

SUPREME COURT OF ILLINOIS

COURT CONVENEED AT 9:00 A.M., WEDNESDAY, MARCH 19, 2003

THE FOLLOWING ANNOUNCEMENT IS MADE:

MISCELLANEOUS RECORD

M.R. 3140 - Adoption and Amendment of Supreme Court Rules.

Effective May 1, 2003, Supreme Court Rule 315(b) is amended.

THE FOLLOWING MOTIONS WERE PRESENTED AND ORDERS WERE ENTERED AS INDICATED:

ADVISEMENT DOCKET

No. 95180 - People State of Illinois, respondent, v. Winfred Oliver, petitioner.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for appeal as a matter of right or leave to appeal.

PEOPLE'S DOCKET

No. 90865 - People State of Illinois, appellant, v. Henry Kaczmarek, appellee.

Motion by appellant for an extension of time for filing reply brief to and including March 20, 2003. Motion allowed.

Order entered by Justice Freeman.

CIVIL DOCKET

No. 95888 - Susan W. Ausman, appellant, v. Arthur Andersen, LLP, etc., appellee.

Motion by appellant for direct appeal to this Court pursuant to Supreme Court Rule 302(b).

LEAVE TO APPEAL DOCKET

No. 95402 - People State of Illinois, petitioner, v. Shelton Moore, respondent.

Motion by petitioner for leave to file additional authority instanter. Motion allowed.

Order entered by Justice Freeman.

No. 95877 - Elvira Michalec, as Adm'r., etc., et al., respondents, v. Michael A. Prate, etc., petitioner.

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including March 21, 2003. Motion allowed.

Order entered by Justice Thomas.

MISCELLANEOUS RECORD

M.R.18702 - In re: Aravinda Nadimpalli, an attorney, petitioner.

Motion by petitioner for leave to change her name on the roll of attorneys from Aravinda Nadimpalli to Aravinda Nadimpalli Reeves. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18703 - In re: Nicole Jones Cail, an attorney, petitioner.

Motion by petitioner for leave to change her name on the roll of attorneys from Nicole Jones Cail to Nicole Jones Webb. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18704 - In re: Karen A. Schaefer, an attorney, petitioner.

Motion by petitioner for leave to change her name on the roll of attorneys from Karen A. Schaefer to Karen Schaefer Hobbs. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18705 - In re: Kathleen Christen Daly, an attorney,
petitioner.

Motion by petitioner for leave to change her name
on the roll of attorneys from Kathleen Christen
Daly to Kathleen Daly Pitzer. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18706 - In re: Jennifer Elisabeth Brookmeyer, an
attorney, petitioner.

Motion by petitioner for leave to change her name
on the roll of attorneys from Jennifer Elisabeth
Brookmeyer to Jennifer E. Miller. Motion
allowed.

Order entered by Chief Justice McMorrow.

M.R.18707 - In re: Deana Marie Saxinger, an attorney,
petitioner.

Motion by petitioner for leave to change her name
on the roll of attorneys from Deana Marie
Saxinger to Deana M. Guidi. Motion allowed.

Order entered by Chief Justice McMorrow.

SUPREME COURT OF ILLINOIS

WEDNESDAY, MARCH 19, 2003

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.17655 - In re: Marvin Juron. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed. The petition of Marvin Juron for reinstatement to the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 767 is denied.

Order entered by the Court.

M.R.18545 - In re: Pamela D. Lucas. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Pamela D. Lucas is suspended from the practice of law for three (3) months.

Respondent Pamela D. Lucas shall reimburse the Disciplinary Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.18579 - In re: Kenneth Brian Moll. Disciplinary Commission.

The petition by respondent Kenneth Brian Moll for leave to file exceptions to the report and recommendation of the Review Board is denied.

This cause is remanded to the Hearing Board for a hearing on the allegations of the disciplinary complaint, as recommended by the Review Board.

Order entered by the Court.

M.R.18582 - In re: Eugene A. Rinker, Jr. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Eugene A. Rinker, Jr. is disbarred.

