No. 13-1843

IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

In Re: JOANNE MARIE DENISON Attorney-Appellant Reg. No. 6192441 v. THE ILLINOIS ARDC & ATTY JEROME LARKIN, Appellee-Administrator	Appeal from the Hearing Board of the Illinois Aty Regn & Disciplinary Comm'n Commission No. 2013 PR 0001 Hon Sang Yul Lee, Tribunal Chair

NOTICE OF FILING

TO:
Atty Sharon Opryszek, Atty Melissa Smart and Atty Jerome Larkin
ARDC, One Prudential Plaza, 12th Floor, Chicago, Illinois via personal delivery and email

PLEASE TAKE NOTICE that on July 1, 2013, I will file a copy of my Response to your Motion to Dismiss the instant appeal for Lack of Jurisdiction, a copy of which is attached, by causing an original and three copies to be filed with the Clerk of the ARDC hearing board via USPS first class mail.

Respectfully Submitted

JoAnne Denison

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BEFORE THE ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION

In Re:	Commission No. 2013 PR 0001
JOANNE MARIE DENISON Attorney-Respondent Reg. No. 6192441	

APPELLANT'S RESPONSE TO THE ARDC/DIRECTOR'S MOTION TO DISMISS FOR LACK OF JURISDICTION OF THE ILLINOIS COURT OF APPEALS

On June 20, 2013, the ARDC - Administrator filed a "Motion to Dismiss for Lack of Jurisdiction", claiming that the Illinois Court of Appeals had no jurisdiction in a disciplinary proceeding, and in particular, one which involved a SLAPP Motion (Illinois Citizens Participation Act, 750 ILCS § 110), and which also Attorney Respondent asserts is further protected by Federal Law under 230 USC 43 which pertains to the fact that blogs have immunity for the content published thereupon. Atty Respondent replies that it is simply not true that ARDC has plenary power over every breath and step an attorney takes. The case involves a blog, and a blog that reports upon corruption. And to make matter worse, far worse, the ARDC has taken action in response to a complaint letter wherein the attorney-complainer, Guardian ad Litem ("GAL") Cynthia Farenga begs that she not be the subject of an investigation for her highly unusual and suspect activities reported by many, many attorneys and the public, rather the ARDC should investigate and prosecute/persecute the messengers and shut them

up. (Exhibit C, hereto). The ARDC happily complies, thereby making the attorney messengers involved martyrs and inflaming the disputes involved, *rather than investigation all the attorneys and judges–all of them.*

A. The ARDC has already admitted that it utterly lacks jurisdiction in a number of situations.

Nonetheless, it is respectfully submitted that the ARDC does not have jurisdiction to hear my copyright complaint and they have admitted that on the record, they do not have criminal jurisdiction and cannot put me in prison, they can only refer to the authorities, nor can they, as I am aware, put me in any jail for contempt of court, they do not even have a jail.[1]

They cannot practice maritime, admiralty or patent law or issues decision pertaining to those areas–even if a lawyer is involved. They cannot jail an attorney. They cannot criminally prosecute and imprison an attorney. They cannot even investigate an attorney on the level that the FBI, CIA or other law enforcement may investigate an attorney by pulling directly bank account records, phone records, emails, and text messages and even twitters. Their scope of what they can do is clearly limited by the authority, resources and assets they have been given. But the legislature and the Supreme Court of the United States created a clear path of cases leading to only one conclusion, and one conclusion alone–rights of free speech granted by the First Amendment must be given the largest, most accommodating scope possible–and that pertains even to hearing boards, administrative agencies and any other judicial and quasi judicial fora where they may be tramped upon in a procrustean manner, thereby citing improper "rules" instead of the supreme law of the land, the First Amendment to the US

[1]And if they did, it would assuredly comprise a jail for bloggers.

Constitution.

For some reason, though the ARDC believes that they have jurisdiction regarding the First Amendment and Right to Association–and then they trample upon those laws, but only in certain cases–that is, where one lawyer is reporting corruption and another lawyer who has engaged in highly suspicious and unusual activities is asking to have his or her tracks covered up.

The Administrator of the Illinois Attorney Registration and Discipline Commission (herein after IARDC) is also bound by **the First Amendment** and his authority is limited by Rule of Law and the prohibition on any attempt to impede the right of a citizen to speak freely and openly to any other citizen and to petition his/her government in relation to his/her grievance. The Administrator cannot, by the subterfuge of claiming unfavored speech as conduct, thereby extend his jurisdiction beyond what was specifically granted to him by the Illinois Supreme Court[2]. See **People vs. Jones** 188 Ill. 2d 352, 358, 721 N.E.2d 546, 550 (1999) (music was considered speech)

[2] The Administration by Statute is supposed to have the virtue of Caesar's wife and therefore to prove a disciplinary claim must exercise not only diligence, professionalism, and intellectual honesty but he must prove his claim by clear and convincing evidence. After the respondent's hearing it was disclosed that the Administrator had not produced as part of discovery herein a very embarrassing letter. A copy of this letter (entitled by respondent the Farenga smoking gun letter) has been spread of record herein and is included in the Appendix. A second disclosure was made on June 7, 2013 when another attorney checked the file and the docket in the Mary Sykes case and interviewed a Sheriff's deputy. It was reported to respondent that Mary Sykes was not served with process in the underlying disabled person's estate. A letter has been sent to the Administrator to produce the evidence that he garnered when he did his Rule 137 investigation to determine that Mary Sykes was in fact properly served with process. This disciplinary complaint's rosette stone revolves around whether the complaining witnesses are really 'Court officials.' The hearing panel did not find that the people who are required by statute to be given notice were given notice, the instead determined that these people had knowledge. Even though a 'finding' had to be made that the Court had jurisdiction, it appears that had the Court record in Sykes appears to suggest that Mary Sykes was not served with the process required by 755 ILCS 5/11a – 10 and there is a second basis for a determination that the Circuit Court did not have jurisdiction.

A. There is absolute no scintilla in the Sykes 09 P 4585 case of any evidence of jurisdiction

A search of the Record on Appeal for 09 P 4585 herein reveals that no one who was required to receive the prior jurisdictional notice testified that she had any prior knowledge that any hearing was to be held as to Mrs. Mary Sykes' competency (see **In re Sodini** 172 Ill App3d 1055, 527 NE2d 520). In answer to Section 214 Notices to produce documents the Administrator states in his 214 statement that to the best of his knowledge no documents exist that would support any contention that jurisdiction was obtained by the Circuit. This is then buttressed by the Record Appeal. Section 11a-10 of the Illinois Probate Act requires 14 days prior notice of the time, date and place of hearing provided to the alleged disabled and her next of kin (all adult parents, children and siblings) delivered by mail or in person, or a signed waiver be obtained. The Record on Appeal clearly shows no oral or written notice of any kind or waiver.

And indeed, there is no Certificate of Service that any of Gloria Sykes, a younger daughter, Yoldanda Bakken or Josephine DiPietro, elderly sisters, received any sort of notice 14 days in advance as to the time, date and place of hearing. The GAL's Adam Stern and Cynthia Farenga state that relative were at some court appearances for some matters, but they do not reveal that the Petitioner, CT or her attorney, Atty Harvey Waller served any of those persons with 14 day advance notice of the time, date and place of hearing. There is no evidence that the November 18, 2009 order setting hearing for December 7, 2009 was placed in the mail and served upon any party, including Mary.

There further is no evidence in the record indicating Mary was ever served with a summons, Petition to Appoint CT as guardian and Notice of Rights–all required under the

Probate Act for a court to take jurisdiction according to the Illinois Probate Act.

The November 18, 2009 order is attached hereto as Exhibit A.

The Lack of Service, as established by records from the Sheriff's department is attached hereto as Exhibit B.

This honorable appeals court already possesses the Record on Appeal for Case No. 09 P 4585 for the matter of In re Sykes. (Appeals case 12-2799) and is more than capable of examining jurisdictional requirements for itself.

B. The case of Citizens United has overruled the ARDC's previously limited abilities to regulate non commercial, truthful speech on a blog

The blog reports what the blog reports based upon reports from the court, reports from probate victims, and even reports by the Guardians ad Litem–Attys Cynthia Farenga and Adam Stern themselves. Posts are not turned down unless they are indeciperable or would contain uncivil language. The ARDC has already admitted that the blog is non commercial in nature and does not solicit any business for Atty Denison's patent law firm, Denison & Assocs. PC. What it does accomplish is providing a repository for court forms, case law, pleadings, form pleadings, documents, articles, statutes, laws and regulations, case law and discussion on a wide variety of topics affecting disabled individuals and their interractions with the law, and in particular, probate court. Over 550 Megbytes of data has already been published, and more comes along each and every day.

The Administrator's job is to protect the Rights of the public – not to interfere with the **First Amendment** rights of citizens including persons who coincidentally and

have law degrees and managed to pass a bar exam or two. An informed public is a 'core value' of democracy.

The Supreme Court of the United States has pointed out:

> "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it. Chief Justice Marshall spoke for a unanimous Court in saying that: 'If the legislatures of the several states may, at will, annul the judgments of the courts of the United States, and destroy the rights acquired under those judgments, the constitution itself becomes a solemn mockery * * *.' United States v. Peters, 5 Cranch 115, 136, 3 L.Ed. 53. A Governor who asserts a ***19** power to nullify a federal court order is similarly restrained. If he had such power, said Chief Justice Hughes, in 1932, also for a unanimous Court, 'it is manifest that the fiat of a state Governor, and not the Constitution of the United States, would be the supreme law of the land; that the restrictions of the Federal Constitution upon the exercise of state power would be but impotent phrases * * *.' Sterling v. Constantin, 287 U.S. 378, 397-398, 53 S.Ct. 190, 195, 77 L.Ed. 375." Cooper v. Aaron, 358 U.S. 1, 18-19, 78 S. Ct. 1401, 1410, 3 L. Ed. 2d 5 (1958)

Those who are confronted with administering the laws of the United States are charged with the jurisdiction of protecting all citizen rights (see FIFTH and FOURTEENTH AMENDMENT). They are not charged or given the jurisdiction to subvert the 'law of the land.'

In a case similar to the instant cases in which there was an attempt to deny children who happened to have a skin color hue that was slightly darker than their neighbors a distinguished justice stated:

> "That the responsibility of those who exercise power in a democratic government ****1414** is not to reflect inflamed public feeling but to help form its understanding, is especially true when they are confronted with a problem like a racially discriminating public school system. "Cooper v. Aaron, 358 U.S. 1, 26, 78 S. Ct. 1401, 1413-14, 3 L. Ed. 2d 5 (1958)

The recent cases of Brown v. Entm't Merchants Ass'n 131 S. Ct 2729, 180 LEd 2d

708, Synder v Phelps 131 SK. Ct 1207, 179 L Ed 2d 172 (2011) (right to distribute violent video games without annoying ratings), United States vs. Alvarez 132 S. Ct 2537 183 L. Ed 2d 574 (2012) (right to display fake Medals of Valor) recited the Rule of Law that binds, the Administrator, the IARDC attorneys, and this panel. The words of the Supreme Court are not suggestions – they are the law of the land, as the:

> "Courts, too, are bound by the First Amendment. We must decline to draw, and then redraw, constitutional lines based on the particular media or technology used to disseminate political speech from a particular speaker. Citizens United v. Fed. Election Comm'n, 558 U.S. 310, 326, 130 S. Ct. 876, 891, 175 L. Ed. 2d 753 (2010)

Thus the instant proceeding is oxymoronic and clearly contrary to the Rule of law:

> "The First Amendment provides that "Congress shall make no law ... abridging the freedom of speech." Laws enacted to control or suppress speech may operate at different points in the speech process. The following are just a few examples of restrictions that have been attempted at different stages of the speech process—all laws found to be invalid: restrictions requiring a permit at the outset, *Watchtower* ***337** *Bible & Tract Soc. of N.Y., Inc. v. Village of Stratton,* 536 U.S. 150, 153, 122 S.Ct. 2080, 153 L.Ed.2d 205 (2002); imposing a burden by impounding proceeds on receipts or royalties, *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.,* 502 U.S. 105, 108, 123, 112 S.Ct. 501, 116 L.Ed.2d 476 (1991); seeking to exact a cost after the speech occurs, *New York Times Co. v. Sullivan,* 376 U.S., at 267, 84 S.Ct. 710; and subjecting the speaker to ****897** criminal penalties, *Brandenburg v. Ohio,* 395 U.S. 444, 445, 89 S.Ct. 1827, 23 L.Ed.2d 430 (1969) *(per curiam).* Citizens United v. Fed. Election Comm'n, 558 U.S. 310, 336-37, 130 S. Ct. 876, 896-97, 175 L. Ed. 2d 753 (2010)

The recent decision in **Hunter v. Virginia State Bar** 2013 WL 749494, is a recognition by Bar regulators that even in commercial situations (which this is not), a lawyer's rights are consistent with the Rule of Law as stated by the Supreme Court of Illinois.

The Administrator has inappropriately suggested that the **Matter of Palmisano**

70 F 3d 483 (a vintage District Court decision of 1995 swimming upstream from the recent decisions broadening the scope of free speech in favor of the public and not the government–who may be embarrassed by it) over-rules the clear Rule of Law of the Supreme Court of the United States. The instant respondent was not before any Court and respondent was not commenting on any case in which she had appeared. (She was wrongfully disqualified for merely notarizing a document where in the GALs made false representations to the court "what if I represented Mary?" when I asserted in fact I never did, but the disqualification was rubber stamped on baseless assertions by the GAL. Interestingly enough, counsel for the plenary guardian was not especially interested in taking that position.) There are no claims that respondent referred to any particular judge as "Frank the fixer," "another crook," "crooks calling themselves judges" Judge x "is a crooked judge."

The **Citizen's United** has over-ruled **Palmisano** with the following dicta, to wit:

> "While some means of communication may be less effective than others at influencing the public in different contexts, any effort by the Judiciary to decide which means of communications are to be preferred for the particular type of message and speaker would raise questions as to the courts' own lawful authority. Substantial questions would arise if courts were to begin saying what means of speech should be preferred or disfavored. And in all events, those differentiations might soon prove to be irrelevant or outdated by technologies that are in rapid flux. See, *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 639, 114 S.Ct. 2445, 129 L.Ed.2d 497 (1994).
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> "****891** 6 Courts, too, are bound by the First Amendment. We must decline to draw, and then redraw, constitutional lines based on the particular media or technology used to disseminate political speech from a particular speaker. It must

be noted, moreover, that this undertaking would require substantial litigation over an extended time, all to interpret a ***327** law that beyond doubt discloses serious First Amendment flaws. The interpretive process itself would create an inevitable, pervasive, and serious risk of chilling protected speech pending the drawing of fine distinctions that, in the end, would themselves be questionable. First Amendment standards, however, "must give the benefit of any doubt to protecting rather than stifling speech." *WRTL*, 551 U.S., at 469, 127 S.Ct. 2652 (opinion of ROBERTS, C.J.) (citing *New York Times Co. v. Sullivan*, 376 U.S. 254, 269–270, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964))" *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 326-27, 130 S. Ct. 876, 890-91, 175 L. Ed. 2d 753 (2010)

The **Virginia State Bar** case 2013 WL 749494 is consistent with The Supreme Court decisions that over-rule the district Court decision of **Palmisano.**

United States v. Stevens, 559 U.S. 460, 130 S. Ct. 1577, 1584, 176 L. Ed. 2d 435 (2010) the Court stated:

> "From 1791 to the present," however, the First Amendment has "permitted restrictions upon the content of speech in a few limited areas," and has never "include[d] a freedom to disregard these traditional limitations." *Id.*, at 382–383, 112 S.Ct. 2538. These "historic and traditional categories long familiar to the bar," *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 127, 112 S.Ct. 501, 116 L.Ed.2d 476 (1991) (KENNEDY, J., concurring in judgment)—including obscenity, *Roth v. United States*, 354 U.S. 476, 483, 77 S.Ct. 1304, 1 L.Ed.2d 1498 (1957), defamation, *Beauharnais v. Illinois*, 343 U.S. 250, 254–255, 72 S.Ct. 725, 96 L.Ed. 919 (1952), fraud, *Virginia Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771, 96 S.Ct. 1817, 48 L.Ed.2d 346 (1976), incitement, *Brandenburg v. Ohio*, 395 U.S. 444, 447–449, 89 S.Ct. 1827, 23 L.Ed.2d 430 (1969) (*per curiam*), and speech integral to criminal conduct, *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490, 498, 69 S.Ct. 684, 93 L.Ed. 834 (1949)—are "well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem." *Chaplinsky v. New Hampshire*, 315 U.S. 568, 571–572, 62 S.Ct. 766, 86 L.Ed. 1031 (1942). **United States v. Stevens, 559 U.S. 460, 130 S. Ct. 1577, 1584, 176 L. Ed. 2d 435 (2010)**

The Right to be critical and even disrespectful to elected officials is demonstrated on a delayed basis and is clearly a protected activity under the **First Amendment**.

Indeed, in light of the Greylord scandal in Illinois and the large number of Judges who traded their black robes for orange jumpsuits, the need for strong **First Amendment** protections is evident. It is axiomatic from the trials of the two recent Illinois Governors, who also went to the Federal Prison that the day when a bribe is effectuated by the delivery of a 'white envelope' being delivered to the corrupted by the corruptor has long since passed. Corruption is much more subtle. It might be conveyance of a 'nursing home bed,' the passing along of information involving the personal details of an individual who could be vulnerable to ultra vires procedures, an appointment to a guardianship, a receivership, some other employment or even, as been highlighted in newspaper reports in recent years in Illinois, preferential award of a state scholarship. It might even be accomplished by arranging for a wife, child, or other relative getting preference. Or it could consist of acquiring distressed estate properties, promptly informing a "Realtor friend"[3] and selling an unpainted, dilapidated estate property to someone for a huge discount, apply some paint and elbow grease and enjoy a 30% or more premium.[4] Corruption could even consist of entreating the ARDC to "investigate" an attorney to cover up one's own unethical behavior and the ARDC readily complies. Exposure of miscreants of any occupation by lawyers, citizens, and other is protected by the First Amendment and such is the Rule of Law that this panel and the IARDC are required to follow. (Ms. Farenga's letter to the IARDC attorney (Exhibit C) does not silence the 'alarm bells!')

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[3]Such as Richard Mell, Jr., Realtor on the Sykes case and a relation to a certain Blagojevich pair. In fact the Richard Mell, Sr. family appears to have a surprising number of Realtor relatives to support, most notably Patti Blagojevich, daughter, Richard Mell, Jr., and another unnamed child who is currently "vacationing" in Club Fed Med behind barbed wire. It not surprising that the Mell family clan is affiliated in some manner with the 18th floor of the Daley center.

[4]It is fairly much a nearly state rule (but you won't find many statement regarding financial disclosure on the 18th floor) that an attorney passes the property off to a "friend" who only has to pay 60% of the actual value because it is "distressed", the property is then quietly flipped a few months later for a much higher value. This sale may be public or private, depending on how "it looks." No wonder why Richard Mell, Sr. is tied to the 18th floor "cottage industry."

Even if **Palmisano** could be construed as over-ruling the current Supreme Court of the United States cases, it is irrelevant as it related to this proceeding as no one called Judge Connors or any other judge a fixer, a crook, etc. The obfuscation by Administrator in asking Judge Connors and Judge Stuart as to whether they received bribes in the Sykes case does **not** prove anything. Our former governors, as they sit in jail claim, also claim they are innocent.

The common definition of corruption includes a public body, agency, lawyer, judge, et al ignoring the law. The failure of a trier of fact to apply the law to the facts is corruption and certainly failure to protect the rights of a senior citizen who is subject to an application to appoint a guardian for the said senior citizen is corruption.

Does a citizen have a right to ask for an investigation of events such as referred to in the three reports of proceedings? Without question! Pursuant to **Himmel**, a report to the IARDC might even be required based upon the serious consequences that befall a senior citizen who is wrongfully separated from her liberty and property interest by having a guardian appointed. It is respectfully submitted that the Statements recorded and attributed to Judge Connors are admissions of serious breaches of her position that even after a delay of many months must be addressed. ***Respondent, as a citizen, has every right to complain concerning what has happened in the Sykes case including the cavalier manner that jurisdiction is being addressed not only in these proceedings but by the Circuit Court.*** It is respectfully submitted that Judge Connor's evidence deposition reveals that section 11a -3, Sodini, 11a – 10 (including 10f) were not taken seriously even though the Fourteenth Amendment protections for a senior citizen were required to be protected[5].

