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LEGAL ETHICS

Lawyer's blog posts about 'sleazy world of probate' bring ethics complaint

POSTED FEB 04, 2013 01:20 PM CST

BY DEBRA CASSENS WEISS

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Corrected: A patent and trademark lawyer who blogged about alleged corruption in Chicago's "sleazy world of probate" is facing an ethics complaint that accuses her of undermining the administration of justice.

Chicago lawyer Joanne Denison is accused of knowing that her statements were false or made in reckless disregard of the truth, the [National Law Journal](#) reports. The [Legal Profession Blog](#) links to the [complaint](#).

Denison began blogging after a judge refused her application to represent a client who was seeking appointment as guardian for her mother. The client's sister was later appointed guardian.

The court had disqualified Denison because she had notarized signatures for the client and the client's mother on a document giving the client her mother's interest in a lawsuit. The court had found that the mother may have been suffering from dementia at the time, the ethics complaint said.

According to the complaint, Denison's blog posts had claimed impropriety and financial exploitation in the case. Among other things, her blog claimed "garden variety theft, embezzlement, malpractice and malfeasance by attorneys and the court."

Denison had published a disclaimer. "Sorry, but portions of this blog have to be entertaining so we can get the word out," she wrote. "There is most certainly a great deal of (stinging) truth in it."

Denison told the NLJ she has no plans to take down her blog. "Why would I shut up when there's corruption going on in the courts?" she said.

Corrected on Feb. 5 to say Denison has no plans to take down her blog.

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Comments

Pushkin said:

"Denison told the NLJ she plans to take down her blog. "Why would I shut up when there's corruption going on in the courts?" she said."

Should this read, "Denison told the NLJ she [has no] plans to take down her blog."? That would seem to fit better with the second sentence.

Posted: Feb 04, 2013 03:05 pm CST
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Peter C. Lomtevas said:

It's a method to muzzle the lawyer. However, I would argue that I do not need to prove impropriety. I only need to show an appearance of impropriety and that's it. The system must be investigated and wrongdoers punished.

Posted: Feb 05, 2013 12:09 am CST
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joanne denison said:

Thank you for your post! How great is that. Actually, lawyers know that WE HAVE FIRST AMENDMENT RIGHTS and we can post whatever we want--as long as it's the truth or substantially the truth.

We don't in fact have to prove ANYTHING. The reality is, the Supreme Court of the United States has held that the First Amendment is so broad that unless I write something that is patently false or untrue, I have to be left alone. The standard is "true or substantially true" and my opponent must prove that anything I say is false.

So thank you for posting this and letting me explain how wonderful the First Amendment is to the US Constitution. In Illinois we also have Article 1 of the Illinois Constitution of 1970 and we have the Citizen's Participation Act, 750 ILCS 110 that protects any type of speech, as long as it is not completely made up or completely false.

How wonderful is that?

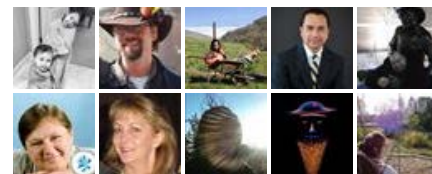
Write me at joanne@denisonlaw.com if you have any questions.

Posted: Feb 07, 2013 03:53 am CST



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Antonio Quinlan said:

This seems to be going on all over the country and it's a scam for lawyers and judges to profit and be in control. Basically, as my grandfather ranted and raved - PURE FASCISM. Now, are the lawyers and people involved here out for profit or to protect America and the Consitution?

Posted: Feb 07, 2013 05:38 am CST

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Slick said:

Nastiest thing in the Courthouse.....probate. It's all about the money isn't it?

Posted: Feb 07, 2013 10:21 am CST

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Antonio Quinlan said:

How about this? Challenge every lawyer to do the right thing, make a name for themselves, and make history by actually defending an individual's Constitutional rights ignoring the politics and the few that make the news. Any lawyer or greedy person can make millions or billions merely fighting for the right thing protecting the individual and Constitution. Instead the legal profession chooses the slum lord path of "ambulance chasing" in most every circumstance.

Posted: Feb 07, 2013 10:52 am CST

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Name Witheld Temporarily said:

You think your state is bad? Wait 'til I finish this case in NY. You have no idea what evil is until you get into a guardianship case in NY.

Posted: Feb 27, 2013 09:22 am CST

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Tom said:

Bar regulators still having trouble with the First Amendment, I see . . .

Posted: Feb 27, 2013 01:56 pm CST

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Ham Solo said:

It's a sticky business mostly because bar associations have gotten so cozy with the courts that they're now quasi-governmental organizations. When the state bar tells you to shut up, is it the government talking?

Posted: Feb 27, 2013 02:17 pm CST

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Chet said:

Some lawyers, judges and courts...sleazy? Who knew? Glad to see legal pros comments. I feel better now.

