

SUPREME COURT OF ILLINOIS

TUESDAY, JANUARY 20, 2004

THE FOLLOWING MOTIONS WERE PRESENTED TO THE COURT:

REHEARING DOCKET

No. 95350 - People State of Illinois, appellant, v. Mary Braggs, appellee.

Motion by appellant for an extension of time for filing petition for rehearing to and including January 29, 2004.

ADVISEMENT DOCKET

No. 94235 - Michael Borowiec et al., appellees, v. Gateway 2000, Inc., et al., appellants.

Motion by attorney Andrew P. Lamis to withdraw as co-counsel for appellees.

PEOPLE'S DOCKET

No. 96367 - People State of Illinois, appellant, v. Gerald Scott Huddleston, appellee.

Motion by appellee for an extension of time for filing brief to and including February 12, 2004.

CIVIL DOCKET

No. 96978 - Central Illinois Light Company, etc., appellee, v. The Home Insurance Company etc., et al., appellants.

Motion by appellants to allow Neal Glazer and Jan Duffalo of D'Amato & Lynch to appear pro hac vice pursuant to Supreme Court Rule 707.

No. 97227 - In re the Parentage of: John M., a Minor (Javier Valdivia, appellee, v. Maria Matias Izaguirre et al., appellees), Lisa Madigan, Attorney General of the State of Illinois, intervenor/appellant.

Motion by intervenor/appellant to consolidate this case with case No. 97327, Valdivia et al., v. Izaguirre.

No. 97653 - Ford Motor Company, movant, v. Honorable Lloyd A. Cueto, Judge of the 20th Judicial Circuit, etc. et al., respondents.

Emergency motion by movant for an order staying the January 27, 2004, deposition of Mr. William Clay Ford, Jr., and the January 23, 2004, deposition of Mr. Nick Scheele in the Circuit Court of St. Clair County in St. Clair County et al., v. Ford Motor Company et al., case No. 03-L-115, pending disposition of movant's motion for a supervisory order.

LEAVE TO APPEAL DOCKET

No. 96897 - People State of Illinois, respondent, v. Anthony Jones, petitioner.

Motion by petitioner, pro se, for leave to file motion for summary disposition of petition for appeal as a matter of right or leave to appeal.

No. 97315 - Larry R. Wetzel, petitioner, v. Timothy Tolliver et al., respondents.

Motion by petitioner, pro se, for default judgment.

No. 97322 - Scott Tade et al., respondents, v. Larry R. Wetzel, petitioner.

Motion by petitioner, pro se, to transfer this case to the United States Bankruptcy Court for the Southern District of Illinois.

No. 97377 - In re J.S., a Minor (People State of Illinois, petitioner, v. J.S., a Minor, respondent).

Motion by petitioner for leave to file an amendment instanter to petition for leave to appeal.

No. 97389 - People State of Illinois, respondent, v. Charles Nesci, petitioner.

Motion by petitioner to withdraw petition for leave to appeal.

No. 97622 - People State of Illinois, respondent, v. Leanne Childs, petitioner.

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including February 6, 2004.

No. 97630 - People State of Illinois, respondent, v. Deshawn Gardner, petitioner.

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including January 30, 2004.

MISCELLANEOUS RECORD

M.R.19235 - In re: Proposed Amendments to the Illinois Rules of Professional Conduct.

Petition by the Illinois State Bar Association to amend the Illinois Rules of Professional Conduct to allow and regulate the sale and transfer of sole practitioners' law practices.

SUPREME COURT OF ILLINOIS

TUESDAY, JANUARY 20, 2004

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.19007 - In re: Joel Alan Brodsky. 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 denied. Respondent Joel Alan Brodsky is suspended from the practice of law for three (3) months, as recommended by the Review Board.

Respondent Joel Alan Brodsky 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.19057 - In re: Michael Eugene Vlahakis. 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 denied. Respondent Michael Eugene Vlahakis is censured, as recommended by the Review Board.

Order entered by the Court.

M.R.19078 - In re: Joseph Lee Dombrowski. 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 Joseph Lee Dombrowski is suspended from the practice of law for three (3) years.