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[5] What has been disclosed in the *file of the Sykes* case was that on or about December 10, 2009 without prior notice to either Mary Sykes, or her closed relatives – as required by statute – a senior citizen (Mary Sykes) was adjudicated to be totally incompetent on the strength of a doctor (recommended by Stern/Farenga) written report. The criterion of 'clear and convincing' was ignored even though it is legend that this particular doctor did not testify in open court, and his opinion was not evaluated to ascertain the degree of Mary's incompetency or that she was even competent to a medical certainty. Citizens have been complaining that this procedure was

Citizens United is the new benchmark for the First Amendment. The Supreme Court in adopting the positions of Justice Black and Douglas makes it very clear that the respondent, pursuant to the **Full Faith and Credit** principle and the **core values** of the American Republic, has the right to falsely claim that he was a Medal of Honor winner, (*Alvarez*), picket a funeral of a war hero, (*Synder*), produce violent videos and market them indiscriminately, (*Brown*). Additionally, as a citizen she is entitled to paint pictures of the mayor in women's underwear[6] and wear Nazi armbands, a brown uniform, goose-step and march right through Skokie[7]. Most importantly, Respondent can petition her government to investigate the actions of persons appointed by a court lacking jurisdiction, talk to his friends, neighbors, business associates and anyone who would listen as to any subject that he desired to propound and even grandstand upon, whether that format is on a soap box or in pixels, it should and must be constitutionally guaranteed.

The Administrator cannot produce, and produces no evidence of a special delegation of authority under the laws of the United States of America to impose restrictions on the respondent as to any of his rights protected by the First and Fifth Amendments (and the Fourteenth Amendment). The **Palmisano** case being inconsistent with **Citizens United** can no longer be tortured to enhance the 'fiefdom' of the Administrator so as to deny a group of citizens, who happen to have law degrees, their First, Fifth and Fourteenth Amendment Rights. Moreover, the Administrator

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'corrupt' and railroading a senior citizen into a situation in which she lost her liberty and her property. For the Administrator to suggest that a citizen cannot complain concerning this situation is outrageous and demonstrates a callous disregard for the Civil and Human rights of senior citizens.

[6]16 F.3d 145 – United States Court of Appeals, Seventh Circuit.
David K. NELSON, JR., Plaintiff–Appellee, v. Allan STREETER, Dorothy Tillman, and Bobby L. Rush, Defendants–Appellants.

[7]National Socialist Party of America v. Village of Skokie, 432 U.S. 43 (1977) (also known as Smith v. Collin; sometimes referred to as the Skokie Affair), was a United States Supreme Court case dealing with freedom of assembly.

cannot use the Palmisano case to silence the calls for another Greylord type investigation and the equal enforcement of the law. This panel, the Administrator, and the legal profession in order not to violated Rule 8.2 and/or 8.4 must follow the law as determined by the Supreme Court of the United States. Most importantly, before the IARDC can punish a lawyer or citizen having a law degree for unethical conduct, the Administrator must ascertain how for almost four years a senior citizen can be deprived of her liberty and property while being administered to by two guardian ad litem appointed by a Court lacking jurisdiction.[8] The Administrator must be called to task for not presenting to the Court a certified copy of a return of service signed by a deputy sheriff who can testify that he not only handed to Mary Sykes the process (petition) but explained to her her rights pursuant to 11a – 10. As this was not done, it is respectfully submitted that a diligent search of the Sykes file reveals no such return in the file – an honest investigation is appropriate and mandatory.

Indeed, contrary to the Farenga letter, Respondent is entitled to, without the permission of Cynthia Farenga, Adam Stern, Peter Schmiedel, Lea Black, or any other person, freely, completely and without hindrance (see First, Fifth and Fourteenth Amendments), write letters requesting the government investigate the actions of any governmental body or any 'judicial official' and entreat others to do so on her blog and publish publicly available phone numbers, fax numbers, websites and emails. Guardians (whether appointed by Courts having jurisdiction or not) no longer have professional immunity from the IARDC to not inventory assets, isolate senior citizens, and deny

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[8]Most recently, Judge Stuart ("JuS") issued an order putting Carolyn Toerpe, a known abuser, in charge of every decision regarding visitation and stated it "must be in writing." (Exhibit X, hereto) Of course, the result of that writing will be a resounding "NEVER,"–the same words used when Gloria found and visited her mother who was greeted with a hundred hugs and kisses, and then when Mary asked her "guardian" when she could see her beloved Gloria again, CT responded with that same word, said in an unmitigated furious manner. The staff of Sunrise Living, LLC denies it, and denies that Carolyn grabbed her mother until Mary cried out in pain several times and Gloria got Carolyn to release the grip, nonetheless, CT is a know abuser, subject of a Petition for Protective Order dating back to 2009, which JuS conveniently and repeatedly ignores. (Decl of JMD as to events, attached hereto as Exhibit X).

seniors their civil and human rights.

The only case complained of by the ARDC is the Sykes probate matter, even though numerous other cases have been related on the blog which also are lacking in jurisdiction or significant assets are missing or were squandered by the "probate system." Those cases involve: Tyle, Gore, Wyman, Bedin, Drabik, etc. and equally serious allegations have been made–large amounts of uninventoried assets, serious misconduct by the GAL's and a pass on all of it by the courts involved.. The difference?

C. The ARDC's actions to investigate Atty Kenneth Ditkowsky and Atty Joanne Denison (for blogging) when other attorney are running the Sykes probate case without jurisdiction indicates unmitigated bias.

AND, the ARDC's actions are clearly biased in this matter. Numerous complaints have been filed by Gloria in her mother's case against AS and CF, but the ONLY attorneys "under investigation" are clearly Atty Ken Ditkowsky and myself and that is because we spoke out, we told the ARDC and the public, there is no jurisdiction, there is no service upon Mary, no affidavit of service, there is no service upon the elderly sisters, Joesphine and Yolanda, no certificate of service in the file, either. Plus, there are millions of dollars missing in uninventoried wealth in the Sykes Probate case 09 P 4585. In KDD's trial when it came to KDD, the tribunal said over and over again, "they would not relitigate" BUT then they repeatedly listed to the relitigation that AS and CF engaged in–over and over. From this, they concluded what KDD said and did was misconduct. The allegations against CF and AS and Judge Connors ("JuC") and Judge Stuart ("JuS") was improper and constituted highly unusual activities. Every statement KDD made was deemed "relitigation. " Every statement CF and AS said was merely "confirmation." If this was the case, why hold a hearing at all? While KDD's tribunal found KDD was acting "as a vigilante" (cite) **when in fact it was the tribunal that was acting as a court for vigilantes involved in "highly unusual activites in probate"**, thereby creating bias and denial at every turn during the proceeding. (Exhibit D, hereto).

Where is the investigation against the other attys–AS and CF? The attorney reporters

Ken Ditkowsky and Attorney-Respondent could come in and with the RECORD testify there are all sorts of irregularities in the probate file and they could easily be found guilty of misconduct. Why not throw out AS and CF too? Judge Connors has not been investigated by the JIB, but I know KD and GJS have filed numerous complaints. Why not bring up her on charges too and unseat and disbar her too? How is it every word she says is a golden egg, even when she admits she routinely does not follow the law in her evidence deposition?[9]

If an investigation is fair, honest and complete it will involved **everyone involved, no matter how big and mighty or small and tiny** so the public isn't crying aloud **foul ball!**? The public is not stupid. AS and CF should have to go thru the exact same ordeal Ken and I are going through. They should have to listen to their testimony regarding how their actions have hurt others, how Mary cried out and kissed and hugged Gloria a hundred times when they were reunited after more than two years![10]

AS and CF know there is no jurisdiction, no Sodini notices with a certificate of service. But they continue on as if the 5th Amendment ensuring due process does not matter to anyone, then they ask the ARDC to repeal the First Amendment and Fifth Amendments, and not investigate CF and it complies!?!? Don't they know the first rule of an investigation is that **you have to look at the facts and all parties involved.**

Perhaps KDD's language has been strong, but nonetheless, it is a blog, it is supposed to

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[9]She admitted she did not have to adhere to 2-1401, she admitted she only appoints an attorney for the ward "when she thinks the ward *really needs one*" (this is despite the fact that even children have an Illinois state law providing they cannot waive an attorney in a proceeding which risks their civil liberties and imprisonment.) Why do grandma and grandpa have so fewer rights, knowing that nursing homes are dangerous places that drain their savings, lien their homes and may leave them in abject poverty in a few years? Living in rooming houses, eating out of soup kitchens, begging for food and money on the streets. Go read some files in probate. Go ahead, pull a few. See if what I'm saying is in fact a lie. Try the ones first that have the name "Peter Schmeidel" on them.

[10]This is actually on a video a nice police officer made me delete because it was "against the rules" and I would not "be cooperating" and he would have to "take me in." Naperville police! Everyone knows the police cannot make anyone delete a video or picture–it's all over the internet. Try googling "pictures video delete" and all it brings up is the ACLU saying it's clearly illegal. Does not stop the Naperville police department. (Exhibit X, hereto).

consist of feelings, thoughts and impressions of the persons involved. It is not supposed to consist of all things proper and strictly edited.[11] (And in fact, recently, a state's attorney visited a Sykes hearing and when I asked who she was and why she was there, she replied, "we have been getting numerous complaints about this case for quite some time now. No one will give us the file." Of course, I told her why–millions of dollars missing, no one investigated except those reporting the highly unusual activities in the case, etc. and I told her of the blog and where to get the Record on Appeal and she was then happy and left). But one thing this state's attorney did recognize, is that **she would not have been sitting in that court room on that day unless and until she received "numerous complaints" over "a long period of time."**[12]

KDD sends out "numerous complaints." I encourage others, if they see the "cottage industry"[13] functioning, to write, call, fax and email their US, state and county elected officials and the blog tells them where to write and fax.

The squeaky wheel does in fact get justice due, attorneys find, in general. Let's face it, in life, there will always be the crook, the thief, the troublemaker and the agitator. Those seem to abound in some cases in probate. But to keep quiet, turn your head, avert your eyes to injustice, is an injustice in and of itself. And where seniors and their families have been abused in probate, it's just another level of abuse for them. They are abused by other family members, homes sold, bank accounts depleted, placed in nursing homes against their will. And after that money is

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[11]The blog should be covered under the Federal Internet Immunity Act, 43 USC 230, which grant immunity to blogs for defamation, but the Chair of my tribunal has already indicated he is unlikely to consider it or use it. He has further indicated that the following defenses to standard defamation cases are unlikely to be considered either, namel:, "innocent construction", "litigation reporting", "fair reporting", etc.–all rules which were developed by the Illinois courts to ensure that free speech is provided the greatest possible breath, but my Tribual has already indicated bias and disinterest–without citing any relevant case law.

[12]I remain cautiously optimistic. Richard Mell and friends and family are a formidable object not to be easily contended with. He is on the zoning board. The zoning board, while a theatre of immediate graft and corruption is a multi million dollar opponent. See the complex on the south side built by Chicago zoning board mogul, "Fast Eddy" Vrdolyak, who also is joing the ranks of charm school graduates from Club Fed Med.

[13]The ARDC made it clear in KDD's trial that the ARDC does not want lawyers to use the words "corruption", "complain", "report" or "investigate." I would think that's a pretty chill on speech–put it in the deep freeze, move it to Serbia, whatever. So now we have "cottage industry," investing in the "cottage industry."

gone, they are put on the street or turned over to relatives who have little or no assets, and many live in SRO's, boarding houses, dumpy motels, living on social security, eating a meal per day or less at food pantries, etc. And one wonders why I blog, and blog, and warn, and counsel, and listen to people cry. The tears cried over what goes on in probate could fill those court rooms a dozen times over.

For this reason, besides the First Amendment, and to assure the free flow of ideas, thoughts and creativity, our congress thought it fair and reasonable to pass 43 USC 230 or Communications Decency Act [14] which provides immunity for persons running a blog where the thoughts, feelings and impressions could constitute defamation–except for the grant of immunity by our thoughtful legislative branch of US government.

For similar reasons, the Illinois State legislature felt it was important to pass the Citizens Participation Act 750 ILCS 110 et. Seq. No where in that act does it say that the ARDC is given a pass, in fact, the SCOI has declared that it is important for **any court or administrative hearing process** to determine first, when the CPA is invoked whether or not prohibiting or regulating the speech would impinge upon the speaker's First Amendment rights. No lawyer abandons her First Amendment rights upon taking the oath of office, in fact she is called upon to uphold the US and Illinois constitution in its entirety

The ARDC keeps on citing Palmissano and other cases where they said "the attorney lied". The standard for defamation under the New York times case is the statement must be "false or made with reckless disregard for the truth." Atty Denison is well aware of this standard and believes it is fair. *For that reason, she has published and turned over more than 550 Mgbytes of data which consist of pleadings, records and transcripts which clearly document that what she says in fact is true or is well founded in those documents. (Approx. 75% full of a CD RW Rom!).* Moreover, Professor Tarkington of Indianapolis School of Law recently stated in an article, that disciplining attorneys for reporting corruption is wrong and likely unconstitutional. She says that most disciplinary boards have turned the standard of "malice" into some dark and evil

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[14]See, http://www.dmlp.org/legal-guide/immunity-online-publishers-under-communications-decency-act

aberration of what it was meant to be in the New York Times v. Sullivan case–prosecuting attys unfairly for exactly the jobs they took an oath to do–uphold the US Constitution.[15]

So far, the ARDC's position on all of this is an incredulous "the sky is green and the grass is blue"–creating a field day for probate victims and the probate blogs which has been atwitter since the very beginning of this case when $4,000 was swiped from Mary's accounts, Mary then files for an Order of Protection (still unheard and dissed by JuS) creating a fury and a trip to the Daley center for a Protective Order–a PO which has not been heard to this day. I still hear that from the probate blog owners who are disgusted by that fact alone. It is fairly incredulous.

All Atty Denison does is blog. No one has objected to her blog, except the AS and CF and they have not asked her to remove anything except once when KDD misspoke and she did that right away–within an hour. The blog is now up to 30,000 view and I believe it has been viewed in at least 100 or so countries.

It is very, very important for attorneys to blog about the court system so the public knows and understands what the attorneys are doing and why, what the judges are doing and

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[15]Indiana University Robert H. McKinney School of Law associate professor Margaret Tarkington has written on the intersection of the First Amendment and potential discipline.

Tarkington describes Model Rule of Professional Conduct 8.2 as "a trap for lawyers" in an article by that title published in the Association of American Law Schools Professional Responsibility Newsletter. She said the rule incorporates the Supreme Court of the United States standard of New York Times v. Sullivan 376 U.S. 254 (1964), that speech regarding a public official is protected unless it is made with actual malice – knowledge that it was false or with reckless disregard of whether it was false. Indiana's Rule 8.2 also follows the Sullivan line of cases, forbidding attorneys from statements about judicial officials "the lawyer knows to be false or with reckless disregard as to its truth or falsity."

"The vast majority of states interpret that rule as applied to the judiciary to mean something very different," Tarkington said. The standard for attorneys commenting on the judiciary she said is closer to, "If you say it, you'd better be able to prove it, which is not what the rule says, and it's probably unconstitutional.

"It's almost as far away from a Sullivan standard as you can get," she said, noting it's not unusual for attorneys to be disciplined for judicial criticism. See, http://www.theindianalawyer.com/criticism-of-judge-results-in-discipline-case/PARAMS/article/31510

why. What pleadings need to be filed and when. How to run a case, how to help out probate victims, etc.

Moreover, it should always be kept in mind, as I was told as a young attorney, "it is impossible to insult, denigrate, deride or derail and attorney." Further, "no lawyer ever gets mad, except on purpose and if he is being paid–enough."

We're a tough bunch, a rough and tumble sort of profession, and for the ARDC to ignore this fact is another statement that the sky is green. We advocate for our clients, without using profanity or reckless speech. We are clearly used to supporting what we say. But we can't provide support for our speech when the ARDC insists on using witnesses which have a negative reputation on the probate blogs and in the relevant marketplace. Each of JuS, JuC, AS and CF and PS are on NASGAs Most Wanted list (like the "Most Wanted" list in the local Post Office)–where they have been for years. (See, http://stopguardianabuse.org/wanted.htm, also Wanted! Appears on their front page link. It is NOT a laudatory position. It is aking to seeing "Most Wanted" at your local post office).

People need to be warned and have the right to be warned. No one, not even AS and CF have emailed me or written me "you did not support this or that" with facts, pleadings and documents.

The blog is a living, eating, breathing entity, fueled by the postings, musings and creative contents that many, many people have submitted. It is not stagnant. CF and AS can write at any time and as for corrections, but they do not or rarely do. They know well what they have done.

Now that the Record on Appeal has been assembled by and certified by Chief of Appeals Pat O'Brien who did a wonderful, wonderful job on all of this–it is clear the documents attesting to obtaining jurisdiction over Mary Sykes–the summons, complaint, affidavit or declaration of service, the Sodini notices on next of kin together with a Certificate of Service are missing from the file.

The case nearly went up on appeal in April of 2010–but GJS could not finish her pro se appellate brief in the proper format. Nonetheless a recent decision was issued that a prior appeal meant *jurisdiction was the law of the case–even without service, even without a briefing*

schedule. Most recently, and completely unbelievably, Gloria's recent appeal was dismissed as "law of the case" based primarily on attorney Schmeidel's misrepresentations in his pleadings before this honorable court of appeals. Many attorneys about in 09 P 4585 that have no shame, no conscience. (Exhibit F, hereto).

Further, it is clear from this ROA that AS conveniently "forgot" he never served any discovery–no subpoenas, no affidavits of compliance of subpoenas–are in the file.

At a recent hearing, it was clear that CT commingled estate assets with trust assets and the court gave her a pass. Many items were not explained or not well explained. When JuS asked about a Bank of America account, that was never explained or listed in the inventory. When JuS asked about sale of estate assets, CT said there was a garage sale and items were given away–despite the fact she admitted on record in another court proceeding she had items at her house, her daughter took boxes out of Mary's residence, a garage sale was held. No response by the court. Another pass.

Things that absolutely never, ever happen in other cases, happen all the time in the Sykes 09 P 4858 case.

For example, Citizen's United was a major decision from SCOTUS, it has come after landmark decisions involving Free Speech rights. And in that decision, 30+ "well respected" politicians, publishers (NY Times, US News Weekly, etc.) and best selling authors, incluiding FOUR attorneys called Senator and lawyers Hillary Clinton the following:

> Lies, deception, crime, malfeasance, psychopath, whitewater lies, obstruction of justice, perjury, forgetting shredding documents during grand jury was perjury, campaign fraud, power hungry, power obsessed, no veracity, created web of deception, acts thru cronies, obstructs justice, venal, vindictive, sneaky liar, she scares the hell out of people, lies under oath, power hungry, insecure, arrogant, air of superiority over others, she and her husband are narcissists, ruthless, cunning, dishonest, willing to do anything for power, GUILTY, GUILTY, GUILTY, engages in skulduggery, malfeasance, she destroys people, Machiavellian, destroys others for personal gain, evil, lying, escaping culpability for her actions, the evil equivalent to Nixon, engaged in routine

> campaign funding fraud (she was once fined $35,000 for campaign funding violations and paid the fine–the movie implies it is ongoing and deeply embedded in all her campaigning activities), she has a mastery of the black arts of politics, always actively covering up her husband's affairs with threats, intimidation, IRS audits, laundered money frequently via her campaign, illegal campaign contributions, campaign funds not reported, campaign expenses under reported, she is the worst European Socialist, she was involved in Samuel L Berger's trip to the National Archives to steal DVD's and destroy them and stuff them in his socks, sleezy law breaker, the Clinton Library has only released .5% of records from Clinton White House years with no excuse and 300 FOIA's pending, her husband pardoned the FALN members, ("free Puerto Rico fully bombing organization), "dangerous to our values", prevented the movie "road to 9/11" to be shown (Yet I found it easily on Netflix today, together with its sequel "Preventing the Road to 9/11 movie") –you get the picture. Got enough of the Hillary movie? From the root directory of the movie come these labels: "Politics of personal destruction", "dirty money", "path to 9/11", "anything for power."

One hour of trash talk. The movie lists approximately FOUR lawyers (one of whom is Atty Ann Coulter) each of them either engaging in the above talk/and or placing his or her name in the credits. Obviously, the language of the movie above makes the Jan. 8, 2013 Complaint filed against the undersigned clearly pale in comparison and make her appear as easy going as a guest suitable for the show Mr. Rogers for children. In the "Hillary" movie, most of the accusations are based upon vague threats, anonymous phone calls and tips, etc. Apparently there is a group of conservatives that eats such language up with gusto, relish, followed by a large noisy belch at the end. As for the undersigned, I can read the Enquirer for that–Hillary pregnant by two headed space alien–and it would be entirely more fun reading.

But I digress. So what did SCOTUS say? DISCIPLINE THOSE LAWYERS?!?!?!?

No–the Supreme Court of the US said that everyone in that movie had the right to speak their mind–even if it was a lawyer and even if the level of trash talk promulgated was deemed "pejorative" by the majority of justicies. At least FOUR lawyers were listed in the movie trailer and featured in the movie, most notably Atty Ann Coulter–someone who is known to promulgate trash talk on a regular basis in major media.

