In re Brian Keith Sides
Respondent-Appellant

Commission No. 2020PR00047

Synopsis of Review Board Report and Recommendation
(March 2022)

The Administrator brought a nine-count complaint against Respondent, charging him with making false or reckless statements about the integrity or qualifications of a United States Bankruptcy judge and engaging in conduct that was prejudicial to the administration of justice, in violation of Rules 8.2(a) and 8.4(d) of the Illinois Rule of Professional Conduct (2010). Respondent did not file an answer to the complaint; thus, the allegations of the complaint were deemed admitted.

Respondent, appearing pro se, participated at the outset of his hearing. However, he ceased participating after the hearing panel chair denied a motion he had filed the night before the hearing. Following the hearing, the Hearing Board concluded that the allegations that were deemed admitted established all of the charged misconduct. It recommended that Respondent be suspended for one year and until further order of the Court. Respondent appealed, challenging some procedural and evidentiary rulings as well as the misconduct findings.

The Review Board found no error in the hearing panel chair's rulings or Hearing Board's misconduct findings, and therefore affirmed them. It also agreed with the Hearing Board that Respondent should be suspended for one year and until further order of the Court, finding that Respondent showed no recognition of the wrongfulness of his conduct nor any remorse for it, which raised a serious concern that he would lapse in his ethical responsibilities in the future. It thus found that he should be required to prove rehabilitation before resuming law practice.

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

In the Matter of: **BRIAN KEITH SIDES,** Respondent-Appellant, No. 6278446.	Commission No. 2020PR00047

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

SUMMARY

The Administrator brought a nine-count complaint against Respondent, charging him with making false or reckless statements about the integrity or qualifications of a United States Bankruptcy judge and engaging in conduct that was prejudicial to the administration of justice, in violation of Rules 8.2(a) and 8.4(d) of the Illinois Rule of Professional Conduct (2010). Respondent did not file an answer to the complaint; thus, the allegations of the complaint were deemed admitted.

Respondent, appearing *pro se*, participated at the outset of his hearing. However, he ceased participating after the hearing panel chair denied a motion he had filed the night before the hearing. Following the hearing, the Hearing Board concluded that the allegations that were deemed admitted established all of the charged misconduct. It recommended that Respondent be suspended for one year and until further order of the Court. Respondent appealed, challenging some procedural and evidentiary rulings as well as the misconduct findings.

For the reasons that follow, we find no error in the hearing panel chair's rulings or Hearing Board's misconduct findings, and therefore affirm them. We agree with the Hearing

FILED

March 29, 2022

ARDC CLERK

Board's recommendation that Respondent be suspended for one year and until further order of the Court.

BACKGROUND

Respondent's Misconduct

The Hearing Board's Report and Recommendation sets forth all of the relevant facts underlying the findings of misconduct. In short, in nine separate motions – seven in the U.S. Bankruptcy Court for the Central District of Illinois and two in the U.S. District Court for the Central District of Illinois – Respondent made disparaging accusations about a U.S. Bankruptcy judge, including the following:

- that the judge "manufacture[d] a story from false statements she created;"
- that she "knew the statements were false when she published them but concocted the story" in retaliation against Respondent;
- that there is "no limit" to the judge's "willingness to misuse the powers of her office including the criminal use of false statements;"
- that "[t]he unhinged, and thus dangerous, Judge recklessly brings infamy to her office and becomes a scourge to her profession with her Order's false story;"
- that the judge was "dishonorable" and engaged in "abuse of office;" and
- that the judge engaged in "illegal abuses and misconduct … ."

(*See* Hearing Bd. Report at 4-5.)

Based on his statements about the bankruptcy judge, each of the nine counts of the disciplinary complaint charge Respondent with making a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, and engaging in conduct prejudicial to the administration of justice, in violation of Rules 8.2(a) and 8.2(d) of the Illinois Rules of Professional Conduct (2010).

