

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

In the Matter of:)
)
DAVID P. KAMINSKI,) Commission No. 2023PR00062
)
Attorney-Respondent,)
)
No. 6320242.)

NOTICE OF FILING

TO: Richard Gleason
Counsel for the Administrator
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601
Telephone: (312) 565-2600
Email: rgleason@iadc.org

Please take notice that on November 1, 2023, an electronic copy of **RESPONDENT’S ANSWER**, submitted to the clerk of the Attorney Registration and Disciplinary Commission; and on that same date, a copy was served via email on Counsel for the Administrator at rgleason@iadc.org.

Respectfully Submitted,

Allison Wood

Counsel for Respondent

Allison L. Wood
Legal Ethics Consulting, P.C.
205 North Michigan Avenue
Suite 810
Chicago, Illinois 60601
(773) 595-5623
aw@legalethicsconsulting.com

Dated: November 1, 2023

PROOF OF SERVICE

The undersigned, being first duly sworn on oath deposes and states that she served a copy of this **Notice of Filing and RESPONDENT'S ANSWER**, on the individual at the address listed on the foregoing Notice of Filing, by sending a copy via email on November 1, 2023.

Allison Wood

Counsel for Respondent

Allison L. Wood
Legal Ethics Consulting, P.C.
205 North Michigan Avenue
Suite 810
Chicago, Illinois 60601
(773) 595-5623
aw@legalethicsconsulting.com

Dated: November 1, 2023

FILED
11/1/23 5:18 PM
ARDC Clerk

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

In the Matter of:)
)
DAVID P. KAMINSKI) Commission No. 2023PR00062
)
Attorney-Respondent,)
)
No. 6243214.)

ANSWER TO COMPLAINT

Now Comes Respondent, David P. Kaminski, by and through his attorney, Allison L. Wood, and responds to the Complaint as follows:

COMMISSION RULE 231 STATEMENT

Respondent was licensed to practice law in the State of Illinois on November 6, 1997. Respondent is not admitted to practice law in any other state. Respondent has held a real estate broker license for at least the past 20 years.

COUNT I

(Criminal Convictions for Domestic Battery and Interfering with the Reporting of Domestic Violence)

1. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/12-3.2(a)(1) of the Illinois Compiled Statutes, which made it a Class A misdemeanor offense to cause bodily harm to a family or household member.

Answer: Admitted.

2. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/12-3.2(a)(2) of the Illinois Compiled Statutes, which made it a Class A misdemeanor offense to knowingly and without legal justification make physical contact of an insulting or provoking nature with a family or household member.

Answer: Admitted.

FILED
11/1/2023 5:18 PM
ARDC Clerk

3. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/12-3.5(a), which made it Class A misdemeanor offense to knowingly prevent a witness or victim of domestic violence from calling 9-1-1 emergency telephone system, obtaining medical assistance, or making a report to a law enforcement agency.

Answer: Admitted.

4. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/10-3, which made it a Class A misdemeanor offense to knowingly and without authority attempt to restrain or detain another individual.

Answer: Admitted.

5. On July 4, 2020 at approximately 9:30am, Respondent was present in his home located in Elgin. Respondent's wife was also present in the home. While Respondent and his wife were located in the kitchen of their home, Respondent began to berate his wife, including but not limited to yelling at her and calling her a "dumb fuck."

Answer: Respondent admits that on the morning of July 4, 2020, Respondent and his then wife were at their then home in Elmhurst, Illinois. Respondent states that he and his then wife began arguing in the second floor master bathroom and that at some point, the exact time uncertain, the argument intensified when Respondent's then wife came into the kitchen of the house where Respondent was doing housework. Respondent regrets and is deeply remorseful for any profanities spoken and/or addressed toward his then wife. Unless expressly admitted, all other allegations in paragraph 5 are denied.