Some very notable quotes:

> [The] First Amendment does not permit laws that force speakers to retain a campaign finance attorney, conduct demographic marketing research, or seek declaratory rulings before discussing the most salient political issues of our day. Prolix laws chill speech for the same reason that vague laws chill speech: People "of common intelligence must necessarily guess at [the law's] meaning and differ as to its application." *Connally v. General Constr. Co.*, 269 U.S. 385, 391, 46 S.Ct. 126, 70 L.Ed. 322 (1926). The Government may not render a ban on political speech constitutional by carving out a limited exemption through an amorphous regulatory interpretation. We must reject the approach suggested by the *amici.* Section 441b covers Hillary, and,

> Were the Court to uphold these restrictions, the Government could repress speech by silencing certain voices at any of the various points in the speech process. See *McConnell, supra,* at 251,124 S.Ct. 619 (opinion of SCALIA, J.) (Government could repress speech by "attacking all levels of the production and dissemination of ideas," for "effective public communication requires the speaker to make use of the services of others"). If § 441b applied to individuals, no one would believe that it is merely a time, place, or manner restriction on speech. Its purpose and effect are to silence entities whose voices the Government deems to be suspect.
>
> Speech is an essential mechanism of democracy, for it is the means to hold officials accountable to the people. See

Buckley, supra, at 14-15, 96 S.Ct. 612[16]

One of the hallmarks of an oppressive society is how it silences and covers up corruption. My blog is extremely popular, and surprisingly enough, I get readers from the Mideast who write and call me, readers from Russia, China, etc. Now how is this? They want to know how US citizens are able to handle the silencing and cover up of corruption.

I have had severe and repeated damage in the last two months to all my cars. Two windshield broken with large heavy objects, two taillights damaged, sugar in my gas tank ($2600 repair). Ken Ditkowsky has had his tail light shot out more recently he was hit while riding his bicycle but fortunately did not fall off. Then the vehicle that hit him, sped off unashamedly.

But I asked the ARDC attorneys if they have been harassed like this and there is silence. If they responded they had car damage, we would know we are both under attack. But if the ARDC is not under attack, that is clearly another position for the public to consider.

It's the same when I went to court, found out that 70% of the 09 P 4585 file was missing. At first the court personnel blamed Gloria Sykes, the younger daughter. But I informed them that Gloria has directed me and helped me run a blog where all pleadings and transcripts and orders are published, and it is she that has provided me with many file stamped documents and information. That nonsense stopped abruptly.

The bailiffs and clerk then changed position about 180 degrees. But just who or whom was feeding them this disinformation. Why, when one asks for the file on the 12th floor or even in the court room they are told "it is unavailable." Turns out you have to specifically ASK for the

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[16]Additional quotes are provided one of the posts from the blog, Exhibit E, hereto. The US Supreme Court has repeatedly said it intends to fully and completely protect "content based speech" in an ongoing and continuing manner.

file and tell the court personnel that all files are public and it is the hallmark of a free and open society for the public to have access to these files at all times. I guess that is the magic phrase, akin to "open sesame" from Tales of the Arabian Nights. Sigh. In an allegedly "free and open democratic society." Spare me.

I love movies, so I'm going to recommend another one to the ARDC and to the recipeints of this motion. If you haven't seen it yet, it's an excellent movie "This Movie is Not Yet Rated." It brings up a number of (disturbing) points about the MPAA's voluntary "self regulating" system, namely that it has a built in system of bias. It would appear that movies with a LGTB theme, feminist movies, movies that are anti-war, *but most of all, independent movies not promulgated by large money and a large studio,* will readily get an NC 17 rating (the kiss of death for nationwide theater distribution). Pay particular attention to the South Park creators (speaking of the first amendment, I bet *they* have a lawyer on staff protecting over the top speech that makes the skin crawl on many politicians, clergy and parents). At first, the South Park creators, when unknown, were given an NC 17 for all their short works of ahem "comedic art/genius." The MPAA movie raters would not help or explain why. But then, lo and behold, Comedy Central picked up the series, South Park became rich and famous, and when their full length movie was ready to be rated, all sorts of help was provided to avoid the dreaded NC 17 rating.

The reality is, lawyers are involved in speech on just about every crazy, out there, on the edge and over the top creative and artistic project in the US. SCOTUS has announced clearly they do not want to be in the business of censoring speech–except in extremely limited cases (FDA package inserts, etc) –and they do not want our nation's courts, administrative officials, tribunals and hearing boards to do so either.

The rule of law in the US is that we don't want and we don't need censorship. Just publish something–anything to back up your statements. Try to avoid defamation, but if you do, the burden is always on Plaintiff to show there is a real need for a defamation case.

And that's what I have done. The ARDC has the entire ROA consisting of 3500 pages. It has an additional amount of information totaling some 550 Megbytes of data–enough to fill about 75% of a CD Rom! And the blog is creating reams and reams of pixels, emails and lively free speech each and every day. How is the ARDC to even regulate a tiny portion of that data? And why should they?

Other than CF and AS, who clearly only want the ARDC to ensure they won't be investigated, everyone else likes the blog, I have many, many people AND attorneys call me to say they are "huge fans" of the blog, and it needs to continue–and without putting the blog on an ice floe or in the deep freeze (get it–speech chilling).

I blog and I like to blog. I only ask that people submit posts that make some sense on a given point and they do not use profanity and they support submissions with documentation. They are more than willing to oblige me. I just received a stack of documents on Attorney **** showing how he used his mother's maiden name to pretend to be an heir in another state and take a portion of an estate he was NOT entitled to. [17]

The blog does not need to be regulated or inspected, dejected, decried or deloused by the likes of three elected attorneys from the ISBA. There is a "comments" section for that!

And that's another point.

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[17]Details are changed until post has been authorized for publication by the owners of these documents.

The Model Rules of the ABA have not been followed by the SCOI in establishing, controlling and implementing an appropriate board for attorney discipline.

In my research of finding out exactly who are these three people that are going to put me on trial and what are their qualifications, I was shocked to find out the tribunals consist of 2 attorneys and one non attorney who are not judges or controlled directly by experienced judges but apparently they are elected by 400 or fewer votes by ISBA members!

On its very face, such a process respectfully is insufficient to ensure judicial fairness or integrity. These people are not experienced judges. They have not come from the judicial system where the judges are trained and work for years under a presiding judge to ensure they are properly doing their jobs. They are not elected by the public, they are not appointed by the president.

And, most important, it is not in accord with the ABA Model Rules that say that attorney disciplinary judges must be ruled **directly** by the State Supreme Courts ("SSCs")–to ensure fairness, integrity and experience justice. After long years of study of numerous attorney disciplinary boards, the ABA decided that systems with a "Board of Governors" were troublesome in many ways and they declined to recommend or approve such a system.

Of course, Illinois has such a system. And I find it troublesome when one is talking First Amendment rights and Right to association.

So, when I am concerned, and I read the results of KDD's trial, hereto, I find many troublesome findings of fact and conclusions of law. (Exhibit X, hereto).

Conclusion:

The case law is clear that lawyers have not left their First Amendment rights at the door, they are clearly entitled to these rights and SCOTUS has clearly buttressed these rights when they said in Citizen's United the following:

> For these reasons, political speech must prevail against laws that would suppress it, whether by design or inadvertence. Laws that burden political speech are "subject to strict scrutiny," which requires the Government to prove that the restriction "furthers a compelling interest and is narrowly tailored to achieve that interest." *WRTL*, 551 U.S., at 464, 127 S.Ct. 2652 (opinion of ROBERTS, C.J.)

> And, If the First Amendment has any force, it prohibits Congress from fining or jailing citizens or associations of citizens for simply engaging in political speech. If the antidistortion rationale were to be accepted, however, it would permit Government to ban political speech simply because the speaker is an association that has taken on corporate form. 130 S. Ct. 904.

> The framers [of the Constitution] may have been unaware of certain types of speakers or forms of communication, but that does not mean that those speakers and media are entitled to less protection than those types [in existence] when the Bill of Rights was adopted. 130 S.Ct. 906.

We know that the ARDC DOES in fact admit it does NOT have any jurisdiction in a number of cases and situations, even if they involve lawyers, namely: copyright, patents, trade secrets, business torts, crimes still go to a state prosecutor (well, maybe, millions were stolen in the 09 P 4585 case, and no one seems to care about that either), etc.

It's simply time for the ARDC to admit it no longer needs to regulate private attorney

speech–and especially where that speech is found on a blog. If an attorney has said something defamatory, a lawsuit can be filed. If the lawsuit survives a SLAPP motion and defamation is found, THEN and only THEN should the ARDC take jurisdiction. It does not need to jump the gun, silence the reporting of corruption, give the authorities the time and information to start an investigation and most important of all, give the public the time and tools and information to help start the investigation.

In a world where Cable TV, twitter, Facebook, even Netflix and online gaming and gambling has for decades promulgated some of the worst trash ever seen anywhere–SCOTUS has refused to regulate it. (Squish videos, fake child porn and fake Medals of Valor fall into those categories). And you know where a controversial product makes millions (Grand Theft Auto, Postal, etc.) for certain, there are lawyers involved and listed often on movie trailers nowadays–("Hillary" for example, deemed pejorative even by the majority of SCOTUS) the time to regulate attorney speech under an electron microscope, days have come and gone. Under the anti-free speech concepts the ARDC apparently intend to implement in my trial and, which anti-free speech concepts were in fact implemented in KDD's trial–with disastrous results, an attorney's name or appearance in a "perjorative movie" would be the death knell for putting a lawyer or law firm even on a movie trailer!

The ARDC cannot, in a 3 page, 10 paragraph motion summarily cry "please don't make us justify 'strict scrutiny'–the prevailing standard." That concept is an anomaly in today's world where 90% of the US public is on the internet or has been, 60% of US citizens have college degrees or some college, the internet produces pages and pixels at unprecedented rates and official "news media" is either dead or on life support in ICU.

Bloggers and blog like media reigns in today's world, like it or not, twitter and tweet or not, instant message and Google or not, Yahoo or not, Hotmail or not.

It is most important that this issue proceed to the Court of Appeals for the First District in Illinois. The cases the ARDC cites are old and not taking into consideration newer concepts and freedoms considered and assured under provisions such as the CPA, SLAPP and 43 USC 230, and in light of Citizens United and other trail blazing free speech cases recently announced by the ARDC.

None of these have been considered in the context of an attorney blog, and in particular, one which does not use profanity, has posted 550 Megbytes of pleadings, transcripts and documents to support the position of many posters, including the undersigned who should be free to kick in her two cents from time to time–without fear of reprisals or "investigations" by the very people the probate victims are vociferously complaining about.

When attorneys are NOT allowed to complain about corruption, it really is tantamount to another layer of abused heaped upon probate court victims who have already suffered enough in their lives. For them, first an abuser get appointed because they were told to "be quiet" in court and not speak, or the hearing was "walked in" and due process violated appointing an abuser, and generally the senior is then isolated from the "good, concerned relatives"[18], then

[18]In the Wyman case, the "good children" objected to the guardianship because the father was a known abuser. W. Carol Wyman asked for an attorney, asked that her husband not be appointed her guardian–all of which was ignored. Then she was placed in a dangerous nursing home where she was subject to daily beatings and sexual abuse. She was near death when she escaped from the home and was taken to Colorado where the abuse was well documented. No attorney has ever apologized for such behavior. Now the 2nd District Court of appeals has nitpicked the appeal filed based upon form over substance and has affirmed jurisdiction–in a case with no service of process for the correct hearing date, no 14 day advance notice served upon the two siblings, etc.

come the orders of isolation[19], the closed or end of day court proceedings no one else ever sees, the files with large chunks missing and blamed on the "good relatives", etc. It's just more abuse. Abuse upon abuse. Layers and layers. Years and years. Post Traumatic Litigation Syndrome is a real and imminent threat to those abused by probate court. It's tantamount to rape of everything in court–human and civil liberties. It's, as KDD says, "elder cleansing", removal of the "undesireables" to nursing homes where they are drugged and neglected.

The public is not stupid. They KNOW what is going on. NASGA has thousands and thousands of members across the US for this very reason. Their blog is strong and invites only probate victims and those assisting them to join. It will NOT let the likes of any probate abuser to join.

There is clearly some sort of a war and massive public unrest going on in the doings of state probate courts across the nation. BUT, most important, the undersigned attorney did not start it, and while it is unlikely she will stop receiving serious and horrendous stories of abuse, she is working on the side to clean up the courts, report on the abuses, produce a professional and sympathetic blog. She, as a patent attorney and having a BSME in civil engineering and courses in computer programming and keeping abreast of technology, wants to bring the courts, the ARDC and the appellate courts into the real world, where 10 year olds build computers, repair cell phones, flash ROMS for repair, tweet, twitter, instant messenger, email and blog, blog, blog. What other world is there today, rather the world of pixels?

Accordingly, it is submitted that the Clerk of Court DENY the motion of the ARDC, allow

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[19]From the start of the case, one elderly Sykes sister was told "not to take Gloria's side–or she would never see Mary, her beloved sister, again. Recently, when Gloria/Ken Ditkowsky filed a Rule 383 petition to SCOI, this was repeated again to the sister.

her briefs to be presented to the First District Court of Appeals unimpeded and with all the urgencies afforded by the Citizens Participation Act, 750 ILCS § 110.

Illinois lawyers deserve and need a decision that they will and can be protected by the three laws that our fine legislatures promulgated to protect the public–the Internet Immunity Act, the Citizens Protection Act, the Internet Decency (and immunity for bloggers) Act and the Court of Appeals should just come out and say that lawyers are further protected by the progressive line of cases that have enhanced and firmly established for free speech rights–New York Times v. Sullivan (*and not the dark aberration of this case, but the true intent of the case*), Alvarez, Brown, and most recently, Citizens United.

Where the Illinois ARDC went wrong in finding Atty KDD and Atty Amu Lanre cannot complain and publish about corruption regarding the Illinois court system, is unknown, but these three righteous and brave attorneys are respectfully requesting and asking for the assistance of other honorable and ethical judges to do only justice and ensure our First Speech rights under the currently existing Federal laws ensuring free and open speech.

There is nothing in my Complaint (now that the ROA has been published) that is untrue or false. Moreover, the Complaint falls far short in comparison to the "Hillary" move the SCOTUS sought to protect–abeit having been deemed "pejorative." The ARDC already has 1500 pages of blog printed out and delivered to them on disk, they have 550 Megbytes of data sent to them on disk. It is clearly time to end this travesty of justice, persecution and prosecution of the messengers and assure Illinois lawyers their rights to report, publish, blog, twitter, tweat, Gmail messenge, instant message, or any communication service they desire to employ, to better enhance and assure the free flow of speech across the nation–and the world.

The world knows of my blog. The US does a fabulous job of asserting world wide that it's citizens enjoy free speech, free association, the right to blog, the right to protest–even in front of the US Supreme Court now (a recent case declared a 60 year old law restricting that to be unconstitutional).

And the ARDC would know all of this if it would start reading my blog instead of prosecuting and persecuting it.

Respectfully Submitted,

Jo Ann Denison

Joanne M Denison, atty blogger

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CERTIFICATE OF SERVICE

The undersigned attorney - Respondent, appearing in this case Pro Se for the purpose of handling matters until she can find new counsel of record, states that she served the following individuals by the methods shown below with the foregoing pleading:

Attys Jerome Larkin, Sharon Opryszek and Melissa Smart

Attn: ARDC, One Prudential Plaza, 130 E. Randolph St, 12th Floor

Chicago, IL 60601 via July 1, 2013

via personal delivery

I will send the required number of copies, original and three copies to the clerk of the First District Court of Appeals.

Further, this will be posted on the gmail account "illinois.ardc@gmail.com".

JoAnne Marie Denison

Exhibit A

November 18, 2009 Court Order from Record on Appeal
Showing no Certificate of Service to Mary Sykes, Gloria Sykes and 2 elderly sisters

Order (2/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

In re the Matter of

Mary Sykes

and Gloria Sykes

No. 05 P 4585

pg 1 of 2

ORDER

This Cause coming on to be heard on the Case Plan of Couter Petitioner, Gloria Sykes, those Present, Wendy Capelletto for OPGr, Jay Bolgin for Gloria Sykes, HJ Wallen for Carolyn Toerpe, C FARenga GAL for Mary Sykes, GAL Adam Stern being ill and unable to attend; The Following witnesses have been heard; Gloria Sykes Patti Porto Thomas Kleinholz, Carolyn Toerpe and Brian Holmes, It Is Hereby Ordered:

Atty. No.: 36705

Name: C Farenga

Atty. for: GAL for Mary Sykes

Address: 1601 Sherman 200

City/State/Zip: Evanston IL 60201

Telephone: 847 475 1300

ENTERED:

Dated: ____, ____

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Order (2/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Mary Sykes

v.

No. 09 P 4585

ORDER

CW This MATTER IS SET FOR December 7 2009 AT 11:00 FOR CAROLYN TOERPE to present to the COURT her CARE PLAN for MARY Sykes and FOR hearing on CAROLYN TOERPES Petition FOR GUARDIANSHIP of MARY Sykes PERSON + ESTATE. Motions for GLORIA Sykes to dissolve TRO for SUMS of Money IS CONTINUED to December 7, 2009 at 11:00AM.

Atty. No.: 22605

Name: HANEY WALLER

Atty. for: CAROLYN TOERPE

Address: 30 N LaSalle #2040

City/State/Zip: Chicago IL 60602

Telephone: 3126069100

ENTERED:

Dated: _____

_____
Judge

Judge's No.

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, IL
DEPUTY CLERK

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Order (2/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Mary Sykes

v.

Gloria Sykes

No. 07 P 4585

1 of 2

Proposed **ORDER**

The Care Plan of Gloria Sykes is denied, The Counter Petition of Gloria Sykes is denied, the Court having found;

1. The Care Plan of Ms. Sykes is deficient, unsafe and not suitable in that Gloria Sykes has been the subject of a substantiated change of emotional neglect by emotional abuse; Gloria Sykes demonstrated unfamiliarity in her mother's ADL'S and medications and physicians; further that Gloria Resides on a Separate floor from her mother & testified that She has an extensive work Schedule which the Court finds would leave Mary Sykes unsupervised & w/o Specific, ~~adequate~~ Supervision CLEAN.

ENTERED:

Atty. No.: 620

Name: P Attorney

Atty. for: Gloria Sykes

Address:

City/State/Zip:

Telephone: 847 475 1730

Dated: 11-18-09

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Text of Order Nov 18, 2009

This matter is set for December 7, 2009 at 11:00 for Carolyn Toerpe to present the court her care plan for Mary Sykes and for hearing on Carolyn Toerpe's Petition for Guaridanship of Mary Sykes Person and Estate.

Motion for Gloria Sykes to Dissolve the TRO for Sums of Money is continued to December 7, 2009 at 11:00 am.

Page 1 of 2

This Cause coming to be heard on the Care Plan of Counter Petitioner Gloria Sykes, those present were Capelletto for OPG; Jay Dolgrin for Gloria Sykes, H J Waller for Carolyn Toerpe, C Farenga GAL for May Sykes, GAL Adam Ster being ill and unable to attend: The following witnesses have been heard:
Gloria Sykes, Patti Porto, Thomas Kleinholz, Carolyn Toerpe and Brian Homes, it is hereby ordered:

Proposed Order;

The Care plan of Gloria Sykes is denied. The counter Petition of Gloria Sykes is denied, the court having found:;
1) the care plan of Ms. Sykes is deficient, unsafe and not suitable in that Gloria Sykes has been the subject of a substantiated charge of emotion neglect by emotional abuse; Gloria Sykes demonstrated unfamiliarity in her mother's ADL's and medications and physicians, further 2) That Gloria resides on a separate floor from her mother and testified that she has an extensive work schedule which the court finds would leave Mary Sykes unsupervised without specific, adequate supervision plan.

Exhibit B

Memo re: Lack of Service upon Mary

LAW OFFICE OF
KENNETH DITKOWSKY

5940 W. Touhy, Suite 230
Niles, IL 60714
(847) 600-3421 Telephone
(847) 600-3425 Fax

Email: kkditkowsky@yahoo.com

KENNETH DITKOWSKY

Monday, June 17, 2013

MEMO TO: Mr. Peter Schmiedel:

Re: **SERVICE ON MARY SYKES - IN RE: CONDUCT OF PETER SCHMIEDEL, ADAM STERN, CYNTHIA FARENGA, AND OTHERS IN REFERENCE TO ESTATE OF MARY SYKES AND LACK OF JURISDICTION ON MARY SYKES.**

Dear Mr. Schmiedel,

Enclosed please find correspondence from the Sheriff of Cook County, Illinois.

It appears the Sheriff also has **no** record of service on Mary Sykes. What this means, Mr. Schmiedel is that for almost four years Mary Sykes has been subjected to the loss of her liberty and her property without being properly before the Court.

Just for the record, enclosed is a copy of the operating statute, which the Illinois Supreme Court has acknowledged as jurisdictional. This statute is **not** a suggestion it is mandatory. Again a search of the file reveals no return of service under oath, no document can be construed as a "*The summons shall be printed in large, bold type*" containing the appropriate warnings.

Again, I wish to alert you that this is a very serious matter and a senior citizen's rights have been knowingly violated. What is going to be done about the grievous harm that was done to Mary Sykes, Gloria Sykes and others? A copy of this letter is being communicated to law –enforcement demanding an immediate investigation to ascertain how such a terrible situation has occurred in the United States of America.

Yours very truly,

Kenneth K. Ditkowsky
KKD/djm

Cc: Honorable Eric Holder, Attorney General of the United States, Honorable Mark Kirk, Senator, Honorable Jane Stuart, Judge of the Circuit Court of Cook

County. Illinois Attorney Registration and Discipline Commission, Ms. Gloria Sykes, Ms. JoAnne Denison.

