintiffs' complaint to be subject to sanction under Supreme Court Rule 137. "The notion that they [ADR] are bound by a contract which was unsigned is untenable." (Tr. of May 25, 2023 hearing, p. 13:6-7.) The Dulberg plaintiffs have offered no legal basis for their claim that an unsigned preliminary draft of the mediation agreement imposed an obligation upon ADR to prevent changes before the execution of a final form, nor do they address the significance of the execution of that final form by all parties. Furthermore, they fail to acknowledge that the high/low agreement in the final, executed mediation contract was also present in the unsigned draft, a fact which undermines their claim that the form's modification resulted in damages clearly derived

from that high/low limitation. Asked by ADR to withdraw their claim before its validity had to be litigated, plaintiffs declined.

The Dulberg plaintiffs argue that their litigation strategy was dictated by their attorney, Alphonse Talarico, and that for his own reasons, he has attempted to sabotage their legal position. But their complaint, filed December 8, 2022, was verified by Paul Dulberg himself.

> The signature of an attorney ***or party*** constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.
>
> ***
>
> If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, ***may impose upon the person who signed it, a represented party, or both, an appropriate sanction***, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee

Illinois Supreme Court Rule 137 [emphasis added]. "Rule 137, as did its predecessor section 2-611, imposes on both client and counsel the duty to make reasonable inquiry into the facts to support a legal claim or defense before pleadings and other legal papers are filed with the court." *Edwards v. Estate of Harrison*, 235 Ill. App. 3d 213, 220 (1992). "Pleadings and other papers filed in violation of Rule 137 may subject the party, the party's attorney, or both, to an appropriate sanction. That sanction may include an order to pay the other party's attorney fees and costs." *Lewy v. Koeckritz Int'l, Inc.*, 211 Ill. App. 3d 330, 334 (1991). Paul Dulberg's verification of his complaint obliged him to make an independent investigation of the legitimacy of its allegations. If at any time he believed that his attorney's approach was unjustified, it was his duty to take steps to undo what had been done. No timely effort to do so is apparent from the record.

The court accordingly adheres to its earlier conclusion that Rule 137 sanctions against plaintiffs and their attorney, Alphonse Talarico, are warranted for their complaint against ADR. Now before the court is ADR's fee petition. After review of the petition and of the steps ADR was forced to take to achieve dismissal of the complaint against it, the court finds the petition to be reasonable.

Accordingly, the court hereby awards to ADR Systems of America LLC attorneys' fees of $25,092.50 and costs of $551.25, for a total of $25,643.75 against Paul Dulberg, The Paul Dulberg Revocable Trust, and Alphonse Talarico, jointly and severally.

Judge Anthony C. Swanagan

APR 22 2025

Circuit Court - 2197

A. Swanagan 2197

SUPPLEMENTAL INFORMATION SUBMITTED TO THE ARDC OF DULBERG'S EFFORTS TO NOTIFY THE ILLINOIS SUPREME COURT (THROUGH THE ARDC) AND PRESIDING JUDGES OF THE CLINTON-GOOCH-POPOVICH NETWORK OF FRAUD ON THE COURT SINCE FIRST DISCOVERING IT (IN OCTOBER, 2022)

Group Exhibit 49 contains the timeline of Dulberg's first discovery of Clinton-Gooch-Popovich fraud on court and of Dulberg's efforts over more than 1 year to notify presiding Judges and the Illinois Supreme Court (through the ARDC) of fraud on the court. Visual Aid 24 helps see how the timeline shows Dulberg's efforts over more than 1 year to notify the Illinois Supreme Court (through the ARDC) after first discovering the fraud.

The timeline provides detailed evidence of the following:

- Dulberg first discovered that Clinton and Williams suppressed large numbers of documents to benefit the opposing party between October 22 and October 28, 2022.
- Thomas Kost required about 90 pages of handwritten notes and around-the-clock effort over 6 days to "reverse engineer" and map the sophisticated system of document and information suppression that Clinton and Williams used against Dulberg.
- About one week later on November 4, 2022 Clinton and Williams appeared in court in 17LA377 to address a subpoena they were issued.
- On November 9, 2022 Dulberg sent a folder of documents called document_suppression_smoking_gun to Alphonse Talerico. The folder contained a detailed description of how documents were suppressed.
- The suppressed documents favor the defendants. Clinton-Williams were collaborating with opposing counsel to sabotage Dulberg's case (which is why the author used the term "smoking gun" to name the folder).
- Dulberg sent Alphonse Talerico drafts of an ARDC Complaint to file on Clinton and Williams less than 1 week later.
- The timeline demonstrates that Dulberg has made repeated efforts since November, 2022 to notify the ARDC and presiding Judges of the sophisticated system of document and information suppression that Clinton and Williams used against Dulberg.
- In December 8, 2022 Dulberg filed a complaint against the Baudins.

After the events listed above, the following events occurred:

- On February 1, 2023 defendants Popovich and Mast were dismissed from the case based on 2 year SoL argument. The Judge stated that Dulberg 'should have known or inquired' during the time Dulberg was represented by Popovich and Mast, Balke, and the Baudins.
- On May 25, 2023 defendants were dismissed from the case based on 2 year SoL argument. The Judge stated that Dulberg 'should have known or inquired' during the time Dulberg was represented by Clinton-Williams and Gooch-Walczyk.
- On August 29, 2023 the Baudin defendants were dismissed from the case based on 2 year SoL argument. The Judge stated that Dulberg 'should have known or inquired' during the time Dulberg was represented by Clinton-Williams and Gooch-Walczyk.
- When 17LA377 was appealed the issue of collaboration between Clinton-Williams and opposing counsel was never raised. We were told we could not raise the issue.
- We are also being told that if 17LA377 appeal is brought before the Supreme Court we will not be able to raise the issue of the 9 ARDC complaints we have filed about fraud on the mechanism of the court itself during 17LA377.

Group Exhibit 49 shows (document by document) the many ways that Dulberg tried to raise these issues since

first discovering them in October, 2022. Despite these many efforts the issues were never raised before any presiding Judge. Throughout the timeline Dulberg was asking his attorney the questions shown in the table below:

REPORTING FRAUD WITNESSED DURING LITIGATION IN ILLINOIS COURTS
(ACCORDING TO ILLINOIS PROTOCOL)

FOR CLIENT	FOR ATTORNEY
CASE 1: **How does client raise issue of fraud committed during litigation by opposing counsel?**	**CASE 1**: How does attorney raise issue of fraud committed during litigation by opposing counsel? 1) Follow Himmel Rule: Through ARDC (only authorized agent of Supreme Court) promptly
CASE 2: **How does client raise issue of fraud committed during litigation by ones own attorney or former attorney to sabotage case?**	**CASE 2**: How does attorney raise issue of fraud committed during litigation by client's former attorney to sabotage case? 1) Follow Himmel Rule: Through ARDC (only authorized agent of Supreme Court) promptly
CASE 3: **How does client raise issue of fraud of collusion during litigation between ones own atty and opposing counsel?**	**CASE 3**: How does attorney raise issue of fraud of collusion during litigation between client's former atty and opposing counsel? 1) Follow Himmel Rule: Through ARDC (only authorized agent of Supreme Court) promptly

We are not attorneys. We do not know how to answer the questions in red. It is clear that an Illinois attorney must follow the Himmel Rule in cases 1, 2 and 3. We have tried to raise these issues from November, 2022 to the present (as documented in the timeline). We were told we could not raise these issues to a presiding Judge and we are still being told we cannot raise these issues. Perhaps it is true.

It does not seem reasonable for us to be asked to endure fraud in the court that we know is happening as it happens and not inform any presiding Judge. I will cite 3 examples:

1) a high stakes poker game
2) children playing together
3) criminal rape

If during a high stakes poker game a person was caught cheating during a hand, the game would (most probably) be stopped immediately and the cheating would be dealt with before anything else. It is not sensible to ask those who were being cheated to finish the hand as if the cheating was not happening, and then to deal with the cheating at some later date.

Even groups of children playing a game tend to call out a cheater at the time the cheating is detected. They wouldn't allow a known cheater to gain significant advantage during a game and then "deal with it later", only after the game is won or lost.

As for rape, it is not possible for us to believe that the act should only be confronted after allowing the rapist time to finish the act of rape. ***Prompt intervention*** in an act of 'newly discovered' and ongoing rape is instinctive

common sense and common decency.

The timeline shows that Dulberg has made repeated attempts to treat evidence of collusion with opposing attorney as a "front-burner" issue since first discovering it. The timeline shows that Dulberg's attorney has treated evidence of collusion with opposing counsel as a "back-burner" issue. This is what the timeline shows month after month for around 15 months. Dulberg is constantly trying to place evidence of collusion with opposing counsel on the "front-burner" (and bring it to the attention of a Judge). Alphonse Talerico is constantly pushing it to a "back-burner" (and taking no interest in bringing evidence of collusion to the attention of a Judge).

We question this because of the examples of cheating in poker, or how children will call out a 'cheater' when caught, or the example of rape cited earlier. We have never understood why evidence of collaboration between Clinton-Williams and opposing counsel was repeatedly pushed to a "back-burner" by Dulberg's own attorney for the last 15 months. We do not know if or when Alphonse Talerico filed his own ARDC complaints (so we do not know if he violated the Himmel rule). We have reason to believe that Alphonse Talerico only filed his own ARDC complaints sometime after September 28, 2023 (in response to seeing our website online) but we do not know for sure.

We are certain that we have never been given a legally coherent explanation as to why a presiding Judge should not be informed of evidence of collusion between opposing attorneys that strongly influences the case over which they are issuing orders. We are certain of this because the timeline does not have a single document which provides a legally coherent explanation. In fact, we couldn't not find ***any explanation at all*** given to Dulberg in the whole timeline.

For the reasons stated above Dulberg is using an approach coined by Reagan and Gorbachev called "Trust but Verify". Applying Reagan's maxim here, Dulberg is providing an open detailed timeline (with supporting evidence) to both the ARDC and to the general public of:

(a) when and how Dulberg first learned of the Clinton-Williams system of document and information suppression and collaboration with opposing counsel to sabotage Dulberg's case

(b) efforts Dulberg has made since then to notify presiding Judges and the proper authorities about the system of document and information suppression we discovered.

Thank you for your help with this matter and feel free to contact us if you need any additional information or have any specific questions.

/s/ Paul Dulberg
Paul Dulberg

/s/ Thomas Kost
Thomas Kost
Full Trustee of the Paul R. Dulberg Revocable Trust

ARDC COMPLAINT AGAINST ILLINOIS ATTORNEY ALPHONSE TALARICO
ARDC #6184530, PART 1

We have submitted 9 ARDC Complaints to date:

Edward X. Clinton No. 2023IN02517 (submitted on July 27, 2023)

Julia C. Williams No. 2023IN02518 (submitted on July 27, 2023)

Thomas J. Popovich No. 2023IN03135 (submitted on September 15, 2023)

Hans Mast No. 2023IN03136 (submitted on September 15, 2023)

Brad J. Balke No. 2023IN03894-R (submitted on November 8, 2023)

Kelly Baudin No. 2023IN03898-R (submitted on November 8, 2023)

William Randall Baudin II No. 2023IN03897-R (submitted on November 8, 2023)

Thomas W. Gooch No. 2023IN03895-R (submitted on November 8, 2023)

Sabina Walczyk-Sershon No. 2023IN03896-R (submitted on November 8, 2023)

We've also produced the following 5 documents which describe basically the same things as the ARDC complaints and have full hyperlink features to all exhibits:

Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation

Evidence of Fraud on the Court in 12LA178 During Balke Representation

Evidence of Fraud on the Court in 12LA178 During Baudins Representation

Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation

Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation

All 5 documents linked above have exhibits placed in a shared single folder.

What happened to Dulberg can be seen as a systematic violation of the Himmel rule. It is a mutual agreement among a group of Illinois attorneys to violate the Himmel rule together that allows a network like this to function.

Unfortunately, evidence points to our recent attorney following the same general pattern and practice as the ones listed above. Alphonse Talarico (who abruptly resigned as counsel under quite strange circumstances just after he was asked whether he was in violation of the Himmel Rule in this email thread and continued in this email thread) was also working in violation of the Himmel Rule to jeopardize his client's cases against the attorneys listed above. Over more than 15 months it has (unfortunately) become apparent to us that our attorney was doing all he could to keep the knowledge of the Clinton-Williams document and information suppression system (described in the ARDC Complaint Against Edward X. Clinton and Julia C. Williams) away from any presiding Judge and away from the ARDC. We recently discovered that our attorney Alphonse Talarico has been violating the Himmel Rule for some time. This is ***the 6th consecutive Illinois law firm*** to work to sabotage the just claims of their own permanently disabled client.

TABLE 2[1] below compares strategies and methods used by 5 consecutive law firms retained by Dulberg

ATTORNEY	STRATEGY	METHODS
Popovich & Mast Personal Injury Case	**Plaintiff's attorney intentionally weakens or sabotages plaintiff's case**	Destruction and concealment of evidence Forged signatures Staged depositions (depositions with no actual court reporter present) **Knew defendant Gagnon already admitted negligence for Dulberg's injury** Worked in violation of federal bankruptcy court automatic stay to force a settlement against client's wishes Represented a client when they knew client had no standing as plaintiff in court **Tried to put a cap of $50,000 on the remaining case** (Described in "Evidence of Fraud on the Court in 12LA178")
Balke Personal Injury Case	**Plaintiff's attorney intentionally weakens or sabotages plaintiff's case**	**Knew defendant Gagnon already admitted negligence for Dulberg's injury** Worked in violation of federal bankruptcy court automatic stay to force a settlement against client's wishes Represented client when they knew client had no standing as plaintiff in court **Tried to put a cap of $50,000 on the remaining case**
The Baudins Personal Injury Case	**Plaintiff's attorney intentionally weakens or sabotages plaintiff's case**	Forgery **Knew defendant Gagnon already admitted negligence for Dulberg's injury** Worked in violation of federal bankruptcy court automatic stay to force a settlement against client's wishes Represented client when they knew client had no standing as plaintiff in court **Placed a cap of $300,000 on the remaining case**
Gooch Legal Malpractice Case	**Plaintiff's attorney intentionally weakens or sabotages plaintiff's case**	Said he would file lawsuit in 7 days but actually filed more than 11 months later Gooch law office did not even scan client's files into digital form for 6 months **Knew defendant Gagnon already admitted negligence for Dulberg's injury** Suppression of information on bankruptcy, Baudin and Popovich negligence Filed 2 complaints which intentionally included a 'trap door' to allow defendants to get out of the case on 2-619 and 2-615 summary judgment (Described in "Evidence of Fraud on the Court in 17LA377 During Gooch Representation")
Clinton & Williams Legal Malpractice Case	**Plaintiff's attorney intentionally weakens or sabotages plaintiff's case**	Massive and sophisticated suppression of key evidence and information during pleadings and discovery document disclosure process **Knew defendant Gagnon already admitted negligence for Dulberg's injury** (Described in this document)

All successive attorneys to the same (fully disabled) client used the same overall strategy: **To intentionally weaken or sabotage their own client's case**. All three personal injury attorneys retained by Dulberg acted in violation of the automatic stay. All three personal injury attorneys continued to appear in the 22nd Judicial Circuit Court (which operated for approximately 25 months in violation of the automatic stay) claiming to represent Dulberg (who had no standing as plaintiff). All 3 personal injury attorneys made efforts (in orange font) to **place a cap on the remaining case without having any authority from the Bankruptcy Court to do so**.

1 TABLE 2 was provided in the following documents already submitted to the ARDC:
ARDC Complaint Against Julia C. Williams and Edward X. Clinton, Chapter 3, page 141 and
ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk, page 3

Both legal malpractice attorneys suppressed all information of the actions of all 3 PI law firms (in colored font in Table 2) from Dulberg, from the 17LA377 Common Law Record and from 17LA377 Reports of Proceedings

All five law firms (3 personal injury law firms and 2 legal malpractice law firms) knew or could have easily discovered that the personal injury defendant (who was operating the chainsaw that injured Dulberg) **Gagnon effectively admitted negligence for Dulberg's injury** as of early March, 2013. None of the attorneys of the 5 law firms ever informed Dulberg of this. The original defendant and operator of the chainsaw, Gagnon, admitted to being negligent for Dulberg's injury:

about 10 months before Dulberg was fraudulently coerced with forged documents into settling with the McGuires, principals for their agent Gagnon.

about 21 months before Dulberg declared bankruptcy.

about 39 months before any binding mediation agreement with Gagnon was mentioned.

about 40 months before any cap was placed on any binding mediation award from Gagnon.

There was no reason for any of these activities to take place if the defendant who operated the chainsaw already admitted to being negligent.

Alphonse Talarico, Dulberg's current attorney, became ***the 6th successive Illinois law firm*** to attempt to sabotage Dulberg's cases (to benefit everyone listed in Table 2 among others). Table 2 is now incomplete unless it is updated to include Talarico in the row just after 'Clinton & Williams'. Talarico also acted to benefit opposing counsel Flynn by never raising the issue to the ARDC that Flynn was caught in the act of collaborating with opposing counsel.

a) Did Alphonse Talarico violate the Himmel Rule? Yes

b) Did Alphonse Talarico violate the Himmel Rule to benefit his own client? No

c) Did Alphonse Talarico violate the Himmel Rule to benefit opposing parties? Yes

d) Did Mr Talarico violate the Himmel Rule knowingly? Yes

e) Did Mr Talarico violate the Himmel Rule accidentally? No

f) Did Talarico receive payment from his client while violating the Himmel Rule to benefit opposing parties? Yes. Hundreds of thousands of dollars in payment

The main beneficiaries of Alphonse Talarico violating the Himmel Rule are:

Hans Mast

Thomas J. Popovich

Kelly Baudin

William Randall Baudin II

Thomas W. Gooch

Sabina Walczyk-Sershon

Edward X. Clinton

Julia C. Williams

George Flynn

(These are most all the same people against whom we filed ARDC complaints but were being benefited by our own attorney.)

In the case of Himmel, he acted in a way which ultimately benefited his client and Himmel did not accept payment from the client for his work. Yet Himmel received a 1 year suspension of his license. Talarico received hundreds of thousands of dollars from his client while Talarico's violations of the Himmel Rule benefited all those who did harm to his client Dulberg.

DULBERG'S FIRST DISCOVERY THAT HIS CURRENT ATTORNEY HAS VIOLATED THE HIMMEL RULE TO BENEFIT OPPOSING PARTIES

On January 5, 2024 Dulberg submitted the following document to the ARDC:

Supplemental to 9 ARDC complaints_Dulberg's efforts to raise issue of Clinton-Gooch-Popovich fraud on court to presiding judge.pdf

Our experiences from January 5, 2024 to the time this complaint was submitted to the ARDC on January 22, 2024 confirmed the suspicions expressed on the document linked above. We now have a large body of evidence that our recent attorney, Alphonse Talarico, is indeed ***the 6th consecutive Illinois law firm*** retained by Dulberg to collaborate with opposing counsel to sabotage Dulberg's claims. The evidence is presented in this complaint (part 1) and in parts 2 and 3 of this complaint which will be submitted to the ARDC soon.

On January 8, 2024 Dulberg prepared and submitted a Supreme Court Petition to the Illinois Supreme Court.

On January 9, 2024 the Supreme Court Petition was rejected and Alphonse Talarico notified Dulberg that the clerk needed a few things changed before the clerk could accept the petition.

On January 14, 2024 Alphonse Talarico abruptly resigned as Dulberg's counsel.

The following online folder contains a detailed timeline of when Dulberg first became aware of the sophisticated system of document and information suppression Clinton and Williams were using to sabotage Dulberg's case:

Group Exhibit 49_Dulberg's discovery and efforts to notify Judges of Clinton-Gooch-Popovich fraud on court/

The following Visual Aid helps see groups of key events that took place in the timeline and it helps see the relation of each of these events to the others:

Visual Aid 24 - Timeline of discovery and raising issue of fraud during litigation.png

When Talarico was repeatedly asked to provide detailed notes and records of the clerk's instructions, Talarico provided only a single short email and a voicemail from the clerk which Talarico implied contained the entire detailed summary of the clerk's instructions to him.

At the time Talarico abruptly resigned as counsel on January 14, 2024, Talarico never provided any explanation of why Talarico himself did not simply follow the instructions in his short email and successfully resubmit the petition to the Supreme Court by himself.

In previous documents submitted to the ARDC we described a simple approach that could be taken to sabotage the case of a permanently disabled client following these simple steps:

1) 'Bury key evidence'

2) 'Bury fraud'

3) 'Bury troublesome issues'

4) 'Set up 2 year SoL escape hatch for opposing counsel'

5) to 12) 'Choke client'

13) 'Run for cover stories'

The fraudulant concealment used against Dulberg was so pervasive and was done by so many officers of the court that we have compiled lists of tables to help keep track of it all: linked here.

The following linked Tables shows that the same patterns and practices are central to all of Dulberg's cases: Fraud Chart by case and Fraud Chart by attorney

Note how in the column labeled '1' ('bury key evidence') Talarico became the newest attorney retained by Dulberg who 'buried key evidence' to sabotage Dulberg's claims. Talarico did this by violating the Himmel Rule to knowingly allow fraud on the court to take place while never raising the evidence of fraud on the court with any presiding Judge ('bury fraud'). At the same time Talarico did not report the evidence of fraud on the court to the ARDC until he had to much later (in October, 2023, about 1 year after he was given detailed information about Clinton and Williams collaborating with opposing counsel Flynn).

Note that in the column labeled '13' ('run for cover stories') Talarico is the newest attorney to use the same 'cover story' or 'alibi' of blaming his own permanently disabled client Dulberg.

This Visual Aid shows how Talarico 'set up 2 year SoL escape hatches' for defendants by violating the Himmel Rule and keeping the information of fraud on the court and collaboration between opposing counsels away from any presiding Judge and out of the ROP and Common Law Record. The Visual Aid shows how defendant after defendant was let out of their respective cases (marked in red) due to the claim that the 2 year statutes of limitations had expired (in red) while Talarico kept the information of how Clinton and Williams collaborated with opposing counsel and used a sophisticated system of document and information suppression to sabotage Dulberg's claims (marked in green) away from any presiding Judge and away from the ARDC.

Talarico repeatedly 'choked client' by not following his client's instructions to raise the issues marked in green (as demonstrated in the Timeline and described in more detail later).

As the Fraud Chart reveals, techniques of 'bury key evidence' and 'bury fraud' and 'bury troublesome issues' and 'set up escape hatch for defendants' followed by 'choke client' and finished with 'run for cover stories' kept repeating over and over different cases and with different attorneys. Dulberg found that, in order to have any possibility of using the court system successfully, it is very important to understand this repeating pattern that is shown in the Fraud Chart and in the animated Visual Aid linked here and to learn how to defend oneself against the many ways a targeted victim can be attacked by their own attorney(s).

According to the pattern shown in the animated Visual Aid, fraud may never end because the next law firm retained can use the same overall techniques (shown in the Fraud Chart) as the ones before. There is no escape for the targeted victim and they will remain encircled and confused and subject to gaslighting and 'hoaxes' until their case is finally destroyed.

From Dulberg's personal experience this is apparently how the game is played. In order to have ***any chance*** to use the court system successfully, Dulberg has to be constantly viligant and Dulberg needs to be able to quickly defend himself against all these types of attacks by any attorney retained by him at any time.

As far as Dulberg could have known, Mr Talarico was sincerely trying to help Dulberg with his claims against other members of the Illinois Bar. But, as the Visual Aid shows, in this climate of repeating 'hoaxes' and 'mind games' played on the victim, Dulberg can never know when a member of the Illinois Bar will unsheath a dagger from beneath their cloak and join in with the 'stone-walling' and 'gaslighting' to help defend all the other attorneys retained by Dulberg that did the same thing earlier (as shown in Table 2). Dulberg can never truly know if or when any retained attorney, at any moment, will turn on him or steal from him. Dulberg has learned from bitter experience as the Visual Aid shows that 'bury fraud' and 'choke client' can come from anyone at any time. In this system, firing one attorney and retaining another won't help since 'bury key evidence' and 'bury fraud' can reappear in a different form through a different Illinois law firm at any time. '2 year Sol escape hatches' can be set up for the defendants by ones own attorney at any time without the client ever noticing.

Even with an honest attorney it will be very difficult to ever get to a jury trial under such one-

sided and fraudulant conditions. But Dulberg's situation is even worse than this, because at any moment Dulberg's own attorney can 'switch sides' and Dulberg's chances of ever receiving a jury trial then become close to zero. Using the analogy of American football, the same principle is shown in the animated Visual Aid linked here. This is how the game is apparently played according to Dulberg's direct experience (and as shown in our mappings and Tables already provided to the ARDC).

HIMMEL RULE VIOLATIONS REVEAL WHEN Talarico BEGAN TO COLLABORATE WITH OPPOSING COUNSEL TO SABOTAGE DULBERG'S CASES

This document was submitted to the ARDC on January 5, 2024.[1] At the time we did not know whether Talarico violated the Himmel rule or not, but we were being cautious and we felt the information needed to be (a) presented clearly and unambiguously to the proper authorities and (b) placed in a public setting.

As this email exchange demonstrates, we showed the contents of the same document to Talarico in the final email that triggered his abrupt resignation.

The Timeline shows that on November 9, 2022 Talarico was sent an email with the following folder of detailed information of exactly how Clinton and Williams suppressed documents and information in collaboration with opposing counsel attached: document_suppression_smoking_gun/

The Timeline contains evidence of the many, many times Talarico was told to act on this information. The client provided detailed drafts of ARDC Complaints against Clinton and Williams and urged Talarico to use the information over many months.

The Timeline shows that we moved to file our own ARDC Complaint against Clinton and Williams (marked in purple in this Visual Aid) because we grew frustrated by Talarico not doing anything with the information about the evidence of collaboration between opposing counsels to sabotage Dulberg's case that we provided to him (marked in green).

The Timeline shows the many, many efforts we made to try to get Talarico to enter the evidence of collaboration between opposing counsels into a court record.

The Timeline shows that Talarico never provided Dulberg with any valid legal theory for why Dulberg should not inform a presiding Judge that Dulberg (and Talarico) has detailed evidence of collaboration between opposing counsels and evidence of the use of a sophisticated system of document and information suppression being used to sabotage Dulberg's cases.

On September 1, 2023 Talarico received a string of about 14 emails from Thomas Kost that

1 2024-01-05_Gmail - Supplemental to 2023IN02517, 2023IN02518, 2023IN03135, 2023IN03136, 2023IN03894-R, 2023IN03898-R, 2023IN03897-R, 2023IN03895-R, 2023IN03896-R.pdf

explained that the legal strategy Talarico was using is suicidal.

Talarico asked Dulberg for $10,000 as a retainer for future cases which address the issues Thomas Kost raised in the string of emails.

Mr Talarico received a $10,000 retainer so that he could move on the new issues raised in the string of emails. Thomas Kost expected the issues raised in the string of emails could be addressed once the $10,000 retainer was received by Talarico. After paying the money, Thomas Kost prepared for and waited for a meeting on these issues.

The Timeline shows that there is no communication at all after the retainer was paid until Talarico resigned which addressed any of the issues raised in the string of emails. Talarico never once discussed any of the issues raised in the string of emails after receiving the $10,000.

Talarico never discussed legal strategy of how to raise the issue of the Clinton-Williams sophisticated system of document and information suppression or their collaboration with opposing counsel Flynn to sabotage Dulberg's claims to any presiding Judge. The following Visual Aid helps see how Talarico approached the issue of raising fraud on the court in practice:

Visual Aid 21 - Talarico's Legal Strategy as a way to permanently choke his permanently disabled client.png

According to Talarico, an attorney cannot raise the issue of fraud taking place on the mechanism of the court in the current cases if an ARDC Complaint has not been filed. But after an ARDC complaint has been filed on the issue, Talarico informed his clients that a presiding Judge still cannot be told about evidence of fraud on the court which strongly influences the court. So, as the Visual Aid shows, if one uses Talarico's approach there is no time that a presiding Judge ***can ever be informed*** about a fraud on the court mechanism which effects events in their courtroom.

This legal strategy effectively 'chokes' the client permanently. The client can have fraud conducted against them, they can have clear evidence of the fraud being conducted, but they cannot inform any Judge the fraud is happening. The client becomes forever 'choked' in fraud and they can't do anything about it (if using Talarico's approach). Following Talarico's legal advice results in the client being trapped in litigation, but never being able to tell any presiding Judge about the fraud and collusion that the client knows is happening as sketched out here:

Visual Aid 15 - Talarico kept evidence of fraud and farce from court by violating Himmel Rule.png

The client is never able to get past the thick barrier to inform any presiding Judge of the fraud and farce they know is taking place in court proceedings. The client is effectively ***frozen in fraud and farce*** while following Talarico's legal advice.

The Timeline shows that in September, 2023, we grew so frustrated with how the information given to Talarico as early as November 9, 2022 was never acted upon that we created our own

public website to try to get the information out to where people can see it (shown in purple in this Visual Aid). Talarico informed us that he filed a complaint with the ARDC on these issues for the first time in October, 2023 (after the website was already online and about 1 year after the green region in the Visual Aid).

TIMELINE OF HOW TALARICO 'STONE-WALLED' THROUGH THE DRAFTING AND SUBMISSION OF DULBERG'S SUPREME COURT PETITION

Thomas Kost and Dulberg needed write the large majority of the Supreme Court Petition themselves because they had the suspicion that Talarico was going to delay until just before the document was due and then try to put it together in a 'last-minute frenzy'. The record of the work product contained in the following folder demonstrates that the clients produced most all the work themselves and Talarico (their retained attorney) contributed very little to the crafting of the Supreme Court Petition:

Group Exhibit 52_All work product drafts of Supreme Court Petition

The following Visual Aid helps see how the work product folder is grouped:

Visual Aid 22 - All work product drafts of Supreme Court Petition.png

As Dulberg had anticipated, Talarico did 'drag his feet' and Talarico contributed very little to the drafting of the Supreme Court Petition (which was originally filed on time despite Talarico 'sand-bagging' and contributing little to editing).

The strange email exchanges between Talarico and Dulberg leading up to when Talarico abruptly resigned as Dulberg's counsel are recorded at the end of the Timeline. The following Visual Aid helps to see what is happening in the email exchanges:

Visual Aid 23 - Communication during preparation of Supreme Court Petition.png

The quantity of work Talarico kept asking Dulberg to do from the morning of January 9, 2024 is truly staggering (marked in the orange box in the Visual Aid). The yellow region in the Visual Aid covers the communication while preparing the Supreme Court Petition (where the client did the large majority of the work). The orange box marks the work that Talarico had Dulberg do alone after the Supreme Court Petition was first filed (on time on the evening of January 8, 2024).

In the exchanges at the end of the Timeline it is as if Talarico is treating Dulberg as an 'employee paralegal' and Dulberg is somehow soley responsible for crafting the final version of the Supreme Court Petition. As can be verified in the emails marked in orange in this Visual Aid, Talarico had Dulberg do a huge amount of work. The date and time on each email proves that Dulberg worked the entire time with very little sleep. It is never clear why Talarico ***simply assumes*** that these tasks are to be given to his permanently disabled client and it is not clear what Talarico himself is doing during this time. It is never clear why Talarico ***simply assumes*** that Talarico has no responsibility

for doing this work himself (as Dulberg's retained attorney).

When this strange 'employer-employee' behavior was later pointed out to Talarico by Thomas Kost, Talarico inexplicably replied, "Mr. Dulberg, is a very street smart and learned individual who plays confused when it suits him."

Talarico knows that the ARDC Complaint Against Edward X. Clinton and Julia C. Williams documents example after example (in Chapter 2, Sections 2A through 2L) of Clinton and Williams successfully fooling, confusing, playing 'hoaxes' on, and tricking Dulberg repeatedly. Talarico has evidence of what happened to Dulberg in every ARDC Complaint we have submitted. Every ARDC Complaint we have submitted documents many examples of Dulberg being repeatedly tricked and fooled by his own attorneys. This is why Thomas Kost understood Talarico's comment to be erratic and nonsensical (and potentially hostile).

Inexplicably, we can find no written evidence or any reason why Talarico, as Dulberg's retained attorney, didn't simply follow the clerk's instructions and finish the work himself. This may be the strangest part of the last communications between Talarico and Dulberg. Talarico appears ***to simply assume*** it is Dulberg's job to finish the document alone. Talarico also seems ***to simply assume*** that it is Talarico's job (as Dulberg's retained attorney) to simply convey vague messages to Dulberg (which Talarico claims to pass on from the clerk) and then to expect Dulberg to execute the vague messages.

HOW TALARICO 'BURIED FRAUD' COMPARED TO HOW CLINTON-WILLIAMS 'BURIED FRAUD'

The parallels between what Dulberg experienced with Clinton and Williams from July 8, 2019 to the deposition of Hans Mast and beyond almost 1 year later are very similar with what Dulberg experienced with Talarico from November 9, 2022 to the current Supreme Court Petition.

TABLE 11[1] below shows the number of times Dulberg informed his legal malpractice attorneys (Gooch-Walczyk and Clinton-Williams) about "overwhelming evidence" of intentional tort or fraud since first discovering evidence in the first week of July, 2019:

When Informed		How Informed
2019-07-08	after first receiving defendants document disclosure	email linked attached folder: To Julia documents: _READ_ME.txt timeline_of_mcguire_settlement.txt questions_for_mast.txt
2019-07-22	reminding Williams	email linked attached folder: To Julia documents: _READ_ME.txt timeline_of_mcguire_settlement.txt questions_for_mast.txt

1 TABLE 11 was previously submitted to the ARDC on page 12 of this document:: Dulberg Response to Popovich Reply ARDC 2023IN03135.pdf

2019-11-19	reminding Williams again	email linked attached document: 2109-11-19_updated_timeline_of_mcguire_settlement.txt
2020-02-06	preparing for Mast deposition	email linked attached documents: questions_for_mast.txt timeline_of_mcguire_settlement.txt
2020-02-08	preparing for Mast deposition	email linked attached documents: 2109-11-19_updated_timeline_of_mcguire_settlement.txt questions_for_mast.txt
2020-06-18	preparing for Mast deposition	email linked attached document: evidence_list.txt questions_for_mast.txt
2020-06-24	preparing for Mast deposition	email sent at 1:56AM linked attached documents: 2020-06-23_updated_timeline_of_mcguire_settlement.txt email sent at 10:05AM linked attached documents: 2020-06-23_updated_timeline_of_mcguire_settlement.txt
2020-06-24	meeting before Mast deposition	At meeting Thomas Kost (after waiting about 1 year for meeting) explained to Clinton and Williams that there is "overwhelming evidence" that Popovich and Mast committed fraud and intentional tort.

From July 8, 2019 onward Dulberg told Clinton and Williams that he had "overwhelming evidence" that Popovich and Mast intentionally committed fraud. Dulberg claimed to have a 'smoking gun' document he found that proved intentional tort. Dulberg tried to set up a meeting with Clinton and Williams for about 1 year to discuss the consequences of the new discovery of fraud on the case.

At the June 24, 2020 meeting Thomas Kost (after waiting about 1 year to do so) explained to Clinton and Williams that there is "overwhelming evidence" that Mast and Popovich committed intentional tort and fraud. Thomas Kost explained that the 6 points listed in the document evidencel_ist.txt provides "overwhelming evidence" that Mast and Popovich committed intentional tort and fraud. Clinton made no comment after Thomas Kost explained this.

This information was suppressed and ignored by Clinton and Williams since July 8, 2019 to the present.

As is shown in ARDC Complaint Against Edward X.Clinton and Julia C. Williams, Chapter 2, Sections 2K and 2C, Clinton and Williams intentionally created an 'artificial crisis' during the deposition of Hans Mast around the key evidence of the certified slip copy of the Tilschner v Spangler decision.

The Timeline shows that Talarico was given detailed documents on exactly how Clinton and Williams collaborated with opposing counsel and that Talarico was given pre-drafted ARDC complaints to file continually since around November 9, 2022 by his client. If the number of times Talarico was informed in the Timeline was assembled into a Table, the Table would be much, much longer than Table 11 above.

HOW TALARICO INSTIGATED AN 'ARTIFICIAL CRISIS'

As is documented in ARDC Complaint Against Edward X. Clinton and Julia C. Williams, Chapter 2, Section 2K, Clinton and Williams intentionally sabotaged the Hans Mast deposition to favor the defendants. Talarico appeared to be using what are basically the same techniques of 'bury key evidence' and 'bury fraud' as Clinton-Williams, intentionally attempting to create an 'artificial crisis' around the filing of the Supreme Court Petition:

- Talarico treated the Supreme Court Petition similar to the way Clinton and Williams treated the deposition of Hans Mast[1].
- The 'smoking gun' that Dulberg sent to Williams on July 8, 2019 is just like the 'smoking gun' that Dulberg sent to Talarico on October 9, 2022.
- Just as Clinton-Williams completely ignored the 'smoking gun' proof given to them by Thomas Kost in the folder To_Julia, so Alphonse Talarico completely ignored the 'smoking gun' proof given to him by Thomas Kost in the folder _document_suppression_smoking_gun and violated the Himmel Rule as a result.
- Just as Clinton-Williams ignored the 'smoking gun' issue and only met with Dulberg the day before the Deposition of Mast, (and then intentionally omitted key evidence during the deposition of Mast), so Alphonse Talarico ignored the 'smoking gun' issue, 'dragged his feet' up to when the Supreme Court petition was due, and resigned as attorney before the Supreme Court Petition was successfully submitted.

Talarico seems to have violated the Himmel Rule for the last 15 months to keep the record of a sophisticated system of document and information supression Clinton-Williams and opposing counsel Flynn used against Dulberg from being reported to the proper authorities.

Talarico then needed some 'artificial crisis' to somehow jeopardize the filing of the document with the Supreme Court. It was then that a 'crisis' somehow arose between what the clerk told Talarico to alter in the Supreme Court Petition and the Supreme Court Petition itself.

Talarico proceeded to give Dulberg a series of instructions rather than do the work himself, and Dulberg worked according to Talarico's instructions very hard for the next 3 days doing what Talarico asked him to do (marked in an orange box in the following Visual Aid):

Visual Aid 23 - Communication during preparation of Supreme Court Petition.png

Talarico kept Dulberg working continuously from January 9, 2024 to January 11, 2024. Dulberg informed Talarico he hadn't even taken a shower for days because he had been so busy following Talarico's instructions day and night. After 3 days of the same behavior Dulberg grew frustrated and sent this linked email to Talarico, telling him to do work himself rather than simply relay instructions from the clerk to Dulberg and have Dulbeg do all the work.

1 The deposition of Hans Mast is described in:
ARDC Complaint Against Edward X. Clinton and Julia C. Williams, Chapter 2, Section 2K

Thomas Kost was not aware there was any 'crisis' emerging until some 'event' took place on January 11, 2024 between Talarico and Dulberg (which is described in their email exchanges and in Dulberg's notes of what transpired between them).

Once it was clear that some kind of 'artificial crisis' was being triggered and Talarico claimed that Dulberg 'blocked his calls', Dulberg sent all necessary work product to Talarico and asked Thomas Kost to interact with Talarico to resolve any 'crisis'.

Thomas Kost informed Talarico that all communication between them should be in writing by email. All remaining interactions between Talarico and Thomas Kost are in 2 email threads linked here and linked here. Thomas Kost was very aware of how an attorney may try to create some sort of 'artificial crisis' as a 'cover story' as they basically try to 'cut ones throat' at a critical moment. For this reason Thomas Kost was very careful to not give Talarico the 'artificial crisis' Talarico appeared to be trying to make. Talarico then abruptly resigned just after Thomas Kost asked Talarico a series of questions about possible violations of the Himmel Rule by Talarico.

Williams did something very similar just after the deposition of Hans Mast. Williams had Dulberg work continuously on thousands of documents between June 26, 2020 (the day after Mast's deposition) until July 1, 2020, the day before Flynn filed a supplemental discovery on Dulberg. This work required Dulberg to individually scan documents for days. The following links are to emails between Williams and Dulberg from June 26, 2020 and July 1, 2020 (note that the total size of the email attachments requested by Williams is more than 2 gigabytes):

2020-06-26_0942 AM_RECV_Dulberg v Popovich Documents/
2020-06-26_1323 PM_RECV_Dulberg v Popovich Documents/
2020-07-01_1131 AM_SENT_Dulberg v Popovich Documents/
2020-07-01_1134 AM_SENT-1_Dulberg v Popovich Documents/
2020-07-01_1134 AM_SENT-2_Dulberg v Popovich Documents/
2020-07-01_1145 AM_SENT_Carolyn McGuire deposition with notespdf/
2020-07-01_1228 PM_SENT_Resending new pdfs of depositions with notes/
2020-07-01_1241 PM_SENT-1_Dulberg deposition with notespdf/
2020-07-01_1241 PM_SENT-2_William McGuire deposition with notespdf/
2020-07-01_1241 PM_SENT-3_McArtor deposition with notespdf/
2020-07-01_1241 PM_SENT-4_Gagnon Deposition with notespdf/
2020-07-01_1242 PM_SENT_Dulberg deposition with notespdf/

After Williams had Dulberg prepare all these documents, she never used the thousands of pages of documents she had Dulberg individually scan for her and she resigned as counsel less than 4 weeks later.

What Williams did to Dulberg (described above) is similar to what Talarico did to Dulberg from January 9, 2024 to January 11, 2024. This Visual Aid helps see the amount of work (in the orange box) Talarico had Dulberg do alone beginning the morning after the Supreme Court Petition was submitted and the emails in which Talarico instructed Dulberg to do this work and can be viewed in the Timeline.

The Mast Deposition by Clinton-Williams and the Supreme Court Petition by Talarico have the following features in common:

- Foot-dragging leading up to the moment of 'artificial crisis'
- Suppression of key evidence leading into 'crisis'
- Creation of 'artificial crisis' which keeps key evidence 'buried'
- The 'artificial crisis' is to give the offending attorney a 'cover story'
- The client is given an extraordinary amount of work to do to either keep them distracted (like Clinton-Williams) or to blame them for something (like Talarico)
- The 'cover story' and 'artificial crisis' is used to abandon the client at the critical moment that the client tries once again to enter 'key evidence' into the court records.
- The client will be blamed for the 'problems' which were intentionally created by the attorney(s).

Table 13 below compares the deposition of Hans Mast and the Supreme Court Petition in more detail.

TABLE 13: Intentionally Creating an 'Artificial Crisis' to Sabotage Client's Claims: Clinton-Williams Deposition of Mast and Talarico Supreme Court Petition compared

	Clinton-Williams Treatment of Mast Deposition	Talarico Treatment of Supreme Court Petition
Possession of key evidence of fraud	sent folder: To Julia/ on July 8, 2019	sent folder: _document_ suppression_smoking_gun/ on October 9, 2022
Time leading up to 'artificial crisis'	about 1 year	about 15 months
Number of times client continued to send direct evidence of fraud	listed in Table 11	too many times to list in a table. The entire record is contained in the Timeline

	Clinton-Williams Treatment of Mast Deposition	Talarico Treatment of Supreme Court Petition
Just before 'artificial crisis'	ignored proof of fraud and 'foot-drag' until just before the 'artificial crisis'. The day before the Mast deposition is the first time Clinton-Williams conferred with Dulberg and Thomas Kost (even though Dulberg had been asking for a meeting for about 1 year since July 8, 2019). At the meeting Thomas Kost explained to Clinton and Williams once again that we were in possession of "overwhelming evidence" that Popovich and Mast intentionally committed fraud. Everything Thomas Kost explained at the meeting was ignored by Williams the next day during the deposition	ignored proof of fraud and 'foot-drag' until just before the 'artificial crisis'
During 'artificial crisis'	intentionally engineered 'accidental technical problems' during Mast Deposition and key evidence went missing	Described in detail in this document. We somehow did not successfully submit the Supreme Court Petition
During 'artificial crisis'	put permanently disabled client to work shuffling through and arranging thousands of pages of documents	put permanently disabled client to work shuffling through and arranging thousands of pages of documents
The 'artificial crisis' allows for the continued suppression of key evidence and fraud	true	true
'Cover story' that blames permanently disabled client for causing the 'artificial crisis'	Dulberg is to blame. See Fraud Chart, column labelled "13" for complete summary of 'cover stories'	Dulberg is to blame. See Fraud Chart, column labelled "13" for complete summary of 'cover stories'

As shown in Table 13 above, Clinton-Williams and Talarico both invented an 'artificial crisis' to blame their permanently disabled client and both abandoned their permanently disabled client

with an intentionally engineered mess.[1] As shown in the Fraud Chart in the column labeled '13', all 6 law firms used and still use the same or very similar 'cover stories'.

After this single email Dulberg sent to Talarico, the written record demonstrates there is a complete 'Dr Jekyll-Mr Hyde' transformation in Talarico:

- The Timeline proves there is not a single negative email by Dulberg or Thomas Kost toward Talarico before or after this single email written by Dulberg.
- In fact, there is not a single negative sentence or comment in any written communication between Dulberg and Talarico or between Thomas Kost and Talarico since first meeting in November, 2020.[2]
- Therefore, over a period of around 39 months, Talarico cannot produce a single written exchange with Dulberg or with Thomas Kost in which Talarico can find a single sentence where he was insulted by Dulberg or Thomas Kost.
- The first and only email which Talarico can claim was personally insulting to him was written on January 11, 2024, 3 days after Dulberg's Supreme Court Petition was due and after Dulberg alone was assigned by Talarico to all the work shown in the emails marked in the orange box in this Visual Aid.
- In this same period Talarico received hundreds of thousands of dollars from Dulberg.

As demonstrated in the Timeline and as will be demonstrated in the compiled written history of communication between Dulberg and Talarico and between Thomas Kost and Talarico (to be released soon), there is no evidence that Talarico ever acted or expressed himself to Paul Dulberg or Thomas Kost in the way he did after receiving the email from Dulberg. From that moment onward, there is a change in Talarico's personality that is so completely opposite to how Talarico behaved from November, 2020 up to that moment that the reference to a "Dr Jekyll-Mr Hyde transformation" is warranted.

TALARICO'S 'COVER STORY' FOR RESIGNING COMPARED TO THE 'COVER STORY' GOOCH USED WHILE BEING FIRED

The way Gooch was fired and the way Talarico abruptly resigned are amazingly similar. A rough outline of the events that led to the firing of Gooch follows:[3]

This text document attached to an email sent from Dulberg to Gooch included instructions to list the liabilities of McGuires and the liabilities of Mast in a clear and explicit way in the complaint.

1 The intentionally engineered mess Clinton-Williams left for Dulberg is described in: ARDC Complaint Against Edward X. Clinton and Julia C. Williams, Chapter 1
2 Compiled attorney-client communication to be released soon
3 Described in ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk beginning paragraph 93

On 10/2/2018 1:06 PM Thomas Gooch replied to Dulberg by email stating:[1]

">

> Mr. Duhlberg;

>

> I have your attachment and am deeply offended by it.

>

> I more upset over being ordered to call you today. I am preparing for trial and frankly don't have time to read or comment on your attempts to educate me on what legal malpractice is all about, I particularly don't have time top read outdated cases on the elements of a legal malpractice case, nor do I have any intention of quoting the law you sent to me.

>

> You understand full well I'm sure that I have been doing this for a very long time, if I need help on understanding the law I will get from someone who knows how to do legal research, you and your brother don't.

>

> If I have anymore of this authoritative comments or instructions I will have to give particular thought to withdrawing my appearance and letting you represent your self or find someone else, understand this is not an empty threat, I will tolerate any more of this. If I need a factual question answered and I'm sure I will in the course of this litigation then I will ask you but kindly stop with rudimentary research. The Google searches of you and your brother are not replacements for my law license.

>

> I generally don't have a proble3m with relatives helping out and being involved just so long as the client understands that the relatives involvement may waive the attorney client privilege. However at this point your brother has become more the problem then helpful. While I can not prevent him from injecting himself into your case through you, I am no longer willing to have him present at conferences or communicate directly with me.

>

> At this point with everything I have going and the attitude you are displaying I have serious doubts as continuing to represent you. Kindly do not communicate with my staff on the telephone in the manner you chose today

>

> Sincerely

>

1 Exhibit 122_2018-08-31_Dulberg vs Law Offices of Thomas J Popovich PC et a.pdf

> Thomas W Gooch"

As described in Evidence of Fraud on the Court in 17LA377 During Clinton -Williams Representation Clinton and Williams appear to mock their own fully disabled client by repeatedly mis-typing his name as "Duhlburg" (as can be seen in "Visual Aid 11 - Mocking client")[1]. Note that Gooch begins the letter by writing "Mr. Duhlberg". This appears to be a shared inside joke between Popovich, Mast, Gooch and Clinton and Williams. They all mis-spelled Dulberg's name the same way.

Dulberg responded by email stating[2],

> "Hello Tom and Sabina, I didn't understand the last email I received so I need some clarification. I was never rude or not courteous to you staff and your staff was always courteous to me. Yesterday I talked with Nikki breifly just to confirm that the office received the email. She was friendly and courteous. I said nothing rude or offensive.
>
> I never ordered you or anyone to call me yesterday. I honestly don't know why you believe I did. I was not aware there was anything offensive in the attachment I sent. As I read it again I still can't see anything offensive in it.
>
> As you know I have a permanent disability. You may not know I am on medication to control pain and spasms and this medication does not allow me to focus on complex subjects to a prolonged time. Since I do not understand your last email and I don't have much time before appearing in court I need to know where I stand.
>
> Are you thinking of not continuing to represent me in this case?
>
> Are you going to submit a second amended complaint on October 10 and appear in court?
>
> Will I be given enough time to review the complaint before it is submitted?
>
> May I comment on it or request changes to it or ask questions about it?
>
> I do not want to offend anyone, so I need to know what I can comment on or ask questions about.
>
> I have no memory of any inappropriate behavior when talking to Nikki yesterday. Please let me know how I can communicate with your staff or what I can include in an email in the future so you are not offended again.
>
> Sorry if I did anything wrong. Sincerely, Paul Dulberg "

On October 3, 2018 Gooch replied to Dulberg's email point by point. Gooch responses are in red font. The email[3] is reproduced:

> "From: Thomas W. Gooch III gooch@goochfirm.com

1 Exhibit 124_Visual Aid 11 - Mocking client.png
2 Exhibit 122_2018-08-31_Dulberg vs Law Offices of Thomas J Popovich PC et a.pdf
3 Exhibit 122_2018-08-31_Dulberg vs Law Offices of Thomas J Popovich PC et a.pdf

Subject: RE: from tom

Date: October 3, 2018 at 12:56 PM

To: Paul Dulberg pdulberg@comcast.net

As you know I have a permanent disability. You may not know I am on medica:on to control pain and spasms and this medica:on does not allow me to focus on complex subjects for a prolonged :me. Since I do not understand your last email and I don't have much :me before appearing in court I need to know where I stand.

You seem to have been very focused when you delivered to me your research notes on the elements of legal malprac8ce, not that I need the wri;en lecture on what legal malprac8ce consists of

Are you thinking of not con:nuing to represent me in this case?

Yes I am considering withdrawing on your behalf. I need no research from you on legal malprac8ce answering my ques8ons on facts is helpful when I ask. I want no more involvement from your brother, Obviously he can talk to you all you want, I can't prevent that but if I perceive further interference from him then I will have to re-evaluate my con8nued ability to competently represent you. I will not allow him to be here in my office for any purpose. "

Are you going to submit a second amended complaint on October 10 and appear in court?

We may seek an extension, we appear on court dates as a general rule always. You do not and have not had any court dates that require your appearance.

Will I be given enough :me to review the complaint before it is submiFed?

When I determine the complaint is in my opinion legally sufficient it gets filed, naturally you will get a copy of it for your records.

May I comment on it or request changes to it or ask ques:ons about it?

You, not your brother, can ask all the ques8ons you wish. I generally do not ask a client if a complaint is legally sufficient, nor do I want a client draFing a complaint that I have to sign. Most clients do not know the difference between pleading conclusions of law or fact, pleading evidence or the correct pleading of ul8mate material factual allega8ons. In as much as you have advised you are on pain medicine unable to "focus on complex subjects I ques8on how much you could help in any event. I can get a lot done when I don't have to answer emails like this one.

I do not want to offend anyone, so I need to know what I can comment on or ask ques:ons about.

Making demands and lecturing me on the law are greats way to be offensive, likewise demanding to know when you will be called and comments about caring about anyone else we represent or other cases is not conducive to not offending us.

gooch"

In the case of Talarico there was a similar strange effort to provoke Dulberg into some kind of 'argument' so Talarico could 'take offense' and blame Dulberg for Talarico resigning as counsel. Just like with Gooch, Talarico refused to reply to or take seriously the rational information his client was presenting to him. Both Gooch and Talarico completely avoided any rational discussion by 'taking offense'. Both attorneys feign emotional reactions of being 'hurt' or 'offended' by their permanently disabled client to completely back out of answering any of their client's valid questions or concerns.

Both attorneys 'run for cover stories' in a very similar way to avoid any direct, well-formulated and rational questions their client poses to them about their strategy or legal theory. ***They feig being hurt and as a way to never be confronted on the issues of their own deception.***

They then blame their permanently disabled client for any confusion (just like every other law firm retained by Dulberg has done as shown in the Fraud Chart, the column labeled, '13: 'run for cover stories".)

