

No. 25-_____

In the Supreme Court of the United States

MARGARET J. LOWERY,

Petitioner,

v.

**SUPREME COURT OF ILLINOIS and its
ATTORNEY REGISTRATION &
DISCIPLINARY COMMISSION**

Respondent.

**On Petition for Writ of Certiorari
to the Supreme Court of Illinois**

OCTOBER 2025 TERM

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I.

QUESTIONS PRESENTED

1. Whether a state may impose or enforce attorney discipline through a proceeding that denies the respondent meaningful access to the tribunal and fails to establish jurisdiction on an accessible, testable record.
2. Whether a state may impose attorney discipline based on alleged speech without establishing jurisdiction and without testing that speech in an accessible adversarial proceeding.
3. Whether federal courts may decline to provide prospective relief from enforcement of a disciplinary judgment entered without jurisdiction and without an accessible adjudicative process, on grounds of judicial immunity or abstention.

II.

LIST OF PARTIES

1. Margaret Jean Lowery, an Oklahoma licensed attorney only.
2. Illinois Supreme Court and its Attorney Registration & Disciplinary Commission.

III.

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1. **January 15, 2026**

Illinois Supreme Court Final Disposition in M.R. 032889 denying access to the evidentiary record and denying leave to file exceptions, thereby adopting the Review Board recommendation and foreclosing consideration of ADA and constitutional objections.

2. **December 31, 2025**

Order Denying Record & Quorum Under *Tennessee v. Lane*.

3. **February 28, 2024 - Document 89**

Illinois Supreme Court order denying ADA Title II accommodation and access.

Review Board

4. **October 2025**

Report & Recommendation

V.

OPINIONS BELOW (continued)

Hearing Board

5. **December 2024**

Report & Recommendation

M.R. 032889

6. **September 2025**

Illinois Supreme Court order denying motion seeking access and relief from DOJ Certified Fraud under *Hazel-Atlas Glass Co. v Hartford-Empire Co.*, 322 U.S. 238 (1944) based on fraud allegations. Order entered without hearing or evidentiary review.

VI.

JURISDICTION

1. The judgment of the Supreme Court of Illinois was entered on January 15, 2026, in M.R. 032889, disposing of Illinois Attorney Registration and Disciplinary Commission No. 2023PR00060 and imposing discipline. The Clerk of the Supreme Court of Illinois certified that disposition as the final judgment of the court on January 15, 2026.

VI.

JURISDICTION (continued)

2. This Court has jurisdiction under 28 U.S.C. § 1257(a) to review the final judgment of the Supreme Court of Illinois. The judgment is final for purposes of this Court's review because it conclusively resolved the disciplinary proceeding and left nothing further to be adjudicated in the state courts.
3. A petition for a writ of certiorari is timely filed within ninety days of the entry of the judgment, as required by Supreme Court Rule 13.1. No petition for rehearing was permitted or entertained by the Supreme Court of Illinois following entry of judgment.

VII.

CONSTITUTIONAL PROVISIONS INVOLVED

1. **Supremacy Clause of the United States Constitution, Article VI, Clause 2**, which provides that the Constitution and laws of the United States made pursuant thereto are the supreme law of the land, binding on the judges in every state notwithstanding anything in the constitution or laws of any state to the contrary.
2. **Due Process Clause of the Fourteenth Amendment to the United States Constitution**, which provides that no state shall deprive any person of life, liberty, or property without due process of law.

VII.

CONSTITUTIONAL PROVISIONS INVOLVED (continued)

3. **Equal Protection Clause of the Fourteenth Amendment** to the United States Constitution, which provides that no state shall deny to any person within its jurisdiction the equal protection of the laws.
4. **Article III of the United States Constitution** insofar as it limits the exercise of judicial power to cases in which jurisdiction has been properly established on a constitutionally valid record.
5. **Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132**, which provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or denied the benefits of the services, programs, or activities of a public entity.
6. **42 U.S.C. § 12131** defining public entities to include state courts and instrumentalities of state government.
7. **42 U.S.C. § 1983** insofar as it provides a cause of action for the deprivation of rights secured by the Constitution and laws of the United States under color of state law.

VIII.

STATEMENT OF THE CASE

Petitioner Margaret Jean Lowery is an Oklahoma-licensed attorney who was admitted to the Illinois bar on reciprocity in 2000 to serve as in-house counsel. She later returned to Oklahoma, resumed practice there, and retired from the Illinois bar.

VIII.

STATEMENT OF THE CASE (continued)

No Illinois client filed a complaint against her, no judge she appeared before ever complained, no client money was misappropriated, no case was neglected and certainly no crime was committed or charged.

Petitioner relocated to Oklahoma in 2018 and resumed practice there. She had no intention of returning to practice in Illinois, leaving the State with no concrete protective interest that could justify the aggressive exercise of disciplinary power later asserted against her. That absence of any legitimate regulatory interest is underscored by the fact that, once the matter concluded, she promptly notified Illinois of her retirement effective June 30, 2023.

