

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

FILED
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ARDC Clerk

In the Matter of:

DAVID P. KAMINSKI,

Attorney-Respondent,

No. 6243214.

Commission No. 2023PR00062

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Richard Gleason, pursuant to Supreme Court Rule 761(c), complains of Respondent, David P. Kaminski, who was licensed to practice law in Illinois on November 6, 1997, and alleges that Respondent has engaged in the following conduct, and which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Criminal Convictions for Domestic Battery and Interfering with the Reporting of Domestic Violence)

1. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/12-3.2(a)(1) of the Illinois Compiled Statutes, which made it a Class A misdemeanor offense to cause bodily harm to a family or household member.

2. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/12-3.2(a)(2) of the Illinois Compiled Statutes, which made it a Class A misdemeanor offense to knowingly and without legal justification make physical contact of an insulting or provoking nature with a family or household member.

3. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/12-3.5(a), which made it a Class A misdemeanor offense to knowingly prevent a witness or victim of domestic violence from calling the 9-1-1 emergency

telephone system, obtaining medical assistance, or making a report to a law enforcement agency.

4. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/10-3, which made it a Class A misdemeanor offense to knowingly and without authority attempt to restrain or detain another individual.

5. On July 4, 2020 at approximately 9:30 am, Respondent was present in his home located in Elgin. Respondent's wife was also present in the home. While Respondent and his wife were located in the kitchen of their home, Respondent began to berate his wife, including but not limited to yelling at her and calling her a "dumb fuck."

6. Respondent then took pasta from the kitchen sink and shoved the pasta into his wife's face, causing bruising to her lip. Respondent's wife began to cry, and told Respondent that she wanted to call the police. Respondent took his wife's phone and placed the phone in his pocket. Respondent refused to provide his wife with her phone, and attempted to persuade her not to call the police.

7. Respondent's wife repeatedly asked Respondent for her phone, and Respondent repeatedly refused to give it to her. Respondent's wife attempted to leave the house so that she could get help, and Respondent prevented her from doing so by blocking the exits to the home with his body and by grabbing her wrists. Respondent's wife was eventually able to obtain her phone and call the police.

8. Elgin police arrived on scene at approximately 10:00 am on July 4, 2020. After interviewing both Respondent's wife and Respondent, and making observations of Respondent's wife's condition and the condition of the kitchen, Elgin police officers placed Respondent under arrest.

9. On the same day, Elgin police officers filed a four-count criminal complaint against Respondent in the DuPage County Court. Count 1 of that complaint charged Respondent with domestic battery for causing bodily harm to his wife, in violation of Chapter 720, Section 5/12-3.2(a)(1) of the Illinois Compiled Statutes. Count 2 charged Respondent with domestic battery for knowingly and without authority or justification making contact of an insulting or provoking nature with his wife, in violation of Chapter 720, Section 5/12-3.2(a)(2) of the Illinois Compiled Statutes. Count 3 charged Respondent with interfering with the reporting of domestic violence when he refused to return to his wife her phone, in violation of Chapter 720, Section 5/12-3.5(a). Count 4 charged Respondent with attempt unlawful restraint when Respondent blocked his wife's exit from the house to prevent her from leaving it, in violation of Chapter 720, Section 5/10-3 of the Illinois Compiled Statutes. The DuPage County Clerk of Court assigned the matter case number 2020DV000781.

10. On June 1, 2021, the DuPage County State's Attorney's Office filed a Superseding Information in case number 2020DV000781, described in paragraph nine, above. The Superseding Information charged Respondent with six criminal counts arising from Respondent's actions on July 4, 2020. Count 1 alleged that Respondent caused bodily harm to his wife by striking her about the face, in violation of Chapter 720, Section 5/12-3.2(a)(1) of the Illinois Compiled Statutes. Count 2 alleged that Respondent knowingly and without legal justification made physical contact of an insulting or provoking nature with his wife by striking her about the face in violation of Chapter 720, Section 5/12-3.2(a)(2) of the Illinois Compiled Statutes. Count 3 alleged that Respondent caused bodily harm to his wife by striking her about her body, in violation of Chapter 720, Section 5/12-3.2(a)(1) of the Illinois Compiled Statutes. Count 4 alleged that Respondent

knowingly and without justification made physical contact of an insulting or provoking nature with his wife by striking her about her body, in violation of Chapter 720, Section 5/12-3.2(a)(2) of the Illinois Compiled Statutes. Count 5 alleged that Respondent knowingly prevented or attempted to prevent his wife from calling the 9-1-1 emergency telephone system or from making a report to law enforcement by taking away her phone, in violation of Chapter 720, Section 5/12-3.5(a) of the Illinois Compiled Statutes. Count 6 alleged that Respondent took a substantial step toward unlawfully restraining his wife when he blocked her exit from the house, in violation of Chapter 720, Section 5/10-3 of the Illinois Compiled Statutes.

11. On March 8, 2022, Judge George Ford presided over a bench trial concerning the allegations contained in the Superseding Information in case number 2020DV000781, described in paragraph ten, above. On that day, Judge Ford received all of the admissible evidence from the parties and heard all of the witness testimony in the case. Judge Ford continued the case for March 25, 2022 to issue his findings on the charges.

12. On March 25, 2022, Judge Ford found Respondent guilty on Counts 1 (domestic battery causing bodily harm when Respondent struck his wife's face), 2 (domestic battery causing contact of an insulting or provoking nature when Respondent struck his wife's face), and 5 (interfering with the reporting of domestic violence), described in paragraph six, above. Judge Ford found Respondent not guilty on Counts 3 (domestic battery causing bodily harm when Respondent struck his wife about the body), 4 (domestic battery causing contact of an insulting or provoking nature with his wife by striking her about the body), and 6 (attempt unlawful restraint by blocking his wife's exit from the house).

13. On June 10, 2022, Judge Ford entered judgment on his March 25, 2022 finding, described in paragraph eight, above. Judge Ford sentenced Respondent to one year of conditional discharge. The terms of that conditional discharge included that Respondent have no contact with his wife, that he complete the DuPage County Forensic Behavior Domestic Violence Program, complete any and all counseling as deemed appropriate by the DuPage County Forensic Behavior Department, and pay all fines, costs, and assessments arising from the criminal case. On June 9, 2023, Judge Ford deemed that Respondent had satisfactorily completed all of the terms of his conditional discharge, and terminated the conditional discharge.

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

- a. Committing a criminal act that reflects adversely on his fitness as a lawyer, by conduct including causing bodily harm to his wife, in violation of Chapter 720, Section 5/12.3(a)(1) of the Illinois Compiled Statutes, causing contact of an insulting or provoking nature to his wife, in violation of Chapter 720, Section 5/12.3(a)(2) of the Illinois Compiled Statutes, and by interfering with the reporting of domestic violence, in violation of Chapter 720, Section 5/12-3.5(a) of the Illinois Compiled Statutes, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held pursuant to Rule 761, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Richard Gleason
Richard Gleason

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