In the letter Gooch claimed, "I more upset over being ordered to call you today." This is an invention by Gooch that never took place. Likewise, Dulberg was never rude to a secretary. This is a made up story so Gooch can blame Dulberg for something.

Talarico accused Dulberg of 'blocking his calls' and therefore Talarico claimed to block Dulberg's calls 'in response'. This is a made up story in that phone records easily prove Talarico never made a call that was blocked. Talarico also mentions in his final emails that he has brought up the idea of payment a few times and Talarico seems to imply that Thoms Kost is avoiding the issue. But Talarico knows that payment is made on the 15th of every month and Talarico resigned on the 14th of January (the day before payment was due). This is another 'make-believe' reason he tried to place in the written record. Just as with Gooch, a 'make-believe' reason is invented by Talarico to give some 'alibi' or 'cover story' to accuse their own permanently disabled client of something they did not do.

WE ARE DESPERATELY TRYING TO BRING TO YOUR ATTENTION THE FACT THAT OUR SUPREME COURT PETITION IS POSSIBLY BEING SABOTAGED BY OUR RECENT ATTORNEY AT THIS VERY MOMENT!!

What Talarico is effectively attempting to do is to cut the throat of his permanently disabled client on the front steps of the Illinois Supreme Court and let his victim bleed out slowly and die.

What is truly shocking in how Talarico 'sand-bagged' to benefit the defendants and undermined his own client's cases is the sheer audacity of the effort. The Timeline, as this Visual Aid helps see, contains a long and detailed record of Talarico 'dragging his feet' the whole time while his clients for the most part were left to write Dulberg's Supreme Court Petition by themselves (in the yellow box). Talarico then strangely assigned Dulberg to do all the work in the orange box of the Visual Aid. Talarico got a single email from Dulberg that Talarico could interpret as negative and personal, which came at the end of all the activity in the orange box. Then Talarico used that

single email as a reason to 'foot-drag' some more and resigned as counsel 2 days later. Alphonse Talarico ***already had*** a detailed record of how 5 consecutive Illinois law firms brutally attacked their own permanently disabled client (Dulberg). Talarico ***already knew*** a detailed record of the fraud was posted on a public website. Yet Talarico apparently ***still felt free enough (and protected enough)*** to try to cut the throat of his own client on the steps of the Illinois Supreme Court (and Talarico must feel he can get away with it). None of the attorneys that acted against Dulberg over the last 13 years seemed to fear any consequences, no matter how visible or audacious their actions became. ***These are not the actions of people who seem to fear repercussions for ethical violations***.

THE MAPPINGS REVEAL A PROBLEM WITH THE ILLINOIS BAR

We believe it is important to recognize that what Dulberg is documenting and mapping is a problem with the Illinois Bar. It is not the fault of Dulberg. It is the inability for the Illinois Bar to take care of an issue which is caused by the Illinois Bar and that is the cause of what is happening to Dulberg. Dulberg suffers the result but the problem lies in the inability of the Illinois Bar to enforce a culture where violations of the Himmel Rule are not treated as a joke.

It is the inability for the Illinois Bar and Illinois Courts to enforce a working system of self-policing. The people who did this and continue to do this to Dulberg seem to operate with impunity in an atmosphere in which such ***horrific treatment of a permanently disabled person is treated as if it is the norm***.

We expect to submit **ARDC Complaint Against Alphonse Talarico PART 2:** which will map Talarico Violations of Himmel Rule Throughout the various cases and ways Talarico played 'hoaxes' and 'planted time-bombs' to sabotage the case of his permanently disabled client (Dulberg's) case. Talarico did this to benefit the people listed in Table 2, among others.

We also expect to submit **ARDC Complaint Against Alphonse Talarico PART 3:** which will map and compare the methods used by Talarico to try to sabotage all 3 times Dulberg has filed appeals in the Illinois Appellate Courts and the Illinois Supreme Court.

SUPPLEMENT TO ARDC COMPLAINT AGAINST ALPHONSE TALARICO, PART 1

TALARICO'S SYSTEM[1] OF DOCUMENT AND INFORMATION SUPPRESSION TO SABOTAGE DULBERG'S CLAIMS AND BENEFIT OPPOSING PARTIES AND DULBERG'S FORMER LAW FIRMS ARE MAPPED AS FOLLOWS:

Talarico's system of document and information suppression to collaborate with opposing counsel and sabotage Dulberg's claims is based on 5 key inactions shown in the following Visual Aid:

Visual Aid 28 - Talarico system of document and information suppression which intentionally conceals Clinton-Williams system of document and information suppression.png

Talarico was informed of the contents of the folder 'To Julia' and the evidence called 'smoking gun' when he was retained in October, 2020 and was told an amended complaint needed to be filed covering this information which was suppressed by Gooch-Walczyk and Clinton-Williams.

The 5 key inactions of Talarico's system of document and information suppression are:

1) Talarico never filed third amended complaint while collecting large amounts of new evidence. The new evidence is never turned over to opposing counsel or bates-stamped. The client is made to feel they are always preparing new evidence for a new complaint, but somehow the complaint never gets written on time and the evidence is simply hoarded.

The following folder documents how much evidence Talarico had been sent but did not ever present to opposing counsel or in court:[2]

Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/

This inaction acted to protect Popovich and Mast from the large body of evidence shown in ARDC Complaint Against Thomas J. Popovich and Hans Mast,[3] most of which was never presented in court.

2) Talarico knew of fraud on the court and collaboration between opposing counsels in the underlying case 12LA178 but did not report the information to ARDC and never raised the issue in court. Talarico acted in a way that the fraud on the court in 12LA178 would remain hidden.

This inaction acted to protect all attorneys who acted in collaboration with each other.

1 As complete as is currently mapped. We are learning new aspects of the system daily and will update our documentation as more is learned.
2 This folder, though already very large, is still being added to daily as more email print-outs are produced.
3 A version of the same material with hyperlinks to all exhibits can be seen here: Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation

3) Talarico knew of fraud on the court in 17LA377, knew of Clinton-Williams sophisticated system of document and information suppression and collaboration with opposing counsel Flynn but did not report it to the ARDC and did not raise the issue in court

The following online folder contains a detailed timeline of when Dulberg first became aware of the sophisticated system of document and information suppression Clinton and Williams were using to sabotage Dulberg's case:

Group Exhibit 49_Dulberg's discovery and efforts to notify Judges of Clinton-Gooch-Popovich fraud on court/

The following Visual Aid helps see groups of key events that took place in the timeline and it helps see the relation of each of these groups to the others:

Visual Aid 24 - Timeline of discovery and raising issue of fraud during litigation.png

This inaction acted to protect Clinton, Williams, opposing counsel Flynn and the defendants from being discovered in the act of suppressing large numbers of documents and collaborating together to sabotage Dulberg's claims.

4) Talarico also did not act on a civil complaint against Clinton and Williams that his clients wrote and asked Talarico to act upon. Dulberg tried to raise the issue of Clinton-Williams sophisticated system of document and information suppression from October 2022 onward in many ways as the Timeline in Group Exhibit 49 demonstrates.

The speed that complaints were written and filed are compared in the Table 14a below.

TABLE 14a: THE SPEED OF WRITING TWO COMPLAINTS COMPARED

Complaint Client Asked Talarico to Submit	Date	Time it took to write	Author	Result
Baudin complaint	Dec 2022	about 3 weeks[1]	written by client, given to Talarico	submitted
Popovich-Mast 3rd Amended Complaint	Dec 2020 to Nov 2022	over 2 years - never finished[2]	Talarico attempted to compose by himself while talking to Dulberg daily by phone	never submitted

1 The following documents from the Group Exhibit 50 timeline establish when the information was given to Talarico:
2022-11-11_2_baudin_olsen_complaint.txt
2022-11-28_1035 AM_RECV_Re Baudin AttorneyClient Agreement.pdf
2022-11-29_1209 PM_SENT_Re Revised Attorneyclient Agreement pursuant to your instructions_with attachments.pdf
2022-12-07_Gmail - Baudin complaint Deadline, internet down, Signature on my behalf.pdf
2022-12-08_Gmail - Fwd Baudin complaint Deadline, internet down, Signature on my behalf.pdf

2 In the Group Exhibit 50 timeline Talarico is first informed of the need update the complaint here:
2020-12-14_0926 AM_SENT_Status of 17LA000377.pdf

Table 14b below lists other Civil Complaints and ARDC Complaints we tried to submit through Talarico, but later came to understand Talarico would not act upon.

TABLE 14b: OTHER COMPLAINTS DULBERG PROVIDED TO TALARICO

Complaint Client Gave to Talarico	Date	Time it took to write	Author	Result
Clinton-Williams Civil Complaint	Dec 2022[1]	about 3 weeks	written by client, given to Talarico	never submitted
Clinton-Williams ARDC Complaint	Dec 2022[2]	about 3 weeks	written by client, given to Talarico	never submitted
ARDC Complaint Against Edward X. Clinton and Julia C. Williams	July 2023	about 1 month	written by client after growing frustrated with Talarico's delays and after watching Olsen be let out of 22L010905 on May 25, 2022 due to the 2 year SoL expiring	submitted by client through Talarico (because he asked us to do it this way)
ARDC Complaint Against Thomas J. Popovich and Hans Mast	Aug 2023	about 1 month	written by client after growing frustrated with Talarico not presenting the same evidence in court and after watching Olsen be let out of 22L010905 on May 25, 2022 due to the 2 year SoL expiring	submitted by client through Talarico (because he asked us to do it this way)
ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk	Oct 2023	about 1 month	written by client after growing frustrated with Talarico not presenting the same evidence in court and after watching the Baudins be let out of 22L010905 on Aug 29, 2022 due to the 2 year SoL expiring	submitted by client directly (because we were frustrated with Talarico's delays)

1 The following documents from the Group Exhibit 49 timeline establish when the information was given to Talarico:
2022-11-09_Gmail - Document suppression smoking gun.pdf
2022-11-09_document_suppression_smoking_gun/
2022-12-03_Gmail - ARDC complaint against Williams and Flynn underlying facts.pdf
2022-12-03_Gmail - Documents to release from attorney client privilege.pdf
2022-12-15_Draft_Civil_and_ARDC_Complaint_against_Williams_draft copy.txt
2023-01-02_Civil_and_ARDC_Complaint_against_Williams_draft.txt
2023-01-02_Gmail - Williams complaint ready for Alphonse.pdf

2 same as above

Complaint Client Gave to Talarico	Date	Time it took to write	Author	Result
ARDC Complaint Against William Randall Baudin II and Kelly Baudin	Oct 2023	about 1 month	written by client after growing frustrated with Talarico not presenting the same evidence in court and after watching the Baudins be let out of 22L010905 on Aug 29, 2022 due to the 2 year SoL expiring	submitted by client directly (because we were frustrated with Talarico's delays)
ARDC Complaint Against Brad Balke	Oct 2023	about 1 month	written by client after growing frustrated with Talarico not presenting the same evidence in court and after watching the Baudins be let out of 22L010905 on Aug 29, 2022 due to the 2 year SoL expiring	submitted by client directly (because we were frustrated with Talarico's delays)

Talarico (through his various inactions) acted to protect Clinton-Williams from being detected. Talarico also acted to protect opposing counsel Flynn and defendants Popovich and Mast from being detected. Talarico then (through his various inactions) acted to protect the Baudins, Olsen, Allstate, and ADR Systems.

5) Talarico committed acts #1, #2, #3 and #4 as listed before filing the Baudin complaint but Talarico kept the evidence of acts #1, #2, #3 and #4 out of all 22L010905 court records and away from the presiding Judge.

Talarico once again (through his various inactions) acted to protect the Baudins, Olsen, Allstate, and ADR Systems.

Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/

THE *COMPLETE SYSTEM*[1] OF DOCUMENT AND INFORMATION SUPPRESSION USED TO SABOTAGE DULBERG'S LEGAL MALPRACTICE CLAIMS IN ILLINOIS CIRCUIT COURTS IS MAPPED AS FOLLOWS:

The integrated and sophisticated system all of Dulberg's legal malpractice attorneys used to sabotage Dulberg's claims and benefit the defendants and opposing counsel can be modelled as shown in this Visual Aid:

Visual Aid 29 - Integrated system of legal malpractice document and information suppression in Illinois.png

1 As complete as is currently mapped. We are learning new aspects of the system daily and will update our documentation as more is learned.

The complete integrated system of document and information suppression used against Dulberg by a network of legal malpractice attorneys in Illinois is a highly complex, layered and sophisticated system which has the following characteristics:

- It is a layered system that becomes increasingly more complex with every layer.
- The outer layers intentionally try to conceal fraud that what happened in the inner layers.
- Steps 1, 2, 3 (and beyond) effectively act as a single, integrated system wherein the victim 'digs their own grave' and loses more and more money in a process they can never hope to win. But the victim does not know they are being made to 'dig their own grave' (and pay for it, too).
- The topmost layer will use their 'cover story' and their legal malpractice insurance to protect all other members of the Illinois Bar in the inner circles.
- It resembles a type of 'honor system' where the most recent law firm "falls on their sword" if necessary to protect all the other members of the Illinois Bar. But why it would be considered 'honorable' to effectively 'gang-rape' a permanently disabled U.S. citizen and Illinois resident somehow goes unexamined.
- It is a system of fraudulant concealment of fraudulant concealment, over and over, until the victim's claims against members of the Illinois Bar are destroyed. Layer by layer, fraud by fraud, the victim is attacked until the protected network of Illinois attorneys escape all consequences for their collective acts of fraud, fraudulant concealment, fraud on the court, and violations of the Himmel Rule.
- The more the victim resists, the deeper the hole becomes.

Based on the integrated system of document and information suppression in Visual Aid 29, the only accurate and detailed mapping of the integrated system of document and information suppression experienced by Dulberg to sabotage his legal malpractice claims must include:

> The system of document and information suppression and fabrication used by Gooch-Walzyk mapped here: ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk

followed by and combined with

> The system of document and information suppression used by Clinton-Williams mapped here: ARDC Complaint Against Edward X. Clinton and Julia C. Williams

followed by and combined with

> The system of document and information suppression used by Talarico mapped here: ARDC Complaint Against Alphonse Talario Part 1

Only the 3 systems of document and information suppression happening one after the other and

taken as a single integrated system can represent what Dulberg experienced in an accurate way. Two important facts become apparent:

- This demonstrates the high level of complexity in the multi-layered system used to fraudulantly conceal collective attorney-on-client fraud and protect an offending network of Illinois attorneys.

- The high level of complexity also shows that the average victim of such an integrated and prolonged attack can never realistically hope to defend themselves (or even figure out what is happening to them) as their world crumbles around them due to events they were never intended to understand or protect themselves and their families against.

The system works by attacking the targeted victim through their own attorney. This is one of the most characteristic 'trade-marks' of the integrated system as shown in Visual Aid 29.

The system as shown operates by 'choking' the client through using the filed complaints as the key 'choke points'. The Dulberg examples show to what extreme a degree the client can be 'choked'. This can be seen by simply comparing the contents of the filed complaints (listed in Table 14c below) with the contents of the 10 ARDC complaints we've submitted to date.

TABLE 14c: ONLY COMPLAINTS SUBMITTED ON DULBERG'S BEHALF IN 17LA377

Complaints filed in 17LA377	Author	Date	System of document and information suppression used
Complaint at Law	Gooch-Walczyk	11-28-2017	Described in detail in ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk
First Amended Complaint	Gooch-Walczyk	6-7-2018	Described in detail in ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk
Second Amended Complaint	Clinton-Williams	12-6-2018	Described in detail in ARDC Complaint Against Edward X. Clinton and Julia C. Williams

The three complaints in Table 14c demonstrate how a client is 'choked' into appearing to make an extremely limited number of (contradictory and ineffectual) accusations against defendants who are actively being protected by a network of Illinois legal malpractice attorneys. Talarico was retained in October, 2020 largely for the purpose of updating the complaints listed in Table 14c above yet Talarico never filed any complaint with updated accusations. Talarico became aware of evidence of fraud on the court in underlying case 12LA178 yet again took no action. Talarico was then shown a detailed description of how Clinton-Williams used a sophisticated system of document and information suppression and collaborated with opposing counsel to sabotage Dulberg's claims in case 17LA377. Talarico again took no action. Instead, Talarico left the complaints listed in Table 14c above to represent Dulberg's claims against Popovich and Mast. This resulted Dulberg losing a Summary Judgment motion to opposing counsel in the Circuit Court based on the 2 year statute of limitations expiring. Talarico then failed to write a timely

appellant brief and failed to file a timely and acceptable petition to the Illinois Supreme Court before Talarico abruptly withdrew on January 14, 2024 stating, "I will report your actions to my malpractice insurance carrier".

We believe the overall process described by this integrated set of mappings is truly sickening in that we have lived it for more than a decade and we know that the average (Illinois resident) victim ***will never b ab e to d fend hemselves*** from becoming a mere food source for a predatory network of Illinois attorneys who use these and similar systems of fraud.

THE SYSTEM OF FRAUDULANT CONCEALMENT USED AGAINST DULBERG BY A NETWORK OF ILLINOIS ATTORNEYS MAPPED IN TABLES

The basic techniques Talarico used are similar to the techniques that all 9 attorneys used before him. It is part of a ***system of fraud lant concealment*** used against Dulberg which is mapped in Fraud Chart by attorney and Fraud Chart by case.

Talarico's ways of using the methods listed at the top of both tables linked above are as follows:

1, 2, 3) 'Bury key evidence', 'Bury fraud', 'Bury troublesome issues'. what Talarico buried:

a) All evidence hoarded but never used.

b) Evidence of fraud on the court and collaboration between opposing attorneys to sabotage Dulberg's case in 12LA178.

c) Evidence of sophisticated system of document and information supression by Clinton-Williams and collaboration with opposing counsel to sabotage Dulberg's case in 17LA377.

4) 'Set up 2 year SoL escape hatch' for defendants

How it was done can be seen in both Visual Aid 24 and Visual Aid 28. All 3 listed items of 'buried key evidence' (a, b, and c listed above) needed to be 'buried' for the defendants to use a 2 year SoL 'escape hatch'.

How Talarico suppressed many acts of fraudulant concealment from before 22L010905 was filed throughout the entire proceedings to benefit opposing counsel can be seen by comparing Group Exhibit 43_22L010905 Common Law Record and Reports of Proceedings with the contents of the following three tables:

BEFORE THE BAUDINS: Popovich-Mast, Allstate, Barch, Balke collaborative fraudulant concealment table

WITH THE BAUDINS: Allstate, Olsen collaborative fraudulant concealment table

AFTER THE BAUDINS: Gooch-Walczyk and Clinton-Williams and Talarico collaborative fraudulant concealment table

The Tables reveal a system of fraud and fraudulant concealment. Talarico set up a 2 year SoL 'escape hatch' for Olsen and the Baudin defendants by doing the following:

a) by ignoring information in the Table 'BEFORE THE BAUDINS'

b) by suppressing the sophisticated system of Clinton-Williams document and information suppression and collaboration with opposing counsel in the Table 'AFTER THE BAUDINS'

c) by not including certain acts in the table 'WITH THE BAUDINS'

Talarico's system of document and information suppression works by using 5 key (in)actions listed in Visual Aid 28:

1) Talarico never filed an amended complaint while collecting large amounts of new evidence.

2) Talarico knew of fraud on the court and collaboration between opposing counsels in 12LA178 but did not report to ARDC and never raised the issue in court.

3) Talarico knew of fraud on the court in 17LA377, knew of the Clinton-Williams sophisticated system of document and information suppression and collaboration with opposing counsel but did not report it to the ARDC and did not raise the issue in court

This is how Talarico could set up a 2 year 'escape hatch' for defendants Mast, Popovich, the Baudins and Olsen:

- #1 and #2 (listed above) taken together allowed Talarico to ignore information in the Table 'BEFORE THE BAUDINS'
- #3 (listed above) allowed Talarico to ignore information in the Table 'AFTER THE BAUDINS'

Talarico was part of the system of fraudulant concealment: Essentially fraudulantly concealing the fraudulant concealment. Talarico concealed information in the Table 'AFTER THE BAUDINS' and 'BEFORE THE BAUDINS' to benefit the defendants and allow the 2 year Sol 'escape hatch' to be used.

5) to 12) 'Choke client'

Talarico's system for 'choking' Dulberg was through never filing an amended complaint but always acting as if he is preparing one. In this way all the information gathered and ready to present was never used. The evidence was simply hoarded by Talarico.

This is the main reason that the evidence in the ARDC Complaint Against Thomas J. Popovich and Hans Mast is completely different than the information stated in Dulberg's Complaint, Amended Complaint, and Second Amended Complaint (as shown in Table 14c). This is the effect of Dulberg being 'choked'. The 10 ARDC complaints we have submitted to date contains a large body of evidence that Talarico never presented in any court.

As shown in Table 14b, we grew frustrated by Talarico not using this large body of evidence in court and we wrote our own ARDC Complaints which included this large body of evidence and we eventually submitted complaints to the ARDC ourselves.

13) 'Run for cover stories'

Talarico's 'cover stories' are compared with the Gooch method of inventing an 'alibi' and the Clinton-Williams use of an 'artificial crisis' beginning on page 11 of ARDC Complaint Against Alphonse Talarico, Part 1.

In the large body of emails in the folder[1] linked below there is only a single one which Talarico could use as an 'alibi' for blaming Dulberg for 'offensive behavior'. The conditions under which Dulberg wrote that single email are described in ARDC Complaint Against Alphonse Talarico, Part 1, on page 12. Yet this appears to be a 'cover story' which Talarico is preparing to use for why he resigned:[2]

Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/

Talarico filed 2 motions to withdraw as counsel recently. The motion to withdraw documents Talarico sent to Dulberg are in this folder:

Group Exhibit 53_Talarico Motion to Withdraw documents/

In the motion to withdraw documets Talarico makes the following claims:

1) Irreconcilable differences regarding the preparation of this matter for hearings have arisen between this attorney and his clients herein;

2) There exists and has existed for some time a lack of communication and meaningful communication between this attorney and his clients herein;

3) The clients have not afforded this attorney herein adequate cooperation necessary to properly prepare the cause of the client and a difference of opinion appears to exist between clients and attorney as to the conduct of this matter;

4) That the clients were given notice of this Motion electronically at three email addresses that have been used by the clients for over two years and in accordance with Illinois Supreme Court Rule 13(c)(2);

1 This folder, though already very large, is still being added to daily as more email print-outs are produced.
2 This folder, though already very large, is still being added to daily as more email print-outs are produced.

5) Pursuant to the Rules of Professional Conduct 1.16(a)(1) the clients have insisted upon a course of unprofessional conduct that the attorney cannot comply with:

6) Pursuant to the Rules of Professional Conduct 1.16(b)(2) the clients have persisted in a course of action involvingthe lawyer's servicesthat the lawyer reasonably believes is fraudulent;

7) Pursuant to the Rules of Professional Conduct 1.16 (b)(5) the client failed substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

8) pursuant to the Rules of Professional Conduct 1.16 (b)(6) the representation will result in an unreasonable financial burden on the lawyer

These points, in Talarico's own words, summarize how Talarico is 'running for cover story' in a nutshell. Talarico appears to be blaming Dulberg for:

a) poor communication, lack of meaningful communication (Talarico's items 1, 2, 3)

b) fraudulent behavior (Talarico's item 6)

c) asking Talarico to act unprofessionally (Talarico's item 5)

d) Breach of financial obligation (Talarico's item 7, 8)

All communication between Dulberg and Talarico is contained in the following folder:[1]

Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/

Our record of communication with all attorneys against whom we have filed ARDC Complaints to date (which is available online) shows that we are courteous, respectful, financially responsible and rational clients, even while we are being attacked unjustly by 6 successive Illinois law firms.

The only evidence of fraud in the communication in Group Exhibit 50 is that of Talarico suppressing the evidence contained in the 10 ARDC complaints we have submitted to date from all Illinois court records and of Talarico violating the Himmel Rule.

Dulberg has made public all attorney-client communication with all attorneys included in the 10 ARDC complaints we have submitted to date. In truth, Dulberg has never had anything called 'attorney-client privilege'. Dulberg has not had any attorney listed in the 10 ARDC complaints submitted to date who has not been collaborating with or helping opposing counsel. Dulberg basically had a series of 'moles' or 'spies' as attorneys. If Dulberg or Thomas Kost engaged in fraud, it would be easy for any of the 'moles' or 'spies' who acted as Dulberg's attorneys to point it out. Since all our evidence and attorney-client communications are online, any online viewer with sufficient skills should be able to detect the fraud that Dulberg or Thomas Kost committed if any such acts of fraud existed.

1 This folder, though already very large, is still being added to daily as more email print-outs are produced.

As for breach of financial obligation, the email record in Group Exhibit 50 contains proof that Talarico abruptly resigned on January 14, 2024 after being asked whether he was in violation of the Himmel Rule. Talarico has his $15,000 retainer paid in advance on the 15th of every month. Email records show that Talarico was attempting to invent a 'cover story' to blame Dulberg for some breach of financial obligation that did not exist. The motion to withdraw documents demonstrate that Talarico is continuing to 'run' with the same 'cover story'.

These accusations against Dulberg and Thomas Kost represent a new ethical low point for an attorney 'running for cover stories' while collaborating in this network. In fact, to this moment Thomas Kost was not accused of anything. But now not only Dulberg but Thomas Kost is also accused of participating in fraud by Talarico.

According to the logic of the complete system of document and information suppression, not just Dulberg but other injured and permanently disabled people who resist the fraud being done to them can be expected to face similar accusations by an attorney 'running for cover stories'.

- First and formost, the permanently disabled person will be accused of engaging in fraudulant behavior themselves. They will be accused of 'faking' their injuries or handicaps or encouraging their attorney to lie for them.
- Secondly, they will be blamed for poor communication, legal ignorance and 'stubbornness'.
- Third, they will be accused of costing the attorney time and money.

For a permanently disabled Illinois resident to have to live through experiences as described in the 10 ARDC Complaints we have submitted to date, and then be accused by the most recent of the attorneys of fraud is yet another reason why we stated earlier:

> We believe the overall process described by this integrated set of mappings is truly sickening in that we have lived it for more than a decade and we know that the average (Illinois resident) victim ***will never b ab e to d fend hemselves*** from becoming a mere food source for a predatory network of Illinois attorneys who use these and similar systems of fraud.

These latest accusations by Talarico provide a detailed example of how the network of collaborating attorneys protects itself. **The system works by attacking the targeted victim through their own attorney**. The injured or permanently disabled victim, in most all cases, most probably has no chance to defend themselves.

HOW TALARICO SET UP HIS PERMANENTLY DISABLED CLIENT TO BE SUED AND/OR SANCTIONED FOR BRINGING A FRIVOLOUS ACTION AGAINST ADR SYSTEMS

Talarico knew of and failed to amend and correct his untrue statements made during the Allstate hearing on summary judgment. This failure resulted in a final and appealable decision by Judge Otto which did not address the previous court's order allowing an Amended Complaint against ADR Systems defendant before filing the appeal. Talarico failed to file an Amended Complaint against ADR Systems. Talarico's failed to correct his statement to Judge Otto. These failures resulted in the final and appealable decision in Allstate Summary Judgment ruling and the current pending ARD Systems motion for sanctions.

How Talarico set Dulberg up to be sanctioned by ADR Systems can be seen in detail in the sequence of events documented in the following folder:

Group Exhibit 43_22L010905 files received through attorney/

As the 'hoax' described above demonstrates, any victim who does not passively accept their fate could be set up and sued by offending attorneys for years to come in retaliation for ever resisting the vicious attack in the first place. After all, once the pattern of consistently blaming Dulberg is established as shown in the column labeled '13' in Fraud Chart by attorney and Fraud Chart by case and once Talarico joins in the accusations made by the network of attorneys against Dulberg, why would the network of attorneys stop when the legal malpractice claims against them are dropped? They could then continue to blame Dulberg in more and more ways while suing Dulberg repeatedly (as a collaborating network) for more and more made-up offenses.

SETTING UP ONES PERMANENTLY DISABLED CLIENT IN THE APPEAL PROCESSES TO SABOTAGE THE CLIENT'S APPEAL CLAIMS AND FINISH THEM OFF FOR GOOD

The techniques of sabotage mapped and documented in the 10 ARDC Complaints we have already submitted are all for naught if the offending attorneys cannot sabotage the appeal process also. This is necessary for the 'final death' of the client's case. Therefore it is during an appeal (in the Appellate Court or in the Supreme Court) where the targeted victim has to have their 'throat cut' one final time and be 'left to bleed out completely' to achieve this 'final death' of the case.

In fact, considering the mappings of sabotage in Illinois Circuit Courts that have already been documented in the 10 ARDC Complaints we have already submitted to date, it is only logical to expect to encounter complex methods of sabotaging any appeal claims that a targeted victim could attempt to make.

For these reasons the basic techniques #1 to #13 shown in the Fraud Chart by attorney and Fraud Chart by case require an accompanying set of techniques to 'finish the job' during any appeal process.

Talarico would play a central role in any expected attempt to sabotage the appeal processes of Dulberg. One example is how Dulberg's appeal of 17LA377 was denied "for failure to file a brief" during Talarico's representation as shown in the timeline of appeal events in this folder:

Group Exhibit 45_17LA377 appeal/

The following Visual Aid helps see how key events unfolded in the timeline:

Visual Aid 27 - How Dulberg's appeal was denied for failure to write a brief.png

Note that in the timeline in Group Exhibit 45 Talarico gave Dulberg the following 2 documents on October 17, 2023:

2023-10-17_Research ISCR 323(a) Print.pdf
2023-10-17_Research Recusal Print.pdf

The documents are Westlaw printouts of many appellate decisions in which cases were dismissed due to the plaintiff providing an insufficient record of the subject under appeal. One of the reasons consistently given in the appellate rulings is that the Plaintiff did not provide a record on how the Circuit Court Judge ruled which was sufficiently detailed enough for the Appellate Court to make a decision to overrule the decision of the Circuit Court Judge.

Talarico acted against Dulberg's explicit instruction to have a court reporter present at all court dates. This resulted in no official record of what was said or the reasoning behind the decision made during the Baudins defendants hearing (on August 29, 2022) resulting in Summary judgment. Talarico did the same thing on December 4, 2023 in a TIF case (2023 CH 04351) for Thomas Kost. After the TIF case decision of the Judge to dismiss Kost's claim, Talarico called Kost by telephone and told Kost that Talarico did not have a court reporter present during the decision because he said, "I didn't think we would lose". This makes no sense since Talarico was instructed to have a court reporter present at all court events without exception.

In ARDC Complaint Against Alphonse Talarico, Part 1 the events leading up to and during the writing of Dulberg's Supreme Court Petition were described in detail. The events described, taken together with the events described in this document, show how Talarico has made consistent efforts to sabotage Dulbergs attempts to appeal the Circuit Court decisions in 17LA377 and 22L010905 (which is necessary for the 'final death' of Dulberg's cases which Talarico appears intent on achieving).

This will be examined in another supplement or a 'Part 2' which we expect to submit once we receive our case file from Talarico.

SECOND SUPPLEMENT TO ARDC COMPLAINT AGAINST ALPHONSE TALARICO, PART 1

This document is being added to the original ARDC Complaint Against Alphonse Talarico, Part 1 (ARDC #6184530) to provide a precise timeline of when evidence of collaboration between Talarico and opposing counsel Flynn first appeared.

Timeline of when Talarico first began to collaborate with the SYSTEM OF FRAUD and suppress documents and information to help the SYSTEM OF FRAUD target Dulberg is contained in the following folder:

Group Exhibit 51 Timeline of first discovery of Meyer Recusal, forgery, fraud on court, collaboration with OC, other and Talarico burial of the same/

A Visual Aid that helps see what is happening in the timeline folder:

Visual Aid 26 - Timeline of first discovery of Meyer Recusal, forgery, fraud on court, collaboration with OC, other and Talarico burial of the same.png

The 2 red lines mark 2 points in time when Talarico began to act in ways which benefitted opposing counsel and Dulberg's former attorneys

The upper red line marks July 11, 2022. This is the first day in which evidence unmistakably emerges that Talarico was acting to sabotage Dulberg's claims and when Talarico first acted to suppress documents and information which were gathered and given to Talarico along the blue line.

The lower red line marks Talarico's moves to suppress the large body of evidence Talarico was given from around October 24, 2022 to November 9, 2022 (marked in green).

A body of evidence emerged along the blue line. Later a new body of evidence emerged along the green line. The red lines show Talarico's efforts to suppress both bodies of evidence. Talarico first begins to block the evidence gathered along the blue line on July 11, 2022. Talarico first moved to block the evidence gathered in the green box in late October, 2022 but certainly by November 9, 2022. According to the evidence in the timeline Talarico had been working for the benefit of opposing counsel Flynn, defendants Mast and Popovich and all of Dulberg's former attorneys for at least 5 months BEFORE Talarico filed complaint 22L010905 on December 8, 2022.

Sequence of events:

2022-03-26 Subpoena for signatures Erickson and Orton

2022-05-24 Omni reports on forgeries are finalized and published

2022-07-06 first day Talarico decides on plan to have the Mast deposition stricken from the record

2022-07-11 F1 discoveries are closed. Talarico deflects attention away from forgeries and toward Mast deposition

2022-08-02 subpoenas for Clinton-Williams on Mast deposition

2022-09-16 Flynn files MTD

2022-12-08 Talarico was effectively acting as a 'spy' or 'mole' when he filed complaint 22L010905 against the Baudins, Olsen, Allstate and ADR Systems.

2023-02-01_Popovich and Mast are let out of 17LA377

The forgeries were never raised as an issue but were known since 2022-05-24

The Clinton-Williams sophisticated system of document and information suppression and collaboration with opposing ounsel Flynn was never raised as an issue but was known since at least November 9, 2022

One can see how Talarico did this by watching how Talarico suppressed evidence of forgery and collaboration between opposing counsels in 12LA178 as the evidence was discovered along the blue line as of July 11, 2022.

Talarico then suppressed evidence of a sophisticated system of document and information suppression and collaboration between opposing counsels in 17LA377 as of November 9, 2022.

Therefore by November 9, 2022 Talarico was actively suppressing evidence of fraud on the court and collaboration between opposing counsels in 12LA178 and evidence of fraud on the court and collaboration between opposing counsels in 17LA377. Both of these acts of suppression were ongoing for at least 1 month BEFORE Talarico filed complaint 22L010905 against other defendants involved with 12LA178.

Talarico was also retained on April 30, 2022 by Thomas Kost to file case 2023 CH 04351 involving property placed in a TIF district against the wishes of the homeowner and involving altered documents. Talarico filed complaint 2023 CH 04351 on May 2, 2023. Both of these acts of suppression were ongoing for at least 6 month BEFORE Talarico filed complaint for 2023 CH 04351 in the TIF case.

Knowing when these 2 bodies of evidence were first discovered (in blue and green) and first suppressed (at the latest by the 2 red lines) helps see the true timeline of how each defendant was let out of their respective cases by using 2 year SoL 'escape hatches' originally set up by

Gooch-Walczyk and Clinton-Williams but finally acomplished through Talarico's own system of document and information suppression as seen in this Visual Aid:

Visual Aid 24 - Timeline of discovery and raising issue of fraud during litigation.png

Visual Aid 24 shows when the information of the Clinton-Williams sophisticated system of document and information suppression first emerged and collaboration with opposing counsel Flynn. Visual Aid 24 does not show the earlier suppression of evidence from July 11, 2022 which is shown in Visual Aid 26 and happened earlier. As shown in Visual Aid 24, Popovich and Mast were dismissed from the case on February 1, 2023 using a 2 year SoL 'escape hatch' while Talario was in possession of forgeries made by Popovich-Mast and involving opposing attorneys Barch and Accardo since around May 24, 2022.

What Talarico was doing is easy to see by simply paying attention to what happened to the proofs of forgery from May 24, 2022 onward and how these proofs of forgery were not raised by Talarico throughout case 22L010905. It is also easy to see what Talarico was doing by watching what happened to key evidence in 12LA178 (Walgreens RX pharmacy receipts with timestamps that were destroyed by Popovich-Mast). They were given to Talarico but Talarico never raised the issue.

Likewise it is easy to see what Talarico was doing as Talarico was given detailed evidence of document suppression and collaboration with opposing counsel in 17LA377 as early as October, 2022 but never raised the issue as Popovich and Mast are dismissed from the case using a 2 year SoL 'escape hatch' and never raised the issue througout case 22L010905.

Gmail **T Kost <tkost999@gmail.com>**

Fwd: 2023IN03894-Balke

Paul Dulberg <Paul_Dulberg@comcast.net> Wed, Apr 10, 2024 at 1:13 PM
To: "OwensFrancis, Kandi" <kowensfrancis@iardc.org>, Theresa Bulatovic <tbulatovic@iardc.org>, mguzman@iardc.org
Cc: Christine Klimas <cklimas@iardc.org>, srenfroe@iardc.org, information@iardc.org, ARDCClerksDepartment@iardc.org, rshah@iardc.org, amundt@iardc.org, eocasio@iardc.org, nreams@iardc.org, Tom Kost <tkost999@gmail.com>, EMadry@iardc.org

Dear Myrrha B. Guzman,

We apologize for the delay and will have a reply to the the response of Brad Balke in less than 7 days.

In addition to what has already been submitted, we are submitting the following additional arguments against Talarico, Gooch, the Baudins and Balke.

Detailed explanation of how Talarico sabotaged all claims in case 22L010905:

The revenge of the network 1- Simplest frivolous lawsuit template.mp4
The revenge of the network 2- Setting the target up for sanctions and loss of home in 22L010905.mp4
The revenge of the network 3- Setting the target up for sanctions and loss of home in 22L010905.mp4
The revenge of the network 4- Deflecting all claims against the Baudins and Olsen in 22L010905.mp4
The revenge of the network 5- Deflecting all claims against the Baudins and Olsen in 22L010905.mp4

Detailed explanation of how the legal malpractice system of protection functions and how Talarico and Gooch sabotaged case 17LA377: :

Being targeted by an attorney network 1- Targeted by ones own retained attorneys.mp4
Being targeted by an attorney network 2- The network and the system.mp4
Being targeted by an attorney network 3- Legal malpractice system of protection.mp4
Being targeted by an attorney network 4- Simplest way to sabotage targets legal malpractice complaints.mp4
Being targeted by an attorney network 5- Networks of collaborating attorneys can be mapped.mp4
Being targeted by an attorney network 6- The escape hatch and cover stories.mp4
Being targeted by an attorney network 7- A system of suppression.mp4
Being targeted by an attorney network 8- Targeting emails.mp4
Being targeted by an attorney network 9- Burial of key evidence.mp4
Being targeted by an attorney network 10- Reverse engineering the system of suppression.mp4
Being targeted by an attorney network 11- How the target receives Bates numbered documents.mp4
Being targeted by an attorney network 12- Decoys to lock out key evidence and finish the victim off.mp4
Being targeted by an attorney network 13- Hoarding and sitting on key evidence and evidence of fraud.mp4
Being targeted by an attorney network 14- The legal malpractice team targeting a client.mp4

Further detailed explanation of collaboration between opposing counsels to target Dulberg:

The 8 big fat red lines 1- Collaboration of opposing counsels in underlying case.mp4
The 8 big fat red lines 2- Collaboration of opposing counsels in legal malpractice case 17LA377.mp4
The 8 big fat red lines 3- Collaboration of opposing counsels in legal malpractice case 17LA377.mp4
The 8 big fat red lines 4- Setting permanently disabled client up for sanctions in case 22L010905.mp4

Further detailed explanation of the systematic suppression of key evidence to target Dulberg:

The burial of key evidence 1- In underlying case.mp4
The burial of key evidence 2- In legal malpractice case 17LA377.mp4
The burial of key evidence 3- In legal malpractice case 17LA377.mp4
The burial of key evidence 4- In ARDC responses to Dulberg's complaints.mp4

Additional argument against the Baudins, Gooch and Talarico on concealing friendship between presiding Judge and owners of defendant law firm and Baudins violations of federal bankruptcy laws:

The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 1.mp4
The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 2.mp4
The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 3.mp4

An additional argument against Talarico of how he sabotaged and attempted to sabotage Dulberg's appeals:

The steering of any appeal into a ditch.mp4

Detailed explanation of mistakes made in previous decisions concerning this network and system by ARDC investigators:

Illinois response to being informed of attorney network 1- Rebuttal of ARDC decision regarding Popovich-Mast complaint.mp4
Illinois response to being informed of attorney network 2- Rebuttal of ARDC decision regarding Clinton-Williams complaint.mp4
Illinois response to being informed of attorney network 3- Rebuttal of ARDC decision regarding Flynn et al complaints.mp4
Illinois response to being informed of attorney network 4- Rebuttal of ARDC decision regarding Flynn et al complaints.mp4
Illinois response to being informed of attorney network 5- No fraud or collaboration of opposing counsels is acknowledged to exist by ARDC.mp4
Illinois response to being informed of attorney network 6- Another interpretation.mp4
Illinois response to being informed of attorney network 7- Another interpretation.mp4
Illinois response to being informed of attorney network 8- Another interpretation.mp4
Illinois response to being informed of attorney network 9- Another interpretation.mp4

We are hopeful that these issues can be corrected.

Again, we apologize for the delay in our reply to the the response of Brad Balke and thank you for your understanding and help with this matter,

/s/Paul Dulberg and /s/Thomas Kost (Full Trustee of the PAUL R DULBERG REVOCABLE TRUST)

Paul Dulberg
(847) 497-4250
4606 Hayden Ct.
Mchenry, IL 60051

Thomas Kost
(847) 439-2198
423 Dempster St.
Mt. Prospect IL 60056

> On Mar 25, 2024, at 12:12 PM, OwensFrancis, Kandi <kowensfrancis@iardc.org> wrote:
>
> Attached please find correspondence from the Attorney Registration and Disciplinary Commission (ARDC).
>
> The ARDC attorney handling this matter is Myrrha B. Guzman. Email is our preferred method of communication. Please address communications regarding this matter to Ms. Guzman and submit them via email to ARDC paralegal Theresa Bulatovic at tbulatovic@iardc.org.

If you have any questions or need to speak with a member of our staff, please call our general number: (312) 565-2600.

Thank you,

Kandi Owens Francis

Attorney Registration & Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Ste. 1500
Chicago, IL 60601
Telephone: (312) 565-2600

Binder1.pdf
1063K

These additional pages are intentionallyad ded so that all Hyperlinks (Originallyp urple now here in bold font) listed in the email to the ARDC mayb e copied and pasted into anyw eb browser to view the originals using the correspondong http://... (in plain font).

The revenge of the network 1- Simplest frivolous lawsuit template.mp4
http://www.fraudonthecourt.net/video/The revenge of the network 1- Simplest frivolous lawsuit template.mp4

The revenge of the network 2- Setting the target up for sanctions and loss of home in 22L010905.mp4
http://www.fraudonthecourt.net/video/The revenge of the network 2- Setting the target up for sanctions and loss of home using frivolous lawsuit templates.mp4

The revenge of the network 3- Setting the target up for sanctions and loss of home in 22L010905.mp4
http://www.fraudonthecourt.net/video/The revenge of the network 3- Trapping target in single issue frivolous lawsuit dead end pathways as they desparately struggle to escape.mp4

The revenge of the network 4- Deflecting all claims against the Baudins and Olsen in 22L010905.mp4
http://www.fraudonthecourt.net/video/The revenge of the network 4- Stripping claims against Baudins and Olsen using No Past No Future and Burial of troublesome issues.mp4

The revenge of the network 5- Deflecting all claims against the Baudins and Olsen in 22L010905.mp4
http://www.fraudonthecourt.net/video/The revenge of the network 5- Why reverse engineering to pathway point of origin is essential.mp4

Being targeted by an attorney network 1- Targeted by ones own retained attorneys.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 1- Targeted by ones own retained attorneys.mp4

Being targeted by an attorney network 2- The network and the system.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 2- The network and the system.mp4

Being targeted by an attorney network 3- Legal malpractice system of protection.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 3- Legal malpractice system of protection.mp4

Being targeted by an attorney network 4- Simplest way to sabotage targets legal malpractice complaints.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 4- Simplest way to sabotage targets legal malpractice complaints.mp4

Being targeted by an attorney network 5- Networks of collaborating attorneys can be mapped.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 5- Networks of collaborating attorneys can be mapped.mp4

Being targeted by an attorney network 6- The escape hatch and cover stories.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 6- The escape hatch and cover stories.mp4

Being targeted by an attorney network 7- A system of suppression.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 7- A system of suppression.mp4

Being targeted by an attorney network 8- Targeting emails.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 8- Targeting emails.mp4

Being targeted by an attorney network 9- Burial of key evidence.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 9- Burial of key evidence.mp4

Being targeted by an attorney network 10- Reverse engineering the system of suppression.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 10- Reverse engineering the system of suppression.mp4

Being targeted by an attorney network 11- How the target receives Bates numbered documents.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 11- How the target receives Bates numbered documents.mp4

Being targeted by an attorney network 12- Decoys to lock out key evidence and finish the victim off.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 12- Decoys to lock out key evidence and finish the victim off.mp4

Being targeted by an attorney network 13- Hoarding and sitting on key evidence and evidence of fraud.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 13- Hoarding and sitting on key evidence and evidence of fraud.mp4

Being targeted by an attorney network 14- The legal malpractice team targeting a client.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 14- The legal malpractice team targeting a client.mp4

The 8 big fat red lines 1- Collaboration of opposing counsels in underlying case.mp4
http://www.fraudonthecourt.net/video/The 8 big fat red lines 1- Collaboration of opposing counsels in underlying case 12LA178.mp4

The 8 big fat red lines 2- Collaboration of opposing counsels in legal malpractice case 17LA377.mp4
http://www.fraudonthecourt.net/video/The 8 big fat red lines 2- Collaboration of opposing counsels in legal malpractice case 17LA377 to hide the nebula of fraud.mp4

The 8 big fat red lines 3- Collaboration of opposing counsels in legal malpractice case 17LA377.mp4
http://www.fraudonthecourt.net/video/The 8 big fat red lines 3- Yellow Team of opposing counsels targeting victim in legal malpractice case 17LA377.mp4

The 8 big fat red lines 4- Setting permanently disabled client up for sanctions in case 22L010905.mp4
http://www.fraudonthecourt.net/video/The 8 big fat red lines 4- Setting permanently disabled client up for sanctions in case 22L010905.mp4

The burial of key evidence 1- In underlying case.mp4
http://www.fraudonthecourt.net/video/The burial of key evidence 1- In underlying case 12LA178.mp4

The burial of key evidence 2- In legal malpractice case 17LA377.mp4
http://www.fraudonthecourt.net/video/The burial of key evidence 2- In legal malpractice case 17LA377 by Clinton-Williams.mp4

The burial of key evidence 3- In legal malpractice case 17LA377.mp4
http://www.fraudonthecourt.net/video/The burial of key evidence 3- In legal malpractice case 17LA377 by Talarico.mp4

The burial of key evidence 4- In ARDC responses to Dulberg's complaints.mp4
http://www.fraudonthecourt.net/video/The burial of key evidence 4- In legal malpractice case 22L010905 by Talarico.mp4

The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 1.mp4
http://www.fraudonthecourt.net/video/The burial of bankruptcy and Judge-defendant personal friendship 1- Judge Meyer oversaw 3 efforts to place upper cap on value of 12LA178.mp4

The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 2.mp4
http://www.fraudonthecourt.net/video/The burial of bankruptcy and Judge-defendant personal friendship 2- Judge Meyers active role ignoring bankruptcy trustee standing as plaintiff.mp4

The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 3.mp4
http://www.fraudonthecourt.net/video/The burial of bankruptcy and Judge-defendant personal friendship 3- Judge recusal patterns in McHenry County regarding Popovich.mp4

The steering of any appeal into a ditch.mp4
http://www.fraudonthecourt.net/video/The steering of any appeal into a ditch 1- Using unequal knowledge to quickly finish off permanently disabled target.mp4

Illinois response to being informed of attorney network 1- Rebuttal of ARDC decision regarding Popovich-Mast complaint.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 1- Rebuttal of ARDC decision regarding Popovich and Mast.mp4

Illinois response to being informed of attorney network 2- Rebuttal of ARDC decision regarding Clinton-Williams complaint.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 2- Rebuttal of ARDC decision regarding Clinton-Williams.mp4

Illinois response to being informed of attorney network 3- Rebuttal of ARDC decision regarding Flynn et al complaints.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 3- Rebuttal of ARDC decision regarding Flynn et al complaints Part 1.mp4

Illinois response to being informed of attorney network 4- Rebuttal of ARDC decision regarding Flynn et al complaints.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 4- Rebuttal of ARDC decision regarding Flynn et al complaints Part 2.mp4

Illinois response to being informed of attorney network 5- No fraud or collaboration of opposing counsels is acknowledged to exist by ARDC.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 5- No fraud or collaboration of opposing counsels is acknowledged to exist by ARDC.mp4

Illinois response to being informed of attorney network 6- Another interpretation.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 6- Another way to interpret entirety of ARDC logic.mp4

Illinois response to being informed of attorney network 7- Another interpretation.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 7- Legal malpractice system of protection possibly under ARDC stand down protection.mp4

Illinois response to being informed of attorney network 8- Another interpretation.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 8- Attorneys pile on while ARDC stands down a win-win for all but the victim.mp4

Illinois response to being informed of attorney network 9- Another interpretation.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 9- Lady Justice blind to Magicians of ignorance bleeding out a victim.mp4

Gmail **T Kost <tkost999@gmail.com>**

Fwd: 2023IN03894-Balke

3 messages

Paul Dulberg <Paul_Dulberg@comcast.net> Mon, Mar 25, 2024 at 2:54 PM
To: Tom Kost <tkost999@gmail.com>

Begin forwarded message:

From: "OwensFrancis, Kandi" <kowensfrancis@iardc.org>
Subject: 2023IN03894-Balke
Date: March 25, 2024 at 12:12:41 PM CDT
To: "paul_dulberg@comcast.net" <paul_dulberg@comcast.net>

Binder1.pdf
1063K

Paul Dulberg <Paul_Dulberg@comcast.net> Wed, Apr 10, 2024 at 1:13 PM
To: "OwensFrancis, Kandi" <kowensfrancis@iardc.org>, Theresa Bulatovic <tbulatovic@iardc.org>, mguzman@iardc.org
Cc: Christine Klimas <cklimas@iardc.org>, srenfroe@iardc.org, information@iardc.org, ARDCClerksDepartment@iardc.org, rshah@iardc.org, amundt@iardc.org, eocasio@iardc.org, nreams@iardc.org, Tom Kost <tkost999@gmail.com>, EMadry@iardc.org

Dear Myrrha B. Guzman,

We apologize for the delay and will have a reply to the the response of Brad Balke in less than 7 days.

In addition to what has already been submitted, we are submitting the following additional arguments against Talarico, Gooch, the Baudins and Balke.

Detailed explanation of how Talarico sabotaged all claims in case 22L010905:

The revenge of the network 1- Simplest frivolous lawsuit template.mp4
The revenge of the network 2- Setting the target up for sanctions and loss of home in 22L010905.mp4
The revenge of the network 3- Setting the target up for sanctions and loss of home in 22L010905.mp4
The revenge of the network 4- Deflecting all claims against the Baudins and Olsen in 22L010905.mp4
The revenge of the network 5- Deflecting all claims against the Baudins and Olsen in 22L010905.mp4

Detailed explanation of how the legal malpractice system of protection functions and how Talarico and Gooch sabotaged case 17LA377: :

Being targeted by an attorney network 1- Targeted by ones own retained attorneys.mp4
Being targeted by an attorney network 2- The network and the system.mp4
Being targeted by an attorney network 3- Legal malpractice system of protection.mp4
Being targeted by an attorney network 4- Simplest way to sabotage targets legal malpractice complaints.mp4
Being targeted by an attorney network 5- Networks of collaborating attorneys can be mapped.mp4
Being targeted by an attorney network 6- The escape hatch and cover stories.mp4

Exhibit BX
www.fraudonthecourt.net/ardc/2024-04-18_Gmail - Updated Supplement to ARDC Complaints.pdf

Being targeted by an attorney network 7- A system of suppression.mp4
Being targeted by an attorney network 8- Targeting emails.mp4
Being targeted by an attorney network 9- Burial of key evidence.mp4
Being targeted by an attorney network 10- Reverse engineering the system of suppression.mp4
Being targeted by an attorney network 11- How the target receives Bates numbered documents.mp4
Being targeted by an attorney network 12- Decoys to lock out key evidence and finish the victim off.mp4
Being targeted by an attorney network 13- Hoarding and sitting on key evidence and evidence of fraud.mp4
Being targeted by an attorney network 14- The legal malpractice team targeting a client.mp4

Further detailed explanation of collaboration between opposing counsels to target Dulberg:

The 8 big fat red lines 1- Collaboration of opposing counsels in underlying case.mp4
The 8 big fat red lines 2- Collaboration of opposing counsels in legal malpractice case 17LA377.mp4
The 8 big fat red lines 3- Collaboration of opposing counsels in legal malpractice case 17LA377.mp4
The 8 big fat red lines 4- Setting permanently disabled client up for sanctions in case 22L010905.mp4

Further detailed explanation of the systematic suppression of key evidence to target Dulberg:

The burial of key evidence 1- In underlying case.mp4
The burial of key evidence 2- In legal malpractice case 17LA377.mp4
The burial of key evidence 3- In legal malpractice case 17LA377.mp4
The burial of key evidence 4- In ARDC responses to Dulberg's complaints.mp4

Additional argument against the Baudins, Gooch and Talarico on concealing friendship between presiding Judge and owners of defendant law firm and Baudins violations of federal bankruptcy laws:

The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 1.mp4
The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 2.mp4
The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 3.mp4

An additional argument against Talarico of how he sabotaged and attempted to sabotage Dulberg's appeals:

The steering of any appeal into a ditch.mp4

Detailed explanation of mistakes made in previous decisions concerning this network and system by ARDC investigators:

Illinois response to being informed of attorney network 1- Rebuttal of ARDC decision regarding Popovich-Mast complaint.mp4
Illinois response to being informed of attorney network 2- Rebuttal of ARDC decision regarding Clinton-Williams complaint.mp4
Illinois response to being informed of attorney network 3- Rebuttal of ARDC decision regarding Flynn et al complaints.mp4
Illinois response to being informed of attorney network 4- Rebuttal of ARDC decision regarding Flynn et al complaints.mp4
Illinois response to being informed of attorney network 5- No fraud or collaboration of opposing counsels is acknowledged to exist by ARDC.mp4
Illinois response to being informed of attorney network 6- Another interpretation.mp4
Illinois response to being informed of attorney network 7- Another interpretation.mp4
Illinois response to being informed of attorney network 8- Another interpretation.mp4
Illinois response to being informed of attorney network 9- Another interpretation.mp4

We are hopeful that these issues can be corrected.

