

SUPREME COURT OF ILLINOIS

FRIDAY, NOVEMBER 18, 2016

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.28257 - In re: Allen A. Lefkovitz. 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 Allen A. Lefkovitz is suspended from the practice of law for one (1) year, with the suspension stayed after five (5) months by an eighteen (18) month period of probation, subject to the following conditions, as recommended by the Review Board:

a. Respondent shall, within the first thirty (30) days of probation, enroll in a law office management program acceptable to the Administrator 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 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 instruction 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 payment to other lawyers or non-employees for services rendered;

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;

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. The audit shall establish respondent's maintenance of complete records of client trust accounts, required by Rule 1.15 of the Rules of Professional Conduct, including the following:

i. the preparation and maintenance of receipt and disbursement journals for all client trust accounts containing a record of deposits and withdrawals from client trust accounts specifically identifying the date, source, and description of each item deposited, and the date, payee and purpose of each disbursement;

ii. the preparation and maintenance of contemporaneous ledger records for all client trust accounts showing, for each separate trust client or beneficiary, the source of all funds deposited, the date of each deposit, the names of all persons for whom the funds are or were held, the amount of such funds, the dates, descriptions, and amounts of charges or withdrawals, and the names of all persons to whom such funds were disbursed;

iii. the maintenance of copies of all accountings to clients or third persons showing the disbursement of funds to them or on their behalf, along with copies of those portions of clients' files that are reasonably necessary for a complete understanding of the financial transactions pertaining to them;

iv. the maintenance of all client trust account checkbook registers, check stubs, bank statements, records of deposit, and checks or other record of debits;

v. the maintenance of copies of all retainer and compensation agreements with clients;

vi. the maintenance of copies of all bills rendered to clients for legal fees and expenses;

vii. the preparation and maintenance of reconciliation reports of all client trust accounts, on at least a quarterly basis, including reconciliations of ledger balances with client trust account balances; and

viii. appropriate arrangements for the maintenance of the records in the event of the closing, sale, dissolution, or merger of a law practice;

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

e. 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;

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

g. 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;

h. 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 Client Protection Program Trust Fund for any Client Protection payments arising from his conduct;

j. 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; and

k. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining seven (7) month period of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective December 9, 2016.

Order entered by the Court.

M.R.28259 - In re: Samuel J. Cahnman. Disciplinary Commission.

The petition by respondent Samuel J. Cahnman for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent Samuel J. Cahnman is suspended from the practice of law for ninety (90) days, as recommended by the Review Board.

Suspension effective December 9, 2016.

Respondent Samuel J. Cahnman 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.28270 - In re: Jennifer Cynthia Smetters. 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 Jennifer Cynthia Smetters 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.28275 - In re: Robert Bless. 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 and respondent Robert Bless is suspended from the practice of law for one (1) year, with the suspension to run consecutively to the three (3) year and until further order of the Court suspension imposed upon respondent on March 12, 2015, in In re Bless, M.R. 27134.

Respondent Robert Bless 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.28277 - In re: Jerry Allen Schulman. 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 Jerry Allen Schulman is suspended from the practice of law for two (2) years.

Suspension effective December 9, 2016.

Respondent Jerry Allen Schulman 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.28285 - In re: James Ryan Crowley. Disciplinary Commission.

The motion by James Ryan Crowley 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.28299 - In re: James Francis Bishop. 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 James Francis Bishop is suspended from the practice of law for thirty (30) days.

Suspension effective December 9, 2016.

Respondent James Francis Bishop 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.28304 - In re: Matthew Robert Wildermuth. Disciplinary
M.R.28062 Commission.

(28304) 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 denied. On remand, the Hearing Board is directed to consider only the misconduct charged in Commission No. 2015PR00080.

Order entered by the Court.

(28062) On the Court's own motion, the Administrator of the Attorney Registration and Disciplinary Commission is directed to file a motion to approve and confirm the report and recommendation of the Review Board on or before December 9, 2016.

Order entered by the Court.

M.R.28306 - In re: Barry J. 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 Barry J. Miller is suspended from the practice of law for thirty (30) days.

Suspension effective December 9, 2016.

Respondent Barry J. Miller 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.28322 - In re: Linda May Olsen. 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 Linda May Olsen 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.28323 - In re: Michele L. Ohlson. 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 Michele L. Ohlson is suspended from the practice of law for six (6) 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 her conduct;

b. 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;

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

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

h. 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 instruction 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; and

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;

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;

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; and

i. Probation shall terminate without further order of court provided that respondent complies with the above conditions.

Order entered by the Court.

(28333) 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 LaOuida Glover is suspended from the practice of law for one (1) year and until further order of the Court, with the suspension stayed in its entirety by a two (2) 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 her conduct;

b. Within the first thirty (30) days of probation, respondent shall pay and provide proof to the Administrator of the payment of restitution to Lawrence L. Pickett in the amount of \$1,000;

c. Respondent shall make a minimum payment of \$250 to the Commission on or before the last day of each month during the period of probation, and provide proof to the Administrator that she has made a minimum payment toward the payments described in paragraph (d) below, to be allocated as respondent and the Administrator determine, until all amounts are paid in full;

d. At least thirty (30) days prior to the termination of the period of probation, respondent shall pay in full the following amounts;

i. Additional restitution to Lawrence L. Pickett in the amount of \$4,000, or any Client Protection Program Trust Fund reimbursement relating thereto;

ii. Any amounts due to reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and to reimburse the Commission for any further costs incurred during the period of probation;

iii. Any other amounts due to reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct in relation to this proceeding; and

iv. All outstanding costs and Client Protection Program Trust Fund payments assessed against respondent in In re Glover, M.R. 20856;

e. 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 her practice of law and the nature and extent of her compliance with the conditions of probation;

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

g. Respondent's practice shall be supervised by an attorney approved by the Administrator;

h. Respondent shall meet with the supervising attorney at least every two (2) weeks concerning respondent's practice of law;

i. The supervising attorney shall with the approval of the Administrator work out a supervision plan, which shall include the supervising attorney submitting a written report every three (3) months to the Administrator regarding respondent's practice, the number of cases being handled by respondent, and the supervising attorney's general appraisal of respondent's practice of law;

j. Through respondent's involvement with a supervising attorney, 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 requirement 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 fashion;

iv. 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;

v. a system for maintaining time records for all clients;

vi. a system for all attorney-client fee agreements to be in writing whereby clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid;

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 respondent, the time spent by respondent on each service, and the amount to be charged to the client;

viii. for cases in which a retainer is paid, a system by which clients are provided with fee agreements that clearly identify and define the kind of general retainer, security retainer, or advanced payment retainer being paid;

ix. a system for all fee agreements to state whether the funds paid remain the property of the client until used to pay for services rendered or expenses incurred and will be deposited into a client trust account or whether the funds are earned when paid and immediately become property of the lawyer, regardless of whether the lawyer ever actually performs any services for the client;

x. a system for all fee agreements to state whether the client will be reimbursed any unearned fees and unused costs;

xi. 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 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;

k. Respondent shall notify the Administrator within seven (7) days if the supervising attorney is unable to serve;

l. Respondent and the supervising attorney shall promptly respond to any inquires by the Administrator regarding respondent's compliance with the above described conditions and report any violation of the Illinois Rules of Professional Conduct by respondent;

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

n. 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.

Order entered by the Court.

(20856) The motion by the Administrator of the Attorney Registration and Disciplinary Commission to terminate The probation imposed upon respondent on May 16, 2006 and extended on November 30, 2007 is allowed.

Order entered by the Court.