6. Respondent then took pasta from the kitchen sink and shoved the pasta into his wife's face, causing bruising to her lip. Respondent's wife began to cry, and told Respondent that she wanted to call the police. Respondent took his wife's phone and placed the phone in his pocket. Respondent refused to provide his wife with her phone and attempted to persuade her not to call the police.

Answer: Respondent regrets and is remorseful that in the heat of the argument with his then wife he made a reference regarding shoving pasta in her face. Respondent cannot say for certain when she started to cry. Respondent admits that he had his then wife's cellular

phone in the pocket of his running shorts. Respondent admits that he did not immediately return the phone to his wife when she asked for it. Unless expressly admitted, all other allegations in paragraph 6 are denied.

7. Respondent's wife repeatedly asked Respondent for her phone, and Respondent repeatedly refused to give it to her. Respondent's wife attempted to leave the house so that she could get help, and Respondent prevented her from doing so by blocking the exits to the home with his body and by grabbing her wrists. Respondent's wife was eventually able to obtain her phone and call the police.

Answer: Respondent admits that his wife repeatedly asked for the return of the phone and that he did not immediately return the phone to her. Respondent further admits that he attempted to prevent his wife from leaving the home as he was concerned, based on past circumstances, that she would leave the house and cause harm to herself or others. Respondent denies grabbing or touching his wife's wrists (or any other body part). Respondent admits that he handed the cellular phone to his then wife and that she used it to call the police. Unless expressly admitted, all other allegations in paragraph 7 are denied.

8. Elgin police arrived on scene at approximately 10:00am on July 4, 2020. After interviewing both Respondent's wife and Respondent, and making observations of Respondent's wife's condition with the condition of the kitchen, Elgin police officers placed Respondent under arrest.

Answer: Respondent states that it was Elmhurst police that arrived at the home. Respondent admits that he and his wife were interviewed by the police, but he has no knowledge as to what they did or did not observe at the scene, so he has no response to those allegations in paragraph 8. Respondent further states that Elmhurst police officers placed him under arrest, and when the police asked his wife if she needed any medical attention or

had any injuries requiring same, his then wife replied “No.” Unless expressly admitted, all other allegations in paragraph 8 are denied.

9. On the same day, Elgin police officers filed a four-count criminal complaint against Respondent in the DuPage County Court. Count I of that complaint charged Respondent with domestic battery for causing bodily harm to his wife, in violation of Chapter 720, Section 5/12-3.2(a)(1) of the Illinois Compiled Statutes. Count 2 charged Respondent with domestic battery for knowingly and without authority or justification making contact of an insulting or provoking nature with his wife, in violation of Chapter 720, Section 5/12-3.2(a)(2) of the Illinois Compiled Statutes. Count 3 charged Respondent with interfering with the reporting of domestic violence when he refused to return to his wife her phone, in violation of Chapter 720, Section 5/12-3.5(a). Count 4 charged Respondent with attempt unlawful restraint when Respondent blocked his wife’s exit from the house to prevent her from leaving it, in violation of Chapter 720, Section 5/10-3 of the Illinois Compiled Statutes. The DuPage County Clerk of Court assigned the matter case number 2020DV000781.

Answer: Respondent admits that the Elmhurst police filed a four-count complaint against him in DuPage County Court. The complaint speaks for itself and to the extent any of the allegations in paragraph 9 are inconsistent with the complaint they are denied.

