

powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others.’ The Federalist No. 51, p. 349 (J. Cooke ed. 1961). Accordingly, as we have noted many times, the Framers built into the tripartite Federal Government a self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the other.” *Mistretta v. U. S.*, 488 U.S. 361, 381–82 (1989)

14. In nearly all litigation in which the complainant is the state (e.g., the ARDC), the complainant is the executive branch.

15. Similarly, in nearly all litigation, the judicial branch adjudicates the dispute. This is even true in “administrative law” settings because the judicial branch exercises judicial review of administrative decisions.

16. Furthermore, the majority of modern American law is promulgated by the legislative branch, and those laws that are not made (or delegated) by the legislature (i.e., judge-made common law), can be abrogated at any time by the legislative branch.

17. In stark contrast to typical litigation, the adjudicatory process in the Attorney Registration and Disciplinary Commission is not “tripartite”—it is monolithic.

18. Both the complainant and the adjudicator are delegates of the judicial branch.

19. Furthermore, the adjudicator is hired by, and is supervised by, the complainant.

20. While the complainant’s claims may be based on the laws created by the legislative branch, the complainant can only complain if the judicial branch has created a rule allowing the complaint. *See e.g.*, Ill. S. Ct. R. 770.

21. While typical litigation has a multitude of safeguards, paramount among them being separation of powers, litigation in front of the Attorney Registration and Disciplinary