In re Margaret Jean Lowery
Respondent-Appellant

Commission No. 2020PR00018

Synopsis of Review Board Report and Recommendation
(October 2022)

The Administrator brought a four-count complaint against Respondent, charging her with knowingly making material false statements to the ARDC, which conduct involved dishonesty, and knowingly or recklessly making false statements impugning the integrity of a judge, in violation of Rules 8.1(a), 8.2(a), and 8.4(c) of the Illinois Rules of Professional Conduct. The complaint alleged that Respondent knowingly made material false statements to the ARDC during a sworn statement, and that Respondent knowingly or recklessly made false statements impugning the integrity of a judge during a recorded phone conversation, and on a website and a Facebook page.

The Hearing Board found that Respondent engaged in misconduct by knowingly making material false statements to the ARDC, which involved dishonesty, in violation of Rules 8.1(a) and 8.4(c). The Hearing Board also found that Respondent knowingly or recklessly made a false statement, during a phone conversation, impugning the integrity of a judge, but concluded that Respondent did not violate Rule 8.2(a) by doing so. Finally, the Hearing Board found that Respondent did not make false statements impugning the integrity of a judge on a website or Facebook page.

Respondent appealed, challenging the Hearing Board's finding that she knowingly made material false statements to the ARDC, and challenging the sanction recommendation. Respondent asked that this matter be dismissed, or that the sanction be limited to a reprimand or censure. The Administrator cross-appealed challenging the Hearing Board's legal conclusion that Respondent did not violate Rule 8.2(a) by knowingly or recklessly making a false statement, during a phone conversation, impugning a judge's integrity.

The Review Board affirmed the Hearing Board's finding that Respondent knowingly made material false statements to the ARDC, which conduct involved dishonesty, in violation of Rules 8.1(a) and 8.4(c). The Review Board also concluded that Respondent violated Rule 8.2(a) by knowingly or recklessly making a false statement, during a phone conversation, impugning the integrity of a judge. The Review Board recommended that Respondent be suspended for 30 days, instead of 60 days, and that Respondent complete the ARDC's Professionalism Seminar within one year.

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

FILED
October 13, 2022
ARDC CLERK

In the Matter of:

MARGARET JEAN LOWERY,

Respondent-Appellant,

No. 6271777.

Commission No. 2020PR00018

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

SUMMARY

The Administrator filed a four-count complaint, charging Respondent with making false statements to the ARDC, which conduct involved dishonesty, and making false statements impugning the integrity of a judge, in violation of Rules 8.1(a), 8.2(a), and 8.4(c) of the Illinois Rules of Professional Conduct.

Following a hearing at which Respondent was represented by counsel, the Hearing Board found that Respondent knowingly made material false statements to the ARDC, which involved dishonesty, in violation of Rules 8.1(a) and 8.4(c), as charged in Count III of the complaint.

The Hearing Board also found that Respondent knowingly or recklessly made a false statement, during a phone conversation, impugning the integrity of a judge, but concluded that Respondent's statement did not violate Rule 8.2(a), as charged in Count IV of the complaint.

The Hearing Board found that the Administrator failed to prove Counts I and II of the complaint, which charged Respondent with posting false information and materials on the internet concerning the integrity of a judge. The Hearing Board's findings relating to Counts I and

II are not challenged on appeal, and the issues pertaining to those counts will not be addressed herein.

The Hearing Board recommended that, based on Respondent's false statements to the ARDC, Respondent be suspended for 60 days, and that she complete the ARDC's Professionalism Seminar within one year after the Court's final order of discipline.

Respondent appealed, challenging the Hearing Board's findings that Respondent made false statements to the ARDC, and asking that the complaint be dismissed, or in the alternative, that Respondent be reprimanded or censured. The Administrator cross-appealed, challenging the Hearing Board's legal conclusion that Respondent did not violate Rule 8.2(a) by knowingly or recklessly making a false statement impugning a judge's integrity.

For the reasons that follow, we affirm the Hearing Board's finding that Respondent knowingly made material false statements to the ARDC, which conduct involved dishonesty, in violation of Rules 8.1(a) and 8.4(c), as charged in Count III of the complaint. We also conclude that Respondent violated Rule 8.2(a) by knowingly or recklessly making a false statement impugning the integrity of a judge, as charged in Count IV of the complaint. We recommend that Respondent be suspended for 30 days, instead of 60 days, and that Respondent complete the ARDC's Professionalism Seminar within one year.

FACTS

The facts are fully set out in the Hearing Board's report and are summarized only to the extent necessary here.

Respondent

Respondent was licensed to practice law in Illinois in 2000 and was licensed to practice law in Oklahoma in 1987. At the time of the disciplinary hearing, she was practicing law

in Belleville, Illinois, with a focus on corporate law and healthcare law. Respondent previously worked as a corporate lawyer and was general counsel for a hospital. She has no prior discipline.

Respondent Set Up the Website "Fire the Liar Judge.com"

In the summer of 2018, Respondent got involved in a political campaign opposing Judge Andrew Gleeson's attempt to retain his judicial position in an election. Respondent had interactions with a group of people opposing the judge's retention. In approximately September 2018, the group decided to set up a website, and to communicate through Facebook. Respondent agreed to set up the website for the anti-retention group, which she did.

In September 2018, Respondent contacted GoDaddy and purchased the domain name "firetheliarjudge.com," which was the name chosen by the group. Respondent paid for the purchase through her PayPal account, using funds the group supplied. Respondent also purchased a GoDaddy web builder and designed and built the website.

When she set up the GoDaddy account and purchased the website, Respondent used the email address madeline.dinmont@charter.net. That email address belonged to Respondent. (She had a Dinmont terrier named Madeline). Respondent used the name Madeline Dinmont, and used a burner phone, in connection with the website. When she spoke to GoDaddy representatives, she identified herself as being Madeline Dinmont, instead of using her own name.

Respondent was actively involved with the website from September 2018 until early October 2018. Respondent testified that she did not write any of the content or post any pictures on the website. She testified that after she built the frame, she turned the website over to others. Respondent shut down the website in November 2018, after the election was over.

