

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

FILED

JUN - 2 2015

ATTY REG & DISC COMM
CHICAGO

In the Matter of:)
)
JOHN PATRICK MESSINA,)
) Commission No. 2014PR00002
Attorney-Respondent,)
)
No. 1802622.)

ADMINISTRATOR'S MOTION TO STRIKE

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Meriel Coleman, as his Motion to Strike, states as follows:

1. On January 7, 2014, the Administrator filed his one-count amended complaint, alleging misconduct that included the filing of frivolous appeals. On February 28, 2014, the Administrator filed his First Amended Complaint to correct scrivner's errors.

2. Between February 5, 2015 and March 5, 2015, a two and a half day hearing was held in which Respondent had the opportunity to present testimony, witnesses, and argument in his defense of the Administrator's charges of misconduct.

3. During that hearing, Respondent made a motion for directed finding after the Administrator's counsel rested his case. That motion was denied. During his closing argument Respondent also argued for dismissal.

4. On May 10, 2015, pursuant to Commission Rule 277, the Hearing Chair entered an order finding that the Administrator had established that Respondent engaged in misconduct and directing that the Administrator file copies of any orders and reports of prior discipline against Respondent. The Hearing Board also authorized the Administrator to file written

argument not to exceed five pages on the weight that Respondent's prior discipline should be given in these current proceedings. The order further provided that Respondent had seven days from the date that the Administrator's report of prior misconduct was filed to file a responsive argument that was not to exceed five pages.

5. On May 15, 2015, the Administrator's counsel filed the consent petition and order documenting Respondent's prior misconduct along with a written argument for the weight the prior misconduct should be given in these proceedings.

6. Pursuant to Commission Rule 277 and the Hearing Chair order entered on May 10, 2015, Respondent's argument relating to prior misconduct was due on or before May 22, 2015.

7. On May 26, 2015, Respondent filed a motion claiming that his response to the Administrator's 277 report was to be filed on May 26, 2015, but that due to family obligations he had not been able to complete his pleading and requested a one day extension of time.

8. On May 27, 2015, Respondent filed a "Motion to Dismiss All Charges", "Response to the Administrator's Report and Argument Regarding Prior Misconduct", and "Declaration of John P. Messina".

9. On May 29, 2015, Respondent filed a "Motion Seeking to File an Appendix of Exhibits In Support of Papers Filed on May 27, 2015".

10. Pursuant to Commission Rule 284, with the exception of a motion for extension of time in which to file exceptions, "post-trial motions shall not be filed with or considered by the Hearing Board.

11. Respondent's purported response to Administrator's report and argument regarding prior discipline, does little to address the arguments in the the Administrator's filing or

the weight that this Hearing Board should give Respondent's prior discipline in these proceedings.

13. Instead, Respondent's purported response is a thinly veiled effort by Respondent to place additional facts and exhibits before this Hearing Board for consideration. In fact, Respondent specifically requests that the record be reopened in his prayer for relief.

14. In support of his motion to dismiss and his purported response to the Administrator's 277 report, Respondent filed his declaration and also filed a motion seeking to file supporting exhibits for his pleadings. There is no precedent that allows Respondent to file a declaration or exhibits that he is seeking to put before this Hearing Board.

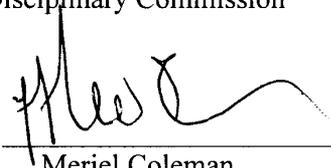
15. Respondent has a history of filing pleadings that are not consistent with the rules, including his answer in these proceedings.

16. Respondent's recent filings are arguably frivolous and evidence of his continued inability to adhere to rules and or respect any ruling adverse to his beliefs.

WHEREFORE, the Administrator respectfully requests the entry of an order striking of Respondent's motion to dismiss all charges, response to Administrator's report and argument regarding prior discipline, declaration of John P. Messina, and motion to file appendix of exhibits in support of papers filed on May 27, 2015.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: 

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