If the proceedings below did not arise from client harm or ordinary professional misconduct, there is no legitimate basis for the disbarment. Unattributed speech claimed by an administrator-initiated complaint never approved by a probable cause hearing and allegations concerning an alleged incident petitioner reported in 2018 on an elevator. The case is about unproven online speech, post-retirement, that petitioner denied making and for which the state obtained no primary source evidence and no jurisdiction before publicly making the allegation.

In 2023, the disciplinary authority directed petitioner to appear in Illinois to provide a sworn statement concerning the reported incident. Petitioner requested reasonable accommodation under Title II of the Americans with Disabilities Act and asked to participate remotely or from a location outside Illinois.

VIII.

STATEMENT OF THE CASE (continued)

Following that request, state officials issued compulsory process to a third-party, holocaust museum, without notice to the attorney seeking her record including attendance records to public events and her ancestry records. Formal disciplinary proceedings were then initiated based upon that record in September 2023.

The initial inquiry concerned whether petitioner had fulfilled a reporting obligation under *In re Himmel* 125 Ill.2d 531, 533 N.E.2d 790, to the Court. The retired Chief Justice confirmed Petitioner met the reporting requirement. After petitioner submitted her sworn statement, the retired Chief Justice validated her report and an Assistant State's Attorney corroborated the event, the theory of misconduct changed to assert that the reported incident never occurred and forcing Ms. Lowery to prove an event she timely reported occurred.

After the Complaint was filed, Petitioner denied authorship of the alleged online speech content, denied Illinois had jurisdiction and she sought to test attribution. All discovery and primary source verification was prohibited. Discovery was not permitted on any issue. Petitioner was unable to present any witnesses, cross-examine adverse evidence, or obtain custodian testimony regarding attribution because the Chair ordered all proceedings to occur off the record and not before a certified short hand reporter (April 9, 2024 Hearing Board Order).

Petitioner did not receive an evidentiary hearing on the jurisdictional issue raised in her answer. The State never plead she was an attorney at the time of the

VIII.

STATEMENT OF THE CASE (continued)

event because she was not. It only stated she had once been an Illinois attorney failing to invoke jurisdiction. Ms. Lowery was then not permitted to participate in key stages of the proceeding while being denied access to the record entirely. When Ms. Lowery asked for access to the record to appeal she was told no record existed. The adjudicative bodies proceeded in her absence and relied on a record that was not subjected to adversarial testing while refusing to explain how the state had jurisdiction and while denying Title II access.

No probable cause determination was conducted. Jurisdiction was not adjudicated on the record. The complaint did not allege that petitioner was engaged in active Illinois practice at the time of the alleged conduct.

The Hearing Board issued findings based on the existing record. The Review Board adopted those findings without independent fact-finding. On January 15, 2026, the Illinois Supreme Court denied leave to file exceptions, denied access to the evidentiary record, adopted the recommendation, and entered disbarment without ever establishing jurisdiction on an accessible record.

Petitioner sought relief in federal court. Federal courts declined to intervene, treating the matter as within state bar regulation. Federal courts declined to intervene, treating the matter as within state bar regulation and declining to adjudicate Petitioner's Fourteenth Amendment claims on the grounds *Rooker-*

VIII.

STATEMENT OF THE CASE (continued)

Feldman and *In re Young* preclude federal intervention. Federal judges do not treat *Tennessee v. Lane* as a jurisdictional threshold and then with no consequence, the lack of access is viewed as “no harm, no foul” it will work itself out thus leaving the most vulnerable lawyers fighting the state with no ability to defend themselves at all.

Thus this case arose from the imposition and enforcement of discipline post-retirement in which the state conducted no probable cause inquiry, never validated any evidence, never established jurisdiction and its not that petitioner did not receive a fair hearing, she did not receive any hearing at all and she was denied all right to participate in the adjudicative process because of her disability and proximity outside the state. No determination of jurisdiction was ever made on an accessible record and yet the ultimate determination was made regarding her former property interest in Illinois to affect her property interest in Oklahoma all without any formal adherence to Due Process.

IX.

REASONS TO GRANT WRIT

First, this case presents a structural constitutional question this Court has not answered. *Tennessee v. Lane* requires meaningful access to adjudicative proceedings, and *In re Ruffalo* requires fair process before attorney discipline may be imposed. This case presents the unresolved consequence when a State proceeds without access,

IX.

REASONS TO GRANT WRIT (continued)

without establishing jurisdiction, and without any legitimate regulatory interest, yet the resulting judgment is nevertheless treated as valid.

Second, no valid adjudication occurred here. The proceedings treated petitioner's request for ADA access as misconduct, denied participation, refused to test the evidence, and proceeded without an accessible record. That is not ordinary error. It is a failure of adjudication itself. The petition therefore presents whether a State may destroy a lawyer's professional status through a process in which the predicates for discipline were never validly established.

Third, jurisdiction was never established on the record before coercive authority was exercised. This petition does not merely contend that the tribunal got the facts wrong. It shows that the tribunal acted first and never established the constitutional predicates that would permit it to act at all. Petitioner had relocated to Oklahoma, was not practicing in Illinois, and had no intention of returning to practice there. No Illinois client complained, no client harm was alleged, and no concrete state protective interest was identified. The absence of any legitimate regulatory interest underscores that the exercise of disciplinary power here was not anchored in protection of the public, but in the continuation of a defective process.