The anti-retention group also asked Respondent to establish a second website, which she did. Respondent purchased the domain name "firejudgegleeson.com" and linked the

two websites. She linked in two other websites as well. Respondent also gave the anti-retention group a Facebook page that she was no longer using. Former Judge Ronald Duebbert was in contact with the group.

Respondent was concerned about the information that members of the anti-retention group might post. Therefore, Respondent asked a representative of GoDaddy whether Respondent, as the website administrator, could review comments from other people before they were posted on the website. The GoDaddy representative said the platform was not set up to do so.

Respondent spoke with customer service representatives at GoDaddy about the website on at least four separate occasions. They helped her log-in, reset the password, upgrade the website to a business version, make payments, and establish an expiration date. GoDaddy assigned a default administrator's email address to Respondent, which she used.

In October 2018, statements and materials posted on the website and the Facebook page falsely accused Judge Gleeson of being part of racist white supremacy groups, including the Ku Klux Klan. Respondent testified that she did not post those statements or materials.

According to Respondent, she saw the offensive materials at the end of October 2018. Although she told someone else to take everything down, she did not take any other action for three weeks, until after the election was over, when she told GoDaddy to close the website.

Respondent's False Statement About a Judge

In September 2018, Respondent called GoDaddy for assistance, and spoke with a customer service representative at GoDaddy about the website. During the conversation, Respondent falsely stated: "I will tell you how evil it is. They've attempted to set up another judge

of a different political party for murder if that tells you anything …. And this is the guy who orchestrated it." (Adm. Ex. 6 at 14-15.) Respondent was referring to Judge Gleeson.

Respondent's 2019 ARDC Testimony

In July 2019, Respondent gave a sworn statement to the ARDC, with counsel present, and Respondent was asked questions about the website. Respondent testified that she did not set up the website; she did not know who set it up; and she did not control or manage it. Respondent testified that she provided basic information to people in the anti-retention group so that they could set up the website, but Respondent indicated that her role was very limited.

At the disciplinary hearing, Respondent testified that she did not intend to mislead counsel for the Administrator and did not knowingly respond to counsel's questions in an inaccurate way. The Hearing Board found that testimony was not credible.

HEARING BOARD'S FINDINGS AND SANCTION RECOMMENDATION

Misconduct Findings

The Hearing Board found that Respondent violated Rule 8.1(a), which provides that an attorney shall not knowingly make a false statement of material fact in connection with a disciplinary matter. Specifically, the Hearing Board found that Respondent knowingly made material false statements to the ARDC concerning her involvement in setting up and managing the Fire-the-Liar-Judge.com website, as charged in Count III of the complaint.

The Hearing Board also found that by making those false statements, Respondent violated Rule 8.4(c), which prohibits an attorney from engaging in conduct that involves dishonesty, fraud, deceit, or misrepresentation. The Hearing Board noted that by violating Rule 8.1(a), Respondent also violated Rule 8.4(c).

The Hearing Board found that Respondent did not violate Rule 8.2(a), which states that a lawyer shall not knowingly or recklessly make a false statement concerning the integrity of a judge. The Hearing Board found that Respondent knowingly or recklessly made a false statement impugning the integrity of a judge, but concluded that Respondent did not violate Rule 8.2(a), because Respondent did not name the judge, the statement was made in a limited context, and it was not related to a court proceeding.

Aggravation and Mitigation Findings

In mitigation, the Hearing Board found that Respondent was active in bar association work and civic organizations, provided *pro bono* services, taught college courses, contributed to professional journals, was involved in organizations designed to assist lawyers, and presented favorable character testimony. Respondent also had no prior discipline.

In aggravation, the Hearing Board found that Respondent facilitated individuals gaining access to online sites, even though she knew or should have known that those individuals might post inappropriate material. Subsequently, although Respondent saw the offensive posts made on those sites, Respondent did not take actual corrective action to ensure that the sites were down for three weeks, until the election was over. The Hearing Board was also troubled by Respondent's continued insistence that her responses in her 2019 ARDC testimony were true.

Recommendation

The Hearing Board recommended a 60-day suspension, with the condition that Respondent complete the ARDC Professionalism Seminar within one year.

ANALYSIS

On appeal, Respondent argues that the Hearing Board erred in finding that she knowingly made material false statements to the ARDC, in violation of Rules 8.1(a) and 8.4(c).

Specifically, Respondent argues that she did not intentionally provide false answers; her statements were not material; the Hearing Board's findings were based on uncharged conduct; and the Hearing Board shifted the burden of proof to Respondent.

Respondent must establish that Hearing Board's findings of fact are against the manifest weight of the evidence. *In re Timpone*, 208 Ill. 2d 371, 380, 804 N.E.2d 560 (2004). A factual finding is against the manifest weight of the evidence where 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). That the opposite conclusion is reasonable is not sufficient. *In re Winthrop*, 219 Ill. 2d 526, 542, 848 N.E.2d 961 (2006). We ordinarily give substantial deference to the Hearing Board's factual determinations and, in particular, those determinations concerning the credibility of witnesses, because the Hearing Board is able to observe the testimony of witnesses, and therefore is in a superior position to assess their demeanor and judge their credibility. *In re Wigoda*, 77 Ill. 2d 154, 158, 395 N.E.2d 571 (1979). The Hearing Board's legal conclusions, including the interpretation of disciplinary rules, are reviewed under a *de novo* standard. *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).

As an initial matter, Respondent argues that the appropriate standard of review is *de novo* concerning the Hearing Board's findings that Respondent made false statements to the ARDC. Respondent contends those findings are legal conclusions because they are based solely on the transcript of Respondent's 2019 ARDC testimony. That argument is unpersuasive.