Procedural History

Respondent was personally served with the disciplinary complaint on July 21, 2020. He subsequently filed a number of unsuccessful motions contesting service and alleging misconduct on the part of the Administrator's counsel and the hearing panel chair. He did not file an answer. Consequently, the hearing panel chair granted the Administrator's motion to deem admitted the disciplinary complaint's allegations.

The night before his disciplinary hearing, Respondent filed a "Motion to Substitute Entire Hearing Board as of Right," alleging that the hearing panel chair was biased against him and had most likely improperly influenced the other two panel members. The Chair of the full Hearing Board denied the portion of the motion seeking substitution of the hearing panel chair and ordered the hearing panel chair to rule on the remainder of the motion, which sought substitution of the other two panel members. The hearing panel chair denied the part of the motion seeking substitution of the other two panel members.

That same night, Respondent also filed a pleading entitled "Suggestion of Death," which complained that the electronic filing platform's inclusion of a suggestion of death as a type of document that might be filed was a means of intimidating respondents in disciplinary cases. The pleading sought substitution of the hearing panel chair and removal of the Administrator's counsel. The hearing panel chair denied the relief sought in the pleading.

At hearing, after he was informed that his motions were denied, Respondent told the hearing panel chair that he would not participate in the hearing. The hearing proceeded without Respondent's participation, although he apparently remained on the video link and was invited by the hearing panel chair to participate multiple times. (*See* Report of Proceedings at 48-50, 67-68, 84-85.)

HEARING BOARD'S RULINGS, FINDINGS, AND RECOMMENDATION

Based on the allegations in the Complaint, which were deemed admitted, the Hearing Board found that Respondent made statements that he knew to be false or with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judge, and engaged in conduct prejudicial to the administration of justice, in violation of Rules 8.2(a) and 8.4(d) of the Illinois Rules of Professional Conduct (2010).

Respondent presented no mitigating evidence, as he refused to participate in his hearing. In aggravation, Respondent was previously disciplined for misconduct nearly identical to the misconduct in this matter. In 2014, he was suspended for five months, stayed after 60 days by two years of probation, for making statements accusing several judges of being corrupt and prejudiced against him in a small claims case in which he represented himself. *In re Sides*, 2011PR00144, M.R. 26732 (Nov. 13, 2014). The Hearing Board found it substantially aggravating that the previous misconduct is the same as the present misconduct, because it demonstrated that the prior discipline had little effect on Respondent. (*See* Hearing Bd. Report at 7.)

The Hearing Board also found that Respondent showed no remorse for or recognition of the nature and seriousness of his misconduct, and in fact, rehashed his false accusations against the bankruptcy judge in pleadings before the Hearing Board. It further found that his conduct in his disciplinary proceedings was significantly aggravating, noting that he filed numerous pleadings and appeared for some pre-hearing conferences but was not cooperative. It noted that "[h]is participation was focused on efforts to quash personal service of the Complaint and to avoid addressing the allegations against him by repeatedly making unsubstantiated accusations of wrongdoing against Commission staff and volunteers." (Hearing Bd. Report at 8.)

It also noted that his lack of cooperation continued at the hearing, when he was present on the videoconference but refused to participate and did not respond when the hearing panel chair addressed him. The Hearing Board thus concluded that "he is unwilling or unable to articulate disagreements with tribunals and persons involved in the legal process without resorting to personal attacks and unfounded accusations." (*Id*.) It further stated that "[i]t is a significant aggravating factor where an attorney fails to take responsibility for his or her own misconduct and instead makes inappropriate and unsubstantiated charges of misconduct against the Administrator's counsel and maligns the integrity of the disciplinary process." (*Id*. (citing *In re Gray*, 2016PR00045 (Review Bd., August 15, 2018), at 14, *approved and confirmed*, M.R. 29543 (Nov. 15, 2018).)

In making its sanction recommendation, the Hearing Board rejected the Administrator's request for a three-year suspension, and relied in *In re Carn*ey, 05 CH 16, M.R. 20890 (May 16, 2006), to recommend a suspension of one year and until further order.

ANALYSIS

On appeal, Respondent challenges procedural rulings and the misconduct findings. We find no merit to his arguments, most of which are based on his misconceptions about the powers bestowed by the Illinois Supreme Court on the ARDC and proper procedure in disciplinary proceedings.

