

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

In the Matter of:

NEJLA K. LANE,
Attorney-Respondent
No. 6290003.

Commission No. 2019PR00074

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Christopher Heredia, pursuant to Supreme Court Rule 753(b), complains of Respondent, Nejla Cassandra Lane, who was licensed to practice law in Illinois on November 6, 2006, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

(Conduct intended to disrupt a tribunal, false or reckless statements about a judge, and conduct prejudicial to the administration of justice)

1. At all times alleged in this complaint, Respondent owned and operated the law firm of Lane Legal Services, P.C., later known as the law firm of Lane Keyfli Law, Ltd. (collectively, "Respondent's law firm").

2. At all times alleged in this complaint, Respondent maintained and used the email addresses of nejlane@gmail.com and nejla@lanekeyfli.com.

3. On May 23, 2011, Paula Epstein ("Paula") filed a petition in the Circuit Court of Cook County seeking to dissolve her marriage to Barry Epstein ("Epstein"). The matter was captioned *Paula Epstein v. Barry Epstein*, and was assigned case number 11 D 5245.

4. In or around August 2012, Respondent and Epstein agreed that Respondent would represent Epstein in the dissolution of marriage matter against Paula pending in the Circuit Court of Cook County. The parties agreed that Respondent's legal fee for her representation would be an hourly fee agreement, with a \$10,000 security retainer, to be paid by Epstein at the outset of representation, and an hourly rate of \$300 per hour for office work, and \$350 per hour for time and work out of the office in court.

5. In or around October 2014, while the domestic relations matter was still pending, Respondent and Epstein agreed that Respondent would also represent Epstein in a federal action related to the dissolution of marriage matter, alleging multiple violations of the federal Wiretap Act under Title 18, Section 2520, of the United States Code. The parties agreed that Respondent's legal fee for her representation in relation to this federal action would be an hourly fee agreement, at an hourly rate of \$400 per hour for office work, and \$450 per hour for time and work out of the office in court.

6. On October 27, 2014, Respondent filed a complaint on Epstein's behalf against Paula and Jay Frank ("Frank"), Paula's attorney in the domestic relations matter, in the United States District Court for the Northern District of Illinois, Eastern Division. The matter was captioned *Barry Epstein v. Paula Epstein and Jay Frank*, case number 1:14-cv-08431, and assigned to Hon. Thomas M. Durkin ("Judge Durkin"), and Magistrate Judge Sheila Finnegan ("Judge Finnegan").

7. In relation to case number 14-cv-08431, attorney Scott Schaefer ("Schaefer") represented Paula, and attorney Norman Barry ("Barry") represented Frank, who was later dismissed as a co-defendant to the complaint.

8. In the complaint, described in paragraph 6, above, Epstein alleged that Paula and Frank violated the federal Wiretap Act by intercepting, accessing, downloading, and printing Epstein's private emails, without Epstein's authorization, in furtherance of Paula's interests in the then-pending state dissolution of marriage matter, described in paragraph 3, above.

9. During the pendency of case number 14-cv-08431, Judge Finnegan maintained an email account, known as the proposed order email account ("proposed order account"), with an email address of Proposed_Order_Finnegan@ilnd.uscourts.gov. Judge Finnegan maintained the proposed order account to allow the parties to communicate with the court regarding the submission of proposed orders, pre-settlement conference letters, scheduling issues, and other logistical matters. In maintaining the proposed order account, Judge Finnegan sent and received emails from the proposed order account, which was monitored by and accessible only to Judge Finnegan and members of her staff. Under Judge Finnegan's written case procedures and standing orders, the proposed order account was maintained and used, when appropriate, in all matters assigned to her docket.

10. April 17, 2017, Respondent filed an emergency motion on Epstein's behalf in case number 14-cv-08431 seeking an extension of time to complete Paula's deposition.

11. On April 18, 2017, Judge Finnegan entered an order in case number 14-cv-08431 denying Respondent's emergency motion, referred to in paragraph 10, above.

12. On that same date, in response to an email Judge Finnegan sent to the parties regarding the denial of Respondent's emergency motion, Respondent wrote an email addressed to Judge Finnegan, and sent it to the proposed order account, Schaefer and Scott White ("White"), Judge Finnegan's courtroom deputy, via their individual work email addresses.

13. In her April 18, 2019 email to Judge Finnegan, referred to in paragraph 12, above,

Respondent stated, in part, the following:

“Thank you for this quick response, Judge Finnegan. BUT ... Today in court no matter what I said to you, you had already made up your mind...”