The Hearing Board's findings on this issue were not based solely on the transcript of the 2019 ARDC testimony, they were also based on witness testimony at the disciplinary hearing, including Respondent's testimony, and therefore *de novo* review does not apply. Indeed,

the Hearing Board made factual findings concerning Respondent's intent, state of mind, credibility, and knowledge. *See In re Denison*, 2013PR00001 (Review Bd., May 28, 2015) at 3, *approved and confirmed*, M.R. 27522 (Sept. 21, 2015) ("[A] Hearing Board's finding as to whether a respondent knew his or her statements were false … is a finding of fact to which we must give deference."). Specifically, the Hearing Board found that Respondent knowingly made false statements during her 2019 ARDC testimony; Respondent made those false statements with the intention of misleading the ARDC; Respondent knew her statements were false; Respondent was not confused when she made those false statements; and Respondent's testimony to the contrary at the 2021 disciplinary hearing was not credible. Consequently, the standard of review is the manifest weight of the evidence. We find no basis to overturn the Hearing Board's findings that Respondent knowingly made material false statements to the ARDC, which conduct involved dishonesty, in violation of Rules 8.1(a) and 8.4(c).

1. The Hearing Board did not err in finding that Respondent knowingly made material false statements to the ARDC, which conduct involved dishonesty, in violation of Rules 8.1(a) and 8.4(c), as charged in Count III.

Respondent's testimony during her 2019 ARDC sworn statement included the following:

> Q. Okay. What do you know about the website firetheliarjudge.com?
>
> A. It was a website set up for the anti-retention campaign.
>
> Q. And who set it up?
>
> A. I don't know.
>
> Q. What role did you have in creating either the website or the domain name?
>
> A. I was asked how you go about setting up a domain name and I suggested that they go through GoDaddy.
>
> Q. When you say you were asked, who asked you
>
> A. Judge Duebbert.

Q. Okay. So did Judge Duebbert set up this website firetheliarjudge.com?

A. I don't know if he did it or if he had somebody else do it.

Q. You had no involvement in setting up the site?

A. No, and I didn't manage it either.

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Q. Okay. So my question is with regard to these entries on firetheliarjudge.com, did you have anything to do with creating, making, or responding to these entries?

A. No. I tried to help them set it up and then it was taken over by somebody who was a non-lawyer.

Q. Okay. And when you said you tried to help them set it up, who are you talking about?

A. Well, the people that were involved in the anti-retention campaign by telling them you can go to GoDaddy and they have templates, that kind of thing.

Q. Okay. And who was that? Who specifically are you talking about?

A. It was Judge Duebbert and his web person.

Q. Who was that?

A. I don't know. I don't even know when this was set up.

Q. Were you the domain -- did you own the domain name firetheliarjudge.com?

A. No.

Q. Did you set it up?

A. No, but I tried to help them set it up.

Q. Well, specifically what does that mean?

A. To get into GoDaddy and set up an account.

Q. But you didn't set up the account at GoDaddy?

A. No, nor did I have control over it.

Q. Do you know what e-mail address they used when they set up the firetheliarjudge.com?

A. I don't.

Q. Do you know if they used Madeline Dinmont's e-mail address?

A. I don't know.

***

Q. But you didn't have anything to do with setting up this website firetheliarjudge.com?

A. Peter, I told you I helped them. I showed them how to do it and then I told them I didn't want to be a party to it.

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Q. Who paid for the GoDaddy, when they register a domain like firetheliarjudge.com, somebody has to pay for that registration. Who did that?

A. I don't recall.

Q. Was it you?

A. It may have been. I don't recall. It was done one evening.

Q. What do you recall about that evening?

A. It was the whole evening where we switched over the Facebook page and they set up the account.

Q. The firetheliarjudge.com account?

A. Yes, or thereabouts.

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Q. [By Respondent's attorney]: [You deleted the e-mail address in the] Fall of 2018?

A. Yeah. I mean, Peter, I'm not a fan of Judge Gleason .... Yeah, I did help them try to set stuff up.

***

Q. [By Respondent's attorney]: And as far as this GoDaddy setting up, you assisted these people in setting up this account because you had some knowledge about that and they did not?

A. That's correct.

(Adm. Ex. 6 at 35-41, 46-47, 52.)

The Hearing Board Correctly Found That Respondent Knowingly Made False Statements

Respondent argues that the Hearing Board erred in finding that Respondent knowingly made false statements during her 2019 ARDC testimony. Respondent asserts that she testified truthfully; she did not understand the questions; and she was confused. Those arguments fail.

The Hearing Board found that Respondent intentionally falsely represented that she did not set up the website; she did not know who set up the website; she did not know when the website was set up; she did not manage or have control over the website; and she did not know what email address was used to set up the website. The Hearing Board concluded that the evidence "clearly established that Respondent's … statements were false, and Respondent knew they were false when she gave her sworn statement in July 2019." (Hearing Bd. Report at 21.) We agree.

Respondent also argues that the questions were unclear. The Hearing Board correctly rejected that argument, noting the questions were posed in simple, ordinary language.

Respondent further argues that three terms – "set up", "manage," and "control" – were imprecise and called for legal conclusions. That argument is unpersuasive. Respondent was the first one to use the term "set up." Respondent was asked what she knew about the website, and she said: "It was a website set up for the anti-retention campaign"; Respondent was then asked: "And who set it up", and she said: "I don't know." (Adm. Ex. 6 at 35.) There was nothing imprecise about that exchange, and it did not call for a legal conclusion. Additionally, Respondent was the only one who used the terms "manage" and "control." (*Id.* at 36, 38.)

Respondent next argues that her answers to two of the questions were true because she was disagreeing with the statements in the questions. We reject that argument based on the

plain language and the context of those questions and answers. Specifically, Respondent was asked the following question and gave the following answer:

> Question: You had no involvement in setting up the site?
>
> Answer: No, and I didn't manage it either.

(Adm. Ex. 6 at 36.) Respondent had just finished testifying that she did not know who set up the website, and she subsequently claimed that other people set up the website. Respondent's argument ignores the second half of her answer, in which she used the word "either." Respondent's answer was that she had no involvement in setting up the website and she did not manage it either.

Respondent was also asked the following question and gave the following answer:

> Question: But you didn't set up the account at GoDaddy?
>
> Answer: No, nor did I have control over it.

(*Id*. at 38.) In this testimony, Respondent denied she set up the website account. Respondent's argument again ignores the second half of her answer, in which she used the word "nor." Respondent's answer was that she did not set up the account, nor did she have control over it. Respondent's argument offers a twisted version of her testimony, where "no" means "yes." We do not accept that argument.

