

SUPREME COURT OF ILLINOIS

FRIDAY, MAY 16, 2014

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.26517 - In re: Samuel J. Cahnman. Disciplinary Commission.

The motion by respondent Samuel J. Cahnman for leave to file instant application/motion to amend paragraph 10 of respondent's answer to conform the pleadings to the proofs is denied.

Order entered by the Court.

The petition by respondent Samuel J. Cahnman for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is censured, as recommended by the Review Board.

Order entered by the Court.

M.R.26545 - In re: Lanre O. Amu. Disciplinary Commission.

The petition by respondent Lanre O. Amu 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 three (3) years and until further order of the Court, as recommended by the Review Board.

Order entered by the Court.

M.R.26572 - In re: Frank Anthony Santilli. 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 Frank Anthony Santilli is suspended from the practice of law for six (6) months, with the suspension stayed after thirty (30) days by a two (2) year period of probation subject to the following conditions to commence on the date of the Court's final order of discipline:

a. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

b. 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;

c. 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;

d. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining six (6) month period of suspension shall commence from the date of the determination that any term of probation has been violated;

e. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;

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

g. Respondent shall submit to an independent audit of his client trust account, conducted by an auditor approved by the Administrator, at respondent's expense, one (1) month after the commencement of probation. Respondent and the Administrator shall each receive copies of the audit;

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

i. Respondent shall successfully complete the ARDC Professionalism Seminar within the first year of probation;

j. Respondent shall, within the first thirty (30) days of probation, enroll in a law office management program sponsored by or through the Cook County, Chicago or other bar association and shall, upon enrollment, notify the Administrator, in writing, of the name of the attorney with whom respondent is assigned to work. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize the following:

i. A system for maintaining records as required by Supreme Court Rule 769;

ii. A diary and docketing system in accordance with the requirements established by the law office management program, including a mechanism by which approaching statutes of limitations and other filing deadlines are noted;

iii. A system by which telephone messages are recorded and telephone calls are returned in a timely manner;

iv. A system by which written requests by clients for the status of their legal matters are answered, either orally or in writing, in a timely manner;

v. A system whereby clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid;

vi. For cases in which the fee is to be calculated on an hourly basis, a system by which clients are provided with regular itemized billing statements provided at least quarterly, setting forth the services performed by respondent, the date upon which each service was performed, the time spent by respondent on each service and the amount to be charged to the client; and

vii. A system for the handling of funds belonging to clients and third parties 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 the following 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 to list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit, and maintain a copy of each item deposited;

Account Disbursement Journal - list chronologically all trust account disbursements and 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, preparing a separate page for each client matter and listing chronologically all receipts and disbursements and remaining balances for each client matter; and

Source documents which must be preserved for seven (7) 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; and

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; and

Reconciliation - There must be a running balance maintained for all ledgers and account books, and 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; and

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

i. Disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the law office management program and the above-described conditions;

ii. Promptly report to the Administrator respondent's failure to comply with any part of the above described conditions; and

iii. Respond to any inquiries by the Administrator regarding respondent's compliance with the above described conditions.

Suspension effective June 6, 2014.

Order entered by the Court.

M.R.26581 - In re: Rufus Lynwood Cook. Disciplinary Commission.

The petition by respondent Rufus Lynwood Cook 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.26591 - In re: Nicole Heather Rodriguez. 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 Nicole Heather Rodriguez is censured.

Order entered by the Court.

M.R.26608 - In re: Karl Alfred Johnson. 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 Karl Alfred Johnson is disbarred.

Order entered by the Court.

M.R.26610 - In re: Joseph Henry Martin. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed, and respondent Joseph Henry Martin is suspended from the practice of law for six (6) months and until he successfully completes the Attorney Registration and Disciplinary Commission Professionalism Seminar and until he pays any outstanding judgments, court-ordered fees and costs, and contempt fines arising out of his misconduct.

Suspension effective June 6, 2014.

Respondent Joseph Henry Martin 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.26611 - In re: Lawrence Francis Patterson. Disciplinary Commission.

The petition by Lawrence Francis Patterson to be placed on permanent retirement status pursuant to Supreme Court Rule 756(a)(9) is allowed, effective immediately.

Order entered by the Court.

M.R.26612 - In re: Christina Gilbert-Manuel. 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 Christina Gilbert-Manuel is censured.

Order entered by the Court.

M.R.26616 - In re: John A. Vassen. Disciplinary Commission.

The motion by John A. Vassen 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.26617 - In re: Bruce Leslie Jorgensen. 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 Bruce Leslie Jorgensen 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.26631 - In re: Nickolas Beloyeannis Bell. 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 Nickolas Beloyeannis Bell 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.26634 - In re: Dodie LeAnn Junkert. 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 Dodie LeAnn Junkert 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.26641 - In re: Richard Stewart Zachary. 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 Richard Stewart Zachary is disbarred.

Order entered by the Court.

M.R.26643 - In re: Bruce Michael Wamboldt. 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 Bruce Michael Wamboldt 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.26649 - In re: Terry W. Huebner. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed, and respondent Terry W. Huebner is disbarred.

Order entered by the Court.

M.R.26655 - In re: Mark David Singer. Disciplinary Commission.

The motion by Mark David Singer 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.26657 - In re: Therese Cesar Garza. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed, and respondent Therese Cesar Garza is suspended from the practice of law for ninety (90) days.

Suspension effective June 6, 2014.

Respondent Therese Cesar Garza 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.26659 - In re: Sandor Lewis Grossman. 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 Sandor Lewis Grossman 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.26662 - In re: Christopher Edward Stout. 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 Christopher Edward Stout 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.26666 - In re: Joseph Mario Moreno. Disciplinary Commission.