1. Respondent was properly served with the Complaint.

Respondent repeatedly claims that he was not properly served with the disciplinary complaint. He is wrong. The record contains valid proof of service, in which the ARDC investigator stated under oath that he personally served Respondent with the complaint and other documents at Respondent's home. (*See* C. 37.) This proof of service is "considered *prima facie*

evidence that process was properly served." *In re Jafree*, 93 Ill. 2d 450, 455 (1982). Moreover, in a pleading seeking to quash service, Respondent admitted that he was personally served with an envelope at his home by the ARDC investigator. (*See* C. 51-52.)

Nonetheless, he claims on appeal that service was improper because, under Illinois law, he could only be served by a county sheriff. Again, he is plainly wrong. Commission Rule 215(a) allows personal service to be made by a member of the Administrator's staff, which is what happened in this case. Therefore, Respondent was properly served with the complaint at his residence by an ARDC investigator.

2. The hearing panel chair did not abuse his discretion by granting the Administrator's motion to deem admitted the allegations of the complaint.

Respondent argues that he never received the Administrator's motion to deem admitted the allegations of the complaint, and therefore that the hearing panel chair's granting of the motion was improper. We defer to the hearing panel on evidentiary and procedural issues, and decline to reverse sanction orders absent a clear abuse of discretion. *In re Coyle*, 2015PR00014 (Review Bd., Feb. 16, 2017), at 7 (citations omitted), *petition for leave to file exceptions denied*, M.R. 28670 (May 18, 2017). An abuse of discretion occurs only when no reasonable person would take the position adopted by the chair. *In re Chiang*, 07 CH 67 (Review Bd., Jan. 30, 2009), at 10, *petition for leave to file exceptions denied*, M.R. 23022 (May 18, 2009). We find no abuse of discretion here.

On October 6, 2020, Administrator's counsel filed a motion to deem admitted the complaint's factual allegations and disciplinary charges, asserting that Respondent had not complied with the initial date for filing his answer to the complaint, nor with three subsequent orders setting dates on which he was to file his answer. In the last order setting October 5, 2020,

as the deadline for filing the answer , the hearing panel chair stated that no further continuances would be granted. (C. 363.)

Also, on October 6, Administrator's counsel sent a copy of the motion to Respondent at the email address Respondent used throughout the disciplinary proceedings. (C. 382-83.) On October 8, Respondent filed a motion for a supervisory order in the Illinois Supreme Court, alleging that various ARDC staff members were engaging in misconduct in connection with his disciplinary proceeding. On October 20, the Court denied Respondent's motion for a supervisory order. On October 22, the hearing panel chair granted the Administrator's motion to deem admitted the complaint's allegations, noting that Respondent had not filed a response to the motion.

On October 23, Respondent filed a motion entitled "Objection and Omnibus Motion for Vacation, for Time to File Response, for Order of Notices from Clerk, and for the Submission of Misconduct Complaints." In his motion, he claimed, among other things, that he did not receive notice of the motion to deem. The Administrator's counsel filed a response in which he stated that he sent the motion to deem to the email address that Respondent had been using throughout the disciplinary proceedings, and attached a copy of the email by which the motion to deem was sent to Respondent. On October 27, the hearing panel chair denied Respondent's motion.

On November 2, Respondent filed a response to the motion to deem, asserting that he had not received notice of the motion, and that he should be given 21 days from October 20 – the date on which the Court denied his motion for a supervisory order – to answer the complaint. However, he did not explain why he needed that additional time or why he had not filed his answer on any of the four dates on which it was due. The Administrator filed a reply to the response. On November 5, the hearing panel chair denied the response, which he deemed a motion.

In order to meet his burden of showing that the hearing panel chair's ruling deeming the allegations of the complaint admitted constituted reversible error, Respondent must show that the hearing panel chair abused his discretion – or, in other words, that no reasonable person would have reached the same conclusion. He has failed to do so.