Order entered by the Court.

M.R.18594 - In re: Anthony Ray Johnson. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is allowed. Respondent Anthony Ray Johnson is suspended from the practice of law for three (3) months and until \$9,794.50 in restitution is made in equal shares to Diane Cromwell, Cathy Sewell, and Susan Swan, or until arrangements have been made to pay restitution which are acceptable to the Administrator.

Respondent Anthony Ray Johnson shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.18596 - In re: Robert William Rooney, Jr. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Robert William Rooney, Jr. is censured.

Order entered by the Court.

M.R.18598 - In re: Wyvonnia Ford Bridgeforth. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Wyvonnia Ford Bridgeforth is suspended from the practice of law for one (1) year.

Respondent Wyvonna Ford Bridgeforth shall reimburse the Disciplinary Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.18603 - In re: Charles J. Schneider. Disciplinary Commission.

The motion by Charles J. Schneider to strike his name from the roll of attorneys is continued until April 9, 2003, to allow him to file an affidavit that complies with Supreme Court Rule 762(a)(2) if he wants to maintain his motion. If a proper affidavit is not filed by the due date, the name-strike motion will be denied without further notice.

Order entered by the Court.

M.R.18605 - In re: Robert A. Ras. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed. Respondent Robert A. Ras is suspended from the practice of law for one (1) year and until further order of the Court. The Court finds that respondent engaged in the misconduct alleged in Count I of the disciplinary complaint.

Order entered by the Court.

M.R.18610 - In re: Dwight Lenore Beck. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Dwight Lenore Beck is suspended from the practice of law for two (2) years, with the suspension stayed in its entirety, subject to a two (2)-year period of probation with the following conditions:

a. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

b. Respondent shall notify the Administrator within fourteen days of any change of address;

c. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations;

d. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

e. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances;

f. Respondent shall, upon request by the Administrator, submit to random substance testing by a mental health professional or facility approved by the Administrator, within eight hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

g. Respondent shall participate in Cocaine Anonymous, Narcotics Anonymous and/or another comparable twelve-step self-help program by attending at least three meetings per week. Respondent is to maintain a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports;

h. Respondent shall maintain a sponsor in the 12-step program and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the 12-step program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within 72 hours of his knowledge of that usage;

i. Respondent shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within 72 hours of that usage; and

j. Probation shall be revoked if respondent is found to have violated any of the terms of this probation, and the two (2)-year suspension shall commence from the date of the determination that any term of probation has been violated.

Respondent Dwight Lenore Beck shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.18620 - In re: Stanley Kirk Stewart. Disciplinary Commission.

The motion by Stanley Kirk Stewart to strike his name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a) is allowed, effective immediately.

Order entered by the Court.

M.R.18621 - In re: Stephen Alan Kempf. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed. Respondent Stephen Alan Kempf is suspended from the practice of law for three (3) years and until further order of the Court and is required to refund the attorney fees paid by Carrie Brown and Consuelo Gamino before he may petition for reinstatement under Supreme Court Rule 767.

Order entered by the Court.

M.R.18636 - In re: Kenneth Edward Mateas. Disciplinary Commission.

The amended petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Kenneth Edward Mateas is suspended from the practice of law for three (3) years and until further order of the Court, with all but the first year of suspension stayed, followed by probation for the duration of the period that respondent is licensed to practice law in the State of Illinois, subject to the following conditions which shall commence upon entry of the Court's order:

a. Respondent shall continue in his course of individual counseling with a qualified mental health professional acceptable to the Administrator, shall continue in his sexual offender group therapy program, and shall provide an appropriate release to the treating professional(s) to allow reports to the Commission on a regular basis of not less than twice per month with the Administrator advised of any change in attendance deemed warranted by such professional(s);

b. Respondent shall comply with all treatment recommendations of the mental health professional(s);

c. Respondent shall abstain from representing minors in any legal matters and, other than the three children of his brother, another adult must be present while respondent is in the presence of a minor;

