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Final Edition

**Durbin bemoans Burris and the 'Blagojevich burlesque'; Burris' affidavit also filed with Supreme Court -- but never corrected**

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Staff reporters

If Sen. Roland Burris misled an Illinois House impeachment panel with a false account of his appointment, he did the same thing with the Illinois Supreme Court last month.

In a lawsuit to force Secretary of State Jesse White to certify his appointment to the Senate, Burris submitted the same Jan. 5 affidavit to the state high court that he had earlier sent to the House panel. The truthfulness of the affidavit has since been called into question.

On Thursday, after being asked by the Chicago Sun-Times about the affidavit also being in the court record, Attorney General Lisa Madigan's office relayed that fact to the Sangamon County state's attorney's office, which is investigating whether Burris committed perjury in that document or during testimony before the House panel.

"He went to the highest court in our state and lied," said Rep. Susana Mendoza (D-Chicago), who said Burris should be stripped of the law license he has held since 1964.

"How can he serve as an attorney in any capacity if he had the audacity to lie to the Supreme Court?" Mendoza said of Burris, a fellow Democrat and former Illinois attorney general.

Burris' Jan. 5 affidavit claimed it would "set the record straight" about his appointment and show it was "free of taint and entirely lawful." The document stated that Burris had no contact prior to Dec. 26 with any representatives of then-Gov. Blagojevich about a potential appointment.

But during testimony Jan. 8, Burris told the House panel he had previously touted himself for the Senate job to former Blagojevich chief of staff and lobbyist Lon Monk.

Then, on Feb. 5, Burris' lawyer sent a new affidavit to the House committee, noting that Burris had spoken to five other Blagojevich insiders about an appointment, including the governor's brother, Robert.

That latest affidavit was not forwarded to the state Supreme Court as an addendum to his now-closed lawsuit against White, said Joseph Tybor, a spokesman for the court.

A Burris spokesman declined to comment late Thursday.

Burris' law license could be in jeopardy regardless of whether there is a perjury finding.

Although he declined to discuss Burris, James Grogan, deputy administrator and chief counsel with the Attorney Registration and Disciplinary Commission, said lawyers are held to a higher standard while testifying under oath.

"You do not need a perjury finding to have an attorney disciplinary agency bring a proceeding against a lawyer for not being candid," Grogan said.

Grogan said attorneys risk penalties ranging from censure to disbarment if they engage in conduct involving "dishonesty, fraud, deceit or misrepresentation."

Grogan wouldn't confirm or deny the existence of an investigation into Burris, though one legal expert said it is a virtual certainty that one is taking place.

"I think the ARDC is very likely looking into it," said Northwestern University law professor Steven Lubet, who has represented lawyers before the legal disciplinary panel.

Meanwhile Thursday, Republicans in the state House and Senate renewed their push for a special election, amid signs that Democrats might be warming to the idea.

"It is likely we'll see something move in the Senate, but what form it will take I can't say at this point," said Rikeesha Phelon, spokeswoman for Senate President John Cullerton (D-Chicago).