Thus, we conclude that, in her 2019 testimony, Respondent falsely testified that she did not set up the website; she did not control or manage the website; she did not know who set up the website; she did not know when the website was set up; other people set up the website; she did not know what email address was used when someone else set up the website; and her role was limited to helping other people set up the website by giving them basic advice. None of that was true. The Hearing Board did not err in finding that Respondent knowingly made false statements.

The Hearing Board properly found that Respondent's statements were material

Respondent argues that her statements were not material to the ARDC's investigation. That argument is unpersuasive. The Hearing Board found that Respondent's false statements were material. Specifically, the Hearing Board stated that "Respondent's answers sought to inaccurately minimize her involvement with the Fire the Liar website." (Hearing Bd. Report at 22.) We agree.

False statements "are material if they are important or of consequence to an issue in the matter." *In re Woller*, 2016PR00089 (Hearing Bd. May 8, 2017) at 17, *approved and confirmed*, M.R. 028809 (Sept. 22, 2017); *see also In re Field*, 2018PR00015 (Hearing Bd., Sept. 3, 2020) at 16, *approved and confirmed*, M.R. 30536 (Jan. 21, 2021) ("A lawyer who appears for a sworn statement in the Administrator's investigation of the lawyer's conduct and knowingly testifies falsely about matters pertinent to the investigation violates Rule 8.1(a).").

Respondent asserts that the "material issue during the investigation, at the time of the sworn statement, was who made the negative posts about Judge Gleeson." (Respondent's Brief at 5.) We note that in order to determine who posted the negative materials, it was necessary to determine who had access to the website and could have posted the offensive materials on that site. Respondent's false testimony essentially established that she did not have access to the website and therefore could not have posted the offensive materials. Her false testimony supported her claim that she did not post the offensive materials on the website. *See In re Haime*, 2014PR00153 (Hearing Bd., March 9, 2016) at 25, *affirmed*, (Review Bd., Nov. 29, 2016), *approved and confirmed*, M.R. 28532 (Mar. 20, 2017) (attorney's "false statements were material, because they arguably supported [his] claim that he did not intentionally mislead" his clients). Respondent's false statements concerning the website were material.[1]

Additionally, Respondent also effectively misdirected the investigation by testifying that someone else set up the website. Respondent testified that it was the anti-retention group, or former Judge Duebbert and his web person that set up the website. Specifically, when asked who it was that she helped to set up the website, Respondent stated, "Well, the people that were involved in the anti-retention campaign …. [and specifically] Judge Duebbert and his web person …. I showed them how to do it and then I told them I didn't want to be a party to it …. [and] they set up the account.") (Adm. Ex. 6 at 37, 39, 41.) Those false statements were also material.

In setting up the website, Respondent used a fictitious name (Madeline Dinmont), rather than her own name; she used a burner phone that was not associated with her; she used an email address in the name of Madeline Dinmont; and when she spoke to GoDaddy representatives, she falsely identified herself as being Madeline Dinmont. Consequently, Respondent had reason to believe that her role in setting up the website would not be discovered, since the name, phone number, and email address that she used would not lead directly back to her.

The Hearing Board did not err in finding that Respondent's false statements were material

The Hearing Board Did Not Base Its Findings on Uncharged Conduct

Respondent argues that the Hearing Board based its findings of misconduct on uncharged conduct, namely, based on Rule 8.1(b), which prohibits a lawyer from failing to disclose a fact necessary to correct a misapprehension which has arisen in a matter; and Rule 3.3, which requires candor to a tribunal by an attorney who is representing a client. Respondent argues that because she did not make any false statements, the Hearing Board improperly found instead that she had failed to provide additional information, which does not violate Rule 8.4(c). That argument fails.

As stated above, the Hearing Board correctly found that Respondent intentionally made false statements. The Hearing Board's findings were based on Respondent's false answers, as the Hearing Board clearly explained. The Hearing Board found that Respondent violated Rules 8.1(a) (making a false statement) and 8.4(c) (dishonesty), as charged in the complaint, and the Hearing Board did not need to look further than those two rules to find misconduct.

The Hearing Board Did Not Shift the Burden of Proof to Respondent

Respondent next argues that the Hearing Board shifted the burden of proof to Respondent. That argument has no merit. The Hearing Board stated, "Respondent suggests that she understood counsel's questions restrictively. The questions, however, were posed in simple, ordinary language. Respondent, an experienced lawyer, could have asked for clarification if the questions truly had been confusing or seemed to require a more technical response." (Hearing Bd. Report at 22.) Respondent argues the Hearing Board shifted the burden of proof to Respondent by stating that Respondent could have asked for clarification.

The Hearing Board did not shift the burden. The Hearing Board was simply explaining that, when Respondent testified falsely, her testimony did not show that she was confused or misunderstood the questions. If Respondent had truly been confused, there were a number of things Respondent could have done – or was likely to have done – that may have indicated that she did not understand the questions. For example, Respondent could have asked to have the questions rephrased or repeated; she could have stated that she did not understand the questions; she could have asked for time to speak to her attorney; or, as the Hearing Board stated, she could have asked for clarification. The Hearing Board was commenting on the evidence, not shifting the burden.

Additionally, the Hearing Board did not impose any obligation on Respondent to ask for clarification or to take any other action. The Hearing Board said Respondent could have asked for clarification, not that she should have done so or was required to do so.

Moreover, the Hearing Board very clearly stated that "the Administrator has the burden of proving the misconduct charged by clear and convincing evidence" (Hearing Bd. Report at 3), and that "Respondent does not have the burden of proof." (*Id*. at 11.) Thus, the Hearing Board did not shift the burden of proof.

In sum, the Hearing Board did not err in finding that Respondent knowingly made material false statements to the ARDC, which conduct involved dishonesty, in violation of Rules 8.1(a) and 8.4(c), as charged in Count III of the complaint.

2. Respondent Violated Rule 8.2(A) by Knowingly or Recklessly Making a False Statement Concerning the Integrity of a Judge.