Again, we apologize for the delay in our reply to the the response of Brad Balke and thank you for your understanding and help with this matter,

/s/Paul Dulberg and /s/Thomas Kost (Full Trustee of the PAUL R DULBERG REVOCABLE TRUST)

Paul Dulberg
(847) 497-4250
4606 Hayden Ct.
Mchenry, IL 60051

Thomas Kost
(847) 439-2198
423 Dempster St.
Mt. Prospect IL 60056

On Mar 25, 2024, at 12:12 PM, OwensFrancis, Kandi <kowensfrancis@iardc.org> wrote:

Attached please find correspondence from the Attorney Registration and Disciplinary Commission (ARDC).

The ARDC attorney handling this matter is Myrrha B. Guzman. Email is our preferred method of communication. Please address communications regarding this matter to Ms. Guzman and submit them via email to ARDC paralegal Theresa Bulatovic at tbulatovic@iardc.org.

If you have any questions or need to speak with a member of our staff, please call our general number: (312) 565-2600.

Thank you,

Kandi Owens Francis
Attorney Registration & Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Ste. 1500
Chicago, IL 60601
Telephone: (312) 565-2600

Binder1.pdf
1063K

Paul Dulberg <Paul_Dulberg@comcast.net> Thu, Apr 18, 2024 at 3:08 PM
To: "OwensFrancis, Kandi" <kowensfrancis@iardc.org>, Theresa Bulatovic <tbulatovic@iardc.org>, mguzman@iardc.org
Cc: Christine Klimas <cklimas@iardc.org>, srenfroe@iardc.org, information@iardc.org, ARDCClerksDepartment@iardc.org, rshah@iardc.org, amundt@iardc.org, eocasio@iardc.org, nreams@iardc.org, Tom Kost <tkost999@gmail.com>, EMadry@iardc.org

Dear Myrrha B. Guzman,

We have updated the collection of video responses we submitted last week. The entire collection of updated video responses are available at:

www.fraudonthecourt.net/video

Please note how Balke was the second consecutive retained attorney (after Popovich and Mast) that tried to cap the value of the remainder of case 12LA178 at $55,000 or less in violation of the Federal bankruptcy automatic stay and without informing the bankruptcy court. This is described in detail in the video series on The Burial of Bankruptcy.

Our written response to Balke's reply is attached to this email.

Again, we apologize for the delay in our reply to the the response of Brad Balke and thank you for your understanding and help with this matter,

/s/Paul Dulberg and /s/Thomas Kost (Full Trustee of the PAUL R DULBERG REVOCABLE TRUST)

Paul Dulberg
(847) 497-4250
4606 Hayden Ct.
Mchenry, IL 60051

Thomas Kost
(847) 439-2198
423 Dempster St.
Mt. Prospect IL 60056

> On Apr 10, 2024, at 1:13 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:
>
> Dear Myrrha B. Guzman,
>
> We apologize for the delay and will have a reply to the the response of Brad Balke in less than 7 days.
>
> In addition to what has already been submitted, we are submitting the following additional arguments against Talarico, Gooch, the Baudins and Balke.
>
> Detailed explanation of how Talarico sabotaged all claims in case 22L010905:
>
> - The revenge of the network 1- Simplest frivolous lawsuit template.mp4
> - The revenge of the network 2- Setting the target up for sanctions and loss of home in 22L010905.mp4
> - The revenge of the network 3- Setting the target up for sanctions and loss of home in 22L010905.mp4
> - The revenge of the network 4- Deflecting all claims against the Baudins and Olsen in 22L010905.mp4
> - The revenge of the network 5- Deflecting all claims against the Baudins and Olsen in 22L010905.mp4
>
> Detailed explanation of how the legal malpractice system of protection functions and how Talarico and Gooch sabotaged case 17LA377: :
>
> - Being targeted by an attorney network 1- Targeted by ones own retained attorneys.mp4
> - Being targeted by an attorney network 2- The network and the system.mp4
> - Being targeted by an attorney network 3- Legal malpractice system of protection.mp4
> - Being targeted by an attorney network 4- Simplest way to sabotage targets legal malpractice complaints.mp4
> - Being targeted by an attorney network 5- Networks of collaborating attorneys can be mapped.mp4
> - Being targeted by an attorney network 6- The escape hatch and cover stories.mp4
> - Being targeted by an attorney network 7- A system of suppression.mp4
> - Being targeted by an attorney network 8- Targeting emails.mp4
> - Being targeted by an attorney network 9- Burial of key evidence.mp4
> - Being targeted by an attorney network 10- Reverse engineering the system of suppression.mp4
> - Being targeted by an attorney network 11- How the target receives Bates numbered documents.mp4
> - Being targeted by an attorney network 12- Decoys to lock out key evidence and finish the victim off.mp4
> - Being targeted by an attorney network 13- Hoarding and sitting on key evidence and evidence of fraud.mp4
> - Being targeted by an attorney network 14- The legal malpractice team targeting a client.mp4
>
> Further detailed explanation of collaboration between opposing counsels to target Dulberg:

- The 8 big fat red lines 1- Collaboration of opposing counsels in underlying case.mp4
- The 8 big fat red lines 2- Collaboration of opposing counsels in legal malpractice case 17LA377.mp4
- The 8 big fat red lines 3- Collaboration of opposing counsels in legal malpractice case 17LA377.mp4
- The 8 big fat red lines 4- Setting permanently disabled client up for sanctions in case 22L010905.mp4

Further detailed explanation of the systematic suppression of key evidence to target Dulberg:

- The burial of key evidence 1- In underlying case.mp4
- The burial of key evidence 2- In legal malpractice case 17LA377.mp4
- The burial of key evidence 3- In legal malpractice case 17LA377.mp4
- The burial of key evidence 4- In ARDC responses to Dulberg's complaints.mp4

Additional argument against the Baudins, Gooch and Talarico on concealing friendship between presiding Judge and owners of defendant law firm and Baudins violations of federal bankruptcy laws:

- The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 1.mp4
- The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 2.mp4
- The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 3.mp4
-
- An additional argument against Talarico of how he sabotaged and attempted to sabotage Dulberg's appeals:
-
- The steering of any appeal into a ditch.mp4
-

Detailed explanation of mistakes made in previous decisions concerning this network and system by ARDC investigators:

- Illinois response to being informed of attorney network 1- Rebuttal of ARDC decision regarding Popovich-Mast complaint.mp4
- Illinois response to being informed of attorney network 2- Rebuttal of ARDC decision regarding Clinton-Williams complaint.mp4
- Illinois response to being informed of attorney network 3- Rebuttal of ARDC decision regarding Flynn et al complaints.mp4
- Illinois response to being informed of attorney network 4- Rebuttal of ARDC decision regarding Flynn et al complaints.mp4
- Illinois response to being informed of attorney network 5- No fraud or collaboration of opposing counsels is acknowledged to exist by ARDC.mp4
- Illinois response to being informed of attorney network 6- Another interpretation.mp4
- Illinois response to being informed of attorney network 7- Another interpretation.mp4
- Illinois response to being informed of attorney network 8- Another interpretation.mp4
- Illinois response to being informed of attorney network 9- Another interpretation.mp4
-
- We are hopeful that these issues can be corrected.

Again, we apologize for the delay in our reply to the the response of Brad Balke and thank you for your understanding and help with this matter,

/s/Paul Dulberg and /s/Thomas Kost (Full Trustee of the PAUL R DULBERG REVOCABLE TRUST)

Paul Dulberg
(847) 497-4250
4606 Hayden Ct.
Mchenry, IL 60051

Thomas Kost
(847) 439-2198
423 Dempster St.

Mt. Prospect IL 60056

On Mar 25, 2024, at 12:12 PM, OwensFrancis, Kandi <kowensfrancis@iardc.org> wrote:

Attached please find correspondence from the Attorney Registration and Disciplinary Commission (ARDC).

The ARDC attorney handling this matter is Myrrha B. Guzman. Email is our preferred method of communication. Please address communications regarding this matter to Ms. Guzman and submit them via email to ARDC paralegal Theresa Bulatovic at tbulatovic@iardc.org.

If you have any questions or need to speak with a member of our staff, please call our general number: (312) 565-2600.

Thank you,

Kandi Owens Francis

Attorney Registration & Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Ste. 1500
Chicago, IL 60601
Telephone: (312) 565-2600

2 attachments

2024-04-18_Reply to Balke response.pdf
2927K

Binder1.pdf
1063K

These additional pages are intentionallyad ded so that all Hyperlinks (Originallyp urple now here in bold font) listed in the email to the ARDC mayb e copied and pasted into anyw eb browser to view the originals using the correspondong http://... (in plain font).

The revenge of the network 1- Simplest frivolous lawsuit template.mp4
http://www.fraudonthecourt.net/video/The revenge of the network 1- Simplest frivolous lawsuit template.mp4

The revenge of the network 2- Setting the target up for sanctions and loss of home in 22L010905.mp4
http://www.fraudonthecourt.net/video/The revenge of the network 2- Setting the target up for sanctions and loss of home using frivolous lawsuit templates.mp4

The revenge of the network 3- Setting the target up for sanctions and loss of home in 22L010905.mp4
http://www.fraudonthecourt.net/video/The revenge of the network 3- Trapping target in single issue frivolous lawsuit dead end pathways as they desparately struggle to escape.mp4

The revenge of the network 4- Deflecting all claims against the Baudins and Olsen in 22L010905.mp4
http://www.fraudonthecourt.net/video/The revenge of the network 4- Stripping claims against Baudins and Olsen using No Past No Future and Burial of troublesome issues.mp4

The revenge of the network 5- Deflecting all claims against the Baudins and Olsen in 22L010905.mp4
http://www.fraudonthecourt.net/video/The revenge of the network 5- Why reverse engineering to pathway point of origin is essential.mp4

Being targeted by an attorney network 1- Targeted by ones own retained attorneys.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 1- Targeted by ones own retained attorneys.mp4

Being targeted by an attorney network 2- The network and the system.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 2- The network and the system.mp4

Being targeted by an attorney network 3- Legal malpractice system of protection.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 3- Legal malpractice system of protection.mp4

Being targeted by an attorney network 4- Simplest way to sabotage targets legal malpractice complaints.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 4- Simplest way to sabotage targets legal malpractice complaints.mp4

Being targeted by an attorney network 5- Networks of collaborating attorneys can be mapped.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 5- Networks of collaborating attorneys can be mapped.mp4

Being targeted by an attorney network 6- The escape hatch and cover stories.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 6- The escape hatch and cover stories.mp4

Being targeted by an attorney network 7- A system of suppression.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 7- A system of suppression.mp4

Being targeted by an attorney network 8- Targeting emails.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 8- Targeting emails.mp4

Being targeted by an attorney network 9- Burial of key evidence.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 9- Burial of key evidence.mp4

Being targeted by an attorney network 10- Reverse engineering the system of suppression.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 10- Reverse engineering the system of suppression.mp4

Being targeted by an attorney network 11- How the target receives Bates numbered documents.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 11- How the target receives Bates numbered documents.mp4

Being targeted by an attorney network 12- Decoys to lock out key evidence and finish the victim off.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 12- Decoys to lock out key evidence and finish the victim off.mp4

Being targeted by an attorney network 13- Hoarding and sitting on key evidence and evidence of fraud.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 13- Hoarding and sitting on key evidence and evidence of fraud.mp4

Being targeted by an attorney network 14- The legal malpractice team targeting a client.mp4
http://www.fraudonthecourt.net/video/Being targeted by an attorney network 14- The legal malpractice team targeting a client.mp4

The 8 big fat red lines 1- Collaboration of opposing counsels in underlying case.mp4
http://www.fraudonthecourt.net/video/The 8 big fat red lines 1- Collaboration of opposing counsels in underlying case 12LA178.mp4

The 8 big fat red lines 2- Collaboration of opposing counsels in legal malpractice case 17LA377.mp4
http://www.fraudonthecourt.net/video/The 8 big fat red lines 2- Collaboration of opposing counsels in legal malpractice case 17LA377 to hide the nebula of fraud.mp4

The 8 big fat red lines 3- Collaboration of opposing counsels in legal malpractice case 17LA377.mp4
http://www.fraudonthecourt.net/video/The 8 big fat red lines 3- Yellow Team of opposing counsels targeting victim in legal malpractice case 17LA377.mp4

The 8 big fat red lines 4- Setting permanently disabled client up for sanctions in case 22L010905.mp4
http://www.fraudonthecourt.net/video/The 8 big fat red lines 4- Setting permanently disabled client up for sanctions in case 22L010905.mp4

The burial of key evidence 1- In underlying case.mp4
http://www.fraudonthecourt.net/video/The burial of key evidence 1- In underlying case 12LA178.mp4

The burial of key evidence 2- In legal malpractice case 17LA377.mp4
http://www.fraudonthecourt.net/video/The burial of key evidence 2- In legal malpractice case 17LA377 by Clinton-Williams.mp4

The burial of key evidence 3- In legal malpractice case 17LA377.mp4
http://www.fraudonthecourt.net/video/The burial of key evidence 3- In legal malpractice case 17LA377 by Talarico.mp4

The burial of key evidence 4- In ARDC responses to Dulberg's complaints.mp4
http://www.fraudonthecourt.net/video/The burial of key evidence 4- In legal malpractice case 22L010905 by Talarico.mp4

The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 1.mp4
http://www.fraudonthecourt.net/video/The burial of bankruptcy and Judge-defendant personal friendship 1- Judge Meyer oversaw 3 efforts to place upper cap on value of 12LA178.mp4

The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 2.mp4
http://www.fraudonthecourt.net/video/The burial of bankruptcy and Judge-defendant personal friendship 2- Judge Meyers active role ignoring bankruptcy trustee standing as plaintiff.mp4

The burial of bankruptcy and personal friendship of presiding Judge with law firm owners 3.mp4
http://www.fraudonthecourt.net/video/The burial of bankruptcy and Judge-defendant personal friendship 3- Judge recusal patterns in McHenry County regarding Popovich.mp4

The steering of any appeal into a ditch.mp4
http://www.fraudonthecourt.net/video/The steering of any appeal into a ditch 1- Using unequal knowledge to quickly finish off permanently disabled target.mp4

Illinois response to being informed of attorney network 1- Rebuttal of ARDC decision regarding Popovich-Mast complaint.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 1- Rebuttal of ARDC decision regarding Popovich and Mast.mp4

Illinois response to being informed of attorney network 2- Rebuttal of ARDC decision regarding Clinton-Williams complaint.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 2- Rebuttal of ARDC decision regarding Clinton-Williams.mp4

Illinois response to being informed of attorney network 3- Rebuttal of ARDC decision regarding Flynn et al complaints.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 3- Rebuttal of ARDC decision regarding Flynn et al complaints Part 1.mp4

Illinois response to being informed of attorney network 4- Rebuttal of ARDC decision regarding Flynn et al complaints.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 4- Rebuttal of ARDC decision regarding Flynn et al complaints Part 2.mp4

Illinois response to being informed of attorney network 5- No fraud or collaboration of opposing counsels is acknowledged to exist by ARDC.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 5- No fraud or collaboration of opposing counsels is acknowledged to exist by ARDC.mp4

Illinois response to being informed of attorney network 6- Another interpretation.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 6- Another way to interpret entirety of ARDC logic.mp4

Illinois response to being informed of attorney network 7- Another interpretation.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 7- Legal malpractice system of protection possibly under ARDC stand down protection.mp4

Illinois response to being informed of attorney network 8- Another interpretation.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 8- Attorneys pile on while ARDC stands down a win-win for all but the victim.mp4

Illinois response to being informed of attorney network 9- Another interpretation.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 9- Lady Justice blind to Magicians of ignorance bleeding out a victim.mp4

ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Paul Dulberg
Via Email: paul_dulberg@comcast.net

Chicago
April 30, 2024

Re: Alphonse A. Talarico
in relation to
Paul Dulberg
No. 2024IN00264

Dear Mr. Dulberg:

Attached is a copy of Alphonse Talarico's response to your complaint, submitted by the attorney's counsel, Samuel Manella.

If you believe the response is inaccurate or if you wish to comment or provide additional information, please write to me within fourteen days. You may submit comments or additional information to me by email through ARDC paralegal Theresa Bulatovic at tbulatovic@iardc.org. If you send more information by regular mail, please do not staple or bind your correspondence and do not use exhibit tabs.

We will evaluate the matter and advise you of our decision. Again, thank you for your cooperation.

Very truly yours,

Myrrha B. Guzman

Myrrha B. Guzman
Senior Counsel
ARDC Intake Division

MBG:kof
Attachment

SAMUEL J. MANELLA
Attorney at Law
77 West Washington Street, Suite 705
Chicago, Illinois 60602
Phone – (708) 687-6300
Fax – (708) 887-5499
E-Mail – manellalawoffice@aol.com

April 29, 2024

Ms. Myrrha B. Guzman, Senior Counsel
Attorney Registration and Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219

RE: Alphonse A. Talarico
In relation to
Thomas C. Kost
No. 2024IN00264

Dear Ms. Guzman:

Please be advised that I have been retained by Alphonse A. Talarico to represent him in the above captioned matter. Kindly accept the following as his response to your above investigation.

BACKGROUND

Mr. Talarico was first contacted by Mr. Dulberg in mid-October 2020 to represent him in a Legal Malpractice case titled as Paul Dulberg vs. The Law Offices of Thomas J. Popovich, P.C. and Hans Mast 17LA000377.

That case is the basis for Dulberg's (9) nine previously filed ARDC Complaints as follows:

Edward X. Clinton No. 2023IN02517
(submitted on July 27, 2023)

Julia C. Williams No. 2023IN02518
(submitted on July 27, 2023)

Thomas J. Popovich No. 2023IN03135
(submitted on September 15, 2023)

Hans Mast No. 2023IN03136 (submitted on September 15, 2023)

Brad J. Balke No. 2023IN03894-R (submitted on November 8, 2023)

Kelly Baudin No. 2023IN03898-R (submitted on November 8, 2023)

William Randall Baudin II No. 2023IN03897-R (submitted on November 8, 2023)

Thomas W. Gooch No. 2023IN03895-R (submitted on November 8, 2023), and

Sabina Walczyk-Sershon No. 2023IN03896-R (submitted on November 8, 2023)

Additionally, on information and belief, Mr. Talarico relates that Mr. Dulberg has recently filed a Complaint with the Judicial Inquiry Board concerning Justice Susan F. Hutchinson, Second District for her role in Mr. Dulberg's felony conviction case 1990CF000655 regarding possession of cocaine and cannabis with the intent to distribute where a Class X Felony was nolle prossed, a Class 1 Felony resulted in a four year Sentence to the Department of Corrections, a Class 3 Felony was amended to a Class 4 Felony that resulted in a two year Sentence to the Department of Corrections and his Appellate case Dulberg, Paul R., v. Mast, Hans, et al. No.: 2-23-0072 County: McHenry County Trial Court No.: 17LA377. This alleged prejudice on the part of Justice Hutchinson was only stated to Mr. Talarico after a final order was entered ending his Appellate Appeal No.: 2-23-0072 and signed by Justice Hutchinson.

Mr. Dulberg often complained of the 2nd District process of having the Clerk of Court sign orders instead of a Second District Justice but never told Mr. Talarico why. He only revealed it in his criticism of Mr. Talarico's failing to force a Justice to sign. He then told Mr. Talarico that Justice Hutchinson was prejudiced against him because at the time she was using him to get better press during her attempt to become a Second District Justice. This is the first time he revealed his felony convictions although he asked Mr. Talarico to recommend a criminal defense attorney to represent his brother who was incarcerated for Domestic Violence. He was asking if Mr. Talarico knew anyone because, as Mr. Talarico discovered, although Mr. Dulberg's family has wealth, it seemed that most of the attorneys in three counties wanted nothing to do with his family. Mr. Talarico believes the above is relevant not because Mr. Dulberg is a convicted felon but that Mr. Talarico would know (by osmosis) that Mr. Dulberg believes that Justice Hutchinson had a prejudice against him after 30 years.

Mr. Dulberg has created a web site with his half-brother Thomas Kost to "reveal to the world" all the injuries that the now ten named attorneys and judge and court clerks and certified court reporters have intentionally caused his family and himself.

He often remarked to Mr. Talarico while litigating his numerous cases, that he will bring down the entire justice system in Illinois and that he and Mr. Talarico will make much money for the movie rights.

FACTS

Mr. Talarico knows that Mr. Dulberg does not believe that he has done anything wrong. He is blameless and the Illinois Justice system, which he avows to bring down, is the problem, evidence by his written statement in his ARDC Request for Investigation against Mr. Talarico on page 21 as follows :

THE MAPPINGS REVEAL A PROBLEM WITH THE ILLINOIS BAR

We believe it is important to recognize that what Dulberg is documenting and mapping is a problem with the Illinois Bar. [Emphasis added] *It is not the fault of Dulberg.* [Emphasis added] It is the inability for the Illinois Bar to take care of an issue which is caused by the Illinois Bar and that is the cause of what is happening to Dulberg. Dulberg suffers the result but the problem lies in the inability of the Illinois Bar to enforce a culture where violations of the Himmel Rule are not treated as a joke.

It is the inability for the Illinois Bar and Illinois Courts [Emphasis added] to enforce a working system of self {sic} policing. The people who did this and continue to do this to Dulberg seem to operate with impunity in an atmosphere in which such horrific treatment of a permanently disabled person is treated as if it is the norm." (Note: some Judges deny that Dulberg qualifies as a permanently disabled person in their rulings but Mr. Dulberg categorizes himself **in** all cases)."

THE CHRISTINE M. INTERRANTE MATTER

Christine M. Interrante is an acquaintance of Paul R. Dulberg who pursued a legal malpractice case against the Law Offices of Thomas J. Popovich, P.C. and Thomas J. Popovich, individually, case No. 2018 LA 000370.

It was similar to Dulberg's case No. 2017 LA 000377 *infra* as one of the Defendants was The Law Offices of Thomas J. Popovich, P.C. and the trial judge was Thomas A. Meyer.

As additional evidence of ADRC Claimant Paul R. Dulberg's approach to the Illinois Bar, he informed Mr. Talarico that he was suggesting and assisting Christine M. Interrante in preparing a Judicial Inquiry Board Complaint regarding Judge Thomas A. Meyer and an ARDC Request for Investigation regarding Thomas J. Popovich.

THE DULBERG AND KOST CASES

A list of cases Mr. Talarico handled for Messrs. Dulberg and Kost and the related underlying completed matters that Mr. Talarico had to know and understand in the entirety because they impacted the litigation Mr. Talarico appeared in are as follows:

A1) Paul Dulberg v. The Law Offices of Thomas J. Popovich, P.C. and Hans Mast 2017 LA 000377 in which Mr. Talarico filed his Appearance on October 23, 2020

after two previous law firms had sequentially withdrawn. Therefore Mr. Talarico had to familiarize himself with the prior three years of litigation. The files that were turned over to Mr. Talarico from Mr. Dulberg consisted of thousands of pages of documents in no order, the files turned over to Mr. Talarico by prior counsel were in a filing system that defies logic and search ability per Mr. Talarico, and the Clerk of Court files on line were missing large amounts of documents. An example of the disarray was a discovery response with over 103 pages "blacked out" which when Mr. Talarico complained in court were explained away as "pink page dividers" that were bates stamped but not sequentially in any area where a divider would be appropriate. When Mr. Talarico took over this case he stated many times to Mr. Dulberg that this is by far the worse file (organization) that he had seen in his nearly 40 years of practice. Mr. Dulberg agreed with Mr. Talarico's assessment.

A2) This was a legal malpractice case based upon the underlying case titled Dulberg v. Gagnon & Caroline and Bill McGuire 2012 LA 000178 which began with the filing of a Complaint on May 5, 2012 and ended by order on December 12, 2016. Therefore Mr. Talarico had to familiarize himself with the prior four and a half years of litigation. As part of 2012 LA 000178 Mr. Talarico had to learn about a simultaneous bankruptcy case entitled In Re: Paul R. Dulberg 14B83578 because Mr. Dulberg filed for bankruptcy on November 26, 2014 and the bankruptcy case ended on June 30 2017, while the case against Gagnon and the McGuires was pending**.** The case against Gagnon and McGuires was an asset of the bankruptcy estate. Also please note that the bankruptcy case became important as it was a central part of Mr. Dulberg's Malpractice case against the Baudin Law firm, the Bankruptcy Trustee Olsen and the Trustee's Law firm and breach of contract action against the binding mediation Limited Liability Company titled ADR Systems of America L.L.C. ADR Systems File #33391BMAG (Please see below for more on Baudins, Trustee Olsen, and ADR).

Therefore Mr. Talarico had to familiarize himself with the prior two and a half years of the bankruptcy litigation and, although smaller in volume but more difficult to discover, binding mediation facts without transcripts, the differences between the unsigned, but approved after review in open court by the Bankruptcy Judge Honorable Thomas M. Lynch, binding mediation contract ADR Systems File #33391BMAG versus the executed contract on December 8, 2016 ADR Systems File #33391BMAG. The two contracts, unsigned but approved versus signed but not approved, which contained major differences from what was presented and approved by Honorable Thomas M. Lynch. Therefore Mr. Talarico had to familiarize himself with ADR files October 31, 2016 to the date of decision on December 12, 2016 an additional 42 days of discovery.

A3) Mr. Talarico pursued an Appellate matter entitled Dulberg v. Mast and the Law Offices of Thomas J. Popovich, P.C. No. 2-23-0072 starting in March of 2023 that ended by Final Order and Mandate of the Appellate Court on December 4, 2023. This Appeal was delayed by motions for extension of time because of the unexpected death of Mr. Dulberg's live in childhood friend and care-taker Michael McArtor and thereafter the disappearance of Alphonse A. Talarico's fiancée on an international

flight stopover in Tokyo, Japan on June 30, 2023. Based upon the status of the Record on Appeal and with full discussion with all clients it was decided prior to the time Appellant's Brief was finally due to file an emergency motion for one last extension of time so that if denied, which it was, said denial would serve as one of the reasons to file a Petition to Appeal to the Illinois Supreme Court.

This strategy, based on the "attorney judgmental rule" was fully discussed in all details (including the normal risk that the Illinois Supreme Court only accepts less than five percent of Petitions For leave To Appeal) prior to any action was taken, and said action was acquiesced to by the claimants.

Additionally, based upon information and belief and the attorney judgmental rule, and necessitated by the clients' demand to file with said Petition hundreds of pages of information they had prepared for their multiple ARDC Requests for Investigation and their self-created web site, it was decided to file the Petition for Leave to Appeal to the Illinois Supreme Court with hyperlinks to their established sites and Complaints.

The Assistant-Clerk of the Illinois Supreme Court, in contact with Mr. Talarico, indicated that the petition with hyperlinks could not be accepted. The Assistant-Clerk of the Illinois Supreme Court, as a courtesy, gave instructions about how to correct and refile the Petition for Leave to Appeal and said instructions were forwarded to the Complaints herein because Mr. Talarico had already indicated that he was withdrawing from all representations of the Claimants.

This matter was ended as to Mr. Talarico when he was informed by the assistant Clerk of the Illinois Supreme Court that he did not have to withdraw his appearance from the Petition for Leave to Appeal because as of on or about January 8, 2024, no Petition had been filed /accepted.

No further action was taken by Mr. Talarico based upon the allegations contained in written and oral communications received from Thomas Kost and Paul R. Dulberg.

Therefore the time spent on the Appeal to the Appellate Court and Petition for leave to Appeal to the Illinois Supreme Court was (10) ten months.

Of important note, this matter was the genesis of the alleged prejudice by Justice Susan F. Hutchinson against Paul R. Dulberg and one of his claims that Mr. Talarico was working against him because he had insisted that Mr. Talarico discover who were the Justices handling their motions in this appeal.

It is the procedure by rule in the 2nd Appellate District of Illinois that the Clerk of the Appellate Court 2nd District can sign the court orders in place of the (3) three Justices signatures on the approved Illinois Supreme Court Order form which was always submitted.

Paul R. Dulberg did not reveal his past felony conviction and the alleged prejudice of Justice Hutchinson while serving as his trial court judge while she was attempting to obtain a seat on the Appellate Court 2nd District. The Final Order and Mandate of the Appellate Court in 2-23-0072, dated December 4, 2023 was the only order entered that had the names of the three Justices signing the order and one was Justice Susan F. Hutchinson.

At this time Paul R. Dulberg revealed his past legal experience with Justice Hutchinson and blamed Mr. Talarico herein for failing to have a prejudiced Justice removed from his case.

A4) Dulberg and Kost as Trustee of Dulberg's Revocable Trust v. Baudins, Bankruptcy Trustee Olsen, ADR Systems of America, L.L.C., Allstate Property and Casualty Insurance Company et al. 2022 L010905 was filed December 8, 2022.

This was a legal malpractice and breach of contract case based upon the underlying case titled Dulberg v. Gagnon & Caroline and Bill McGuire 2012 LA 000178 and verified by written signature of Paul R. Dulberg.

This case led to (2) two appeals and a pending motion in the Trial Court for Illinois Supreme Court Rule 137 sanctions against Paul R. Dulberg, ARDC Complainant herein and attorney Alphonse A. Talarico herein as follows:

Dulberg v. Olsen and Olsen's Law Firm 1-23-1142 based on Illinois Supreme Court Rule 304(a) language contained in an order.

Dulberg v. Baudins, ADR Systems of America, **LLC.** and Allstate Property and Casualty Insurance Company based upon "Final and Appealable" language contained in an order 1-23-2221 which was filed after the (1st) First District Appellate Clerk denied Mr. Dulberg's first attempt to "join 1-23-1142" but was thereafter consolidated into 1-23-1142 (Please note that the pending Rule 137 sanctions motion pending in the trial court 2022 L 010905 was caused by the trial court entering a second "final and appealable order" after 1-23-2221 was filed and pending.

A5) Kost(s) v. Village of Mt. Prospect, S.B. Friedman & Company, Et al. 2023 CH 04351 was filed on May 2, 2023. Prior Tax Increment Financing District (TIF) designations between the Defendants and the current TIF District procedures and Thomas W. Kost's interactions at private meetings and public hearings had to be researched back to February 17, 2022 for the TIF District that is the subject of 2023 CH 04351 (and previous dealings between Defendants).

Kost(s) v. Village of Mt. Prospect, S.B. Friedman and Company, Et al.1-24-0008 was filed in the (1st) First District Appellate Court on January 5, 2024 and Mr. Talarico represented the Thomas W. Kost until leave was granted, over objection, to withdraw his Appearance based on Thomas W. Kost's written accusation that Mr. Talarico was working with and for all his legal opponents, Paul R. Dulberg's ongoing verbal "gaslighting" and both Dulberg and Kost's anticipatory repudiation of the contract fee agreement of $15,000.00 after Complainant had informed Mr. Talarico, just a few weeks before, that payment funds

of $15,000.00 had been transferred to Mr. Dulberg's account and was ready to pay on the agreed date. (The verbal abuse, 'gaslighting," and non-payment of attorney fees is more fully revealed below)

As of this writing the January 15, 2024 payment of agreed attorney fees has not been made.

The date of the Order granting leave to withdraw was February 6, 2024 therefore the time this matter was researched and actually covered by Mr. Talarico was just (11) eleven days short of (2) two years.

THE CLIENTS' SATIFACTION

From the very beginning of Mr. Talarico's representation of Mr. Dulberg in 2020 and including his representation of Mr. Kost, at the request of both Mr. Dulberg and Mr. Kost, in April 2022 through December 2023, Mr. Talarico had been told verbally and in writing that he was the only honest attorney they had found in all their family's court involvements and that after all the current litigation was completed that there would be a substantial bonus for all Mr. Talarico's diligent work and that Mr. Talarico would be kept on their payroll to handle future legal matters as their family's attorney.

Mr. Talarico's representation increased from one Legal Malpractice case in October 2020 to all the matters as briefly summarized in THE CASES *supra.*

The original Attorney-Client Agreement with each ARDC Complainant herein was verbally amended multiple times to a combined monthly fee by agreement based upon the following:

1) The increased case load that they insisted Mr. Talarico handle because he was the only honest attorney they could rely upon;

2) Their desire to file ARDC Requests for Investigations against an ever increasing number of attorneys and Judicial Inquiry Complaints against multiple Judges;

3) The need for Mr. Talarico to refuse to take on any new matters because of their demand that his hours working on their matter consume all Mr. Talarico's working hours;

4) That Mr. Talarico had initially informed them that they should obtain additional independent counsel or Mr. Talarico would have to obtain an associate to handle the ever increasing work load;

5) The fact that they could not find any firm or attorney willing to represent them in McHenry, Lake, nor Cook Counties even though they were well heeled and could afford said representation;

6) That they wanted Mr. Talarico to be available for consultation 24/7 which they availed themselves of on an almost daily basis;

7) That they wanted a morning meeting to discuss status of all matters starting at 8:00 AM daily (including weekends);

8) That Mr. Talarico would ignore ARDC Claimant Mr. Dulberg's "gaslighting" and do what Mr. Kost recommended that he does-he hangs up the phone when Mr. Dulberg gets abusive with him, based on the fact that Mr. Dulberg forgets his medications on occasion.

9) The December 24, 2023 letter from Paul R. Dulberg (Please see Exhibit A attached);

10) The highlighted January 14, 2024 letter from Thomas W. Kost. (Please see Exhibit B attached).

11) The highlighted January 5, 2014 letter from Thomas W. Kost contained as a "string" with the January 14, 2024 letter (*supra* Exhibit).

THE CLIENTS' DISSATIFACTION

1) Regarding the October 2023 demand by Paul R. Dulberg that Mr**.** Talarico join in Mr. Dulberg's ARDC Requests for Investigation by filing separate Himmel Complaints against the attorneys that Mr. Dulberg has filed ARDC Requests for Investigation against are evidence by the January 17, 2024 e-mail letter from Thomas W. Kost stating that Mr. Talarico violated the Himmel reporting requirements based upon events and documents Paul R. Dulberg informed about and sent to Mr. Talarico based upon information Mr. Dulberg told Mr. Talarico "as early as October, 2022" and a folder that Mr. Dulberg sent to Mr. Talarico called "document_suppression_smoking gun" clearly indicating Dulberg and Kost false belief that Mr. Talarico must file a Himmel Complaint based on hearsay and their interpretation of documents and events that occurred before Mr. Talarico was part of this case and based upon attorneys who Mr. Talarico, as currently as the writing of this Response, had never met nor spoke with in any capacity (Please see Exhibit C attached);

2) The October 2023 demand by Paul R. Dulberg that Mr. Talarico file a Judicial Inquiry Complaint about the Honorable Thomas A. Meyer was filed by Mr. Talarico based upon his appearance and his discovery in 2017 LA 003777 but was not done regarding Justice Susan F. Hutchinson because Mr. Talarico was never a part of the case Mr. Dulberg complains of, nor has Mr. Talarico ever been before Justice Susan F. Hutchinson therefore it

would be improper to do any type of judicial reporting based solely on Mr. Dulberg's hearsay rantings;

3) The hypothetical conversation with ARDC attorney Rory Patrick Quinn took place in October 2023 by way of a hypothetical question about the hypothetical reporting responsibilities of a hypothetical attorney (Mr. Talarico) who had no first-hand knowledge of events and accusations made by a hypothetical client (Dulberg and /or Kost);

4) Mr. Talarico's misunderstanding of the hypothetical response of ARDC attorney Rory Patrick Quinn that Mr. Talarico had no reporting duty under Himmel because he had no first-hand knowledge led Mr. Talarico to file Himmel reports on attorneys demanded by Dulberg and Kost stating that he had no knowledge of reportable activity;

5) Mr. Talarico's actions taken in October 2023 based on his misunderstanding of his Himmel requirements led to demands for Himmel filings by an ARDC attorney's assistant;

6) Thereafter a second call to ARDC attorney Rory Patrick Quinn, who remembered the details of the initial hypothetical Himmel reporting question, interceded on behalf of Mr. Talarico clarifying that he was not required to file a Himmel Report (as demanded by Dulberg and Kost) because he did not have first-hand knowledge of the alleged reportable activities. (Please see Exhibit C attached)

7) Please note the "mid-stream" change contained in the highlighted January 14, 2024 email letter from Thomas W. Kost and his accusation of a conspiracy for failing to file Himmel Complaints and Judicial inquiry Complaints as instructed. *supra* Exhibit B

THE ANTICIPATORY REPUDIATION OF THE ATTORNEY_CLIENT AGREEMENTS

1) The current Attorney-Clients (Dulberg and Kosts) Agreement was that Mr. Talarico was to be paid $15,000.00 per month unless and until Mr. Dulberg and Kost retain another attorney to take over part of the full time burden they placed on Mr. Talarico. At that time Mr. Talarico would be allowed to take on new clients as he chose.

2) In late December Paul R. Dulberg emailed and telephoned to Mr. Talarico the message that the $15,000.00 that funds Mr. Talarico's next payment (January 15, 2024) has been received and transferred to his account for his agreed upon fees to be paid by check on January 15, 2024.

3) Based upon Dulberg and Kost's manifested change of view, from describing Mr. Talarico as the only honest, ethical, dedicated to their family attorney they have experienced in all their years of dealing with the Illinois

Court System to a turncoat despicable attorney working for the betterment of all their legal opponents because Mr. Talarico would not violate his legal professional ethics by filing Himmel Reports on matters Mr. Talarico has no first-hand knowledge, Mr. Talarico twice requested in writing whether they will anticipatorily repudiate the Attorney-Clients agreement and pay the Attorney Fee of $15,000.00 due on January 15, 2024. Both Dulberg and Kost refused to answer.

4) Mr. Talarico was not paid $15,000.00 on January 15, 2024 or any time thereafter.

5) The last attorney fee payment in the amount of $15,000.00 was made on or about December 15, 2023 thus making the January 15, 2024 due and payable.

6) Mr. Talarico began to withdraw from their cases on or about February 6, 2024 after being abused verbally and in emails, accused of working for their many opponents by not filing Himmel Reports and because the Attorney – Clients Agreement was repudiated.

CONCLUSION

Every action taken, every document drafted and filed was first presented beforehand to Dulberg or Kost or Dulberg and Kost and approval was obtained or changes were made pursuant to their instructions before filing.

Every expert hired, every process server used, every expense incurred was first proposed and approved by Dulberg or Kost or Dulberg and Kost unless they made the decision in advance to which Mr. Talarico acquiesced.

All courses of action, strategies and all potential outcomes were discussed in advance and approval obtained.

Every file stamped document, every report, every court order was sent to Dulberg or Kost or Dulberg and Kost.

Dulberg or Kost or Dulberg and Kost were present by zoom to all Court Activities.

Mr. Talarico was completely transparent in all matters regarding the attorney-client relationship with Dulberg, and with Kost and with Dulberg and Kost.

The fraudulent use of Mr. Talarico's forged signature, electronic signature (/s/) used without permission and any other unknown use of his name to indicate his joining or approving of documents or actions as Mr. Talarico has never given Dulberg or Kost permission to sign his name.

(Please see attached as Exhibit D the March 15, 2024 communication from the ARDC to Paul R. Dulberg and Mr. Talarico concerning Attorney Brad Balke)

Please see attached as Exhibit E the March 15, 2024 communication from the ARDC to Paul R. Dulberg and Mr. Talarico concerning Attorney Gooch).

Please see attached as Exhibit F the March 15, 2024 communication from the ARDC to Paul R. Dulberg and Mr. Talarico concerning Attorney William Baudin)

Finally, it should be noted that much of Dulberg and Kost's complaint binder is old material regarding other attorneys, judges and court personnel and does not touch upon Mr. Talarico**;** Mr. Talarico asserts that it is added to impress the reader and to serve as a basis for now claiming that their unproven conspiracy and fraud upon the Court can now have the name of Alphonse A. Talarico added to the fantasy but since these pages do not pertain to Mr. Talarico, no response is made.

However, one false impression that Mr. Dulberg attempts to convey on page 11 of his Request for Investigation against Mr. Talarico is that he was somehow forced or persuaded to add Alternative Dispute Resolution Systems of America L.L.C. (ADR) as a named defendant and consequently named on a Rule 137 Motion for sanctions by named Defendant Alternative Dispute Resolution Systems of America L.L.C.

This is another attempt to rewrite history to favor Mr. Dulberg as disproven by the following:

1) Dulberg places at issue that he believes his signature on the ADR Contract was a forgery. (Please see Exhibit G attached);

2) Dulberg and Kost create a comparison chart to show the differences between the ADR Contract with his signature forged on the date of the ADR hearing. (Please see Exhibit H attached);

3) The E-mail letter from Dulberg to Mr. Talarico dated November 23, 2022 informing Mr. Talarico to include ADR Systems of America L.L.C. as a named Defendant. (Please see Exhibit I attached).

I trust you may now conclude your investigation into the above matter, however, if you require additional information, please do not hesitate to contact me.

Sincerely,

Samuel J. Manella

SAMUEL J. MANELLA

SJM:jk

Enclosures

Cc: Alphonse A. Talarico

Merry Christmas

Paul Dulberg <Paul_Dulberg@comcast.net>

Sun 12/24/2023 8:07 AM

To:Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Dear Mr Talarico,

Thank you for all the work you have done in the several cases over the past year and I hope you have a Merry Christmas and a great New Year!

Please let me know your anticipated schedule so we can continue to work on the several cases together after December 25.

Paul

Re: In the spirit of openness and honesty

T Kost <tkost999@gmail.com>

Sun 1/14/2024 2:38 PM

To:Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

That is your choice, but my choice is to always deal with you openly and honestly. There is very important information that you need to know. If you violated the Himmel Rule, this means we are logically forced to ask and answer the following questions:

a) Did Alphonse Talerico violate the Himmel Rule?
b) Did Alphonse Talerico violate the Himmel Rule to benefit his own client?
c) Did Alphonse Talerico violate the Himmel Rule to benefit opposing parties?
d) Did Mr Talerico violate the Himmel Rule knowingly?
e) Did Mr Talerico violate the Himmel Rule accidentally?

The problem I keep coming up with is that even though I truly believe in you and trust you, the main beneficiaries of Alphonse Talerico violating the Himmel Rule are:

EXHIBIT
B

Hans Mast
Thomas J. Popovich
Kelly N. Baudin
Wm Randall Baudin II
Thomas W. Gooch
Sabina Walczyk
Edward X. Clinton
Julia C. Williams

I will always welcome your input, but the unfortunate truth is that the people listed above truly seem to be the main beneficiaries of your actions. It is strange that you make no effort to show that you are not acting in the interest of these people.

I'd love for you to continue to represent us because I believe you are a man of honesty and integrity. But you clearly need to be able to address the issues that I have raised. It seems absurd that you have no legally coherent answer to any points I am raising.

Thanks for all the help you have given to my family and maybe, after you review the information I have provided, you will realize that it is in your best interest to be open and honest with us, too. You are a man of his word and I respect that. Just be open and forthcoming about the issues I have raised, and maybe you will change your mind.

With respect, Thomas Kost

On Sun, Jan 14, 2024 at 12:54 PM Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:

> How refreshing!
>
> Gentlemen,
>
> Let this response email notify you officially that I am withdrawing from all your representations, you do not have any authority to sign my name to any motions , pleadings or PTAs, etc., whatsoever.
>
> I will report your actions to my malpractice Insurance carrier as is required .
>
> Have a nice day!
>
> Sincerely,
> Alphonse A. Talarico, Esq.
> 3126081410

From: T Kost <tkost999@gmail.com>
Sent: Sunday, January 14, 2024 9:34 AM
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Subject: In the spirit of openness and honesty

Mr Talerico, On January 5th, 2023 we sent the following document to the ARDC:

http://www.fraudonthecourt.net/ardc/2024-01-05_Supplemental%20to%209%20ARDC%20complaints_Dulberg's%20efforts%20to%20raise%20issue%20of%20Clinton-Gooch-Popovich%20fraud%20on%20court%20to%20presiding%20judge.pdf

I tried to bring all this to your attention on January 2nd as the timeline shows but you seemed to be too busy at the time to discuss it. We wanted to discuss this with you first so you know we are not accusing you of anything, but we needed to be perfectly clear on the issue of first discovery and that is why the document was written.

We also wrote this because Paul kept telling me about a "bad feeling" he had at the time. He felt that you were going to "stonewall" or "drag your feet" during the entire process of preparing the Supreme Court Petition. He had this "bad feeling" well before the Supreme Court Petition was due on January 8th.

Paul would use terms like "foot-drag" and "stone-wall" and "go limp". He couldn't explain why. He just kept calling it a "bad feeling".

The Supreme Court Petition was due on January 8th and it is now January 14th. This is yet another reason why it is in both your interest and our interest to be completely open and transparent about the portion of the timeline marked in blue in this link:

http://www.fraudonthecourt.net/exhibits/Visual%20Aid%2024%20-%20Timeline%20of%20discovery%20and%20raising%20issue%20of%20fraud%20during%20litigation.png

I am sure you have been dealing with my family honestly and professionally. But it is pretty strange how Paul kept having "bad feelings" about your willingness to file the Supreme Court Petition long before you acted in ways that a reasonable person can interpret as confirming his worst fears. This is why complete openness and honesty is so important between us right now. Being an honest man with integrity, it is in your interest as well as ours to show that you are doing absolutely nothing to sabotage Dulberg's Supreme Court Petition at this critical moment.

Re: In the spirit of openness and honesty

T Kost <tkost999@gmail.com>
Wed 1/17/2024 7:55 PM
To:Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

You resigned on January 14, 2024. Don't you remember?

Thanks for letting me know when you complied with the Himmel Rule.

But could you please explain why you believe you are in compliance with the Himmel Rule by first reporting in October, 2023? The timeline I gave you a link to earlier shows you were given detailed information as early as October, 2022 and you were sent a folder called _document_suppression_smoking_gun on November 9, 2022.

The timeline our our communication on this subject is linked here:

http://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2049_Dulberg's%20discovery%20and%20efforts%20to%20notify%20Judges%20of%20Clinton-Gooch-Popovich%20fraud%20on%20court/

The folder I sent you on November 9, 2022 called _document_suppression_smoking_gun is linked here: :

http://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2049_Dulberg's%20discovery%20and%20efforts%20to%20notify%20Judges%20of%20Clinton-Gooch-Popovich%20fraud%20on%20court/2022-11-09_document_suppression_smoking_gun/

In your legal opinion, don't you see the information given to you since October, 2022 as subject to Himmel Rule reporting requirements? If it is, then how can you claim you were not acting in violation of the Himmel Rule?

On Wed, Jan 17, 2024 at 10:24 AM Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:

> I have complied with the Himmel rules, after consultation with an advisory ARDC staff attorney starting in October 2023.

Your non- confirmation when asked in writing by email 2 x that your family will pay me the agreed monthly fee due on or before January 15, 2024 is an anticipatory breach of the oral attorney- client amended agreement. Said anticipatory repudiation became actionable under Illinois Law as of January 16, 2024 at12.01 a.m.

I will happily continue working on all Dulberg/Kost matters upon payment, as both families agreed.

Ps I am the only person to file against a Judge in this matter.

Sincerely,

Alphonse A. Talarico, Esq.

From: T Kost <tkost999@gmail.com>
Sent: Sunday, January 14, 2024 2:38 PM
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Subject: Re: In the spirit of openness and honesty

That is your choice, but my choice is to always deal with you openly and honestly. There is very important information that you need to know. If you violated the Himmel Rule, this means we are logically forced to ask and answer the following questions:

a) Did Alphonse Talerico violate the Himmel Rule?
b) Did Alphonse Talerico violate the Himmel Rule to benefit his own client?
c) Did Alphonse Talerico violate the Himmel Rule to benefit opposing parties?
d) Did Mr Talerico violate the Himmel Rule knowingly?
e) Did Mr Talerico violate the Himmel Rule accidentally?

The problem I keep coming up with is that even though I truly believe in you and trust you, the main beneficiaries of Alphonse Talerico violating the Himmel Rule are:

Hans Mast
Thomas J. Popovich
Kelly N. Baudin

Wm Randall Baudin II
Thomas W. Gooch
Sabina Walczyk
Edward X. Clinton
Julia C. Williams

I will always welcome your input, but the unfortunate truth is that the people listed above truly seem to be the main beneficiaries of your actions. It is strange that you make no effort to show that you are not acting in the interest of these people.

I'd love for you to continue to represent us because I believe you are a man of honesty and integrity. But you clearly need to be able to address the issues that I have raised. It seems absurd that you have no legally coherent answer to any points I am raising.

Thanks for all the help you have given to my family and maybe, after you review the information I have provided, you will realize that it is in your best interest to be open and honest with us, too. You are a man of his word and I respect that. Just be open and forthcoming about the issues I have raised, and maybe you will change your mind.

With respect, Thomas Kost

On Sun, Jan 14, 2024 at 12:54 PM Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:

> How refreshing!
>
> Gentlemen,
>
> Let this response email notify you officially that I am withdrawing from all your representations, you do not have any authority to sign my name to any motions , pleadings or PTAs, etc., whatsoever.
>
> I will report your actions to my malpractice Insurance carrier as is required .
>
> Have a nice day!

Sincerely,
Alphonse A. Talarico, Esq.
3126081410

From: T Kost <tkost999@gmail.com>
Sent: Sunday, January 14, 2024 9:34 AM
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Subject: In the spirit of openness and honesty

Mr Talerico, On January 5th, 2023 we sent the following document to the ARDC:

http://www.fraudonthecourt.net/ardc/2024-01-05_Supplemental%20to%209%20ARDC%20complaints_Dulberg's%20efforts%20to%20raise%20issue%20of%20Clinton-Gooch-Popovich%20fraud%20on%20court%20to%20presiding%20judge.pdf

I tried to bring all this to your attention on January 2nd as the timeline shows but you seemed to be too busy at the time to discuss it. We wanted to discuss this with you first so you know we are not accusing you of anything, but we needed to be perfectly clear on the issue of first discovery and that is why the document was written.

We also wrote this because Paul kept telling me about a "bad feeling" he had at the time. He felt that you were going to "stonewall" or "drag your feet" during the entire process of preparing the Supreme Court Petition. He had this "bad feeling" well before the Supreme Court Petition was due on January 8th.

Paul would use terms like "foot-drag" and "stone-wall" and "go limp". He couldn't explain why. He just kept calling it a "bad feeling".

The Supreme Court Petition was due on January 8th and it is now January 14th. This is yet another reason why it is in both your interest and our

interest to be completely open and transparent about the portion of the timeline marked in blue in this link:

http://www.fraudonthecourt.net/exhibits/Visual%20Aid%2024%20-%20Timeline%20of%20discovery%20and%20raising%20issue%20of%20fraud%20during%20litigation.png

I am sure you have been dealing with my family honestly and professionally. But it is pretty strange how Paul kept having "bad feelings" about your willingness to file the Supreme Court Petition long before you acted in ways that a reasonable person can interpret as confirming his worst fears. This is why complete openness and honesty is so important between us right now. Being an honest man with integrity, it is in your interest as well as ours to show that you are doing absolutely nothing to sabotage Dulberg's Supreme Court Petition at this critical moment.

2023in03894- Balke

Madry, Erica <EMadry@iardc.org>

Fri 3/15/2024 12:10 PM

To:paul_dulberg@comcast.net <paul_dulberg@comcast.net>;Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Cc:Guzman, Myrrha <MGuzman@iardc.org>

1 attachments (94 KB)

1723107-LTR- eINITC- Balke.pdf;

Attached please find correspondence from the Attorney Registration and Disciplinary Commission (ARDC).