Respondent Joseph Lee Dombrowski 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.19079 - In re: Diane Elaine Greanias. 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 Diane Elaine Greanias is suspended from the practice of law for two (2) years and until further order of the Court.

Order entered by the Court.

Rarick, J., took no part.

M.R.19080 - In re: William Nelson Twohey. 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 William Nelson Twohey is suspended from the practice of law for one (1) year and until restitution in the amount of \$8,300 is paid to the residual beneficiaries of the Estate of Ina Eichelberger.

Respondent William Nelson Twohey 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.19082 - In re: Wes Cowell. 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 Wes Cowell is suspended from the practice of law for one (1) year and until further order of the Court, with the suspension stayed after the first sixty (60) days by a period of probation pursuant to Supreme Court Rule 772 with the conditions of probation to begin upon entry of the Court's order and to terminate after two (2) years without further order of the Court, provided that respondent complies with the following conditions:

a. Respondent shall continue in his course of therapy with his current therapist, John Henson, M.S.W., or other such qualified mental health professional approved by the Administrator;

b. Respondent shall engage in a course of marital treatment/counseling with a qualified mental health professional;

c. Respondent shall provide to John Henson, M.S.W., or such other qualified mental health professional, appropriate releases as required under the Confidentiality Act of the Mental Health Code, 740 ILCS 110/1 et seq. (West 1994), authorizing the treating professional to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with abstention from alcohol or any other treatment plan established with respect to respondent's condition; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent;

d. Respondent shall abstain from the usage of alcohol;

e. Respondent shall continue to participate in Alcoholics Anonymous and maintain a log of his attendance at the meetings and submit the log to the Administrator with his quarterly reports;

f. Respondent shall secure a sponsor in the 12-step program within one month of the date of the order and is to provide the name, address and telephone number of the sponsor to the Administrator. Respondent shall request that the sponsor communicate with the Administrator in writing every three months regarding respondent's participation and progress in Alcoholics Anonymous and report any lapses in sobriety or usage of controlled substances to the Administrator within 72 hours of his knowledge of that usage;

g. Respondent shall report to the Administrator any lapse in his sobriety within 72 hours of that usage;

h. Respondent shall attend meeting 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;

i. Respondent shall notify the Administrator within fourteen days of any change of address or change in treatment professional;

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

k. Respondent shall reimburse the Commission 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; and

l. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining ten(10)-month 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.

Respondent Wes Cowell 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.19083 - In re: Tanya M. Gibson. 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 Tanya M. Gibson is suspended from the practice of law for six (6) months and until she makes restitution in the amount of \$800 to Willie Bernard Jones and successfully completes the course conducted by the Professional Responsibility Institute.

Respondent Tanya M. Gibson 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.19084 - In re: Edward Burdette Miller. 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 Edward Burdette Miller is suspended from the practice of law for three (3) years and until further order of the Court.

Order entered by the Court.

M.R.19085 - In re: Michael Paul Greenwald. 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 Michael Paul Greenwald is suspended from the practice of law for sixty (60) days.

Respondent Michael Paul Greenwald 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.19087 - In re: Adam D. Bourgeois, Jr. Disciplinary Commission.

The petition by respondent Adam D. Bourgeois, Jr. for leave to file exceptions to the report and recommendation of the Review Board is allowed. Respondent is suspended from the practice of law for two (2) months.

Order entered by the Court.

McMorrow, C.J., and Fitzgerald, J., took no part.

M.R.19089 - In re: Paul M. Goldman. 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 Paul M. Goldman is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.19108 - In re: Thomas Frederick Nedderman. 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 Thomas Frederick Nedderman is suspended from the practice of law for three (3) years and until further order of the Court.

Order entered by the Court.

M.R.19119 - In re: Carl Franklin Dixon. Disciplinary Commission.

The motion by Carl Franklin Dixon 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.19133 - In re: Michael E. Tabor. 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 Michael E. Tabor is suspended from the practice of law for three (3) months and until further order of the Court.

Order entered by the Court.

M.R.19136 - In re: Donald W. Lee. 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 Donald W. Lee is disbarred.

Order entered by the Court.

M.R.19138 - In re: Brent Charles Miller. 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, in part. Respondent Brent Charles Miller, who has been disciplined in the State of Florida, is reprimanded and placed on probation for one (1) year in the State of Illinois, subject to the conditions of respondent's Florida probation.