The Administrator argues that the Hearing Board erred as a matter of law in finding that Respondent did not violate Rule 8.2(a), which prohibits a lawyer from knowingly or recklessly making a false statement concerning the integrity of a judge. Respondent contends that the Hearing Board's ruling was correct and should be affirmed. This issue raises questions of law which we review under a *de novo* standard. *See In re Thomas*, 2012 IL 113035, ¶ 56 (2012); *In re Morelli*, 01 CH 120 (Review Bd., March 2, 2005) at 10, *approved and confirmed*, M.R. 20136 (May 20, 2005). Applying the *de novo* standard, we conclude that Respondent violated Rule 8.2(a).

Rule 8.2(a) states: "A lawyer shall not make 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." The purpose of Rule 8.2(a) is to prevent unfairly undermining the public's confidence in the administration of justice. *See* Rule 8.2, Comment 1.

On September 17, 2018, Respondent (the Caller) spoke to a GoDaddy customer service representative (the Operator) about the Fire-the-Liar-Judge website, and the conversation, which was recorded, included the following:

OPERATOR: Thanks for calling email sales and support. This is Donna. Who am I speaking with, please?

CALLER: Donna, this is Madeline Dinmont .... I keep trying to get the email to work on this website and it keeps saying that I put in the wrong password. . . .

OPERATOR: Okay .... This is for the administrator@firetheliarjudge .com?

CALLER: Yes, ma'am.

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CALLER: There's a lot of activity on it [the website], as you can see.

OPERATOR: Yeah. That's good. So are you going beyond October with this? ….

CALLER: …. we will go ahead – we wanted to see how it went. And there's been so much activity, yes, we're going to pay to extend it.

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CALLER: Because we're just needing this through like December.

OPERATOR: That's why you want to go month to month?

CALLER: Yeah.

OPERATOR: Makes sense.

CALLER: Because the election will be over the 5th.

OPERATOR: Yeah. And you hope these people read it and do the right thing, right?

CALLER: If only you knew.

OPERATOR: I was glancing through the website, so I hear you.

CALLER: No. I mean, it's not a very nice person. And he's done a lot of things to hurt a lot of people. So that's part of the reason that we're getting all the crank calls.

OPERATOR: That's too bad.

CALLER: You know, this part of the United States, politics is a blood sport.

OPERATOR: True.

CALLER: I mean, I will tell you how evil it is. They've attempted to set up another judge of a different political party for murder if that tells you anything.

OPERATOR: Wow.

CALLER: And this is the guy who orchestrated it.

OPERATOR: That's crazy.

CALLER: So we had the Department of Justice in here. No, I'm not kidding you.

OPERATOR: You wonder how people like that stay elected.

CALLER: Well, that's what we're working on. And frankly, I've never practiced law in a jurisdiction where it was like this.

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CALLER: …. You can look at the website. It's not controversial. It just basically says we want to have integrity in the judicial system. Wow, what a novel concept.

OPERATOR: Well, that's what it's supposed to be about. So I wish you great luck with it. (inaudible).

CALLER: Well, all you can do is try. And you know, it's – I don't think I've ever seen anything so vicious. But I appreciate it.

(Adm. Ex. 1 at 1, 12, 14-15, 17-18.)

During the conversation set forth above, Respondent stated, "They've attempted to set up another judge of a different political party for murder .... And this is the guy who orchestrated it." (*Id*. at 14-15.) The Hearing Board found that Respondent was talking about Judge Andrew Gleeson when she said, "this is the guy who orchestrated it." The Hearing Board also found that the statement was false, and Respondent knew, or recklessly disregarded, that it was false.

The Hearing Board, however, found that Respondent did not violate Rule 8.2(a), stating, "While false and baseless, Respondent's comment was made in a very limited context, unrelated to any court proceeding, and did not identify anyone by name. Given these circumstances, the statement did not violate Rule 8.2(a)." (Hearing Bd. Report at 22-23.) For the reasons set forth below, we conclude that Respondent did violate Rule 8.2(a).

The Evidence Established a Violation of Rule 8.2(A)

Respondent argues that she did not violate Rule 8.2(a) because she did not specifically identify the judge by name. That argument is not persuasive.

There was sufficient evidence at the disciplinary hearing to identify Judge Gleeson as the judge being accused of unethical behavior. The Hearing Board stated, "We know in hindsight that Respondent was referring to Judge Gleeson." (Hearing Bd. Report at 25.) The Hearing Board also found that Respondent's statements about Judge Gleeson "were false, and Respondent had no reasonable basis to believe they were true." (*Id.* at 24.) Because the evidence established the identity of the judge, it was possible to prove that Respondent's statement was false, and Respondent knew, or recklessly disregarded, that it was false, as required by Rule 8.2(a). This is not a case where the identity of the judge could not be determined based on the evidence at the disciplinary hearing, or where the falsity of the statement could not be established because the identity of the judge was unknown.

Rule 8.2(a) requires only two things: (1) that the lawyer made a false statement concerning the integrity of a judge; and (2) that the lawyer knew, or recklessly disregarded, that the statement was false. The Rule 8.2(a) requirements were satisfied in this case because the evidence at the disciplinary hearing showed, and the Hearing Board found, that: (1) Respondent made a false statement concerning the integrity of a judge – the judge was Judge Gleeson, and the statement was false because Judge Gleeson did not attempt to frame an innocent person; and (2)

Respondent knew, or recklessly disregarded, that her statement was false, since there was no reasonable basis to believe the statement was true. Thus, Respondent violated Rule 8.2(a), even though she did not identify the judge by name.[2]

Respondent also argues that she was joking and being sarcastic when she said that Judge Gleeson had orchestrated the attempt to frame someone for murder. Respondent testified as follows:

> Question: When you spoke to the operator, was it your intention to damage or impugn the integrity of Judge Gleeson?
>
> Answer: No. I actually made the – he was – it was a joke in bad form because I was referring back to his original complaint against me, and it was completely sarcastic.

(Tr. at 310-11) (acknowledging that she was talking about Judge Gleeson).

The Hearing Board properly rejected the argument that Respondent was joking, stating that "no such intent would have been apparent at the time." (Hearing Bd. Report at 24.) We agree. As noted above, Respondent said, "They've attempted to set up another judge of a different political party for murder .... And this is the guy who orchestrated it." (Adm. Ex. 1 at 14-15.) Based on the plain language of that false statement, and the context in which it was made, there is not even the slightest hint that Respondent was joking or being sarcastic.