755 ILCS 5/11a-10
Formerly cited as IL ST CH 110 1/2 ¶ 11a-10

5/11a-10. Procedures preliminary to hearing

Currentness

§ 11a-10. Procedures preliminary to hearing.

(a) **Upon the filing of a petition pursuant to Section 11a-8, the court shall set a date and place for hearing to take place within 30 days.** The court shall appoint a guardian ad litem to report to the court concerning the respondent's best interests consistent with the provisions of this Section, except that the appointment of a guardian ad litem shall not be required when the court determines that such appointment is not necessary for the protection of the respondent or a reasonably informed decision on the petition. If the guardian ad litem is not a licensed attorney, he or she shall be qualified, by training or experience, to work with or advocate for the developmentally disabled, mentally ill, physically disabled, the elderly, or persons disabled because of mental deterioration, depending on the type of disability that is alleged in the petition. The court may allow the guardian ad litem reasonable compensation. The guardian ad litem may consult with a person who by training or experience is qualified to work with persons with a developmental disability, persons with mental illness, or physically disabled persons, or persons disabled because of mental deterioration, depending on the type of disability that is alleged. The guardian ad litem shall personally observe the respondent prior to the hearing and shall inform him orally and in writing of the contents of the petition and of his rights under Section 11a-11. The guardian ad litem shall also attempt to elicit the respondent's position concerning the adjudication of disability, the proposed guardian, a proposed change in residential placement, changes in care that might result from the guardianship, and other areas of inquiry deemed appropriate by the court. Notwithstanding any provision in the Mental Health and Developmental Disabilities Confidentiality Act or any other law, a guardian ad litem shall have the right to inspect and copy any medical or mental health record of the respondent which the guardian ad litem deems necessary, provided that the information so disclosed shall not be utilized for any other purpose nor be redisclosed except in connection with the proceedings. At or before the hearing, the guardian ad litem shall file a written report detailing his or her observations of the respondent, the responses of the respondent to any of the inquires detailed in this Section, the opinion of the guardian ad litem or other professionals with whom the guardian ad litem consulted concerning the appropriateness of guardianship, and any other material issue discovered by the guardian ad litem. The guardian ad litem shall appear at the hearing and testify as to any issues presented in his or her report.
(b) The court (1) may appoint counsel for the respondent, if the court finds that the interests of the respondent will be best served by the appointment, and (2) shall appoint counsel upon respondent's request or if the respondent takes a position adverse to that of the guardian ad litem. The respondent shall be permitted to obtain the appointment of counsel either at the hearing or by any written or oral request communicated to the court prior to the hearing. The summons shall inform the respondent of this right to obtain

appointed counsel. The court may allow counsel for the respondent reasonable compensation.
(c) If the respondent is unable to pay the fee of the guardian ad litem or appointed counsel, or both, the court may enter an order for the petitioner to pay all such fees or such amounts as the respondent or the respondent's estate may be unable to pay. However, in cases where the Office of State Guardian is the petitioner, consistent with Section 30 of the Guardianship and Advocacy Act,[1] where the public guardian is the petitioner, consistent with Section 13-5 of the Probate Act of 1975, where an elder abuse provider agency is the petitioner, pursuant to Section 9 of the Elder Abuse and Neglect Act,[2] or where the Department of Human Services Office of Inspector General is the petitioner, consistent with Section 45 of the Abuse of Adults with Disabilities Intervention Act, no guardian ad litem or legal fees shall be assessed against the Office of State Guardian, the public guardian, the elder abuse provider agency, or the Department of Human Services Office of Inspector General.
(d) The hearing may be held at such convenient place as the court directs, including at a facility in which the respondent resides.
(e) ***Unless he is the petitioner, the respondent shall be personally served with a copy of the petition and a summons not less than 14 days before the hearing. <u>The summons shall be printed in large, bold type</u> and shall include the following notice:***

NOTICE OF RIGHTS OF RESPONDENT
You have been named as a respondent in a guardianship petition asking that you be declared a disabled person. If the court grants the petition, a guardian will be appointed for you. A copy of the guardianship petition is attached for your convenience.
The date and time of the hearing are:
The place where the hearing will occur is:
The Judge's name and phone number is:

If a guardian is appointed for you, the guardian may be given the right to make all important personal decisions for you, such as where you may live, what medical treatment you may receive, what places you may visit, and who may visit you. A guardian may also be given the right to control and manage your money and other property, including your home, if you own one. You may lose the right to make these decisions for yourself.

You have the following legal rights:

(1) You have the right to be present at the court hearing.
(2) You have the right to be represented by a lawyer, either one that you retain, or one appointed by the Judge.
(3) You have the right to ask for a jury of six persons to hear your case.
(4) You have the right to present evidence to the court and to confront and cross-examine witnesses.
(5) You have the right to ask the Judge to appoint an independent expert to examine you and give an opinion about your need for a guardian.
(6) You have the right to ask that the court hearing be closed to the public.
(7) You have the right to tell the court whom you prefer to have for your guardian.

You do not have to attend the court hearing if you do not want to be there. If you do not attend, the Judge may appoint a guardian if the Judge finds that a guardian would be of benefit to you. The hearing will not be postponed or canceled if you do not attend.
IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN. IF YOU DO NOT WANT A GUARDIAN OF IF YOU HAVE ANY OTHER PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND TELL THE JUDGE.

Service of summons and the petition may be made by a private person 18 years of age or over who is not a party to the action.

(f) Notice of the time and place of the hearing shall be given by the petitioner by mail or in person to those persons, including the proposed guardian, whose names and addresses appear in the petition and who do not waive notice, not less than 14 days before the hearing. 755 Ill. Comp. Stat. Ann. 5/11a-10 (West)

PHONE (312) 603-6444

SHERIFF'S OFFICE OF COOK COUNTY, ILLINOIS

RICHARD J. DALEY CENTER

50 W. WASHINGTON - ROOM 704

CHICAGO, IL 60602

THOMAS J. DART

SHERIFF

June 12, 2013

Kenneth Ditkowsky
5940 W. Touhy, Suite 230
Niles, IL 60714

RE: Estate of Sykes 2009 P 4585

Dear Mr. Ditkowsky:

Enclosed please find the only information we have in response to your request for "return of service".

Sincerely,

Peter M. Kramer

Peter M. Kramer
General Counsel

PMK/cbm

EXHIBIT
1

Enclosures

LAW OFFICE OF
KENNETH DITKOWSKY

5940 W. Touhy, Suite 230
Niles, IL 60714
(847) 600-3421 Telephone
(847) 600-3425 Fax

Email: ken@ditkowskylawoffice.com

June 6, 2013

Honorable Tom Dart
Sheriff of Cook County
Richard J. Daley Center
50 West Washington Street
Chicago, IL 60602

Re: Estate of Sykes 2009 P 4585

Dear Sheriff Dart,

I and others have examined the file in the In re: Sykes case 09 P 4585(Circuit Court of Cook County, Illinois) and are unable to locate any 'return of service' or evidence that Mary Sykes was served with process.

It would be appreciated if you would search your files and ascertain if one of your deputies ever served Mary Sykes with service of process. If there was service, when, where, and what occurred when the service was made.

The Service of Process that I refer to has to be in compliance with 755 ILCS 5/11a – 10. Strict compliance with the statutory mandate was required. I would appreciate if you could forward any copies of documents that indicate any effectuation of service of process.

If you need any other information Ms. Matson of my office would be delighted to assist.

Thank you for your help and courtesy.

Yours very truly,

Kenneth Ditkowsky
KKD/djm

cc: Hon Dorothy Brown, Clerk of the Circuit Court, Administrator of the IARDC, (By Fax or e-mail) Attorney Adam Stern, Attorney Cynthia Farenga, Attorney Peter Schmiedel, Attorney JoAnne Denison, Attorney Lawrence Hyman. Ms. Gloria Sykes, Attorney General Eric Holder, Attorney General Lisa Madigan, States Attorney Alvarez

(A) Passport - PASSPORT

June 12, 2013, 09:12:46

PAGE 1 OF 1

DISPLAY BY COURT CASE NUMBER

C 09P004585

SEL	SHERIFFS NO	DEFENDANT	FILED DATE	SERVICE DATE	TYPE OF SERVICE	REASON NOT SERVED
_	311626-001A	SYKES, MARY G.	07-20-2009	08-10-2009	NOT FOUND	NO CONTACT
_	334996-001A	SYKES, MARY E	08-31-2009	00-00-0000		

PAGE NO. -- NO MORE RECORDS TO DISPLAY
TO SELECT MASTER, ENTER S, USE PF4 KEY
PF1 NEXT PF2 PREV PF5 GO TO PAGE PF8 GEN INQ. MENU PF9 MAIN MENU PF10 DB MENU

(A) Passport - PASSPORT June 12, 2013, 09:13:17

DSP NEXT SCREEN __ CIVIL WRIT MASTER RECORD SCREEN 01
C.P.U. ENTERED DATE/TIME: 07/20/2009 12:22 ADD OPER. AMO
TYPE OF CASE PR PROBATE DISABLED PERSON Y OPR. ID EPA
SHERIFF'S NUMBER 311626-001A CASE NUMBER 09P004585 DISTRICT 047
MUNIC 1 MULT. SERVICE 001 PAUPER'S SUIT _ TYPE OF DOC. 100 SUMMONS
FILED DT 07-20-2009 DIE DT 08-12-2009 REC'D DT 07-20-2009 HELD BY _____
CORP. SEARCH _ DEFENDANT SYKES, MARY G.
ADDRESS 006014 N AVONDALE AV APT. NO./HOUSE
044 CHICAGO IL. 60631 _____
PLAINTIFF MARY G. SYKES
SERVICE INFORMATION SGAM
SERVICE INFO. PRIORITY SERVICE 08/25/09 ALM
TYPE OF SERVICE NOT NOT FOUND PRN _ REASON NOT SERVED 02 NO CONTACT
SERVED ON _____ SERVICE DATE 08-10-2009 TIME __:__ __
SEX _ RACE __ AGE __ BY DEPUTY-STAR # 11097 MASCHEK, CYNTHIA
RETURNED DATE 08-12-2009 DATE RETURN TO CLERK 08-13-2009 POSTED DATE MO-DA-YEAR
ADDITIONAL REMARKS 2X...MLR
ATTY NO. 0000
ATTY NAME.: HARVEY J. WALLER _____
ADDRESS...: X TAX DEL'Q
CITY.....: X , XX 00000 0000 PH. 312 606 9100 SHERIFF'S NO.
_____ ____

TO RETURN TO INITIAL INQUIRY, USE PF7 FOR NEXT SCREEN, ENTER 02 PRESS PF4
PF7 INQUIRY PF8 GEN INQ. MENU PF9 MAIN MENU PF10 DB MENU

(A) Passport - PASSPORT June 12, 2013, 09:14:18

DSP NEXT SCREEN __ CIVIL WRIT MASTER RECORD SCREEN 01
C.P.U. ENTERED DATE/TIME: 09/01/2009 11:28 ADD OPER. SSA
TYPE OF CASE PR PROBATE DISABLED PERSON _ OPR. ID RFR
SHERIFF'S NUMBER 334996-001A CASE NUMBER 09P004585 _ DISTRICT
MUNIC 1 MULT. SERVICE 001 PAUPER'S SUIT _ TYPE OF DOC. 100 SUMMONS
FILED DT 08-31-2009 DIE DT 08-31-2009 REC'D DT 08-31-2009 HELD BY _____
CORP. SEARCH _ DEFENDANT SYKES, MARY E
ADDRESS _____ _ _____ __ APT. NO./HOUSE
___ IL. _____
PLAINTIFF MARY E. SYKES
SERVICE INFORMATION SGAM
SERVICE INFO. WINDOW PERSONAL
TYPE OF SERVICE ___ PRN _ REASON NOT SERVED __
SERVED ON _____ SERVICE DATE MO-DA-YEAR TIME __:__ __
SEX _ RACE __ AGE __ BY DEPUTY-STAR # _____ _____
RETURNED DATE MO-DA-YEAR DATE RETURN TO CLERK 09-03-2009 POSTED DATE MO-DA-YEAR
ADDITIONAL REMARKS _____
ATTY NO. 0000 _____
ATTY NAME.: XX TAX DEL'Q
ADDRESS...: XX SHERIFF'S NO.
CITY.....: XX , XX 00000 0000 PH. 312 606 9100 _____ _____

TO RETURN TO INITIAL INQUIRY, USE PF7 FOR NEXT SCREEN, ENTER 02 PRESS PF4
PF7 INQUIRY PF8 GEN INQ. MENU PF9 MAIN MENU PF10 DB MENU

PBDK DALYSGAM HONORABLE DOROTHY BROWN 06/12/2013
CLERK OF THE CIRCUIT COURT OF COOK COUNTY PAGE 002 OF 166
PROBATE DIVISION COURT DOCKET INQUIRY

STATUS PENDING APPEAL 05/06/13
CASE NUMBER 2009P004585 CALENDAR 15 DOCKET# 000 PAGE# 000
SYKES MARY G
07/21/09 HEARING DATE SET (DATE, TIME) 11:00 08/26/09 $00.00
99500 PRO SE 00000 0000000

SYKES MARY G PR090361896
07/24/09 ORDER CAUSE SET FOR HEARING (DATE & TIME) - A 11:00 08/26/09 $00.00
CONNORS, MAUREEN E. 08/26/09

SYKES MARY G PR090361896
07/24/09 ORDER APPOINTING GUARDIAN AD LITEM FOR ALLEGED DISABLED PERSON $00.00
CONNORS, MAUREEN E.

SYKES MARY G RECD 08/17/09 & AUDITED
08/13/09 N.S. - SUMMONS RETURNED FOR APPT OF GUARDIAN 08/10/09 $00.00
22605 WALLER HARVEY 30 N LASALLE ST 204 CHICAGO IL 60602 6069100

PAGE NO: ___ ACT DATE: _____ PF3=MENU PF7=BACK PF8=FORWARD CLEAR=EXIT

PBDK DALYSGAM HONORABLE DOROTHY BROWN 06/12/2013
CLERK OF THE CIRCUIT COURT OF COOK COUNTY PAGE 003 OF 166
PROBATE DIVISION COURT DOCKET INQUIRY

STATUS PENDING APPEAL 05/06/13
CASE NUMBER 2009P004585 CALENDAR 15 DOCKET# 000 PAGE# 000
SYKES MARY G
08/21/09 APPEARANCE FILED - FEE PAID $148.00
54443 COHEN IRA JAY 675 NORTH COURT#490 PALATINE IL 60067 7051300

SYKES MARY G PR090412386
08/26/09 ORDER APPOINTING SPECIAL PROCESS SERVER - ALLOWED $00.00
CONNORS, MAUREEN E.

SYKES MARY G PR090412386
08/26/09 ORDER APPOINTING GUARDIAN AD LITEM - ALLOWED $00.00
CONNORS, MAUREEN E.

SYKES MARY G PR090412386
08/26/09 CASE SET FOR STATUS ON (DATE) - CONTINUED 10:30 08/31/09 $00.00
CONNORS, MAUREEN E.

PAGE NO: ___ ACT DATE: _____ PF3=MENU PF7=BACK PF8=FORWARD CLEAR=EXIT

FISCHEL
& KAHN, LTD.
Attorneys at Law *Established 1919*

JOEL H. FISCHEL
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PHONE: 312 726-0440 FAX: 312-726-1448
www.fischelkahn.com

WRITER'S E-MAIL ADDRESS:

pschmiedel@fischelkahn.com

June 14, 2013

VIA FACSIMILE (847-600-3425)
VIA EMAIL (kenditkowsky@yahoo.com)
Kenneth Ditkowsky
5940 W. Touhy, Suite 230
Niles, IL 60714

Re: Service on Mary Sykes

Dear Mr. Ditkowsky:

I write in response to your letter of June 13, 2013, responding to my letter detailing precisely where you will find in the record of Mary Sykes's Probate Case, 09 P 4585 - which is now in the Appellate Court under appellate number 1-12-2799 ("Probate Case") - the fact that Mary was served on August 31, 2009. I also write in response to your email of today in which you claim, once again without any foundation, and in utter bad faith, that there is no record that Mary Sykes was served with summons that is contained in the record of the Probate Case.

Notwithstanding, the numerous misstatements and false allegations contained in your correspondence, I went to the appellate court today, where the record is maintained, and attach hereto a copy of the service of summons, found in the record, that conclusively establishes that the Cook County Sheriff personally served Mary on August 31, 2009, at 12:35 p.m. with "Window Service." The service contains the signature and badge number of the sheriff who served Mary, as well as the fact she was "90" years old. The document also contains the Sheriff's reference number of 334996, the fact that $50 was paid and even has the name of the cashier: "Ginny."

This information was and is readily available in the appellate record at Vol. 1, C.25-27, which is exact location I directed you to in my letter of June 13, 2013. This invitation to discover the truth was deliberately and in bad faith ignored by you.

FISCHEL
& KAHN, LTD.

In light of the foregoing, should you ever initiate an action against me based in any way on the completely false, bad faith allegation that Mary Sykes was not served personally in the Probate Case, I assure you I will vigorously contest any such baseless action and seek all appropriate sanctions.

Sincerely,

FISCHEL & KAHN, LTD.

Peter J. Schmiedel

cc: Adam Stern (via email)
Cynthia Farenga (via email)

Summons For Appointment of Guardian For Disabled Person (Rev. 7/6/01) CCP 0201 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - PROBATE DIVISION

Estate of

Mary - YK

Alleged Disabled Person

No. 2006P [illegible]

Docket

Page

1 PROBATE 50.00
DEF/PLAINTIFF'S ATTORNEY
CASE TOTAL
TOTAL 50.00
CHECK 1 50.00
CASHIER'S COPY

Alle SUMMONS FOR APPOINTMENT OF GUARDIAN FOR DISABLED PERSON

To: Mary yik
[illegible]

WINDOW PERSON

You are summoned to appear at a hearing on a petition to adjudge you a disabled person and have a guardian appointed to make decisions for you regarding yourself, your property, or both. A copy of the petition and notice of rights of respondent are attached.

The hearing to determine whether or not a guardian will be appointed for you will be held on

[illegible] ember, 21 at [illegible] a.m. / p.m., in Room [illegible] of the [illegible] 2006

At the hearing, you have a right to be represented by a lawyer. You have the right to attend the hearing. If you do not have a lawyer, the court will appoint one for you upon your written or oral request communicated to the court prior to or at the hearing. You have the right to demand a jury trial. You may confront and cross-examine all witnesses and present your own witnesses. You have the right to request that your hearing be closed to the public. You have the right to request that an expert be appointed to examine you.

TO THE OFFICER:

NB

(1) No Date number - all documents in record have such number.

(2) Not bold or Large type -

(3) WARNING missing.

(4) Return not under oath. insufficient

alleged disabled person personally no later than 14 days before the day for ned by the officer or other person to whom it was given for service with later than 2 days after service. If service cannot be made on the alleged must be returned so endorsed.

Witness

[illegible] Clerk of Court

(Seal of Court)

K OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS (OVER)

I certify that on _____, _____, I served this summons on the alleged disabled person, leaving a copy with him/her personally and informing him/her of its contents.

_____ Sheriff of _____ County

By _____ Deputy

SHERIFF'S FEES

Service and return		$
Miles		$
Total		$

Atty. No.: 37605
Atty. Name: Harvey I Walker
Firm Name: Harvey Jewalker & Assoc.
Atty. for Petitioner: Petitioner
Address: 30 N Wabash ST Ste 2040
City/Zip: Chicago IL 60602
Telephone: 312 606 4100

WRIT SERVED ON Mary C. Sykes
SEX M/F F RACE W AGE 90
THIS 31 DAY OF July, 2013
TIME 12:35 A.M. P.M.
BY: _____, DEPUTY Sheriff

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

LAW OFFICE OF
KENNETH DITKOWSKY
KENNETH DITKOWSKY

5940 W. Touhy, Suite 230
Niles, IL 60714
(847) 600-3421 Telephone
(847) 600-3425 Fax

Email: kkditkowsky@yahoo.com

Monday, June 03, 2013

MEMO TO: Melissa A. Smart:

Re: JoAnne Denison and Kenneth Ditkowsky matters

Dear Ms. Smart,

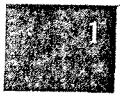
I am forwarding a copy of this note to your attorney, as well as to your executives.

Pardon the informality.

I am shocked by your letter of May 31, 2013 in light of the revelation of the 'smoking gun' letter and exhibits that the IARDC produced from Cynthia Farenga. I trust you are aware of the import of Ms. Farenga's letter, but apparently are not concerned that what has been revealed is a conscious and concerted effort to interfere with the civil rights (First Amendment) of both Ms. Denison and myself. In words and phrases Ms. Farenga successfully requests that the IARDC act to use its limited authority to terminate the call for an Investigation of the Sykes and related matters.

