

SUPREME COURT OF THE UNITED STATES

MARGARET J. LOWERY,

PETITIONER,

v.

**ILLINOIS SUPREME COURT;
ILLINOIS ATTORNEY REGISTRATION & DISCIPLINARY COMMISSION;
RESPONDENTS.**

No. _____

TO: THE HONORABLE JUSTICE BARRETT

**AMENDED APPLICATION FOR STAY
PENDING DISPOSITION OF PETITION of WRIT OF CERTIORARI
(Supreme Court Rule 23)**

I.

THE CONSTITUTIONAL DEFECT

1. This application presents a **threshold constitutional failure**, not a merits dispute.
2. The Illinois Supreme Court may not impose discipline or collateral consequences unless and until, it first establishes jurisdiction on an accessible record and affords meaningful participation to the attorney.
3. That requirement is structural and antecedent to any merits adjudication. Here, it did not occur.
4. The January 15, 2026, order expressly states that no certified record was reviewed and no evidence was evaluated. Yet a permanent professional

sanction was imposed without complying with First Principle requirements. The four corners of the Order demonstrate the Court violated the minimum constitutional requirements set forth by this Court. *In re Ruffalo*, 390 U.S. 544 (1968).

5. The Illinois Supreme Court's January 15, 2026, Order was entered without a finding of jurisdiction and without Title II access. The record reflects that Ms. Lowery submitted an ADA access request to the ARDC in May 2023, supported by a contemporaneous physician request.
6. In response to that ADA access request, the Illinois ARDC issued a subpoena to the St. Louis Holocaust Museum.
7. At the May 2, 2024 default hearing, Illinois ARDC stated on the record that the Holocaust Museum subpoena was issued as part of a federal Title II ADA inquiry into Ms. Lowery's ancestry.
8. Illinois thus issued coercive orders in response to a lawful request for court access, a protected constitutional right. Illinois then refused to adjudicate jurisdiction over a non-licensee residing outside the state, repeatedly declined to hold an evidentiary hearing on jurisdiction, and made no findings establishing authority to act.
9. The Holocaust inquiry then occurred again. On November 14, 2023, Ms. Lowery filed a complaint with the DOJ Civil Rights Division and the Illinois Attorney General concerning Ms. Miller's issuance of a subpoena to a Holocaust Museum.

10. In response, Illinois issued a fourteen day letter alleging that Ms. Lowery had opened a new X account in her name to post rants concerning Hitler and the Holocaust. Ms. Lowery unequivocally denied ownership of the account and requested that the X Corp custodian of records be deposed to validate attribution.
11. Illinois instead filed an emergency petition asserting that Ms. Lowery posed an imminent danger to the profession. Illinois then denied fifty five discovery requests and nine ADA accommodation requests. Illinois never validated the X account or its alleged Holocaust and Hitler related content.
12. Ms. Lowery retained a DOJ certified forensic expert who determined that the ARDC's attributed evidence was fabricated. At no point was Ms. Lowery afforded an evidentiary hearing, and Illinois never produced primary source evidence supporting its attribution.

II.

FIRST PRINCIPLE CONSTITUTIONAL VIOLATIONS

13. **Jurisdiction Was Never Established.** Illinois never adjudicated how it exercised jurisdiction over a non-licensee. No order contains findings establishing jurisdiction. No pleading alleged the jurisdictional basis necessary to proceed to the merits.
14. **Access Was Denied.** Petitioner repeatedly requested ADA-compliant access. Proceedings continued during periods of medical emergency and without

meaningful participation. A tribunal that denies access forfeits authority to adjudicate. *Tennessee v. Lane*, 541 U.S. 509 (2004).

