

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

In the Matter of:

EDWIN FRANKLIN BUSH, III,

Attorney-Respondent,

No. 6322150.

Commission No. 2021PR00059

AMENDED COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, David B. Collins, pursuant to Supreme Court Rule 753(b), complains of Respondent, Edwin Franklin Bush, III, who was licensed to practice law in the State of Illinois on April 5, 2016, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Illinois Supreme Court Rule 770:

ALLEGATIONS COMMON TO COUNTS I-IV

1. Respondent and Erika Bush (“Erika”) were married in 2008 and are the parents of two children. Their son, J.B., was born in 2011, and their daughter, A.B., was born in 2015.
2. On February 21, 2017, Erika filed a petition for dissolution of marriage in the Circuit Court of Cook County. The case was docketed as case number 2017D230075, *In re Marriage of Erika Bush, Petitioner and Edwin F. Bush, Respondent*.
3. Between May 2018 and June 2021, Cook County Associate Judge John T. Carr (“Judge Carr”) was the judge overseeing case number 2017D230075.
4. Attorney Steve Wasko (“Steve”) has been the court-appointed guardian *ad litem* in case number 2017D230075 since June of 2018.

FILED

December 6, 2021

ARDC CLERK

5. Although Respondent has been represented by counsel at various times during the proceedings in case number 2017D230075, his actions giving rise to the misconduct alleged in this complaint took place while he was proceeding *pro se*.

COUNT I

(False and/or reckless statements about the qualifications or integrity of a judge and that are prejudicial to the administration of justice)

6. At 10:31 a.m. on September 15, 2020, Respondent sent an email to Steve, Attorney Evan Mammias (one of Erika's then-attorneys in case number 2017D230075), and Judge Carr, copying Terry Bright (a court employee) and Attorney Caidi Vanderporten (another one of Erika's then-attorneys in case number 2017D230075). The email was in response to efforts to set a hearing date for October 21, 2020 at 11:00 a.m. and stated:

“Judge Carr said late September. I do not agree. This is child abuse, perpetuated by the court and its corrupt and incompetent officers. I further want the court to read the federal court filings, to which it can take judicial notice, and to recuse itself and apologize to me and my children. Give us a time tomorrow to re-approach.”

7. Respondent's statement that “this is child abuse, perpetuated by the court and its corrupt and incompetent officers” was false or made with reckless disregard of the truth.

8. Respondent made the statement in paragraph 6, above, knowing it was false, or with reckless disregard for the truth.

9. On September 28, 2020, a hearing was held in case number 2017D230075 on some pending motions. As Judge Carr was in the process of ruling on one of the motions, Respondent directed the following statements to Judge Carr:

“See, that's –that's why this is the clown car. You are a clown.”
“You're a child abuser. I mean, honestly, I should call DCFS on you because you've abused these children for two years. What you have done and what people like you do to people all over this country is a disgrace.”

10. Respondent's statements that "this is the clown car", that Judge Carr was a "clown," a "child abuser" and that Respondent "should call DCFS on [Judge Carr] because [Judge Carr] abused these children for two years", and "what [Judge Carr has] done and what people like [Judge Carr] do to people all over this country is a disgrace" were false or made with reckless disregard of the truth.

11. Respondent made the statements in paragraph 9, above, knowing they were false, or with reckless disregard for the truth.

12. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

- a. making statements the lawyer knows to be false or with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judge, adjudicative officer, or public legal officer by making the statements set forth in paragraphs 6 and 9, above, in violation of Rule 8.2(a) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct prejudicial to the administration of justice by making the false and/or reckless statements set forth in paragraphs 6 and 9, above, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Making statements with no substantial purpose other than to embarrass, delay or burden a third person in the course of pending litigation and that are prejudicial to the administration of justice)

13. On June 23, 2020, at 3:14 p.m., Respondent sent an email to Attorney Caidi Vanderporten ("Caidi"), copying Terry Bright ("Terry"), Steve, Erika, and Attorney Evan Mammas ("Evan") (another one of Erika's then-attorneys in case number 2017D230075 and Caidi's father). Among the statements made was:

“Caidi, I strenuously object to you being a lowlife bottomfeeder, who suborns perjury, breaks the IRPC and extorts your own client.”

14. On September 18, 2020, at 6:22 p.m., Respondent sent an email to Evan, copying Terry, Steve, Judge Carr and Caidi, stating:

“IF it means your fat ass and your suborning perjury piece of shit daughter have to get an order of protection against me, we will be in court before Judge Carr before October 21, 2020 one way or the other. You are all child abusing filth, all of you. Bring it. When the justice system fails, I will have my recourse.” (Emphasis in original)

15. Respondent’s statements in the June 23, 2020 and September 18, 2020 emails, referenced in paragraphs 13 and 14, above, served no purpose other than to embarrass, delay, or burden Caidi, Evan, Steve, Terry and Judge Carr.

