

SUPREME COURT OF ILLINOIS

THURSDAY, MARCH 12, 2015

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.25825 - In re: Alphonse C. Gonzales. Disciplinary Commission.

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

Order entered by the Court.

Burke, J., took no part.

M.R.26360 - In re: Alec J. Magafas. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the order of the Hearing Board is allowed. The petition of Alec J. Magafas for reinstatement to the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 767 is dismissed.

Order entered by the Court.

M.R.27113 - In re: Lawrence Joseph Fleming. Disciplinary Commission.

The motion by respondent Lawrence Joseph Fleming for a hearing on the Administrator's petition for reciprocal discipline pursuant to Supreme Court Rule 763 is denied.

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 Lawrence Joseph Fleming, who has been disciplined in the State of Missouri, is disbarred in the State of Illinois.

Orders entered by the Court.

M.R.27117 - In re: Joseph Charles Owens. Disciplinary Commission.

The petition by respondent Joseph Charles Owens for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is disbarred and required to pay restitution in the amount of \$65,100, as recommended by the Review Board.

Order entered by the Court.

M.R.27134 - In re: Robert Bless. 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 Robert Bless 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.27143 - In re: Michael Edward Sweeney. 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 Edward Sweeney is suspended from the practice of law for four (4) months, with the suspension stayed in its entirety by a one (1) year 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 four (4) 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, six (6) months after the commencement of probation. Respondent and the Administrator shall receive copies of the audit;

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

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

j. Respondent shall establish and utilize 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 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; 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 payment to other lawyers or non-employees for services rendered; and

Reconciliation - There must be a running balance maintained for all ledger 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.

Order entered by the Court.

M.R.27145 - In re: Elizabeth Rose Wagenaar. Disciplinary Commission.

The motion by Elizabeth Rose Wagenaar to strike her 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.27153 - In re: Joseph Michael Williams. 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 Joseph Michael Williams 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.27163 - In re: Charles William Helmig. Disciplinary Commission.

The petition by respondent Charles William Helmig 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.27186 - In re: Sam Edward Poston. 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 Sam Edward Poston, who has been disciplined in the State of Missouri, is suspended from the practice of law in the State of Illinois for six (6) months, with the suspension stayed in its entirety by a two (2) year period of probation which shall be deemed satisfied in Illinois by respondent's successful completion of probation imposed by the Supreme Court of Missouri.

Order entered by the Court.

M.R.27192 - In re: Steven Richard Kathe. 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 Steven Richard Kathe is suspended from the practice of law for sixty (60) days.

Suspension effective April 2, 2015.

Respondent Steven Richard Kathe 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.27194 - In re: Warren Jan Gladders. Disciplinary Commission.

The motion by Warren Jan Gladders 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.27195 - In re: Wasleed Ghuneim. 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 Wasleed Ghuneim is censured and required to successfully complete the Attorney Registration and Disciplinary Commission Professionalism Seminar within one (1) year of the Court's final order of discipline.

Order entered by the Court.

M.R.27199 - In re: Lee Mark Smolen. 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 Lee Mark Smolen is suspended from the practice of law for one (1) year and until he successfully completes at least twelve (12) months of continuous treatment with Dr. Neal Spina or another psychiatrist acceptable to the Administrator, with the continuous treatment starting from the June 30, 2014 date of the hearing in this matter.

The motion by respondent Lee Mark Smolen to expedite the effective date of discipline is allowed.

Suspension effective immediately.

Respondent Lee Mark Smolen 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.

Orders entered by the Court.

M.R.27239 - In re: Alfred Stanley Dynia. 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 Alfred Stanley Dynia is suspended from the practice of law for five (5) months, with the suspension stayed after thirty (30) days by a one (1) year period of probation subject to the following conditions:

a. At least thirty (30) days prior to the end of the probation term, respondent shall attend and successfully complete the ARDC Professionalism Seminar;

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 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 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; 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. 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. Respondent shall meet with the Administrator's representative on at least a quarterly basis and 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 and shall provide the Administrator with any and all documentation and records requested in order to verify his compliance with subparagraph (b);

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

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

f. 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

g. Probation shall be revoked if respondent is found to have violated any of the terms of probation described in subparagraphs (a) through (f), above, and respondent shall be suspended for the remaining four (4) month period, commencing on the date his probation is revoked.

Suspension effective April 2, 2015.

Respondent Alfred Stanley Dynia 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.27241 - In re: Mark Allen Hopkins. Disciplinary Commission.

The motion by Mark Allen Hopkins 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.