* * *

“...yet since the beginning you never seem to doubt anything he says, as you appear to doubt me.”

* * *

“Still, I stated to you in open court that ‘I don’t want to be hated’ for doing my job, but it sure seems that way, as I never get a break, Scott [Schaefer] is the lucky guy who senses same as he can just pick up the phone to call you knowing he will get his way...or for so-called the Posner Defense.”

* * *

“Still, it’s not fair that my client (and I) is [sic] being treated badly for suing his wife/ex wife, and everyone is protecting Paula - why? Since when does ‘two’ wrongs make a ‘right’? How am I to prove my case if I am not given a fair chance to do my work, properly?”

14. On April 19, 2017, Judge Finnegan responded by email to Respondent’s April 18, 2017 email, described to in paragraphs 12 and 13, above. Judge Finnegan, in her April 19, 2017 email sent to Respondent, Schaefer, and White, admonished Respondent for Respondent’s use of the proposed order account, and stated that Respondent was prohibited from sending any emails to the proposed order account in the future in order to argue the merits of a motion, share feelings about past rulings, or discuss the case generally. Judge Finnegan also stated that in the event that Respondent sent additional emails similar to her April 18, 2017 email, she would enter an order barring all emails to the proposed order account without leave of the court.

15. On June 15, 2017, Respondent filed a motion on Epstein's behalf in case number 14-cv-08431 seeking an extension of time to complete discovery and for leave to depose Frank, who had already been dismissed as a co-defendant.

16. On June 23, 2017, Judge Finnegan entered an order in case number 14-cv-08431 denying Respondent's motion, described in paragraph 15, above. On the same date, Allison Engel ("Engel"), Judge Finnegan's law clerk, emailed a copy of Judge Finnegan's June 23, 2017 order to Respondent and Schaefer.

17. On that same date, in response to Engel's June 23, 2017 email, described in paragraph 16, above, Respondent wrote an email addressed to Engel, and sent it to the proposed order account, Engel, and Schaefer, via their individual work email addresses.

18. In her June 23, 2017 email to Engel, referred to in paragraph 17, above, Respondent stated, in part, the following:

"I'm very upset, I do not agree with Judge Finnegan's order and I will depose the former co-defendant, Jay Frank, despite the fact this court is protecting him and his co-conspirer! Scott Schaefer had no standing to challenge my subpoena to depose Jay Frank! I'm entitled to depose him! And I will call him to testify [sic] at trial to show the world what a corrupt lawyer he is! And the judges who protect this criminal by squeezing the discovery deadlines!!! No no no! This is outrageous order of Judge Finnegan and it will be addressed accordingly! Judges are helping the criminal to escape punishment by forcing to shorten all deadlines!!! This Judge is violating my client's rights first by the truncated discovery deadlines and now helping Plaintiff to escape punishment for wrongs she committed! I'm outraged by the miscarriage of justice and judges are in this to delay and deny justice for my client! I'm sickened by this Order!!!"

19. On June 26, 2017, also in response to Engel's June 23, 2017 email, Respondent wrote another email addressed to Engel, and sent it to the proposed order account, Engel, and Schaefer, via their individual work email addresses.

20. In her June 26, 2017 email to Engel, referred to in paragraph 19, above, Respondent described what she perceived to be errors in Judge Finnegan's June 23, 2017 order, characterized the order as "flawed", accused Judge Finnegan of engaging in *ex parte* communications, and stated, in part, the following:

"Plaintiff's motion is not late just because this court decided not to extend discovery deadlines, to protect the Defendant! I have asked this court numerous times for an extension of all cutoff deadlines, without avail. Take this into account when drafting your flawed order."

* * *

"For anyone to insult me in this degree calls questions [sic] this court's sincerity and veracity. How dare you accuse me of not having looked at the SC docket regularly."

* * *

"How do you know I did not see the SC order???? Where do you get this information? Ex Parte communications with Defendant's attorney, Scott? - smearing dirt behind my back?"

* * *

"The more I read this order, again and again, I am sick to my stomach, and I get filled with anger and disgust over this 'fraudulent' order by this court!"

* * *

"You both, Allison and J. Finnegan, have done me wrong, and depicted me very poorly in your public order. How dare you do that to me?! What goes around comes around, justice will be done at the end! I wonder how you people sleep at night? Including Scott! Thank you Allison! Great job!"

21. At the time Respondent wrote and sent the emails described in paragraphs 13, 18, and 20, above, Respondent's conduct was disruptive and was intended to disrupt the court. At the time Respondent sent the emails described in paragraphs 13, 18, and 20, above, Respondent

knew or should have known that her statements to Judge Finnegan and her staff members would unnecessarily prolong the proceeding, and disparage the court and its process.