Order entered by the Court.

M.R.19139 - In re: George B. Gillespie. 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 George B. Gillespie is suspended from the practice of law for two (2) years and until he makes restitution in the amount of \$126,000 to the law firm of Hinshaw and Culbertson, his former employer.

Respondent George B. Gillespie 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.19144 - In re: Guy Joseph Bacchi, III. Disciplinary Commission.

The motion by Guy Joseph Bacchi, III 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.19145 - In re: James Saint Sather. Disciplinary Commission.

The motion by James Saint Sather 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.19146 - In re: Anthony Irby Moree. 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 Anthony Irby Moree is suspended from the practice of law for eighteen (18) months, with all but the first three (3) months of suspension stayed by a two (2)-year period of probation pursuant to Supreme Court Rule 772, subject to conditions to begin upon entry of the Court's disciplinary order, with probation to terminate after two (2) years without further order of Court provided that respondent complies with the following conditions of probation:

a. Respondent shall continue in his course of treatment with Dr. James E. Devine, or another qualified mental health professional acceptable to the Administrator, and shall report to him, or such other qualified mental health professional on a regular basis of not less than two times per month for the first six months, and at least one time per month, thereafter, with the Administrator advised of any change in attendance deemed warranted by such professional;

b. Respondent shall comply with all treatment recommendations of Dr. Devine or another mental health professional acceptable to the Administrator, including the taking of medications as prescribed;

c. Respondent shall provide to Dr. Devine, or another qualified mental health professional acceptable to the Administrator, appropriate releases authorizing the treating professional to: (1) disclosure 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; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plan;

d. Respondent shall continue to have Anthony Fiore, CPA, or any other qualified individual acceptable to the Administrator, handle the financial records related to respondent's client fund account, including reconciliation of the account on a monthly basis, and maintaining ledgers for the account;

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 status of his practice of law and the nature and extent of his compliance with the conditions of probation;

f. Respondent shall notify the Administrator within fourteen days of any change of address or change in treatment professionals or change in who handles the client fund account;

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

h. At least thirty (30) days prior to the termination of the period of probation, 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, if any, arising from his conduct; and

j. Probation shall be revoked if respondent is found to have violated any of the terms of probation. A 15-month period of suspension shall commence from the date it is determined that any term of probation has been violated and shall continue until further order of the Court.

Order entered by the Court.

M.R.19160 - In re: Jimmie L. Jones. 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 Jimmie L. Jones is suspended from the practice of law for thirty (30) days and required to complete a law office management course as approved by the Administrator.

Respondent Jimmie L. Jones 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.19163 - In re: James Anthony Maloney. Disciplinary Commission.

The motion by James Anthony Maloney 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.19164 - In re: Jay David Freidin. 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 Jay David Freidin is suspended from the practice of law for sixty (60) days and until further order of the Court, with the suspension stayed in its entirety, pending completion of a one(1)-year period of probation subject to the following conditions:

a. Respondent shall commence a course of treatment with Dr. Daniel Bush, or another qualified psychiatrist acceptable to the Administrator, and shall report to Dr. Bush or such other qualified psychiatrist on a regular basis of not less than once 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 Dr. Bush or such other qualified psychiatrist, including the taking of medications as prescribed;

c. Respondent shall provide to Dr. Bush, or such other qualified psychiatrist, an appropriate release as required under the Confidentiality Act of the Mental Health Code, 740 ILCS 110/1 et seq., authorizing the treating professional to : (1) 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; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plans;

d. Respondent shall attend a Caduceus self-help program for professionals, or another similar program acceptable to the Administrator, at least once per week, until termination of his probation, and shall provide proof thereof to the Administrator on at least a quarterly basis;

e. If respondent intends to practice law, he must first notify the Administrator and obtain a mentor, acceptable to the Administrator, who will monitor respondent's practice and provide the Administrator with reports on at least a quarterly basis;

f. Respondent shall notify the Administrator within fourteen days of any change in treatment professionals;

g. 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;

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

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;

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

k. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The sixty (60)-day suspension shall commence from the date it is determined that any term of probation has been violated and shall continue until further order of the Court.

Order entered by the Court.