Significantly, in none of his pleadings regarding the motion to deem did Respondent explain why he missed multiple due dates for filing his answer, or why he needed yet more time to do so. Moreover, he filed the motion for a supervisory order *after* the final date for answering the complaint, and therefore cannot claim that the pendency of the motion for a supervisory order should have tolled the time for filing his answer. In short, Respondent was given multiple extensions of time to file his answer to the complaint, and rather than doing so, he continued to challenge the clearly proper service of the complaint upon him and make baseless allegations of misconduct against ARDC staff. Under these circumstances, we find no abuse of discretion in the hearing panel chair's ruling granting the Administrator's motion to deem admitted the allegations of the complaint.

3. There was no error in connection with Respondent's motion to disqualify the entire hearing panel

Respondent continues to make baseless allegations of impropriety against Hearing Board members in arguing that something nefarious occurred in the ruling upon his motion to disqualify the hearing panel. As with his other arguments, this one also has no merit and is based on his fundamental misunderstanding of Hearing Board procedure.

Respondent's hearing was scheduled to begin on December 11, 2020. On the night of December 10, he filed a motion entitled "Motion to Substitute Entire Hearing Board as of Right." (C. 968-69.) Because the motion sought dismissal of the entire hearing panel, including the hearing panel chair, it was forwarded to the Chair of the full Hearing Board, in order to allow

the Hearing Board Chair to determine if the hearing panel chair should be disqualified. (C. 971.) The Hearing Board Chair found no basis for disqualifying the hearing panel chair, and therefore denied that portion of Respondent's motion, and then returned the motion to the hearing panel chair to rule on the remaining portion of the motion seeking to disqualify the other two panel members. The hearing panel chair then denied the motion seeking to disqualify the other panel members. (C. 973.)

On appeal, Respondent claims that the Hearing Board Chair should not have been allowed to decide any portion of his motion to disqualify the hearing panel. He is wrong. Commission Rule 261(a) provides that the Chair of the full Hearing Board is to rule on a motion to disqualify a hearing panel chair, and that a hearing panel chair is to rule on a motion to disqualify members of a hearing panel. That is precisely what occurred here. Thus, we find no abuse of discretion here, where the Hearing Board Chair and hearing panel chair abided by Commission rules.

4 Respondent was not denied the right to participate in his disciplinary hearing.

Respondent argues that he suffered prejudice at his hearing because he could not be heard – literally – during the videoconference proceedings. He claims that he declined to participate in his hearing based on what he calls the hearing panel chair's "misconduct" and refusal to address the technical difficulties. (Resp. Br. at 37-38.)

He is mistaken. The record does not support his claim that the hearing panel could not hear him. Rather, a review of the hearing transcript clearly shows that, while there were minor audio glitches on two occasions, the court report asked Respondent to repeat himself; he did; and his statements appear to have been fully heard and properly recorded. (*See* Report of Proceedings at 41-43, 45-49).

It was Respondent himself who chose not to participate in his hearing only a few minutes into the hearing, after his motion to disqualify the entire hearing panel was denied. Thus, even if the audio problems had continued (and there is no evidence in the record that they did), Respondent deprived the hearing panel chair of an opportunity to address the audio problems.

On appeal, a party cannot complain of an error he has committed, invited, or induced, *Collins v. Roseland Community Hosp*., 219 Ill. App. 3d. 766, 774 (1st Dist. 1991), nor can he attack an alleged error invited by his behavior at trial. *People v. Melero*, 99 Ill. App. 2d 208, 212 (1st Dist. 1968). We find no merit to Respondent's claim that he was deprived of an opportunity to be heard, when it was he who refused to participate in his hearing.

5. The Hearing Board properly found that Respondent violated Rules 8.2(a) and 8.4(d).

Respondent claims that his statements about the bankruptcy judge did not violate the Rules of Professional Conduct, and that, in any event, his speech was protected by the First Amendment. His contentions raise questions of law, which we review *de novo*. *See In re Thomas*, 2012 IL 113035 ¶ 56; *In re Morelli*, 01 CH 120 (Review Bd., March 2, 2005) at 10, *approved and confirmed*, M.R. 20136 (May 20, 2005) (whether circumstances shown by undisputed facts constitute misconduct, and what interpretation is to be given to disciplinary rules, are questions of law that are reviewed under a *de novo* standard). As a matter of law, he is wrong on both counts.