22. At the time Respondent wrote and sent the emails described in paragraphs 13, 18, and 20, above, Respondent's statements about Judge Finnegan's integrity and impartiality were false.

23. At the time Respondent wrote and sent the emails described in paragraphs 13, 18, and 20, above, Respondent knew that her statements about Judge Finnegan's integrity and impartiality were false or made with reckless disregard as to their truth or falsity.

24. On June 27, 2017, Judge Finnegan entered an order in case number 14-cv-08431 admonishing Respondent for violating her directives regarding the proposed order account in her April 19, 2017 email, referred to in paragraph 14, above, and for making statements in her emails which Judge Finnegan described as "highly inappropriate." Judge Finnegan ordered Respondent to immediately cease all email communications with her and her staff, ordered Respondent to address any scheduling issues by contacting only the courtroom deputy, and that additional action would be taken to address Respondent's conduct.

25. On October 31, 2017, after the conclusion of Epstein's federal action and state dissolution of marriage proceeding, Judge Finnegan submitted a complaint to the Executive Committee of the United States District Court for the Northern District of Illinois ("Executive Committee") based on Respondent's conduct, described in paragraphs 13, 18, and 20, above.

26. On November 14, 2017, the Executive Committee issued a citation ordering Respondent to respond to Judge Finnegan's submission, and inform the court why the imposition of discipline against her would be unwarranted.

27. On January 22, 2018, following Respondent's citation response and the Executive Committee's review of the matter, the Executive Committee entered an order finding that Respondent engaged in the conduct described paragraphs 13, 18, and 20, above, in violation of Rules 3.5(d) and 8.4(d) of the Rules of Professional Conduct. In imposing discipline on Respondent for her conduct, the Executive Committee's order suspended Respondent from practicing before the General Bar for a period of six months from, and the Trial Bar for a period of 12 months, and prohibited her from serving as lead counsel in any trial for at least one year. The order also required that, as part of any reinstatement petition, Respondent must demonstrate having sought professional assistance in her compliance with the Rules of Professional Conduct and anger management.

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

- a. engaging in conduct intended to disrupt a tribunal, by conduct including sending emails on April 18, 2017, June 23, 2017 and June 26, 2017 to Judge Finnegan, Allison Engel, and Scott White, through the Proposed Order email account, which were disruptive and were intended to disrupt the court, in violation of Rule 3.5(d) of the Illinois Rules of Professional Conduct (2010);
- b. making a statement that a lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, by conduct including drafting and sending emails which questioned Judge Finnegan's integrity and impartiality by stating, in part: "Scott is the lucky guy who senses same as he can just pick up the phone to call you knowing he will get his way..." in her April 18, 2017 email; "And I will call him to testy [sic] at trial to show the world what a corrupt lawyer he is! And the judges who protect this criminal by squeezing the discovery deadlines!!!" and "Judges are helping the criminal to escape punishment by forcing to shorten all deadlines!!! This Judge is violating my client's rights first by truncated discovery deadlines and now helping Plaintiff to escape punishment for

wrongs she committed!” in her June 23, 2017 email; and “For anyone to insult me in this degree calls questions [sic] this court’s sincerity and veracity,” “Where do you get this information? Ex Parte communications with Defendant’s attorney, Scott? - smearing dirt behind my back?” and “The more I read this order, again and again, I am sick to my stomach, and I get filled with anger and disgust over this ‘fraudulent’ order by this court!” in her June 26, 2017 email, in violation of Rule 8.2(a) of the Illinois Rules of Professional Conduct (2010); and

- c. engaging in conduct that is prejudicial to the administration of justice, by conduct including sending emails on April 18, 2017, June 23, 2017 and June 26, 2017 to Judge Finnegan through the Proposed Order email account, which necessitated additional actions taken by Judge Finnegan and caused the expenditure of additional court resources, including Judge Finnegan’s April 18, 2017 email to the parties limiting Respondent’s future use of the proposed order email account, the entry of Judge Finnegan’s June 27, 2017 court order prohibiting Respondent from sending any emails to her or her staff, and Judge Finnegan’s referral of Respondent’s conduct to the Executive Committee of the United States District Court for the Northern District of Illinois, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings 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/ Christopher Heredia
Christopher Heredia

Christopher Heredia
Counsel for the Administrator
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601
Telephone: (312) 565-2600
Email: ARDCeService@iardec.org
Email: cheredia@iardec.org
MAINLIB_#1160562_v1