Posted: Feb 27, 2013 03:06 pm CST

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Posie said:

for a ussc case on a lawyer's speech impugning the judiciary's integrity, see garrison v. louisiana, 379 us 64 (1964) (inefficient, lazy, sympathetic to racketeering influences, etc.). in ethics cases, state supreme courts either ignore garrison or "distinguish" it based on the supposed "compelling" interest in maintaining the public's confidence in the judiciary's integrity.

isn't that considerate of the judiciary to silence its most informed critics, in order to "protect" society from this dangerous idea? THANK YOU, judiciary!

for an article thoroughly refuting the rationales of these state court opinions, see margaret tarkington, the truth be damned: the first amendment, attorney speech and judicial reputation (2009).

Posted: Feb 27, 2013 03:57 pm CST

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98451358 said:

It's a shame that free speech doesn't exist anymore.

Posted: Feb 27, 2013 06:38 pm CST

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Ike Aruti, Esq said:

I have no familiarity with the court system in IL, however, if is anything like New York, I offer the following:

I remember NY Senate Judiciary and Ethics Committee hearings in 2009. The subject was public dissatisfaction with the disciplinary systems in our profession, which operate in secrecy. Numerous credible witnesses gave testimony about unaddressed abuses in our system, probate being one of the more memorable issues. The statistics were beyond shocking, they were an insult to the collective intelligence of the public, IMHO. Consider the contention that more than 85% of the complaints to the NYS Commission on Judicial Conduct to be facially without merit. (see §44(1) of the Judiciary Law.)

Continued hearings and investigations were promised, but have not yet materialized. I do not know if this is in any way related to the admission of a conflict of interest by the presiding Senate Chairman John Sampson. Is this bad faith on the part of our government, or am I just impatient? Should I refrain from stating how things appear to a reasonable observer, or be

called upon to defend myself?

Speech critical of government has the highest level of protection by our constitution. Prohibiting statements by attorneys which disparage the integrity of our court system seems an illegitimate limitation of our most fundamental rights. This is particularly the case where there has been a lack of good faith by government in addressing malfunctioning and misconduct in our courts. Critical speech should be expected, if not worse....

@5 Slick... I beg to differ. Family Court is the nastiest thing in the courthouse.

But then again, I could be wrong.

Posted: Feb 27, 2013 07:30 pm CST

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tim17 said:

Is there a Chicago lawyer who doesn't think the system is sleazy? Give me a break.

Posted: Feb 27, 2013 07:45 pm CST

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Posie said:

@12 freedom of speech actually does exist. it exists for people who want to picket outside a soldier's funeral, with signs reading "god hates fags." it exists for people who want to lie about receiving the congressional medal of honor, and for people who burn the american flag.

however, it does not exist for lawyers who sincerely criticize judges, if the judge can convince the local bar that the statement was "false." the judiciary's self-serving exception to core first amendment speech is disgraceful, embarrassing, and terrifying.

Posted: Feb 27, 2013 07:58 pm CST

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Realist said:

"Facing an ethics complaint" is a far cry of being guilty of any ethical violation, which has not been proven. Attack the whistleblower is a time-worn tactic of those whose covers are blown.

Posted: Feb 27, 2013 11:54 pm CST

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NaziCourtsofAmerica said:

And to think the Nazis had a monopoly on "show trials", quashing of truth, corruption, extortion, and murder happening in their court systems!

Posted: Feb 28, 2013 01:54 am CST

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Name Withheld Temporarily said:

@17:
http://en.wikipedia.org/wiki/Godwin's_law
:-)

Posted: Feb 28, 2013 01:56 am CST
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DKK said:

@15, you nailed it.

Joanne, while NY -especially Kings County-- gives IL a real run for the money on sleaze, most of my fellow attorneys and I believe that Cook County IL is the most corrupt venue in the country. Thanks for standing up to the bullies.

Posted: Feb 28, 2013 07:30 pm CST
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joanne denison, chicago said:

If anyone is interested, I have posted an attorneys and blogs survey on the blog and so far, it is about 98% that attorneys should not have their blogs censored by the ARDC when blogging about corruption and they should be protected by whistleblower laws, like anyone else.

you can go to www.marygsykes.com and take the one minute, 4 click survey and post comments on it. It will be printed out and sent to the ARDC after 200 responses. Thanks PS--On Godwin's law, that only applies to the concept that after a period of time, even the most mundane blogs eventually degenerate at the end to some analogy concerning the Nazis. It does not actually apply to instances regarding suppression of civil rights, human rights, life and liberty, which is what happens when the Illinois Probate courts do not deliver a summons and complaint 14 days in advance of a hearing for a petition for guardianship. In Illinois, for the court to take jurisdiction, the petitioner must serve 14 day advance notice of the time, date and place of hearing to all next of kin, defined basically as all adult siblings, children and parents. I found a disturbing number of Illinois probate cases where this was not done, the Illinois Probate courts were operating without jurisdiction for 2 to 3 years or more, and yet the GAL's and court refuse to dismiss sua sponte. They fight a relative for bringing this to the court's attention. Due to the deprivation of human and civil rights in a court of alleged justice, I do not believe Godwin's law applies here.

Posted: Feb 28, 2013 07:41 pm CST
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