The motion by Joseph Mario Moreno 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.

Burke, J., took no part.

M.R.26677 - In re: Bradford E. Hunt. Disciplinary Commission.

The motion by Bradford E. Hunt 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.26678 - In re: David Andre Bertha. 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 is suspended from the practice of law for one (1) year and until further order of the Court, with the suspension stayed after four (4) months by an eight (8) month period of probation, subject to the following conditions:

a. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

b. 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;

c. 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;

d. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining eight (8)-month period of suspension shall commence from the date of the determination that any term of probation has been violated;

e. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;

f. 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;

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

h. Respondent shall successfully complete the ARDC Professionalism Seminar;

i. Respondent shall, within the first thirty (30) days of probation, enroll in a law office management program sponsored by or through the Cook County, Chicago or other bar association and shall, upon enrollment, notify the Administrator, in writing, of the name of the attorney with whom respondent is assigned to work. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize the following:

i. a system for maintaining records as required by Supreme Court Rule 769;

ii. a diary and docketing system in accordance with the rules established by the law office management program;

iii. a system by which telephone messages are recorded and telephone calls are returned in a timely manner; and

iv. 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 the following 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 and 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; and

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; and

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; and

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;

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

i. disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the law office management program and the above described conditions;

ii. promptly report to the Administrator respondent's failure to comply with any part of the above described conditions; and

iii. respond to any inquiries by the Administrator regarding respondent's compliance with the above described conditions; and

k. Respondent shall submit to an independent audit of his client trust account, conducted by an auditor approved by the Administrator, at respondent's expense, during the period of probation. Respondent and the Administrator shall each receive copies of the audit.

Suspension effective June 6, 2014.

Order entered by the Court.

M.R.26679 - In re: Marlin E. Kirby. Disciplinary Commission.

The petition by respondent Marlin E. Kirby for leave to file exceptions to the report and recommendation of the Review Board is denied. As recommended by the Review Board, respondent is suspended from the practice of law for one (1) year, with the suspension stayed after six (6) months by a one (1) year period of probation, subject to the following conditions:

a. Respondent shall, within the first sixty (60) days of probation, enroll in a law office management program sponsored by or through the Cook County, Chicago or other bar association and shall, upon enrollment, notify the Administrator, in writing, of the name of the attorney with whom respondent is assigned to work. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize the following:

i. a system for 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;

ii. a system for maintaining records as required by Supreme Court Rule 769;

iii. a diary and docketing system in accordance with the requirement established by the law office management program, including a mechanism by which approaching statutes of limitations and other filing deadlines are noted;

iv. a system by which telephone messages are recorded and telephone calls are returned in a timely fashion;

v. a system by which written requests by clients for the status of their legal matters are responded to, either orally or in writing, in a timely matter;

vi. a system whereby clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid; and

vii. for cases in which the fee is to be calculated on an hourly basis, a system by which clients are provided with regular itemized billing statements provided at least quarterly, setting forth the services performed by the respondent, the date upon which each service was performed, the time spent by respondent on each service and the amount to be charged to the client;

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

i. disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the law office management program and the above described conditions;

ii. promptly report to the Administrator respondent's failure to comply with any part of the above described conditions; and

iii. respond to any inquiries by the Administrator regarding respondent's compliance with the above described conditions;

c. Respondent shall submit to an independent audit of his client trust account, conducted by an auditor approved by the Administrator, at respondent's expense, six (6) months after the commencement of probation. Respondent and the Administrator shall each receive copies of the audit;

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

e. Respondent shall successfully complete an appropriate course of instruction on the Illinois Rules of Professional Conduct, subject to the approval of the Administrator, at least thirty (30) days prior to the end of the probation term;

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

g. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

h. Respondent shall reimburse the Commission for costs of this proceeding as defined in the Supreme Court 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 Client Protection Program Trust 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 foregoing terms of probation. The remainder of the suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective June 6, 2014.

Order entered by the Court.

M.R.26681 - In re: Timothy John Huyett. 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 Timothy John Huyett is suspended from the practice of law for sixty (60) days.

Suspension effective June 6, 2014.

Respondent Timothy John Huyett 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.26684 - In re: Michael E. Fleck. Disciplinary Commission.

The petition by respondent Michael E. Fleck 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 one (1) year and until further order of the Court, as recommended by the Review Board.

Order entered by the Court.

M.R.26685 - In re: Stacy Ann Igoe. 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 Stacy Ann Igoe is suspended from the practice of law for nine (9) months.

Suspension effective June 6, 2014.

Respondent Stacy Ann Igoe 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.26702 - In re: Michael Nunan Cook. Disciplinary Commission.

The motion by Michael Nunan Cook 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.26703 - In re: Robert Michael Rothstein. 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 Michael Rothstein is censured and required to successfully complete the Attorney Registration and Disciplinary Commission Professionalism Seminar within six (6) months of the Court's final order of discipline.

Order entered by the Court.

M.R.26705 - In re: Cynthia Ann 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 Cynthia Ann Miller is suspended from the practice of law for ninety (90) days.

Suspension effective June 6, 2014.

Respondent Cynthia Ann Miller 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.26706 - In re: John P. Edmonds. Disciplinary Commission. No.117696

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. The Administrator's petition for leave to file exceptions shall stand as the brief of the Administrator-appellant. The brief of respondent-appellee John P. Edmonds is due on or before June 20, 2014. Remaining briefs, if any, to be filed according to Supreme Court Rule 343.

Order entered by the Court.

M.R.26708 - In re: Kenneth Alan Goldman. Disciplinary Commission.

The motion by Kenneth Alan Goldman 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.