Addressing the second argument first, it is well-established in Illinois that lawyers have no First Amendment protection from discipline for making baseless accusations impugning the integrity of judges. *See, e.g., In re Harrison*, 06 CH 36 (Review Bd., Oct. 14, 2008) at 5, *approved and confirmed*, M.R. 22839 (March 16, 2009) ("[T]he established law [is] that the First Amendment does not protect false statements or those made with reckless disregard for the truth [and] [i]t is equally well-established that, when it comes to ethical obligations, lawyers do not enjoy the same First Amendment freedoms as private citizens"); *In re Mann*, 06 CH 38 (Review

Bd., March 29, 2010) at 10-14, *petition for leave to file exceptions denied and recommendation adopted*, M.R. 23935 (Sept. 20, 2010) (attorney's false statements of corruption by Seventh Circuit judges not protected by First Amendment); *In re Gerstein*, 99 SH 1 (Review Bd., Aug. 12, 2002) at 9-13, *petition for leave to file exceptions denied and recommendation adopted*, M.R. 18377 (Nov. 26, 2002) (attorney had no First Amendment right to direct verbal abuse at others).

With respect to Respondent's argument that his statements about the bankruptcy judge did not violate Rules 8.2(a) and 8.4(d), that issue was decided when the hearing panel chair deemed the allegations and charges of the complaint admitted pursuant to Commission Rule 236. In his order granting the Administrator's motion, the hearing panel chair stated:

> The Administrator's <u>Motion</u> is granted and the allegations **and charges** of misconduct of the Administrator's Complaint are deemed admitted pursuant to Commission Rule 236, and the evidence at hearing is limited to factors in aggravation and mitigation.

(C. 723 (emphasis added).)

As we noted in *Coyle*, Rule 236's language is clear and mandatory, and provides that all factual allegations ***and disciplinary charges*** are deemed admitted when a respondent fails to answer the complaint. The rule limits the resulting hearing to matters in aggravation and mitigation. *See Coyle*, 2015PR00041 (Review Bd.), at 6 (citing *In re Maros*, 94 CH 430 (Review Bd., March 20, 1996), *approved and confirmed*, M.R. 12639 (Sept. 24, 1996). Consequently, once an order is entered deeming a complaint's allegations admitted, the issues of whether, and how, misconduct occurred are closed. *Id.* at 7 (citing *Maros*, 94 CH 430 (Review Bd.), at 12-13 (Hearing Board could not demand proof of misconduct deemed admitted under Rule 236; its only role was to consider evidence in mitigation and aggravation and determine an appropriate sanction); *In re Weston*, 92 Ill. 2d 431, 436-37 (1982) (where attorney failed to answer complaint or appear in front of either the Hearing Board or Review Board, but then filed a petition to remand the cause to the

Hearing Board for an evidentiary hearing, the court declined to grant remand and allowed the allegations of the complaint to stand admitted)).

The October 22, 2020 order deemed the allegations and charges of the complaint admitted. As already addressed above, we found no error in that ruling. We therefore find, as a matter of law, that we have no discretion to overturn the Hearing Board's findings of fact or misconduct, which were deemed admitted under Commission Rule 236. *See Coyle*, 2015R00041 (Review Bd.), at 8. For that reason, we affirm its findings that Respondent violated Rules 8.2(a) and 8.4(d) of the 2010 Illinois Rules of Professional Conduct, as charged in the complaint. Moreover, we agree with the Hearing Board's analysis of and conclusions regarding misconduct, and therefore affirm the misconduct findings for the same reasons that the Hearing Board articulated in its Report. (*See* Hearing Bd. Report at 3-5.) Consequently, we find no error in the findings of misconduct against Respondent, and therefore affirm them.