The ARDC attorney handling this matter is Myrrha Guzman. Email is our preferred method of communication. Please address communications regarding this matter to Ms. Guzman and submit them via email to me at mguzman@iardc.org.

If you have any questions or need to speak with a member of our staff, please call our general number: (312) 565-2600.

Thank you,

Erica D. Madry

Attorney Registration & Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Ste. 1500
Chicago, IL 60601
Telephone: (312) 565-2600

EXHIBIT D

2023in03895- Gooch

Madry, Erica <EMadry@iardc.org>

Fri 3/15/2024 12:12 PM

To:paul_dulberg@comcast.net <paul_dulberg@comcast.net>;Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Cc:Guzman, Myrrha <MGuzman@iardc.org>

1 attachments (94 KB)

1723112-LTR- eINITC- Gooch.pdf;

Attached please find correspondence from the Attorney Registration and Disciplinary Commission (ARDC).

The ARDC attorney handling this matter is Myrrha Guzman. Email is our preferred method of communication. Please address communications regarding this matter to Ms. Guzman and submit them via email to me at mguzman@iardc.org.

If you have any questions or need to speak with a member of our staff, please call our general number: (312) 565-2600.

Thank you,

Erica D. Madry

Attorney Registration & Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Ste. 1500
Chicago, IL 60601
Telephone: (312) 565-2600

ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Paul Dulberg
By Email: paul_dulberg@comcast.net

Alphonse Talarico
By Email: contact@lawofficeofalphonsetalarico.com

Chicago
March 15, 2024

Re: William Randal Baudin, II
in relation to
Paul Dulberg & Alphonse Talarico
No. 2023IN03897

Dear Mr. Dulberg & Mr. Talarico:

We have received your communication regarding William Baudin.

We will request that the attorney submit a response to the matters you have raised. A copy of the attorney's response may be sent to you for your comments. We will then determine whether further investigation is warranted.

We will contact you if we require additional information from you and will advise you of any decision we reach in the matter. Please notify us of any change in your contact information.

Thank you for your cooperation.

Very truly yours,

Myrrha B. Guzman

Myrrha B. Guzman
Senior Counsel
ARDC Intake Division

MBG:edm

EXHIBIT F

MAINLIB_#1723113_v1

A smoking gun that Dulberg never signed the agreement and who may have

Paul Dulberg <Paul_Dulberg@comcast.net>
Fri 10/21/2022 4:44 PM
To: Tom Kost <tkost999@gmail.com>;Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

1 attachments (190 KB)
Fwd Re Paul Dulberg 1483578 12LA178-2.pdf;

I had to send this one special because it is to the point of who signed the ADR agreement if it was signed at all.

Dulberg Master File\Dulberg Emails 2020 August 19\Fwd Re Paul Dulberg 1483578 12LA178-2.pdf
(Page 1 - 9, Emails between Baudin's and Trustee Olsen)
Special Note on Pages 1 & 2 - A smoking gun that Dulberg never signed the agreement:

"On Mon, Oct 31, 2016 at 10:41 AM, < jolsenlaw@comcast.net> wrote:
Randy-
The Court authorized your appointment this morning, as well as entry into that "Binding Mediation Agreement";
Do you want the debtor to /s/ the form, or me as trustee?
Let me know, thanks."

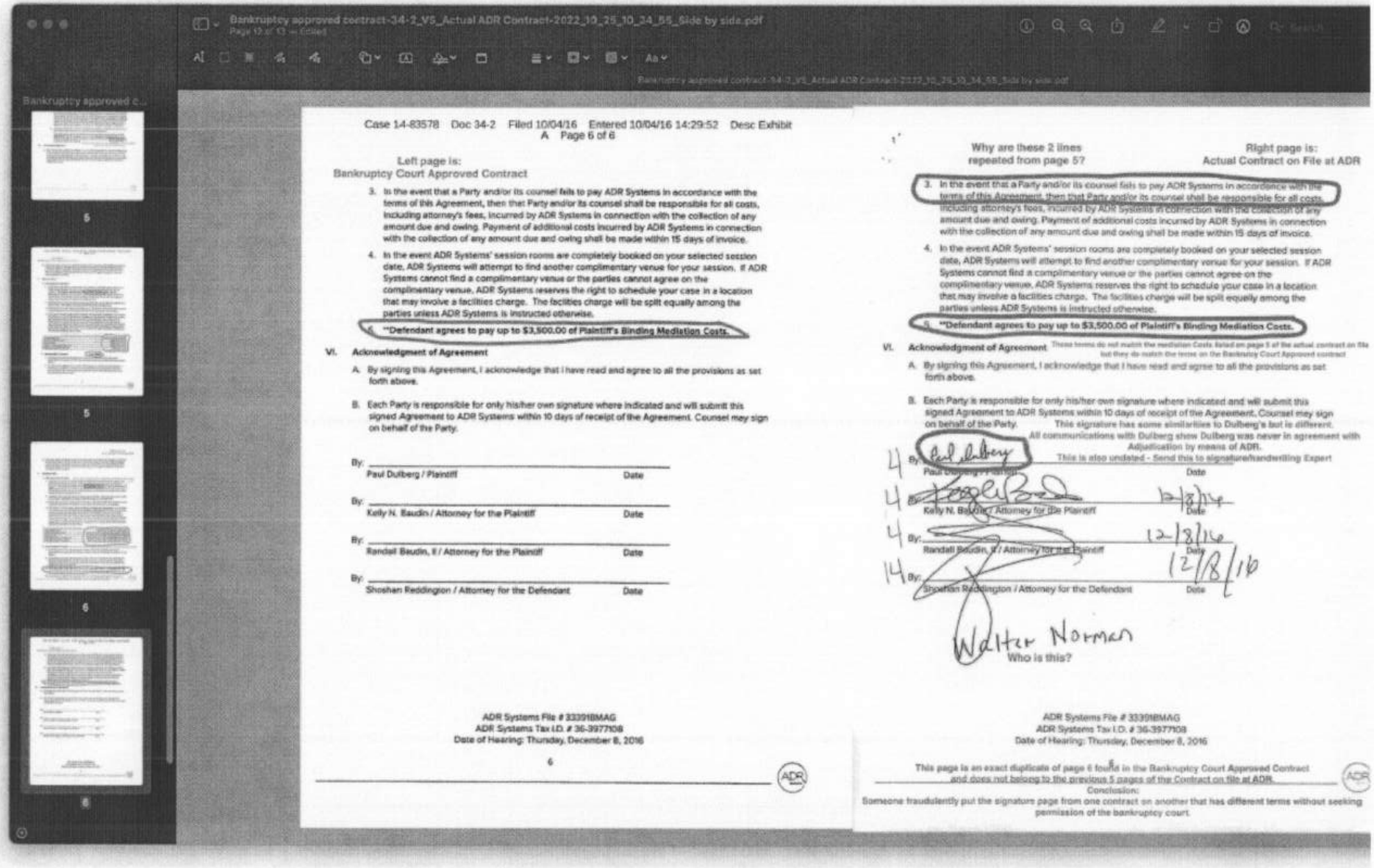
"On October 31, 2016 at 10:50 AM Randy Baudin II <randybaudin2@gmail.com> wrote:
You can good ahead sign it. Thank you so much."

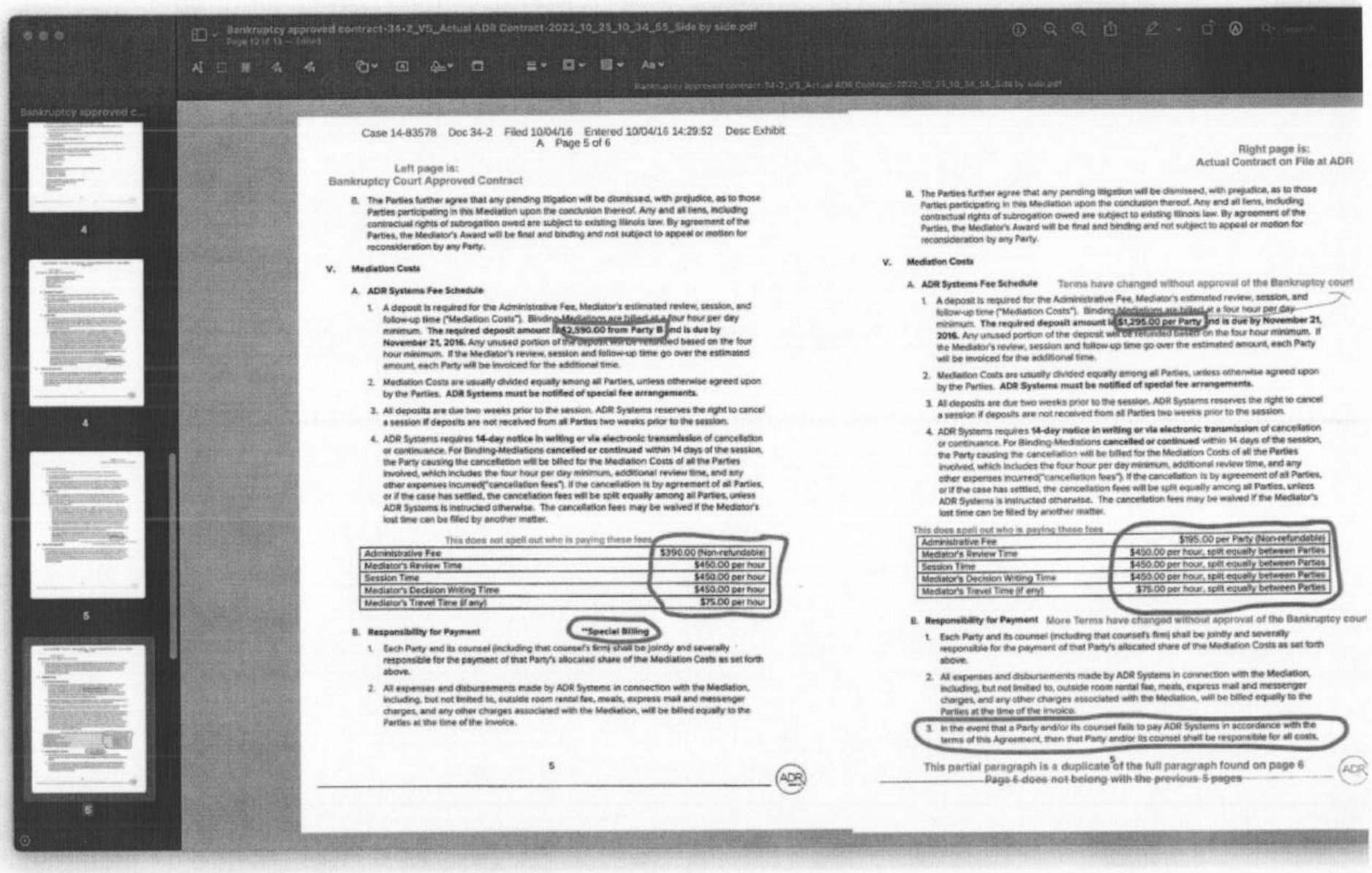
ADR Contracts marked up

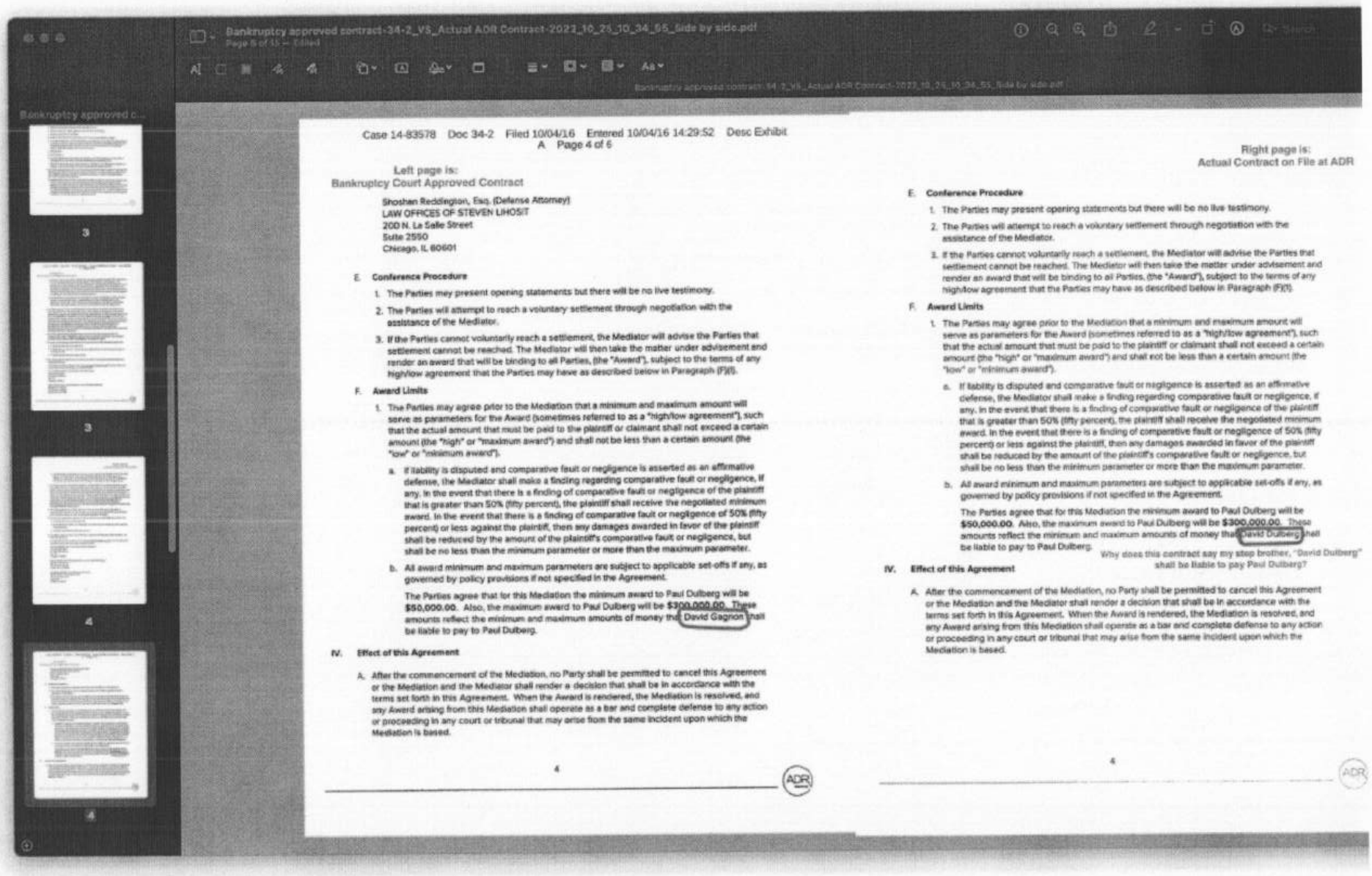
Paul Dulberg <Paul_Dulberg@comcast.net>

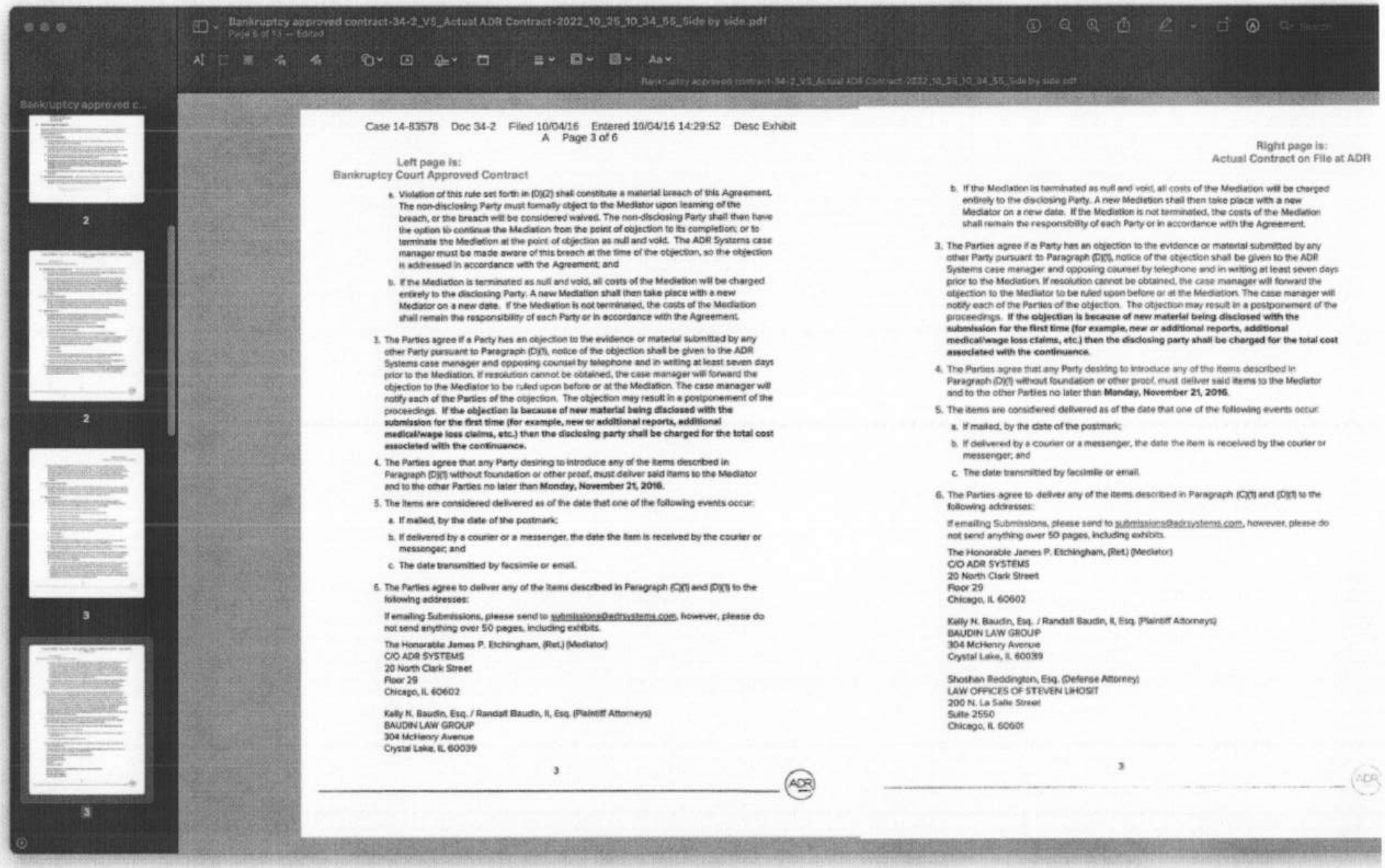
Sat 10/29/2022 2:38 PM

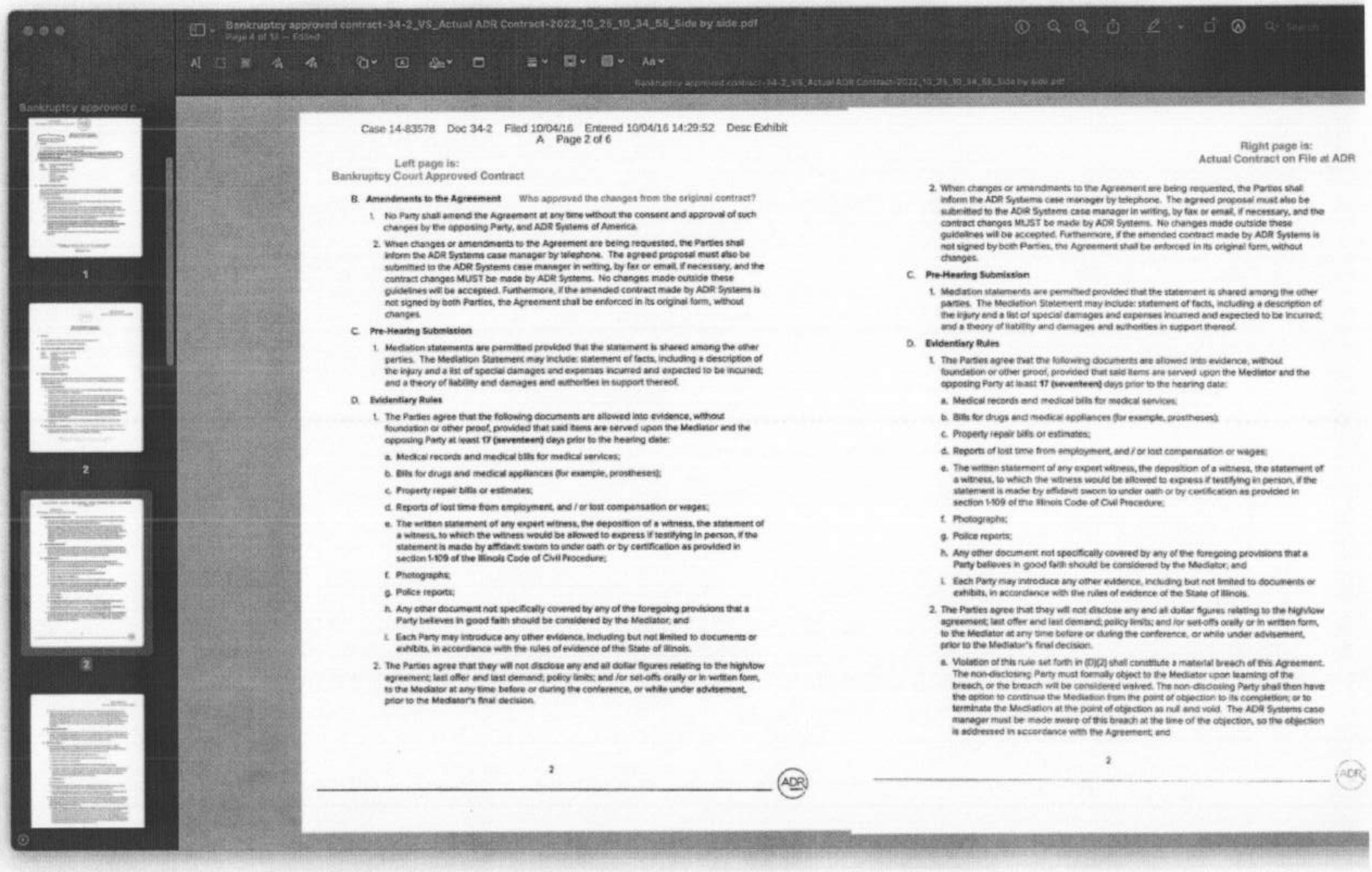
To:Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

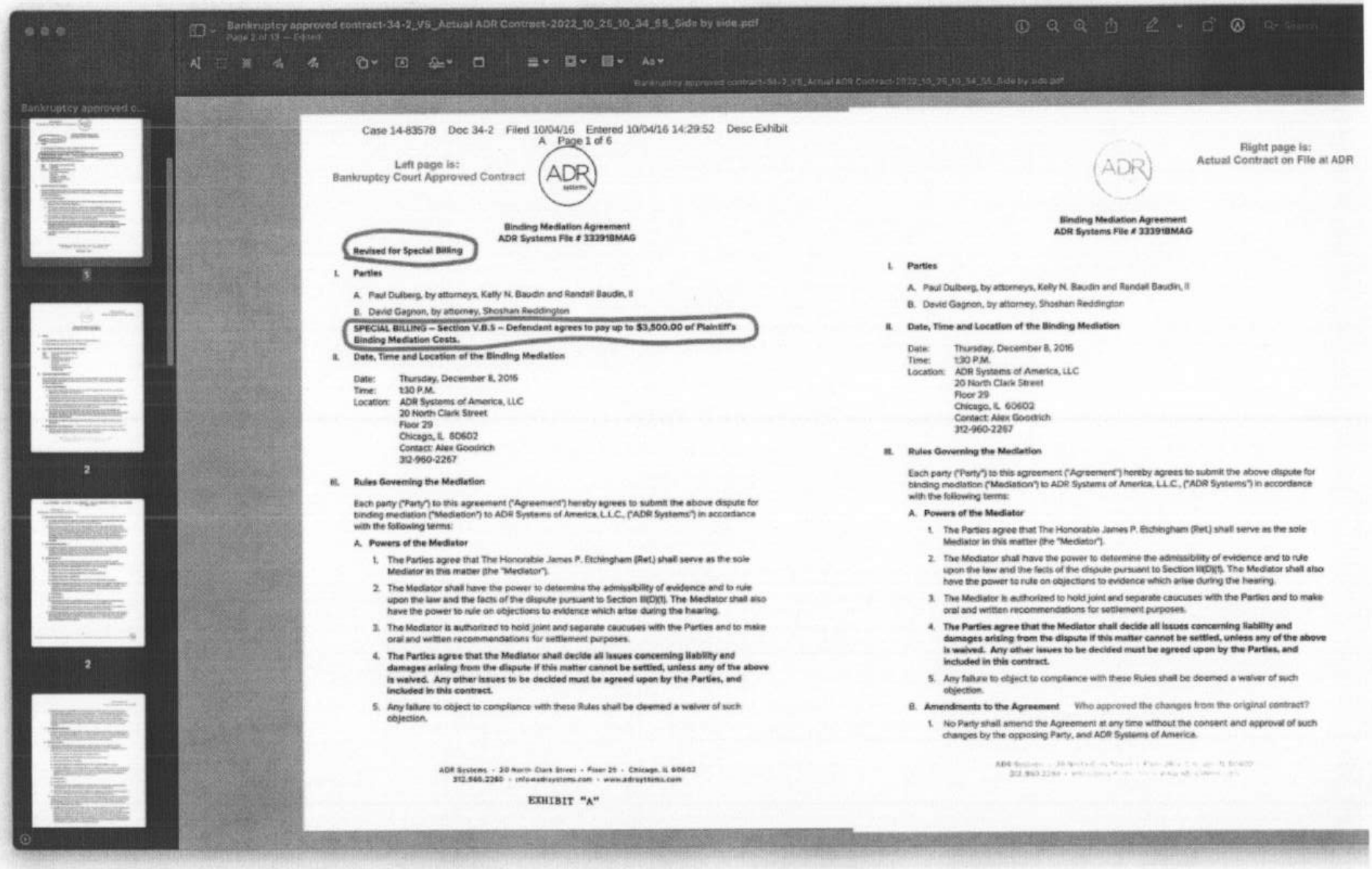












New case: Baudin/Olsen/ADR Complaint

Paul Dulberg <Paul_Dulberg@comcast.net>

Wed 11/23/2022 7:31 AM

To:Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Dear Mr Talarico,

It is time to get the ball rolling on the fraudulent ADR contract.

I believe I remember you said it would be an additional $10,000 as a retainer.

I can issue the check next Tuesday, November 28, 2022 assuming you still want the case and the amount needed is correct.

If you do please send me the retainer agreement to sign.

Please advise.

I believe we have 3 defendants and multiple counts (Rough list is below, it's off the top of my head and may not include everything we can charge), lets discuss these and refine as needed to make a legally sufficient complaint including all participants involved in the fraudulent contract:

1. Baudins:
a.) Contract Fraud and affidavit fraud in bankruptcy court
b.) Contract Fraud at Alternative Dispute Resolutions Inc.
c.) Legal Malpractice for failure to notify the circuit court of the bankruptcy

d.) Legal Malpractice for failure to inform Dulberg of Gagnon's non-answer the Cross-Claim resulting in Gagnon admitting to all allegations in Dulberg's complaint and Failure to inform Dulberg that Gagnon did not answer interrogatories.
e.) Legal Malpractice for failure to inform Dulberg of Popovich's Legal Malpractice for Gagnon's non-answer the Cross-Claim resulting in Gagnon admitting to all allegations in Dulberg's complaint and Failure to inform Dulberg that Gagnon did not answer interrogatories.
f.) Legal Malpractice for failure to compel Gagnon to answer interrogatories
g.) Legal Malpractice for failure to file a summary judgement motion on behalf of Dulberg against Gagnon for admitting all allegations in Dulberg's complaint as true.
h.) Failure to protect the estate from fraud and Failure to Maximize the estate by entering into a fraudulent contract with a cap on recovery.

2. Olsen
a. Contract Fraud in bankruptcy court
b. Failure to ensure the contract used at ADR matched the Contract approved to be entered into at bankruptcy court
c. Failure to recognize that the attached contract to the Baudins law group's affidavit was not entered into by the Baudin Law group but was rather a contract with Baudin & Baudin
d. Failure to protect the estate from fraud

3. ADR
a. Acceptance of an obviously flawed contract that is different than the contract originally authored by ADR.
b. Failure to follow and enforce the terms/rules written in the contract about modifications to the contract.

I believe all 3 defendants could be charged with conspiracy to commit fraud against the bankruptcy estate as well.

Thanks,

Paul

From: Paul Dulberg at Paul_Dulberg@comcast.net
Thomas Kost at tkost999@gmail.com

To: Theresa Bulatovic at tbulatovic@iardc.org
Myrrha B. Guzman, at mguzman@iardc.org

RE: 2024IN00264

May 13, 2024

Ms. Guzman,

REPLY TO TALARICO ARDC RESPONSE

In Talarico's response to the ARDC both Dulberg and Thomas Kost are openly accused of making random, irrational accusations against officers of the Illinois courts and Illinois Judges.

Dulberg has released all attorney-client communications with all law firms retains by Dulberg and has made all his attorney-client communications available to the public. Anyone with internet access can inspect all communications. It is our position that no such random, irrational accusation against any officers of the Illinois courts or Illinois Judges can be found.

We demand and have been demanding that Talarico provide case files to us of the cases for which Talarico was retained by us and for which Talarico has received hundreds of thousands of dollars.

We also demand phone records and recordings of phone conversations Talarico had with us and on our behalf while retained.

We believe that for a member of the Illinois Bar to be allowed to make such accusations against their own former clients while being allowed to withhold all case files and phone records from them is to reach the summit of logical and legal absurdity.

This is because it doesn't take a genius to figure out that the evidence of Talarico's accusations against us are in the phone records and recordings.

If one were interested in 'fact finding' wouldn't one look in the following 3 sources to verify or refute any claim of this nature?

1) Chronological record of events (timelines)
2) All email communication between us and Talarico
3) All phone communication between us and Talarico

We are being accused of these serious charges by our own former attorney and we do not even have the right to our own case files that he refuses to turn over?

We are being accused of these serious charges by our own former attorney and we do not have a right to any of the phone records and recordings of conversations between us and our own former attorney?

If this is the position the ARDC takes on this issue, then the ARDC as an institution is allowing a member of the Illinois Bar to make serious accusations against their own former clients while being allowed to hide case

files and communications records from their own former clients. In this case the ARDC would be providing the means by which and justification through which the member (or any member) of the Illinois Bar is allowed to treat their own former clients in this way.

Our position is stated clearly and in extreme detail and is available to the public in 8 series of videos. The videos are available here:

www.fraudonthecourt.net/video

How the videos are arranged into 8 groups can be seen here:

Visual Aid 56 - Video presentation layout.png

The video series 'Being targeted by an attorney network' videos 1 to 14 covers what Talaroco did during case 17LA377

The video series "The revenge of the network' videos 1 to 11 covers what Talarico did during case 22L010905.

'The revenge of the network' videos 6 through 11 uses a system similar to 'Google Maps' to help keep track of the many different ways Talarico attempted to sabotage Dulberg's claims. There are so many examples that it is neccessary to keep track of them in a systematic way.

The video series 'The steering of any appeal into a ditch' videos 1 to 3 covers what Talarico did during appeal processes.

The reason why we began presenting this information in audio-video form and our previous experiences with filing ARDC complaints in written form are described in the series 'Illinois response to being informed of attorney network' videos 1 to 20.

Our current reply to the April 29, 2024 answer Talarico submitted to the ARDC is contained in of the video series 'Illinois response to being informed of attorney network' videos 10 to 20. Direct links to our current reply are given below:

Illinois response to being informed of attorney network 10- Walking around the chronological record and word replacement.mp4
Illinois response to being informed of attorney network 11- Why we began to make video records of events.mp4
Illinois response to being informed of attorney network 12- Valid questions of accident or intentionality.mp4
Illinois response to being informed of attorney network 13- The chronological record is a life raft.mp4
Illinois response to being informed of attorney network 14- Overview of Talarico response.mp4
Illinois response to being informed of attorney network 15- The 2 theories and writing your own passport.mp4
Illinois response to being informed of attorney network 16- Using timelines and communications records to spot logical poverty.mp4
Illinois response to being informed of attorney network 17- Theory 2 word replacement and passports and a new emerging reality consensus.mp4
Illinois response to being informed of attorney network 18- Using timelines and communications records to spot more logical poverty and the sadness of the system.mp4
Illinois response to being informed of attorney network 19- Using timelines and communications records to spot more logical poverty.mp4
Illinois response to being informed of attorney network 20- Its all in Dulbergs mind.mp4

We are convinced that ample evidence demonstrates that Dulberg was simply trying to use the court system to address a chainsaw injury to his dominant right arm. The evidence demonstrates that is all Dulberg was attempting to do. This began as a personal injury case and that is all.

We are now facing serious accusations by our own former attorney, while at the same time our own former attorney is apparently allowed to keep our case files, keep all phone records concealed, and keep all recordings of conversations with us and with others on our behalf he had while retained by us as if they are his personal property.

For this reason we have placed all attorney-client correspondence and all legal and logical arguments and all video statements on a public website so anyone who wishes can see all sides of these communications and judge for themselves which arguments make more sense.

We believe that people both with and without a university education, and those as young as students in junior high schools and those as old as the hills will be able to see the patterns being shown in the videos and in documents available on the website.

We also believe that many, many residents of Illinois are able to see that behaviors by networks of attorneys as described in the website and in the 8 series of videos can affect their families, too. We believe that many people will recognize the actions described are dangerous to Illinois residents in general. Many viewers will most probably see the actions of attorneys described in the videos and website as a potential threat to their families and friends, too.

In addition, if the final public statement on Dulberg's cases in the State of Illinois is that all actions taken by attorneys described in all 71 videos are nothing but figments in the mind of an unhinged and ignorant conspiracy theorist, then we believe most (or a large number) of people who will see this information will find such conclusions as simply not credible.

/s/Paul Dulberg
Paul Dulberg
(847) 497-4250
Paul_Dulberg@comcast.net
4606 Hayden Ct.
Mchenry, IL 60051

/s/Thomas Kost
(847) 439-2198
tkost999@gmail.com
423 Dempster St.
Mt. Prospect IL 60056

This additional pages is intentionallyad ded so that all Hyperlinks (Originallyu nderlined and Blue now here in bold font) listed in the email to the ARDC may be copied and pasted into any web browser to view the originals using the correspondong http://... (in plain font).

Visual Aid 56- Video presentation layout.png
https://www.fraudonthecourt.net/exhibits/Visual Aid 55 - Video presentation layout.png

---

Illinois response to being informed of attorneyn etwork 10- Walking around the chronological record and word replacement.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 10- Walking around the chronological record and word replacement.mp4

Illinois response to being informed of attorneyn etwork 11- Whyw e began to make video records of events.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 11- Why we began to make video records of events.mp4

Illinois response to being informed of attorneyn etwork 12- Valid questions of accident or intentionality.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 12- Valid questions of accident or intentionality.mp4

Illinois response to being informed of attorneyn etwork 13- The chronological record is a life raft.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 13- The chronological record is a life raft.mp4

Illinois response to being informed of attorneyn etwork 14- Overview of Talarico response.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 14- Overview of Talarico response.mp4

Illinois response to being informed of attorneyn etwork 15- The 2 theories and writing your own passport.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 15- The 2 theories and writing your own passport.mp4

Illinois response to being informed of attorneyn etwork 16- Using timelines and communications records to spot logical poverty.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 16- Using timelines and communications records to spot logical poverty.mp4

Illinois response to being informed of attorney network 17- Theory 2 word replacement and passports and a new emerging reality consensus.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 17- Theory 2 word replacement and passports and a new emerging reality consensus.mp4

Illinois response to being informed of attorney network 18- Using timelines and communications records to spot more logical poverty and the sadness of the system.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 18- Using timelines and communications records to spot more logical poverty and the sadness of the system.mp4

Illinois response to being informed of attorney network 19- Using timelines and communications records to spot more logical poverty.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 19- Using timelines and communications records to spot more logical poverty.mp4

Illinois response to being informed of attorneyn etwork 20- Its all in Dulbergs mind.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 20- Its all in Dulbergs mind.mp4

ARDC COMPLAINT AGAINST KELLY N BAUDIN AND WILLIAM RANDALL BAUDIN II

BAUDIN CONTROL OF DULBERG'S PERSONAL INJURY CASE 12LA18

Baudins contracted with Dulberg instead of with the Bankruptcy Trustee

Baudins moved to cap the value of PI case 12LA18

Baudins closed the deal with an upper cap

Baudins coerced Dulberg to agree and misinformed him of where the 'upper cap' came from

Baudins moved to contract with Bankruptcy Trustee only after capping value of 12LA18

Olsen misled Bankruptcy Judge that Dulberg wants Binding Mediation (about 11 weeks after the deal was closed)

Dulberg's signature was forged onto the Agreement

Dulberg was coerced into signing Release

Table 1: 4 DIFFERENT EFFORTS TO PLACE AN UPPER CAP ON THE VALUE OF PI CASE 12LA18

Appendix A: Phone call to Dulberg from Randall Baudin Sr.

Relevant Facts:

1. Dulberg's injury and experiences with Popovich are described in detail in Exhibit 1.

2. Dulberg's experiences with Balke are described in Exhibit 2.

3 In summary, the Baudins continued in the same pattern (with some slight variations) as Popovich and Mast did and as Balke did:

a) Contracted with Dulberg even though they knew Dulberg had no standing as plaintiff in the case (the third consecutive law firm to do so).

b) Agreed to take case to trial when contracting (the third consecutive law firm to do so).

c) Represented Dulberg in 22nd Judicial Circuit Court even though the automatic stay is in place (the third consecutive law firm to do so).

d) Did not sign any agreement with Bankrupty trustee who they knew had standing as plaintiff in the case from September 22, 2015 to October 31, 2016 (the third consecutive law firm to do so).

e) Knew or should have known that Gagnon already effectively admitted to negligence (the third consecutive law firm to do so).

f) Only discernible work done in 22nd Judicial Circuit Court was to get Dulberg to agree to Allstate settlement for $300,000 or less

4. Dulberg's mother knew that Randall Baudin Sr had represented Scott Dulberg a few years back and she recommended Randall Baudin Sr to Dulberg.

5. Dulberg called the office of Baudin & Baudin a few times, but nobody called back.[1]

6 Dulberg along with his mother (Barbara Dulberg) and brother Tom Kost went to meet with Randy Baudin Sr at Baudin & Baudin to discuss possible representation.

7 Upon entering the office of Baudin & Baudin, Dulberg met with a receptionist who called herself Myrna who introduced Dulberg to Randy Jr and Kelly Baudin attorneys of the firm.

8 When Barbara Dulberg inquired about Randy Baudin Sr, she was told that he was not available, not real active these days but doing okay.

9. A meeting took place.

10. Dulberg's fee agreement is with Baudin & Baudin which at the time was located at 2100 Huntington Dr., Suite C Algonquin IL. 60102.[2]

11. W. Randall Baudin II and Kelly Baudin belong to Baudin Law Group, Ltd. which at the time was located at 304 McHenry Ave, Crystal Lake, IL 60014.

12. Many Emails with Myrna Thompson aka Myrna Boyce their secretary are from myrna@blgltd.com and myrna@lawbaudin.com with the logo of Baudin Law Group Ltd.

13 Emails with Randy Baudin Jr are from randybaudin2@gmail.com

14. Emails with Kelly Baudin are addressed kelly@lawbaudin.com

15. Other emails used copier@blgltd.com

16 Dulberg expressed his intentions to take the case to trial clearly and unambiguously to W. Randall Baudin Jr and Kelly Baudin at their opening meeting. After what happened with Popovich, Mast and Bulke, Dulberg did not want an attorney who was not willing to take the case against Gagnon to a jury trial.

17 W. Randal Baudin II and Kelly Baudin agreed to take the case to trial if necessary.

18 At their first meeting Dulberg gave W. Randal Baudin II and Kelly Baudin 2 different packets of case files, one in a box from Bulke and the other from the Popovich Law Firm in a brown jacket folder. W. Randal Baudin II and Kelly Baudin did not want the box of files from Bulke and took only the organized brown jacket folder.

1 Exhibit 13 DUL004931, 4932, 6798, 6799, 7191, 7192

2 Exhibit F1-2015-Baudin_FeeAgreement.pdf

19. On September, 22, 2015 Dulberg hired Baudin & Baudin, W. Randal (Randy) Baudin II and Kelly Baudin to represent him in prosecuting his claims against Gagnon.[1]

20. Popovich hid key documents[2] that supported the version of events of the day of the chainsaw accident told by Dulberg and contradicted the version of events told by Gagnon, Carolyn McGuire, and Bill McGuire from Dulberg, the opposing counsel, and Dulberg's future attorneys, including the Baudins.

21. A $7,500 offer[3] made by Popovich and Mast on October 22, 2013 in Dulberg's name to settle the case with the McGuires was not included in the brown jacket folder (or the box of files) because Popovich and Mast did not include it.

22. A pharmacy receipt[4] with the time of presciption pick up given to Mast by Dulberg at their first meeting on December 1, 2011, which was a key piece of evidence corroborating Dulbergs version of events on the day of the chainsaw accident and directly contradicting the version of events told by Gagnon, Carolyn McGuire and Bill McGuire, was also not included in the brown jacket folder (or the box of files) because Popovich and Mast did not include it.

23 The purpose of the Baudin Defendants representing Dulberg in court (even though they knew or should have known that Dulberg lacked standing and any furtherance of the personal injury case in violation of the automatic stay) appears to have been to place an upper limit on the value of the case.

24. As stated In re Enyedi, 371 B.R. 327, 334 (N.D. Ill. 2007)

> It is well established in case law that acts taken in violation of the automatic stay imposed under section 362(a) of the Bankruptcy Code are deemed void ab initio and lack effect. See Middle Tenn. News Co., Inc. v. Charnel of Cincinnati, Inc., 250 F.3d 1077, 1082 (7th Cir. 2001) ("Actions taken in violation of an automatic stay ordinarily are void."); York Ctr. Park Dist. v. Krilich, 40 F.3d 205, 207 (7th Cir. 1994) (judgment issued against debtors without a modification of the automatic stay must be vacated); Matthews v. Rosene, 739 F.2d 249, 251 (7th Cir. 1984) (orders issued in violation of automatic stay provisions of Bankruptcy Code ordinarily are void); In re Benalcazar, 283 B.R. 514, (Bankr.N.D.Ill. 2002) (same); Garcia v. Phoenix Bond Indem. Co. (In re Garcia), 109 B.R. 335, 340 (N.D.Ill. 1989) ("[T]he fundamental importance of the automatic stay to the purposes sought to be accomplished by the Bankruptcy Code requires that acts in violation of the automatic stay be void, rather than voidable. Concluding that acts in violation of the automatic stay were merely voidable would have the effect of encouraging disrespect for the stay by increasing the possibility that violators of the automatic stay may profit from their disregard of the law, provided it goes undiscovered for a sufficient period of time."). See also Hood v. Hall, 321 Ill.App.3d 452, 254 Ill. Dec. 470, 747 N.E.2d 510, 512 (2001) ("There is no question that judgments entered

1 Exhibit F1-2015-Baudin_FeeAgreement.pdf
2 Fabrication 1 Walgreens RX receipts
3 Exhibit 65_2013-10-22_offer from Mast to Barch_POP000192.pdf
4 Fabrication 1 Walgreens RX receipts

in violation of the automatic stay in bankruptcy are void ab initio . . . and that void judgments may be attacked at any time."); Concrete Prod, Inc. v. Centex Homes, 308 Ill. App.3d 957, 242 Ill.Dec. 523, 721 N.E.2d 802, 804 (1999) ("[A]cts in violation of the section 362(a) automatic stay are void ab initio.")

25. Upon reviewing Dulberg's case against Gagnon, W. Randal Baudin II and Kelly Baudin knew or should have known that on February 1, 2013 a counterclaim[1] was filed against Gagnon by the McGuires on February 1, 2013. W. Randal Baudin II and Kelly Baudin knew or should have known:

a) that Gagnon has never filed an answer to the McGuires's counterclaim.

b) that because Gagnon did not answer the counterclaim filed on February 1, 2013, Gagnon was effectively admitting the facts stated in the counterclaim were true. The Baudins never told this to Dulberg.

c) that documents such as "Gagnon deposition exhibit 1" were highly questionable and showed evidence of being manipulated.[2] The Baudins never told this to Dulberg.

d) that Gagnon never filed answers to the interrogatories sent by Popovich and Mast.[3] The Baudins never told this to Dulberg.

26 W. Randal Baudin II and Kelly Baudin never asked Gagnon's counsel for the answers to interrogatories. The Baudins never informed the judge that they never received Gagnons answers to interrogatories.

FIRST MOVEMENTS TOWARD BINDING MEDIATION ARE TAKEN BY ALLSTATE AND BAUDINS TOGETHER W THOUT ANY KNOW EDGE OR CONSENT OF THE BANKRUPTCY TRUSTEE OR BANKRUPTCY J DGE AND W THOUT ANY KNOW EDGE OR CONSENT OF DULBERG

27 On June 13, 2016, in violation of the automatic stay, in the Circuit Court Allstate attorney Reddington stated that she and the Baudins are considering this case as a possible ADR candidate without Dulberg's knowledge or permission. The Baudins were representing Dulberg in the 22nd Judicial Circuit Court without Dulberg having standing as plaintiff, the case under automatic stay and without being hired as special counsel or receiving leave from the 7th Circuit United States Bankruptcy Court for the Northern District of Illinois, Western Division. Allstate attorney Reddington stated in the 22nd Judicial Circuit Court, "I have four motions up this morning. Plaintiff's attorney and I are working on the case to see if it's a possible ADR candidate. He asked that we get our motions entered and continued. They're for an IME." Allstate attorney Reddington also said, "And honestly, if I get a decision sooner, that -- well, I don't know if this is a case we -- we probably wouldn't be able to enter a dismissal order if we went to ADR until

1 Exhibit 54_2013-02-01_CROSS CLAIM FOR CONTRIBUTION AGAINST CODEFENDANT DAVID GAGNON_CERTIFICATE OF SERVICE_Barch-McGuires copy-OCR.pdf
2 Fabrication 2 Gagnon deposition exhibit 1
3 Exhibit 1: Chapter 2, Count 1, Section F

after the ADR was done."[1]

28 On June 13, 2016 the following exchange took place in the 22nd Judicial Circuit Court:[2]

THE COURT: Dulberg versus Gagnon?

(Whereupon the afore-captioned cause was recalled.)

SPEAKER: Judge, I'm here on Dulberg versus Gagnon.

THE COURT: Yeah.

SPEAKER: I have four motions up this morning. Plaintiff's attorney and I are working on the case to see if it's a possible ADR candidate. He asked that we get our motions entered and continued. They're for an IME.

THE COURT: Okay.

SPEAKER: They're to continue the trial, they're to bar one of his witnesses, and they're to compelhis expert.

THE COURT: Okay.

SPEAKER: For a dep. Randy Baudin and I have been talking all last week. And I said, What do you want to do about today? He's working with a client who's on his third attorney, so.

THE COURT: I had an extensive pretrial, so.

SPEAKER: Yes. And I'm new to it, but I'm like, Okay, we're going to, you know, get it ready for trial if that's what we're going to do.

THE COURT: When did Mr. Baudin want to come back?

SPEAKER: He didn't say. But I know, like myself, he's going to a volleyball tournament with his daughters in Florida.

THE COURT: Okay.

SPEAKER: At the end of the month.

THE COURT: So --

SPEAKER: I don't want to --

THE COURT: We'll get into July. Why don't we go 30 days. What's a day that works for you?

SPEAKER: And honestly, if I get a decision sooner, that -- well, I don't know if this is a case we -- we probably wouldn't be able to enter a dismissal order if we went to ADR until after the ADR was done.

1 Exhibit F2-2016-06-13_CC-Civil - 12LA000178 - 2_24_2022 - - - REOP - -.pdf (page 2 lines 7-11 & page 3 lines 12-16)

2 Exhibit F2-2016-06-13_CC-Civil - 12LA000178 - 2_24_2022 - - - REOP - -.pdf

THE COURT: Yeah.

SPEAKER: Based on the history. I am gone the first week of July. So after that, I am here July 11th.

THE COURT: Let's come back July 11th.

SPEAKER: Are you comfortable with leaving the trial date until that time?

THE COURT: Yeah.

SPEAKER: Because the trial date's out in September.

THE COURT: Yeah.

SPEAKER: Okay. All right.

THE COURT: It's not like it's extra work for me.

SPEAKER: Well, I just -- you know, for purposes of your calendar.

THE COURT: You're -- you're the number one case, so everybody else will be happy if you go away.

SPEAKER: I'm sure they will. Okay. Thank you, Judge.

THE COURT: All right. Thank you.

29. On July 11, 2016 the following exchange took place in the 22nd Judicial Circuit Court:[1]

THE COURT: Dulberg. Do we have -- When do you want to come back?

UNIDENTIFIED SPEAKER: We're entering continuing the motions, is that what we're doing?

THE COURT: Yes.

UNIDENTIFIED SPEAKER: Okay. When's your next available date, Judge?

THE COURT: For a hearing?

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: Or a brief.

THE COURT: Are we briefed? Has it been briefed?

UNIDENTIFIED SPEAKER: No. They're just motions that I presented as emergencies and then we continued them pending discussions.

THE COURT: Well, when -- if it goes into mediation, the motions become moot. Or do we have

to address them regardless? I don't know what they are.

1 Exhibit 129_2016-07-11_CC-Civil - 12LA000178 - 3_2_2022 - - - REOP - - (1).pdf

UNIDENTIFIED SPEAKER: I think the type of mediation we would do, it would be moot because --

UNIDENTIFIED SPEAKER: Yeah, other than, possibly, an IME. But, you know, we can certainly work -- we've worked well together so far, so we could certainly see if we can work things out.

THE COURT: Speaking generally, I'd probably grant an IME. I haven't seen your motion, though, so I don't know. I mean, I could put this over to July 21st, and that should give you enough time to decide what you want to do with mediation.

UNIDENTIFIED SPEAKER: I can be here.

THE COURT: Okay. All right. And that will be just at 9:00 o'clock for presentation of the motion, and then we'll figure out what we're going to do.

UNIDENTIFIED SPEAKER: Thank you for your time.

UNIDENTIFIED SPEAKER: Thank you. Appreciate it.

0. On July 15, 2016 at 2:22 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[1] "Kelly and I would like speak with you and your mom Monday night at 630"

3. On July 15, 2016 at 2:27 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "Okay, Monday the 18th at 6:30 pm. Do we need to bring anything?"

3. On July 15, 2016 at 2:29 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[3] "Maybe the social security report if you have it? We will Jameson's Charhouse crystal lake at 630 in meeting room there."

3 On July 18, 2016 at 4:26 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "Still on for tonight?"

3. On July 18, 2016 at 4:26 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[5] "Yes sir."

5. On July 18, 2016 W. Randal Baudin II and Kelly Baudin invited Dulberg and his mother, Barbara Dulberg, to dinner at Jamison Charhouse

6 At the dinner...

3 On July 18, 2016 at 8:54 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[6] "Would we be in a better position if the SSDI decision was already in and

1 Exhibit 230_Baudin Text messages.pdf (page 41)
2 Exhibit 230_Baudin Text messages.pdf (page 41)
3 Exhibit 230_Baudin Text messages.pdf (page 41)
4 Exhibit 230_Baudin Text messages.pdf (page 42)
5 Exhibit 230_Baudin Text messages.pdf (page 42)
6 Exhibit 230_Baudin Text messages.pdf (page 43)

would that make a difference in the amount the arbitration judge would award?"

8 On July 18, 2016 at 8:56 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[1] "No we have the dr reports. You can tell the judge about it in mediation as well. More informal and you can get more info in without being restricted by rules of evidence. And I can't promise in a trial they won't bring the felony drug charges up. Believe me the binding mediation is the best route. We are in the best spot now with the momentum on our side and being able to present your case in mediation without any new testimony from defendant"

9. On July 18, 2016 at 9:00 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[2] "We are in the best spot now with the momentum on our side and being able to present your case in mediation without any new testimony from defendant"

40. On July 18, 2016 at 10:09 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "If we went to trial I'm not worried about those drug charges. I've had to explain myself about that for decades. It's pretty simple, I screwed up at a young age, was honest about it, admitted my wrong and took my punishment. Then I moved on with life, worked hard for 17 years for many employers in this county who all have nothing but good things to say about my time with them while at the same time I created a legitimate business that lasted 12 years till this incident. I believe my past felony will be a non issue because it actually shows a lot about my character, being honest when I'm in the wrong is something most people won't do even if being honest cost me a few years. If Allstate does bring it up, their own client did the same thing only worse, he and his whole family was caught dealing drugs only to underage kids and he was the ringleader. They were just lucky that when they got caught it was before mandatory sentences for those offenses were in place. but it doesn't change what they did, exploiting underage children with drugs for money is far worse than my simple possession charge. I have the actual police reports if we need them. If this does go to trial, Allstate lawyers had better read the depositions of their client and his family. if they do I don't believe their going to put their client or anyone from his family on the stand just to purger themselves over and over again in front of a jury unless the want to lose. All they have is possibly some dr who isn't impartial questioning the results of the dr's I was sent to see. In the end after the Dr's have it out on the stand all that remains is me who nearly died, had 40% of my arm severed and the edges turned to hamburger by a chainsaw then just stitched back together with a few threads with hope that I might get some use yet. Well I do have limited use but it's not enough to do the daily functions we all need to do in order to take care of ourselves and it doesn't take a Ph.D. to see or understand that a chainsaw does that. Ok, I realize I just ranted a lot but its all good. I'll let you know in the morning"

41. On July 18, 2016 at 10:12 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[4] "So sorry came in garbled. Are you taking our recommendation as to the binding mediation?"