10. On June 1, 2021, the DuPage County State’s Attorney’s Office filed a Superseding Information in case number 2020DV000781, described in paragraph nine, above. The Superseding Information in case number 2020DV000781, described in paragraph nine, above. The Superseding Information charged Respondent with six criminal accounts arising from Respondent’s actions on July 4, 2020. Count I alleged that Respondent caused bodily harm to his wife by striking her about the face, in violation of Chapter 720, Section 5/12-3.2(a)(1) of the Illinois Compiled Statutes. Count 2 alleged that Respondent knowingly and without legal justification made physical contact of an insulting or provoking nature with his wife by striking her about the face in violation of Chapter 720, Section 5/12-3.2(a)(2) of the Illinois Compiled Statutes. Count 3 alleged that Respondent caused bodily harm to his wife by striking her about her body, in violation of Chapter 720, Section 5/12-3.2(a)(1) of the Illinois Compiled Statutes. Count 4 alleged that Respondent knowingly and without justification made physical contact of an insulting or provoking nature with his wife by striking her about her body, in violation of Chapter 720, Section 5/12-3.2(a)(2) of the Illinois Compiled Statutes. Count 5 alleged that Respondent knowingly prevented or attempted to prevent his wife from calling the 9-1-1 emergency telephone system or from making a report to law enforcement by taking away her phone, in violation of Chapter 720, Section 5/12-3.5(a) of the Illinois Compiled Statutes. Count 6 alleged that Respondent took a substantial step toward

unlawfully restraining his wife when he blocked her exit from the house, in violation of Chapter 720, Section 5/10-3 of the Illinois Compiled Statutes.

Answer: Respondent admits that the DuPage County State's Attorney's Office filed a Superseding Information in case number 2020DV00081. The Superseding Information speaks for itself and to the extent any of the allegations in paragraph 10 are inconsistent with Superseding Information they are denied.

11. On March 8, 2022, Judge George Ford presided over a bench trial concerning the allegations contained in the Superseding Information in case number 2020DV000781, described in paragraph ten, above. On that day, Judge Ford received all of the admissible evidence from the parties and heard all of the witness testimony in the case. Judge Ford continued the case for March 25, 2022 to issue his findings on the charges.

Answer: Admitted.

12. On March 25, 2022, Judge Ford found Respondent guilty on Counts I (domestic battery causing bodily harm when Respondent struck his wife's face), 2 (domestic battery causing contact of any insulting or provoking nature when Respondent struck his wife's face) and 5 (interfering with the reporting of domestic violence) described in paragraph six, above. Judge Ford found Respondent not guilty on Counts 3 (domestic battery causing bodily harm when Respondent struck his wife about the body), 4 (domestic battery causing contact of any insulting or provoking nature with his wife by striking her about the body) and 6 attempt unlawful restraint by clocking his wife's exit from the house.

Answer: Respondent admits that on March 25, 2022, Judge Ford found Respondent guilty on Counts I, II, and V. Respondent states that the Judge took note of the fact that Respondent's then wife testified that he did not strike her, and Respondent maintains that he did not strike his then wife. Respondent further states that based in part on his then wife's testimony that Respondent did not strike her, the Judge merged Counts I and II for sentencing purposes.

13. By reason of the conduct and convictions described above, Respondent has engaged in the following misconduct:

- a. Committing a criminal act that reflects adversely on his fitness as a lawyer, by conduct including causing bodily harm to his wife, in violation of Chapter 720, Section 5/12.3(a)(1) of the Illinois Compiled Statutes, causing contact of an insulting or provoking nature to his wife, in violation of Chapter 720, Section 5/12.3(a)(2) of the Illinois Compiled Statutes, and by interfering with the reporting of domestic violence, in violation of Chapter 720, Section 5/12- 3.5(a) of the Illinois Compiled Statutes, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

Answer: As this paragraph calls for a legal conclusion, no answer is required. Respondent regrets and is remorseful for his actions toward his former spouse on the morning of July 4, 2020. Respondent states that he successfully fulfilled all the conditions of his sentencing as set forth by the court.

WHEREFORE, Respondent respectfully requests that this cause be considered and that the Hearing Board make a just recommendation as is warranted by the facts.

Respectfully Submitted,

Allison Wood

Counsel for Respondent

Allison L. Wood
Legal Ethics Consulting, P.C.
205 North Michigan Avenue
Suite 810
Chicago, Illinois 60611
(773) 595-5623

Dated: November 1, 2023