6. The Hearing Board's findings in aggravation are not against the manifest weight of the evidence.

Respondent argues that the Hearing Board incorrectly, and with malevolent intent, found in aggravation that he failed to cooperate with his disciplinary proceedings, failed to show remorse, and failed to recognize the seriousness of his misconduct.

Respondent's challenge to the Hearing Board's findings regarding aggravation is a challenge to its factual findings, which we will not reverse unless they are against the manifest weight of the evidence. *In re Timpone*, 157 Ill.2d 178, 196, 623 N.E.2d 300 (1993). A factual finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident or the finding appears unreasonable, arbitrary, or not based on the evidence. *Leonardi v. Loyola University*, 168 Ill. 2d 83, 106, 658 N.E.2d 450 (1995); *Bazydlo v. Volant*, 164 Ill. 2d 207,

215, 647 N.E.2d 273 (1995). That the opposite conclusion is reasonable is not sufficient. *In re Winthrop*, 219 Ill. 2d 526, 542, 848 N.E. 2d 961 (2006).

The Hearing Board based its findings regarding aggravation primarily on Respondent's own conduct during his disciplinary proceedings. It found that Respondent showed no remorse or recognition of the nature and seriousness of his misconduct; instead, he rehashed his false accusations against the bankruptcy judge in pleadings before the Hearing Board. It further found that Respondent's "participation [in his disciplinary proceedings] was focused on efforts to quash personal service of the Complaint and to avoid addressing the allegations against him by repeatedly making unsubstantiated accusations of wrongdoing against Commission staff and volunteers." (Hearing Bd. Report at 8.)

It also noted that his lack of cooperation continued at the hearing, when he was present on the videoconference but refused to participate and did not respond when the hearing panel chair addressed him. The Hearing Board thus concluded that "he is unwilling or unable to articulate disagreements with tribunals and persons involved in the legal process without resorting to personal attacks and unfounded accusations." (*Id*.) It further stated that "[i]t is a significant aggravating factor where an attorney fails to take responsibility for his or her own misconduct and instead makes inappropriate and unsubstantiated charges of misconduct against the Administrator's counsel and maligns the integrity of the disciplinary process." (*Id*. (citing *In re Gray*, 2016PR00045 (Review Bd., August 15, 2018), at 14, *approved and confirmed*, M.R. 29543 (Nov. 15, 2018).)

We find no error in the Hearing Board's findings regarding aggravation, which we believe are fully and amply supported by the record. We therefore affirm them. *See In re Kukla*, 91 CH 133 (Review Bd., June 21, 1994) at 6, *approved and confirmed*, No. M.R. 10425 (Nov. 30,

1994) (Review Board should affirm Hearing Board's analysis of aggravating and mitigating factors if that analysis is fully supported by the record).

SANCTION RECOMMENDATION

The Hearing Board recommended that Respondent be suspended for one year and until further order for his misconduct. In making our own recommendation, we consider the nature of the proved misconduct, and any aggravating and mitigating circumstances shown by the evidence, *In re Gorecki*, 208 Ill. 2d 350, 360-61 (2003), while keeping in mind that the purpose of discipline is not to punish the attorney but rather to protect the public, maintain the integrity of the legal profession, and protect the administration of justice from reproach. *In re Timpone*, 157 Ill. 2d 178, 197 (1993). We also consider the deterrent value of attorney discipline and "the need to impress upon others the significant repercussions of errors such as those committed by" Respondent. *In re Discipio*, 163 Ill.2d 515, 528 (1994) (citing *In re Imming*, 131 Ill.2d 239, 261 (1989)). Finally, we seek to recommend a sanction that is consistent with sanctions imposed in similar cases, *Timpone*, 157 Ill. 2d at 197, while also considering the unique circumstances of each case. *In re Witt*, 145 Ill. 2d 380, 398 (1991).

