

SUPREME COURT OF ILLINOIS

THURSDAY, SEPTEMBER 21, 2006

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.21025 - In re: George Clive Hook. Disciplinary Commission.

The petition by respondent George Clive Hook for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is disbarred, as recommended by the Review Board.

Order entered by the Court.

M.R.21027 - In re: Kurt Alexander Muller. 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 Kurt Alexander Muller is censured and shall complete the Professionalism Seminar of the Professional Responsibility Institute within six (6) months of the Court's order.

Order entered by the Court.

M.R.21029 - In re: Douglas Clair Tibble. 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 Douglas Clair Tibble is suspended from the practice of law for thirty (30) days.

Suspension effective October 12, 2006.

Respondent Douglas Clair Tibble shall reimburse the Client Protection Program Trust 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.21035 - In re: Alan Arthur Loiben. Disciplinary Commission.

The motion by Alan Arthur Loiben 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.21036 - In re: Barry E. Burke. Disciplinary Commission.

The motion by Barry E. Burke 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.21037 - In re: Roger H. Williams. 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 Roger H. Williams is suspended from the practice of law for one (1) year, with the suspension stayed after the first sixty (60) days and respondent placed on probation for one (1) year subject to the following conditions:

a. Respondent shall attend and successfully complete the course conducted by the Illinois Professional Responsibility Institute;

b. Respondent shall establish and utilize a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional conduct and instructions provided to respondent by the Administrator, including:

Trust Account Procedures

Basic accounting records that must be maintained daily and accurately:

Account Check Register - List sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account.

Account Receipts Journal - List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit. Maintain a copy of each item deposited.

Account Disbursement Journal - List chronologically all trust account disbursements. Identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check.

Client Ledger Journal - List chronologically for each client matter all receipts, disbursements and remaining balances. Prepare a separate page for each client matter and list chronologically all receipts and disbursements and remaining balances for each client matter.

Source documents, which must be preserved for seven years:

Bank statements

Deposit slips

Cancelled checks - All trust account checks must have a named payee (no checks written to "cash") and the memo portion of the check must contain a reference to a client matter.

Time and billing records

Copies of records from client files that are necessary for a full understanding of the lawyer's financial transactions with the client: e.g., retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered.

Reconciliation

There must be a running balance maintained for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Records of each reconciliation must be maintained for seven (7) years.

c. During the period of probation, respondent shall meet with the Administrator's representative on a least a quarterly basis and shall provide the Administrator with any and all documentation and records requested in order to verify his compliance with condition (b);

d. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

e. 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;

f. 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; and

g. Probation shall be revoked if respondent is found to have violated any of the terms of probation, and the remaining period of the one (1) year suspension shall commence on the date of the determination that any term of probation has been violated.

Suspension effective October 12, 2006.

Respondent Roger H. Williams shall reimburse the Client Protection Program Trust 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.21046 - In re: Patricia Lynn Hayes. 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 Patricia Lynn Hayes is suspended from the practice of law for thirty (30) months and until further order of the Court, entirely stayed by probation subject to 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 extent of her compliance with the conditions of probation;

b. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

c. Respondent shall commence within the first thirty (30) days of probation, and thereafter, comply with the course of treatment recommended by a qualified mental health professional acceptable to the Administrator, including following all treatment recommendations and the taking of medications as prescribed;

d. Respondent shall keep the Administrator informed, as requested, of her current course of treatment, her attendance, and any change in the course of treatment;

e. Respondent shall provide to the qualified mental health professional an appropriate release, authorizing the treating professional to: (1) disclose to the Administrator on a 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;

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

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

h. 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 (8) hours of receiving notice by the Administrator that she 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;

i. Respondent shall participate in any support groups, such as Alcoholics Anonymous, recommended by the mental health professional treating her;

j. Respondent shall report to the Administrator any lapse in her sobriety or usage of any uncontrolled substances with 72 hours of that usage;

k. Respondent shall maintain a mentor, who is a licensed attorney acceptable to the Administrator. Respondent shall notify the Administrator of the name and address of any attorney with whom she establishes a mentoring relationship. Respondent shall authorize the mentor to provide a report in writing to the Administrator no less than every six months, regarding the nature of respondent's work, the number of cases being handled by respondent and the mentor's general appraisal of respondent's continued fitness to practice law;

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

m. 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;

n. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct;

o. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The 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; and

p. If respondent successfully completes the term of her probation, the probation shall terminate without further order of the Court.

Order entered by the Court.

Garman, J., took no part.

M.R.21047 - In re: David Michael Levin. 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 David Michael Levin is suspended from the practice of law for six (6) months and required to enroll in the first professionalism seminar scheduled after entry of this order.

Suspension effective October 12, 2006.

Respondent David Michael Levin shall reimburse the Client Protection Program Trust 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.21048 - In re: David Cuomo. 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 denied. Respondent David Cuomo is disbarred.

Order entered by the Court.

Burke, J., took no part.

M.R.21049 - In re: Ralph Morton Bernstein. 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 Ralph Morton Bernstein is suspended from the practice of law for three (3) years and until he makes restitution of \$54,963.83, with interest, plus \$4,500 attorney's fees, to Ina Green.

