

SUPREME COURT OF ILLINOIS

MONDAY, MARCH 19, 2007

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.21335 - In re: Gary L. Gearhart. Disciplinary Commission.

The petition by respondent Gary L. Gearhart for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is suspended from the practice of law for six (6) months, as recommended by the Review Board, and ordered to complete the professionalism seminar of the Illinois Professional Responsibility Institute no later than July 27, 2007.

Suspension effective April 9, 2007.

Respondent Gary L. Gearhart 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.21355 - In re: Carol Lorraine Cagle. 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 Carol Lorraine Cagle is suspended from the practice of law for two (2) years.

Suspension effective April 9, 2007.

Respondent Carol Lorraine Cagle shall reimburse the Client Protection Program Trust 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.21373 - In re: John A. Arrigo. 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 John A. Arrigo 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.21376 - In re: Aaron Stuart Dubin. 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 Aaron Stuart Dubin, who has been disciplined in the State of Missouri, is reprimanded in the State of Illinois.

Order entered by the Court.

M.R.21377 - In re: C. Tony Davis. 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 C. Tony Davis is disbarred.

Order entered by the Court.

M.R.21378 - In re: Herbert Frank Smith 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 Herbert Frank Smith Jr. is disbarred.

Order entered by the Court.

M.R.21395 - In re: Herb R. Buetow. 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 Herb R. Buetow is suspended from the practice of law for two (2) years and until further order of the Court, with the suspension stayed after the first six (6) months by probation subject to the following conditions:

a. Respondent shall submit quarterly reports to the Administrator on the following dates of each year: March 30, June 30, September 30 and December 30. Each quarterly report shall include the nature and extent of respondent's compliance with the conditions imposed herein, as well as information and documents necessary, in the opinion of the Administrator, to confirm respondent's compliance. Respondent shall provide any appropriate releases authorizing the Administrator to obtain information verifying his compliance, including his participation and progress in treatment and his compliance with any treatment plan;

b. During the first month of suspension, respondent shall begin consulting with a psychopharmacologist approved by the Administrator, concerning treatment of his depression and attention deficit disorder. Respondent shall comply with all recommendations of the psychopharmacologist as to the nature and frequency of treatment. Respondent shall maintain a log of the dates and times of his attendance at treatment sessions and submit a copy of the log to the Administrator with his quarterly reports;

c. During the period of suspension and the period of probation, respondent shall continue treatment with Dr. Gregory Teas or another medical professional approved by the Administrator ("the doctor"). In addition to the recommendations of the psychopharmacologist, respondent shall comply

with recommendations of the doctor as to the nature and frequency of treatment. Respondent shall maintain a log of the dates and times of his attendance at treatment sessions and submit a copy of the log to the Administrator with his quarterly reports;

d. Respondent shall provide to the psychopharmacologist and the doctor an appropriate release authorizing them as follows: (1) on at least a quarterly basis, to disclose to the Administrator information pertaining to respondent's participation and progress in treatment; (2) to respond to the Administrator's inquiries concerning respondent's mental or emotional state and compliance with any treatment plan;

e. During the first month of probation, respondent shall enroll in and thereafter successfully complete a law office management program sponsored by the Chicago Bar Association or the Cook County Bar Association and, upon enrollment, notify the Administrator, in writing, of the name, address and telephone number of the attorney with whom he has been assigned to work.

f. Through his participation in the law office management program, respondent shall establish and utilize the following:

(1) a diary and docketing system in accordance with the requirements established by the program; and

(2) a system by which telephone calls are noted and returned in a timely manner;

g. Respondent shall authorize the attorney assigned to work with him in the law office management program to:

(1) disclose to the Administrator, on a quarterly basis, by way of signed reports, information pertaining to respondent's compliance with the program, including the conditions described in paragraph (f);

(2) report promptly to the Administrator the failure of respondent to comply with any part of the program; and

(3) respond to any inquiries by the Administrator regarding respondent's compliance with the program;

h. At least thirty (30) days prior to the termination of the period of probation, respondent shall pay restitution as follows: \$570 to Hein Ngyen, \$500 to Bonnie Williams, \$975 to Wayne Carrera, and \$975 to Robert Meyer;

i. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator;

j. Respondent shall notify the Administrator within fourteen (14) days of any change of address, psychopharmacologist or doctor;

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

l. Probation shall be revoked if respondent is found to have violated any of the conditions described in paragraphs (a) through (k) of this order. The remainder of the two (2) year suspension shall commence on the date that probation is revoked and shall continue until further order of the Court.

Suspension effective April 9, 2007.

Respondent Herb R. Buetow 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.21396 - In re: Gary Leon Haytcher. 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 Gary Leon Haytcher is suspended from the practice of law for two (2) years and until further order of the Court.

Order entered by the Court.