The **First Amendment,** as a 'core' of American democracy, bars such conduct by not only the IARDC, but its agents, servants and attorneys. As the IARDC by its pleadings mirrors Ms. Farenga's demands, both Ms. Denison and I are aggrieved at the open and notorious disregard of our Civil Rights. The patently illegal disqualification is not a bar to requests for a complete disclosure that is required after a government entity produces a 'smoking gun' fired off by itself. **Ms. Smart – what the IARDC has disclosed, which it produced as exhibit 1 and exhibit 2 attached hereto and made part hereof, is the IARDC acting in concert with Ms. Farenga and her cohorts to, under color of law, deny Ms. Denison and me our Civil Rights**.

Both Ms. Denison and I are entitled to a complete disclosure of all the records of the IARDC that relate to this unconstitutional conduct. This material should have been produced during discovery in my case, and it now ought to be produced in Ms. Denison's case also. It is respectfully



1 FOI response to Farenga ('Smoking Gun') letter and apparent refusal of IARDC to produce appropriate records.

suggested that the grievous act continues and that a case can be made that the conspiracy continues.

Let this letter be deemed a demand under the **Freedom of Information Act** by both Ms. Denison and myself for the balance of the material that relates to the 'smoking gun' letter. I am sending you a copy of the 'smoking gun' letter for your review. **Let this letter be a formal demand for this matter to be referred to the United States Attorney and the Illinois Attorney General for investigation as to the apparent violations by IARDC employees of my and Ms. Denison's civil rights.**

Sincerely,

Kenneth K. Ditkowsky
KKD/djm

Enclosure:

Exhibit C

GAL Cynthia Farenga
Smoking Gun Letter

CYNTHIA FARENGA
ATTORNEY AT LAW
1601 SHERMAN AVENUE, SUITE 200
EVANSTON, IL 60201

Tel: 847 475-1300
Fax: 847 866-8885
cfarenga@comcast.net

November 20, 2011

EXHIBIT
1

NOV 21 2011

ATTY. REGISTRATION COMMN
CHICAGO

ARDC
Ms. Lea Black
One Prudential Plaza
130 East Randolph Drive
Suite 1500
Chicago, IL 60601-6219
By FAX 312-565-2320
4 pages

Re: JoAnne Denision

Dear Ms. Black:

I am writing to refer JoAnne Dension to ARDC pursuant to the duty imposed by the Himmel case.

My experience with Ms. Denison began in the Estate of Mary Sykes, A Disabled Person. I am one of two Guardians Ad Litem for Mary Sykes in this matter. Adam Stern is the other GAL.

Ms. Dension was only briefly involved in the Sykes estate as she was disqualified for having a conflict of interest. She has now joined forces with Kenneth Ditkowsky, whose conduct is under review by ARDC, to renew attacks on various lawyers and judges involved in the Sykes estate.

I have enclosed pages printed from a website called ProbateSharks.com, which has been ardently following the case and has printed many of Ditkowsky's inflammatory and untrue writings. The specific article I am referring to is dated November 20, 2011 and is titled "Call for State/Fed Investigations by Ken Ditkowsky/JoAnne Denison, Illinois Attorneys." The authors suggest that readers call, visit and write state and federal investigators, including the FBI, to investigate alleged misconduct by Carolyn Toerpe, Mary's Guardian and daughter, and by me and Adam Stern in our roles as Mary's Guardians ad Litem.

The article speaks for itself in terms of repeating allegations of criminal culpability. In particular, refer to paragraph 5 referencing "heart of the criminal conduct". Paragraph six refers to gross impropriety of Adam Stern and me. The entirety of the article is simply untrue, including the

1

assertion in paragraph 3 that Adam Stern and I ignored red flags relating to Mary Sykes' abuse/neglect. Please let me know if I can be of assistance in this matter.

Very truly yours,

Cynthia Farenga,
Guardian ad Litem,
Estate of Mary Sykes

Enclosures: ProbateSharks.com November 20, 2011 article by Ditkowsky and Denison

2

ProbateSharks.com

EXHIBIT 2

FEATURED CONTENT

ProbateSharks.com

Our mission is to expose and remedy corruption in the Probate Cook County, Illinois. We assist, educate and enlighten familie the dying, the disabled and the aged to better understand their r to protect themselves from the excesses of the Probate Court of County. ProbateSharks.com is dedicated to networking the hun of people to people. We join together in reforming the corrupt C Probate Court system.

Sunday, November 20, 2011

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ransom case
2011
3 patients die in Australian r
home fire
6 Years in Prison for Stealin
Resident's Wedding Ring
6
65% Say Most Judges Shou
Elected
81
83-Year-Old Man Charged a
Prostitute
87

CALL FOR STATE/FED INVESTIGATIONS by Ken Ditkowsky/JoAnne Denison, Illinois Attorneys

CALL FOR STATE/FED INVESTIGATIONS

by Ken Ditkowsky/JoAnne Denison, Illinois Attorneys

Posted on November 20, 2011

1. A COMPLETE AND UNBIASED PHYSICIAN AND MENTAL EXAMINATION OF MARY SYKES TO BE CONDUCTED AT THE UNIVERSITY OF CHICAGO CENTER FOR ADVANCED MEDICINE OR NORTHWESTERN UNIVERSITY. This examination must be conducted by real doctors, not doctors who are willing to sign certificates of incompetency without examining the patient – the record in this case reveals such a physician. It also reveals that the plenary guardian signed one of the certificates representing that she was a PhD. She is not!

2. A COMPLETE INQUIRY AS TO THE PETITION THAT WAS FILED BY MARY SYKES WITH THE AID OF COURT PERSONNEL SEEKING AN ORDER OF PROTECTION. It is amazing that this serious proceeding was totally ignored by the Circuit Court of Cook County and the two guardians ad litem who were assigned to this case. Incidentally why are there two guardians ad litem and what is their role – except to prevent Mary from having legal representation?

3. A COMPLETE INQUIRY AS TO THE ESTATE PLANNING DOCUMENTS THAT WERE PROMULGATED THAT ESSENTIALLY DISINHERITED MARY'S YOUNGER DAUGHTER. This should have been a red flag for the guardian ad litem. Since the plenary guardian was the named

abuser in Mary's petition for a protective order this situation should have been investigated. Demands for the notes on such inquiry by the GALs have resulted in nothing being produced

4. A COMPLETE INQUIRY INTO ALL FACTS SURROUNDING THE APPOINTMENT OF A PLENARY GUARDIAN FOR MARY SYKES THIS SHOULD BE COMPREHENSIVE AND SHOULD FOCUS UPON SUCH ISSUES AS WHY THE SODINI NOTICES WERE NOT HAD, THE AUGUST 31 2009 TRANSCRIPT, THE APPOINTMENT OF TWO GUARDIAN AD LITEM, THE DISQUALIFICATION OF JOANNE DENISON, THE ATTORNEY EXCLAMATION OF BEING RAILROADRD, THE ACTIONS OF THE GAL IN PREVENTING MARY FROM HAVING LEGAL COUNSEL. The Sodini case makes these notices jurisdictional. Will there by a "cover up" of the admitted failure to serve the Sodini notices? If there is , what is law enforcement going to do about it

5. A COMPLETE INQUIRY INTO THE REMOVAL OF MARY'S ASSETS FROM HER HOME AND FROM HER SAFETY DEPOSIT BOX – INCLUDING THE UNDERSTATEMENT OF THE ASSETS IN THE INVENTORY. This is the heart of the criminal conduct and the unifying thread of this case and the other guardianship abuse cases. This thread also extends to the nursing home financial exploitation cases. Millions in tax revenue is lost by not requiring the guardians to report the 'loot' received as ordinary income.

6. ALL FACTORS INVOLVED IN THE ISOLATION OF MARY SYKES FROM NOT ONLY HER YOUNGER DAUGHTER BUT HER SIBLINGS, FRIENDS, AND ACTIVITIES. There is no justifiable reason why Mary's 80/90 year old friends and relatives cannot freely and in an unfettered manner visit with her and communicate with her. It is important that law enforcement ascertain the motivation for the GALs acting in a concerted manner to perpetuate the isolation. Indeed, the demonization of Gloria Sykes by Adam Stern and Cynthia Farango (GALs) is not only unjustified but evidence of gross impropriety. Ms. Sykes is a published author and journalist.

7. other and different aspects of the financial exploitation and elder abuse.

I suggest that everyone call/fax/email the court investigators (there are the federal ones or the FBI in the Dirksen building, 219 S. Dearborn Ave. and the are also state investigators in the Thompson center. You can also try to visit them with your petitions. Gloria, can you get their phone/fax/email and we can post that tomorrow? Everyone needs to email them with how Gloria lovingly cared for her mother for 10+ years while Carolyn idly stood by. Also, if you have information on assets, that would be great and can substantiate Gloria's claims of gold coinage and cash in the mattress and what people inherited in the family and then died, that would be great. And finally, if you can substantiate how Mary has pled repeatedly to get an attorney and go home, that is very helpful too

Please read more about the exploitation of Mary Sykes at links below:

http://marygsykes.wordpress.com/

http://www.marygsykes.blogspot.com/

Editor's note: The exploitation and kidnapping of Mary Sykes by the Probate Court of Cook County should sound a warning knell to all Americans. Any person, aged, disabled or dying, can potentially fall under the grasp of this greedy power hungry court. Most of the wealth of America ultimately passes through these almost completely unregulated courts. Billions of dollars and the humanity of our citizens are being denuded by these packs of probate court scoundrals. Lucius Verenus, Schoolmaster, ProbateSharks.com

93-Year-Old Wins Prestigiou Award
96-year-old Florida woman
96-Year-Old Man Accused C Murdering His 81-Year-Old I
A Response
A 'perfect storm' of pressur philanthropic community
A CASE HISTORY COOK CC PROBATE COURT EXPLOIT
A Chance To Be Independer
A DIALOGUE
a Holocaust survivor
a lot of misunderstanding'
ABC MEDIA EXPOSURE IN / PROBATE CORRUPTION
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Accused of letting relative d just laid there until she wor
accused of sexual assault
After Abuses
Aging Americans stay home of 'villages'
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Al Katz Part 1 and Part 2
Alice Gore and the Dog ator
Allard pleads innocent to lar retired judge (MA)
Alzheimer's Association
Amanda Rice Stevenson
AMERICAN BAR ASSOCIATI GUIDELINES FOR CLIENTS DIMINISHED CAPACITY
An Elderly Man's Lawsuit C
Probate Reform
and Outrageous Real Estate Transactions
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Anna Nicole Smith Case Rel Court
Another Attorney Charged I Case
Appeals court will revisit on overhaul VA
Appellate court: Greco 'a m his clients'
ARDC AUDIT RESULTS
Are we facing a crisis of overpopulation?
arrested for fatally shooting
Arrested in Michigan with t of Cocaine in Vehicle
Assassination by U.S. Government???
At 88
Attorney charged with three

Exhibit D

Response to Atty Ken Ditkowsky Decision

False Assertions by the Tribunal

1. (That Mary was properly ajudicated incompetent in December 2009) This allegation was supported by the opinion of Dr. Barry Rabin, who examined Mary on June 30, 2009. (Adm. Ex. 3).

Drs. Rabin, Amdur and Shaw are court tied in doctors that exist on "secret lists" in probate on the 18th floor.They always or nearly always declare anyone over 70 incompetent. (Gloria, do you have the transcript on this?) I have calls from people "hiding" from locked down dementia wards who have escaped and are on the lamb, whose paid up house and bank accounts have been stripped from them and are being eaten by probate atty fees and tied in fees. Several will not reveal identities. Several live on pennies while the court tied in personnel bill for services not provided, and $20,000+ per year is taken out of their estate for probate atty/tied in personnel fees.

2. Mary's other daughter, Gloria Sykes, strongly disagreed with Toerpe over the guardianship and opposed her petition. Gloria filed a cross-petition, initially seeking to have the Public Guardian appointed Mary's guardian. Later, Gloria sought to have herself or another relative appointed guardian. (Tr. 102, 272).

Mary and Gloria did perfectly fine on a POA Gloria held for Mary for years. Gloria loving took care of Mary and bought her gourmet vegetarian food and designed clothes and she visited her favorite beauty salon once per week and had her hair and nails done.

Carolyn was estranged from the family and rarely cared for Mary. When Mary got sick, Carolyn dropped her off by Gloria's the few times she took her over the years. Mary lived in front, Gloria had a house in back. Gloria put Mary's name on the title of the house for "testimentary purposes" not knowing she could have used a TODI for that.

It was cruel and unusual to rip Mary from her home and neighborhood for 40+ years (the Sykes house was bought about 1960, according to the records of the Recorder's offices) and place her in Naperville, and then isolate her The isolation continues to this day.

Gloria initially asked the OPG (Office of Public Guardian) to be Guardian of the Estate while the allegations over finances were investigated by the court. The OPG declined because they do not get involved if there is family and Mary's estate did not have the funds they wanted to get paid to be Guardian of the Estate. Kathie Bakken, a niece, kindly stepped forward and the Petition as filed is in the ROA.

3. On December 10, 2009, the presiding judge, Justice Maureen Connors, entered an order adjudicating Mary disabled and appointing Toerpe plenary guardian of her person and estate. As a result, Toerpe was responsible for making personal decisions for Mary and controlled her financial affairs. (Tr. 46, 107-108). Gloria appealed from that order. Her appeal was ultimately dismissed, and the order was upheld. (Tr. 108).

While Gloria DID file a Notice and Appeal and Appellate Brief, her appellate brief was ultimately dismissed for failure to file formatting rules.
No decision on the merits was ever reached BUT Atty Schmeidel and GAL Adam Stern continue to propagate this rumor both inside the court and directly to Judge Stuart and outside the court to the Tribunal. When confronted with the truth, by Gloria and the undersigned, PS and AS repeated refuse to respond. The dismissal for the first appeal on section 341 compliance (non formatting) is included in the ROA.

4. Respondent also testified he considered the medical documents contradictory and was not convinced Mary was disabled. Therefore, after the meeting with Mary's friends and family, Respondent began an investigation. (Tr. 409-10).

It is perfectly fine with the Probate court for a long term family member to simply account to the Probate court for any prior use of a POA, but in this case, Mary's mortgage obligations easily outstripped her $2,000 per month income and Gloria had been supporting her.

As to Mary's alleged "severe disability" asserted by each of PS, AS and MS, there is a video taken about a month after Mary was allegedly disabled. In FED (evictions court) when Judge Garber saw the video of Mary he explained, "oh my Goodness, this woman is not incompetent" and he wished Gloria well, but he was not involved with Probate.

The video is up on Vimeo at this time. Gloria has previously published it and it may be on Facebook. While an "anonymous" note in JMD's file asserts that the video and it's publication was improper, it is still news, it shows a lucid and thinking person, Mary indicated in her own handwriting she wanted out and she wanted help, she knew at the time Gloria was video taping her and her consent is thereby implied. NOT to mention the fact that the issue is hotly contested and up at the First District court of appeals. The copyrights belong to the videographer and Gloria has secured that permission to post. Mary's involvement is newsworthy and the video is popular on the probate blogs as a news item. Mary knows that her daughter Gloria is an investigative news reporter.

Many people have commented favorably upon the video as news. JMD did not ask GJS to take the video–she is an investigative reporter. The video has been widely copied and disseminated elsewhere with the permission of the videographer. JMD did not publish hers until someone started trying to remove all of the Sykes competency videos on Facebook and she was getting complaints that evidence of corruption was being secreted away and destroyed.

The video is the best evidence of Mary's competence in January of 2010 and the ARDC conveniently ignores it.

5. "(a)fter I appear for Mary Sykes, I will want all your records in connection with Mrs. Sykes and I will want to have Mrs. Sykes examined independently ?to determine if she is indeed a disabled person." (Adm. Ex. 3). Respondent expressed his view Mary was competent and requested, if he was incorrect, Dr. Patel to

"enlighten me as to what my mistake is." (Adm. Ex. 3). Respondent observed it would be reprehensible if medical professionals sided with either of Mary's fighting daughters and thanked Dr. Patel for his courtesy and cooperation. (Adm. Ex. 3).

Again, the video and it's transcript dating to January 2010 is the best evidence of the competency of Ms. Mary Sykes. Mary had consistently written notes asking for an attorney to "get her out of here" and "to get Carolyn out of her life." Incredulously, the GAL's told the court the notes were "parroted" into Mary's handwriting. Gloria then took a video of Mary carefully thinking about and writing down her wishes to "get out of this [guardianship]"

Even from what the tribunal published to support its conclusion that KDD misled Dr. Patel or that his letter to Dr. Patel with an appearance form "might mislead or confuse Dr. Patel", the undisputed evidence is that Dr. Patel put the letter in the file and did nothing further.

Atty Leah Black argued in her closing argument that Dr. Patel must have been mislead or confused, but Dr. Pramod Patel has at least 8 years of college and must regularly handle HIPPA and other complex forms for his patients and has received undoubtedly extra training on the issues of disclosing medical information. Further, if Mary or her relatives had discussed anything publicly in the patient waiting room, or had a public fight, Dr. Patel could have assuredly disclosed that information to KDD because it was already public.

It is indeed noteworthy that Atty LB was careful not to ask Dr. Patel if he found the note confusing or misleading or that it would have caused him to wrongfully divulge any patient information.

She skips the question of the ultimate conclusion, because it is clear Dr. Patel did in fact do nothing further with the letter.

She did not ask if Dr. Patel had any experience with court orders requiring disclosure of medical records or if Dr. Patel had ever disclosed medical information based upon a signed, but unfiled appearance form.

Even a child knows you cannot search a home or get medical information without a warrant or a court order. BUT anyone is allowed to ask–it's a constitutional right.

6. Respondent testified, when he sent the letter to Dr. Patel, he did not represent Mary. Respondent was investigating the matter and had not yet decided if he would represent Mary. (Tr. 615, 618). Respondent never spoke to Mary about the letter to Dr. Patel. He never obtained her permission or Toerpe's to sign the purported appearance. (Tr. 610-11).

While this is correct that an alleged disabled or disabled needs court permission to obtain an attorney, if there is no money in an estate, any attorney generally gets permission to represent any senior. HOWEVER, if there is any money involved, or any hint there might be a great deal of money involved, the court will whip out their "secret list" of court known and approved attys and

give the task to someone from that list.

These lists are not public. Attys who have threatened to publish them have been threatened with sanctions and disbarment by other probate attorneys. Go figure.

7. Respondent acknowledged he did not have proper authorization to obtain Mary's medical records. Respondent testified he was not expecting Dr. Patel to send him records at that time, but wanted to let Dr. Patel know he would make "appropriate application" for Mary's records. (Tr. 411-12). Respondent did not consider his letter to Dr. Patel false. Respondent testified he was not intending to mislead Dr. Patel and or to get Dr. Patel to release medical information to him. (Tr. 446-49). However, the purpose of Respondent's letter was to investigate, and Respondent testified he thought Dr. Patel might call in response to his letter. (Tr. 413, 450).

Certainly, the tribunal knows that some information can be public (discussions in the waiting room providing general information, etc.) and some is private. Certainly an open dispute between Carolyn, Mary, and Gloria–which had happened in the past–would have been public information that Dr. Patel might have wanted to disclose.

8. Gloria also had asked the court to appoint a lawyer for Mary. The court had denied that request. Stern interpreted Respondent's conduct as an attempt by Gloria to circumvent that ruling. (Adm. Ex. 4 at 4-5).

Circumvent that ruling? Are they kidding? If the ruling was wrong, denying someone their own attorney at any time during a guardianship proceeding is indeed a very, very serious charge. If a court made a wrong ruling, it should be corrected immediately. Gloria was an interested party and a long term caretaker. This was her *mother*, for heaven's sake, and if an attorney wanted to represent Mary, and KDD would have done it without any payment guarantee, the court had a *duty to listen.* In juvenile law, there is even a state law that a *juvenile cannot waive her or his right to an attorney when the juvenile's liberty is at stake.* Why then, can this be done summarily on the 18th floor when the senior is elderly?

Further, denying the use of counsel, where there is an ongoing dispute, and when Mary is shown on video tape, and in several handwritings asking for an atty, well, there's just something terribly wrong going on there. *****

Here's a curious quote:

9. Although he continued to attempt to do so, Respondent was not permitted to file pleadings in the guardianship case. (Tr. 73, 282, 565, 569-70).

I don't see that on any of those pages, so let's take a look see:

73: Chair T whines at KDD before KDD starts to question a witness–now don't be trying to get in information on other Sykes cases that you have pending before other cases. I will limit your

testimony. Interesting. KDD replies: I don't have other Sykes cases pending.

282: Nope, nothing there either. This page is about KDD being haled into court and being sanctioned there even tho he never appeared in 1804 before–and the Ct of Appeals agreed with him that 1804 had no jursidction over him.

565: Still this refers to the same subject. KDD is haled into 1804 but never filed an appearance form or anything there.

569-570: This pages refers to the fact AS doesn't like KDD giving Gloria free legal advice because then she "files stuff" he has to respond to. Atty LH responds with, well isn't that the job of an attorney, to point out disputes and have the court resolve them? AS replies with, "not when they have a heads on conflict with the disabled person." What? No one has ever filed a motion regarding a dispute over property and if it is owned by the disabled or a 3rd party?

