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# Klein, Thorpe, & Jenkins: Orland Park Public Library Fight – Part 3 -

May 27, 2014 · 2 Comments



ORLAND PARK, IL. ([ECWd](#)) -

## **#8. Conducting Board Meetings in place of Board President Nancy Wendt Healy.**

The Open Meetings Act, or more specifically the Robert's Rules of Order, does not allow an attorney or any other contractor employed by a public body to sit on the dais with an elected board and behave like he is a duly elected or appointed Board Member. But, that's exactly what KTJ attorney James Fessler has done on two occasions during meetings of the Orland Park Public Library Board of Trustees.

On 10/21/13, Fessler would not identify himself when asked for his name by Fox & DuJan and he pretended for all intents and purposes that he was a Board Member, not just an attorney working for the Board. Fessler then went on to speak down to Fox & DuJan and inform them they had no right to demand answers from this Board about why they have been allowing child porn to be accessed in this library.

Under the OMA, the public can of course always demand answers from public bodies...it's just sadly that public bodies are not required to provide the public with answers. But an attorney for the Board should not ever tell the public it has no right to demand answers in a public meeting.

Further, on 5/19/14 Fessler again represented the OPPL-BoT during an Open Meeting (his first since his disastrous appearance for the Board back in October). At this most recent meeting, Fessler again spoke freely as if he was a Board Member, never once being granted the floor before speaking. It should be noted that no other lawyer from KTJ behaves this way during OPPL-BoT meetings; it's only James Fessler who believes himself to be a pseudo board member.

When Friker or Walsh are in attendance, they do not speak freely and interrupt during Public Comment or engage in dialogue with the public the way that Fessler does. For some reason, the OPPL-BoT wrongly believes that Fessler is "an attack dog" who intimidates the public...when in fact, to anyone with a working knowledge of the OMA, Fessler is just an unfunny joke and a classic example of a lawyer violating the OMA by assuming powers he is not granted by mere

nature of holding a law degree.

### **#7. Threatening the public with “liable” suits for criticizing public bodies.**

Dennis G. Walsh got himself into quite a bit of trouble when in a heated exchange involving the PAC, he threatened Megan Fox and Kevin DuJan with a “liable” suit over email. And, yes, he misspelled “libel” as “liable” in his threat.

This involved Requests for Review that Fox & DuJan had filed with the PAC over violations of the OMA committed by the OPPL-BoT on January 20th and February 12th, 2014. Walsh, in his responses to the PAC on behalf of the OPPL-BoT, was incredibly condescending towards Fox & DuJan and more than a little snippy as well. He seemed perturbed that two amateur members of the public dared to challenge the law firm of Klein, Thorpe, & Jenkins and point out (accurately!) that KTJ was not only wrong on the law, but wrong to continue advising the OPPL-BoT to violate the law.

Walsh did not like having it pointed out that he personally sat beside Board President Nancy Wendt Healy when the OMA was being violated on a number of occasions...hence Walsh’s threat of a “liable” suit against Fox & DuJan if they continued exposing the KTJ firm’s terrible legal advice to the OPPL-BoT.

When busted on misspelling “libel” in his threat, Walsh shot back that it was his secretary who misspelled the word, not him, and he said that his secretary never went to law school...but Walsh would ensure that “libel” was spelled correctly the next time that Fox & DuJan saw “that word”. As you might be aware, in the state of Illinois contractors such as attorneys who are paid with tax dollars are considered “open to public opinion” under the law. It’s incredibly difficult for public officials to bring suits for “libel” (or even “liable”) against critics...particularly when the criticism involves the public officials squandering tax money the way that KTJ does every day.

It should be no surprise that Walsh’s threat of a “liable” suit went nowhere...but the fact he made this threat is heading to the Attorney Registration and Disciplinary Commission because an attorney in Illinois is not permitted to make such threats against critics when the threats are clearly designed to intimidate someone from pursuing action against a public body that is a client of the law firm.