15. **No Certified Record Exists.** Illinois has disclaimed the existence of certified transcripts while continuing to enforce and publish its order. An appellate or reciprocal tribunal cannot constitutionally rely on an uncertified or inaccessible record.
16. **Merits Adjudication Occurred Without Process.** Findings of misconduct were made without notice, charging instruments, or admitted evidence, precisely the defect condemned in *In re Ruffalo*. No probable-cause hearing was held, no notice of aggravation was provided, and no evidence exists in the record to support aggravating findings. Each defect independently renders the order void. Together, they present a textbook structural failure.
17. **Example of Jurisdictional Inversion:** A single example illustrates the structural failure at issue and why evidentiary disputes are irrelevant. Jurisdiction is a First Principle. A tribunal may not exercise emergency power unless the legal predicates for an emergency are first established on the record. Here, that sequence was reversed. The tribunal asserted emergency authority without first establishing either probable cause or jurisdiction over a valid, existing license. An emergency suspension was imposed without a probable cause hearing and without any finding that the respondent even held an active license subject to regulation.

18. An emergency does not exist unless emergency conditions are present, and regulatory authority does not exist unless there is a license to regulate. Where a lawyer is retired, no emergency suspension power can attach as a matter of law. Whether the underlying allegations were true or false is immaterial. Evidence cannot supply jurisdiction retroactively. The discussion of evidence in Exhibit A is therefore not offered to litigate facts, but to demonstrate the First Principles structural inversion. Power was exercised first, and authority was assumed later. That inversion alone is sufficient to establish that jurisdiction never attached and that no judicial act occurred.
19. The emergency claim followed the same pattern. Upon filing the complaint, Ms. Lowery objected to jurisdiction in her answer and then discovered that Illinois had issued a subpoena to the St. Louis Holocaust Museum. She reported the issue to the Administrator, who refused to assist, and she thereafter filed a complaint with the DOJ Civil Rights Division on November 14, 2023.
20. On November 30, 2023, Illinois ARDC issued a fourteen-day letter alleging that a new X account had been opened in Ms. Lowery's name shortly after the DOJ complaint. Ms. Lowery denied ownership of the account and issued fifty five discovery requests demanding validation of the attribution. Illinois denied all fifty five requests.

21. Ms. Lowery requested that Illinois validate the X account through a custodian of records deposition at X Corp. Illinois refused. Rather than validating the evidence, Illinois filed an emergency interim suspension petition.

III.

IRREPARABLE HARM

22. The harm is immediate and irreparable.
23. Other courts are already relying, or threatening to rely, on the January 15, 2026, order to impose reciprocal discipline, deny access, dismiss appeals, and foreclose judicial review.
24. Once reliance, publication, or reciprocal enforcement occurs, no later merits ruling can restore lost jurisdictional access or undo the constitutional injury.

IV.

BALANCE OF EQUITIES

25. A stay imposes no prejudice on Illinois. Petitioner is not practicing law in Illinois. No Illinois clients are affected. No Illinois proceeding is being disrupted.
26. The stay merely preserves the status quo while this Court determines whether the Illinois proceedings produced a judgment entitled to constitutional recognition.

V.

WHAT IS NOT BEING ASKED

27. Petitioner does not seek reinstatement to the Illinois bar. She does not ask this Court to resolve disputed facts. She does not seek discipline of any judge or official.
28. This application seeks only to halt reliance on a structurally defective predicate order pending this Court's review.

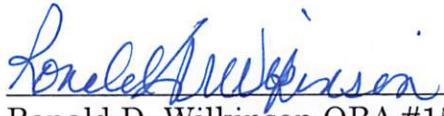
VI.

REQUESTED RELIEF

29. Petitioner respectfully requests that this Court:
30. Grant leave to proceed *in forma pauperis*;
31. Stay enforcement, publication, and any collateral or reciprocal reliance on the January 15, 2026 order of the Illinois Supreme Court pending disposition of the Petition for Writ of Certiorari;
32. Stay any monetary assessments or penalties flowing from that order; and
33. Grant such further relief as is necessary to preserve jurisdiction and access during the pendency of review.
34. For the Court's convenience, Exhibit A is submitted and provides additional constitutional framework and context underlying the threshold defects giving rise to irreparable harm.

WHEREFORE premises considered, the Appellant tenders the issue to the Court for consideration.

Respectfully submitted,



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EXHIBIT A
FIRST PRINCIPLES FRAMEWORK FOR BAR REGULATION

I.