Respondent's false assertion that a judge, acting with blatant disregard for the law, was orchestrating an attempt to illegally frame an innocent person for murder is an extraordinarily serious accusation that directly attacks the integrity of the judiciary. Respondent's false statement had the potential to tarnish the legal system's reputation and unfairly undermine the public's confidence in the administration of justice.

Rule 8.2(A) Does Not Require That the False Statement be Made to More Than One Person

Respondent next argues that she did not violate Rule 8.2(a) because she made the statement to only one person, and the statement was not broadly published. Rule 8.2(a), however, does not require that the statement be made to multiple people or widely published. The Rule applies even if the false statement is made to only one other person. *See In re Garringer*, 626 N.E.2d 809, 812 (Ind. 1994) ("Violation does not require that such statements be dispersed among the general public. It is enough that the statements are publicized to another individual."); *Attorney Grievance Commission v. Hermina*, 842 A.2d 762, 771-72 (Md. 2004) (attorney violated Rule 8.2(a) by sending a letter to opposing counsel falsely accusing the judge of having *ex parte* communications with opposing counsel).

Respondent also argues she was not trying to influence anyone. Again, Rule 8.2(a) does require proof that the attorney who made the false statement was attempting to influence someone.

By making the false statement to another person, Respondent exposed the judiciary to distrust, disdain, and criticism by that person. Moreover, nothing prevented the GoDaddy representative from repeating Respondent's false accusation to others.

Rule 8.2(A) Does Not Require That the False Statement be Made in Connection With a Court Proceeding or in a Professional Capacity

Respondent further argues that she did not violate Rule 8.2(a) because she did not make the false statement in connection with a judicial proceeding or while she was acting in a professional capacity. That argument fails.

Rule 8.2 does not include language limiting the misconduct to statements that involve court proceedings, representing clients, or acting in a professional capacity. Other Rules do explicitly identify such requirements, including the following: Rule 1.3 (diligence in

representing a client); Rule 3.1 (making frivolous claims in a proceeding); Rule 3.3 (candor toward a tribunal, including during a proceeding); Rule 3.4 (fairness to opposing party and counsel); Rule 3.5(b) (ex parte communications during a proceeding); Rule 4.1(a) (truthfulness in statements in the course of representing a client); Rule 4.2 (while representing a client, communicating with a person represented by counsel); and Rule 4.4 (respect for the rights of third persons, while representing a client). *See also Notopoulos v. Statewide Grievance Committee*, 890 A.2d 509, 519 (Conn. 2006) ("Neither the language of rule 8.2(a) nor the commentary associated with it clearly suggests that the rule should apply only to attorneys' professional, as opposed to personal or pro se, statements."); Preamble to the Rules of Professional Conduct (2010) ("A lawyer's conduct should conform to the requirements of law, both in professional service to clients and in the lawyer's business and personal affairs …. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges.").

In sum, we conclude that Respondent violated Rule 8.2(a) even though she did not identify the judge by name; she made the false statement to only one person; she was not trying to influence anyone; she did not make the false statement in connection with a judicial proceeding; and she was acting in her personal capacity. We conclude that Rule 8.2(a) does not require that those factors be proven in order to establish a violation, as long as the evidence shows, as it did in the instant case, that the attorney made a false statement concerning the integrity of a judge, and the attorney knew or recklessly disregarded that the statement was false.

Respondent's False Statement is Not Protected by the First Amendment

Finally, Respondent argues that her false statement concerning the judge is protected by the First Amendment. That argument is not supported by the law.

It is well-established that lawyers have no first amendment protection from discipline for knowingly or recklessly making false statements impugning the integrity of a judge.

See In re Sides, 2020PR00047 (Review Bd., March 29, 2022) at 10, *approved and confirmed*, M.R. 031287 (Sept. 21, 2022) ("[I]t is well-established in Illinois that lawyers have no First Amendment protection from discipline for making baseless accusations impugning the integrity of judges."); *In re Cohn*, 2018PR00109 (Hearing Bd., Oct. 9, 2020) at 12-13, *affirmed*, (Review Bd., Oct. 9, 2020), *petitions for leave to file exceptions allowed*, M.R. 030545 (Jan. 21, 2021) ("[A] long line of cases holds that Rule 8.2(a) does not violate the Constitution."); *In re Hoffman*, 08 SH 65 (Review Bd., June 23, 2010) at 17, *petition for leave to file exceptions denied*, M.R. 24030 (Sept. 22, 2010) ("It has long been established that attorneys' first amendment rights do not extend to false statements made with knowledge of their falsity or with reckless disregard for the truth."). Thus, the First Amendment does not protect Respondent's statement impugning the integrity of a judge, which Respondent knew or recklessly disregarded was false.

SANCTION RECOMMENDATION

The Hearing Board recommended that Respondent be suspended for 60 days, and that she complete the ARDC's Professionalism Seminar within one year. Respondent argues that a 60-day suspension is too harsh. The Administrator argues that the Hearing Board's recommendation is appropriate.

We review the Hearing Board's sanction recommendations based on a *de novo* standard. *See In re Storment*, 2018PR00032 (Review Bd., Jan. 23, 2020) at 15, *petition for leave to file exceptions denied*, M.R. 30336 (May 18, 2020). In making our 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, 802 N.E.2d 1194 (2003), while keeping in mind that the purpose of discipline is not to punish 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, 623 N.E.2d 300 (1993). We also consider the deterrent value of attorney discipline and whether the sanction will help preserve public confidence in the legal profession. *Gorecki*, 208 Ill. 2d at 361. Finally, we seek to recommend a sanction that is consistent with sanctions imposed in similar cases, *Timpone*, 157 Ill. 2d at 197, while considering the case's unique facts. *In re Witt*, 145 Ill. 2d 380, 398, 583 N.E.2d 526 (1991).

For the reasons set forth below, and in light of the substantial mitigating evidence presented, we conclude that a 30-day suspension is the appropriate sanction in this matter, and that a 60-day suspension is longer than necessary.