42. On July 18, 2016 10:13 PM Plaintiff Dulberg sent a text message to Defendant W. Randall

1 Exhibit 230_Baudin Text messages.pdf (page 43)
2 Exhibit 230_Baudin Text messages.pdf (page 44)
3 Exhibit 230_Baudin Text messages.pdf (page 44)
4 Exhibit 230_Baudin Text messages.pdf (page 45)

Baudin II stating:[1] "You will have an answer tomorrow"

43 On July 19, 2016 at 12:23 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "Sorry but I want to get this to you while its fresh Please answer this in the morning How are costs and attorney fees handled in binding arbitration? Do they come out of the award or are they in addition to the award like a trial?"

44. On July 19, 2016 at 3:57 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[3] "Both Handled the same as trail."

45. On July 19, 2016 at 7:02 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "Does that mean your fees and costs are awarded separate from the award or do they still come out of the 300k cap?"

46 On July 19, 2016 at 7:06 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[5] "If at trial and win 300 max Costs not above that. Same as mediation. We can ask for judge to award costs in both. Up to judge to award. Also costs mean filing fee service fee. Not the costs like experts bills"

47 On July 19, 2016 at 7:54 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[6] "We are thinking that if we can get Allstate to agree in advance and in writing to cover your % (fee) and all the costs including deposition fees, expert witness fees and medical above and beyond any award the arbiter sees fit then we would be willing to go forward. Let's just see if they are open to it"

48 On July 19, 2016 at 7:56 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[7] "They won't. The judge will decide what the award is and that is the award. We again urge you to do the binding mediation."

49. On July 19, 2016 at 8:10 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[8] "I just read the statute on arbitration and it seems to me that your fees and all the costs can be agreed to in advance with the exception of fees for the arbitration itself. I need to feel that there is something covered. Particularly the monies we already laid out otherwise just the momentum in our favor isn't enough because the momentum has always been in our favor. It doesn't hurt to ask Allstate if they would agree to pay these separate from the award"

50. On July 19, 2016 at 8:18 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[9] "In essence Allstate is already setting terms on us not to go after their clients

1 Exhibit 230_Baudin Text messages.pdf (page 45)
2 Exhibit 230_Baudin Text messages.pdf (page 45)
3 Exhibit 230_Baudin Text messages.pdf (page 46)
4 Exhibit 230_Baudin Text messages.pdf (page 46)
5 Exhibit 230_Baudin Text messages.pdf (page 46)
6 Exhibit 230_Baudin Text messages.pdf (page 46)
7 Exhibit 230_Baudin Text messages.pdf (page 46-47)
8 Exhibit 230_Baudin Text messages.pdf (page 47)
9 Exhibit 230_Baudin Text messages.pdf (page 47)

personal assets. Irregardless if their are any assets. So I think it's only fair that they cover fees and costs in advance"

51. On July 19, 2016 at 8:40 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[1] "They are the ones pushing for arbitration correct? Why?"

52. On July 19, 2016 at 8:47 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "I have to run to the dr's appointment. I'd tell Kelly to ask that Allstate wait till possibly Thursday for their answer. It's not like it cost them anything"

53 On July 19, 2016 at 10:07 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[3] "I told you they don't care if we arbitrate. We as your lawyers say that it is the best that you do the binding mediation. We are deciding this based on facts and odds as to give you the best outcome. It appears to me that you are still looking for some justification or rationalization to carry on as if it will make it better. It won't. This will give you the best possible outcome."

54. On July 19, 2016 at 1:46 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "Randy, Yes arbitration is appealing because it saves a few thousand dollars and maybe a few years but I don't like the idea of being blindly boxed in on their terms alone without any assurances as to your fees, medical expenses or even what we spent out of pocket in costs to get here. I want some assurances/concessions on their part prior to walking in or it's no deal. Going in blind with no assurances, I can't help but to feel like a cow being herded thinking its dinner time but it's really slaughter time. They need to give somewhere prior to arbitration or it's a good indication as to how they will negotiate once we start. In other wards, if they won't concede anything prior to arbitration then they won't negotiate or concede anything once the arbitration starts and if that's the case, what's the point. We need something to show they are sincere in trying to resolve this. Up the lower limits from 50k to 150k, concede on the medical portion, out of pocket expenses, attorneys fees or how about just resolving their portion and leave their chainsaw wielding idiot open to defend himself in this lawsuit. Perhaps they can give on something I haven't thought of yet, Anything will do but giving on nothing prior to walking in there spells out what I'm going to get and if that's the case then I'll spend money and roll the dice. Convince me I'm not going being lead to slaughter and I'll agree To do it"

55. On July 19, 2016 at 4:28 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[5] "So sorry your texts come in out of order. Binding mediation or no."

56 On July 20, 2016 at 8:43 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[6] "Ok, I have to ask about rules of evidence in a trial vs. arbitration I know that you said it gives me the personal ability to talk with the arbiter about things that would not be

1 Exhibit 230_Baudin Text messages.pdf (page 47)
2 Exhibit 230_Baudin Text messages.pdf (page 47)
3 Exhibit 230_Baudin Text messages.pdf (page 47-48)
4 Exhibit 230_Baudin Text messages.pdf (page 48-49)
5 Exhibit 230_Baudin Text messages.pdf (page 49)
6 Exhibit 230_Baudin Text messages.pdf (page 49)

allowed at a trial. My question is, is that a two way street, can the defense pull crap that would never be allowed at trial?"

57 On July 20, 2016 at 10:00 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[1] "They have no ammo. We have dr opinion unscathed and tree expert unscathed bad guy won't be there you will. So we have advantage"

58 On July 20, 2016 at 10:21 AM Plaintiff Dulberg sent a text message to W. Defendant Randall Baudin II stating:[2] "Will there be some sort of gag order on me? In other wards does this stop me from talking about it in the future?"

59. On July 20, 2016 at 10:56 AM Plaintiff Dulberg sent a text message to W. Defendant Randall Baudin II stating:[3] "Yes, no?"

60. On July 20, 2016 at 11:03 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[4] "I doubt there will be any type of confidentiality clause as a part of the settlement"

61. On July 20, 2016 at 11:05 AM Plaintiff Dulberg sent a text message to W. Defendant Randall Baudin II stating:[5] "Can depositions be used?"

62. On July 20, 2016 at 11:06 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[6] "Yes"

63 On July 20, 2016 at 11:07 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[7] "Can phone, text, emails,videos or audio recordings be used?"

64. On July 20, 2016 at 11:09 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[8] "There aren't any restrictions on what we say or do with the judge when we are with him in private. He will give it as much weight or credibility as he sees fit, but we can do or say whatever we want to him when we meet. Unlike a trial"

65. On July 20, 2016 at 11:11 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[9] "Can video or phone calls be used by us or the defense to reach outside the proceeding to clarify or substantiate any claims made by us or them"

66 On July 20, 2016 at 11:20 AM Plaintiff Dulberg sent a text message to Defendant W. Randall

1 Exhibit 230_Baudin Text messages.pdf (page 50)
2 Exhibit 230_Baudin Text messages.pdf (page 50)
3 Exhibit 230_Baudin Text messages.pdf (page 50)
4 Exhibit 230_Baudin Text messages.pdf (page 50)
5 Exhibit 230_Baudin Text messages.pdf (page 50)
6 Exhibit 230_Baudin Text messages.pdf (page 50)
7 Exhibit 230_Baudin Text messages.pdf (page 51)
8 Exhibit 230_Baudin Text messages.pdf (page 51)
9 Exhibit 230_Baudin Text messages.pdf (page 51)

Baudin II stating:[1] "Correction; can video or phone calls be made during the proceedings that can Clarify, substantiate or rebuke any claims made? You know what I mean Like you want to call somebody during the preceding"

5. On July 20, 2016 at 11:22 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[2] "will be of greatest importance is the nature extent and permanence of your injury"

6. On July 20, 2016 at 11:23 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[3] "And just so you understand, as far as the judges concerned I feel that he is going to attribute very little if any negligence to you the matter that he"

6. On July 20, 2016 at 11:25 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "From my understanding, they can have an army of professional witnesses ready at the touch of a button ready to tell the judge anything they wish? Is this a possibility?"

7. On July 20, 2016 at 11:31 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[5] "If we go to trial they sure will. They have no IME they have no rebut to tree expert. Again we are in the best position now to get the maximum recovery"

7. On July 20, 2016 at 11:34 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[6] "Yes but they can call anyone or produce in writing anything they wish with no restrictions at the arbitration correct"

7. On July 20, 2016 at 11:41 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[7] "They could. But we will be there to refute anything. Again, the actual person, you. Not a document."

3 On July 20, 2016 at 11:44 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[8] "All right, Kelly called and we have Cole show Sean in the next hour or so. Kelly had promised her we were calling yesterday, they have to know what's going on and make arrangements regarding additional counsel. Again, as your attorneys we are strongly urging you to participate in the binding mediation. It is your best opportunity for the greatest possible recovery and the guarantee that you would at least walk away with something if you got 0. Again, this gives us the most control of the situation."

4. On July 20, 2016 at 11:45 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[9] "So they can bring the defendants in via phone, video, text etc... Even if they

1 Exhibit 230_Baudin Text messages.pdf (page 51)
2 Exhibit 230_Baudin Text messages.pdf (page 52)
3 Exhibit 230_Baudin Text messages.pdf (page 52)
4 Exhibit 230_Baudin Text messages.pdf (page 52)
5 Exhibit 230_Baudin Text messages.pdf (page 52)
6 Exhibit 230_Baudin Text messages.pdf (page 52-53)
7 Exhibit 230_Baudin Text messages.pdf (page 53)
8 Exhibit 230_Baudin Text messages.pdf (page 53)
9 Exhibit 230_Baudin Text messages.pdf (page 54)

are not in the physical location nor listed as anyone attending?"

5. On July 20, 2016 at 11:47 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[1] "Show Sean will be there in an adjuster will be there either by telephone or in person. She will present a submission to the judge laying out there view of the case. Then she will speak their behalf and argue from the depositions that have already been presented. There's not going to be any testimony given"

6 On July 20, 2016 at 11:47 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "Also, if they're in a separate room and we are not privy to anyon their conversation how can we refute what's going on?"

7 On July 20, 2016 at 11:47 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[3] "during this proceeding. We can talk to him in private but there's no questioning no answers no cross-exam. You're really overthinking this. Just stop and listen to your lawyers' advice that's why you hire us."

8 On July 20, 2016 at 11:48 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[4] "The judge will tell us what their arguments are and he will tell them what our arguments are. Did we tell the judge why we think that's not true, and conversely they do the same"

9. On July 20, 2016 at 11:51 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[5] "I'm going into a meeting. I will have about five minutes coming up in an hour, during that time I have to have an answer. I ask that you believe in us and what we've done for you so far, we haven't misled or put you down the wrong path, just have faith."

0. On July 20, 2016 at 1:04 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[6] "Yes binding mediation?"

8. On July 20, 2016 at 1:24 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[7] "Randy, I truly appreciate yours and Kelly's honest advice and I hope I continue to receive it in the future. Please don't take this personal because it's not. I value everything you have to offer more than you know. **I will be moving forward with litigation at this time.** However, should Allstate consider a full settlement with no strings attached in the future so they can save the cost of litigation or a humiliating defeat I'm not opposed to entertaining it and most likely will accept it. This is too important to me and my family. I just cannot give up the protections of a public trial with the possibility of review should something be handled wrongly in the hopes of saving a few thousand dollars and time. Thank you both

1 Exhibit 230_Baudin Text messages.pdf (page 54)
2 Exhibit 230_Baudin Text messages.pdf (page 54)
3 Exhibit 230_Baudin Text messages.pdf (page 54)
4 Exhibit 230_Baudin Text messages.pdf (page 55)
5 Exhibit 230_Baudin Text messages.pdf (page 55)
6 Exhibit 230_Baudin Text messages.pdf (page 56)
7 Exhibit 230_Baudin Text messages.pdf (page 56)

for your honest advice now let's move forward together and enjoy winning this case together." [Emphasis added]

8. On July 20, 2016 at 1:49 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[1] "Was that response garbled broken up text or did it go through ok?"

8 On July 20, 2016 at 3:59 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[2] "You available to talk with your mother as well on the phone in a half hour or so"

8. On July 20, 2016 at 3:59 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "Tomorrow morning, 9am, judge Meyers?"

8. On July 20, 2016 at 4:00 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[4] "Yes but on the phone in a half hour"

8 On July 20, 2016 at 4:02 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[5] "Yes on the phone in a half hour is ok but mom is off with grandkids"

8 On July 21, 2016 the following exchange took place in 22nd Judicial Circuit Court:[6]

APPEARANCES:

THE BAUDIN LAW GROUP LTD., by: MS. KELLY N. BAUDIN, on behalf of the Plaintiff;

LAW OFFICE OF STEVEN A. LIHOSIT, by: MS. SHOSHAN E. REDDINGTON, on behalf of the Defendant David Gagnon.

MS. BAUDIN: Kelly Baudin on behalf of the plaintiff. Mr. Dulberg is present and approaching.

MS. REDDINGTON: Good morning, Judge. Shoshan Reddington for the defendant.

THE COURT: Good morning.

MS. REDDINGTON: We talked last night. We've got some things agreed to, so I would like to just give us a moment to discuss that and step back up.

THE COURT: Okay. I will pass.

MS. BAUDIN: Thank you.

MS. REDDINGTON: Thank you.

1 Exhibit 230_Baudin Text messages.pdf (page 56)
2 Exhibit 230_Baudin Text messages.pdf (page 56)
3 Exhibit 230_Baudin Text messages.pdf (page 56-57)
4 Exhibit 230_Baudin Text messages.pdf (page 57)
5 Exhibit 230_Baudin Text messages.pdf (page 57)
6 Exhibit 130_2016-07-21_CC-Civil - 12LA000178 - 3_2_2022 - - - REOP - - (2).pdf

THE COURT: All right. Thank you.

(Whereupon, the above-entitled cause was passed and subsequently recalled.)

MS. BAUDIN: Okay, Judge. As you know, we had previously been discussing binding mediation. We came to a semi-agreement, --

THE COURT: Okay.

MS. BAUDIN: -- but we would like probably two weeks to just see if we can figure out the details and see if we can reach an agreement on how that is going to proceed. So I think we're looking at an August 4th date for that.

THE COURT: Can't do August 4th --

MS. BAUDIN: Oh, okay. I just was looking at two weeks, Your Honor.

THE COURT: -- because that's when I'm not here.

MS. BAUDIN: Oh, I see on the calendar. I apologize.

THE COURT: Any day after that.

MS. REDDINGTON: The following week, anything?

MS. BAUDIN: Grab my -- Let's say either the 8th or the 10th are probably the best.

THE COURT: Either's fine?

MS. REDDINGTON: My calendar's currently crashed on my -- so I can't answer that, but --

MS. BAUDIN: Why don't we do the 10th, just so it's --

THE COURT: Is there a date you know you're going to be here?

MS. REDDINGTON: No.

THE COURT: Okay.

MS. REDDINGTON: Judge, and I have several motions, and what I'd like to do is get the trial stricken which is on 9/- --

MS. BAUDIN: 27th I believe or 22nd?

MS. REDDINGTON: -- the 26th, and then to set it for the status instead on the 8/10, and then I also had a motion on an IME. I'm a little stymied right now because my claim rep is out this week and there's a couple of issues that I can't answer for counsel, but if we do get the agreement in place, what we'd like to do is do the mediation and then come back for a status to dismiss it once the mediation is done, if that's agreeable.

THE COURT: First off, with respect to the motion to strike the trial date, any objection?

MS. BAUDIN: No.

THE COURT: All right. I will -- I will strike the trial date for September 26, as well as

the pretrial date of the 23rd.

MS. REDDINGTON: Okay.

THE COURT: I will enter and continue your other motions until we're certain what's going to happen.

MS. REDDINGTON: Okay.

THE COURT: The removal of the trial date pretty much means we can do anything.

MS. REDDINGTON: Takes care of that. Okay. And hopefully we'll come back with everything in place and then we'll just even set a date and then get a status for after that date to be able to come back and say it's done; we're willing to dismiss with prejudice because mediation's binding and it's done.

THE COURT: All right. However you want to do it, it is fine.

MS. REDDINGTON: Thank you.

THE COURT: All right. Take care.

MS. BAUDIN: Thank you

8 On July 21, 2016 at 12:41 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[1] "Think you two can get me that copy of the policy soon?"

89. On July 21, 2016 at 6:28 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "Randy, please read page 1 coverage cushion of the gagnon policy. It extends coverage to 120% That's 60k more"

90. On July 21, 2016 at 6:37 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "Page 2 guest medical may be an extra 1k"

91. On July 21, 2016 at 7:00 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "Please let Kelly know that I want the high end of the Adr policy limit increased by 20% along with adding 20% to and judgement below the high end limit"

92. On July 21, 2016 at 7:09 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[5] "Oh yeah, your thoughts of him being dropped is a joke. His Gold coverage says he cannot be dropped no matter how many claims are made. Just thought you'd like to know that. You really should read the policy"

93 On July 27, 2016 at 11:14 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[6] "Just so you know, just received a letter from the Social Security

1 Exhibit 230_Baudin Text messages.pdf (page 57)
2 Exhibit 230_Baudin Text messages.pdf (page 57)
3 Exhibit 230_Baudin Text messages.pdf (page 57-58)
4 Exhibit 230_Baudin Text messages.pdf (page 58)
5 Exhibit 230_Baudin Text messages.pdf (page 58)
6 Exhibit 230_Baudin Text messages.pdf (page 59)

Administration and its a Notice of Affirmation and order of Appeals Council Remanding Case back to the Administrative Law Judge"

94. On July 27, 2016 at 11:14 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[1] "Great"

95. On July 27, 2016 at 11:21 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "Thank goodness that I kept the right to review by an appeal"

96 On July 28, 2016 at 6:17 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "Morning Randy, If there was some sort of business contract between Gagnon and his Parents why couldn't any of them even come close as to what the terms were? Secondly, where are the cashed checks or contract? I was there the day this happened. I didn't hear anything that sounded like it was more than a son doing work for his parents as a favor. Nothing more. This seems to me to be yet anything that sounded like it was more than a son doing work for his parents as a favor. Nothing more. This seems to me to be yet another ploy to negate their financial responsibility and was conceived of after the fact."

97 On July 28, 2016 at 6:24 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "If I remember correctly, David said in his dep that he was elected to do the work. Why say elected if he was contracted?"

98 On July 28, 2016 at 6:47 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[5] "Sorry, I'm driving and it looks garbled again. But it says if there's an agreement or contract so I'm guessing, if he knows what is not going to give you coverage, he will testify that way. But he has already testified that he was receiving $15 an hour, and that you were going to get the same. What you get is a relevant or what you got, and I know you didn't get paid. It's also irrelevant whether or not he actually got paid, especially in light of how it turned out, I guess it's just whether or not there was an agreement and it didn't have to be in writing. If at trial, they all say that there was some agreement or in an action to exclude coverage before trial, i'm guessing they're all going to be on the same page. The issue as to whether or not there is coverage, is different from the trial. That's a trial before the trial and that is something that we would have to win."

99. On July 28, 2016 at 6:53 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[6] "Since they didn't think enough ahead of the dep to get their storylines straight as to the payment/terms for this supposed agreement I believe that is enough to show there was no agreement and this is just another fabrication. Not unlike the other fabrications created throughout their deps. It is an obvious pattern. Expose it and their done even in front of a conservative jury or a trained judge acting as an bait or or mediator"

1 Exhibit 230_Baudin Text messages.pdf (page 59)
2 Exhibit 230_Baudin Text messages.pdf (page 59)
3 Exhibit 230_Baudin Text messages.pdf (page 59-60)
4 Exhibit 230_Baudin Text messages.pdf (page 60)
5 Exhibit 230_Baudin Text messages.pdf (page 60)
6 Exhibit 230_Baudin Text messages.pdf (page 61)

100. On July 28, 2016 at 6:54 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[1] "Bait means arbiter"

101. On July 28, 2016 at 6:56 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "This issue will not come to fruition and biding mediation. The Allstate in-house lawyers have not put two and two together"

102. On July 28, 2016 at 6:57 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "They have to prove this claim and they can't."

103 On July 28, 2016 at 7:00 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "Am I allowed to make erroneous claims without proof? If not, why would their erroneous claims without proof be allowed?"

104. On July 28, 2016 at 7:02 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[5] "It would be something called dec action which would be brought by ALLSTATE. Yes evidence would be presented but there aren't any guarantees regarding what the judge would decide"

105. On July 28, 2016 at 7:06 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[6] "I'm sure any experienced judge would see this for what it is. A fraudulent attempt to negate any and all financial responsibility for the wreck less actions committed that day. They have no proof other than the words of those who already lied under oath"

106 On July 28, 2016 at 7:06 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[7] "Dozens of times"

107 On July 28, 2016 at 7:11 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[8] "I'm sure a rational experience judge would think so, but those are few and far between. That's why the law books are full of appeals. The legal system is not fair, and not rational. Otherwise things could just be input into a computer and the answer would spit out."

108 On July 28, 2016 at 7:13 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[9] "If someone hits you with their car does it matter if they were being paid to drive that car? If not how is this any different?"

1 Exhibit 230_Baudin Text messages.pdf (page 61)
2 Exhibit 230_Baudin Text messages.pdf (page 62)
3 Exhibit 230_Baudin Text messages.pdf (page 62)
4 Exhibit 230_Baudin Text messages.pdf (page 62)
5 Exhibit 230_Baudin Text messages.pdf (page 62)
6 Exhibit 230_Baudin Text messages.pdf (page 62-63)
7 Exhibit 230_Baudin Text messages.pdf (page 63)
8 Exhibit 230_Baudin Text messages.pdf (page 63)
9 Exhibit 230_Baudin Text messages.pdf (page 63)

109. On July 28, 2016 at 7:14 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[1] "Actually that does, a lot of car policies exclude paid for hire. Also, every type of policy affords different types of coverage and has different exclusions so homeowners policies are different than car policies"

110. On July 28, 2016 at 7:18 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "I have a question that's related but different. Why were the defendants privy to my deposition prior to giving their own? Carol slipped in her dep and said things she couldn't have known unless someone coached her and gave her inside information about my deposition. If this happened, and clearly it is, what's to say they weren't coached to claim this was a contract just so he insurance company had an out?"

111. On July 28, 2016 at 7:20 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[3] "I'm not sure who would've coached them because if this was an issue that ALLSTATE realized it would've been dealt with a long time ago"

112. On July 28, 2016 at 7:21 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "When it smells foul, it's foul"

113 On July 28, 2016 at 7:23 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[5] "Defendants certainly are foul."

114. On July 28, 2016 at 7:23 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[6] "Look, they claim it's a contract but when asked the details non of the parties supposedly involved with the contract can get any of the details even remotely the same. Like I said this is a ploy and nothing more"

115. On July 28, 2016 at 7:25 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[7] "Yeah I'm not sure I don't know. Could be dabbing if they have a canceled check or something from previous work to say hey look we've paid him for doing stuff around the house before. But even if not you would have testimony that they had an agreement. Whether or not it's true is another story"

116 On July 28, 2016 at 7:26 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[8] "Ploy means rouse"

117 On July 28, 2016 at 7:28 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[9] "If they had a check it should have been entered into evidence by

1 Exhibit 230_Baudin Text messages.pdf (page 63-64)
2 Exhibit 230_Baudin Text messages.pdf (page 64)
3 Exhibit 230_Baudin Text messages.pdf (page 64)
4 Exhibit 230_Baudin Text messages.pdf (page 64)
5 Exhibit 230_Baudin Text messages.pdf (page 64)
6 Exhibit 230_Baudin Text messages.pdf (page 65)
7 Exhibit 230_Baudin Text messages.pdf (page 65)
8 Exhibit 230_Baudin Text messages.pdf (page 65)
9 Exhibit 230_Baudin Text messages.pdf (page 65)

now. Since they don't too bad for them."

118 On July 28, 2016 at 7:29 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[1] "That would be a separate action. Nobody has even raised the issue of payment whether he's liable or not is"

119. On July 28, 2016 at 7:29 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[2] "One issue. Whether or not there is coverage is a separate completely separate action that would be between ALLSTATE and him"

120. On July 28, 2016 at 7:30 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "Since when is it ok to entertain unsubstantiated claims this far along with no evidence any of it it remotely true"

121. On July 28, 2016 at 7:42 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "I just had to go back to carols dep. she claimed she gave money to David so he had something to claim on his taxes, not for the work being performed. David claims an hourly wage and the father, Bill claimed Carol gave him a pair ago pants. Probably a gift as a thank you. None of these things are even close to being the same but all are suggestive and not proof of anything because their so vastly different"

122. On July 28, 2016 at 7:53 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[5] "I am more curious who Carol hired to remove the tree and would be more interested questioning that company they were hired prior to the day of the incident. This would go a long way to putting David's claim of a contract to rest"

123 On July 28, 2016 at 7:57 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[6] "It's not even a contract it was just an agreement that doesn't have to be something formal written it's like hey I'll pay you some money to take the tree down. Headed into a meeting. I'll keep you up-to-date on any new information"

124. On July 28, 2016 at 8:25 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[7] "If Carol, as she claimed, had previously entered into a contract with a real professional tree removal company why would she also agree to pay her son to remove the same tree? Unless, this is some sort of afterthought in an attempt to find ways of not paying for the damage they caused. They cannot play both sides of the street at the same time. They lied about this just as they lied about other things that happened that day all attempts to lessen the amount of damage done to me and lessen their responsibilities and misdirect blame and responsibility"

1 Exhibit 230_Baudin Text messages.pdf (page 65-66)
2 Exhibit 230_Baudin Text messages.pdf (page 66)
3 Exhibit 230_Baudin Text messages.pdf (page 66)
4 Exhibit 230_Baudin Text messages.pdf (page 66)
5 Exhibit 230_Baudin Text messages.pdf (page 66)
6 Exhibit 230_Baudin Text messages.pdf (page 66-67)
7 Exhibit 230_Baudin Text messages.pdf (page 67)

125. On July 28, 2016 at 8:26 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[1] "The patterns are obvious and easily proven to be lies"

126 On July 28, 2016 at 9:37 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "From Carol knowing what I said in my Deposition, claiming the hospital and doctors gave her my personal medical information to the claims that she entered into some sort of verbal agreement with her son for business purposes sounds more like insurance company lawyers entering into an verbal agreement with their clients to skew the truth so they have some sort of out in exchange for representation in court."

127 On July 28, 2016 at 9:40 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "If that's the case almost any claim made against an insurance policy can be thrown out based on verbal agreements with no proof to back up the story or lies being told"

128 On July 28, 2016 at 9:42 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "I see this a a malicious attempt to get away with little or or no consequences and just makes me want to expose all of this to a jury even more"

129. On July 29, 2016 at 9:17 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[5] "Any chance Myrna can send me that asset report today? Also, there may be another asset that won't show up on his report. Rumor has it that David Gagnon had an auto accident and had to undergo some sort of surgery on his back and is in the process of suing for his injury."

130. On August 2, 2016 at 3:47 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[6] "What is a bad faith letter?"

131. On August 2, 2016 at 5:30 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[7] "Has one been sent to the Allstate adjusters?"

132. On August 8, 2016 at 8:29 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[8] "What is happening this Wednesday in court now that Allstate is getting their independent medical exam in September or October?"

133 On August 10, 2016, in violation of the automatic stay, the Baudins and Reddington moved to enter into binding mediation on August 10, 2016, The date of the Binding Mediation hearing was already set for December 8, 2016 by the time the following exchange took place on

1 Exhibit 230_Baudin Text messages.pdf (page 67)
2 Exhibit 230_Baudin Text messages.pdf (page 67-68)
3 Exhibit 230_Baudin Text messages.pdf (page 68)
4 Exhibit 230_Baudin Text messages.pdf (page 68)
5 Exhibit 230_Baudin Text messages.pdf (page 68)
6 Exhibit 230_Baudin Text messages.pdf (page 68)
7 Exhibit 230_Baudin Text messages.pdf (page 68-69)
8 Exhibit 230_Baudin Text messages.pdf (page 69)

August 10, 2016 in the Circuit Court:[1]

> MS. REDDINGTON: Number one, Dulberg vs. Gagnon. Shoshan Reddington for the defendant. We have (indiscernible) scheduled for 12-8.
>
> THE COURT: Okay.
>
> MS. REDDINGTON: We'd like to have a status date after that date.
>
> THE COURT: What date works for you? You said December 8?
>
> MS. REDDINGTON: December 8.
>
> THE COURT: Okay. How about the following Monday, the 12th? Or do you want to go out further? The 16th, Friday?

14. On August 10, 2016, in violation of the automatic stay, Judge Meyer of the 22nd Circuit Court entered an 'Agreed Order' that stated "This case is continued on Motion of 'by agreement' to 12/12, 2016 at 9:00am for Status on binding Mediation.". The order also stated "Defendants appear by attorney Reddington". Reddington represented Allstate. The Baudins were not present.[2]

15. Allstate and the Baudins misrepresented Dulberg's wishes to the 22nd Judicial Circuit Court and claimed they had an agreement to enter into binding mediation on August 10, 2016. Judge Meyer entered the order and pushed the next status date to December 12, 2016, which is 4 days after the scheduled binding mediation date of December 8, 2016. All this was done in violation of the automatic stay.

16 Table 1 shows what happened on August 10th, 2016 is the 4th time Allstate teamed up with with Dulberg's own attorneys to place an upper cap on the value of case 12LA178

TABLE 1:

4 DIFFERENT EFFORTS TO PLACE AN UPPER CAP ON THE VALUE OF PI CASE 12LA178			
1st attempt	2014-10-03	Popovich-Mast	Apply pressure through "expiring lien"[3] (low 'upper cap')
2nd attempt	2015-02-14	Popovich-Mast	Pre-trial settlement conference[4] ($50,000 'upper cap')
3rd attempt	2015-06-10	Balke	Pre-trial settlement conference[5] ($50,000 'upper cap')
4th attempt	2016-08-10	Baudins	Binding Mediation ($300,000 'upper cap')

1 Exhibit 131_2016-08-10_CC-Civil - 12LA000178 - 3_3_2022 - - - REOP - - (4).pdf (lines 2-10)
2 Exhibit F5-2016-08-10_CC-Civil - 12LA000178 - 3_3_2022 - - - REOP - - (4).pdf
3 Exhibit 1
4 Exhibit 1
5 Exhibit 2

13 On August 12, 2016 at 9:22 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[1] "Morning Randy, Ok, it's driving me bananas over here, I'd like to know exactly what it is about the medical that's the issue in my case? Please call me with the details soon and let's discuss what's best. Thanks, Paul"

18 On August 16, 2016 at 7:42 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "Randy, I have to ask again, why is it wise to agree to mediate before permanent disability is determined by social security since the permanent disability rating would (be a large factor in determining what the insurance adjuster is willing to give? Both mom and myself need a real answer to this question"

19. On August 31, 2016 Trustee Megan Heeg resigned.[3]

140. On August 31, 2016 U.S. Trustee Patrick S. Layng appointed Joseph Olsen as Trustee of the Bankruptcy Estate of Paul Dulberg.[4]

141. On September 6, 2016, Megan G. Heeg filed a "MOTION TO APPROVE ATTORNEYS FEES AND COSTS AS AN ADMINISTRATIVE CLAIM"[5]

> "2. Previously, Megan G. Heed, had been the Chapter 7 case Trustee of the above-referenced case, but this case was recently assigned to a new trustee."
>
> "3. The employment of the law firm Ehrmann Gehlbach Badger Lee & Considine, LLC was approved by the Court on May 27, 2015."
>
> "8. The time period covered by this application is from November 26, 2014 through September 28, 2016."

142. On September 27, 2016, W. Randall Baudin II signed an affidavit "AFFIDAVIT OF W.RANDALL BAUDIN, II PURSUANT TO RULES 2014(a), 2016(b) and 5002 TO EMPLOYEE BAUDIN LAW GROUP, LTD. AS SPECIAL COUNSEL FOR THE TRUSTEE".[6]

143 The affidavit is an agreement between the bankruptcy trustee and the Baudin Law Group, Ltd. signed by W. Randall Baudin on behalf of the Baudin Law Group.

144. Section 1 states: "I am a member of the law firm of Boudin Law Group, Ltd. located at 304 South McHenry Avenue, Crystal Lake, IL 60014 and in that capacity I have personal knowledge of, and authority to speak on behalf of the firm of Baudin Law Group, Ltd. with respect to the matters set forth herein. This Affidavit is offered in support of the Applicationb of the Trustee for Authorization to Employ Baudin Law Group, Ldt. as special counsel for the Trustee. The matters set forth herein are true and correct to the best of my knowledge,

1 Exhibit 230_Baudin Text messages.pdf (page 69)
2 Exhibit 230_Baudin Text messages.pdf (page 69)
3 Exhibit 234_2016-08-31_bkcy Heeg Notice of Resignation_DUL 002668.pdf
4 Group Exhibit 37-bankruptcy_docket_Petition 14-83578/25-0_OCR.pdf
5 Group Exhibit 39-Olsen subpoena and response
6 Group Exhibit 39-Olsen subpoena and response

information and belief.

145. Section 5 of the affidavit states: "To the best of my knowledge, information and belief, Baudin Law Group, Ltd. does not hold or represent a party that holds an nterest adverse to the Trustee nor does it have any connection with the Debtor's creditors, or any party in interest or their respective attorneys and accountants with respect to the matters for which Baudin Law Group, Ltd. is to be employed, is disinterested as that term is used in 11 U.S.C. & 101(14), and has no connections with the United States Trustee or any person employed in the Trustee's office. except that said firm has represented the Debtor's pre-petition with respect to the subject personal injury claim."

146 Section 6, part A states: "My firm and I are obligated to keep the Trustee fully informed as to all aspects of this matter, as the Bankruptcy estate is my client until such time as the claim in question is abandoned by the Trustee, as shown by a written notice of such abandonment."

147 Section 6, part D states: "No settlements may be entered into or become binding without the approval of the Bankruptcy Court and the Trustee, after notice to the Trustee, creditors and parties of interest."

148 Setion 6, part E states: "All issues as to attorneys fees, Debtor's exemptions, the distribution of any recovery between the Debtor and the Trustee or creditors, or any other issue which may come to be in dispute between the Debtor and the Trustee or creditors are subject to the jurisdiction of the Bankruptcy Court. Neither I nor any other attorney or associate of the Firm will undertake to advise or represent the Debtor as to any such matters or issues. Instead, the Firm will undertake to obtain the best possible result on the claim, and will leave to others any advice or representation as to such issues."

149. Section 6, part F states: "The Firm is not authorized to grant any "physician's lien" upon, offer to protect payment of any claim for medical or other services out of, or otherwise pledge or encumber in any way any part of any recovery without separate Order of this Court, which may or may not be granted."

150. On October 4, 2016 bankruptcy trustee Olsen filed 2 motions with the bankruptcy court.[1] [2]

151. On October 4, 2016 Dr Craig Phillips issues report. He wrote:[3] "He states he is not sure of the exact date, but on the date in question he was holding a tree branch at his neighbor's house to help David, his neighbor's son, cut the tree branch with a chainsaw. He stated he was holding a pine tree branch, which was a few inches thick, s!ill_attachedto the tree.and while David was cutting the branch", be inadvertently cut Mr. Dulberg's right forearm."

152. On page 6 Dr Craig Phillips wrote:[4]

1 Group Exhibit 37-bankruptcy_docket_Petition # 14-83578
2 Group Exhibit 37-bankruptcy_docket_Petition # 14-83578
3 Exhibit 13_DUL 001617-1632, 4148-4163, 4164-4179, 6480, 6487-6501
4 Exhibit 13_DUL 001617-1632, 4148-4163, 4164-4179, 6480, 6487-6501

"Dr. Talerico:
According to the medical records from MidAmerica Hand to Shoulder, Mr. Dulberg was seen by Dr. Talerico on December 2, 2011. His history is a 41-year-old male, right hand dominant, referred by Dr. Levin, MD, neurologist, for evaluation of an injury sustained to the right medial forearm in June 2011. He was using a chainsaw chainsaw when he accidentally struck the volar medial aspect of his right forearm in roughly the mid forearm range with a chain saw. He had a large open wound down to muscle."

153 Sometime in the first half of October W. Randal Baudin II and Kelly Baudin informed Dulberg that the binding mediation process will take place even though Dulberg does not approve of the process and refused to sign the arbitration agreement. W. Randal Baudin II and Kelly Baudin informed Dulberg that the bankruptcy judge had the authority to order the process into a mediation agreement without Dulberg's consent, and the judge had already ordered the case into mediation.

154. On October 18, 2016 at 10:50 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[1] "Hi Randy, since we haven't received the IME report in 10 days as the Dr stated we would, I'd like to move back the date of the mediation thingy I'm being forced into so we have more than only a few weeks to deal with whatever the report may show. At least 2-3 months should do it considering the defense has already had the treating Dr's reports and depositions for months and years already. Let me know"

155. On October 21, 2016 at 1:47 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "Hi Randy, looks like that board certified dr is quite the fabricator. He Should have a degree in creative writing rather than Dr.ing. Wish we had videotaped that because I'd post the video on the web right along side his report and let his patients see what he really is"

156 On October 21, 2016 at 1:54 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "Myrna said your forwarding the report to dr Kujawa. That's good but I don't think we need it to prove Phillips an outright liar who can't pay attention to details. Hmmm... Makes me wonder who the hell passed him in med school"

157 On October 21, 2016 at 1:58 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "Where did he come up with that line that the branch was still attached to the tree?"

158 On October 21, 2016 2:02 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[5] "That's not from anyone's deposition and you were there so you know I gave absolutely no details other than to say that basically a man walked over and used a chainsaw on me."

1 Exhibit 230_Baudin Text messages.pdf (page 69-70)
2 Exhibit 230_Baudin Text messages.pdf (page 70)
3 Exhibit 230_Baudin Text messages.pdf (page 70)
4 Exhibit 230_Baudin Text messages.pdf (page 70)
5 Exhibit 230_Baudin Text messages.pdf (page 71)

159. On October 21, 2016 at 2:03 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[1] "He has quite the imagination claiming I said any of the crap in his report"

160. On October 21, 2016 at 2:05 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "I have to look up what board certified Phillips because they deserve to know what a liar this guy is."

161. On October 21, 2016 at 2:06 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "Ok enough ranting for now. Let's get together and go over this report"

162. On October 21, 2016 at 2:08 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "While the memories are still fresh"

163 On October 21, 2016 at 2:15 PM Plaintiff Dulberg sent a text message to W. Defendant Randall Baudin II stating:[5] "Why write a history at all if it's all fabricated? Why say I told him stuff when I did not? Why Lie? This is about as unprofessional as it gets. Phillips should be made an example of. Sure you don't want the chance to cross examine this guy? I sure do"

164. On October 31, 2016 Trustee Olsen appeared before the Honorable Thomas M. Lynch and the following exchange took place:[6]

> MR. OLSEN: Good morning, Your Honor. Joseph Olsen, trustee. This comes before the Court on two motions. One is to authorize the engagement of special counsel to pursue a personal injury litigation, I think it's in Lake County, involving a chainsaw accident of some sort. And then, presumably, if the Court grants that, the second one is to authorize the estate to enter into -- I'm not sure what you call it, but binding mediation. But there's a floor of $50,000, and there's a ceiling of $300,000.
> And I guess I've talked with his attorney. He seems very enthusiastic about it. There may be some issues about the debtor being a good witness or not, I guess. It had to do with a neighbor who asked him to help him out with a chainsaw, and then I guess the neighbor kind of cut off his arm, or almost cut off his arm right after that. There's some bitterness involved, understandably, I guess. But I don't do personal injury work at all, so I'm not sure how that all flows through to a jury, but he didn't seem to want to go through a jury process. He liked this process, so...
>
> THE COURT: Very well. Mr. Olsen, first of all, with regard to the application to employ the Baudin law firm, it certainly appears to be in order and supported by affidavit. Their proposed fees are more consistent with at least what generally is the market than some of the fees you and I have seen in some other matters. One question for you: Have you seen

1 Exhibit 230_Baudin Text messages.pdf (page 71)
2 Exhibit 230_Baudin Text messages.pdf (page 71)
3 Exhibit 230_Baudin Text messages.pdf (page 71)
4 Exhibit 230_Baudin Text messages.pdf (page 71)
5 Exhibit 230_Baudin Text messages.pdf (page 71-72)
6 Exhibit A6-DULBERG 10-31-16-1.pdf (Dulberg first obtained this transcript on 09-26-2022)

the actual engagement agreement?

MR. OLSEN: I thought it was attached to my motion.

THE COURT: Okay.

MR. OLSEN: If it's not, it should have been. It's kind of an interesting -- actually, this is kind of a unique one. The debtor actually paid them money in advance, and then he's going to get a credit if they actually win, which I guess enures, now, to my benefit, but that's okay. And there's a proviso for one-third, except if we go to trial, then it's 40 percent. So these are getting more creative by the PI bar as we plod along here, I guess, but...

THE COURT: It's a bar that's generally pretty creative. And my apologies. I saw the affidavit, but you did have the agreement attached, and one was in front of the other. And the agreement is just as you describe it. It appears to be reasonable, and so I'll approve the application. Tell me about this binding mediation. It's almost an oxymoron, isn't it?

MR. OLSEN: Well, I guess the mediators don't know there's a floor and a ceiling. I'm not sure where that comes from, but that's -- yeah. And whatever number they come back at is the number we're able to settle at, except if it's a not guilty or a zero recovery, we get 50,000, but to come back at 3 million, we're capped at 300,000.

THE COURT: Interesting.

MR. OLSEN: A copy of the mediation agreement should also be attached to that motion.

THE COURT: And I do see that. That appears to be in order. It's one of those you wish them luck

MR. OLSEN: I don't want to micromanage his case.

THE COURT: But that, too, sounds reasonable. There's been no objection?

MR. OLSEN: Correct.

THE COURT: Very well. I will approve -- authorize, if you will, for you to enter into the binding mediation agreement, see where it takes you.

MR. OLSEN: Thanks, Your Honor.

16. In the exchange Olsen said:[1] "Well, I guess the mediators don't know there's a floor and a ceiling. I'm not sure where that comes from, but that's -- yeah. " The evidence presented with this complaint demonstrates that the "floor "of $50,000 and the "ceiling" of $300,000 could have come from only one source: from Allstate and the Baudins (without Dulberg's or the bankruptcy trustee's or bankruptcy judge's knowledge or consent in violation of the automatic stay before Olsen was appointed Trustee). There can be no other source for the "low" and "high" limits. When the Baudins made this decision they represented nobody since Dulberg had no standing as plaintiff, there is no evidence that trustee Heeg was ever informed or ever entered into any agreement with the Baudins, and Olsen was not yet appointed trustee.

1 Exhibit A6-DULBERG 10-31-16-1.pdf

16 On October 31, 2016 an order was issued by the Honorable Thomas M. Lynch:[1]

> "ORDER THIS CAUSE coming on to be heard on this 31st day of October, 2016 upon the Trustee's Motion for Authority to Enter into a "Binding Mediation Agreement", the Court after considering the Motion, the statements of counsel, pleadings on file and being fully advised in the premises: IT IS HEREBY ORDERED that Joseph D. Olsen, Trustee herein, is authorized to enter into a "Binding Mediation Agreement" as described in the Trustee's Motion, and the Trustee may execute such documents as are necessary to accomplish the matters set forth herein."

17 Order to employ Special Counsel order here[2]

18 On October 31, 2016 at 10:41AM trustee Olsen sent an email to Randall Baudin II stating:[3] "Randy- The Court authorized your appointment this morning, as well as entry into that "Binding Mediation Agreement"; Do you want the debtor to /s/ the form, or me as trustee? Let me know, thanks."

19. On October 31, 2016 at 10:50AM Randall Baudin II sent an email to Trustee Olsen stating: [4] "You can good ahead sign it."

10. Sometime in November the Baudins told Dulberg (during a telephone conversation) that even though he does not want the binding mediation to take place, he should attend the hearing anyway because the judge will look down on a person that doesn't attend as if they are uninterested in their own case.

11. On December 8, 2016, Dulberg attended the binding mediation with his mother, Barbara Dulberg, even though he did not agree to the process, did not want it to happen, and refused to sign any agreement or consent to the process.

12. Dulberg believed at the time that the Bankruptcy Judge was the person who ordered the case into binding mediation and Dulberg believed the Bankruptcy Judge had the legal authority to make that decision without anyone else's consent. Dulberg beleived this because W. Randall Baudin II told him it was true.

13 When Paul Dulberg and Barbara Dulberg were sitting alone in a room waiting, Dulberg read a document left on the table. The document was written by Lanford.[5]

14. The document contained this comment: "..."[6]

15. The Binding Mediation Judge ordered an award of $560,000.[7]

---

1 Group Exhibit 37-bankruptcy_docket_Petition # 14-83578: 37-0_Binding Mediation OrderOCR (2).pdf
2 Group Exhibit 37-bankruptcy_docket_Petition # 14-83578: 37-0_OCR.pdf
3 Group Exhibit 39-Olsen subpoena and response
4 Group Exhibit 39-Olsen subpoena and response
5 Exhibit 13 Lanford letter here
6 Exhibit 13
7 Exhibit 13

16. W. Randall Baudin II informed Dulberg and Barbara Dulberg that the opposing attorney was angry because she was told the case would be settled for $50,000.

17. Dulberg asked W. Randall Baudin II if the document by Lanford was true. W. Randall Baudin II said, "That's what it says".

18. Dulberg mentions Malpractice against Popovich to Baudin (for the first time?)

19. W. Randall Baudin II responded, "...".

18. On December 12, 2016 the following exchange took place in the 22nd Judicial circuit Court:[1]

APPEARANCES:

(NO APPEARANCES GIVEN)

> UNIDENTIFIED VOICE: Number five, Dulberg. I talked to Baudin & Baudin this morning -- or Baudin Law Group, and Randy Baudin indicated to me he's going to be in another county and his wife's out of state, but they're agreeable with me getting a dismissal with prejudice based on the fact that we've had a binding mediation on Thursday and we're expecting an award.
>
> THE COURT: Wonderful. All right.
>
> UNIDENTIFIED VOICE: Thank you.
>
> THE COURT: I'll be curious what the award was. All right. Thank you.

18. Dulberg was informed that the trustee would receive the $300,000 arbitration award, but the money would not be issued unless he signed a document, which he signed in order to have the money issued to the bankruptcy trustee to pay his creditors.[2]

18. On December 21, 2016 at 11:14 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "Myrna says I'm to meet you in McHenry, when and where?"

18 On December 21, 2016 at 11:16 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[4] "I'm just heading to Panera to meet with a client on the route 31. You're welcome to come in anytime and I can tell the gentleman I have to run out to the car and have you sign something I can meet you too at your car so come at your leisure I should be here for at least A half hour"

18. On December 21, 2016 at 11:20 AM Plaintiff Dulberg sent a text message to Defendant

1 Exhibit 235_2016-12-12_12LA178_Report of Proceeding_UNIDENTIFIED VOICE_ Stacey A Collins.pdf
2 Exhibit 236_ Filed Dulberg's Affidavit v Allstate 09202023 Affi.pdf
3 Exhibit 230_Baudin Text messages.pdf (page 72)
4 Exhibit 230_Baudin Text messages.pdf (page 72)

W. Randall Baudin II stating:[1] "Will be there in approx 15 min"

188. On December 21, 2016 at 11:39 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "You here?"

189 On December 21, 2016 at 11:41 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[3] "Here"

18 On December 21, 2016 at 1:02 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "Why would Allstate need a signed release when they agreed to let the arbitrator decide what is final and not this afterthought of an agreement?"

18 On December 21, 2016 at 1:02 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[5] "Or I mean release?"

189. On December 21, 2016 at 1:04 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[6] "The arbitrator did not set these terms. Why are they modifying our original agreement"

190. On December 21, 2016 at 1:04 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[7] "That's just typically what they do is have the release even though there's an award. I have a call into Gooch he's in depositions"

191. On December 21, 2016 at 1:06 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[8] "Ok, but don't send in that document till we get this worked out. As of now I'm withdrawing my signature till we have something that works."

192. On December 21, 2016 at 1:08 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[9] "If I get the go ahead from Tom, we should be fine, is the one handling that case. I think it has no effect, but he's the one prosecuting the other case while wait to hear what he says"

193 On December 21, 2016 at 1:10 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[10] "Allstate has no business extending letting their client off to letting everyone off. What if I find out one of the surgeons left something inside me? This should just release the policy they represented at the ADR. Nothing more"

1 Exhibit 230_Baudin Text messages.pdf (page 72)
2 Exhibit 230_Baudin Text messages.pdf (page 73)
3 Exhibit 230_Baudin Text messages.pdf (page 73)
4 Exhibit 230_Baudin Text messages.pdf (page 73)
5 Exhibit 230_Baudin Text messages.pdf (page 73)
6 Exhibit 230_Baudin Text messages.pdf (page 73)
7 Exhibit 230_Baudin Text messages.pdf (page 74)
8 Exhibit 230_Baudin Text messages.pdf (page 74)
9 Exhibit 230_Baudin Text messages.pdf (page 74)
10 Exhibit 230_Baudin Text messages.pdf (page 74)

194. On December 21, 2016 at 1:12 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[1] "It's boiler plate, fill in the blank language. They didn't write this specifically for you it's just what they use in all cases"

195. On December 21, 2016 at 1:14 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "Anyone agreeing to their fill in the blank form after the ADR agreement is nuts. I expect them to fulfill their ADR agreement with or without this release"

196 On December 21, 2016 at 1:15 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[3] "If they wanted this as part of the agreement it should have been done prior to the binding ADR mediation"

197 On December 22, 2016 at 7:17 AM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[4] "Morning Randy, I'll be at your office to sign the release sometime between 9-10 am. Wish you could just add the changes Thomas gooch suggested and save the trip but I'll show up just to put my initials on it."

198 On December 22, 2016 at 8:57 AM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[5] "I will be stuck in court MyrnA has a release"

199. According to the U.S. Bankruptcy Code, Section 726 – Distribution of property of the estate

> (a) Except as provided in section 510 of this title, property of the estate shall be distributed—
>
> (1) first, in payment of claims of the kind specified in, and in the order specified in, section 507 of this title, proof of which is timely filed under section 501 of this title or tardily filed on or before the earlier of—
>
> (A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or
>
> (B) the date on which the trustee commences final distribution under this section;
>
> (2) second, in payment of any allowed unsecured claim, other than a claim of a kind specified in paragraph (1), (3), or (4) of this subsection, proof of which is—
>
> (A) timely filed under section 501(a) of this title;
>
> (B) timely filed under section 501(b) or 501(c) of this title; or
>
> (C) tardily filed under section 501(a) of this title, if—
>
> (i) the creditor that holds such claim did not have notice or actual knowledge of the case

1 Exhibit 230_Baudin Text messages.pdf (page 74-75)
2 Exhibit 230_Baudin Text messages.pdf (page 75)
3 Exhibit 230_Baudin Text messages.pdf (page 75)
4 Exhibit 230_Baudin Text messages.pdf (page 75)
5 Exhibit 230_Baudin Text messages.pdf (page 75)

in time for timely filing of a proof of such claim under section 501(a) of this title; and

(ii) proof of such claim is filed in time to permit payment of such claim;

(3) third, in payment of any allowed unsecured claim proof of which is tardily filed under section 501(a) of this title, other than a claim of the kind specified in paragraph (2)(C) of this subsection;

(4) fourth, in payment of any allowed claim, whether secured or unsecured, for any fine, penalty, or forfeiture, or for multiple, exemplary, or punitive damages, arising before the earlier of the order for relief or the appointment of a trustee, to the extent that such fine, penalty, forfeiture, or damages are not compensation for actual pecuniary loss suffered by the holder of such claim;

(5) fifth, in payment of interest at the legal rate from the date of the filing of the petition, on any claim paid under paragraph (1), (2), (3), or (4) of this subsection; and

(6) sixth, to the debtor.

200. Dulberg, as the debtor, was the Sole Residuary Beneficiary of the bankruptcy estate. If the first 5 types of claimants listed in section 726 are paid in full, Dulberg becomes the sole claimant to any remaining money and therefore the sole Sole Residuary Beneficiary of what remains of the bankruptcy estate.

201. Randall Baudin II and Kelly Baudin and The Baudin Law Group were retained by the trustee to represent the bankruptcy estate and Dulberg was the Sole Residuary Beneficiary of all funds in the estate once the first 5 types of claimants listed in section 726 have been paid in full. Therefore Randall Baudin II, Kelly Baudin and The Baudin Law Group acting as legal counsel for the estate owed a duty of due care to Dulberg when acting in this capacity.