PURPOSE OF THE FRAMEWORK

This Exhibit sets out a First Principles framework for evaluating the constitutional validity of attorney-discipline proceedings. The framework is not merits-based and does not depend on the outcome of any particular case. It identifies the minimum constitutional predicates that must exist before a tribunal may exercise disciplinary authority or before its orders may be relied upon by other courts or jurisdictions.

Applying First Principles clarifies jurisdictional boundaries, preserves access, and reduces downstream reliance on constitutionally defective orders.

II.

FIRST PRINCIPLES DEFINED

“First Principles” are the irreducible constitutional requirements derived from the text, structure, and historical understanding of the Constitution. They precede merits adjudication and cannot be displaced by administrative convenience or expediency.

In the context of attorney discipline, these principles include:

A. Jurisdiction

The tribunal must expressly state the legal and factual basis for exercising authority over the respondent.

B. Evidence

The tribunal must identify what evidence was reviewed and how that evidence supports the exercise of authority or the findings made.

C. Record Integrity

Proceedings must be preserved on a certified, public, and accessible record sufficient for review and reliance.

D. Court Access

Litigants must be afforded meaningful access to participate in the proceedings, including reasonable accommodations where required.

E. Procedure Fairness

The process must reflect notice, neutrality, and respect consistent with due process guarantees.

These principles constitute the constitutional floor. Orders entered without adherence to them are not merely erroneous; they lack the prerequisites of lawful adjudication.

III.

APPLICATION OF FIRST PRINCIPLES TO BAR REGULATION

Attorney discipline is quasi-criminal in nature and implicates protected property and liberty interests. As a result, First Principles apply with particular force.

A. Jurisdiction Must Be Established on the Record

A disciplinary authority must establish, on the face of the initiating pleadings and subsequent orders:

1. that the respondent was subject to the tribunal's regulatory authority at the relevant time
2. that the conduct at issue arose from professional activity within the asserted jurisdiction
3. and that the tribunal possesses continuing authority to act

Jurisdiction may not be assumed, inferred, or supplied by downstream reliance.

B. Speech-Based Charges Require Demonstrated Harm

Where discipline is predicated on alleged false or improper speech, First Principles require a showing of actual or imminent harm, supported by testimony or competent evidence. Absent a complainant or demonstrated harm, such proceedings risk functioning as impermissible restraints on speech rather than legitimate regulation.

C. Probable Cause and Evidence Must Precede Public Accusation

Before public accusation or sanction, the record must reflect:

1. a probable-cause determination
2. identification of the evidence relied upon
3. and preservation of that evidence on an accessible record

Conclusory assertions or attribution to unverified sources do not satisfy due process requirements.

D. Certified and Accessible Records Are Mandatory

At every material stage of disciplinary proceedings:

1. a certified transcript must exist
2. the transcript must be accessible to the respondent and reviewing courts
3. and any disputes concerning the record must be adjudicated, not presumed resolved

Orders unsupported by a certified and accessible record cannot constitutionally be relied upon by appellate or reciprocal tribunals.

IV.

CONSEQUENCES OF NON-ADHERENCE

Failure to adhere to First Principles produces predictable constitutional consequences:

1. orders entered without jurisdiction are void
2. void orders cannot serve as predicates for downstream enforcement
3. reliance on such orders propagates constitutional injury
4. and appellate review becomes distorted by assumptions rather than adjudicated facts

First Principles function as a containment mechanism, preventing the multiplication of error across jurisdictions.

V.

FUNCTION OF THE FRAMEWORK

This framework does not require courts to resolve merits, weigh credibility, or adjudicate guilt. It requires only that courts demonstrate constitutional authority before acting.

When First Principles are satisfied:

- judicial immunity is preserved
- downstream courts may rely on the order
- and appellate review proceeds on a stable foundation

When they are not, the appropriate response is restraint, not enforcement.

VI.

CONCLUSION

First Principles provide a neutral, administrable method for distinguishing lawful adjudication from unconstitutional exercise of state power. Requiring adherence to these principles protects litigants, courts, and the integrity of the judicial system without expanding substantive rights or altering existing doctrine.