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October 19, 2006

Ms. Althea K. Welsh  
Attorney Registration & Disciplinary Commission  
One Prudential Plaza  
130 E. Randolph Drive, Suite 1500  
Chicago, IL 60601-6219

Dear Ms. Welsh:

This letter is in response to your letter dated August 24, 2006.

Your letter is a perfect example of a violation of Rule 8.4(a)(4) of the Illinois Rules of Professional Conduct. As you know, or reasonably should know, that the Illinois Supreme Court has held that any attempt to deceive is fraud.

My correspondence of August 14, 2006 is, and was, a charge of professional misconduct against attorney Myrrha Guzman, and was not a request to reconsider the ARDC decision against Marshall Jay Auerbach. The ARDC does not have, nor, can I find that it ever was granted, lawful authority to misrepresent any person's charge of professional misconduct against an attorney.

In addition to misrepresentation, you are engaged in fraud, as defined by our Supreme Court.

I was conservative in my previous charges of professional misconduct against attorney Marshall Jay Auerbach, in not informing the ARDC that he had engaged in acts in violation of 720 ILCS 5/16-1, a class 3 felony, and therefore he engaged in a violation of Rule 8.4(a)(3). While the ARDC has no authority to prosecute him for such criminal violation, it does have the duty to report him to the proper authorities, or else its attorneys become accessories after the fact.

Ms. Guzman knew, or reasonably should have known, if she is not incompetent (Rule 1.1), that Marshall Jay Auerbach had knowingly, intentionally, deliberately, and/or conscientiously engaged in an act or acts in violation of 720 ILCS 5/16-1 and therefore Rule 8.4(a)(3). Ms. Guzman has engaged in an act in violation of 720 ILCS 5/31-5, and therefore also Rule 8.4(a)(3).

I submit that it is time for the ARDC to come out of the closet. In the past, the ARDC swept the misconduct of ARDC attorneys under the rug by letters similar to the one you sent me dated August 24, 2006. Today, with the Internet, this misconduct can no longer be hidden. Should I place our correspondence on the Internet, thousands of people, including many attorneys, will be informed that certain members of the ARDC have themselves engaged, and are engaging, in professional misconduct, and have knowingly, intentionally, deliberately, and/or conscientiously brought disrepute to the judiciary, as the ARDC is a commission of the Illinois Supreme Court.

In the event that I do not receive a written revocation/rescission of your August 24, 2006 letter within 14 days of the above date, I will file formal charges of criminal misconduct against Myrrha Guzman, and maybe others, followed by additional charges of professional misconduct, including but not limited to, violation of Rule 8.4(a)(5) and/or Rule 770 (actions which bring the legal profession into disrepute).

Yours truly,

Eugene Alpern