

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

In the Matter of:

STEVEN MESSNER,

Attorney-Respondent,

No. 3122711.

Commission No. 2023PR00018

NOTICE OF FILING

To: Richard Gleason (rgleason@iardc.org; ardceservice@iardc.org)
Rory Quinn (rquinn@iardc.org)
Attorney Registration & Disciplinary Commission
130 E. Randolph Street, Suite 1500
Chicago, IL 60601

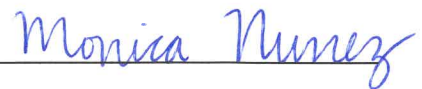
PLEASE TAKE NOTICE that on **June 8, 2023**, we will file with the Clerk of the Attorney Registration & Disciplinary Commission, Chicago, Illinois on behalf of Respondent: **ANSWER TO COMPLAINT**, a copy of which are served upon you herewith.

By: 

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CERTIFICATE OF SERVICE

Pursuant to the provisions and penalties of 735 ILCS 5/1-109, the undersigned certifies that this Notice and document(s) described therein were **emailed** to the person(s) to whom the Notice is directed on **June 8, 2023**.



FILED
6/8/2023 1:40 PM
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ANSWER TO COMPLAINT

COMES the Respondent, Steven Messner, by his attorneys, Adrian Vuckovich and
Kathryne Hayes, and for Respondent’s Answer to Complaint, states as follows:

COMMISSION RULE 231 STATEMENT

Respondent was licensed to practice law in the State of Illinois on November 24, 1978.
Respondent is admitted to practice law in U.S. District Court. Respondent holds no other
professional licenses.

(Alleged Indecent Liberties with a Child and Contributing to the Sexual Deviancy of a Child)

1. Beginning in 1974, Respondent was a frequent guest in the home of a minor, A.L, vising
[sic] A.L.’s home multiple times each week. A.L.’s home was located in Skokie, Illinois.
In 1974, A.L. was seven years old, and Respondent was 27 years old.

Answer: Admitted as to Respondent’s age. Remaining allegations denied as alleged.

2. Between 1974 and 1983, when A.L. was between the ages of seven years old and 15 years
old, and Respondent was between the ages of 27 and 36 years old, Respondent routinely
touched A.L.’s breasts over and underneath A.L.’s clothes while Respondent was present
in A.L.’s home. During the same period of time and at the same location, Respondent
repeatedly touched A.L.’s pubic area both over and underneath A.L.’s clothes.

Answer: Admitted paragraph 2 states Respondent's age between 1974 and 1983. Remaining allegations are denied.

3. On one occasion in 1979, when A.L. was 12 years old and Respondent was 32 years old, Respondent tied A.L. to her bed at her home and touched her breasts under her clothes and inserted his fingers into A.L.'s vagina.

Answer: Denied.

4. Between 1974 and 1983, Respondent told A.L. that he would kill A.L.'s family if A.L. disclosed his sexual acts, described in paragraphs two and three, above, to anyone.

Answer: Denied. Respondent further states that paragraph 2 allegedly concerns the years 1974 – 1983 and paragraph 3 allegedly concerns the year 1979. Paragraph 4 incorporates paragraphs 2 and 3. Paragraph 4 fails to give Respondent proper notice of the serious charges against him.

5. During the time of Respondent's sexual acts against A.L., described in paragraphs two and three, above, there existed a statute in Illinois titled, "Indecent Liberties with a Child." That statute provided that any person of the age of 17 and upwards who performed any act of lewd fondling or touching of a child under the age of 16 with the intent to arouse or to satisfy the sexual desire of either the child or the person committed the offense of Indecent Liberties with a Child. The offense was a Class 1 felony, punishable by four to 15 years in prison. Ill. Rev. Stat. 1973, ch. 38, pars. 11-4, *et seq.*

Answer: Paragraph 5 states a legal conclusion to which no answer is required. Any remaining allegations are denied. Respondent further states that pleading "et seq." fails to give Respondent notice of the charges against him and is a denial of due process; see also 735 ILCS 5/2-603.

6. During the time of Respondent's sexual acts against A.L., described in paragraphs two and three, above, there existed a statute in Illinois titled, "Contributing to the Sexual Delinquency of a Child," Illinois Revised Statutes Chapter 38 Article 11-5. That statute provided that any person of the age of 14 years and upward who performs any lewd or fondling or touching of either the child or the person with the intent or to arouse or to satisfy the sexual desires of either the child or the person committed the offense of Contributing to the Sexual Delinquency of a Child. The offense was a Class A misdemeanor, punishable by up to 364 days in prison. Ill. Rev. Stat. 1973, ch. 38, pars. 11-5, *et seq.*

Answer: Paragraph 6 states a legal conclusion to which no answer is required. Any remaining allegations are denied. Respondent further states that pleading "et seq." fails to give Respondent notice of the charges against him and is a denial of due process; see also 735 ILCS 5/2-603.

7. Respondent committed his sexual acts, described in paragraphs two and three, above, with the intent to arouse or to satisfy his or A.L.'s sexual desires, and those acts were lewd.

Answer: Denied that the acts described in paragraphs two and three occurred. Paragraph no. 7 is denied.

8. By reason of the conduct described above which occurred prior to July 1, 1980, Respondent has engaged in the following misconduct:
 - a. engaging in illegal conduct involving moral turpitude, by conduct including routinely touching A.L.'s breasts and pubic area when A.L. was between the ages of seven and 15 years old, and Respondent was between the ages of 27 and

36 years old, in violation of Disciplinary Rule 1- 102(A)(3) of the American Bar Association Code of Professional Conduct (1974); and

- b. engaging in conduct that adversely reflected on his ability to practice law, by conduct including threatening to kill A.L.'s family if she ever disclosed Respondent's sex acts, in violation of Disciplinary Rule 1-102(A)(6) of the American Bar Association Code of Professional Conduct (1980).

Answer: Denied that any misconduct occurred. Respondent further states that the American Bar Association Code of Professional Conduct is not applicable and not a lawful basis to discipline Respondent. Any remaining allegations are denied.

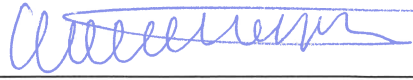
- 9. By reason of the conduct described above which occurred prior to July 1, 1980, Respondent has engaged in the following misconduct:

- a. engaging in illegal conduct involving moral turpitude, by conduct including routinely touching A.L.'s breasts and pubic area when A.L. was between the ages of seven and 15 years old, in violation of Rule 1-102(A)(3) of the Illinois Rules of Professional Conduct (1980); and
- b. engaging in conduct that adversely reflected on his ability to practice law, by conduct including threatening to kill A.L.'s family if she ever disclosed Respondent's sex acts, in violation of Rule 1-102(A)(6) of the Illinois Code of Professional Conduct (1980).

Answer: Denied that any misconduct occurred. Respondent further states that the Illinois Code of Professional Conduct (1980) is not applicable or otherwise barred. Any remaining allegations are denied.

WHEREFORE, Respondent respectfully requests that this cause be considered and that the Hearing Board make a just recommendation.

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By:  _____