Respondent argues that a reprimand or censure should be imposed. We disagree based on the serious nature of Respondent's misconduct, and the aggravating factors in this matter. As discussed above, Respondent intentionally made false statements of material fact during the ARDC's investigation in order to mislead the ARDC, and she knowingly or recklessly made a false statement impugning the integrity of a judge, in which she accused the judge of attempting to frame an innocent person of murder. We agree with the Hearing Board that "Respondent's misconduct deserves some period of suspension, to impress upon Respondent and the bar as a whole the need for honesty in responding to the ARDC." (Hearing Bd. Report at 29.)

Respondent also failed to acknowledge that she intentionally made false statements to the ARDC. The Hearing Board stated, "We are troubled by Respondent's continued insistence in claiming that her responses at her sworn statement were true. They very clearly were not." (*Id*. at 28.) The Hearing Board also found that Respondent's testimony at the disciplinary hearing concerning her intent was not credible, stating, "Respondent asserts that she did not intend to mislead counsel for the Administrator and did not knowingly respond to counsel's questions in an inaccurate way …. We did not find that portion of Respondent's testimony credible." (*Id*. at 22.)

Respondent's failure to accept responsibility and express remorse for making false statements to the ARDC is an aggravating factor. *See In re Stroth,* 2019PR00065 (Hearing Bd., April 12, 2021), at 19, *approved and confirmed*, M.R. 30839 (Sept. 23, 2021) ("A failure to recognize one's own wrongdoing is appropriately considered in aggravation.").

The Hearing Board also pointed out that Respondent facilitated access to online sites for individuals in the anti-retention group, even though Respondent was concerned that members of that group would post inappropriate materials on the website, which they did. Additionally, after Respondent saw the offensive materials, Respondent allowed the website to remain active for three weeks, until after the election was over, before she directed GoDaddy to shut down the website. The Hearing Board found these actions to be an aggravating factor. We agree.

Finally, the Hearing Board found it aggravating that Respondent served as a Hearing panel judge for disciplinary cases in Oklahoma, and served on the ARDC's Character and Fitness Committee, because Respondent should have been extremely aware of the need to be honest with the ARDC. *See In re Hall*, 09 SH 23 (Review Bd., Jan. 4, 2012) at 21-22, *petitions for leave to file exceptions allowed*, M.R. 25193 (May 18, 2012) (attorney's service as an ARDC Hearing Board member was an aggravating factor because it should have given him a heightened awareness of the need to avoid dishonest behavior, and his misconduct may negatively impact the public's view of the disciplinary system).

In light of the serious nature of the misconduct, and the aggravating factors, we believe that a suspension is warranted, rather than a censure or reprimand. We do not believe, however, that the suspension needs to exceed 30 days, given the extensive and compelling mitigation that was presented in this matter, which includes the following:

- Respondent has practiced law for more than 30 years, without any prior discipline, and has had a distinguished and unblemished legal career.

- The Hearing Board identified numerous mitigating factors, including that Respondent was active in bar association work and civic organizations; she provided *pro bono* services; she taught undergraduate and graduate courses; she contributed to professional journals; and she was involved in organizations designed to assist other lawyers.

- There are additional mitigating factors, not specifically identified by the Hearing Board, including that Respondent provided legal services to a charitable organization that protects children; she served on various health boards; she acted as a foster parent; she was appointed by the court to perform guardianship work for children and adults in at least fifty cases; and she worked as a licensed EMT during the pandemic.

- Five individuals testified on Respondent's behalf concerning her good character. Those witnesses included the former General Counsel for the Oklahoma Bar Association; the former Emergency Room Director at Memorial Hospital, where Respondent worked as General Counsel for 13 years; a former administrator at Lindenwood University where Respondent taught as an adjunct professor; and two attorneys. The witnesses described Respondent as being a dedicated hard-working attorney with a reputation for honesty and integrity.

- Respondent's misconduct did not relate to a court proceeding, did not involve the representation of clients, and did not harm any clients.

- Respondent's misconduct was not financially motivated; she did not receive any attorney's fees in connection with her misconduct; and she did not benefit financially by working with the anti-retention group or setting up the website.

- The nature, scope, and duration of Respondent's misconduct was very limited. Respondent got involved with the anti-retention group for a short period of time, and she expressed regret for doing so. Respondent's false statements to the ARDC pertained solely to one issue, namely, the website. Respondent made the false statement impugning the integrity of a judge during the time she was working with the anti-

> retention group, and she made that statement in a very limited context, to only one person, on one occasion, and unrelated to any judicial proceeding. Respondent has acknowledged that she should not have made that statement.

We give significant weight to the factors set forth above in determining the appropriate sanction. We conclude, however, that the mitigating factors here are insufficient to avoid a period of suspension. We believe a 30-day suspension is sufficient, but not longer than necessary, to serve the purposes of discipline, including preserving public confidence in the legal profession and deterring other attorneys.

In considering the appropriate sanction, the Hearing Board cited two cases involving false statements to the ARDC. *See In re Haime*, 2014PR00153 (Review Bd., Nov. 29, 2016), *approved and confirmed*, M.R. 28532 (Mar. 20, 2017) (60-day suspension where the attorney made false statements to the ARDC, failed to act diligently, failed to communicate with a client, and prejudiced the administration of justice); *In re Cooper*, 2014PR00166 (Review Bd., Nov. 4, 2016), *approved and confirmed*, M.R.28490 (March 20, 2017) (90-day suspension where the attorney made false statements to the ARDC, engaged in the unauthorized practice of law, and failed to acknowledge his misconduct). Although *Haime* and *Cooper* are similar in some ways to the instant matter, the nature, scope, and duration of Respondent's misconduct in this case was more limited than the misconduct in those cases. Moreover, unlike the misconduct in those cases, Respondent's misconduct did not relate to the representation of a client or a court proceeding. Consequently, we believe Respondent's conduct was less egregious than the misconduct in those cases.