IX.

REASONS TO GRANT WRIT (continued)

This case therefore presents a clean vehicle to decide whether disciplinary authority may be exercised where there is no client complaint, no adjudicated wrong, no tested evidence, and no demonstrated state interest sufficient to support the assertion of jurisdiction.

Fourth, no federal forum was willing to address the defect. If a State may proceed without access and without establishing jurisdiction, and federal courts then decline review on immunity, abstention, or bar regulation grounds, the result is a closed system in which no court ever determines whether a valid adjudication occurred. That defect is compounded when the first State's judgment is enforced in a second jurisdiction, completing reciprocal discipline without jurisdiction, without tested evidence, and without any hearing that satisfies constitutional requirements.

Fifth, the issue is recurring and important. The petition presents a broader problem concerning the interaction between state disciplinary power and federal access protections. This case gives the Court a clean vehicle to decide whether disciplinary authority may be exercised where jurisdiction, access, and adjudicative reliability are never ensured at any stage of the process. The importance of that question is underscored by broader institutional concern regarding the operation of attorney disciplinary systems and their interaction with federal interests, confirming that the issue presented here is not isolated.

IX.

REASONS TO GRANT WRIT (continued)

Lastly, lower courts have taken inconsistent and, in some instances, a non-merits approach to the application of Title II of the Americans with Disabilities Act in attorney disciplinary proceedings. State courts have proceeded with discipline without providing meaningful access, while federal courts have declined to enforce *Tennessee v. Lane* in this context, invoking doctrines of abstention, immunity, or bar regulation. In practice, the assertion of a right to access has not resulted in adjudication of that right, but in the continuation of proceedings without it. The result is a system that replicates the same outcome across jurisdictions: proceedings move forward without access, jurisdiction is not tested on an accessible record, and no court provides a forum in which the governing constitutional principles can be enforced. This case presents a clean vehicle for resolving that recurring failure.

X.

CONCLUSION

This petition does not ask the Court to resolve disputed facts or to supervise state attorney discipline as a general matter. It asks the Court to address a threshold constitutional failure that forecloses adjudication itself. When a tribunal denies ADA Title II access required for participation, declines to adjudicate the evidentiary predicate for jurisdiction, and nevertheless exercises coercive authority, the resulting orders are void. That defect is structural and ongoing.

X.

CONCLUSION (continued)

Even if the Court determines that plenary review is unnecessary, guidance is urgently needed. Lower courts are proceeding in a manner that permits the exercise of judicial power without jurisdiction, without access, and without an adjudicated record. Absent intervention, those practices will continue to produce irreparable harm and evade correction. The Court's review is warranted to restore constitutional boundaries and to make clear that courts may not deny access and then proceed as if jurisdiction were established.

This case also presents an institutional impasse warranting this Court's intervention. Multiple courts across jurisdictions have declined to enforce Title II of the Americans with Disabilities Act when the denial of access occurs in the context of attorney discipline. The Illinois Supreme Court, the Oklahoma Supreme Court, the United States Court of Appeals for the Tenth Circuit, the Southern District of Illinois, and the Eastern District of Oklahoma have each proceeded on the premise that bar regulation occupies a category exempt from ADA enforcement. The practical consequence is that lawyers may be stripped of the ability to practice law, subjected to reciprocal discipline, and excluded from the profession without any evidentiary hearing, without adjudication of jurisdiction, and without compliance with federal access requirements. This is not a matter of discretionary regulation or state autonomy. It is a refusal to apply governing federal law to a class of proceedings that carry quasi-criminal consequences for United States citizens.

X.

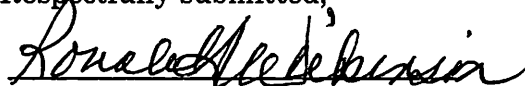
CONCLUSION (continued)

Absent this Court's clarification, that refusal will continue to propagate across jurisdictions through reciprocal enforcement, leaving no forum willing to enforce the ADA where it matters most.

Lastly, as a recent development, while this matter was being prepared, Petitioner sought ADA-compliant access in a separate federal action now pending in the Southern District of Illinois, Case No. 2025-cv-2060. In that action, the district court entered a minute order granting Petitioner's request for reasonable accommodations under the Americans with Disabilities Act, reflecting adherence to controlling federal law under *Tennessee v. Lane*. That ruling stands in marked contrast to the proceedings challenged here, in which ADA access was denied and enforcement actions were predicated on authorities that were neither tested through an accessible adversarial process nor grounded in an ADA-compliant record. A related filing will be submitted shortly addressing the consequences that follow when an Article III court declines to enforce *Tennessee v. Lane* and relies on asserted authorities that do not withstand record verification in an ADA case. This Petition is therefore properly postured for review, as it presents the threshold question of how federal courts are to proceed when compliance with federal disability law is honored in one forum and disregarded in another.

For these reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald D. Wilkinson". The signature is written in a cursive style with a large initial "R".

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