That's really difficult to believe. All those sections on "Citation to Discover Assets" and "Citation to Recover Assets" can just be taken off the books? Someone might file something? Good for you Mr. Adam Stern, to save us all those annoying motions which you claim "are never filed."

Okay, nothing there the Chair T alleges–no repeated filings in 1804 tho KDD was told not to do that, so let's just move along.

On page 10:

10. Respondent drafted and sent a letter to Dr. Patel, accompanied by a document which
purported to be Respondent's appearance as Mary's attorney in the guardianship case. The PAGE 11: appearance in particular conveyed the sense that Respondent was Mary's duly authorized representative. In fact, this was not true, and Respondent knew it.

This is so obviously not true, see above. The letter was clear, the recipient was a Medical Doctor with at least 8 years of college and skilled, adept and trained at when to disclose and when not to disclose. He worked for a major hospital and medical group with skilled attorneys on retainer. The allegation is ****

11. Respondent also admitted, when he sent the letter to Dr. Patel, he was investigating and had not decided whether or not he would represent Mary. Respondent characterized his letter to Dr. Patel as part of his investigation. This also supports our conclusion Respondent knew the representations implicit in his correspondence were false.

All attorneys are required to conduct detailed investigations prior to filing in court. FRCP Rule 11 and S.Ct.R. 137.

The statement is bogus.

12. **Respondent were aligned. This was inaccurate. Gloria was one of the persons who retained Respondent. Her interests and Mary's differed. Rightly or wrongly, Gloria had been attempting to vacate Toerpe's appointment as Mary's plenary guardian. Further, Mary's and Gloria's interests diverged as to other pending matters, discussed below, including Mary's and Gloria's respective interests in jointly owned real estate and in lawsuit settlement proceeds.**

The lawsuit settlement was for Gloria's house which was separate from Mary's. Mary never lived there and had no property on the premises of this house. Gloria paid the mortgage for years and was the only person named on the insurance policy and proceeds check. Other than Carolyn, no one in the family disputed any of this. Further, the settlement was $1.3 million, attorneys fees were 40%, litigation loans were about $200,000, so after all that what was left was about $600,000 and that was to fix up the house. Instead, Peter Schmeidel went in and further destroyed the house, throwing Gloria's furniture into the snow, paddlocking her out and disabling her professional security system in her garage–a building about 30' from Gloria's home. Chase has already admitted liability for this action.

A better question is, why was PS actively seeking to have Gloria's house severely damaged, security cameras professionally disabled during the fiasco, and throwing valuable furniture into the snow if all of this is "part of Mary's estate?" I'd like to know.

13. **Despite his contrary statements, we are convinced Respondent contacted Dr. Patel in an attempt to prompt Dr. Patel to communicate with Respondent about Mary's medical condition. Respondent admitted, in contacting Dr. Patel, he was investigating the matter. Respondent also admitted he did not have proper authorization to get records from Dr. Patel, but thought Dr. Patel might respond to his letter. The accompanying appearance form would have given Respondent's PAGE 13: inquiry an aura of legitimacy, particularly to a non-attorney, and could easily have prompted a response without the appropriate medical authorization. The fact that Dr. Patel did not respond is inconsequential in determining whether Respondent's conduct violated Rule 4.1(a).**

Another smoking gun: the Tribunal didn't even want the question answered of whether Dr. Patel in fact was misled. Do they really believe that Dr. Patel would disclose private medical information or are they afraid that Dr. Patel might have known more public information told regarding the strange goings on with Mary?

14. **Stern filed a motion for sanctions and presented that motion to the court. Respondent's false representation of his status in the litigation and improper attempt to gain information naturally prompted the attorneys involved in the case to take legal action. The court and counsel were required to spend time addressing issues which would have been unnecessary but for Respondent's improper conduct.**

It is the job of an attorney to ask questions do an investigation when asked–and in this case by family and friends. The Probate act specifically provides that any person can write to the court and inquire about the guardianship, starting one, continuing one or terminating one.

15. The appellate court's subsequent reversal of the sanction order does not change our conclusion

Why? Isn't wrongfully sanctioning someone serious conduct? And, this is a denial of KDD's due process rights, 14th amendment rights?

16. On October 11, 2010, Respondent sent an e-mail to Gloria, with copies to Yolanda, Kathy, Evans and four other persons.2 In this e-mail, Respondent asserted Gloria's and Mary's PAGE 15: rights had been violated, the judge had acted contrary to court rules and the judge had directed "doctor shopping."

This is the infamous, when Judge Connors was told by one of the **** that Mary's personal physician would not sign or fill out the CCP211 and he was "balking", the court replied, "well then find a doctor that will."

I'm just saying, does not look good.

First of all that atty should have been honest with the court because what Dr. Patel said, was he was unsure and Mary needed a psych exam. Then JC could have just said, "please follow his recommendation." rather than get a doctor that will fill out a CCP211.

The CCP211 form in and of itself only really makes the conclusion a person is partially or fully disabled–it is not appropriate for a competent person. That's why there is a claim of "doctor shopping"

17. Respondent asserted Farenga and Stern had ignored a failure by Toerpe to account for certain gold coins and cash. Respondent also complained Stern did not inform the court when he observed Toerpe's home was being remodeled, even though her husband was unemployed.

This is also the reason that we contacted and will continue to contact Federal officials who have jurisdiction to address the criminal conduct that is polluting the Probate Division of the Circuit Court? In my opinion Stern and Feranga [sic] are at the very least accessories to criminal conduct?.

You will note that the ARDC does NOT want KDD to "contact the authorities" even when highly unusual conduct is occurring.

18. In other e-mails, Respondent PAGE 16: reiterated the themes of an illicit

agreement to find Mary disabled, and isolation and abuse which were shortening Mary's life.

Except for, to this day, the elderly sisters and their children complain of "no access" to Mary for now going on 4 years. How DOES the tribunal skip that fact when Mary was very close to her sisters and their children? No phone calls, no visits, no parties.

19. Stern, who understood no doctor had signed a report, suggested Mary might be examined by Dr. Amdur or Dr. Shaw, who frequently evaluated persons for guardianship cases.

Drs. Amdur, Shaw and Rabin are all doctors who are "go to" doctors when you want to declare someone incompetent. They appear on "secret lists" the probate judges all have. Their work has NEVER been surveyed, evaluated by others, by those in guardianship cases, and no one knows how many people are declared competent vs. incompetent. Neither Dr. Amdur or Shaw ever saw Many–until about 3.5 years later! They signed off on these reports based upon work others did–not MD's.

No one has ever explained why the Probate Courts need secret lists of 1) doctors to declare someone incompetent 2) case managers 3) visitation supervisors 4) visiting nurses, etc. None of this information is public, no one has ever evaluated or rated these "professionals", there is no feedback of price vs. cost, ratings system and persons using these "professionals" often have no choice but to do so. There is no WiFi on the 18th floor so litigants can look up ratings, CV's or information.

20. Connors knew Mary was staying in Naperville. (Tr. 286-88, 544, 553; Adm. Ex. 43 at 56). She still considered Cook County proper venue, as Mary owned a home and had lived in Cook County. (Adm. Ex. 43 at 37-38).

Residence is in the mind of the holder of the residence. However CT declared early on "Mary would never go back to her home ever again. [back to Avondale in Chicago].

21. Mary's sisters were not named in the petition or given formal notice of the petition. However, they knew of the proceedings and were in court for many hearings. (Tr. 75-76; Adm. Ex. 1; Adm. Ex. 43 at 39-41, 51-52, 90).

The matter is hotly contested and up on appeal (for the first time). The sisters were elderly and appeared at some hearings and not others, how were they to know which one was to be the determination hearing if they were not notified in writing? Their declarations are clear, they were either not told or were told via rumor and innuendo. The Sodini case, the In re Steinfled case, the In re Tiffany case requires written notice, 14 days in advance by the Petitioner of the time, date and place of hearing. How hard is that?

22. Toerpe had Mary's safe deposit box opened, after obtaining leave of court.

No, there is no court order permitting that. The account was joint between Mary and Gloria. Check the ROA. AS says he "subpoenaed Mary's bank records" to check for other assets. No, he did not. No subpoenas exist in the ROA at all. Period. Because the safe deposit box was jointly held, AS needed 1) Citation to Discovery Assets against Pullman, then 2) Citation to Recover Assets against Pullman and 3) Motion to apportion safe deposit box contents served upon Gloria. The ROA shows no such Motions, Citations or Court Orders. Go fish.

On February 10, 2010, Toerpe filed an inventory in the guardianship proceedings.

23. **Respondent testified, in 2004, Mary told him there were some gold coins in her safe deposit box and showed him one gold coin. Based on information he obtained at that time, Respondent believed the coin was worth significantly more than its face value or the value of the gold in the coin. Respondent testified given these factors, information he received from Yolanda and Toerpe's failure to deny the gold coins existed, he believed Mary's property included gold coins. (Tr. 395-99, 630). As Respondent last saw Mary in 2004, his belief as to what happened to the gold coins in the interim was based solely on information obtained from others, not his own personal knowledge. (Tr. 633-35).**

After talking to about half a dozen people in the Sykes family and close family friends, at least 6 will confirm that the coins existed, everyone knew about them, and one of the sisters had seen the bag. Everyone describes the size and contents of the bag exactly the same and it had about 300 gold coins in it. The coins were turn of the century and either uncirculated, or near uncirc condition. KDD is conservative about the value of 300 gold double flying eagle coins. The least amount a double golden flying eagle(stardard condition, some wear and tear, clearly circulated) sells for is $3,000 buy it now, closed auctions on ebay. Coins of the condition asserted, however (uncirc. Or near uncirc. Turn of century) farily start at $30,000 and can run up to $50,000!

24. **Stern testified there had been no proof Mary's safe deposit box contained any substantial treasure trove or Toerpe had taken money from it. (Tr. 241-42). Stern never saw any gold coins, and he had not heard anything about gold coins until Respondent raised the issue. Although Stern inquired, no one ever gave him information to substantiate Respondent's claims of gold coins. (Tr. 148-49). Stern testified there also was no basis for Respondent's allegation there was a large uninventoried quantity of cash. (Tr. 129, 151-52).**

What Stern actually testified to is that KDD told him about the gold coins and Stern served subpoenas on Mary's Bank. However, there are no such subpoenas or any Leave granted to file any subpoenas against Mary, Mary's bank, Mary's financial records, Carolyn Toerpe's ("CT") banks, CT's financial records, Fred Toerpe ("FT"), her husband , Kristen Toerpe ("KT") or any of their bank records. This is despite the fact that FT has been out of work for years, has retired on SSI, CT retired about 9 months ago, BUT they engaged in substantial remodeling of their home and threw a lavish wedding for their daughter. The problem is not that CT threw a lavish wedding for her daughter, perhaps on Mary's money, the problem is CT takes Mary's money without authorization or permission, as evidenced by Mary's writings. (See ROA, p82-83) and was estranged from the family and not the best guardian for Mary or keeping within Mary's advance directives (See POA health care, ROA–I want to stay in my home and have my daughters care for me there).

25. **Respondent testified, although it was no longer the situation, Mary had been isolated and family members and friends had often complained to him that they could not reach Mary. Respondent testified he believed isolating a person with serious dementia destroys her will to live and hastens her death. According to Respondent, for a time, Toerpe and her husband did not allow others to speak with Mary on the telephone and did not permit Mary's sisters to visit with her. (Tr. 422-23, 649-51).**

No, the strenuous isolation of Mary from her friends and family continues to this day.

The following parties continue to complain they can't call OR seen Mary since CT became guardian, as evidence by Exhibit A hereto:

Who are you and how do you know Mary?

For how long?

When Gloria was Mary's caretaker were you free to visit and call Mary?

Since Carolyn Toerpe became Guardian, how often do you get to call and/or visit Mary?

For information on how strenuous isolation leads directly and quick to death of a senior, read the following post:

26. **Attorneys may not make unfounded allegations impugning the integrity or competence of a judge. In re Phelps, 55 Ill. 2d 319, 322, 303 N.E.2d 13 (1973).**

While the Tribunal asserts KDD made "many unfounded allegations", apparently the Tribunal's above false assertions are not a problem for their recent decision.

27. **The suggestion in Respondent's February 21, 2012 e-mail that the judge had "skin in the game" is similar. This phrase implies a financial interest. See Altria Group, Inc. v. United States, 694 F.Supp.2d 259, 268 (S.D. N.Y. 2010), aff'd, 658 F.3d 276 (2d Cir. 2011). Particularly when Respondent's statements are considered as a whole, the inference is abundantly clear. Respondent implies the judges ratified an illicit agreement to find a competent woman disabled, thereby enabling her financial exploitation, and the judges reaped a profit from their improper behavior.**

Excuse me? Does not the "innocent construction" rule apply? That is, where an innocent construction may be obtained, it MUST be used in order to give the First Amendment the declarant's most wide breadth and depth of First Amendment Rights.

28. **Mary moved from her home and community to live with Toerpe. This caused significant change for Mary, her family and her friends. There were some communication issues, which apparently had been resolved. These facts, however, do not support an inference of a purposeful effort to isolate Mary or hasten her demise.**

http://www.oregonlive.com/news/oregonian/steve_duin/index.ssf/2012/02/benjamin_alfanos_final_weeks_a.html

This article I think says it better than anything. At one point, a certain Mr. Alfano was doing fine and living in assisted living in Raleigh and visiting with all his friends and family. THEN the court got involved, he was to be put in lock down, he tried to escape, but they caught up with him, put him in lock down dementia, strenuously isolated him and in 4 week his heart literally shattered. Blew up. Heart disease is a major problem in society and it's likely due to the isolation and lack of love for our seniors.

Kammerer received numerous e-mails from Respondent, some of which alleged criminal

conduct had occurred. After investigation, Kammerer did not charge anyone with a crime. (Tr. 158-59, 166-67, 172).

This is interesting because on p.158, Officer Kammerer NEVER said he investigated, other than to "visit with Mary" for "about 10 minutes" and she was forgetful at the time, not being able to recall what was talked about a few minutes earlier.

While he said she "did not appear" to be abused, he did not check medical records or with her doctor to see if there was any professional assessment of that, nor did he check the records of the local emergency rooms, which he could have easily have done.

Officer Kammerer also said he DID NOT investigate the missing property because it did not go missing from Naperville.

I think Kammerer "investgates" everything at Dunkin Donuts!

In contrast, Respondent's other comments clearly implied a threat to bring criminal charges. Respondent's e-mails are replete with allegations of criminal conduct, such as bribery, theft and financial exploitation. See 720 ILCS 5/16-1, 5/16-1.3, 5/33-1 (2010).3
Farenga and Stern interpreted Respondent's e-mails as threatening criminal prosecution. That interpretation was perfectly reasonable, especially given the statements in Respondent's e-mails as a whole and as Respondent sent to law enforcement officials copies of e-mails which accused others of criminal conduct.

Yeah, except for the fact that bribery, theft and financial exploitation are also torts that one can sue for. Further, all of law enforcement were cc'd for informational purposes only. KDD never insisted that anyone actually BE prosecuted–all he asked for was an investigation. An investigation is the first step, and anyone who is innocent and sees that there maybe grave injustices propounded upon a 93 year old woman by an estranged family member the woman did not trust before and stated in her own handwriting she wanted CT "out of her life", I believe most people would willingly cooperate and understand.

To establish a violation of Rule 8.4(g), the Administrator must also demonstrate the purpose of the threat was to gain an advantage in a civil matter. In re Levin, 05 CH 71, M.R. 22344 (May 19, 2008). We can find this element proven if an attorney threatens criminal charges in an effort to get another person to change his or her position in a manner which would favor the position of the attorney or the attorney's

client.

Essentially, Respondent was seeking PAGE 35: to prompt the guardians to take a position consistent with the position Respondent sought to advocate and with Gloria's arguments.

What "position"? To conduct an investigation? Propound appropriate discovery upon all of: Gloria, CT, FT, KT, the banks involved, Archie's coins, other Chicagoland coin shops, etc? All of this is the normal and customary job of a GAL. Not to just serve discovery on GJS, but ALL OF THE FAMILY when there is a dispute.

Actually, the GAL's aren't even supposed to "have a position" in Probate, and Probate isn't even supposed to be an adversarial court, but a truth seeking court so that the families can emerge intact. Instead, by the GAL's making everything adversarial, they rip families apart and create huge legal bills.

There is absolutely no reason why the GAL's had to play favorites. When a dispute erupted over money, a safe deposit box, gold coins, etc.–they should have propounded discovery and subpoenas ON EVERYONE.

Farenga and Stern testified Respondent's e-mails delayed proceedings in the probate matter and caused more work for the court, attorneys and litigants, particularly in refuting unfounded allegations. Farenga testified further additional, and otherwise unnecessary, expense was generated when Toerpe had to attend such proceedings, as alternative care had to be arranged for Mary. Stern stated Gloria would raise issues based on statements in Respondent's e-mails, which Stern did not consider legitimate, but required a response. (Tr. 251-52, 533, 585-86, 589).

CF and AS both testified that KDD's emails created "work" which took away from their "work." Both of them go to work every day, far as anyone can tell, and both are practicing attorneys. If probate is corrupt, then their job is easy. But if the mission of a court is to honestly and openly engage in fact seeking missions, then there will most certainly be more "work" that takes away from their "work."

Neither CF or AS served subpoenas, discovery or any normal and standard investigative work on anyone EXCEPT Gloria. CT, FT and KT were never investigated with a single piece of discovery. Nothing was returned from discovery in open court. No affidavits were filed saying all documents were provided and all questions were answered truthfully and completely.

AS and CF just demanded from the get go, in and of themselves, without any

discovery served (except on Gloria), yeah, we checked and found nothing.

Preposterous.

And moving along on the theory that KDD/GJS created "work" that took away from the "work" of CF and AS:

d). Prejudice to the administration of justice can be shown where the attorney's conduct caused additional and otherwise needless work in a pending matter, such as unnecessary pleadings, court appearances and time by other attorneys or otherwise creates additional work and delay. In re Reu, 2010PR00122, M.R. 25381 (Sept. 17, 2012). The Administrator proved Respondent violated Rule 8.4(d).
Respondent made numerous, unfounded allegations of serious wrongdoing by others, including the judges and attorneys involved in the Sykes guardianship. Farenga and Stern testified Respondent's conduct caused additional, otherwise unnecessary time and work in Mary's matter. We credit their testimony.

Most of the emails sent by KDD could be summarized in one statement: DO YOUR JOBS AND INVESTIGATE AND SERVE DISCOVERY.

Sometimes you just have to send about 500 emails when the first one would have done.

If CF and AS wanted to avoid the "more work" that took away from "their work", they should have served the discovery right away, when the allegations were first made early in 2010 when KDD first revealed the gold coins. They did not do this however, and strenuously fought, balked at, ignored and obstructed any attempts to investigate the wrongfully opened safe deposit box with Gloria's name on it and the missing contents. No requests for documents, no interrogatories, no requests for admissions, not a single subpoena was served. KDD was not going to forget and he was not going away.

Now, for the one of few right decisions:

Subject to certain exceptions not present here, a lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement the lawyer knows or reasonably should know will be disseminated by public communication and would pose a serious and imminent threat to the fairness of an adjudicative proceeding in the matter

Respondent's extrajudicial statements were improper. However, the evidence did not establish those statements posed a serious and imminent threat to the fairness of an adjudicative proceeding. Therefore, the Administrator did not prove a violation of Rule 3.6(a).

Thank goodness. Although I wonder just how close the Tribunal was to declaring KDD a "serious and imminent threat to the fairness" of Room 1804! I vote it was a close call! Daniel Ellsberg at one time was "America's Most Dangerous Man" according to the FBI, stealing and disseminating all those (annoying) war records (showing Vietnam had its main roots only in war profiteering and re-elections) to such "dangerous" publications such as the Wall Street Journal, New York Times, etc.

Documents in evidence provide additional examples of the tenor of Respondent's e-mails. For example, Respondent suggested the judge had been sold, accused Farenga of suborning perjury and alleged a conspiracy to shorten Mary's life....In other e-mails, Respondent commented it was difficult to determine "how far the ?fix' goes

One of the things never investigated by the ARDC to prove their case was whether or not the judge had in fact received any benefit of any kind–apart from her own testimony of "never taking any bribe" in the Sykes case.

The fact remains, judges get campaign contributions and those can come from anywhere. It is a fairly well known fact that to attain favor in court, a little grease to your alderman and to the judges running that year, never hurts and can only help

No one ever asked where those judges get their campaign contribuions from, and there is no list, and no attys appearing before the court are required to disclose campaign contributions to their alderman (where most "machine politics" starts and grows therefrom), nor were either of Judge Stuart or Judge Connors asked if they received any significant campaign contributions from anyone or any where or any person, including the attys appearing before them. Attys are not required to swear out or file affidavits they did not give their alderman or judge any campaign funds. Lists of political contributors are no where to be found on the 18th floor.

No politician is required to refuse any anonymous donations. Donations can come from relatives and "friends" and the judges often know more about those contributions than they let on.

A recent trib article disclosed the amounts required for a judges position in Cook County: $30,000 currently, with $100,000 being required for a federal judges postion.

All of this should and must be disclosed–right on the floor where the activity takes place.