202. On December 16, 2016 Dulberg hired legal malpractice attorney Thomas Gooch.[1]

203 Dulberg told Gooch that he was forced into binding mediation and he refused to sign any binding mediation agreement.[2]

204. On January 3, 2017, Trustee Joseph Olsen filed "NOTICE TO CREDITORS AND OTHER PARTIES OF INTEREST" which contains the of binding mediation award and notice of motion to disburse $117,000 to W. Randal Baudin II and Kelly Baudin and $15,000 to Dulberg and to pay certain attorneys and medical liens.[3]

205. Baudins profited $117,084.63[4] from Dulberg's bankruptcy estate plus a non-refundable retainer fee of $3,331.33 paid directly by Dulberg to the Baudins totaling $120,415.96.

206 The Baudins received an overpayment of $21,085.96 according to provisions found in the

1 Exhibit 4
2 Exhibit 4
3 Group Exhibit 38_Olsen notice to creditors
4 Group Exhibit 37-bankruptcy_docket_Petition # 14-83578/

fee agreement.[1]

HOW DULBERG FIRST DISCOVERED FRAUDULENT ACTS BY BAUDINS

207 On October 25, 2019 the Clinton Law office issued a subpoena to Olsen.[2]

208 On December 2, 2019 Olsen responded "informally" to the Clinton subpoena and emailed documents.[3]

209. On February 10, 2020 Clinton sent Dulberg Olsen's response to the subpoena.[4] Dulberg noticed the following emails between Olsen and Randall Baudin:

> On October 31, 2016 at 10:41 AM Olsen < jolsenlaw@comcast.net> wrote: Randy- The Court authorized your appointment this morning, as well as entry into that "Binding Mediation Agreement"; Do you want the debtor to /s/ the form, or me as trustee? Let me know, thanks.[5]
>
> On October 31, 2016 at 10:50 AM Randy Baudin II <randybaudin2@gmail.com> responded, "You can good ahead sign it. Thank you so much."[6]

210. When Dulberg read Baudin tell Olsen to sign the proposed Binding Mediation Agreement, this seemed reasonable to Dulberg since Dulberg was told by the Baudin Defendants that it was the Bankruptcy Judge, who forced Dulberg's personal injury case into the Binding Mediation Agreement and it was Olsen who had standing and was approved to enter into binding mediation. As anyone would, Dulberg assumed Olsen signed the ADR agreement from the conversation and the resulting Binding Mediation that took place on 12/8/2016 at ADR SYSTEMS OF AMERICA, LLC.

211. However this exchange shows something entirely different:

a. Trustee Olsen is asking Baudin if Baudin wants the asset/claim to revert back to the DEBTOR or remain part of the ESTATE by asking "Do you want the debtor to /s/ the form, or me as trustee?".

b. Baudin's response is, "You can good ahead sign it." meaning the ESTATE.

212. In Fact:

a) The executed Binding Mediation agreement does not have Trustee Olsen's signature.

b) Trustee Olsen did not act and sign on the advice of his special counsel the Baudins.

---

1 Exhibit F1-2015-Baudin_FeeAgreement.pdf
2 Group Exhibit 39-Olsen subpoena and response_
3 Key Clinton Folder 1_Dulberg Master File/Dulberg Emails 2020 August 19/Fwd Re Paul Dulberg 1483578 12LA178-2.pdf
4 Group Exhibit 39-Olsen subpoena and response
5 Group Exhibit 39-Olsen subpoena and response
6 Group Exhibit 39-Olsen subpoena and response

c) Trustee Olsen did not "pursue" and "exercise control "over the claim as the Baudin Defendants assert.

d) The personal injury asset appears to be and is abandoned by Trustee Olsen.

e) Abandoned assets reverts back to the DEBTOR.

f) The DEBTOR was represented by attorney David Stretch and not the Baudin Defendants.

g) The Baudin Defendants were approved and hired as Special Counsel for the Estate and in such a capacity had no standing to execute a Binding Mediation Agreement for the DEBTOR.

h) The only party with standing over abandoned assets is now the DEBTOR.

i) The signature page on the Executed Binding Mediation Agreement does not belong to the other pages in the executed Binding Mediation Agreement.

j) ADR SYSTEMS OF AMERICA, LLC. facilitated fraud by failing to take the necessary steps to ensure the signers had standing.

k) Trustee Olsen and the Baudins collected the monies paid out by Allstate after ABANDONING the ASSET that reverted back to the DEBTOR.

213 On September 26, 2022 4:21 PM Dulberg received the 10/31/2016 Bankruptcy Courts Report of Proceeding. Dulberg forwarded the report of proceeding to his attorney Alphonse Talarico stating: "Lets talk after you digest what happened in this one." Dulberg discovered that Trustee Olsen misled the the Honorable Judge Thomas M. Lynch in the transcript.[1]

214. On October 28, 2022 Dulberg received a copy of the executed Binding Mediation Agreement[2] on file with ADR SYSTEMS OF AMERICA, LLC. expecting to see the Trustee Olsens' signature. Instead Dulberg saw his own signature on the executed Binding Mediation Agreement and he knew he never signed the Binding Mediation Agreement. This is when Dulberg first knew:

a) Dulberg's signature is on the executed Binding Mediation Agreement on file with ADR SYSTEMS OF AMERICA, LLC. and Dulberg knew he refused to sign the contract and did not sign the contract. (Discovered on October 28, 2022)

b) Trustee Olsen misled the bankruptcy Judge, "There may be some issues about the debtor being a good witness or not", "he didn't seem to want to go through a jury process", "he liked this process" basically that Dulberg was in agreement with the Binding Mediation Agreement (Discovered on September 26, 2022)

215. On October 28, 2022 Dulberg launched a full scale investigation into the signature's found in the executed Binding Mediation Agreement and quickly found that the signature page does not belong to the rest of the body of the executed Binding Mediation Agreement but is an

1 Group Exhibit 40_Group Exhibit 40-Dulberg's discovery of fraud in BK Court on 9-26-2022/
2 Exhibit 237_2023-12-08_Filed Complaint December 8 2022 DisplayFromAWS_OCR.pdf

exact match to the proposed Binding Mediation Agreement approved by the Bankruptcy court.[1]

216 Dulberg first learned that (a) his signature was fraudulently placed on the ADR contract (Discovered on October 28, 2022) and (b) the Bankruptcy Trustee misrepresented Dulberg's consent to the Bankruptcy Judge (discovered on September 26, 2022) and Dulberg believes the discovery of his signature on the ADR contract is when the statute of limitations should be tolled.

217 In order to understand the context of Dulberg's 12/12/2016 statement "Yeah, you two did good, real good, and I thank both of you sincerely. I just can't help it, what I see here is a gift of $261,000 given to those responsible for my injuries." it is important to know the history behind it.

a. On 1/22/2014 When Dulberg was represented by Hans Mast and the Law Offices of Thomas J. Popovich P.C., the co-defendants (McGuires) in 12LA178 were inexplicably dismissed with prejudice even though the McGuire's employed their son/step-son Gagnon and were vicariously liable for anything Gagnon could not pay.

b. On 12/12/2016 When Dulberg learned of the Binding Mediation Award and how much he could not collect, his mind instantly went back to the dismissed defendants (McGuire's) that would have been vicariously liable for any monies Gagnon could not pay if they were still in the case. Dulberg realized the pecuniary injury the Popovich law firm caused. Dulberg talked with Randall Baudin II about the issue of the McGuire's release and Randall Baudin told Dulberg to call his office in the morning and his secretary Myrna would provide Dulberg with the contact of a Legal Malpractice Attorney the Baudins have used in the past and Dulberg could go see.

c. On 12/16/2016 Dulberg met with Thomas Gooch, the Legal Malpractice Attorney the Baudins recommended Dulberg see.

d. On 11/28/2017 Thomas Gooch filed suit (17LA377) against Hans Mast and the Law Offices of Thomas J. Popovich P.C for Legal Malpractice in 12LA178, specifically for the release of the McGuire defendants, that case is currently on appeal in the 2nd District Case No 2230072.

218 Dulberg was affixing the pecuniary injury of $261,000.00 to the previous firm and the release of the McGuire defendants in his statement when making the 12/12/2016 statement.

219. When on December 12, 2016 Dulberg told the Baudins, "Yeah, you two did good, real good, and I thank both of you sincerely. I just can't help it, what I see here is a gift of $261,000 given to those responsible for my injuries. ", he clearly did not know about the fraudulent acts the Baudins were committing toward him. Dulberg clearly did not know the following:

(a) That Dulberg's signature was fraudulently placed on the Executed Binding Mediation Agreement executed 4 days earlier on December 8, 2016.

(b) That Trustee Olsen misrepresented Dulberg's consent to the Bankruptcy Judge on

1 Exhibit A6-DULBERG 10-31-16-1.pdf

October 31, 2016.

(c) That Allstate, the Baudins and Trustee Olsen knew Dulberg had no standing to pursue the case 12LA178 while the case was under an automatic stay.

(d) That Allstate, the Baudins and Trustee Olsen all knew the case 12LA178 proceeded in the Circuit Court in violation of the automatic stay.

(e) That the Baudins by agreement with Allstate, in violation of the automatic stay, before the Baudins were approved to be hired as special counsel under Trustee Olsen, misrepresented Dulberg as agreeing to Binding Mediation in Circuit Court on August 10, 2016 and asked Associate Judge Meyer to delay the next status hearing to December 12, 2016 after the binding mediation was to take place on December 8, 2016.

(f) That the Baudins' and Allstate's acts in violation of the automatic stay, started laying the groundwork as early as June 16, 2016 and finally set the binding mediation date for December 8, 2016 on August 10, 2016 in the Circuit Court. This happened before Trustee Olsen was even appointed to the position on August 31, 2016 and before Trustee Olsen received permission from the Honorable Judge Thomas M. Lynch, to hire the Baudins' as special counsel and permission to enter into the proposed capped Binding Mediation Agreement on October 31, 2016.

(g) That the Baudins filed their APPEARANCE as REGULAR COUNSEL in 12LA178 on 11/6/2015 in violation of the automatic stay.

(h) That there is no APPEARANCE filed by the Baudin Defendants that is not VOID in case 12LA178.

(i) That the Baudin Defendants' failed to file an APPEARANCE to represent the bankruptcy estate in case 12LA178 after being hired as special counsel by Trustee Olsen.

(j) That Trustee Olsen received permission from the Bankruptcy court to enter into the proposed Binding Mediation Agreement and later made a choice. Trustee Olsen did not act and sign on the advice of his special counsel the Baudins.

(k) That Trustee Olsen did not "pursue" and "exercise control "over the claim/asset and in doing so Abandoned the asset and it reverted back to the DEBTOR.

(l) The Baudin Defendants were approved and hired as Special Counsel for the Estate and in such a capacity had no standing to execute a Binding Mediation Agreement for the DEBTOR.

(m) The only party with standing over abandoned assets is now the DEBTOR.

(n) That there can be no agreement between Allstate and the Baudin Defendants acting as counsel for the bankruptcy estate to have the case dismissed with prejudice in the circuit court on December 12, 2016 since the Baudins failed to file any appearance anywhere that is not VOID and had no standing since they did not represent the DEBTOR.

(o) Trustee Olsen and the Baudins collected the monies paid out by Allstate after ABANDONING the ASSET that then reverted back to the DEBTOR.

220. Dulberg did not know any of this fraud took place when he was awarded $660,000 in the capped Binding Mediation but Allstate, Trustee Olsen and the Baudins must have known. At that time Dulberg believed that the Bankruptcy Judge forced the case into a capped Binding Mediation without Dulberg's consent because that is what the Baudins told Dulberg. Dulberg stating "Yeah, you two did good, real good, and I thank both of you sincerely. I just can't help it, what I see here is a gift of $261,000 given to those responsible for my injuries." just after learning of the capped Binding Mediation Award and that cannot be interpreted as Dulberg knowing about the fraudulent concealment listed as (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) at that time. He was not happy about not being able to collect all that he was awarded, but that does not mean he knew or could have known about the fraudulent concealment listed as (a) through (o).

221. On December 8, 2016 Dulberg filed a complaint against the Baudins, Joseph Olsen, Allstate, ADR Systems, [1]

APPENDIX A

222. On November 7, 2017 at 5:25 PM Plaintiff Dulberg sent a text message to Defendant W. Randall Baudin II stating:[2] "hi Randy, its Paul Dulberg, just recieved a call from Randy Sr. Please call me. Thanks, Paul"

223 On November 7, 2017 at 5:48 PM Defendant W. Randall Baudin II sent a text message to Plaintiff Dulberg stating:[3] "What did he want?"

224. Dulberg later took notes of the conversation from memory. He intended to send the notes to Gooch. He wrote an email to himself to record the notes.

225. On November 9, 2017 at 6:04:03 PM CST Dulberg wrote an email from the address pdulberg@comcast.net to Paul_Dulberg@comcast.net which states:[4]

226 To: "Paul_Dulberg@comcast.net" <paul_dulberg@comcast.net>
Reply-To: Paul Dulberg <pdulberg@comcast.net>

Hi Tom,

You wanted to know what Randy Baudin Sr was asking when he called and I said I would need a few hours to unpack what he covered in about a 45 minute call So This is my attempt to unpack it. I felt like i was interrogated.

Below are a few of the key points that stick out to me. they are in no particular order and the wording is not exact because his questions were fast and he was jumping from subject to subject, its just some of the things I remember him saying and asking as well as how I replied.

1 Exhibit 237_2023-12-08_Filed Complaint December 8 2022 DisplayFromAWS_OCR.pdf
2 Exhibit 230_Baudin Text messages.pdf (page 75-76)
3 Exhibit 230_Baudin Text messages.pdf (page 76)
4 Exhibit 227_2017-11-09_RBS.pdf

Randy Baudin SR. was all over the board with his questions and this is my best recollection of the call. He did wake me from a dead sleep with the call and caught me completely off guard. In retrospect, I was not prepared for this and some of the questions I probably shouldn't have answered. Particularly the ones about the Defendants Caroline and Bill McGuire and about Tom Popovich and Hans Mast.

RBS. Randy Baudin Sr. Introduced himself as the head of baudin and baudin law firm who handled my case and asked if i see its him on my caller id. He also said his assistant was there with him.

PD. I said if its on the caller id than i got it and would have to look later.

RBS. He than said that Thomas Gooch had contacted him and needed some documents and information and that in order to provide that information it is important for me to help fill in some of the blanks or he is in trouble. I said ok because I trusted the baudin firm and Thomas Gooch.

RBS. asked how it was that I came to his firm?

PD. I told him my Mom suggested him because he represented my brother a few decades earlier and that she swears by him because hes willing to fight for his clients

RBS. he asked what case he represented my brother in

PD. I told him that my brother was a passenger in a car that rolled over and that he had taken it to the appellate level

RBS. He asked how it was that Randy Jr took the case and why I didnt Meet with him

PD. I said im not sure why we didnt meet with you, its been a long time since then, all I remember was going to your office and being introduced to Randy Jr.

RBS He asked if it was at the office down near algonquin and lake in the hills

PD I said yes

RBS. Pressed me a few times as to the details of why I didnt meet with him rather than His son.

PD. I figured you were either busy or not in but for whatever reason Randy Jr met with my Mom and I instead. I just figured your all part of the same firm and my mom trusted you.

RBS thanked me and my mom for the high praise.

RBS asked if i had dealt with Kelly and Myrna as well

PD I said yes

RBS said something about his son, Randy JR, Randy JR's wife and Myrna were stealing cases from him

PD I said what is all this about?

RBS replied, oh now your asking me the questions now

PD I said well yeah is everything ok, whats wrong?

RBS said something about being involved in a 7 digit case and that Randy JR was taking cases that he didnt know about.

PD I said Im sorry about all that, I had no idea, is that what this is all about?

RBS asked did you and your mother come to see me?

PD I said at first yes but we ended up Meeting with his son Randy JR

RBS asked if i had met with Randy in Crystal lake and he gave a location

PD I said well yes they said they wanted to meet me at that office at times, why?

RBS asked if Myrna was at that location

PD I said well yes

RBS asked if my mom was doing well

PD I said yes

RBS asked if i liked village squire

PD I said yes

RBS told me to go there on either monday or tuesday because they have half price burgers

RBS gave me his phone numbers, had me write them down, said he would be in touch with me in the future and said he might take me to the village squire sometime.

RBS asked about the case alot

RBS wanted to know what happened, he started asking questions too fast, he asked if it was my dominate arm

PD I told him a basic version of what I knew. I was asked by David if i could use some wood from a tree he was cutting down at his mothers house. I told Dave i would stop by in the morning and see what he had. the next day I went there. His Mother and I got to talking about the people we used to work with while Dave and Bill worked at the tree. Bill got tired after a while and needed to quit. Dave started saying he needed help because he couldn't do it by himself. His mother looked at me and asked if I could help, Dave said come on man help me your just sitting there and all i need you to do is hold branches so they dont move, its easy. besides I helped clean up at your dads when he redid his roof 20 years ago. I said ok, I guess. I got up and helped. everything was going fine for a while then Dave did something stupid and hit the gas while he swung the chainsaw at me, I couldn't get out of its way and he cut my arm in half. The Dr in the ER said I would Have died if I didnt get medical treatment. That is one emergency room trip you never want to take.

RBS oh, im so sorry.

Was it your dominate arm, is it ok?

PD yes its my dominate arm, they put it back togeter but it doesnt work well

RBS how many surguries

PD 3

RBS who were the doctors?

PD do you mean the emergency room dr's?

RBS uh whas it the... yes the er surgion

PD um i remember the name Dr. Ford

RBS ok Ill have a talk with him. who else?

PD um i remember Dr sagerman and Dr Kujawa, I still see her

RBS was it at northwestern?

PD um i dont remember that name but for some reason i remember northwest community but im...

RBS Dr. Kujawa where

RBS ok. Your ok or are you in pain?

PD I have pains

RBS are you on a drip?

PD no nothing like that

RBS You know i know some great Dr's I could send you to see, and he went on about some indian dr and someone he sent there

PD no, no thats ok, ive seen what feels like an army of Dr's already

RBS you sure, I can get you their names, hold on while i get...

PD no thats ok Im good with who im seeing

RBS well ok then but im just saying if you want it

PD Im good

RBS ok so i understand you had some sort of arbitration downtown (and he gave a description of the place in chicago)

PD yes it was um I think they called it a binding arbitration but im not sure

RBS it says here 600K no um 300K was it and it looks like its capped

PD um I dont remember any caps but...

RBS

RBS I'm part native american

pd huh

RBS im just joking about that, i made it up

RBS started talking about his relationship with Tom Popovich said he and Tom go way back. He asked why I was suing Tom.

PD Because he had Hans Mast lie to me

RBS oh Hans, I know him, Good Guy

PD Thats debatable

RBS what happened with Hans?

PD Hans lied to me about many things. To start he lied about the Mothers homeowners insurance Policy. Hans Said they would file a summary judgement the next morning at 9 AM and I would get absolutely nothing but if I signed this he could get me 5k on some part of the policy that pays that amount irregardless of who gets hurt on their property. We argued but He even showed me case law that he said was the law of the land and if I didnt take it I wouldnt get anything. something about 3rd party persons on the property. He also said if i didnt sign it his firm would drop me in the suit against the son David Gagnon. and later on he said you cant blame me i was just doing what the boss said to do and if I didnt like it i could take it up with big Tom the owner of the firm. well I'd hate to break it to Hans but just doing what the boss told me to do is not a valid excuse and never has been when its unethical.

RBS well now wait a minute Hans is a good guy I know Hans.

PD Im sure you do have a good relation with Hans but Good people do bad things all the time and Hans is no exception.

RBS This Gagnon Guy, um

His secretary said, he knew him

RBS you knew this Gagnon Guy

PD Yes

RBS Ok so your complaint is that Popovich had you sign a release against the Mothers Homeowners policy?

PD Thats one of my complaints yes

RBS what else

PD well I learned they never actually pulled either policy, lied to me about the limits which caused me to go over and file for bankruptcy which I would never would have done had they not lied. I lost everything.

RBS They cant let one party go

PD what is that true

RBS there is case law that says you cant let one party go in a lawsuit and keep suing the other party involved if both are named.

PD i didnt know that but thats what they did. then to further the harm popovich dropped my case after they tried to get me to mediate for only 50k and i wouldnt do it."

227 The original malpractice lawsuit, filed by Thomas Gooch on October, 2017, claimed damages in excess of $50,000[1] against the Law Office of Thomas J. Popovich and against Hans Mast.[2]

a) Gooch did not allow Dulberg to read the complaint before filing it with the Court.

b) Gooch did not include Thomas J. Popovich, individually as a Defendant.

c) Thomas Gooch did not mention anything about the bankruptcy in the complaint

d) Thomas Gooch did not mention that Dulberg never agreed to enter into binding mediation and never signed any agreement in the complaint.

e) Gooch never mentioned to Dulberg that W. Randal Baudin II and Kelly Baudin, the Baudin Law Group or Baudin & Baudin did anything inappropriate or that Dulberg has a malpractice claim against the Baudins.

228 Dulberg's experiences with Thomas Gooch and Sabina Walczyk are described in "Exhibit 4_Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation".

1 Exhibit 239_Rule 222 (FS) Affidaivt-1.pdf
2 Exhibit 111_2017-11-28_COMPLAINT AT LAW.pdf

ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Paul Dulberg
Via Email: paul_dulberg@comcast.net

Chicago
June 17, 2024

Re: William Randal Baudin, II
in relation to
Paul Dulberg
No. 2023IN03897

Dear Mr. Dulberg:

Attached is a copy of William Baudin, II's response to your complaint, submitted by the attorney's counsel, Allison Wood.

If you believe the response is inaccurate or if you wish to comment or provide additional information, please write to me within fourteen days. You may submit comments or additional information to me by email through ARDC paralegal Theresa Bulatovic at tbulatovic@iardc.org. If you send more information by regular mail, please do not staple or bind your correspondence and do not use exhibit tabs.

We will evaluate the matter and advise you of our decision. Again, thank you for your cooperation.

Very truly yours,

Myrrha B. Guzman

Myrrha B. Guzman
Senior Counsel
ARDC Intake Division

MBG:kof
Attachment

Legal Ethics Consulting

June 7, 2024

VIA EMAIL
Myrrha B. Guzman
Senior Counsel
ARDC Intake Division
Illinois Attorney Registration and
Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219

Re: ***In Re William Randal Baudin, II in relation to Paul Dulberg***
Commission No. 2023IN03897

Dear Ms. Guzman,

First, let me thank you for the professional courtesy of additional time to provide you with the information you req ested in relation to the above-referenced matter.

The purpose of this letter is to provide a response to your letter wherein you seek information that relates to the matters raised in the complaint that was submitted to your office by Paul Dulberg. Please note that Mr. Dulberg is a former client of Mr. Baudin.

This letter will provide you with background information about Mr. Baudin; a brief description of the nature of the matters that involve Mr. Dulberg; and a discussion about the claims raised by Mr. Dulberg and Mr. Baudin's responses to his claims. This letter will conclude with a discussion as to why we believe this investigation should be closed.

I.
Brief Background on Mr. Baudin

Mr. Baudin obtained his law degree from The John Marshall Law School (now the University of Illinois Chicago School of Law) in 1997 and received his Illinois license to practice law that same year. After obtaining his law license, Mr. Baudin joined the *Law Offices of Baudin & Baudin* and he is still currently working at what is now known as the *Baudin Law Group, Ltd.*,

Keeping good lawyes out of trouble and
providing ARDC defense when they need it
205 North Michigan Avenue,
Suite 810, Chicago, Illinois 60601

Allison L. Wood, Principal
(312) 396-4060
aw@legalethicsconsulting.com
www.legalethicsconsulting.com

currently located at 820 E Terra Cotta Ave #138, Crystal Lake, Illinois 60014. The firm handles accidents and personal injury matters. Mr. Baudin was a former police officer with the Crystal Lake Park District Police Department. Since 2019, he has served as a police sergeant at the Oakwood Hills Police Department. Mr. Baudin is on the Board of Directors of Elite Veteran Outfitters, NFP., which serves the needs of disabled veterans.

II.
A Discussion About Mr. Dulberg's Matters

Paul Dulberg was a neighbor of Caroline McGuire and William McGuire (the "McGuires"), and David Gagnon ("David"). David is Caroline McGuire's son and William McGuire's stepson. On June 28, 2011, Mr. Dulberg visited the McGuire's property when David was cutting down a tree. Mr. Dulberg offered to assist him and in return, he was offered wood to be used as firewood. While David was operating the chainsaw, it came in contact with Mr. Dulberg's right arm causing him to sustain serious life threatening injuries.

On December 1, 2011, Mr. Dulberg retained attorneys Hans Mast and Thomas J. Popovich to represent him in bringing a lawsuit against David and the McGuires, in a matter that was styled as, *Paul Dulberg v. David Gagnon, Individually, and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, individually,* Case No. 12LA 178 (22nd Judicial Circuit, McHenry County) (herein "the lawsuit"). It is our understanding that Mr. Popovich later determined that the claims against the McGuires would not succeed, particularly since David was not a minor. Mr. Popovich obtained a settlement with the McGuires for $5,000, which Mr. Dulberg agreed to and accepted. David would remain in the lawsuit. It is also our understanding that Mr. Popovich found Mr. Dulberg to be a difficult client and withdrew from the representation shortly thereafter.

As a result of his inability to work and his mounting medical bills, Mr. Dulberg filed for Chapter 7 bankruptcy on November 26, 2014, in a matter styled as, *In re Paul Dulberg*, Case No. 14 835 78 (herein "the bankruptcy case"). The Trustee handling the bankruptcy case was Joseph D. Olsen (herein "the Trustee).

On March 19, 2015, Mr. Dulberg retained attorney Brad Balke, who initially indicated that he would be willing to take the case to trial against David. It is our understanding that after reviewing the file and engaging in discussions with opposing counsel, Mr. Balke concluded that

an offered settlement of $0,000 would be the best option for resolving the lawsuit. Mr. Dulberg declined the settlement offer and Mr. Balke withdrew from the case.

III.
A Discussion About Mr. Baudin's Representation of Mr. Dulberg

On September 22, 2015, Mr. Dulberg hired Mr. Baudin's firm.[1] Pursuant to the attorney agreement, Mr. Dulberg paid a non-refundable fee of $,331.33. The Baudin firm would receive one-third of any recovery as a result of a settlement. If the matter went to trial, the Baudin firm would receive 40% of any amount recovered.[2]

The parties agreed that the best way to bring the personal injury case to resolution was for the case to go to binding mediation. Mr. Baudin advised the Trustee that the parties had agreed to binding mediation and the Trustee agreed with this approach as well. On October 4, 2016, the Trustee filed a Motion to Employ the Baudin firm as Special Counsel to prosecute the lawsuit; and a Motion for Authority to Enter into a Binding Mediation Agreement.[3] Both motions were granted by the court.

On December 8, 2016, the case was presented to a mediator. On December 18, 2016, the mediator awarded Mr. Dulberg a gross award of $660,000. The mediator found Mr. Dulberg to be 15% at fault and reduced the award to $61,000.[4] Because the Binding Agreement set forth the parties agreement that Mr. Dulberg would not receive less than $0, 000 and no more than $00,000, the $61 ,000 award was reduced to $300,000. The funds went into Mr. Dulberg's bankruptcy estate. The Baudin firm received $ 17,084.63 from the bankruptcy estate for their attorney's fees. The remaining funds, except for a statutory exemption of $5,000, were applied to the debts owed by Mr. Dulberg as set forth in his bankruptcy case.[5]

[1] Mr. Baudin and Kelly Baudin worked on Mr. Dulberg's case but since the instant complaint is against Mr. Baudin only, he will be referred to throughout even if certain services may have been provided by Kelly Baudin or any other firm members.

[2] A copy of the Fee Agreement is attached.

[3] Both Motions, the Binding Agreement, and the Court Order are attached.

[4] A copy of the mediator's findings is attached.

[5] 735 ILCS 5/12-1001(h)(4) provides that the debtor's right to receive funds on account of a personal injury is limited to $15,000.

Legal Ethics Consulting

IV.

Mr. Dulberg's Claims Against Mr. Baudin and Mr. Baudin's Response

On October 21, 2023, Mr. Dulberg filed a complaint against Mr. Baudin with your office, advancing multiple complaints about the representation he received from Mr. Baudin. From what we can discern from his 50 page complaint with reference to various documents that were not attached, his claims can be categorized as: (a) his objections to Mr. Baudin's engagement with the Trustee of his bankruptcy case; and (b) his dissatisfaction with the outcome of his personal injury case. We will address these claims below.

(a) Mr. Dulberg's Bankruptcy Filing Put the Trustee In Charge of His Personal Injury Case.

Mr. Dulberg filed for bankruptcy relief on October 4, 2016. Under the United States Bankruptcy Code, when a debtor files for bankruptcy an estate comprised of "all legal or equitable interests of the debtor," with few exceptions, is created. 11 U.S. Code § 541(a). A trustee may be appointed to oversee the estate in the bankruptcy case any time after it has commenced, either for cause, like incompetence, or " if such appointment is in the interests of creditors." 11 U.S. Code § 1104. The bankruptcy filing also triggers the placement of an automatic stay of certain collection actions against the individual. 11 U.S. Code § 362. This automatic stay prevents most creditors from collecting from the filer's bankruptcy estate during proceedings. Contrary to assertions made by Mr. Dulberg in his complaint, the automatic stay did not prevent his personal injury lawsuit from going forward.

Under 11 U.S.C. 541(a) (1), Mr. Dulberg's property, including his legal claims and causes of action, became part of the bankruptcy estate. The bankruptcy code is explicit that the trustee in a bankruptcy case "is the representative of the estate" and has the "capacity to sue and be sued." 11 U.S.C. 323(a) & (b). A bankruptcy trustee is required to "collect and reduce to money the property of the estate for which such trustee serves" and "examine proofs of claims and object to the allowance of any claim that is improper." 11 U.S.C. 704(a)(1) & (5). The claim by Mr. Dulberg that the Baudin firm inappropriately represented him knowing that he didn't have standing demonstrates a misunderstanding of the bankruptcy process. It is the Trustee who had standing to pursue the personal injury case. Mr. Baudin recognized that the Trustee became the person making

decisions about what would be in the best interest of the estate. Mr. Baudin discussed the lawsuit with the Trustee and the Trustee decided to make Mr. Baudin Special Counsel so that Mr. Baudin could move forward with the personal injury case. The Trustee filed a Motion to Employ Mr. Baudin for this reason and this Motion was granted by the Court. Certainly, if the Bankruptcy Court thought the employment of Mr. Baudin was improper, it would not have granted the motion. Further, the Trustee has the discretion to enter into agreements or settlements to resolve the case and to use the proceeds to settle Mr. Dulberg's debts. See 11 U.S.C. 323. In sum, there was nothing improper about the Trustee employing Mr. Baudin to pursue Mr. Dulberg's personal injury case.

(b) Mr. Dulberg's Dissatisfaction with the Outcome of the Personal Injury Case Does Not Mean that Mr. Baudin Did Anything Wrong.

Mr. Dulberg claims that he didn't agree to binding mediation, that he didn't understand the high/low provisions that would reduce his award to $00,000, and that it is Mr. Baudin's fault that he did not recover a greater award from the mediator. None of these claims have merit.

Mr. Dulberg agreed to the binding mediation and the high/low provisions were explained to him. Mr. Baudin encouraged Mr. Dulberg and his mother to enter into a binding mediation. He explained the benefits this approach had to his case and the nature of the proposed agreement. The parties would agree to place a $50,000 floor and a $00,000 ceiling on Mr. Dulberg's potential award. Notably, Mr. Dulberg had been offered $0,000 so making this figure the floor ensured that he would receive at least that much if the case went to mediation, even if the mediator awarded a sum less than $0,000. The ceiling of $300,000 represented the maximum amount the defendants would have to pay, even if the mediator awarded a larger sum. This is a compromise where each side knows the stakes beforehand. On July 20, 2016, Mr. Dulberg advised Mr. Baudin that he wanted to proceed with the mediation.

As discussed herein, it was the Trustee who had standing to pursue the personal injury case and it was the Trustee who agreed to seek the court's authority for the parties to enter into a Binding Mediation Agreement. Mr. Dulberg's agreement or consent for this approach was not required. While Mr. Dulberg argues that he could have received more without the cap, the inverse is also true, he could have received less without the floor of $0,000. Submitting the case to a mediator was a risk for both parties. It was the zealous advocacy and hard work of Mr. Baudin

that ultimately resulted in an award of $00,000. Mr. Dulberg's dissatisfaction with the outcome has no bearing on the q ality of the representation he received.

V.
Mr. Baudin Fulfilled His Ethical Obligations

What happened to Mr. Dulberg was a tragedy. He suffered serious injuries such that he was no longer able to work. He incurred a mountain of medical bills. He wanted to go to trial to hold the McGuires and David accountable for his injuries, and he likely expected a substantial recovery. However, because he filed for bankruptcy, he no longer had control over his case. The Trustee took over the case and made decisions that did not reqi re Mr. Dulberg's consent or agreement. The Trustee decided to employ the Baudin firm to pursue the case. The Trustee agreed that Binding Mediation was the most efficient way to bring a resolution to the case. The Court approved the Trustee's decisions. As a result of Mr. Baudin's zealous advocacy, he recovered an award of $ 00,000 for Mr. Dulberg's personal injury claim, six times more than the offer of settlement that was obtained by his previous lawyer. As we have demonstrated, Mr. Baudin has done nothing wrong. He fulfilled his ethical obligations to Mr. Dulberg; and he worked with the Trustee to bring the personal injury case to a resolution.

Dissatisfied with the resolution of his case, Mr. Dulberg has filed disciplinary complaints and/or legal malpractice lawsuits against every attorney who handled his personal injury case, including Mr. Baudin. [6] In addition, he sued the Trustee of his bankruptcy matter as well as his law firm; the ADR Systems of America in relation to the mediation of his personal injury case; and Allstate Property and Casualty Insurance, the insurer for one of the defendants in his personal injury case. None of these actions will change the outcome of his personal injury case or his bankruptcy case.

Mr. Dulberg's repeated and baseless attacks against Mr. Baudin are unjust. He provided Mr. Dulberg with q ality representation and achieved for him a favorable resolution of his personal injury case. This matter should be closed.

[6] Mr. Dulberg filed a legal malpractice case against Mr. Baudin on December 8, 2022 in a matter styled as *Paul Dulberg and The Paul Dulberg Revocable Trust v. Baudin a/k/a Baudin & Baudin et.al*. Case No. 2022L 010905. Counsel for Mr. Baudin filed a Motion to Dismiss which was granted on August 29, 2023. A copy of the Motion and the dismissal order are attached.

Legal Ethics Consulting

Conclusion

We appreciate the opportunity to provide this submission to you and we hope that we have addressed your concerns such that this investigation of Mr. Baudin can now be closed.

Warm Regards.

Allison Wood

Allison L. Wood

Enc:

Keeping good lawyes out of trouble and
providing ARDC defense when they need it
205 North Michigan Avenue,
Suite 810, Chicago, Illinois 60601

Allison L. Wood, Principal
(312) 396-4060
aw@legalethicsconsulting.com
www.legalethicsconsulting.com

FEE AGREEMENT

I, Paul Dulberg, hereby agree to retain and employ BAUDIN & BAUDIN, an association of attorneys, to prosecute and/or settle all suits and claims for damages, which may include personal injuries and property damage, against responsible parties, including their insurance companies and my insurance companies, or any other responsible insurance companies, arising out of events which occurred on or about the 28th day of June, 2011, at or near 1016 W. Elder Avenue, McHenry, Illinois.

I agree to pay BAUDIN & BAUDIN as compensation for services (1) a non-refundable retainer fee of $3,333.33; AND (2) a sum of money equal to one-third (1/3) of the gross amount realized from this claim by settlement prior to trial of this matter, OR, if this matter proceeds to trial, which is defined as any time after the final pre-trial conference with the Court has concluded, I agree to pay BAUDIN & BAUDIN as compensation for its services a sum of money equal to forty percent (40%) of the gross amount realized from such action. Should this matter conclude by way of settlement, negotiations, trial, arbitration or judgment in my favor, BAUDIN & BAUDIN agrees to reduce its percentage fee by an amount of $3,333.33 as an offset for the non-refundable retainer fee; however, in no event will the $3,333.33 be refunded to me once this agreement has been executed.

I realize, understand and agree that all expenses and costs related to my claim, such as medical expenses for my/our care and treatment and related costs such as costs for obtaining medical records and bills, as well as court costs, including filing fees, costs of depositions, costs of experts, etc. are my obligation and responsibility and shall be paid as those bills become due from time to time.

It is further agreed and understood that there will be no further charges for legal services over and above the $3,333.33 non-refundable retainer fee by BAUDIN & BAUDIN (with the exception of the aforesaid expenses and costs referred to in paragraph 3) unless recovery is made in this claim, and that no settlement will be made without the consent of the claimant(s).

I hereby authorize and direct that BAUDIN & BAUDIN is authorized to endorse and deposit any proceeds received in regard to the aforesaid claim herein, and to disburse those funds for purposes of client payments, resolution of liens, reimbursement of costs advanced, and attorney's fees.

This cause was not solicited either directly or indirectly from me/us by anyone. This agreement is being executed with duplicate originals.

Signed this 22nd day of September, 2015, and copy received by claimant(s) or claimant(s)'s representative.

Claimant

Claimant

BAUDIN & BAUDIN
2100 N. Huntington Drive, Suite C
Algonquin, IL 60102
847.658.5295 FAX: 847.658.5015

Revised 9/2015

EXHIBIT
1

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:	)	CHAPTER 7
	)	
DULBERG, PAUL	)	CASE NO. 14-83578
	)	
Debtors.	)	JUDGE: THOMAS M. LYNCH

AFFIDAVIT OF W. RANDAL BAUDIN, II PURSUANT TO RULES 2014(a), 2016(b) AND 5002 TO EMPLOY BAUDIN LAW GROUP, LTD. AS SPECIAL COUNSEL FOR THE TRUSTEE

STATE OF ILLINOIS)
) ss
COUNTY OF McHENRY)

Personally appeared before the undersigned officer, duly authorized to administer oaths, W. Randal Baudin, II, and after being duly sworn, states as follows:

1. I am a member of the law firm of Baudin Law Group, Ltd. located at 304 South McHenry Avenue, Crystal Lake, IL 60014 and in that capacity I have personal knowledge of, and authority to speak on behalf of the firm of Baudin Law Group, Ltd., with respect to the matters set forth herein. This Affidavit is offered in support of the Application of the Trustee for Authorization to Employ Baudin Law Group, Ltd. as special counsel for the Trustee. The matters set forth herein are true and correct to the best of my knowledge, information and belief.

2. Baudin Law Group, Ltd. has no partners, associates or other professional employees who are related to any judge of the United States Bankruptcy Court for the Northern District of Illinois.

3. Neither the firm of Baudin Law Group, Ltd. nor I have agreed to share any compensation or reimbursement awarded in this case with any persons other than partners and associates of the firm of Baudin Law Group, Ltd..

4. Baudin Law Group, Ltd. shall be compensated for their services on a contingent fee basis pursuant to terms of the attached agreement.

5. To the best of my knowledge, information and belief, Baudin Law Group, Ltd. does not hold or represent a party that holds an interest adverse to the Trustee nor does it have any connection with the Debtor's creditors, or any party in interest or their respective attorneys and accountants with respect to the matters for which Baudin Law Group, Ltd. is to be employed, is disinterested as that term is used in 11 U.S.C. § 101(14), and has no connections with the United States Trustee or any person employed in the Trustee's office, except that said firm has represented the Debtors pre-petition with respect to the subject personal injury claim.

6. I understand and agree that:

A. My Firm and I are obligated to keep the Trustee fully informed as to all aspects of this matter, as the Bankruptcy Estate is my client until such time as the claim in question is abandoned by the Trustee, as shown by a written notice of such abandonment.

B. All proceeds of any settlement or recovery must be paid to the Trustee in the first instance, and none may be disbursed without approval in writing of the Trustee or an Order of the Bankruptcy Court.

C. If this application for appointment is approved, any fees or reimbursement of costs from the proceeds of any recoveries will be paid by the Trustee only after approval of the Bankruptcy Court.

D. No settlements may be entered into or become binding without the approval of the Bankruptcy Court and the Trustee, after notice to the Trustee, creditors and parties in interest.

E. All issues as to attorneys fees, Debtor's exemptions, the distribution of any recovery between the Debtor and the Trustee or creditors, or any other issue which may come to be in dispute between the Debtor and the Trustee or creditors are subject to the jurisdiction of the Bankruptcy Court. Neither I nor any other attorney or associate of the Firm will undertake to advise or represent the Debtor as to any such matters or issues. Instead, the Firm will undertake to obtain the best possible result on the claim, and will leave to others any advice or representation as to such issues.

F. The Firm is not authorized to grant any "physician's lien" upon, offer to protect payment of any claim for medical or other services out of, or otherwise pledge or encumber in any way any part of any recovery without separate Order of this Court, which may or may not be granted.

G. Authorization to hire experts. As part of this representation, I will need to hire experts to advise and assist in the conduct of this litigation, specifically medical experts, liability or forensic experts, vocational or economic experts, or other experts on issues of liability or damages. In this regard, I agree that:

i. My Firm or I will pay or advance any fees or cost retainers required by such experts with the understanding that such payment or advance will be included as a cost in any subsequent fee application my Firm or I make to this Court; and

ii. Before entering into any such retention or paying any initial fees or costs, I will consult with the Trustee, provide the Trustee any

information requested including estimates of total costs and fees, provide a copy of any fee agreements, and obtain the Trustee's advance written approval to the proposed terms of retention.

iii. I will see that copies of any bills submitted by such experts are submitted to the Trustee when I receive them and a reasonable time before I or my Firm pays them, and are approved in advance, by the Trustee, in writing.

iv. Such fees or expenses of such experts are subject to reimbursement only by the Bankruptcy Estate, upon approval of this Court, to be paid as an administrative expense in this Bankruptcy case pursuant to 11 U.S.C. § 726, out of proceeds of any settlement or recovery in the litigation my Firm and I will be handling.

W. Randal Baudin, II, Affiant

Subscribed and sworn to before
me this 27 day of September, 2016

Notary Public

OFFICIAL SEAL
MYRNA E BOYCE
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:09/17/19

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:	)	CHAPTER 7
	)	
DULBERG, PAUL	)	CASE NO. 14-83578
	)	
Debtors.	)	JUDGE: THOMAS M. LYNCH

AFFIDAVIT OF W. RANDAL BAUDIN, II PURSUANT TO RULES 2014(a), 2016(b) AND 5002 TO EMPLOY BAUDIN LAW GROUP, LTD. AS SPECIAL COUNSEL FOR THE TRUSTEE

STATE OF ILLINOIS)
) ss
COUNTY OF McHENRY)

Personally appeared before the undersigned officer, duly authorized to administer oaths, W. Randal Baudin, II, and after being duly sworn, states as follows:

1. I am a member of the law firm of Baudin Law Group, Ltd. located at 304 South McHenry Avenue, Crystal Lake, IL 60014 and in that capacity I have personal knowledge of, and authority to speak on behalf of the firm of Baudin Law Group, Ltd., with respect to the matters set forth herein. This Affidavit is offered in support of the Application of the Trustee for Authorization to Employ Baudin Law Group, Ltd. as special counsel for the Trustee. The matters set forth herein are true and correct to the best of my knowledge, information and belief.

2. Baudin Law Group, Ltd. has no partners, associates or other professional employees who are related to any judge of the United States Bankruptcy Court for the Northern District of Illinois.

3. Neither the firm of Baudin Law Group, Ltd. nor I have agreed to share any compensation or reimbursement awarded in this case with any persons other than partners and associates of the firm of Baudin Law Group, Ltd..

4. Baudin Law Group, Ltd. shall be compensated for their services on a contingent fee basis pursuant to terms of the attached agreement.

5. To the best of my knowledge, information and belief, Baudin Law Group, Ltd. does not hold or represent a party that holds an interest adverse to the Trustee nor does it have any connection with the Debtor's creditors, or any party in interest or their respective attorneys and accountants with respect to the matters for which Baudin Law Group, Ltd. is to be employed, is disinterested as that term is used in 11 U.S.C. § 101(14), and has no connections with the United States Trustee or any person employed in the Trustee's office, except that said firm has represented the Debtors pre-petition with respect to the subject personal injury claim.

EXHIBIT 3

6. I understand and agree that:

A. My Firm and I are obligated to keep the Trustee fully informed as to all aspects of this matter, as the Bankruptcy Estate is my client until such time as the claim in question is abandoned by the Trustee, as shown by a written notice of such abandonment.

B. All proceeds of any settlement or recovery must be paid to the Trustee in the first instance, and none may be disbursed without approval in writing of the Trustee or an Order of the Bankruptcy Court.

C. If this application for appointment is approved, any fees or reimbursement of costs from the proceeds of any recoveries will be paid by the Trustee only after approval of the Bankruptcy Court.

D. No settlements may be entered into or become binding without the approval of the Bankruptcy Court and the Trustee, after notice to the Trustee, creditors and parties in interest.

E. All issues as to attorneys fees, Debtor's exemptions, the distribution of any recovery between the Debtor and the Trustee or creditors, or any other issue which may come to be in dispute between the Debtor and the Trustee or creditors are subject to the jurisdiction of the Bankruptcy Court. Neither I nor any other attorney or associate of the Firm will undertake to advise or represent the Debtor as to any such matters or issues. Instead, the Firm will undertake to obtain the best possible result on the claim, and will leave to others any advice or representation as to such issues.

F. The Firm is not authorized to grant any "physician's lien" upon, offer to protect payment of any claim for medical or other services out of, or otherwise pledge or encumber in any way any part of any recovery without separate Order of this Court, which may or may not be granted.

G. Authorization to hire experts. As part of this representation, I will need to hire experts to advise and assist in the conduct of this litigation, specifically medical experts, liability or forensic experts, vocational or economic experts, or other experts on issues of liability or damages. In this regard, I agree that:

i. My Firm or I will pay or advance any fees or cost retainers required by such experts with the understanding that such payment or advance will be included as a cost in any subsequent fee application my Firm or I make to this Court; and

ii. Before entering into any such retention or paying any initial fees or costs, I will consult with the Trustee, provide the Trustee any

information requested including estimates of total costs and fees, provide a copy of any fee agreements, and obtain the Trustee's advance written approval to the proposed terms of retention.

iii. I will see that copies of any bills submitted by such experts are submitted to the Trustee when I receive them and a reasonable time before I or my Firm pays them, and are approved in advance, by the Trustee, in writing.

iv. Such fees or expenses of such experts are subject to reimbursement only by the Bankruptcy Estate, upon approval of this Court, to be paid as an administrative expense in this Bankruptcy case pursuant to 11 U.S.C. § 726, out of proceeds of any settlement or recovery in the litigation my Firm and I will be handling.

W. Randal Baudin, II, Affiant

Subscribed and sworn to before me this 27 day of September, 20 16

Notary Public

OFFICIAL SEAL
MYRNA E BOYCE
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:08/17/19

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:	)	CHAPTER 7
PAUL DULBERG	)	Case Number: 14-83578
	)	
Debtor.	)	JUDGE THOMAS M. LYNCH

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Notified via Electronic filing: Attorney David Stretch and U.S. Trustee's Office,

Notified via U.S. Postal Service: See attached service list.

Joseph D. Olsen, Trustee has filed papers with the Court regarding his **Motion for Authority to Enter into a "Binding Mediation Agreement" in accordance with the "Binding Mediation Agreement" which is attached hereto and made a part hereof as Exhibit A.**

A copy of said Motion referred to herein is available for inspection at the offices of the Clerk of the U.S. Bankruptcy Court or at the offices of Yalden, Olsen & Willette, during usual business hours.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you want the Court to consider your views on the Motion, then you or your attorney must:

Attend the hearing on scheduled to be held on the 31st day of October, 2016 at 9:30 am in courtroom 3100, United States Bankruptcy Court, 327 South Church St., Rockford, IL 61101.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Joseph D. Olsen, Trustee

By: YALDEN, OLSEN & WILLETTE, his attorneys

By: s/s Joseph D. Olsen

Joseph D. Olsen
Yalden, Olsen & Willette
1318 East State Street
Rockford, IL 61104

CERTIFICATE OF SERVICE

I, the undersigned, certify that on October 4, 2016 I caused the aforesaid to be served upon all persons to whom it is directed (see attached Service List) by United States Mail by depositing the same in the United States Mail at Rockford, Illinois, at or about the hour of 5:00 p.m.

s/s Marti Maravich

Baudin 0008

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:	)	CHAPTER 7
	)	Case Number: 14-83578
PAUL DULBERG	)	
Debtor.	)	JUDGE: THOMAS M. LYNCH

MOTION FOR AUTHORITY TO ENTER INTO A "BINDING MEDIATION AGREEMENT".

NOW COMES the Trustee, Joseph D. Olsen, by his attorneys, Yalden, Olsen & Willette, pursuant to Bankruptcy Rule 9019, and for his Motion for Authority to Enter into a "Binding Mediation Agreement", states as follows:

1. That the Debtor, Paul Dulberg, filed his Voluntary Petition for Relief pursuant to Chapter 7 of Title 11 on November 26, 2014;

2. That Joseph D. Olsen is the duly appointed and qualified acting case Trustee of the above captioned Estate;

3. That on the date of the petition the Debtor, Paul Dulberg, had a certain claim against David Gagnon, et al for certain personal injuries suffered in a chainsaw injury. This certain personal injury case is pending in the circuit court of the 22nd Judicial Circuit, McHenry County, Illinois in cause number 12LA178.

4. Heretofore the Trustee has hired as his Special Counsel, the Baudin Law Group, Ltd. to prosecute the Bankruptcy Estate's claim in this matter. After discussions with Randy Baudin, the lead attorney on the file, Mr. Baudin has recommended participation in the "Binding Mediation Agreement", a copy of which agreement is attached hereto and made a part hereof as Exhibit A. There can be no guarantee of the amount of the award that is eventually provided under the "Binding Mediation Agreement" but it has a floor of no less than $50,000.00 and a ceiling of no greater than $300,000.00.

The Trustee, in consultation with his special counsel, believes the "Binding Mediation Agreement" would be in the best interest of the Estate.

WHEREFORE, the Trustee requests authority to enter into the afore-described "Binding Mediation Agreement" and to execute any document necessary or appropriate to process the Debtor's claims through that binding mediation process.

JOSEPH D. OLSEN, Trustee

By: YALDEN, OLSEN & WILLETTE, his attorneys

By: s/s Joseph D. Olsen

Prepared by:
Joseph D. Olsen
Yalden, Olsen & Willette
1318 East State Street
Rockford, IL 61104
(815) 965-8635

Alexian Brothers Medical Group
PO Box 5580
Belfast, ME 04915-5580

Associated Neurology SC
1900 Hollister Drive
Suite 250
Libertyville, IL 60048-5249

Bank of America
PO Box 851001
Dallas, TX 75285-1001

BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Cabelas Visa Center
World's Foremost Bank
PO Box 82609
Lincoln, NE 68501-2609

Capital One Bank
Attn: General Correspondence
PO Box 30285
Salt Lake City, UT 84130-0285

Capital One Bank (USA), N.A.
PO Box 6492
Carol Stream, IL 60197-6492

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Dr. Frank W. Sak
4606 W. Elm Street
McHenry, IL 60050-4015

Dynamic Hand Therapy & Rehab
498 S. US Highway 12
Suite C
Fox Lake, IL 60020-1908

Hand Surgery Associates, SC
Dr. Sagerman / Dr. Bisfora
515 N. Algonquin Road
Arlington Heights, IL 60005-4405

McHenry Radiologists & Imaging
PO Box 220
McHenry, IL 60051-0220

MidAmerica Hand to Shoulder Clinic
Dr. Talerico
75 Remittance Drive, Suite 6035
Chicago, IL 60675-6035

Moraine Emergency Physicians
PO Box 8759
Philadelphia, PA 19101-8759

Northern Illinois Medical Center
4201 Medical Center Drive
McHenry, IL 60050-8499

Northwest Community Hospital
25709 Network Place
Chicago, IL 60673-1257

Northwest Surburban Anesthesiologis
8163 Solutions Center
Chicago, IL 60677-8001

Oak Trust Credit Union
1 South 450 Summit Avenue
Oakbrook Terrace, IL 60181

(p)OAK TRUST CREDIT UNION
12251 S ROUTE 59
PLAINFIELD IL 60585-9189

Oak Trust Credit Union
444 N Eola Rd, Suite 101
Aurora, IL 60502-9620

Open Advanced MRI of Round Lake
Medchex
PO Box 502
Katonah, NY 10536-0502

WORLD'S FOREMOST BANK
CABELA'S CLUB VISA
PO BOX 82609
LINCOLN, NE 68501-2609

Walgreens
3925 W. Elm Street
McHenry, IL 60050-4361

Walmart Pharmacy
3801 Running Brook Farms Boulevard
Johnsburg, IL 60051-5425

Worlds Foremost Bank NA
4800 NW 1st Street
Suite 300
Lincoln, NE 68521-4463

David L. Stretch
Law Office of David L. Stretch
5447 West Bull Valley Road
McHenry, IL 60050-7410

Paul R. Dulberg
4606 Hayden Court
McHenry, IL 60051-7918

Attorney W. Randal Baudin, II
Baudin Law Group, Ltd.
2100 N. Huntington Dr Suite C
Algonquin, IL 60102

Binding Mediation Agreement
ADR Systems File # 33391BMAG

Revised for Special Billing

I. Parties

A. Paul Dulberg, by attorneys, Kelly N. Baudin and Randall Baudin, II

B. David Gagnon, by attorney, Shoshan Reddington

SPECIAL BILLING – Section V.B.5 – Defendant agrees to pay up to $3,500.00 of Plaintiff's Binding Mediation Costs.