Respondent Ralph Morton Bernstein shall reimburse the Client Protection Program Trust 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.21050 - In re: Leonard Keith Hays, Jr. Disciplinary
20458 Commission.

(21050) 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 Leonard Keith Hays, Jr. is suspended from the practice of law for one (1) year, as recommended by the Review Board.

Suspension effective October 12, 2006.

Respondent Leonard Keith Hays, Jr. shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

Thomas, C.J., and Garman, J., dissenting. Chief Justice Thomas and Justice Garman would suspend respondent from the practice of law for two (2) years.

(20458) The rule to show cause that issued to respondent Leonard Keith Hays, Jr. on October 14, 2005, pursuant to Supreme Court Rule 774 is discharged.

Order entered by the Court.

M.R.21051 - In re: Nicholas James Autry. 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 Nicholas James Autry is suspended from the practice of law for eighteen (18) months and until further order of the Court.

Order entered by the Court.

M.R.21052 - In re: Edward Hubbard. 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 Edward Hubbard is suspended from the practice of law for one (1) year and until he pays all registration fees and penalties to the Attorney Registration and Disciplinary Commission and until he makes restitution, as follows:

Kimberly Wells	\$1,500
Vivian Taylor	\$750
Robert Franklin	\$607

Suspension effective October 12, 2006.

Respondent Edward Hubbard shall reimburse the Client Protection Program Trust 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.21053 - In re: Juan R. Thomas. 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 Juan R. Thomas is suspended from the practice of law for ninety (90) days.

Suspension effective October 12, 2006.

Respondent Juan R. Thomas shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

Thomas, C.J., and Garman J., dissenting. Chief Justice Thomas and Justice Garman would deny the petition.

M.R.21058 - In re: Marc Joseph Biagini. 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 Marc Joseph Biagini is disbarred.

Order entered by the Court.

M.R.21067 - In re: David L. Stanczak. 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 David L. Stanczak 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.21073 - In re: Daryl Raymond Berry. 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 Daryl Raymond Berry is suspended from the practice of law for ninety (90) days.

Suspension effective October 12, 2006.

Respondent Daryl Raymond Berry shall reimburse the Client Protection Program Trust 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.21086 - In re: Laurence Wayne Capriotti. Disciplinary Commission.

The motion by Laurence Wayne Capriotti 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.21088 - In re: Alan David Hutchinson. 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 Alan David Hutchinson is suspended from the practice of law for one (1) year and until further order of the Court, with the entire suspension stayed by a two (2) year period of probation subject to 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 (14) 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 relating to his conduct;

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

f. Respondent shall completely abstain from the use of alcohol, methamphetamine, and any unprescribed controlled substances;

g. Respondent shall complete treatment in the outpatient program at Howard Brown Health Center, a program that specializes in individuals who have abused or been dependent on methamphetamine;

h. 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 (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;

i. Respondent shall participate in a 12-step program by attending at least three (3) 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;

j. Respondent shall secure and maintain a sponsor in a 12-step program for the term of probation. Respondent shall provide the name, address and telephone number of 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 shall report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within seventy-two (72) hours of his knowledge of that usage;

k. Respondent shall complete a one-year Caduceus commitment, or other comparable program approved by the Administrator, after he completes his outpatient program at Howard Brown Health Center. Attendance at these meetings shall be considered toward respondent's attendance requirement set forth in condition (i) herein;

l. Respondent shall report to the Administrator any lapse of his sobriety or usage of any unprescribed controlled substance within seventy-two (72) hours of that usage;

m. Probation shall be revoked if respondent is found to have violated any of the terms of his probation. The one (1) 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 Court.

Order entered by the Court.

M.R.21089 - In re: Patrick W. Young. 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 Patrick W. Young, who has been disciplined in the State of Indiana, is reprimanded in the State of Illinois.

Order entered by the Court.

M.R.21091 - In re: Mark L. Ross. 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 Mark L. Ross, who has been disciplined in the State of Arkansas, is reprimanded in the State of Illinois.

Order entered by the Court.

M.R.21092 - In re: Jonathan J. Olcott. 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 Jonathan J. Olcott, who has been disciplined in the State of Arizona, is censured in the State of Illinois.

Order entered by the Court.

M.R.21097 - In re: Patrick F. Andre. 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 Patrick F. Andre, who has been disciplined in the State of Missouri, is disbarred in the State of Illinois.

Order entered by the Court.

M.R.21100 - In re: Stephen Lee Miller. 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 Stephen Lee Miller is censured.

Order entered by the Court.

M.R.21101 - In re: Peter S. Carrabotta. Disciplinary Commission.

The motion by Peter S. Carrabotta 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.21102 - In re: Michael Bauer. 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 Bauer is suspended from the practice of law for nine (9) months.

Suspension effective October 12, 2006.

Respondent Michael Bauer shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

Fitzgerald and Burke, JJ., took no part.

M.R.21108 - In re: Spurgeon Green, III. 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 Spurgeon Green, III, who has been disciplined in the State of Georgia, is disbarred in the State of Illinois.

Order entered by the Court.