d. Within the first three months of his suspension, respondent shall have a psychiatric medication evaluation to consider SSRI medication to help control his sexual interests toward child pornography;

e. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the nature and extent of his compliance with the conditions of probation;

f. Respondent shall notify the Administrator within fourteen (14) days of any change of his address, or change in treatment professionals;

g. Respondent shall comply with the Illinois Rules of Professional Conduct and will cooperate with the Administrator in providing information regarding any investigation relating to his conduct;

h. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

i. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct; and

j. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining two (2)-year period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court.

Order entered by the Court.

M.R.18637 - In re: John E. Utz. Disciplinary Commission.

The motion by John E. Utz to strike his name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a) is allowed, effective immediately.

Order entered by the Court.

M.R.18638 - In re: Michael Abbell. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Michael Abbell, who has been disciplined in the District of Columbia, is disbarred in Illinois.

Order entered by the Court.

M.R.18639 - In re: Milo Wayne Lundblad. Disciplinary Commission.

The amended petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Milo Wayne Lundblad is suspended from the practice of law for one (1) year, with the suspension stayed after five (5) months by a two (2)-year term of probation subject to the following conditions:

a. Respondent shall continue in his course of individual counseling with a qualified mental health professional acceptable to the Administrator and shall report to the professional on a regular basis of not less than twice per month with the Administrator advised of any change in attendance deemed warranted by such professional;

b. Respondent shall comply with all treatment recommendations of the mental health professional;

c. Respondent shall provide to the qualified mental health professional an appropriate release as required by the Confidentiality Act of the Mental Health Code, 740 ILCS 110/1 et seq., authorizing the treating professional to (i) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (ii) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (iii) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plan;

d. Respondent shall abstain from the usage of alcohol and any non-prescribed, mood-altering, substances;

e. Respondent shall, upon request by the Administrator, submit to random substance testing by a mental health professional approved by the Administrator within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

f. Respondent shall participate in Alcoholics Anonymous or Caduceus by attending at least two meetings a week for the first year, and one meeting a week for the remaining year. Respondent is to maintain a log of his attendance at the meetings and submit them to the Administrator with his quarterly reports;

g. Respondent shall maintain a sponsor in the program and is to provide contact information for the sponsor to the Administrator within fourteen (14) days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the 12-step program and report any lapses in sobriety or usage of controlled substances to the Administrator within 72 hours of his knowledge of that usage;

h. Respondent shall report to the Administrator any lapse in his sobriety or usage of any non-prescribed, mood-altering substances within 72 hours of that usage;

i. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the nature and extent of his compliance with the conditions of probation;

j. Respondent shall notify the Administrator within fourteen (14) days of any change of his address, change in treatment professionals, or change in A.A. sponsors;

k. Respondent shall comply with the Illinois Rules of Professional Conduct and will cooperate with the Administrator in providing information regarding any investigation relating to his conduct;

l. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

m. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Disciplinary Fund for any Client Protection payments, if any, arising from his conduct; and

n. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining seven (7)-month period of suspension shall commence from the date of the determination that any term of probation has been violated.

The motion by respondent Milo Wayne Lundblad to stay the mandate until April 11, 2003, is allowed.

Orders entered by the Court.

SUPREME COURT OF ILLINOIS

CALL OF THE DOCKET, WEDNESDAY, MARCH 19, 2003

No. 94597 - Agnes M. Stephens, appellee, v. Steven Taylor, Indv., etc., et al., appellants. Appeal, Appellate Court, Third District.

Oral argument by Marc D. Sherman for appellants and by Francis Van Hooreweghe for appellee. Submitted. Agenda 14.

No. 94677 - Soryia Collingbourne, appellant, v. Geoff B. Collingbourne, appellee. Appeal, Appellate Court, Second District.

Oral argument by Steven N. Peskind for appellant and by Susan B. Tatnall for appellee. Submitted. Agenda 15.