II. Date, Time and Location of the Binding Mediation

Date: Thursday, December 8, 2016
Time: 1:30 P.M.
Location: ADR Systems of America, LLC
20 North Clark Street
Floor 29
Chicago, IL 60602
Contact: Alex Goodrich
312-960-2267

III. Rules Governing the Mediation

Each party ("Party") to this agreement ("Agreement") hereby agrees to submit the above dispute for binding mediation ("Mediation") to ADR Systems of America, L.L.C., ("ADR Systems") in accordance with the following terms:

A. Powers of the Mediator

1. The Parties agree that The Honorable James P. Etchingham (Ret.) shall serve as the sole Mediator in this matter (the "Mediator").
2. The Mediator shall have the power to determine the admissibility of evidence and to rule upon the law and the facts of the dispute pursuant to Section III(D)(1). The Mediator shall also have the power to rule on objections to evidence which arise during the hearing.
3. The Mediator is authorized to hold joint and separate caucuses with the Parties and to make oral and written recommendations for settlement purposes.
4. **The Parties agree that the Mediator shall decide all issues concerning liability and damages arising from the dispute if this matter cannot be settled, unless any of the above is waived. Any other issues to be decided must be agreed upon by the Parties, and included in this contract.**
5. Any failure to object to compliance with these Rules shall be deemed a waiver of such objection.

EXHIBIT "A"

B. **Amendments to the Agreement**

1. No Party shall amend the Agreement at any time without the consent and approval of such changes by the opposing Party, and ADR Systems of America.

2. When changes or amendments to the Agreement are being requested, the Parties shall inform the ADR Systems case manager by telephone. The agreed proposal must also be submitted to the ADR Systems case manager in writing, by fax or email, if necessary, and the contract changes MUST be made by ADR Systems. No changes made outside these guidelines will be accepted. Furthermore, if the amended contract made by ADR Systems is not signed by both Parties, the Agreement shall be enforced in its original form, without changes.

C. **Pre-Hearing Submission**

1. Mediation statements are permitted provided that the statement is shared among the other parties. The Mediation Statement may include: statement of facts, including a description of the injury and a list of special damages and expenses incurred and expected to be incurred; and a theory of liability and damages and authorities in support thereof.

D. **Evidentiary Rules**

1. The Parties agree that the following documents are allowed into evidence, without foundation or other proof, provided that said items are served upon the Mediator and the opposing Party at least **17 (seventeen)** days prior to the hearing date:

   a. Medical records and medical bills for medical services;

   b. Bills for drugs and medical appliances (for example, prostheses);

   c. Property repair bills or estimates;

   d. Reports of lost time from employment, and / or lost compensation or wages;

   e. The written statement of any expert witness, the deposition of a witness, the statement of a witness, to which the witness would be allowed to express if testifying in person, if the statement is made by affidavit sworn to under oath or by certification as provided in section 1-109 of the Illinois Code of Civil Procedure;

   f. Photographs;

   g. Police reports;

   h. Any other document not specifically covered by any of the foregoing provisions that a Party believes in good faith should be considered by the Mediator; and

   i. Each Party may introduce any other evidence, including but not limited to documents or exhibits, in accordance with the rules of evidence of the State of Illinois.

2. The Parties agree that they will not disclose any and all dollar figures relating to the high/low agreement; last offer and last demand; policy limits; and /or set-offs orally or in written form, to the Mediator at any time before or during the conference, or while under advisement, prior to the Mediator's final decision.

a. Violation of this rule set forth in (D)(2) shall constitute a material breach of this Agreement. The non-disclosing Party must formally object to the Mediator upon learning of the breach, or the breach will be considered waived. The non-disclosing Party shall then have the option to continue the Mediation from the point of objection to its completion; or to terminate the Mediation at the point of objection as null and void. The ADR Systems case manager must be made aware of this breach at the time of the objection, so the objection is addressed in accordance with the Agreement; and

b. If the Mediation is terminated as null and void, all costs of the Mediation will be charged entirely to the disclosing Party. A new Mediation shall then take place with a new Mediator on a new date. If the Mediation is not terminated, the costs of the Mediation shall remain the responsibility of each Party or in accordance with the Agreement.

3. The Parties agree if a Party has an objection to the evidence or material submitted by any other Party pursuant to Paragraph (D)(1), notice of the objection shall be given to the ADR Systems case manager and opposing counsel by telephone and in writing at least seven days prior to the Mediation. If resolution cannot be obtained, the case manager will forward the objection to the Mediator to be ruled upon before or at the Mediation. The case manager will notify each of the Parties of the objection. The objection may result in a postponement of the proceedings. **If the objection is because of new material being disclosed with the submission for the first time (for example, new or additional reports, additional medical/wage loss claims, etc.) then the disclosing party shall be charged for the total cost associated with the continuance.**

4. The Parties agree that any Party desiring to introduce any of the items described in Paragraph (D)(1) without foundation or other proof, must deliver said items to the Mediator and to the other Parties no later than **Monday, November 21, 2016.**

5. The items are considered delivered as of the date that one of the following events occur:

   a. If mailed, by the date of the postmark;

   b. If delivered by a courier or a messenger, the date the item is received by the courier or messenger; and

   c. The date transmitted by facsimile or email.

6. The Parties agree to deliver any of the items described in Paragraph (C)(1) and (D)(1) to the following addresses:

   If emailing Submissions, please send to submissions@adrsystems.com, however, please do not send anything over 50 pages, including exhibits.

   The Honorable James P. Etchingham, (Ret.) (Mediator)
   C/O ADR SYSTEMS
   20 North Clark Street
   Floor 29
   Chicago, IL 60602

   Kelly N. Baudin, Esq. / Randall Baudin, II, Esq. (Plaintiff Attorneys)
   BAUDIN LAW GROUP
   304 McHenry Avenue
   Crystal Lake, IL 60039

Shoshan Reddington, Esq. (Defense Attorney)
LAW OFFICES OF STEVEN LIHOSIT
200 N. La Salle Street
Suite 2550
Chicago, IL 60601

E. **Conference Procedure**

1. The Parties may present opening statements but there will be no live testimony.
2. The Parties will attempt to reach a voluntary settlement through negotiation with the assistance of the Mediator.
3. If the Parties cannot voluntarily reach a settlement, the Mediator will advise the Parties that settlement cannot be reached. The Mediator will then take the matter under advisement and render an award that will be binding to all Parties, (the "Award"), subject to the terms of any high/low agreement that the Parties may have as described below in Paragraph (F)(1).

F. **Award Limits**

1. The Parties may agree prior to the Mediation that a minimum and maximum amount will serve as parameters for the Award (sometimes referred to as a "high/low agreement"), such that the actual amount that must be paid to the plaintiff or claimant shall not exceed a certain amount (the "high" or "maximum award") and shall not be less than a certain amount (the "low" or "minimum award").

   a. If liability is disputed and comparative fault or negligence is asserted as an affirmative defense, the Mediator shall make a finding regarding comparative fault or negligence, if any. In the event that there is a finding of comparative fault or negligence of the plaintiff that is greater than 50% (fifty percent), the plaintiff shall receive the negotiated minimum award. In the event that there is a finding of comparative fault or negligence of 50% (fifty percent) or less against the plaintiff, then any damages awarded in favor of the plaintiff shall be reduced by the amount of the plaintiff's comparative fault or negligence, but shall be no less than the minimum parameter or more than the maximum parameter.

   b. All award minimum and maximum parameters are subject to applicable set-offs if any, as governed by policy provisions if not specified in the Agreement.

      The Parties agree that for this Mediation the minimum award to Paul Dulberg will be **$50,000.00**. Also, the maximum award to Paul Dulberg will be **$300,000.00**. These amounts reflect the minimum and maximum amounts of money that David Gagnon shall be liable to pay to Paul Dulberg.

IV. Effect of this Agreement

A. After the commencement of the Mediation, no Party shall be permitted to cancel this Agreement or the Mediation and the Mediator shall render a decision that shall be in accordance with the terms set forth in this Agreement. When the Award is rendered, the Mediation is resolved, and any Award arising from this Mediation shall operate as a bar and complete defense to any action or proceeding in any court or tribunal that may arise from the same incident upon which the Mediation is based.

B. The Parties further agree that any pending litigation will be dismissed, with prejudice, as to those Parties participating in this Mediation upon the conclusion thereof. Any and all liens, including contractual rights of subrogation owed are subject to existing Illinois law. By agreement of the Parties, the Mediator's Award will be final and binding and not subject to appeal or motion for reconsideration by any Party.

V. Mediation Costs

A. ADR Systems Fee Schedule

1. A deposit is required for the Administrative Fee, Mediator's estimated review, session, and follow-up time ("Mediation Costs"). Binding-Mediations are billed at a four hour per day minimum. **The required deposit amount is $2,590.00 from Party B and is due by November 21, 2016.** Any unused portion of the deposit will be refunded based on the four hour minimum. If the Mediator's review, session and follow-up time go over the estimated amount, each Party will be invoiced for the additional time.
2. Mediation Costs are usually divided equally among all Parties, unless otherwise agreed upon by the Parties. **ADR Systems must be notified of special fee arrangements.**
3. All deposits are due two weeks prior to the session. ADR Systems reserves the right to cancel a session if deposits are not received from all Parties two weeks prior to the session.
4. ADR Systems requires **14-day notice in writing or via electronic transmission** of cancellation or continuance. For Binding-Mediations **cancelled or continued** within 14 days of the session, the Party causing the cancellation will be billed for the Mediation Costs of all the Parties involved, which includes the four hour per day minimum, additional review time, and any other expenses incurred("cancellation fees"). If the cancellation is by agreement of all Parties, or if the case has settled, the cancellation fees will be split equally among all Parties, unless ADR Systems is instructed otherwise. The cancellation fees may be waived if the Mediator's lost time can be filled by another matter.

Administrative Fee	$390.00 (Non-refundable)
Mediator's Review Time	$450.00 per hour
Session Time	$450.00 per hour
Mediator's Decision Writing Time	$450.00 per hour
Mediator's Travel Time (if any)	$75.00 per hour

B. Responsibility for Payment **Special Billing

1. Each Party and its counsel (including that counsel's firm) shall be jointly and severally responsible for the payment of that Party's allocated share of the Mediation Costs as set forth above.
2. All expenses and disbursements made by ADR Systems in connection with the Mediation, including, but not limited to, outside room rental fee, meals, express mail and messenger charges, and any other charges associated with the Mediation, will be billed equally to the Parties at the time of the invoice.

3. In the event that a Party and/or its counsel fails to pay ADR Systems in accordance with the terms of this Agreement, then that Party and/or its counsel shall be responsible for all costs, including attorney's fees, incurred by ADR Systems in connection with the collection of any amount due and owing. Payment of additional costs incurred by ADR Systems in connection with the collection of any amount due and owing shall be made within 15 days of invoice.
4. In the event ADR Systems' session rooms are completely booked on your selected session date, ADR Systems will attempt to find another complimentary venue for your session. If ADR Systems cannot find a complimentary venue or the parties cannot agree on the complimentary venue, ADR Systems reserves the right to schedule your case in a location that may involve a facilities charge. The facilities charge will be split equally among the parties unless ADR Systems is instructed otherwise.
5. ****Defendant agrees to pay up to $3,500.00 of Plaintiff's Binding Mediation Costs.**

VI. Acknowledgment of Agreement

A. By signing this Agreement, I acknowledge that I have read and agree to all the provisions as set forth above.

B. Each Party is responsible for only his/her own signature where indicated and will submit this signed Agreement to ADR Systems within 10 days of receipt of the Agreement. Counsel may sign on behalf of the Party.

By: _____
Paul Dulberg / Plaintiff Date

By: _____
Kelly N. Baudin / Attorney for the Plaintiff Date

By: _____
Randall Baudin, II / Attorney for the Plaintiff Date

By: _____
Shoshan Reddington / Attorney for the Defendant Date

ADR Systems File # 33391BMAG
ADR Systems Tax I.D. # 36-3977108
Date of Hearing: Thursday, December 8, 2016

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:	)	CHAPTER 7
	)	
DULBERG, PAUL	)	CASE NO. 14-83578
	)	
Debtor.	)	JUDGE THOMAS M. LYNCH

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Notified via Electronic filing: Attorney David Stretch and U.S. Trustee's Office,

Notified via U.S. Postal Service: See attached service list.

Joseph D. Olsen, Trustee has filed papers with the Court regarding his **Motion to Employ Special Counsel, Baudin Law Group, Ltd, as attorneys for the Trustee to pursue a personal injury cause of action.** A copy of said Motion referred to herein is available for inspection at the offices of the Clerk of the U.S. Bankruptcy Court or at the offices of Yalden, Olsen & Willette, during usual business hours.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you want the Court to consider your views on the Motion, then you or your attorney must:

Attend the hearing on scheduled to be held on the 31st day of October, 2016 at 9:30 am in courtroom 3100, United States Bankruptcy Court, 327 South Church Street, Rockford, IL 61101.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Joseph D. Olsen, Trustee

By: YALDEN, OLSEN & WILLETTE, his attorneys

By: s/s Joseph D. Olsen

Joseph D. Olsen
Yalden, Olsen & Willette
1318 East State Street
Rockford, IL 61104

CERTIFICATE OF SERVICE

I, the undersigned, certify that on October 4, 2016 I caused the aforesaid to be served upon all persons to whom it is directed (see attached Service List) by United States Mail by depositing the same in the United States Mail at Rockford, Illinois, at or about the hour of 5:00 p.m.

s/s Marti Maravich

EXHIBIT 5

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:	)	CHAPTER 7
	)	
PAUL DULBERG,	)	CASE NO. 14-83578
	)	
	)	
Debtors.	)	JUDGE: THOMAS M. LYNCH

MOTION TO EMPLOY SPECIAL COUNSEL

NOW COMES Joseph D. Olsen, Trustee, by his attorneys, Yalden, Olsen & Willette, and for his Motion to Employ Special Counsel, hereby states as follows:

1. JOSEPH D. OLSEN is the duly qualified, appointed, and acting Trustee in the above-captioned case.

2. To perform his duties as Trustee, your movant requires the services of an attorney for the following purposes:

A. To appear for and prosecute the Estate's interest regarding a personal injury cause of action;

B. To assist in the preparation of such pleadings, motions, notices, and orders which are required;

3. For the foregoing and all other necessary and proper purposes, movant desires to retain the law office of Baudin Law Group, Ltd., as counsel for the Trustee.

4. Movant feels that the law office is well qualified to render the foregoing services.

5. The law office of Baudin Law Group, Ltd. has no connections with the Debtor(s), creditors, or any party in interest, their respective attorneys and accountants, the U.S. Trustee, or any person employed in the office of the U.S. Trustee as defined in 11 U.S.C. Section 101(14), except as follows:

Post petition the Debtor entered into a contingent fee agreement with Baudin & Baudin (the predecessor law group to the Baudin Law Group, Ltd.) whereby the Debtor paid $3,333.33 as a nonrefundable retainer (to the offset against any future recovery) and agreed to pay Baudin & Baudin 331/3% as a contingency fee if the matter settled prior to trial and 40% if the matter proceeds to trial.

6. The attorneys requests that they be compensated in accordance with Baudin Law Group, Ltd. fee agreement which is attached hereto and made a part hereof as "Exhibit A."

WHEREFORE, JOSEPH D. OLSEN, Trustee, prays that he be authorized to employ the law office of Baudin Law Group, Ltd., as his attorneys to render services in the areas described above and compensation be paid as an administrative expense and in such amounts as this Court may hereinafter determine and allow.

JOSEPH D. OLSEN, Trustee

By: YALDEN, OLSEN & WILLETTE, his Attorneys

By: s/s Joseph D. Olsen

Joseph D. Olsen
YALDEN, OLSEN & WILLETTE
1318 East State Street
Rockford, IL 61104
(815) 965-8635
Fax (815) 965-4573

Alexian Brothers Medical Group
PO Box 5588
Belfast, ME 04915-5500

Associated Neurology SC
1900 Hollister Drive
Suite 250
Libertyville, IL 60048-5249

Bank of America
PO Box 851001
Dallas, TX 75285-1001

BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Cabelas Visa Center
World's Foremost Bank
PO Box 82609
Lincoln, NE 68501-2609

Capital One Bank
Attn: General Correspondence
PO Box 30285
Salt Lake City, UT 84130-0285

Capital One Bank (USA), N.A.
PO Box 6492
Carol Stream, IL 60197-6492

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Dr. Frank W. Sek
4606 W. Elm Street
McHenry, IL 60050-4015

Dynamic Hand Therapy & Rehab
498 S. US Highway 12
Suite C
Fox Lake, IL 60020-1908

Hand Surgery Associates, SC
Dr. Sagerman / Dr. Biafora
515 W. Algonquin Road
Arlington Heights, IL 60005-4405

McHenry Radiologists & Imaging
PO Box 220
McHenry, IL 60051-0220

MidAmerica Hand to Shoulder Clinic
Dr. Talerico
75 Remittance Drive, Suite 6035
Chicago, IL 60675-6035

Moraine Emergency Physicians
PO Box 8759
Philadelphia, PA 19101-8759

Northern Illinois Medical Center
4201 Medical Center Drive
McHenry, IL 60050-8499

Northwest Community Hospital
25709 Network Place
Chicago, IL 60673-1257

Northwest Surburban Anesthesiologis
8163 Solutions Center
Chicago, IL 60677-8001

Oak Trust Credit Union
1 South 450 Summit Avenue
Oakbrook Terrace, IL 60181

(p)OAK TRUST CREDIT UNION
12251 S ROUTE 59
PLAINFIELD IL 60585-9189

Oak Trust Credit Union
444 N Rola Rd, Suite 101
Aurora, IL 60502-9620

Open Advanced MRI of Round Lake
Medchex
PO Box 502
Katonah, NY 10536-0502

WORLD'S FOREMOST BANK
CABELA'S CLUB VISA
PO BOX 82609
LINCOLN, NE 68501-2609

Walgreens
3925 W. Elm Street
McHenry, IL 60050-4361

Walmart Pharmacy
3801 Running Brook Farms Boulevard
Johnsburg, IL 60051-5425

Worlds Foremost Bank NA
4800 NW 1st Street
Suite 300
Lincoln, NE 68521-4463

David L. Stretch
Law Office of David L. Stretch
5447 West Bull Valley Road
McHenry, IL 60050-7410

Paul R. Dulberg
4606 Hayden Court
McHenry, IL 60051-7918

Attorney W. Randal Baudin, II
Baudin Law Group, Ltd.
2100 W. Huntington Dr Suite C
Algonquin, IL 60102

FEE AGREEMENT

I, Paul Dulberg, hereby agree to retain and employ BAUDIN & BAUDIN, an association of attorneys, to prosecute and/or settle all suits and claims for damages, which may include personal injuries and property damage, against responsible parties, including their insurance companies and my insurance companies, or any other responsible insurance companies, arising out of events which occurred on or about the 28th day of June, 2011, at or near 1016 W. Elder Avenue, McHenry, Illinois.

I agree to pay BAUDIN & BAUDIN as compensation for services (1) a non-refundable retainer fee of $3,333.33; AND (2) a sum of money equal to one-third (1/3) of the gross amount realized from this claim by settlement prior to trial of this matter, OR, if this matter proceeds to trial, which is defined as any time after the final pre-trial conference with the Court has concluded, I agree to pay BAUDIN & BAUDIN as compensation for its services a sum of money equal to forty percent (40%) of the gross amount realized from such action. Should this matter conclude by way of settlement, negotiations, trial, arbitration or judgment in my favor, BAUDIN & BAUDIN agrees to reduce its percentage fee by an amount of $3,333.33 as an offset for the non-refundable retainer fee; however, in no event will the $3,333.33 be refunded to me once this agreement has been executed.

I realize, understand and agree that all expenses and costs related to my claim, such as medical expenses for my/our care and treatment and related costs such as costs for obtaining medical records and bills, as well as court costs, including filing fees, costs of depositions, costs of experts, etc. are my obligation and responsibility and shall be paid as those bills become due from time to time.

It is further agreed and understood that there will be no further charges for legal services over and above the $3,333.33 non-refundable retainer fee by BAUDIN & BAUDIN (with the exception of the aforesaid expenses and costs referred to in paragraph 3) unless recovery is made in this claim, and that no settlement will be made without the consent of the claimant(s).

I hereby authorize and direct that BAUDIN & BAUDIN is authorized to endorse and deposit any proceeds received in regard to the aforesaid claim herein, and to disburse those funds for purposes of client payments, resolution of liens, reimbursement of costs advanced, and attorney's fees.

This cause was not solicited either directly or indirectly from me/us by anyone. This agreement is being executed with duplicate originals.

Signed this 22nd day of September, 2015, and copy received by claimant(s) or claimant(s)'s representative.

Claimant

Paul Dulberg
Claimant

~~BAUDIN & BAUDIN~~
2100 N. Huntington Drive, Suite C
Algonquin, IL 60102
847.658.5295 FAX: 847.658.5015

Revised 9/2015

EXHIBIT "A"

Binding Mediation Agreement
ADR Systems File # 33391BMAG

Revised for Special Billing

I. Parties

A. Paul Dulberg, by attorneys, Kelly N. Baudin and Randall Baudin, II

B. David Gagnon, by attorney, Shoshan Reddington

SPECIAL BILLING – Section V.B.5 – Defendant agrees to pay up to $3,500.00 of Plaintiff's Binding Mediation Costs.

II. Date, Time and Location of the Binding Mediation

Date: Thursday, December 8, 2016
Time: 1:30 P.M.
Location: ADR Systems of America, LLC
20 North Clark Street
Floor 29
Chicago, IL 60602
Contact: Alex Goodrich
312-960-2267

III. Rules Governing the Mediation

Each party ("Party") to this agreement ("Agreement") hereby agrees to submit the above dispute for binding mediation ("Mediation") to ADR Systems of America, L.L.C., ("ADR Systems") in accordance with the following terms:

A. Powers of the Mediator

1. The Parties agree that The Honorable James P. Etchingham (Ret.) shall serve as the sole Mediator in this matter (the "Mediator").
2. The Mediator shall have the power to determine the admissibility of evidence and to rule upon the law and the facts of the dispute pursuant to Section III(D)(1). The Mediator shall also have the power to rule on objections to evidence which arise during the hearing.
3. The Mediator is authorized to hold joint and separate caucuses with the Parties and to make oral and written recommendations for settlement purposes.
4. **The Parties agree that the Mediator shall decide all issues concerning liability and damages arising from the dispute if this matter cannot be settled, unless any of the above is waived. Any other issues to be decided must be agreed upon by the Parties, and included in this contract.**
5. Any failure to object to compliance with these Rules shall be deemed a waiver of such objection.

EXHIBIT "A"

EXHIBIT 6B

B. **Amendments to the Agreement**

1. No Party shall amend the Agreement at any time without the consent and approval of such changes by the opposing Party, and ADR Systems of America.
2. When changes or amendments to the Agreement are being requested, the Parties shall inform the ADR Systems case manager by telephone. The agreed proposal must also be submitted to the ADR Systems case manager in writing, by fax or email, if necessary, and the contract changes MUST be made by ADR Systems. No changes made outside these guidelines will be accepted. Furthermore, if the amended contract made by ADR Systems is not signed by both Parties, the Agreement shall be enforced in its original form, without changes.

C. **Pre-Hearing Submission**

1. Mediation statements are permitted provided that the statement is shared among the other parties. The Mediation Statement may include: statement of facts, including a description of the injury and a list of special damages and expenses incurred and expected to be incurred; and a theory of liability and damages and authorities in support thereof.

D. **Evidentiary Rules**

1. The Parties agree that the following documents are allowed into evidence, without foundation or other proof, provided that said items are served upon the Mediator and the opposing Party at least **17 (seventeen)** days prior to the hearing date:
   a. Medical records and medical bills for medical services;
   b. Bills for drugs and medical appliances (for example, prostheses);
   c. Property repair bills or estimates;
   d. Reports of lost time from employment, and / or lost compensation or wages;
   e. The written statement of any expert witness, the deposition of a witness, the statement of a witness, to which the witness would be allowed to express if testifying in person, if the statement is made by affidavit sworn to under oath or by certification as provided in section 1-109 of the Illinois Code of Civil Procedure;
   f. Photographs;
   g. Police reports;
   h. Any other document not specifically covered by any of the foregoing provisions that a Party believes in good faith should be considered by the Mediator; and
   i. Each Party may introduce any other evidence, including but not limited to documents or exhibits, in accordance with the rules of evidence of the State of Illinois.
2. The Parties agree that they will not disclose any and all dollar figures relating to the high/low agreement; last offer and last demand; policy limits; and /or set-offs orally or in written form, to the Mediator at any time before or during the conference, or while under advisement, prior to the Mediator's final decision.

ADR

a. Violation of this rule set forth in (D)(2) shall constitute a material breach of this Agreement. The non-disclosing Party must formally object to the Mediator upon learning of the breach, or the breach will be considered waived. The non-disclosing Party shall then have the option to continue the Mediation from the point of objection to its completion; or to terminate the Mediation at the point of objection as null and void. The ADR Systems case manager must be made aware of this breach at the time of the objection, so the objection is addressed in accordance with the Agreement; and

b. If the Mediation is terminated as null and void, all costs of the Mediation will be charged entirely to the disclosing Party. A new Mediation shall then take place with a new Mediator on a new date. If the Mediation is not terminated, the costs of the Mediation shall remain the responsibility of each Party or in accordance with the Agreement.

3. The Parties agree if a Party has an objection to the evidence or material submitted by any other Party pursuant to Paragraph (D)(1), notice of the objection shall be given to the ADR Systems case manager and opposing counsel by telephone and in writing at least seven days prior to the Mediation. If resolution cannot be obtained, the case manager will forward the objection to the Mediator to be ruled upon before or at the Mediation. The case manager will notify each of the Parties of the objection. The objection may result in a postponement of the proceedings. **If the objection is because of new material being disclosed with the submission for the first time (for example, new or additional reports, additional medical/wage loss claims, etc.) then the disclosing party shall be charged for the total cost associated with the continuance.**

4. The Parties agree that any Party desiring to introduce any of the items described in Paragraph (D)(1) without foundation or other proof, must deliver said items to the Mediator and to the other Parties no later than **Monday, November 21, 2016.**

5. The items are considered delivered as of the date that one of the following events occur:

   a. If mailed, by the date of the postmark;

   b. If delivered by a courier or a messenger, the date the item is received by the courier or messenger; and

   c. The date transmitted by facsimile or email.

6. The Parties agree to deliver any of the items described in Paragraph (C)(1) and (D)(1) to the following addresses:

   If emailing Submissions, please send to submissions@adrsystems.com, however, please do not send anything over 50 pages, including exhibits.

   The Honorable James P. Etchingham, (Ret.) (Mediator)
   C/O ADR SYSTEMS
   20 North Clark Street
   Floor 29
   Chicago, IL 60602

   Kelly N. Baudin, Esq. / Randall Baudin, II, Esq. (Plaintiff Attorneys)
   BAUDIN LAW GROUP
   304 McHenry Avenue
   Crystal Lake, IL 60039

Shoshan Reddington, Esq. (Defense Attorney)
LAW OFFICES OF STEVEN LIHOSIT
200 N. La Salle Street
Suite 2550
Chicago, IL 60601

E. **Conference Procedure**

1. The Parties may present opening statements but there will be no live testimony.
2. The Parties will attempt to reach a voluntary settlement through negotiation with the assistance of the Mediator.
3. If the Parties cannot voluntarily reach a settlement, the Mediator will advise the Parties that settlement cannot be reached. The Mediator will then take the matter under advisement and render an award that will be binding to all Parties, (the "Award"), subject to the terms of any high/low agreement that the Parties may have as described below in Paragraph (F)(1).

F. **Award Limits**

1. The Parties may agree prior to the Mediation that a minimum and maximum amount will serve as parameters for the Award (sometimes referred to as a "high/low agreement"), such that the actual amount that must be paid to the plaintiff or claimant shall not exceed a certain amount (the "high" or "maximum award") and shall not be less than a certain amount (the "low" or "minimum award").

   a. If liability is disputed and comparative fault or negligence is asserted as an affirmative defense, the Mediator shall make a finding regarding comparative fault or negligence, if any. In the event that there is a finding of comparative fault or negligence of the plaintiff that is greater than 50% (fifty percent), the plaintiff shall receive the negotiated minimum award. In the event that there is a finding of comparative fault or negligence of 50% (fifty percent) or less against the plaintiff, then any damages awarded in favor of the plaintiff shall be reduced by the amount of the plaintiff's comparative fault or negligence, but shall be no less than the minimum parameter or more than the maximum parameter.

   b. All award minimum and maximum parameters are subject to applicable set-offs if any, as governed by policy provisions if not specified in the Agreement.

      The Parties agree that for this Mediation the minimum award to Paul Dulberg will be **$50,000.00**. Also, the maximum award to Paul Dulberg will be **$300,000.00**. These amounts reflect the minimum and maximum amounts of money that David Gagnon shall be liable to pay to Paul Dulberg.

IV. Effect of this Agreement

A. After the commencement of the Mediation, no Party shall be permitted to cancel this Agreement or the Mediation and the Mediator shall render a decision that shall be in accordance with the terms set forth in this Agreement. When the Award is rendered, the Mediation is resolved, and any Award arising from this Mediation shall operate as a bar and complete defense to any action or proceeding in any court or tribunal that may arise from the same incident upon which the Mediation is based.

ADR

B. The Parties further agree that any pending litigation will be dismissed, with prejudice, as to those Parties participating in this Mediation upon the conclusion thereof. Any and all liens, including contractual rights of subrogation owed are subject to existing Illinois law. By agreement of the Parties, the Mediator's Award will be final and binding and not subject to appeal or motion for reconsideration by any Party.

V. Mediation Costs

A. ADR Systems Fee Schedule

1. A deposit is required for the Administrative Fee, Mediator's estimated review, session, and follow-up time ("Mediation Costs"). Binding-Mediations are billed at a four hour per day minimum. **The required deposit amount is $2,590.00 from Party B and is due by November 21, 2016.** Any unused portion of the deposit will be refunded based on the four hour minimum. If the Mediator's review, session and follow-up time go over the estimated amount, each Party will be invoiced for the additional time.
2. Mediation Costs are usually divided equally among all Parties, unless otherwise agreed upon by the Parties. **ADR Systems must be notified of special fee arrangements.**
3. All deposits are due two weeks prior to the session. ADR Systems reserves the right to cancel a session if deposits are not received from all Parties two weeks prior to the session.
4. ADR Systems requires **14-day notice in writing or via electronic transmission** of cancellation or continuance. For Binding-Mediations **cancelled or continued** within 14 days of the session, the Party causing the cancellation will be billed for the Mediation Costs of all the Parties involved, which includes the four hour per day minimum, additional review time, and any other expenses incurred("cancellation fees"). If the cancellation is by agreement of all Parties, or if the case has settled, the cancellation fees will be split equally among all Parties, unless ADR Systems is instructed otherwise. The cancellation fees may be waived if the Mediator's lost time can be filled by another matter.

Administrative Fee	$390.00 (Non-refundable)
Mediator's Review Time	$450.00 per hour
Session Time	$450.00 per hour
Mediator's Decision Writing Time	$450.00 per hour
Mediator's Travel Time (if any)	$75.00 per hour

B. Responsibility for Payment **Special Billing

1. Each Party and its counsel (including that counsel's firm) shall be jointly and severally responsible for the payment of that Party's allocated share of the Mediation Costs as set forth above.
2. All expenses and disbursements made by ADR Systems in connection with the Mediation, including, but not limited to, outside room rental fee, meals, express mail and messenger charges, and any other charges associated with the Mediation, will be billed equally to the Parties at the time of the invoice.

3. In the event that a Party and/or its counsel fails to pay ADR Systems in accordance with the terms of this Agreement, then that Party and/or its counsel shall be responsible for all costs, including attorney's fees, incurred by ADR Systems in connection with the collection of any amount due and owing. Payment of additional costs incurred by ADR Systems in connection with the collection of any amount due and owing shall be made within 15 days of invoice.
4. In the event ADR Systems' session rooms are completely booked on your selected session date, ADR Systems will attempt to find another complimentary venue for your session. If ADR Systems cannot find a complimentary venue or the parties cannot agree on the complimentary venue, ADR Systems reserves the right to schedule your case in a location that may involve a facilities charge. The facilities charge will be split equally among the parties unless ADR Systems is instructed otherwise.
5. ****Defendant agrees to pay up to $3,500.00 of Plaintiff's Binding Mediation Costs.**

VI. Acknowledgment of Agreement

A. By signing this Agreement, I acknowledge that I have read and agree to all the provisions as set forth above.

B. Each Party is responsible for only his/her own signature where indicated and will submit this signed Agreement to ADR Systems within 10 days of receipt of the Agreement. Counsel may sign on behalf of the Party.

By: _____
Paul Dulberg / Plaintiff Date

By: _____
Kelly N. Baudin / Attorney for the Plaintiff Date

By: _____
Randall Baudin, II / Attorney for the Plaintiff Date

By: _____
Shoshan Reddington / Attorney for the Defendant Date

ADR Systems File # 33391BMAG
ADR Systems Tax I.D. # 36-3977108
Date of Hearing: Thursday, December 8, 2016

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Western Division

In Re: PAUL DULBERG	)	BK No.: 14-83578
	)	Chapter: 7
	)	Honorable Thomas M. Lynch
Debtor(s)	)	

ORDER TO EMPLOY SPECIAL COUNSEL

THIS CAUSE coming on to be heard on this 31st day of October, 2016 upon the Trustee's Motion to employ the law office of Baudin Law Group, Ltd. as attorneys for the estate, the Court after considering the Motion, the statements of counsel, pleadings on file and being fully advised in the premises:

IT IS HEREBY ORDERED that Joseph D. Olsen, Trustee herein, is authorized to employ the Baudin Law Group, Ltd. to represent the estate in regards to the Debtor's personal injury claim, more fully described in the Trustee's Motion, and that the Trustee is allowed to adopt the contingency contract between Debtor, Paul Dulberg and Baudin Law Group, Ltd. as described in the Trustee's Motion, and the Trustee may execute such documents as are necessary to accomplish the matters set forth herein.

Enter:

Honorable Thomas M. Lynch
United States Bankruptcy Judge

Dated: October 31, 2016

Prepared by:

Joseph D. Olsen
Yalden, Olsen & Willette
1318 East State Street
Rockford, IL 61104
815-965-8635 (phone)
815-965-4573 (fax)

EXHIBIT 7

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Western Division

In Re: PAUL DULBERG	)	BK No.: 14-83578
	)	Chapter: 7
	)	Honorable Thomas M. Lynch
Debtor(s)	)	

ORDER

THIS CAUSE coming on to be heard on this 31st day of October, 2016 upon the Trustee's Motion for Authority to Enter into a "Binding Mediation Agreement", the Court after considering the Motion, the statements of counsel, pleadings on file and being fully advised in the premises:

IT IS HEREBY ORDERED that Joseph D. Olsen, Trustee herein, is authorized to enter into a "Binding Mediation Agreement" as described in the Trustee's Motion, and the Trustee may execute such documents as are necessary to accomplish the matters set forth herein.

Enter:

Honorable Thomas M. Lynch
United States Bankruptcy Judge

Dated: October 31, 2016

Prepared by:

Joseph D. Olsen
Yalden, Olsen & Willette
1318 East State Street
Rockford, IL 61104
815-965-8635 (phone)
815-965-4573 (fax)

EXHIBIT
8

ADR systems

Binding Mediation Award

Paul Dulberg)
)
)
)
v.) ADR Systems File # 33391BMAG
)
)
David Gagnon)

On December 8, 2016, the matter was called for binding mediation before the Honorable James P. Etchingham, (Ret.), in Chicago, IL. According to the agreement entered into by the parties, if a voluntary settlement through negotiation could not be reached the mediator would render a settlement award which would be binding to the parties. Pursuant to that agreement the mediator finds as follows:

Finding in favor of: Paul Dulberg

Gross Award: $660,000.

Comparative fault: 15 % (if applicable)

Net Award: $561,000

Comments/Explanation	
medical	$ 60,000.
future medical	$ 200,000.
Lost wage	$ 250,000.
P.I.S	75,000.
L.N.L	75,000.

The Honorable James P. Etchingham, (Ret.)

EXHIBIT 10

ADR Systems • 20 North Clark Street • Floor 29 • Chicago, IL 60602
312.960.2260 • info@adrsystems.com • www.adrsystems.com

Binding Mediation Agreement
ADR Systems File # 33391BMAG

I. Parties

A. Paul Dulberg, by attorneys, Kelly N. Baudin and Randall Baudin, II

B. David Gagnon, by attorney, Shoshan Reddington

II. Date, Time and Location of the Binding Mediation

Date: Thursday, December 8, 2016
Time: 1:30 P.M.
Location: ADR Systems of America, LLC
20 North Clark Street
Floor 29
Chicago, IL 60602
Contact: Alex Goodrich
312-960-2267

III. Rules Governing the Mediation

Each party ("Party") to this agreement ("Agreement") hereby agrees to submit the above dispute for binding mediation ("Mediation") to ADR Systems of America, L.L.C., ("ADR Systems") in accordance with the following terms:

A. Powers of the Mediator

1. The Parties agree that The Honorable James P. Etchingham (Ret.) shall serve as the sole Mediator in this matter (the "Mediator").
2. The Mediator shall have the power to determine the admissibility of evidence and to rule upon the law and the facts of the dispute pursuant to Section III(D)(1). The Mediator shall also have the power to rule on objections to evidence which arise during the hearing.
3. The Mediator is authorized to hold joint and separate caucuses with the Parties and to make oral and written recommendations for settlement purposes.
4. **The Parties agree that the Mediator shall decide all issues concerning liability and damages arising from the dispute if this matter cannot be settled, unless any of the above is waived. Any other issues to be decided must be agreed upon by the Parties, and included in this contract.**
5. Any failure to object to compliance with these Rules shall be deemed a waiver of such objection.

B. Amendments to the Agreement

1. No Party shall amend the Agreement at any time without the consent and approval of such changes by the opposing Party, and ADR Systems of America.

EXHIBIT
11

2. When changes or amendments to the Agreement are being requested, the Parties shall inform the ADR Systems case manager by telephone. The agreed proposal must also be submitted to the ADR Systems case manager in writing, by fax or email, if necessary, and the contract changes MUST be made by ADR Systems. No changes made outside these guidelines will be accepted. Furthermore, if the amended contract made by ADR Systems is not signed by both Parties, the Agreement shall be enforced in its original form, without changes.

C. **Pre-Hearing Submission**

1. Mediation statements are permitted provided that the statement is shared among the other parties. The Mediation Statement may include: statement of facts, including a description of the injury and a list of special damages and expenses incurred and expected to be incurred; and a theory of liability and damages and authorities in support thereof.

D. **Evidentiary Rules**

1. The Parties agree that the following documents are allowed into evidence, without foundation or other proof, provided that said items are served upon the Mediator and the opposing Party at least **17 (seventeen)** days prior to the hearing date:
   a. Medical records and medical bills for medical services;
   b. Bills for drugs and medical appliances (for example, prostheses);
   c. Property repair bills or estimates;
   d. Reports of lost time from employment, and / or lost compensation or wages;
   e. The written statement of any expert witness, the deposition of a witness, the statement of a witness, to which the witness would be allowed to express if testifying in person, if the statement is made by affidavit sworn to under oath or by certification as provided in section 1-109 of the Illinois Code of Civil Procedure;
   f. Photographs;
   g. Police reports;
   h. Any other document not specifically covered by any of the foregoing provisions that a Party believes in good faith should be considered by the Mediator; and
   i. Each Party may introduce any other evidence, including but not limited to documents or exhibits, in accordance with the rules of evidence of the State of Illinois.
2. The Parties agree that they will not disclose any and all dollar figures relating to the high/low agreement; last offer and last demand; policy limits; and /or set-offs orally or in written form, to the Mediator at any time before or during the conference, or while under advisement, prior to the Mediator's final decision.
   a. Violation of this rule set forth in (D)(2) shall constitute a material breach of this Agreement. The non-disclosing Party must formally object to the Mediator upon learning of the breach, or the breach will be considered waived. The non-disclosing Party shall then have the option to continue the Mediation from the point of objection to its completion; or to terminate the Mediation at the point of objection as null and void. The ADR Systems case manager must be made aware of this breach at the time of the objection, so the objection is addressed in accordance with the Agreement; and

ADR

b. If the Mediation is terminated as null and void, all costs of the Mediation will be charged entirely to the disclosing Party. A new Mediation shall then take place with a new Mediator on a new date. If the Mediation is not terminated, the costs of the Mediation shall remain the responsibility of each Party or in accordance with the Agreement.

3. The Parties agree if a Party has an objection to the evidence or material submitted by any other Party pursuant to Paragraph (D)(1), notice of the objection shall be given to the ADR Systems case manager and opposing counsel by telephone and in writing at least seven days prior to the Mediation. If resolution cannot be obtained, the case manager will forward the objection to the Mediator to be ruled upon before or at the Mediation. The case manager will notify each of the Parties of the objection. The objection may result in a postponement of the proceedings. **If the objection is because of new material being disclosed with the submission for the first time (for example, new or additional reports, additional medical/wage loss claims, etc.) then the disclosing party shall be charged for the total cost associated with the continuance.**

4. The Parties agree that any Party desiring to introduce any of the items described in Paragraph (D)(1) without foundation or other proof, must deliver said items to the Mediator and to the other Parties no later than **Monday, November 21, 2016.**

5. The items are considered delivered as of the date that one of the following events occur:

   a. If mailed, by the date of the postmark;

   b. If delivered by a courier or a messenger, the date the item is received by the courier or messenger; and

   c. The date transmitted by facsimile or email.

6. The Parties agree to deliver any of the items described in Paragraph (C)(1) and (D)(1) to the following addresses:

   If emailing Submissions, please send to submissions@adrsystems.com, however, please do not send anything over 50 pages, including exhibits.

   The Honorable James P. Etchingham, (Ret.) (Mediator)
   C/O ADR SYSTEMS
   20 North Clark Street
   Floor 29
   Chicago, IL 60602

   Kelly N. Baudin, Esq. / Randall Baudin, II, Esq. (Plaintiff Attorneys)
   BAUDIN LAW GROUP
   304 McHenry Avenue
   Crystal Lake, IL 60039

   Shoshan Reddington, Esq. (Defense Attorney)
   LAW OFFICES OF STEVEN LIHOSIT
   200 N. La Salle Street
   Suite 2550
   Chicago, IL 60601

ADR

E. **Conference Procedure**

1. The Parties may present opening statements but there will be no live testimony.
2. The Parties will attempt to reach a voluntary settlement through negotiation with the assistance of the Mediator.
3. If the Parties cannot voluntarily reach a settlement, the Mediator will advise the Parties that settlement cannot be reached. The Mediator will then take the matter under advisement and render an award that will be binding to all Parties, (the "Award"), subject to the terms of any high/low agreement that the Parties may have as described below in Paragraph (F)(1).

F. **Award Limits**

1. The Parties may agree prior to the Mediation that a minimum and maximum amount will serve as parameters for the Award (sometimes referred to as a "high/low agreement"), such that the actual amount that must be paid to the plaintiff or claimant shall not exceed a certain amount (the "high" or "maximum award") and shall not be less than a certain amount (the "low" or "minimum award").
   a. If liability is disputed and comparative fault or negligence is asserted as an affirmative defense, the Mediator shall make a finding regarding comparative fault or negligence, if any. In the event that there is a finding of comparative fault or negligence of the plaintiff that is greater than 50% (fifty percent), the plaintiff shall receive the negotiated minimum award. In the event that there is a finding of comparative fault or negligence of 50% (fifty percent) or less against the plaintiff, then any damages awarded in favor of the plaintiff shall be reduced by the amount of the plaintiff's comparative fault or negligence, but shall be no less than the minimum parameter or more than the maximum parameter.
   b. All award minimum and maximum parameters are subject to applicable set-offs if any, as governed by policy provisions if not specified in the Agreement.

      The Parties agree that for this Mediation the minimum award to Paul Dulberg will be **$50,000.00**. Also, the maximum award to Paul Dulberg will be **$300,000.00**. These amounts reflect the minimum and maximum amounts of money that David Dulberg shall be liable to pay to Paul Dulberg.

IV. Effect of this Agreement

A. After the commencement of the Mediation, no Party shall be permitted to cancel this Agreement or the Mediation and the Mediator shall render a decision that shall be in accordance with the terms set forth in this Agreement. When the Award is rendered, the Mediation is resolved, and any Award arising from this Mediation shall operate as a bar and complete defense to any action or proceeding in any court or tribunal that may arise from the same incident upon which the Mediation is based.

ADR

B. The Parties further agree that any pending litigation will be dismissed, with prejudice, as to those Parties participating in this Mediation upon the conclusion thereof. Any and all liens, including contractual rights of subrogation owed are subject to existing Illinois law. By agreement of the Parties, the Mediator's Award will be final and binding and not subject to appeal or motion for reconsideration by any Party.

V. Mediation Costs

A. ADR Systems Fee Schedule

1. A deposit is required for the Administrative Fee, Mediator's estimated review, session, and follow-up time ("Mediation Costs"). Binding-Mediations are billed at a four hour per day minimum. **The required deposit amount is $1,295.00 per Party and is due by November 21, 2016.** Any unused portion of the deposit will be refunded based on the four hour minimum. If the Mediator's review, session and follow-up time go over the estimated amount, each Party will be invoiced for the additional time.
2. Mediation Costs are usually divided equally among all Parties, unless otherwise agreed upon by the Parties. **ADR Systems must be notified of special fee arrangements.**
3. All deposits are due two weeks prior to the session. ADR Systems reserves the right to cancel a session if deposits are not received from all Parties two weeks prior to the session.
4. ADR Systems requires **14-day notice in writing or via electronic transmission** of cancellation or continuance. For Binding-Mediations **cancelled or continued** within 14 days of the session, the Party causing the cancellation will be billed for the Mediation Costs of all the Parties involved, which includes the four hour per day minimum, additional review time, and any other expenses incurred("cancellation fees"). If the cancellation is by agreement of all Parties, or if the case has settled, the cancellation fees will be split equally among all Parties, unless ADR Systems is instructed otherwise. The cancellation fees may be waived if the Mediator's lost time can be filled by another matter.

Administrative Fee	$195.00 per Party (Non-refundable)
Mediator's Review Time	$450.00 per hour, split equally between Parties
Session Time	$450.00 per hour, split equally between Parties
Mediator's Decision Writing Time	$450.00 per hour, split equally between Parties
Mediator's Travel Time (if any)	$75.00 per hour, split equally between Parties

B. Responsibility for Payment

1. Each Party and its counsel (including that counsel's firm) shall be jointly and severally responsible for the payment of that Party's allocated share of the Mediation Costs as set forth above.
2. All expenses and disbursements made by ADR Systems in connection with the Mediation, including, but not limited to, outside room rental fee, meals, express mail and messenger charges, and any other charges associated with the Mediation, will be billed equally to the Parties at the time of the invoice.
3. In the event that a Party and/or its counsel fails to pay ADR Systems in accordance with the terms of this Agreement, then that Party and/or its counsel shall be responsible for all costs,

3. In the event that a Party and/or its counsel fails to pay ADR Systems in accordance with the terms of this Agreement, then that Party and/or its counsel shall be responsible for all costs, including attorney's fees, incurred by ADR Systems in connection with the collection of any amount due and owing. Payment of additional costs incurred by ADR Systems in connection with the collection of any amount due and owing shall be made within 15 days of invoice.
4. In the event ADR Systems' session rooms are completely booked on your selected session date, ADR Systems will attempt to find another complimentary venue for your session. If ADR Systems cannot find a complimentary venue or the parties cannot agree on the complimentary venue, ADR Systems reserves the right to schedule your case in a location that may involve a facilities charge. The facilities charge will be split equally among the parties unless ADR Systems is instructed otherwise.
5. ****Defendant agrees to pay up to $3,500.00 of Plaintiff's Binding Mediation Costs.**

VI. Acknowledgment of Agreement

A. By signing this Agreement, I acknowledge that I have read and agree to all the provisions as set forth above.

B. Each Party is responsible for only his/her own signature where indicated and will submit this signed Agreement to ADR Systems within 10 days of receipt of the Agreement. Counsel may sign on behalf of the Party.

By: Paul Dulberg
Paul Dulberg / Plaintiff — Date

By:
Kelly N. Baudin / Attorney for the Plaintiff — 12/8/16 Date

By:
Randall Baudin, II / Attorney for the Plaintiff — 12/8/16 Date

By: Walter Norman
Shoshan Reddington / Attorney for the Defendant — 12/8/16 Date

ADR Systems File # 33391BMAG
ADR Systems Tax I.D. # 36-3977108
Date of Hearing: Thursday, December 8, 2016

ADR

689.27595 – 35/11

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

PAUL R. DULBERG, INDIVIDUALLY AND THE PAUL R. DULBERG REVOCABLE TRUST,	)	
Plaintiff,	)	Case No.: 2022 L 010905
vs.	)	
KELLY N. BAUDIN a/k/a BAUDIN & BAUDIN, et al.	)	
Defendants.	)	

BAUDIN DEFENDANTS' SECTION 2-619 MOTION TO DISMISS

NOW COME Defendants, KELLY N. BAUDIN, WILLIAM RANDAL BAUDIN, II and KELRAN INC. a/k/a THE BAUDIN LAW GROUP, LTD. a/k/a KELRAN INC. (referred to collectively as the "Baudin Defendants") by and through their attorneys, Tribler Orpett & Meyer P.C., and, move this Court, pursuant to 5/2-619 a)(5) and (a)(9), 735 ILCS 5/2-615, and 5/2-619.1, to dismiss Plaintiff's Complaint at Law. In support thereof, the Baudin Defendants state the following:

INTRODUCTION

The Baudin Defendants are two lawyers and a law firm. Plaintiff, Paul R. Dulberg, instituted this action by filing a 107-paragraph Complaint at Law ("Complaint") arising from the Baudin Defendants' representation of Plaintiff and then of the trustee of Plaintiff's Chapter 7 Bankruptcy Estate (the "Bankruptcy Estate") in an underlying personal injury claim (the "Personal Injury Claim"). (See Complaint, attached hereto as ***Exhibit A***.). Through his Complaint, Plaintiff sued the Baudin Defendants for legal malpractice under a breach of

fiduciary duty theory (Count 1) and for legal malpractice under a fraudulent misrepresentation theory (Count 2). Plaintiff also sued multiple others: He sued the bankruptcy trustee for Plaintiff's Chapter 7 Bankruptcy Estate, as well as his law firm and a colleague, for legal malpractice-aiding and abetting a fraud (Count 3). He sued ADR Systems of America for breach of contract in connection with the mediation of the Personal Injury Claim (Count 4). And he sued Allstate Property and Casualty Insurance, which insured one of the individuals against whom Plaintiff directed the Personal Injury Claim, for breach of contract (Count 5).

Plaintiffs' claims against the Baudin Defendants are fatally flawed for multiple reasons. First, Plaintiff cannot prevail on the proximate cause element of his claims. Plaintiff claims that the Baudin Defendants "forced" Plaintiff into mediation at which the Personal Injury Claim was resolved for an amount less than what Plaintiff believes the claim to have been worth, but Plaintiff ignores that the Bankruptcy Estate~~not~~ Plaintiff~~ow~~ ned and controlled the Personal Injury Claim, including any decision whether and on what terms to resolve the claim by mediation or otherwise.

Second, Plaintiff's claims are barred by the two-year statute of limitations. Plaintiff complains that the Baudin Defendants caused the Personal Injury Claim to proceed to mediation on terms with which Plaintiff did not agree, but he waited to file suit until six years after the mediation that he attended and until just days short of six years after he acknowledges having learned of the result of the mediation, including the terms of which he now complains.

Third, Plaintiff's claims suffer from general pleading deficiencies, including the fact that although Plaintiff claims to have sued on behalf of the Paul R. Dulberg Revocable Trust, he pleads no allegation as to how he has the power to act for the trust, no allegations of any duty owed to the trust, and no allegations of damages allegedly incurred by the trust.

STATEMENT OF FACTS

This case arises from a personal injury lawsuit that Plaintiff filed against his neighbors in 2012, in a matter captioned *Paul Dulberg v. David Gagnon , et al.*, Case No. 2012 LA 178, in the Twenty-Second Judicial Circuit, McHenry County, Illinois (the "Personal Injury Lawsuit"). (Ex. A, ¶ 19.) There, Plaintiff claimed to have been injured (the "Claimed Injury") when his arm was struck with a chainsaw operated by the neighbor, David Gagnon.