The Hearing Board relied on *In re Carney*, 05 CH 16, M.R. 20890 (May 16, 2006), in arriving at its recommendation. In *Carney*, the attorney made numerous false statements impugning the integrity of federal judges in five pleadings filed in the Ninth Circuit Court of Appeals. The attorney did not cooperate in his disciplinary proceedings. He did not have prior discipline, but was found to have engaged in the additional misconduct of performing legal work in two matters when he was not licensed to practice law. He was suspended for one year and until further order.

We agree that *Carney* provides guidance as to an appropriate sanction in this matter. We also find guidance in other cases in which attorneys have received more severe sanctions for misconduct that involves making multiple unfounded disparaging statements about judges.

For example, in *In re Walker*, 2014PR00132 (Review Bd., Nov. 4, 2016), *petition for leave to file exceptions denied*, M.R. 28453 (March 20, 2017), the attorney filed six separate pleadings in which he attacked the integrity and qualifications of three Illinois appellate court justices. After the panel of justices issued rulings against the attorney's client, he filed a complaint against the justices, accusing them of altering the record on appeal by fabricating an order, with the intent to defraud his client, and accused them of committing the crime of official misconduct, engaging in fraud and deceit, and corrupting the legal process, among other things. In other pleadings and motions, he accused the justices of official misconduct and knowingly tampering with court records, and stated that his complaint sought relief from judicial corruption. The Hearing and Review Boards found that the attorney violated Rule 8.2(a) by making statements regarding the qualifications and integrity of the justices with reckless disregard for the truth or falsity of the statements, and that Respondent's conduct was prejudicial to the administration of justice in violation of Rule 8.4(d), in that it caused additional pleadings and proceedings and compromised the appearance of fairness and impartiality of the appellate court.

In aggravation, during his disciplinary proceedings, the attorney showed no remorse for his actions, and he continued to impugn the justices' integrity during his appeal. In addition, he was previously suspended from the U.S. District Court for the Central District of Illinois for one year and until further order of that court, for violating a court order by interfering with his opposing counsel's attempt to conduct a deposition, and for threatening opposing counsel. In mitigation, he presented six character witnesses, including two judges, all of whom testified

favorably on his behalf about his reputation for honesty, integrity, truth, veracity, ability, and other positive qualities. He was suspended for two years and until further order.

Similarly, in *In re Phelps*, 55 Ill. 2d 319, 303 N.E.2d 13 (1973), the attorney, during an appeal from orders entered in a divorce action, filed a petition and affidavit alleging that two circuit court judges engaged in "illegal acts" and "collusion" to "deprive her [client] of freedom, liberty and property." The attorney also commenced a civil action in federal court against the judges, alleging that they "conspired" to "obstruct justice" and "defraud[ed]" her client. Additionally, the attorney filed documents in the Supreme Court of Illinois charging the judges with "repeated acts of judicial usurpation and oppression." *Phelps*, 55 Ill. 2d at 320-21. The Court stated that "scurrilous charges or groundless lawsuits" by an attorney against "the judiciary or another attorney" bring the courts and the profession into disrepute, and cannot be permitted. The Court noted that the attorney, "in her briefs before this court, persists in the type of allegations that are the basis for this action." *Id*. at 322-23. The Court suspended the attorney for two years and until further order.

In *In re Greanias*, 01 SH 117 (Hearing Bd., June 12, 2003), *approved and confirmed*, M.R. 19079 (Jan. 20, 2004), the attorney filed five lawsuits claiming that several Commissioners of the Industrial Commission and several attorneys engaged in conspiracy, bribery, fraudulent schemes, and other willful wrongdoing. By doing so, she "publicly impugned the honesty and integrity of the named defendants, brought personal and professional embarrassment to them, and caused them to expend time and money to defend against her groundless charges." Also, "[b]y publicly charging fraud and corruption by the Commissioners of the Industrial Commission and [others], the Respondent acted to destroy public confidence in the Industrial Commission, the legal profession, and the administration of justice." *Id*. at 66. In mitigation, the

attorney had no prior discipline, was cooperative with the ARDC, and performed *pro bono* and volunteer work. In aggravation, the misconduct did not arise from an isolated incident but involved five lawsuits over a one-year period. In addition, the attorney's "testimony showed that she [did] not understand the seriousness or wrongful nature of her misconduct and ha[d] no remorse for publicly impugning the honesty of numerous individuals without a factual basis." *Id*. at 67. A suspension of two years and until further order of the Court was imposed.