The Hearing Board also cited *In re Stroth*, 2019PR00065 (Hearing Bd., April 12, 2021), *approved and confirmed*, M.R. 30839 (Sept. 23, 2021), in which the attorney was suspended for 30 days. In *Stroth*, the attorney failed to pursue a client's personal injury case and made false

representations to the client, including that the case was settled. The attorney gave the client $100 as a loan in anticipation of the settlement, and then gave the client $1,000 as purported settlement funds. The attorney made false statements to the ARDC, falsely describing his contacts with the insurance company, and falsely describing the purpose of the funds he gave his client. The attorney did not fully accept responsibility or fully acknowledge his wrongdoing.

In *Stroth*, as in the instant matter, the attorney's misconduct in making false statements to the ARDC was serious; there was also additional misconduct; and there were aggravating factors. In that case, as in this one, the attorney failed to fully acknowledge his wrongdoing, particularly the dishonest elements of the misconduct; and the Administrator proposed a 60-day sanction. In *Stroth*, there was substantial mitigating evidence, as in this case, which included extensive community service, *pro bono* work, a lack of prior discipline, very favorable character testimony, and the misconduct related to only one matter.

Given the similarity between the two cases, we believe that a 30-day suspension is appropriate in the instant matter. *See also In Re Allen*, 2018PR00023 (Oct. 17, 2018) *discipline on consent approved*, M.R.029564 (Dec. 6, 2018) (30-day suspension for failing to act diligently; lying to a client concerning the status of her immigration application; and making a false statement to immigration authorities; in mitigation, the attorney expressed remorse, cooperated with the ARDC, had no prior discipline, had a death in the family at the time, and made restitution).

We believe that *In re Mellonig*, 2011PR00142 (Hearing Bd., April 13, 2013), in which the attorney was reprimanded, also provides guidance, although we believe that Respondent's conduct in this matter was more serious. In *Mellonig*, the attorney made false statements to a court on two separate occasions, falsely representing that he was co-counsel for a party. The attorney also made false representations to the ARDC concerning that matter.

Mitigating evidence included community service, donations to conservation groups, no client was harmed, the attorney had no prior discipline, and there was testimony from character witnesses. Unlike the instant matter, the attorney acknowledged the wrongfulness of his conduct and expressed remorse, and there were no aggravating factors or additional misconduct. Consequently, we believe that Respondent's misconduct is more serious than the misconduct in that case and therefore warrants a suspension. However, given that the attorney in *Mellonig* was reprimanded for similar conduct, we believe that the suspension in this case should not exceed 30 days.

In recommending a 30-day suspension, we have also taken into consideration Respondent's false statement concerning a judge. Cases in which attorneys have made false statements impugning the integrity of a judge, which are similar to the instant matter, have resulted in a reprimand or a censure. *See In re Harrison*, 06 CH 36 (Review Bd., Oct. 14, 2008), *approved and confirmed*, M.R. 22839 (March 16, 2009) (attorney was censured for falsely accusing a judge and an Assistant State's Attorney of obstruction of justice, malicious prosecution, and conspiracy); *In re Barringer*, 00 SH 80, *petition to impose discipline on consent allowed*, M.R. 17621 (Sept. 21, 2001) (attorney was censured for making false statements concerning a judge's conducting an *ex parte* interview, holding someone in contempt, and the judge's personal finances): *In re Riordan*, 824 N.W.2d 441 (Wis. 2012) (attorney was reprimanded for falsely stating that a judge was biased, the judge was covering up the violation of the attorney's rights; and the judge was abusing his power). Thus, we do not believe that Respondent's false statement concerning a judge requires a longer suspension.

We therefore recommend that Respondent be suspended for 30 days. We find this recommended sanction to be commensurate with Respondent's misconduct, consistent with

discipline that has been imposed for comparable misconduct, and sufficient to serve the goals of attorney discipline, act as a deterrent, and preserve the public's trust in the legal profession.

CONCLUSION

For the foregoing reasons, we recommend that Respondent be suspended from the practice of law for 30 days, and that she be required to complete the ARDC's Professionalism Seminar within one year after the Court's final order of discipline.

Respectfully submitted,

Charles E. Pinkston, Jr.
Bradley N. Pollock
Michael T. Reagan

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 October 13, 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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[1] At the 2021 disciplinary hearing, Respondent offered the same defense (no access) concerning the offensive materials posted on the Facebook page. The Hearing Board stated, "According to Respondent's testimony, as of October 23, 2018, she no longer had the log-in information for the Madeline Dinmont Facebook page. We question that portion of Respondent's testimony, particularly as Respondent knew that the Facebook page used the same log-in information as the Fire the Liar website and Respondent was later able to access the website." (Hearing Bd. Report at 17.)

[2] In arguing that there is no violation of Rule 8.2(a) unless the judge is named, Respondent cites Attorney Grievance Commission of Maryland v. Dyer & Gray, 162 A.3d 970 (Md. 2017), in which two attorneys made false statements concerning the circuit court, various judges, and other officials

in various documents, including an appellate filing, in which they made false statements about the circuit court, without naming a specific judge. That case, however, is inapposite. The court in that case found there was no violation of Rule 8.2(a) because "Respondents' statements did not constitute knowingly false statements." Id. at 1023. The court concluded that the attorneys' "statements were based on the circumstances of the underlying litigation …. and their assessment was based on the circuit court" having taken specific actions. Id. In response, the Administrator cites In re Harrison, 06 CH 36 (Hearing Bd., July 12, 2007), affirmed, (Review Bd., Oct. 14, 2008), approved and confirmed, M.R. 22839 (March 16, 2009), in which an attorney violated Rule 8.2(a) by filing a motion falsely accusing a judge of misconduct, but without identifying the judge by name. We note, however, the failure to name the judge was not an issue in that case. Neither case specifically addresses the question of whether Rule 8.2(a) can be violated when the name of the judge is not identified. We conclude that it can.

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

In the Matter of: **MARGARET JEAN LOWERY,** Respondent-Appellant, No. 6271777.	Commission No. 2020PR00018

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

I, Michelle M. Thome, hereby certify that I served a copy of the Report and Recommendation of the Review Board on the parties listed at the addresses shown below by e-mail service on October 13, 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.

Adrian M. Vuckovich
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Respondent-Appellant
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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/ Michelle M. Thome
By: Michelle M. Thome
Clerk

FILED

October 13, 2022

ARDC CLERK