On November 26, 2014, Plaintiff filed for Chapter 7 bankruptcy protection in the matter of *In re: Paul Dulberg, Debtor*, Case No. 14-bk-83578 in the Northern District of Illinois Bankruptcy Court (the "Bankruptcy Case"). (See Docket Report, No. 14-bk-83578, attached hereto as ***Exhibit B***.[1]) Dulberg eventually listed on an Amended Schedule B the personal injury suit as an asset in his Chapter 7 bankruptcy, claiming that $15,000 of the proceeds of the claim would be exempt pursuant to 735 ILCS 5/12-1001(h)(4). (See Plaintiff's Amended Schedule B, line 21, attached hereto as ***Exhibit C***.) Specifically, he identified the following among his personal property:

> Pending personal injury claim. Paul Dulberg, Plaintiff, v. David Gagnon, et al., Defendants. McHenry County, Illinois Case No. 12 LA 178 Estimate value of claim, $55,000.00, subject to medical liens and attorney fee. Contact: Hans Mast, Attorney, Law Offices of Thomas J. Popovich, P. C., 3416 West Elm Street, McHenry, Illinois 60050, Telephone: 815-344-3797.

(Id.)

While the Bankruptcy Case remained pending, Plaintiff's original attorney in the Personal Injury Lawsuit withdrew. On September 22, 2015, Plaintiff retained the Baudin Defendants to represent him in the Personal Injury Lawsuit. (Ex. A, ¶¶ 15-16; and Contingency Fee Agreement, attached as Ex. 7 to Ex. A.) The Baudin Defendants appeared as Plaintiff's

[1] The Baudin Defendants ask this Court to take Courts judicial notice of the public bankruptcy records and other court records in accord with *Kopnick v. JL Woode Mgmt. Co.*, LLC, 2017 IL App (1st) 152054, ¶ 26.

counsel in early November 2015. (See Appearance, attached hereto as ***Exhibit D***.)

In July 2016, the Baudin Defendants recommended to Plaintiff that they should mediate the PI Case subject to a high-low agreement, with a cap of $300,000. (Ex. A, ¶¶ 24-35.) According to Dulberg, he wanted a higher floor and rejected the mediation proposal. (Ex. A, ¶¶ 42, 46.) Then, in late September 2016, the bankruptcy trustee reached out to the Baudin Defendants, instructing them not to settle the Personal Injury Claim without authorization of the bankruptcy trustee and seeking to retain the Baudin Defendants to prosecute the Personal Injury Claim on behalf of the Estate. (September 27, 2016, letter from Bankruptcy Trustee, attached hereto as ***Exhibit E***.)

On October 4, 2016, the bankruptcy trustee filed two motions in the bankruptcy court. Through the first motion, the bankruptcy trustee sought authority to enter into a binding mediation agreement. (Ex. 4 to Ex. A.) Attached to the motion is an unsigned copy of the binding mediation agreement. (Id.) Relative to this motion, the bankruptcy trustee gave notice to creditors and other parties in interest, including Plaintiff at 4606 Hayden Court, McHenry, Illinois 60051.[2] (Ex. 4 to Ex. A.) Through the second motion, the trustee sought leave to retain the Baudin Defendants to represent Plaintiff's Bankruptcy Estate in pursuing the Personal Injury Claim, (See Ex. 5 to Ex. A.) Again, the bankruptcy trustee gave notice to creditors and other parties in interest, including Plaintiff at his Hayden Court address. (Id.) Neither Plaintiff nor anyone else objected to either motion. (See Ex. B and transcript of bankruptcy hearing, attached as Group Ex. 6A to Ex. A.)

On or about October 9, 2016, the Baudin Defendants spoke with Plaintiff and informed him that the binding mediation would proceed with or without Plaintiff's consent as "the

[2] In Paragraph 5 of his Complaint, Plaintiff alleges that he lives at 4606 Hayden Court, McHenry, Illinois, 60051.

bankruptcy trustee and judge had the authority to order the process into a binding mediation agreement without [Plaintiff's] consent." (Ex. A, ¶ 50.)

On October 31, 2016, the Bankruptcy Court heard the BK Trustee's motions and entered an order authorizing the Bankruptcy Trustee to retain the Baudin Defendants to represent Plaintiff's bankruptcy estate in pursuing the Personal Injury Claim and for giving the bankruptcy trustee the power to execute any documents necessary to enter into a binding mediation agreement relative to the Personal Injury Claim. (Ex. 7 to Ex. A.) In its order, the Bankruptcy Court authorized the bankruptcy trustee to adopt the contingency contract previously entered into between Plaintiff and the Baudin Defendants. (Id.) The Bankruptcy Court also authorized the trustee to "execute such documents as are necessary to accomplish the matters set forth herein." (Id.) As for the latter set of relief, the bankruptcy court stated: "I will approve – authorize, if you will, for you [the BK Trustee] to enter into the binding mediation agreement, see where it takes you." (Transcript of BK hearing, pp. 2, 5, attached as Group Ex. 6A to Ex. A.)

The mediation went forward on December 8, 2016. (Ex. A, ¶ 57.) Plaintiff attended with his mother. (Id.) The Baudin Defendants and the defense attorney executed the binding mediation agreement that day. (Ex. 11 to Ex. A, at p. 6.) The agreement also appears to bear Plaintiff's own signature. (Id.) Pursuant to the binding mediation agreement, the minimum recovery would be $50,000 with a cap of $300,000. (Ex. 11 to Ex. A, at p. 4.)

On December 12, 2016, the mediator, who was not aware of the high-low agreement, assessed Plaintiff's damages at $660,000 and reduced that sum by 15% for Plaintiff's own comparative fault, resulting in a net award in Plaintiff's favor of $561,000. (See Ex. 10 to Ex. A.) That day, the Baudin Defendants called Plaintiff to inform him of the award. (Ex. A, ¶ 65.) Plaintiff responded: "Yeah, you two did good, real good, and I thank both of you sincerely. I just

can't help it, what I see here is a gift of $261,000 given to those responsible for my injuries." (Ex. A, ¶ 67.)

Plaintiff was informed that the bankruptcy trustee would receive the entirety of the award, which would be reduced to $300,000 pursuant to the binding mediation agreement, and that the funds would be delivered to the bankruptcy trustee to pay Plaintiff's creditors. (Ex. 11 to Ex. A, at p. 6.) On January 26, 2017, the bankruptcy court entered an Order Approving Payments of the Personal Injury Proceeds, providing for payment of the Baudin Defendants' contingency fees and costs, as well as distributions to medical lienholders, payments to the mediator, and a distribution to Plaintiff of the full $15,000 personal injury exception previously claimed by Plaintiff. (See Order of January 26, 2017, attached hereto as ***Exhibit F***.) The bankruptcy estate closed in June of 2017. (See Ex. B.)

Plaintiff filed the instant lawsuit on December 8, 2022 – exactly six years after the mediation was held in the Personal Injury Lawsuit. (See Ex. A.)

In Count 1 of his Complaint, for "Legal Malpractice-Breach of Fiduciary Duty," Plaintiff alleges that he was damaged by the Baudin Defendants having breached their fiduciary in allegedly forcing Dulberg to proceed to mediation with a $300,000 cap against his will. (Ex. A, ¶ 73.) Plaintiff alleges that he was damaged "in an amount in excess of $261,000," which equals the sum awarded by the mediator less the $300,000 paid by the defendants to the Bankruptcy Estate. (Ex. A, ¶ 74.)

In Count 2 of his Complaint, entitled "Legal Malpractice-Fraudulent Misrepresentation," Plaintiff alleges that the Baudin Defendants misrepresented to him "that that the bankruptcy judge had the authority and did order that Plaintiff pursue his ongoing litigation in Civil Court through Binding Mediation," and that Plaintiff relied on the alleged misrepresentation in

proceeding to the binding mediation subject to a $300,000 cap. (Ex. A, ¶¶ 76, 80.)

In both counts against the Baudin Defendants, Plaintiff seeks not only compensatory damages and costs, but relief in the form of interest and attorneys' fees. (See Ex. A, Counts 1 and 2.)

LEGAL STANDARDS

A motion to dismiss pursuant to challenges the legal sufficiency of a complaint. 735 ILCS 5/2-615. A complaint is properly dismissed when it fails to allege facts sufficient to state a cause of action upon which relief can be granted. *Marshall v. Burger King Corp* , 222 Ill.2d 422, 429 (2006). Failure to allege sufficient facts is a deficiency that may not be cured by liberal construction of the pleadings or argument. *Estate of Johnson v. Condell Memorial Hosp* , 119 Ill.2d 496, 510 (1998).

A motion to dismiss pursuant to 735 ILCS 5/2-619(a)(9) attacks the legal sufficiency of the complaint by raising affirmative matter which defeats the claim. *Illinois Graphics v. Nickum,* 159 Ill. 2d 469, 485 (1994). An "affirmative matter" is a defense that negates the cause of action completely or refutes crucial conclusions of law or conclusions of material fact contained in or inferred from the complaint. *Johnson v. Tribune Co.*, 24 Ill. 2d 437 (1962).

A motion to dismiss under 735 ILCS 5/2-619 admits well-pleaded facts in the complaint and reasonable inferences therefrom. *Snyder v. Heidelberger*, 2011 IL 111052, ¶ 8. Section 2-619(a)(5) provides that a defendant may move for dismissal on the grounds that the action was not commenced within the time permitted by law. 735 ILCS 5/2-619(a)(5).

ARGUMENT

I. PLAINTIFF'S CLAIMS AGAINST THE BAUDIN DEFENDANTS SHOULD BE DISMISSED PURSUANT TO 735 ILCS 5/2-619(a)(9) BECAUSE THE PLAINTIFF COULD NOT HAVE SUSTAINED A DAMAGE AS A PROXIMATE RESULT OF THE HANDLING OF THE PERSONAL INJURY CLAIM WHERE THE PERSONAL INJURY CLAIM WAS OWNED AND CONTROLLED BY THE BANKRUPTCY ESTATE, NOT PLAINTIFF.

In both Counts 1 and 2, Plaintiff claims to have been damaged as a result of the Baudin Defendants' prosecution of the Personal Injury Claim, including in presenting the claim for binding mediation and thereby allegedly limiting Plaintiff's recovery for his Personal Injury Claim. But Plaintiff had no ability to recover anything from his Personal Injury Claim because he did not own it – the Bankruptcy Estate did.

Once Plaintiff filed for bankruptcy protection, he lost standing to pursue any personal injury claims because, upon filing for bankruptcy, any such claims became part of the bankruptcy estate. When he exchanged his prospective right to pursue the Personal Injury Claim for bankruptcy protection, Plaintiff lost the ability to control the prosecution of the Personal Injury claim, either individually or through counsel. The bankruptcy trustee had the sole power to pursue and control the claim, which he exercised. As such, Plaintiff possessed no claim to have been damaged as a proximate result of any actions taken while the bankruptcy estate, rather than Plaintiff himself, owned and controlled the Personal Injury Claim.

To prove legal malpractice, the plaintiff-client must plead and prove that the defendant-attorney owed the client a duty of due care arising from the attorney-client relationship, that the defendant breached that duty, and that as a proximate result, the client suffered an injury. *Northern Illinois Emergency Physicians v. Landau, Omahana & Kopka, Ltd.*, 216 Ill. 2d 294, 306 (2005) (citing *Sexton v. Smith*, 112 Ill. 2d 187, 192 (1986)). "Even if negligence on the part of the attorney is established, no action will be against the attorney unless that negligence proximately caused damage to the client." *Northern Illinois Emergency Physicians*, 216 Ill. 2d at

306-07.

When Plaintiff filed for Chapter 7 bankruptcy protection, all of Plaintiff's legal property interests—including his interest in the Personal Injury Claim—became property of the bankruptcy estate and the bankruptcy trustee succeeded to Plaintiff's rights in the same. 11 U.S.C. § 541(a); *Wright v. Abbott Capital Corp.*, 79 Ill.App.3d 6, 9 (1st Dist. 1979). The act of filing a petition for relief under the Bankruptcy Code commences a bankruptcy case and creates an estate in bankruptcy. *See* 11 U.S.C. §§ 301, 541. Upon commencement of the case, a debtor's interests in property vest in the bankruptcy estate, and the debtor surrenders the right to control estate property because property of the estate falls under the exclusive jurisdiction of the bankruptcy court. See 28 U.S.C. § 1334(e). Because property of the estate *in custodia legis* by virtue of the bankruptcy filing, it is administered exclusively by a specifically designated fiduciary, a trustee. See, *e.g.*, 11 U.S.C. §§ 323(a), 363, and 704.

The foregoing principles relating to property of the debtor apply to pre-bankruptcy claims. Pre-bankruptcy claims are part of the debtors' estates and thus belong to the bankruptcy trustees, for the benefit of the debtors' creditors. *Biesek v. Soo Line R.R. Co.*, 440 F.3d 410, 413 (7th Cir. 2006). A debtor's bankruptcy estate includes claims and causes of action that belonged to the debtor on the petition date. *Cannon–Stokes v. Potter*, 453 F.3d 446, 448 (7th Cir. 2006); *Cable v. Ivy Tech State College*, 200 F.3d 467, 472-73 (7th Cir. 1999). Thus, a legal claim arising out of events occurring before a debtor's bankruptcy filings belongs to the debtor's estate. *In re Polis*, 217 F.3d 99, 101-02 (7th Cir. 2000).

Once a debtor files for bankruptcy, any unliquidated lawsuits become part of the bankruptcy estate; regardless of whether such claims are scheduled, a debtor is divested of standing to pursue them upon filing his petition. See *Wright*, 79 Ill.App.3d at 9-10; *Board of*

Managers of [redacted] Club Condominium Association v. [redacted] Club, LLC, 2016 IL App (1st) 143849, ¶ 41 ("once a bankruptcy action is initiated, all unliquidated lawsuits [in which the debtor has a potential claim] become part of the bankruptcy estate," thus, "if a party to a lawsuit files for bankruptcy, that party is divested of standing to pursue the claim" and only the bankruptcy trustee then has standing to pursue the suit.)

Because a pre-bankruptcy claim does not belong to the debtor, the debtor "cannot pursue it in litigation." *Biesek*, 440 F.3d at 414. A trustee's statutory right to exclusivity ceases only if the property—in this case, a cause of action—has been abandoned. See *Cannon–Stokes v. Potter*, 453 F.3d 446, 448 (7th Cir. 2006) (if estate, through trustee, abandons a cause of action, then creditors no longer have an interest, and claim reverts to debtor's hands); 11 U.S.C. § 554. Absent abandonment by the trustee, a debtor cannot pursue a cause of action for his or her own benefit. *In re Enyedi*, 371 B.R. 327, 333 (N.D. Ill. 2007).

By filing for Chapter 7 bankruptcy, Plaintiff relinquished ownership over the Personal Injury Claim and thereby lacked standing to pursue the claim, including in mediation. Although Plaintiff need not have identified the Personal Injury Claim as among his personal property for the claim to have become part of the bankruptcy estate, he did in fact identify the claim on an Amended Schedule B. (See Ex. C.) The Bankruptcy Estate owned the Personal Injury Claim and the Bankruptcy trustee had exclusive power to pursue and control the Personal Injury Claim, including litigation of the Personal Injury Lawsuit. The Estate and Bankruptcy trustee never relinquished that ownership or power, but instead assumed control over the Personal Injury Lawsuit, including the decision whether to mediate and on what terms.

Because Plaintiff lacked ownership of the Personal Injury Claim and standing to pursue the Personal Injury Lawsuit, he possesses no cognizable claim to have been damaged as a

proximate result of any mal- or misfeasance in connection with the prosecution of the same.

II. PLAINTIFF'S CLAIMS AGAINST THE BAUDIN DEFENDANTS SHOULD BE DISMISSED PURSUANT TO 735 ILCS 5/2-619(a)(5) BECAUSE THEY ARE BARRED BY THE STATUTE OF LIMITATIONS IN 735 ILCS 5/13-214.3

The statute of limitations applicable to suits against attorneys arising out of attorneys' performance of legal services is found in 735 ILCS 5/13-214.3(b) (Section 214.3(b)"). Section 13-214.3(b) provides that such suits must be brought within two years from the time that the plaintiff knew or should have known of an injury due to the alleged action or inaction of the attorney. Section 13-214(b) states, in pertinent part, as follows:

> An action for damages based on tort, contract, or otherwise (i) against an attorney arising out of an act or omission in the performance of professional services … must be commenced within 2 years from the time the person bringing the action knew or reasonably should have known of the injury for which damages are sought.

735 ILCS5/13-214.3(b).

The statute of limitations set forth in this Section 214.3(b) incorporates the "discovery rule," "which serves to toll the limitations period to the time when a person knows or reasonably should know of his or her injury." *Blue Water Partners, Inc., v. Edwin D. Mason, Foley & Lardner*, 2012 IL App (1st) 102165, ¶ 48 (quoting *Hester v. Diaz*, 346 Ill.App.3d 550, 553 (5th Dist. 2004)). The two-year period begins when the legal malpractice plaintiff knows or should know facts that would cause him to believe that he was injured and that the injury was wrongfully caused. *Racquet v. Grant*, 318 Ill.App.3d 831, 836 (2d Dist. 2000); *Butler v. Mayer, Brown and Platt*, 301 Ill.App.3d 919, 922 (1st Dist. 1998). Although that time is normally a question of fact, a court may decide the issue as a matter of law where the facts are undisputed and only one conclusion may be drawn from them. *Jackson Jordan, Inc. v. Leydig, Voit & Mayer*, 158 Ill. 2d 240, 250 (1994).

"The legal malpractice statute of limitations begins to run when the purportedly injured

party 'has a reasonable belief that the injury was caused by wrongful conduct, thereby creating an obligation to inquire further on that issue.' " *Blue Water Partners*, 2012 IL App (1st) 102165, ¶ 52 (quoting *K Partners I, LP v. Metro Consultants, Inc.*, 408 Ill.App.3d 127, 130 (1st Dist. 2011)). Because the intent of the discovery rule is merely to delay the running of the statute of limitations until the plaintiff has reason to inquire further, the statute of limitations begins to run when plaintiff had a reasonable belief that his injury was caused by wrongful conduct, not when he definitively knew he had an actionable legal malpractice claim. *Butler II v. Mayer, Brown and Platt*, 301 Ill.App.3d 919, 923 (1st Dist. 1998). Although the discovery rule has been held to require that the client know or should know that he was injured and that it was wrongfully caused (see, *e.g.*, *Romano v. Morrisroe*, 326 Ill.App.3d 26 at 28 (2d Dist. 2001)), "actual knowledge of the alleged legal malpractice is not a necessary condition to trigger the running of the statute of limitations." *Blue Water Partners*, 2012 IL App (1st) 102165, ¶ 51.

Stated another way, " 'the phrase "wrongfully caused" does not mean knowledge of a specific defendant's negligent conduct or knowledge of the existence of a cause of action.' Rather, the term refers to when an injured party 'becomes possessed of sufficient information concerning his injury and its cause to put a reasonable person on inquiry to determine whether actionable conduct is involved.' " *Castello v. Kalis*, 352 Ill.App.3d 736, 744-45 (1st Dist. 2004) (internal citations and emphases omitted).

In this case, Plaintiff knew—even if he did not, he certainly should have known—of his alleged damages well over two years before he filed suit on December 8, 2022. Plaintiff claims that he did not want to proceed to mediation under the proposed terms of the binding mediation agreement and that he was damaged as a proximate result of the Baudin Defendants having caused the entry of a binding mediation agreement "with a $300,000 cap against [Plaintiff's]

stated desire and instructions for an uncapped jury trial. (Ex. A, ¶¶ 46, 50, 51, 73.)

The mediation took place exactly six years before Plaintiff filed suit, on December 8, 2016. (Ex. A, ¶ 57.) Plaintiff attended the mediation in person. (Id.) He acknowledges that the Baudin Defendants informed him of the mediation award four days later, on December 12, 2016. (Ex. A, ¶ 67.) On that date, he told the Baudin Defendants that the arbitration award, reduced to $300,000 was "a gift of $261,000 given to those responsible for my injuries." (Ex. A, ¶ 67.)

Plaintiff knew or should have known well over two years before filing suit not only of the result of the mediation, but that the mediation award was reduced to the $300,000 cap by virtue of the binding mediation agreement. As such, the two-year statute of limitations expired long before Plaintiff filed her Complaint and dismissal is appropriate pursuant to 735 ILCS 5/13-214.3(b).

III. PLAINTIFF'S CLAIMS AGAINST THE BAUDIN DEFENDANTS SHOULD BE DISMISSED PURSUANT TO 735 ILCS 5/2-615 BECAUSE PLAINTIFF FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED FOR MULTIPLE REASONS.

Plaintiff purports to have sued not only in his individual capacity, but on behalf of the Paul R. Dulberg Revocable Trust (the "Trust"). (See Ex. A.) Throughout his lengthy complaint, Plaintiff makes no allegation as to how he has the power to act for the Trust, as to how the Baudin Defendants owed or breached any duty to the Trust, or as to any damages sustained by the Trust. Absent all of the foregoing, Plaintiff has failed to state a claim on behalf of the Trust.

This Court should also dismiss the claims against the Baudin Defendants, or at least strike certain elements of Plaintiff's claimed damages, because Plaintiff improperly prays for relief in the form of, among other items, prejudgment interest and attorney's fees. (See Ex. A, Counts 1 and 2.)[3] Illinois adheres to the "American Rule" whereby a successful party generally is responsible for his or her own attorney fees in the absence of a statute or contractual agreement

[3] Although Plaintiff's prayers for relief seek "interest" without specifying that Plaintiff is seeking *prejudgment* interest, it is clear that Plaintiff is seeking prejudgment interest, as post-judgment could not be awarded as part of a judgment – post-judgment interest does not accrue until thereafter.

allowing the recovery of fees. *Duignan v. Lincoln Towers Insurance Agency, Inc.*, 282 Ill.App.3d 262, 268 (1st Dist. 1996). No statute or contract allows the recovery of attorney fees in an action such as this, so Plaintiff's request for attorney's fees is improper and should be dismissed.

Plaintiff's request for prejudgment interest likewise has no basis in Illinois law. In Illinois, "[i]t is well settled that interest is not recoverable absent a statute or agreement providing for it." *City of Springfield v. Allphin*, 82 Ill.2d 571, 576 (1980). See also *Blakeslee's Storage Warehouses, Inc. v. City of Chicago*, 369 Ill.480, 482-83 (1938) (holding that interest may only be recovered when contracted for or when specifically authorized by statute). Section 2-1303 of the Code authorizes the recovery of post-judgment interest in some cases. See 735 ILCS 5/2-1303. However, there exists no corresponding statutory provision authorizing pre-judgment interest. As such, Plaintiff's request for prejudgment interest is improper and should be dismissed.

CONCLUSION

WHEREFORE, Defendants, KELLY N. BAUDIN, WILLIAM RANDAL BAUDIN, II and KELRAN INC. a/k/a THE BAUDIN LAW GROUP, LTD. a/k/a KELRAN INC., respectfully request that this Honorable Court enter an order dismissing with prejudice all claims against such Defendants, including those contained within Counts 1 and 2 of Plaintiff's Complaint at Law and for any other relief that is fair and just.

Respectfully submitted,

TRIBLER ORPETT & MEYER, P.C.

By: */s/Jeremy N. Boeder*
One of the Attorneys for Defendants, KELLY N. BAUDIN, WILLIAM RANDAL BAUDIN, II and KELRAN INC. a/k/a THE BAUDIN LAW GROUP, LTD. a/k/a KELRAN INC.

Michael J. Meyer (mjmeyer@tribler.com)
Jeremy N. Boeder (jnboeder@tribler.com)
TRIBLER ORPETT & MEYER, P.C.
225 West Washington, Suite 2550
Chicago, Illinois 60606
Telephone: (312) 201-6400
docket@tribler.com

SERVICE VIA E-MAIL WILL BE ACCEPTED AT DOCKET@TRIBLER.COM

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

PAUL DULBERG and THE PAUL DULBERG REVOCABLE TRUST,	)	
Plaintiffs,	)	
v.	)	Case No. 2022 L 010905
KELLY N. BAUDIN, *et al.*	)	
Defendants.	)	

ORDER

This matter coming before the Court for hearing on Defendants Kelly N. Baudin, William Randal Baudin, II and Kelran Inc. a/k/a The Baudin Law Group, Ltd.'s (the "Baudin Defendants") motion to dismiss; and for status on Defendant Allstate Property and Casualty Insurance Company's ("Allstate") motion for summary judgment; a hearing having been held and the Court being fully advised in the premises;

IT IS HEREBY ORDERED:

1. The Baudin Defendants' motion to dismiss is GRANTED on statute of limitations grounds, only. In light of the order of dismissal, the Court makes no ruling on the other grounds for dismissal asserted in the Baudin Defendants' motion as they are moot. The Baudin Defendants are hereby dismissed with prejudice from this cause.

2. The previously-set hearing on Defendant Allstate Property and Casualty Insurance Company's ("Allstate") motion for summary judgment, set for September 21, 2023, at 11:15 a.m., shall stand.

3. The hearing on the Allstate's motion will be held in-person and via Zoom (Meeting ID: 768 225 2047 | Passcode: 902018 | Call In #: 312-626-6799).

Judge Michael F. Otto

AUG 2 9 2023

Circuit Court – 2065

Order Prepared By:
Jeremy N. Boeder
TRIBLER ORPETT & MEYER, P.C.
225 W. Washington Street, Ste 2550
Chicago, Illinois 60606
(312) 201-6400
jnboeder@tribler.com
Firm I.D. No. 39950
Attorneys for Baudin Defendants

Date: August 29, 2023

Entered: _____
Hon. Michael F. Otto

From: Paul Dulberg at Paul_Dulberg@comcast.net
Thomas Kost at tkost999@gmail.com

To: Theresa Bulatovic at tbulatovic@iardc.org
Myrrha B. Guzman, at mguzman@iardc.org

RE: 2023IN03897

July 2, 2024

Ms. Guzman,

REPLY TO BAUDINS ARDC RESPONSE

Our position is stated clearly and in extreme detail and is available to the public in 8 series of videos. The videos are available here:

www.fraudonthecourt.net/video

How the videos are arranged into 8 groups can be seen here:

Visual Aid 55 - Video presentation layout.png

The reason why we began presenting this information in audio-video form and our previous experiences with filing ARDC complaints in written form are described in the series 'Illinois response to being informed of attorney network' videos 1 to 23.

Our current reply to the June 7, 2024 response William Randall Baudin II submitted to the ARDC is contained in of the video series 'Illinois response to being informed of attorney network' videos 24 to 27. Direct links to our current reply are given below:

Illinois response to being informed of attorney network 24- Baudin ARDC response is intentionally engineered to deceive the reader.mp4
Illinois response to being informed of attorney network 25- Baudins intentionally delete trustee Heeg and invent sole trustee Olsen.mp4
Illinois response to being informed of attorney network 26- 7 intentional deceptions the Baudins make to the Illinois Supreme Court.mp4
Illinois response to being informed of attorney network 27-Evidence of collaboration between Talarico and Baudins to sabotage Dulbergs complaint filed on 12-8-2022.mp4

/s/Paul Dulberg
Paul Dulberg
(847) 497-4250
Paul_Dulberg@comcast.net
4606 Hayden Ct. McHenry, IL 60051

/s/Thomas Kost
(847) 553-4404
tkost999@gmail.com
423 Dempster St. Mt. Prospect, IL 60056

This additional page is intentionallyad ded so that all Hyperlinks (Originallyu nderlined and Blue now here in bold font) listed in the replyt o the ARDC mayb e copied and pasted into anyw eb browser to view the originals using the correspondong http://... (in plain font).

Visual Aid 55 - Video presentation layout.png
http://www.fraudonthecourt.net/exhibits/Visual Aid 55 - Video presentation layout.png

---

Illinois response to being informed of attorney network 24- Baudin ARDC response is intentionally engineered to deceive the reader.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 24- Baudin ARDC response is intentionally engineered to deceive the reader.mp4

Illinois response to being informed of attorney network 25- Baudins intentionally delete trustee Heeg and invent sole trustee Olsen.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 25- Baudins intentionally delete trustee Heeg and invent sole trustee Olsen.mp4

Illinois response to being informed of attorney network 26- 7 intentional deceptions the Baudins make to the Illinois Supreme Court.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 26- 7 intentional deceptions the Baudins make to the Illinois Supreme Court.mp4

Illinois response to being informed of attorney network 27-Evidence of collaboration between Talarico and Baudins to sabotage Dulbergs complaint filed on 12-8-2022.mp4
http://www.fraudonthecourt.net/video/Illinois response to being informed of attorney network 27-Evidence of collaboration between Talarico and Baudins to sabotage Dulbergs complaint filed on 12-8-2022.mp4

ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS
www.iardc.org

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

Chicago
September 6, 2024

Re: William Randal Baudin, II
in relation to
Paul Dulberg
No. 2023IN03897

Dear Mr. Dulberg:

We have completed our review of our file in this matter and have determined that no further action by this agency is warranted.

You told us that you hired attorney William Baudin, II, to pursue a personal injury case. You complained that Mr. Baudin failed to adequately represent you. You also believed that he did not earn the fees he received, and that he coerced you to agree to mediation and a cap on your award.

Mr. Baudin advised that the trustee in your bankruptcy case filed a motion to appoint Mr. Baudin as Special Counsel to pursue your personal injury claim, as well as a motion to enter binding mediation. Both motions were approved by the bankruptcy court. He pointed out that although your bankruptcy placed a stay on your creditors from pursuing payment of debts against you, it did not prevent you or the estate from pursuing a potential estate asset, such as the proceeds from any court claim. Further, as the representative of the estate, the trustee has the capacity to sue and be sued and, thus, has standing to resolve the personal injury claim. Mr. Baudin told us that the parties agreed that the best way to handle your matter was through binding mediation.

According to Mr. Baudin, you were present when the matter went before the mediator, who found you to be partially at fault for your injuries, and ultimately entered an award in your favor. Because of the high-low agreement in place, the award was further reduced. The funds received became an asset of your bankruptcy estate. According to Mr. Baudin, the bankruptcy court ordered his fees be paid, and the rest of the award was applied to your debts.

The duties of this agency relate primarily to the investigation and prosecution of allegations of professional misconduct against lawyers. When we have sufficient evidence of

misconduct by a lawyer, we can initiate proceedings that may seek the lawyer's disbarment or suspension from the practice of law. Absent evidence of unreasonableness, duplicate billings, intentional overcharges, or other types of fraud, the Commission generally does not act on disagreements concerning the value of an attorney's services. That appears to be the case here. We note that any objection to Mr. Baudin's fee should have been made in the bankruptcy proceedings.

Mr. Baudin stated that he advised you as to the consequences of agreeing to binding mediation, as well as to the high-low caps. He claimed that after discussing your legal rights and options, you agreed to binding mediation. Mr. Baudin pointed out, however, your consent to participate in binding mediation was not required. He also pointed out that because you filed for bankruptcy, it was up to the trustee to determine how to proceed with the lawsuit as a potential asset of the estate. The decisions in this regard did not require your consent, but did require court approval, which was obtained.

As you may know, Supreme Court Rules require that this Commission establish all elements of a violation of the Rules of Professional Conduct by clear and convincing evidence. Based on the information and the documentation we reviewed, we have determined that we would not be able to prove that Mr. Baudin failed to provide you with material information about your case in a timely manner, that he pursued action which required your consent without your authorization, or that he otherwise committed professional misconduct. Thus, a formal disciplinary prosecution of Mr. Baudin would fail. Accordingly, we are closing our file in this matter.

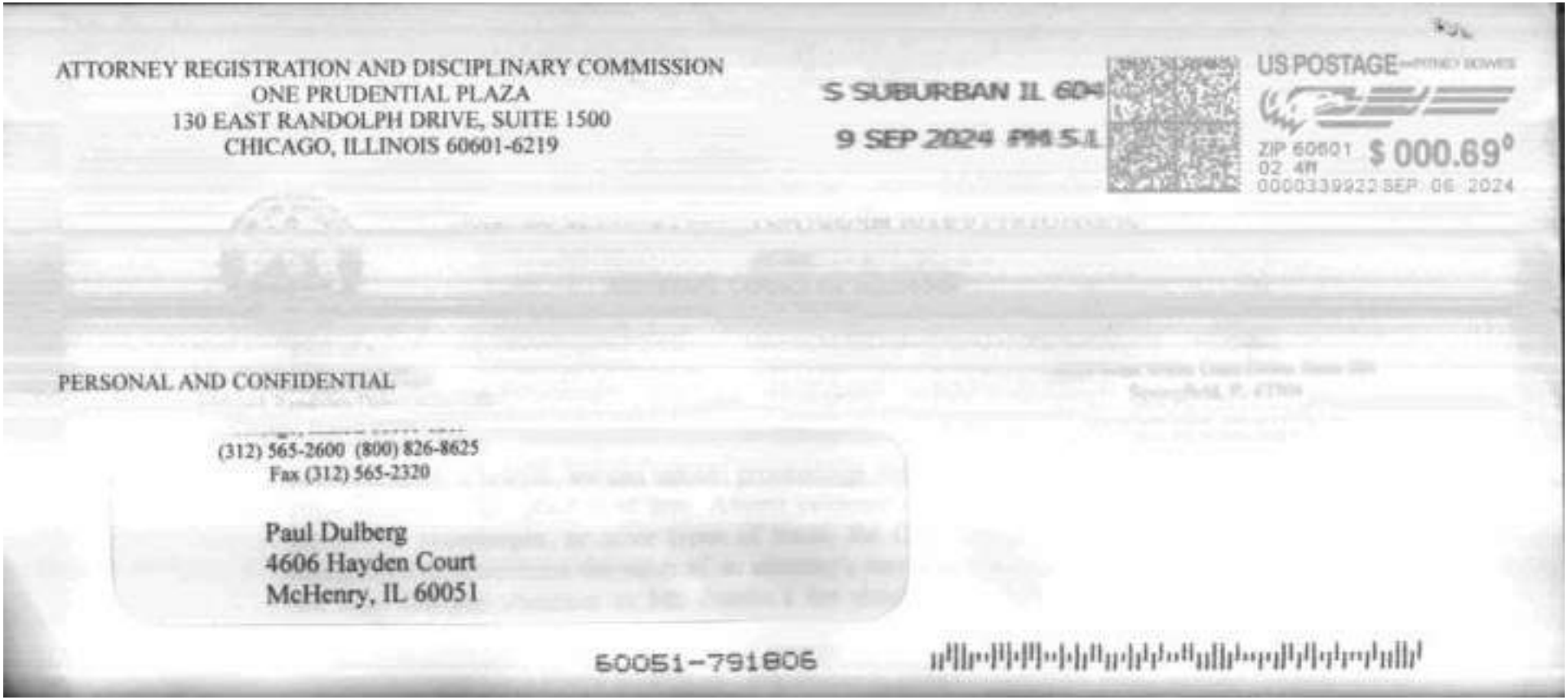
Thank you for bringing your concerns to our attention.

Very truly yours,

Myrrha B. Guzman

Myrrha B. Guzman
Senior Counsel
ARDC Intake Division

MBG:kof



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
ONE PRUDENTIAL PLAZA
130 EAST RANDOLPH DRIVE, SUITE 1500
CHICAGO, ILLINOIS 60601-6219

S SUBURBAN IL 604
9 SEP 2024 PM 5 L

US POSTAGE
ZIP 60601 $ 000.69⁰
02 4M
0000339923 SEP 06 2024

PERSONAL AND CONFIDENTIAL

(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

60051-791806

ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS
www.iardc.org

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

Thomas Kost
423 Dempster Street
Mount Prospect, IL 60056

Chicago
January 14, 2025

Re: Alphonse A. Talarico
in relation to
Paul Dulberg
Thomas Kost
No. 2024IN00264

Dear Mr. Dulberg and Mr. Kost:

We have concluded our inquiry in the above matter and have determined that there is not a sufficient basis for further action by this Commission.

You told us that you hired attorney Alphonse Talarico to represent Mr. Dulberg in his claims against his former attorneys. You believe that Mr. Talarico failed to report Mr. Dulberg's former attorneys for misconduct to this agency. You also do not believe that Mr. Talarico adequately represented Mr. Dulberg.

As we previously advised you, the duties of the ARDC are primarily limited to investigating and prosecuting allegations of professional misconduct against attorneys. When we have sufficient evidence of serious misconduct by an attorney, we may initiate proceedings seeking disciplinary sanctions against the lawyer, such as suspension or disbarment from the practice of law. Because of our limited duties, the Commission generally does not act on disagreements concerning the value of an attorney's services.

Mr. Talarico, through counsel, maintained that he zealously represented Mr. Dulberg. He provided us with a description and list of the services he provided to Mr. Dulberg. The documents we reviewed appear to reflect that the attorney took actions reasonably calculated to achieve Mr. Dulberg's legal goals and, thus, we would not be able to prove that Mr. Talarico failed to provide Mr. Dulberg with the legal services he was obligated to provide.

Mr. Talarico denied that he became aware of any actions by any attorney involved in Mr. Dulberg's matters that gave rise to his reporting obligation under Rule 8.3 of the Illinois Supreme Court Rules of Professional Conduct ("IRPC"). He claimed that he had no first-hand knowledge of your accusations against the subject attorneys.

As you may know, Supreme Court Rules require that this Commission establish all elements of a violation of the Rules of Professional Conduct by clear and convincing evidence. Based on the information that we reviewed, we would not be able to prove that Mr. Talarico's determination that he did not have an obligation to pursue your misconduct allegations against the named attorneys violated the IRPC.

For the foregoing reasons, we have determined that a formal disciplinary prosecution of Mr. Talarico, based on your complaints, would not be successful. Accordingly, we are closing our file in this matter.

Very truly yours,

Myrrha B. Guzman

Myrrha B. Guzman
Senior Counsel
ARDC Intake Division

MBG:kof

Mr. Talarico denied that he became aware of any actions by any attorney involved in Mr. Dulberg's matters that gave rise to his reporting obligation under Rule 8.3 of the Illinois Supreme Court Rules of Professional Conduct ("IRPC"). He claimed that he had no first-hand knowledge of your accusations against the subject attorneys.

As you may know, Supreme Court Rules require that this Commission establish all elements of a violation of the Rules of Professional Conduct by clear and convincing evidence. Based on the information that we reviewed, we would not be able to prove that Mr. Talarico's determination that he did not have an obligation to pursue your misconduct allegations against the named attorneys violated the IRPC.

For the foregoing reasons, we have determined that a formal disciplinary prosecution of Mr. Talarico, based on your complaints, would not be successful. Accordingly, we are closing our file in this matter.

Very truly yours,

Myrrha B. Guzman

Myrrha B. Guzman
Senior Counsel
ARDC Intake Division

MBG:kof

ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
ONE PRUDENTIAL PLAZA
130 EAST RANDOLPH DRIVE, SUITE 1500
CHICAGO, ILLINOIS 60601-6219

S SUBURBAN IL 604
15 JAN 2025 PM 1 L

US POSTAGE PITNEY BOWES
ZIP 60601 $ 000.69⁰
02 4W
0000339922 JAN 14 2025

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

60051-791806

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts.

Instructions

Check the box to the right if your case involves parental responsibility or parenting time (custody/visitation rights) or relocation of a child.

Just below "Appeal to the Appellate Court of Illinois," enter the number of the appellate district that will hear the appeal and the county of the trial court.

If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party is filing the appeal ("appellant") and which party is responding to the appeal ("appellee").

To the far right, enter the trial court case number, the trial judge's name, and the Supreme Court Rule that allows the appellate court to hear the appeal.

☐ **THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).**

APPEAL TO THE APPELLATE COURT OF ILLINOIS

FIRST **District**

from the Circuit Court of

Cook **County**

In re

Paul R. Dulberg and The Paul R. Dulberg Revocable Trust

Plaintiffs/Petitioners *(First, middle, last names)*

☑ **Appellants** ☐ **Appellees**

v.

Kelly N. Baudin et al., Joseph David Olsen et al., ADR Systems Of America L.L.C. Allstate Property and Casualty Insurance Company

Defendants/Respondents *(First, middle, last names)*

☐ **Appellants** ☑ **Appellees**

Trial Court Case No.: 2022 L 010905

Honorable Michael F. Otto **Judge, Presiding**

Supreme Court Rule: 301

NOTICE OF APPEAL (CIVIL)

In **1**, check the type of appeal.

For more information on choosing a type of appeal, see *How to File a Notice of Appeal.*

1. Type of Appeal:

- ☐ Appeal
- ☐ Interlocutory Appeal
- ☑ Joining Prior Appeal
- ☐ Separate Appeal
- ☐ Cross Appeal

In **2**, list the name of each person filing the appeal and check the proper box for each person.

2. Name of Each Person Appealing:

Name: Paul R. Dulberg

First *Middle* *Last*

☑ Plaintiff-Appellant ☐ Petitioner-Appellant

OR

☐ Defendant-Appellant ☐ Respondent-Appellant

Exhibit CF

Name: The Paul R. Dulberg Revocable Trust
First *Middle* *Last*

☑ Plaintiff-Appellant ☐ Petitioner-Appellant

OR

☐ Defendant-Appellant ☐ Respondent-Appellant

In **3**, identify every order or judgment you want to appeal by listing the date the trial court entered it.

3. List the date of every order or judgment you want to appeal:

05/25/2023
Date

08/29/2023
Date

09/21/2023
Date

In **4**, state what you want the appellate court to do. You may check as many boxes as apply.

4. State your relief:

☑ reverse the trial court's judgment *(change the judgment in favor of the other party into a judgment in your favor)* and ☑ send the case back to the trial court for any hearings that are still required;

☑ vacate the trial court's judgment *(erase the judgment in favor of the other party)* and ☑ send the case back to the trial court for a new hearing and a new judgment;

☑ change the trial court's judgment to say: Transcript of 9/21/23 and order of May 25, 2023 are in opposite and trial court statement that the case is over regarding all Defendants is incorrect,

☑ order the trial court to: acknowledge that Fraud (and Fraud on the Court) is alleged, that the Statute of Limitations began to run on October 28, 2022 pursuant to the "Discovery Rule", that Dulberg was legally disabled at all times herein, the automatic BK stay was

☑ other: violated, allow Appellants to supplement Record on Appeal to include a bystanders report showing that the Baudin Defendants refused 304(a) language in the 8/2923 order ect and grant any other relief that the court finds appropriate.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name. Fill in your address, telephone number, and email address, if you have one.

/s/ Paul R. Dulberg
Your Signature

Paul R. Dulberg
Your Name

Paul R. dulberg@comcast.net
Email

4606 Hayden Ct.
Street Address

McHenry, Il. 60051
City, State, ZIP

(847) 497-4250
Telephone

Attorney # (if any)

All appellants must sign this form. Have each additional appellant sign the form here and enter their complete name, address, telephone number, and email address, if they have one.

Additional Appellant Signature

/s/ Thomas W. Kost, Trustee
Signature

Thomas W. Kost
Name

tkost999@gmail.com
Email

423 Dempster St.
Street Address

Mt. Prospect, Il/ 60056
City, State, ZIP

(847) 439-2198
Telephone

Attorney # (if any)

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

PROOF OF SERVICE ***(You must serve the other party and complete this section)***

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

In **1b**, check the box to show how you are sending the document.

CAUTION: If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In **c**, fill in the date and time that you sent the document.

In **2**, if you sent the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

1. I sent this document:
   a. To:
      Name: Jeremy N. Boeder
      First *Middle* *Last*
      Address: 225 W. Washington St. #2550 Chicago Illinois 60606
      Street, Apt # *City* *State* *ZIP*
      Email address: jnboeder@tribler.com

   b. By:
      ☑ An approved electronic filing service provider (EFSP)
      ☐ Email *(not through an EFSP)*
      Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.
      ☐ Personal hand delivery to:
         ☐ The party
         ☐ The party's family member who is 13 or older, at the party's residence
         ☐ The party's lawyer
         ☐ The party's lawyer's office
      ☐ Mail or third-party carrier

   c. On: 10/19/2023
      Date
      At: 4:55 ☐ a.m. ☑ p.m.
      Time

2. I sent this document:
   a. To:
      Name: Jason W. Jochum
      First *Middle* *Last*
      Address: 550 W. Adams St. #300 Chicago Illinois 60661
      Street, Apt # *City* *State* *ZIP*
      Email address: Jason.Jochum@lewisbrisbois.com

   b. By:
      ☑ An approved electronic filing service provider (EFSP)
      ☐ Email *(not through an EFSP)*
      Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.
      ☐ Personal hand delivery to:
         ☐ The party
         ☐ The party's family member who is 13 or older, at the party's residence
         ☐ The party's lawyer
         ☐ The party's lawyer's office
      ☐ Mail or third-party carrier

   c. On: 10/19/2023
      Date
      At: 4:55 ☐ a.m. ☑ p.m.
      Time

In **3**, if you sent the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

3. I sent this document:

a. To:

Name: Robert A. Chapman
First *Middle* *Last*

Address: 190 S. LaSalle St.#3850 Chicago, Illinois 60603
Street, Apt # *City* *State* *ZIP*

Email address: rchapman@chapmanspingola.com

b. By:

☑ An approved electronic filing service provider (EFSP)

☐ Email *(not through an EFSP)*

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

☐ Personal hand delivery to:

- ☐ The party
- ☐ The party's family member who is 13 or older, at the party's residence
- ☐ The party's lawyer
- ☐ The party's lawyer's office

☐ Mail or third-party carrier

c. On: 10/19/2023
Date

At: 4:55 ☐ a.m. ☑ p.m.
Time

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

/s/ Alphonse A. Talarico
Your Signature

Alphonse A. Talarico
Print Your Name

6184530
Attorney # (if any)

Enter the Case Number given by the Appellate Court Clerk: 1-23-1142

ADDITIONAL PROOF OF SERVICE

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

1. I sent this document:

   a. To:

   Name: Christine V. Anto
   First *Middle* *Last*

   Address: 150 N. Michigan Ave. #3300 Chicago Illinois 60601
   Street, Apt # *City* *State* *ZIP*

   Email address: canto@amundsendavislaw.com

In **1b**, check the box to show how you are sending the document.

CAUTION: If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

   b. By:

   ☑ An approved electronic filing service provider (EFSP)

   ☐ Email *(not through an EFSP)*

   Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

   ☐ Personal hand delivery to:

   - ☐ The party
   - ☐ The party's family member who is 13 or older, at the party's residence
   - ☐ The party's lawyer
   - ☐ The party's lawyer's office

   ☐ Mail or third-party carrier

In **c**, fill in the date and time that you sent the document.

   c. On: 10/19/2023
   Date

   At: 4:50 ☐ a.m. ☑ p.m.
   Time

FILED DATE: 10/19/2023 8:00 PM 2022L010905

Gmail **T Kost <tkost999@gmail.com>**

T Kost, thank you for your order.

GoDaddy <donotreply@godaddy.com> Fri, Oct 13, 2023 at 10:08 AM
To: tkost999@gmail.com

GoDaddy

Need help? Contact us.
Customer Number: 570055129

Thanks for your order, T.

Here's your confirmation for order number 2747085125. Review your receipt and get started using your products.

Access All Products

Order Number: 2747085125

Product	Quantity	Term	Price
.NET Domain Registration fraudonthecourt.net	1 Domain	1 Year	$17.17
Websites + Marketing Premium US Free Trial	1 Plan	1 Month	$0.00
		Subtotal:	$17.17
		Tax:	$0.00

Total:	$17.17

View Full Receipt

NOTE: Your purchase includes enrollment in our automatic renewal service. This message confirms that during the checkout process, you agreed to GoDaddy's Universal Terms of Service Agreement, Privacy Policy and all other agreements applicable to your purchase. You can obtain a list of all agreements and policies to which you agreed by contacting GoDaddy customer service and visiting the GoDaddy Legal Agreements and Policies page. Your use of the purchased products is governed by the terms of these agreements and policies. If you wish to cancel your purchase, please learn more about our Refund Policy. This message also confirms that during the checkout process, you agreed to enroll your products in our automatic renewal service. This keeps your products up and running, automatically charging then-current renewal fees to your payment method on file, with no further action on your part. If you do not wish to continue using our automatic renewal service, you can cancel by visiting the Renewals and Billing page in your account. If you selected an installment payment option during checkout, the option applies to a product's current term only and you will pay the then-current full amount upon automatic renewal. You may, however, select an additional installment payment option, if available, for a product by visiting the Renewals and Billing page in your account and manually renewing a product.

Start Shopping

Activate your products today.

You have new products or services in your account waiting to be activated. You've paid for them – now put them to work.

Get Started

Set my Support PIN

*Offer good towards new product purchases only and cannot be used on product renewals. Cannot be used in conjunction with any other offer, sale, discount or promotion. Not applicable to ICANN fees, taxes, transfers, premium domains, premium templates, cloud server plans, WP Premium Support services, any marketing or design services performed by our Professional Web Services team, gift cards or Trademark Holders/Priority Pre-registration or pre-registration fees. After the initial purchase term, discounted products will renew at the then-current renewal list price. Offer may be changed without notice.

Prices are current as of 10/13/2023 and may be changed without notice.

Please do not reply to this email. Emails sent to this address will not be answered.

6045478257

Gmail **T Kost <tkost999@gmail.com>**

Online file access

3 messages

T Kost <tkost999@gmail.com> Thu, Oct 5, 2023 at 8:00 AM
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

I'll explain how to use this by phone.

password for www.sharpprintinginc.com/Exhibits

un: alphonse
pw: vi;n12?FYC~+

T Kost <tkost999@gmail.com> Sat, Oct 14, 2023 at 8:00 AM
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

The location of online information has been changed. It is now at:

www.fraudonthecourt.net

Same username and password:

un: alphonse
pw: vi;n12?FYC~+

On Thu, Oct 5, 2023 at 8:00 AM T Kost <tkost999@gmail.com> wrote:

> I'll explain how to use this by phone.
>
> password for www.sharpprintinginc.com/Exhibits
>
> un: alphonse
> pw: vi;n12?FYC~+

T Kost <tkost999@gmail.com> Thu, Nov 2, 2023 at 12:00 PM
To: Paul Dulberg <Paul_Dulberg@comcast.net>

---------- Forwarded message ---------
From: **T Kost** <tkost999@gmail.com>
Date: Sat, Oct 14, 2023 at 8:00 AM
Subject: Re: Online file access
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

The location of online information has been changed. It is now at:

www.fraudonthecourt.net

Same username and password:

un: alphonse
pw: vi;n12?FYC~+

On Thu, Oct 5, 2023 at 8:00 AM T Kost <tkost999@gmail.com> wrote:

> I'll explain how to use this by phone.
>
> password for www.sharpprintinginc.com/Exhibits
>
> un: alphonse
> pw: vi;n12?FYC~+

Gmail **T Kost <tkost999@gmail.com>**

Retainer - Multiple cases

1 message

Paul Dulberg <Paul_Dulberg@comcast.net> Tue, Sep 26, 2023 at 8:08 AM
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Cc: Tom Kost <tkost999@gmail.com>

Dear Mr Talarico,

Today I have mailed you a check in the amount of $10,000.00 as a retainer for the multiple upcoming cases we are to file.

The cases are based on but not limited to the following subjects:
Fraud on the court
Civil rights violations
Reopening the bankruptcy
Etc…

This in no way stops your continued representation in any of the other cases (and their various appeals) that you were previously retained for but rather is an addition of new cases that will be filed and added to the current cases you currently are retained for..

Thank you,
Paul

Date : 10/24/2023 9:32:43 AM
From : "Paul Dulberg"
To : "Law Office Of Alphonse Talarico"
BCc : "Paul Dulberg"
Subject : Re: JIB form conversion from pdf to word
Attachment : Binder87.docx; Binder87.pdf;

> On Oct 24, 2023, at 9:17 AM, Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:
>
> <Judicial Inquiry Board Complaint against a Judge Form e5957f94-3060-4172-a2bb-25cbab9a0815.pdf>

Date : 8/23/2023 1:46:52 PM
From : "Alphonse Talarico"
To : "Paul Dulberg" , "Paul Dulberg" , "T Kost"
Subject : Discussion with ARDC

Gentlemen
please remove any direct statement regarding the ARDC Complaints, all exhibits labelled and turned over to the ADRC or will be turned over, and all references to the ARDC, from draft sur responses and Response to Motion for summary Judgment.
Respectfully,
Alphonse A. Talarico
Ps: The Response to Allstate's Motion for Summary judgement is due tomorrow.

Gmail **T Kost <tkost999@gmail.com>**

Fwd: Prior Recusal

Paul Dulberg <Paul_Dulberg@comcast.net> Thu, Feb 17, 2022 at 11:08 AM
To: Tom Kost <tkost999@gmail.com>

Begin forwarded message:

From: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Subject: Prior Recusal
Date: February 17, 2022 at 10:56:46 AM CST
To: Paul Dulberg <Paul_Dulberg@comcast.net>

Please see the attached

Alphonse A. Talarico

Judge Meyer's Recusal friends with Popovich.pdf
3520K