In *In re Mann*, 06 CH 38 (Review Bd., March 29, 2010), *petition for leave to file exceptions denied,* M.R. 23935 (Sept. 20, 2010), an attorney, in six court pleadings, accused five judges of being biased and corrupt, and charged that they deliberately and wrongly decided cases. The Hearing Board found, and the Review Board agreed, that the attorney had no evidence to substantiate her statements about the judges; lacked a reasonable basis to make these statements; and based her statements solely on speculation. Additionally, she improperly practiced law in the Seventh Circuit Court of Appeals while she was suspended by that Court, by giving legal advice to and drafting motions for a litigant in that Court. In mitigation, the attorney had practiced law for 30 years without prior misconduct. In aggravation, she did not recognize the seriousness of her misconduct, showed a lack of remorse, and failed to acknowledge that she did anything improper. Moreover, during her disciplinary proceedings, the attorney engaged in a "pattern … of raising various frivolous issues and continuing to seek to litigate issues after their ordinary conclusion," which "significantly, and needlessly, protracted the proceedings before the Hearing Board." *Id*. at 19-20. She was suspended for two years and until further order.

The foregoing cases arguably could support a suspension of more than a year in this matter. However, we decline to recommend a suspension of more than a year for three primary reasons. First, even after being subjected to the same type of conduct that Respondent engaged in

with the bankruptcy judge, the Hearing Board determined that a one-year suspension was sufficient. Second, although he requested a three-year suspension at hearing, the Administrator now agrees with the Hearing Board that a one-year suspension is sufficient. Third, the foregoing cases involve more egregious misconduct, in that the attorneys attacked multiple judges and/or filed lawsuits against the judges, which is not the case here. Accordingly, we agree that a one-year suspension is appropriate and supported by precedent, given the circumstances of this case.

We also agree with the Hearing Board that Respondent's suspension should continue until further order of the Court. Respondent has given no indication whatsoever that he recognizes the wrongfulness of his conduct, nor has he expressed remorse for it. In fact, Respondent continued his same pattern of behavior during his appeal, by continuing to cast aspersions on the bankruptcy judge, Hearing Board members, and Administrator's counsel. Indeed, his appellate briefs are replete with unsubstantiated and outright false accusations of misconduct by Commission staff and volunteers. This raises a serious concern that he will lapse in his ethical responsibilities in the future; therefore, we believe he should be required to prove rehabilitation before he is permitted to resume law practice. *See, e.g., In re Houdek*, 113 Ill. 2d 323, 326-27, 497 N.E.2d 1169 (1986) (attorney suspended until further order because of "lack of evidence that he is willing or able to meet professional standards of conduct in the future").

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

CONCLUSION

For the foregoing reasons, we recommend that Respondent be suspended for one year and until further order of the Court.

Respectfully submitted,

J. Timothy Eaton
George E. Marron, III
Bradley N. Pollock

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Review Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on March 29, 2022.

/s/ Michelle M. Thome

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

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BEFORE THE REVIEW BOARD
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AND
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In the Matter of:

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Respondent-Appellant,

No. 6278446.

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PROOF OF SERVICE
OF THE REPORT AND RECOMMENDATION
OF THE REVIEW BOARD

I, Andrea L. Watson, hereby certify that I served a copy of the Report and Recommendation of the Review Board on Respondent-Appellant listed at the address shown below by e-mail service on March 29, 2022, at or before 5:00 p.m. At the same time, a copy was sent to Counsel for the Administrator-Appellee by e-mail service.

Brian Keith Sides
Respondent-Appellant
sidesbk03@yahoo.com

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 she verily believes the same to be true.

Michelle M. Thome,
Clerk

/s/ Andrea L. Watson
By: Andrea L. Watson
Senior Deputy Clerk

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FILED

March 29, 2022

ARDC CLERK