M.R.21405 - In re: John Gergets. 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 John Gergets is suspended from the practice of law for six (6) months and until further order of the Court.

Order entered by the Court.

M.R.21411 - In re: James Joseph Zmigrocki. Disciplinary Commission.

The motion by James Joseph Zmigrocki 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.21413 - In re: Brian Charles Silverman. Disciplinary Commission.

The petition by respondent Brian Charles Silverman for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is suspended from the practice of law

for nine (9) months, as recommended by the Review Board.

Suspension effective April 9, 2007.

Respondent Brian Charles Silverman 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 Garman, JJ., took no part.

M.R.21436 - In re: Brenda Lynn Mullen Murzyn. 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 Brenda Lynn Mullen Murzyn is censured.

Order entered by the Court.

M.R.21442 - In re: Lisa M. Pennock. 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 Lisa M. Pennock is suspended from the practice of law for six (6) months and until further order of the Court, with the suspension stayed after the first sixty (60) days and respondent placed on probation for twenty-four (24) months, subject to the following conditions:

a. Within the first thirty (30) days of probation,

respondent shall enroll in an outpatient relapse prevention program approved by the Administrator, and thereafter complete such program;

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

c. Respondent shall continue the course of treatment recommended by Dr. Srinivas Chilakamarri, M.D., or another 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 Dr. Chilakamarri, or other qualified mental health professional treating her, an appropriate release, authorizing the treating professional to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of the 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;

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

g. 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;

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

i. Respondent shall report to the Administrator any lapse in her sobriety or usage of any uncontrolled substances within seventy-two (72) hours of that usage;

j. 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;

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

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 remainder of 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.

Suspension effective April 9, 2007.

Order entered by the Court.

M.R.21454 - In re: Brian Gordon Hiatt. 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 Brian Gordon Hiatt is suspended from the practice of law for one (1) year and until further order of the Court, with the suspension stayed after sixty (60) days, pending completion of a two (2) year period of probation subject to the conditions enumerated below, with conditions set forth in paragraphs (a) through (k) to take effect on the effective date of the final order of discipline:

a. Respondent shall continue attending intensive outpatient treatment and comply with all treatment recommendations at Adult Counseling & Educational Services, Inc., or another program acceptable to the Administrator, until successfully discharged by the professionals at that program or the termination of probation, whichever occurs first, with the Administrator advised of any discharge. Respondent shall provide proof of his participation in the program to the Administrator on at least a quarterly basis;

b. Respondent shall provide to Adult Counseling & Educational Services, Inc., or other treatment providers, an appropriate release authorizing the treating professionals 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;

c. Respondent shall commence a course of treatment with a psychiatrist acceptable to the Administrator, and shall report to the psychiatrist on a quarterly basis, with the Administrator advised of any change in attendance deemed warranted by such professional;

d. Respondent shall comply with all treatment recommendations of his psychiatrist, including the taking of medications as prescribed;

e. Respondent shall provide to his psychiatrist an appropriate release 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;

f. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances, and shall refrain from any gambling;

g. 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;

h. Respondent shall participate in 12-step self-help meetings, such as Alcoholics or Gamblers Anonymous, by attending at least three (3) meetings per week until termination of his probation, which shall, at a minimum, include at least one (1) Gamblers Anonymous meeting per week. Respondent is to maintain a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports;

i. Respondent shall maintain a sponsor in each of the 12-step programs who is willing to communicate with the ARDC about respondent's continued participation;

j. Respondent shall report to the Administrator any lapse in his sobriety, use of alcohol, or gambling incidents within seventy-two (72) hours of the incident;

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

l. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773;

m. 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;

n. 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;

o. Respondent shall notify the Administrator within fourteen (14) days of any change of

address;

p. 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; and

q. Probation shall be revoked if respondent is found to have violated any of the terms of probation described in paragraphs (a) through (p) of this order, and respondent shall be suspended for the remaining ten (10) months of his suspension and until further order of Court, commencing on the date his probation is revoked.

Suspension effective April 9, 2007.

Order entered by the Court.

M.R.21467 - In re: Richard Anthony Juliano. Disciplinary Commission.

The motion by Richard Anthony Juliano to strike his name effective November 4, 2002, the date of his interim suspension pursuant to Supreme Court Rule 774 is denied.

The motion by Richard Anthony Juliano 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.

Orders entered by the Court.

M.R.21468 - In re: Donovan W. Riley. Disciplinary Commission.

The motion by Donovan W. Riley 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.21469 - In re: Troy Leslie Daugherty. 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 Troy Leslie Daugherty is suspended from the practice of law for one (1) year and until he makes restitution to Morton Community Bank of the remaining loan principal, with all applicable interest, and attorney's fees.

Suspension effective April 9, 2007.

Respondent Troy Leslie Daugherty 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.