I submit, unless and until all of this is investigated (and not by AS and CF spending 10 minutes with the judge who then declares "no one I know in my court room ever donates to my campaign"–is insufficient.) Real discovery consisting of interrogatories, requests for documents and requests to admit must be served and returned–publically.

Respondent engaged in serious misconduct. Facts cannot be properly adjudicated nor legal disputes properly resolved absent civilized behavior by lawyers. In re Application for Admission to the Bar, 444 Mass. 393, 398, 828 N.E.2d 484 (2005); In the Matter of Ronwin, 139 Ariz. 576, 583, 680 P. 2d 107 (1983). Lawyers must exercise care with words, act with respect PAGE 41: for the courts and adversaries and avoid unwarranted attacks on judges and opposing counsel. In re Lane, 249 Neb. 499, 513, 544 N.W.2d 367 (1996); Ronwin, 139 Ariz. at 583. Respondent's misconduct contravened these basic norms.

There, now that's better. A ruling of "serious misconduct" and what was it for? Failure to exercise "care with words, act with respect for the courts and adversaries and avoid unwarranted attacks."

The problem is, without an investigation, and based upon the highly unusual activities in the Sykes 4585 case-dozens and dozens of instances — which, interestingly enough, the Tribunal has made only a very brief partial list, though my Table of Torts is much, much better, it seems that KDD's conclusions, opinions, experiences leading to such conclusions appear to be no worse than a Tribunal that conclusorily says there is misconduct, but itself does not conduct a thorough, professional, independent investigation. While the Tribunal says "it will not relitigate", it is informed of a long series of highly unusual activities and <u>does not do an independent investigation, or even attempt one, it only makes a ruling which is based primarily on heresay, innuendo and favoritism.</u>

That is not justice. It's insanity.

Respondent's misconduct was indeed serious and warrants a serious sanction. Respondent sent literally hundreds of e-mails, leveling false and groundless accusations against the judges, guardians ad litem and others involved in the Sykes guardianship.

Hundreds of emails? When AS and CF could have just sent out discovery right away when they first heard of the gold coins, the issues with the safe deposit box, taken some action against Peter Schmeidel for creating destruction of private property, walls and furnishings and professionally dismantling a security system/recording device in the garage, 20' feet or so away from 6014 Avondale?

Just whose fault is this?

We have carefully considered the evidence presented and found nothing which would have provided any basis for Respondent's allegations

Other than the Record on Appeal, dozens of transcripts, video evidence, handwriting evidence by Mary herself, etc.

The nature of Respondent's statements, some of which he sent to members of advocacy organizations and the media, was such as to seriously undermine public confidence in the judiciary and the legal system.

It appears that the Tribunal is not aware or familiar with the dozens of national and regional probate blogs complaining of the exact same issues, or nearly the same issues – which are very popular in the relevant audience of probate blogs, and which have attained massive readership over the years.

KDD's lousy few hundred emails pales in comparison to any of that.

Those blogs and other probate court corruption cases existed long before KDD's emails came along, and even if KDD's emails stopped tomorrow, they will hardly make a dent anyone would ever notice.

We have been unable to discern any reason for this behavior....

Even if Respondent was motivated by concern for Mary at the outset, he quickly lost perspective..Respondent continued to make baseless accusations against the judges and attorneys involved in Mary's matter, long after he should have recognized they were not engaged

PAGE 45:

in improper conduct and there was no conspiracy in which they were involved. It appears Respondent consciously refused to acknowledge the obvious, as exemplified by Respondent's continued reliance on the theory that the court lacked jurisdiction due to improper notice to Mary's sisters, even though they knew of the proceedings and often attended court hearings.

No, Mary's sisters did not "know of all and go to all the hearings." They provided declarations and these were ignored by the Tribunal in favor of the transmission of 14 day advance notice of hearing date time and place in writing. The Probate Act requires a writing. Harvey Waller at some point admitted he never sent the sisters a notice. There is no Certificate of Service in the file. There is no proof that the sisters were receiving copies of Orders setting new dates when they did not or could not attend. There is no evidence that the sisters were even shown any orders or copies were even given to them. There is no evidence that Yolanda and Josephine used a computer or were looking up court dates themselves.

Carrier pidgeon, smoke signals and even two tin cans and a string are not mentioned anywhere in the Illinois Probate Act.

The seriousness of this misconduct was compounded by Respondent's false representations to Dr. Patel. Based on our review of the evidence, we are convinced Respondent misrepresented the circumstances to Dr. Patel in an effort to gain information, to which he would not otherwise have had access, to enable him to challenge the court's adjudication of disability.

There is absolutlely no evidence to show that Dr. Patel, an experienced MD of many, many years, working for a very large practice on the NW side of Chicago, was in any manner confused by the simple letter sent by KDD. Either Dr. Patel could divulge something of a public nature, or could divulge something of a public nature, or he could not. There is still the issues of jurisdiction which is currently up on appeal, and if the court finds there was no jurisdiction, then Gloria's POA for Health Care permitted her to take such action via KDD on Mary's behalf.

By way of example, though, within less than a month after the Complaint was filed, Respondent had filed four separate requests to admit, clearly exceeding the permissible number. Supreme Court Rule 216(f).
Respondent described those PAGE 46: pleadings as his first, second, third and fourth "wave" requests to admit. Use of the term "wave" implies an intent to file additional similar pleadings.

First of all, it is not uncommon in Federal Court to get literally hundreds of Requests to Admit and even in the Law Division of Circuit Court. These are easily answered by getting the computer file from opposing counsel and spending a few minutes on the phone with the client and answering them quickly.

Requests to admit are not meant to be in any manner burdensome, but are in fact an important tool for narrowing the issues at trial.

Counsel often sends out groups of questions with differing wording because the only answers permitted are "admitted", "denied", or an honest "I can't answer that because I don't know".

I have myself received 200 at a time, and never complained. I think they took me about 30 minutes to answer and I did not feel burdened in any manner.

Respondent filed a number of motions to dismiss or for other, similar relief, in which he raised issues which, particularly in the context of these proceedings, were frivolous. For example, Respondent objected to the sufficiency of the notice given to Mary's sisters of the guardianship proceedings and sought an investigation into the conduct of the attorneys involved in the guardianship. Even if these pleadings raised legitimate issues, such issues are not germane in these proceedings, which concern the propriety of Respondent's own conduct.

What I don't understand is how the Tribunal can gage "respondent's conduct" when the Tribunal itself does not have all the facts before it and "will not relitigate", will only ask favored witnesses to divulge their "facts" which are not based upon any documents, pleadings or even the Record on Appeal. When the Tribunal wants "facts", it requests conclusions based upon heresay from CF and AS–two attys who do not enjoy a favorable reputation in the relevant marketplace of Probate.
BUT, when KDD asserts that the "facts" presented by CF and AS are inaccurate or improper, the Tribunal crawls back into the cave of "must not relitigate."

Respondent's conduct in the disciplinary proceedings causes us to doubt whether Respondent really understands, or respects, the nature of these proceedings, even though, unlike Zurek, Respondent comported himself appropriately during the hearing itself

From this we clearly see the Tribunal stating for the record "KDD is crazy, why does he not act crazy and scream and shout and rave?"

Answer: Perhaps he has studied the case and the issues longer, harder and is more familiar with the case law. Perhaps he's pull, read and studied more cases and case law. No reason to scream or shout when you can just put pen to paper or computer to pixels.
Now, you can't lead a horse to water AND make him drink, so the problem, like the vast majority of computer problems that require an IT guy to step in, 90% of the time turns out to be HIBCAK!
I believe KDD is asserting HIBCAK in this situation and I have to admit, I fall on that side.

While the Tribunal and the ARDC impermissably cite ARDC decision to support yet a new (and erroneous) decision, Ken and I use appellate case law. That's most likely the difference.

Respondent's conduct in the disciplinary proceedings, combined with his failure to acknowledge his misconduct or any limits on his speech

And that's a whole other can of ARDC worms. What "limits on speech"? What do they propose and how do they intend to limit attorney speech. Have they banned certain words, certain phrases, certain analogies? It seems the ARDC would like to ban or censor the following words:
Greylord
corruption, corrupt
miscreant,
anything regarding a judge or guardian ad litem that is not purely laudatory in nature
and from the Sykes case, ban or censor:
gold coins, cash in mattress
and with respect to law enforcement:
absolute under no circumstances use the phrase "call for an investigation"

never let an attorney file a disciplinary complaint against another atty when the client asks for help. Tell the client they are on their own.

They could just announce it on their website under "speech banned for attorneys".

Be specific, ARDC. Don't let attorneys think they can contact law enforcement as long as what they say is the truth. Let the clients do it on their own and bumble around.

Your rule just isn't specific enough. You need to announce that attorneys must never, ever suggest, imply or outright say there is corruption going on in any Illinois court.

And, just tell attorneys up front to never, ever, write to any law enforcement agency regarding corruption–either express or implied.

And finally, NO BLOGGS, NO BLOGGING.

Does everyone know how worried the tribunal was that OMGDNS–there might be "blogging" going on?

You would think I was putting crack cocaine in a pipe and smoking it right in the back

of the court room. Well, no, that would be a victimless crime. I think they though "blogging" is more like torturing a tied up hostage like in Innocence of the Lambs (tho I've never actually seen that movie–too creepy for me).

Yeah, blogging. I think Hannibal Lechter did that.

JoAnne

NB: Serious concerns about "blog" "blogging" and "blogger" and myself appears on too many pages to even mention here. It's ridiculous. They worried about me blogging, about blogging at the tribunal, that I might be a witness (to what? If it's on the blog, it's on the blog, pop open a laptop, that's all I would do).

Actually, what Ken did was either just agree he wrote it, or during the hearing he adopted it as speech he approved of.

And they hung him for even that!

What I don't understand is why the ARDC wants to suspend KDD's practice. Don't they know this will give him more time to write letters and contact law enforcement?

Wouldn't it just be better to issue a gag order on him?

Give him a list, tell him what he can't say and then disbar him?

Why the suspension?
call for investigation,

Exhibit A:

Alleged pertinent portions of the "transcripts" to support(?) The decision?

You know, friends don't let friends write up decisions drunk or stoned. Friends don't let friends blog drunk or high. I'm just saying....

Page 72 of KDD Transcript
(this has nothing to do with filing anything by KDD in the 4585 case, it has to do with AS lying about venue and how it was not proper for Mary to reside in DuPage County but adjudicate a guardianship in Cook County)

was not properly appointed and they really have no
2 standing whatsoever and they're aware of it. He's
3 made allegations that I've lied.
4 CHAIRMAN TOROSIAN: Well, I will let him
5 answer this question, but let me state this. We are
6 not going to make this a trial on your case
7 involving Ms. Sykes that's pending in probate or in
8 bankruptcy or somewhere else. This will not be that
9 trial.
10 MR. DITKOWSKY: I have no case.
11 CHAIRMAN TOROSIAN: This is not gOlng to be
12 your opportunity to cross-examining opposing counsel
13 based on anything that would give you an advantage
14 in that trial.
15 This is a trial based on the
16 allegations against you brought by the
17 Administrator. And so I want to caution you to
18 limit your questioning to that trial and I'm not
19 gOlng to allow you to use it as an advantage in some
20 other case that has nothing to do with this.
21
22 pending.
23
MR. DITKOWSKY: I have no other case
CHAIRMAN TOROSIAN: Okay. You can answer
24 the question or you can reask it if you want to.

(This is about Adam Stern filing a motion against KDD for sanctions and then an appeal, which was denied btw)

believe so, yes.
Q. He was never given leave to file his appearance, true?
A. Correct.
Q. You took it upon yourself to file a motion for sanctions, right?
A. Yes.
Q. And you knew that Mr. Ditkowsky was not a party to the lawsuit, right?
A. At that point, correct.
Q. And you knew that he had not been granted leave to file an appearance, right?
A. Are we talking about when we filed the sanction motion?
Q. Correct.
A. That's correct.
Q. And you then, after the sanction motion was granted, you also were named as an appellee in an appellate decision, correct? An appellee in an appeal by Mr. Ditkowsky to the sanctions motion?
A. Maybe. I don't recall if I was named the appellee, but that's actually probably correct. I will have to look at it, yeah.
Q. Well, if you turn to Exhibit 8. Take a

Page 565

(This is still referring to the ONE appearance form KDD did not ask to file and never filed and never appeared in room 1804. He was haled in by the GAL miscreants and the court.)

it after, when he was in court with this letter.
BY MR. HYMAN:
Q. Well, will you turn to the -- On that Exhibit 3, at the last page of the exhibit, there is a, it's called an additional appearance?
A. Uh-huh, yes. Yes.

7 Q. Had Mr. Kenneth Ditkowsky ever filed that
8 In the adjudicative proceedings in this case?
9 A. Well, he wasn't allowed to. He tried to.
10 Q. That's not what I asked you. I asked you
11 if you know whether or not he filed that?
12 A. I don't think he was allowed to.
13 Q. So he was never permitted to appear in this
14 adjudicative proceedings, correct?
15 A. Correct.
16 Q. And what happened was that Mr. Ditkowsky
17 was served with a sanctions motion that you and
18 Mr. Stern filed, true?
19 A.
20 Q.
21 A.
22 Q.
No. I had no part in that motion.
Mr. Stern filed that?
Yes.
Did you disagree with Mr. Stern when he
23 filed that?
24 A. Uhm, honestly, I just didn't think about

and here we have 569 to 580 where it is clear KDD has not appeared and is not filing anything for anyone. What these two pages are about is free legal advice to Gloria and helping her with her pleadings. THERE IS NO LAW AGAINST FREE LEGAL ADVICE. Gloria was never sanctioned for frivolous pleadings or warned by the court her pleadings were frivolous. Why? They were just ignored.

Note that AS argues that you can't file something "if you have a conflict". Atty Hyman (LH) argues, isn't that exactly WHEN you file something–there is a conflict or disagreement?

motions and pleadings willy-nilly and advised Gloria
2 Sykes on motions to file.
3 Q. All right. And you of course filed, in
4 response to all this, a motion for a protective
5 order against Mr. Ditkowsky, right? Because he was
6 harassing your job as an administrative -- guardian
7 ad litem?
8 MS. BLACK: Objection, relevance.

9 CHAIRMAN TOROSIAN: Overruled.
10 BY MR. HYMAN:
11 Q. You of course did that?
12 A. No, I did not. I'm kind of used to being
13 harassed.
14 Q. You're used to being harassed by family
15 members because that' s thE~ nature of what that
16 business is, correct?
17 A. No. Actually, the harassment is more often
18 from attorneys.
19 Q. This was not the first time that you had
20 heard or seen rantings of lawyers, true?
21 A. Wow. I can't say that I have ever seen
22 conduct like Mr. Ditkowsky's.
23 Q. I'm not asking whether you have ever seen
24 it. I'm asking whether or not you've seen other

1 lawyers rant over the issues of guardianship as a
2 GAL and in your own practice as opponents of, true?
3 MS. BLACK: Objection. I believe it's
4 asked and answered and its relevancy.
5 CHAIRMAN TOROSIAN: Overruled.
6 THE WITNESS: Rant. Yell. Sure. Yell.
7 BY MR. HYMAN:
8 Q. And lawyers file motions all the time,
9 right? They want things done?
10 A. When they have clients. Not when they
11 don't have clients or when the people they're filing
12 the motions for have a heads-on conflict with the
13 disabled person, counsel.
14 Q. Well, did you -- was there a determination
15 made in this case by Judge Connors or Judge Stuclrt
16 that there was a heads-on conflict of any of the
17 parties? Yes or no?
18 A. There was discussion. I can't remember
19 without looking at the transcript if there was a
20 ruling.
21 Q. Well, then of course --
22 A. There was some rulings about conflicts and
23 I'm just trying to straighten them out.

24 Q. Well, of course then Mrs. Miss Farenga,

Exhibit E

Post on Citizens United

Citizens United v. the Federal Election Board:

I have wanted to post about this case for awhile, and Ken has written on it, but if you all know me, I'm not going to comment on a case about a movie I have not seen.

The Supremes even called the movie "pejorative" so you know it even raised their eyebrows.

Let me shorten the movie in question for you, and I'm going to pick up the thematic phrases from about 30+ conservatives and Republicans appearing in the movie, most of whom are journalists, fund raisers, novelists, authors and the like. Most aren't lawyers or even politicians.

Here is the cliff notes and the theme statements from it spoken by the conservatives involved in the movie's production.

Lies, deception, crime, malfeasance, psychopath, whitewater lies, obstruction of justice, perjury, forgetting shredding documents during grand jury was perjury, campaign fraud, power hungry, power obsessed, no veracity, created web of deception, acts thru cronies, obstructs justice, venal, vindictive, sneaky liar, she scares the hell out of people, lies under oath, power hungry, insecure, arrogant, air of superiority over others, she and her husband are narcissists, ruthless, cunning, dishonest, willing to do anything for power, GUILTY, GUILTY, GUILTY, engages in skulduggery, malfeasance, she destroys people, Machiavellian, destroys others for personal gain, evil, lying, escaping culpability for her actions, the evil equivalent to Nixon, engaged in routine campaign funding fraud (she was once fined $35,000 for campaign funding violations and paid the fine–the movie implies it is ongoing and deeply embedded in all her campaigning activities), she has a mastery of the black arts of politics, always actively covering up her husband's affairs with threats, intimidation, IRS audits, laundered money frequently via her campaign, illegal campaign contributions, campaign funds not reported, campaign expenses under reported, she is the worst European Socialist, she was involved in Samuel L Berger's trip to the National Archives to steal DVD's and destroy them and stuff them in his socks, sleezy law breaker, the Clinton Library has only released .5% of records from Clinton White House years with no excuse and 300 FOIA's pending, her husband pardoned the FALN members, ("free Puerto Rico fully bombing organization), "dangerous to our values", prevented the movie "road to 9/11" to be shown (Yet I found it easily on Netflix today, together with its sequel "Preventing the Road to 9/11 movie") –you get the picture. One hour of trash talk. Most of the accusations are based upon vague threats, anonymous phone calls and tips, etc. Apparently this group of conservatives eats that stuff up. I can read the Enquirer for that–Hillary pregnant by two headed space alien–and it would be entirely more fun reading.

From the root directory of the movie come these labels: "Politics of personal destruction", "dirty money", "path to 9/11", "anything for power"

Funniest part of the movie? Showing John Edwards in juxtaposition to her speeches on health care, the military, creating jobs, etc. John Edwards was the hero of this movie. I guess in hindsight he wasn't in fact such a good hero for the movie to counter Hillary.

Attorneys involved in the movie? Michael Boos, Esquire, a North Virginia Atty, Mark Levin, a lawyer, Ann Coulter, a lawyer (didn't know that), Kate O'Beirne (maybe a lawyer-she went to law school). Their names as lawyers are on this movie. Maybe Cynthia Farenga and Adam Stern should use their Himmel duties to prevent such trash talk.

Oh, that's right, the US Supremes never said "investgate these lawyers". Not in the main opinion, not in the other opinions, concurring and dissenting.

Actually what the case was about was the release of the movie for "pay per view" on cable and there was an election law that said you couldn't release such politically based movies 30 days before or after an election. The US Supreme Ct (SCOTUS) struck that down as infringing the First Amendment rights.

In fact what the US Supremes said about Citizens United and their complete "trash talk about Hillary" was the following:

They noted the district court held that § 441b was facially constitutional under *McConnell,* and that § 441b was constitutional as applied to *Hillary* because it was "susceptible of no other interpretation than to inform the electorate that Senator Clinton is unfit for office, that the United States would be a dangerous place in a President Hillary Clinton world, and that viewers should vote against her."

The law involved, was actually complex, confusing and required extensive analysis of what could or could not be shown right before or after an election.

First Amendment does not permit laws that force speakers to retain a campaign finance attorney, conduct demographic marketing research, or seek declaratory rulings before discussing the most salient political issues of our day. Prolix laws chill speech for the same reason that vague laws chill speech: People "of common intelligence must necessarily guess at [the law's] meaning and differ as to its application." *Connally v. General Constr. Co.,* 269 U.S. 385, 391, 46 S.Ct. 126, 70 L.Ed. 322 (1926). The Government may not render a ban on political speech constitutional by carving out a limited exemption through an amorphous regulatory interpretation. We must reject the approach suggested by the *amici.* Section 441b covers *Hillary.*

Citizens United argues that *Hillary* is just "a documentary film that examines certain historical events." Brief for Appellant 35. We disagree. The movie's consistent emphasis is on the relevance of these events to Senator Clinton's candidacy for President. The narrator begins by asking "could [Senator Clinton] become the first female President in the history of the United States?" App. 35a. And the narrator reiterates the movie's message in his closing line: "Finally, before America decides on our next president, voters should need no reminders of ... what's at stake—the well being and prosperity of our nation." *Id.,* at 144a-145a.
As the District Court found, there is no reasonable interpretation of *Hillary* other than as an appeal to vote against Senator Clinton.