16. By reason of the conduct described in paragraphs 13 and 14, above, Respondent has engaged in the following misconduct:

- a. in representing a client, using means that have no substantial purpose other than to embarrass, delay, or burden a third person, by conduct including, but not limited to, asserting that Caidi is a “lowlife bottomfeeder, who suborns perjury, breaks the IRPC and extorts” her own client; asserting that Evan has a “fat ass” and that his daughter (Caidi) is a “suborning perjury piece of shit daughter”; and asserting that Evan, Terry, Steve, Judge Carr and Caidi “are all child abusing filth”, as set forth in paragraphs 13 and 14, above, in violation of Rule 4.4(a) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct that is prejudicial to the administration of justice by conduct including, but not limited to, asserting that Caidi is a “lowlife bottomfeeder, who suborns perjury, breaks the IRPC and extorts” her own client; asserting that Evan has a “fat ass” and that his daughter (Caidi) is a “suborning perjury piece of shit daughter”; and asserting that Evan, Terry, Steve, Judge Carr and Caidi “are all child

abusing filth”, as set forth in paragraphs 13 and 14, above, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Criminal conduct — eavesdropping/secretly making audio recording — Dr. John Palen)

17. On December 21, 2018, Respondent made an audiotape recording of a court-ordered counseling session involving himself, his minor son, J.B. and Dr. John Palen.

18. Respondent made the audiotape surreptitiously, and without the knowledge or consent of Dr. Palen.

19. Respondent knowingly and intentionally used the recording device for the purpose of recording all or part of the counseling session.

20. On December 21, 2018, 720 ILCS 5/14-2(a)(2) defined the offense of eavesdropping, in pertinent part, as knowingly and intentionally using an eavesdropping device in a surreptitious manner for the purpose of recording any part of a private conversation to which he is a party unless he does so with the consent of all parties to the conversation. The statute defines an “eavesdropping device” as any device capable of being used to record an oral conversation. 720 ILCS 5/14-1(a). Eavesdropping is a Class 4 or a Class 3 felony.

21. By reason of the conduct described in paragraphs 19-21, above, Respondent has engaged in the following misconduct:

- a. committing a criminal act, eavesdropping, in violation of 720 ILCS 5/14-2(a)(2), that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, as set forth in paragraphs 17-19, above, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by surreptitiously, and without the knowledge or consent of Dr. Palen, tape-

recording the December 21, 2018 counseling session, as set forth in paragraphs 17-19, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT IV

(Criminal conduct—eavesdropping/secretly making audio recording—Erika Bush)

22. On September 25, 2019, Respondent made an audiotape recording of a conversation that he had with Erika.

23. Respondent made the audiotape surreptitiously, and without the knowledge or consent of, Erika.

24. Respondent knowingly and intentionally used the recording device for the purpose of recording all or part of the conversation.

25. On September 25, 2019, 720 ILCS 5/14-2(a)(2) defined the offense of eavesdropping, in pertinent part, as knowingly and intentionally using an eavesdropping device in a surreptitious manner for the purpose of recording any part of a private conversation to which he is a party unless he does so with the consent of all parties to the conversation. The statute defines an “eavesdropping device” as any device capable of being used to record an oral conversation. 720 ILCS 5/14-1(a). Eavesdropping is a Class 4 or a Class 3 felony.

26. By reason of the conduct described in paragraphs 24-26, above, Respondent has engaged in the following misconduct:

- a. committing a criminal act, eavesdropping, in violation of 720 ILCS 5/14-2(a)(2), that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, as set forth in paragraphs 22-24, above, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010); and

- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by surreptitiously, and without the knowledge or consent of Erika Bush, tape-recording their September 25, 2019 conversation, as set forth in paragraphs 22-24, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT V

(Criminal conduct—eavesdropping/secretly making audio recording—Dr. Ronald Dachman)

27. On March 14, 2020, Respondent made an audiotape recording of a court-ordered counseling session involving himself, his minor son, J.B., and Dr. Dachman.

28. Respondent made the audiotape surreptitiously, and without the knowledge or consent of Dr. Dachman.

29. Respondent knowingly and intentionally used the recording device for the purpose of recording all or part of the counseling session.

30. On March 14, 2020, 720 ILCS 5/14-2(a)(2) defined the offense of eavesdropping, in pertinent part, as knowingly and intentionally using an eavesdropping device in a surreptitious manner for the purpose of recording any part of a private conversation to which he is a party unless he does so with the consent of all parties to the conversation. The statute defines an “eavesdropping device” as any device capable of being used to record an oral conversation. 720 ILCS 5/14-1(a). Eavesdropping is a Class 4 or a Class 3 felony.

31. By reason of the conduct described in paragraphs 27 - 29, above, Respondent has engaged in the following misconduct:

- a. committing a criminal act, eavesdropping, in violation of 720 ILCS 5/14-2(a)(2), that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, as set forth in paragraphs 27 - 29, above, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010); and

- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by surreptitiously, and without the knowledge or consent of Dr. Dachman, tape-recording the March 14, 2020 counseling session, as set forth in paragraphs 27 - 29, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

ALLEGATIONS COMMON TO COUNTS VI-VII

32. Respondent and Erika Bush (“Erika”) were married in 2008 and are the parents of two children. Their son, J.B., was born in 2011, and their daughter, A.B., was born in 2015.