While some means of communication may be less effective than others at influencing the public in different contexts, any effort by the Judiciary to decide which means of communications are to be preferred for the particular type of message and speaker would raise questions as to the courts' own lawful authority. Substantial questions would arise if courts were to begin saying what means of speech

should be preferred or disfavored. And in all events, those differentiations might soon prove to be irrelevant or outdated by technologies that are in rapid flux. See *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 639, 114 S.Ct. 2445, 129 L.Ed.2d 497 (1994).

Courts, too, are bound by the First Amendment. We must decline to draw, and then redraw, constitutional lines based on the particular media or technology used to disseminate political speech from a particular speaker. It must be noted, moreover, that this undertaking would require substantial litigation over an extended time, all to interpret a law that beyond doubt discloses serious First Amendment flaws. The interpretive process itself would create an inevitable, pervasive, and serious risk of chilling protected speech pending the drawing of fine distinctions that, in the end, would themselves be questionable. First Amendment standards, however, "must give the benefit of any doubt to protecting rather than stifling speech." *WRTL*, 551 U.S., at 469, 127 S.Ct. 2652 (opinion of ROBERTS, C.J.) (citing *New York Times Co. v. Sullivan*, 376 U.S. 254, 269-270, 84 S.Ct. 710,

Next, the Government argued that it could meet a "de minimis" standard to show the law is valid. But SCOTUS replied:

As the Government stated, this case "would require a remand" to apply a *de minimis* standard. Tr. of Oral Arg. 39 (Sept. 9, 2009). Applying this standard would thus require case-by-case determinations. But archetypical political speech would be chilled in the meantime. "'First Amendment freedoms need breathing space to survive.' " *WRTL, supra,* at 468-469, 127 S.Ct. 2652 (opinion of ROBERTS, C.J.) (quoting *NAACP v. Button*, 371 U.S. 415, 433, 83 S.Ct. 328, 9 L.Ed.2d 405 (1963)). We decline to adopt an interpretation that requires intricate case-by-case determinations to verify whether political speech is banned, especially if we are convinced that, in the end, this corporation has a constitutional right to speak on this subject.

As the foregoing analysis confirms, the Court cannot resolve this case on a narrower ground without chilling political speech, speech that is central to the meaning and purpose of the First Amendment. See *Morse v. Frederick*, 551 U.S. 393, 403, 127 S.Ct. 2618, 168 L.Ed.2d 290 (2007). It is not judicial restraint to accept an unsound, narrow argument just so the Court can avoid another argument with broader implications. Indeed, a court would be remiss in performing its duties were it to accept an unsound principle merely to avoid the necessity of making a broader ruling. Here, the lack of a valid basis for an alternative ruling requires full consideration of the continuing effect of the speech suppression upheld in *Austin*.

Second, throughout the litigation, Citizens United has asserted a claim that the FEC has violated its First Amendment right to free speech. All concede that this claim is properly before us. And "'[o]nce a federal claim is properly presented, a party can make any argument in support of that claim; parties are not limited to the precise arguments they made below.'" *Lebron, supra,* at 379, 115 S.Ct. 961 (quoting *Yee v. Escondido*, 503 U.S. 519, 534, 112 S.Ct. 1522, 118 L.Ed.2d 153 (1992); alteration in original)

on page 894 SCOTUS notes that the record was long and burdensome–over 100,000 pages–regarding free speech.

They note then that: Second, substantial time would be required to bring clarity to the application of the statutory provision on these points in order to avoid any chilling effect caused by some improper interpretation. See Part II-C, *supra*. It is well known that the public begins to concentrate on elections only in the weeks immediately before they are held. There are short timeframes in which speech can have

influence. The need or relevance of the speech will often first be apparent at this stage in the campaign. The decision to speak is made in the heat of political campaigns, when speakers react to messages conveyed by others. A speaker's ability to engage in political speech that could have a chance of persuading voters is stifled if the speaker must first commence a protracted lawsuit. By the time the lawsuit concludes, the election will be over and the litigants in most cases will have neither the incentive nor, perhaps, the resources to carry on, even if they could establish that the case is not moot because the issue is "capable of repetition, yet evading review." *WRTL, supra,* at 462, 126 S.Ct. 1016 (opinion of ROBERTS, C.J.) (citing *Los Angeles v. Lyons,* 461 U.S. 95, 109, 103 S.Ct. 1660, 75 L.Ed.2d 675 (1983); *Southern Pacific Terminal Co. v. ICC,* 219 U.S. 498, 515, 31 S.Ct. 279, 55 L.Ed. 310 (1911)).

As a practical matter, however, given the complexity of the regulations and the deference courts show to administrative determinations, a speaker who wants to avoid threats of criminal liability and the heavy costs of defending against FEC enforcement must ask a governmental agency for prior permission to speak. See 2 U.S.C. § 437f; 11 CFR § 112.1. These onerous
[130 S.Ct. 896]
restrictions thus function as the equivalent of prior restraint by giving the FEC power analogous to licensing laws implemented in 16th- and 17th-century England, laws and governmental practices of the sort that the First Amendment was drawn to prohibit. See *Thomas v. Chicago Park Dist.,* 534 U.S. 316, 320, 122 S.Ct. 775, 151 L.Ed.2d 783 (2002); *Lovell v. City of Griffin,* 303 U.S. 444, 451-452, 58 S.Ct. 666, 82 L.Ed. 949 (1938); *Near, supra,* at 713-714, 51 S.Ct. 625. Because the FEC's "business is to censor, there inheres the danger that [it] may well be less responsive than a court—part of an independent branch of government—to the constitutionally protected interests in free expression." *Freedman v. Maryland,* 380 U.S. 51, 57-58, 85 S.Ct. 734, 13 L.Ed.2d 649 (1965). When the FEC issues advisory opinions that prohibit speech, "[m]any persons, rather than undertake the considerable burden (and sometimes risk) of vindicating their rights through case-by-case litigation, will choose simply to abstain from protected speech—harming not only themselves but society as a whole, which is deprived of an uninhibited marketplace of ideas." *Virginia v. Hicks,* 539 U.S. 113, 119, 123 S.Ct. 2191, 156 L.Ed.2d 148 (2003) (citation omitted). Consequently, "the censor's determination may in practice be final." *Freedman, supra,* at 58, 85 S.Ct. 734.

If parties want to avoid litigation and the possibility of civil and criminal penalties, they must either refrain from speaking or ask the FEC to issue an advisory opinion approving of the political speech in question. Government officials pore over each word of a text to see if, in their judgment, it accords with the 11-factor test they have promulgated. This is an unprecedented governmental intervention into the realm of speech.

The ongoing chill upon speech that is beyond all doubt protected makes it necessary in this case to invoke the earlier precedents that a statute which chills speech can and must be invalidated where its facial invalidity has been demonstrated. See *WRTL, supra,* at 482-483, 127 S.Ct. 2652 (ALITO, J., concurring); *Thornhill v. Alabama,* 310 U.S. 88, 97-98, 60 S.Ct. 736, 84 L.Ed. 1093 (1940). For these reasons we find it necessary to reconsider Austin

The law before us is an outright ban, backed by criminal sanctions. Section 441b makes it a felony for all corporations—including nonprofit advocacy corporations—either to expressly advocate the election or defeat of candidates or to broadcast electioneering communications within 30 days of a primary election and 60 days of a general election. Thus, the following acts would all be felonies under § 441b: The Sierra Club runs an ad, within the crucial phase of 60 days before the general election, that exhorts the public to disapprove of a Congressman who favors logging in national forests; the National Rifle Association publishes a book urging the public to vote for the challenger because the incumbent U.S. Senator

supports a handgun ban; and the American Civil Liberties Union creates a Web site telling the public to vote for a Presidential candidate in light of that candidate's defense of free speech. These prohibitions are classic examples of censorship.Section 441b's prohibition on corporate independent expenditures is thus a ban on speech. As a "restriction on the amount of money a person or group can spend on political communication during a campaign," that statute "necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached." *Buckley v. Valeo*, 424 U.S. 1, 19, 96 S.Ct. 612, 46 L.Ed.2d 659 (1976) *(per curiam)*. Were the Court to uphold these restrictions, the Government could repress speech by silencing certain voices at any of the various points in the speech process. See *McConnell, supra*, at 251,124 S.Ct. 619 (opinion of SCALIA, J.) (Government could repress speech by "attacking all levels of the production and dissemination of ideas," for "effective public communication requires the speaker to make use of the services of others"). If § 441b applied to individuals, no one would believe that it is merely a time, place, or manner restriction on speech. Its purpose and effect are to silence entities whose voices the Government deems to be suspect.

Speech is an essential mechanism of democracy, for it is the means to hold officials accountable to the people. See *Buckley, supra*, at 14-15, 96 S.Ct. 612 ("In a republic where the people are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential"). The right of citizens to inquire, to hear, to speak, and to use information to reach consensus is a precondition to enlightened self-government and a necessary means to protect it. The First Amendment "`has its fullest and most urgent application' to speech uttered during a campaign for political office." *Eu v. San Francisco County Democratic Central Comm.*, 489 U.S. 214, 223, 109 S.Ct. 1013, 103 L.Ed.2d 271 (1989) (quoting *Monitor Patriot Co. v. Roy*, 401 U.S. 265, 272, 91 S.Ct. 621, 28 L.Ed.2d 35 (1971)); see *Buckley, supra*, at 14, 96 S.Ct. 612 ("Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution").

For these reasons, political speech must prevail against laws that would suppress it, whether by design or inadvertence. Laws that burden political speech are "subject to strict scrutiny," which requires the Government to prove that the restriction "furthers a compelling interest and is narrowly tailored to achieve that interest." *WRTL*, 551 U.S., at 464, 127 S.Ct. 2652 (opinion of ROBERTS, C.J.). While it might be maintained that political speech simply cannot be banned or restricted as a categorical matter, see *Simon & Schuster*, 502 U.S., at 124, 112 S.Ct. 501 (KENNEDY, J., concurring in judgment), the quoted language from *WRTL* provides a sufficient framework for protecting the relevant First Amendment interests in this case. We shall employ it here.

Premised on mistrust of governmental power, the First Amendment stands against attempts to disfavor certain subjects or viewpoints. See, *e.g., United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 813, 120 S.Ct. 1878, 146 L.Ed.2d 865 (2000) (striking down content-based restriction). Prohibited, too, are restrictions distinguishing among different speakers, allowing speech by some but not others. See [130 S.Ct. 899] *Bellotti*, 435 U.S. 765, 784, 98 S.Ct. 1407, 55 L.Ed.2d 707 (1978). As instruments to censor, these categories are interrelated: Speech restrictions based on the identity of the speaker are all too often simply a means to control content.

Quite apart from the purpose or effect of regulating content, moreover, the Government may commit a constitutional wrong when by law it identifies certain preferred speakers. By taking the

right to speak from some and giving it to others, the Government deprives the disadvantaged person or class of the right to use speech to strive to establish worth, standing, and respect for the speaker's voice. The Government may not by these means deprive the public of the right and privilege to determine for itself what speech and speakers are worthy of consideration. The First Amendment protects speech and speaker, and the ideas that flow from each.

The Court has upheld a narrow class of speech restrictions that operate to the disadvantage of certain persons, but these rulings were based on an interest in allowing governmental entities to perform their functions. See, *e.g., Bethel School Dist. No. 403 v. Fraser,* 478 U.S. 675, 683, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)(protecting the "function of public school education"); *Jones v. North Carolina Prisoners' Labor Union, Inc.,* 433 U.S. 119, 129, 97 S.Ct. 2532, 53 L.Ed.2d 629 (1977) (furthering "the legitimate penological objectives of the corrections system" (internal quotation marks omitted)); *Parker v. Levy,* 417 U.S. 733, 759, 94 S.Ct. 2547, 41 L.Ed.2d 439 (1974) (ensuring "the capacity of the Government to discharge its [military] responsibilities" (internal quotation marks omitted)); *Civil Service Comm'n v. Letter Carriers,* 413 U.S. 548, 557, 93 S.Ct. 2880, 37 L.Ed.2d 796 (1973)("[F]ederal service should depend upon meritorious performance rather than political service"). The corporate independent expenditures at issue in this case, however, would not interfere with governmental functions, so these cases are inapposite.

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[130 S.Ct. 899]

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With regard to the history of the First amendment:

The First Amendment was certainly not understood to condone the suppression of political speech in society's most salient media. It was understood as a response to the repression of speech and the press that had existed in England and the heavy taxes on the press that were imposed in the colonies. See *McConnell*, 540 U.S., at 252-253, 124 S.Ct. 619 (opinion of SCALIA, J.); *Grosjean*, 297 U.S., at 245-248, 56 S.Ct. 444; *Near*, 283 U.S., at 713-714, 51 S.Ct. 625. The great debates between the Federalists and the Anti-Federalists over our founding document were published and expressed in the most important means of mass communication of that era—newspapers owned by individuals. See *McIntyre*, 514 U.S., at 341-343, 115 S.Ct. 1511; *id.*, at 367, 115 S.Ct. 1511 (THOMAS, J., concurring in judgment). At the

founding, speech was open, comprehensive, and vital to society's definition of itself; there were no limits on the sources of speech and knowledge. See B. Bailyn, Ideological Origins of the American Revolution 5 (1967) ("Any number of people could join in such proliferating polemics, and rebuttals could come from all sides"); G. Wood, Creation of the American Republic 1776-1787, p. 6 (1969) ("[I]t is not surprising that the intellectual sources of [the Americans'] Revolutionary thought were profuse and various").

The Framers may have been unaware of certain types of speakers or forms of communication, but that does not mean that those speakers and media are entitled to less First Amendment protection than those types of speakers and media that provided the means of communicating political ideas when the Bill of Rights was adopted.
Austin interferes with the "open marketplace" of ideas protected by the First Amendment. *New York State Bd. of Elections v. Lopez Torres*, 552 U.S. 196, 208, 128 S.Ct. 791, 169 L.Ed.2d 665 (2008); see *ibid.* (ideas "may compete" in this marketplace "without government interference"); *McConnell, supra,* at 274, 124 S.Ct. 619 (opinion of THOMAS, J.). It permits the
[130 S.Ct. 907]
Government to ban the political speech of millions of associations of citizens. See Statistics of Income 2 (5.8 million for-profit corporations filed 2006 tax returns). Most of these are small corporations without large amounts of wealth.

When *Buckley* identified a sufficiently important governmental interest in preventing corruption or the appearance of corruption, that interest was limited to *quid pro quo* corruption. See *McConnell, supra,* at 296-298, 124 S.Ct. 619 (opinion of
[130 S.Ct. 910]
KENNEDY, J.) (citing *Buckley, supra,* at 26-28, 30, 46-48, 96 S.Ct. 612); *NCPAC*,470 U.S., at 497, 105 S.Ct. 1459 ("The hallmark of corruption is the financial *quid pro quo:* dollars for political favors"); *id.*, at 498, 105 S.Ct. 1459. The fact that speakers may have influence over or access to elected officials does not mean that these officials are corrupt:
"Favoritism and influence are not . . . avoidable in representative politics. It is in the nature of an elected representative to favor certain policies, and, by necessary corollary, to favor the voters and contributors who support those policies.

It is well understood that a substantial and legitimate reason, if not the only reason, to cast a vote for, or to make a contribution to, one candidate over another is that the candidate will respond by producing those political outcomes the supporter favors. Democracy is premised on responsiveness." *McConnell,* 540 U.S., at 297, 124 S.Ct. 619 (opinion of KENNEDY, J.).

These considerations counsel in favor of rejecting *Austin,* which itself contravened this Court's earlier precedents in *Buckley* and *Bellotti.* "This Court has not hesitated to overrule decisions offensive to the First Amendment." *WRTL,* 551 U.S., at 500, 127 S.Ct. 2652 (opinion of SCALIA, J.). "*[S]tare decisis* is a principle of policy and not a mechanical formula of adherence to the latest decision." *Helvering v. Hallock,* 309 U.S. 106, 119, 60 S.Ct. 444, 84 L.Ed. 604 (1940).
For the reasons above, it must be concluded that *Austin* was not well reasoned.

Our Nation's speech dynamic is changing, and informative voices should not have to circumvent onerous restrictions to exercise their First Amendment rights. Speakers have become adept at presenting citizens with sound bites, talking points, and scripted messages that dominate the 24-hour news cycle.

Rapid changes in technology—and the creative dynamic inherent in the concept of

[130 S.Ct. 913]
free expression—counsel against upholding a law that restricts political speech in certain media or by certain speakers. See Part II-C, *supra.* Today, 30-second television ads may be the most effective way to convey a political message. See *McConnell, supra,* at 261, 124 S.Ct. 619 (opinion of SCALIA, J.). Soon, however, it may be that Internet sources, such as blogs and social networking Web sites, will provide citizens with significant information about political candidates and issues. Yet, § 441b would seem to ban a blog post expressly advocating the election or defeat of a candidate if that blog were created with corporate funds. See 2 U.S.C. § 441b(a); *MCFL, supra,* at 249, 107 S.Ct. 616. The First Amendment does not permit Congress to make these categorical distinctions based on the corporate identity of the speaker and the content of the political speech.

Austin is overruled, so it provides no basis for allowing the Government to limit corporate independent expenditures. As the Government appears to concede, overruling *Austin* "effectively invalidate[s] not only BCRA Section 203, but also 2 U.S.C. 441b's prohibition on the use of corporate treasury funds for express advocacy." Brief for Appellee 33, n. 12. Section 441b's restrictions on corporate independent expenditures are therefore invalid and cannot be applied to *Hillary.*

The court then goes on to uphold disclaimers and disclosure statements as being all right because they "do not prevent anyone from speaking". But they do require a "substantial relation" between the disclosure requirment and a "sufficiently imortant" goernment interest. Citing buckley, supra.

The court further notes history and relates the movie "Mr. Smith Goes to Washington". (Go watch or rewatch this movie on Netflix–it's absolutely wonderful).

When word concerning the plot of the movie *Mr. Smith Goes to Washington* reached the circles of Government, some officials sought, by persuasion, to discourage its distribution. See Smoodin, "Compulsory" Viewing for Every Citizen: *Mr. Smith* and the Rhetoric of Reception, 35 Cinema Journal 3, 19, and n. 52 (Winter 1996) (citing Mr. Smith Riles Washington, Time, Oct. 30, 1939, p. 49); Nugent, Capra's Capitol Offense, N.Y. Times, Oct. 29, 1939, p. X5. Under *Austin,* though, officials could have done more than discourage
[130 S.Ct. 917]
its distribution—they could have banned the film. After all, it, like *Hillary,* was speech funded by a corporation that was critical of Members of Congress. *Mr. Smith Goes to Washington* may be fiction and caricature; but fiction and caricature can be a powerful force.
Modern day movies, television comedies, or skits on Youtube.com might portray public officials or public policies in unflattering ways. Yet if a covered transmission during the blackout period creates the background for candidate endorsement or opposition, a felony occurs solely because a corporation, other than an exempt media corporation, has made the "purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value" in order to engage in political speech. 2 U.S.C. § 431(9)(A)(i). Speech would be suppressed in the realm where its necessity is most evident: in the public dialogue preceding a real election. Governments are often hostile to speech, but under our law and our tradition it seems stranger than fiction for our Government to make this political speech a crime. Yet this is the statute's purpose and design.
Some members of the public might consider *Hillary* to be insightful and instructive; some might find it to be neither high art nor a fair discussion on how to set the Nation's course; still others simply might suspend judgment on these points but decide to think more about issues and candidates. Those choices and assessments, however, are not for the Government to make. "The First Amendment underwrites the freedom to experiment and to create in the realm of thought and speech. Citizens must be free to use new

forms, and new forums, for the expression of ideas. The civic discourse belongs to the people, and the Government may not prescribe the means used to conduct it." *McConnell, supra,* at 341, 124 S.Ct. 619 (opinion of KENNEDY, J.).
The judgment of the District Court is reversed with respect to the constitutionality of 2 U.S.C. § 441b's restrictions on corporate independent expenditures.

Chief Justice Roberts and Alito joins, concurring. Scalia, Alito and Thomas join in an additional opinion along the same lines.

4 Justices dissent

Exhibit F

Appeals Court order dismissing 12-27-99 as "law of case"

No. 12-2799

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

ESTATE OF MARY G. SYKES, A DISABLED ADULT. GLORIA JEAN SYKES, Plaintiff-Appellant, vs. CAROLYN TOERPE, Guardian/Appellee.	On Appeal From the Circuit Court of Cook County, Illinois, County Department, Probate Division No. 2009 P 4585 Hon. Jane Louise Stuart, Judge Presiding

ORDER

THIS MATTER coming to be heard on the Appellee's Second Supreme Court Rule 361(h) Motion to Dismiss and Supreme Court Rule 375 Motion for Sanctions, the Court being duly advised in the premises:

IT IS HEREBY ORDERED THAT:

1. Appellee's Motion be and is hereby GRANTED/~~DENIED~~;

2. This Appeal be and is hereby dismissed in its entirety, with prejudice due to these jurisdictional issues having been decided base on the law of the case doctrine;

3. Monetary sanctions be and are hereby imposed upon Appellant and she is directed to pay Appellee's attorneys' fees and costs for bringing this Motion and responding to her appeal;

4. This cause be and is hereby remanded to the Trial Court for hearing on the amount of sanctions; and

DATED: _____

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