33. On February 21, 2017, Erika filed a petition for dissolution of marriage in the Circuit Court of Cook County. The case was docketed as case number 2017D230075, *In re Marriage of Erika Bush, Petitioner and Edwin F. Bush, Respondent*. Case number 2017D230075 remains pending.

34. Attorney Steve Wasko (“Steve”) has been the court-appointed guardian *ad litem* in case number 2017D230075 since June of 2018.

35. The Administrator filed the original disciplinary complaint against Respondent on August 5, 2021.

36. Respondent was served with the complaint on August 6, 2021.

COUNT VI

(Making a statement with no substantial purpose other than to embarrass, delay or burden a third person in the course of pending litigation and that is prejudicial to the administration of justice – August 24, 2021)

37. On August 24, 2021 at 3:12 p.m., Respondent used his cell phone to call Steve’s adult daughter, Christine Hamlin (“Christine”) on her cell phone. Respondent claimed to know Steve and immediately yelled “your dad is a piece of shit mother-fucker” before hanging up.

38. Christine was disturbed and frightened by the call.

39. Respondent's actions on August 24, 2021, referenced in paragraph 37, above, served no purpose other than to embarrass, delay, or burden Steve and Christine.

40. By reason of the conduct described in paragraph 37, above, Respondent has engaged in the following misconduct:

- a. in representing a client, using means that have no substantial purpose other than to embarrass, delay, or burden a third person, by conduct including, but not limited to, telephoning Steve's daughter, Christine Hamlin, and yelling "your dad is a piece of shit mother-fucker", as set forth in paragraph 37, above, in violation of Rule 4.4(a) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct that is prejudicial to the administration of justice by conduct including, but not limited to, telephoning Steve's daughter, Christine Hamlin, and yelling "your dad is a piece of shit mother-fucker", as set forth in paragraph 37, above, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT VII

(Making statements with no substantial purpose other than to embarrass, delay or burden a third person in the course of pending litigation and that are prejudicial to the administration of justice – September 3, 2021)

41. In June of 2021, Cook County Associate Judge John T. Carr, the judge overseeing case number 2017D230075, took medical leave.

42. At all times relevant to this count, Cook County Circuit Judge Grace G. Dickler acted as the Presiding Judge of the Domestic Relations Division, Calendar 1. As Presiding Judge, Judge Dickler had responsibility for obtaining coverage for Judge Carr's courtroom while he was out on leave.

43. On September 3, 2021, at 12:27 p.m., Respondent sent an email to Judge Dickler, court employees Terry Bright (“Terry”) and Kaye Mason (“Kaye”), Steve and Erika. The email stated:

“It has now been almost 3 years since I have seen my children. You corrupt incompetent fucking bastards.

I never did anything to any of my children EVER. FUCK YOU!!!! I am going to the media.

You have breached the appellate order for almost 2 years, abused me and my children. Burn in hell!!!!

No regards,
Edwin F. Bush” (Emphasis in original)

44. On September 3, 2021, at 2:03 p.m., Terry sent an email to Respondent, asking him to please remove Judge Dickler and Kaye from his emails regarding his case.

45. On September 3, 2021 at 2:14 p.m., Respondent replied by email to Terry’s email and included Judge Dickler, Steve, Erika and Ed Bush (Respondent’s father) as additional recipients. The email stated:

“I will remove Kaye. I can’t even get an answer who is filling in for Judge Carr the month of September? I am not waiting any more. The incompetence of this division is beyond repair. I will make ALL you dirtbags famous.” (Emphasis in original)

46. Respondent’s statements in the September 3, 2021 emails, referenced in paragraphs 43 and 45, above, served no purpose other than to embarrass, delay, or burden Judge Dickler, Terry, Kaye, Steve and Erika.

47. By reason of the conduct described in paragraphs 43 and 45, above, Respondent has engaged in the following misconduct:

- a. in representing a client, using means that have no substantial purpose other than to embarrass, delay, or burden a third person, by conduct including, but not

limited to, stating “FUCK YOU!!!!” and “burn in hell!!!” to Judge Dickler, Terry, Kaye, Steve and Erika, and calling Terry, Judge Dickler, Steve and Erika “dirtbags”, as set forth in paragraphs 43 and 45, above, in violation of Rule 4.4(a) of the Illinois Rules of Professional Conduct (2010); and

- b. conduct that is prejudicial to the administration of justice by conduct including, but not limited to, stating “FUCK YOU!!!!” and “burn in hell!!!” to Judge Dickler, Terry, Kaye, Steve and Erika, and calling Terry, Judge Dickler, Steve and Erika “dirtbags”, as set forth in paragraphs 43 and 45, above, in violation of Rule 8.4(d) 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, and that the panel make findings of fact, conclusions of fact and law, and recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ David B. Collins
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