

SUPREME COURT OF ILLINOIS

COURT CONVENED AT 9:00 A.M., THURSDAY, JANUARY 23, 2003

THE FOLLOWING ANNOUNCEMENTS WERE MADE:

ADVISEMENT DOCKET

No. 94803 - People State of Illinois, respondent, v. Wilbur L. Miller, Sr., petitioner.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Motion denied.

Order entered by the Court.

No. 95277 - Walter H. Matthews, petitioner, v. The State Universities Retirement System of Illinois et al., etc., respondents.

Motion by petitioner for an extension of time for filing petition for leave to appeal. Motion allowed. The petition for leave to appeal previously dismissed by this court's order of January 14, 2003, shall be filed instanter.

Order entered by the Court.

CIVIL DOCKET

No. 94754 - Darrell Courson, a Minor, etc., appellant, v. Danville School District No. 118, appellee.

Motion by appellant for leave to file brief instanter. Motion allowed.

Order entered by Chief Justice McMorow.

No. 95483 - Herschel Glenn, petitioner, v. Hon. Joseph P. Tulley, Justice of the Appellate Court, et al., etc., respondents.

Motion by petitioner for leave to file a petition for an original writ of mandamus and motion for supervisory order. The motion for leave to file a petition for an original writ of mandamus is denied. The motion for supervisory order is allowed. In the exercise of this court's supervisory authority, the Appellate Court, First District, is directed to vacate its order of October 18, 2002, denying the appellant's motion to voluntarily withdraw the appeal in People v. Glenn, 1-01-0176, to vacate all subsequent orders in the case, and to enter an order allowing the appellant's motion to withdraw the appeal.

Order entered by the Court.

THE FOLLOWING MOTIONS WERE PRESENTED AND ORDERS WERE ENTERED AS INDICATED:

CIVIL DOCKET

No. 95508 - Brad J. Lieberman, petitioner, v. Timothy Budz, etc., et al., respondents.

Motion by petitioner for leave to file a petition for writ of habeas corpus.

No. 95541 - In re: The Estate of Marie Ahern, an Alleged Disabled Person (Robert Ahern, etc., movant, v. Hon. Alan Greiman, Justice of the Appellate Court, First District, et al., etc., respondents).

Motion by movant, pro se, for a supervisory order.

LEAVE TO APPEAL DOCKET

No. 95482 - John Perri, etc., et al., respondents, v. Furama Restaurant, Inc., petitioner.

Motion by respondents for an extension of time to and including February 6, 2003, to file answer to petition for leave to appeal. Motion allowed.

Order entered by Chief Justice McMorrow.

MISCELLANEOUS RECORD

M.R.18612 - In re: Maria Kuriakos, an attorney, petitioner.

Motion by petitioner for leave to change her name on the roll of attorneys from Maria Kuriakos to Maria Kuriakos Ciesil. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18613 - In re: Julie Suzanne Riccardi, an attorney, petitioner.

Motion by petitioner for leave to change her name on the roll of attorneys from Julie Suzanne Riccardi to Julie Riccardi Halperin. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18614 - In re: Carolyn Michelle Mitchell, an attorney, petitioner.

Motion by petitioner for leave to change her name on the roll of attorneys from Carolyn Michelle Mitchell to Carolyn Michelle Mitchell-Bromfman. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18615 - In re: Heather Jeanine Elliott, an attorney, petitioner.

Motion by petitioner for leave to change her name on the roll of attorneys from Heather Jeanine Elliott to Heather Jeanine Elliott Laureles. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18616 - In re: Joyce Staat Lewis, an attorney, petitioner.

Motion by petitioner for leave to change her name on the roll of attorneys from Joyce Staat Lewis to Joyce Lewis Wixson. Motion allowed.

Order entered by Chief Justice McMorrow.

SUPREME COURT OF ILLINOIS

CALL OF THE DOCKET, THURSDAY, JANUARY 23, 2003

No. 94112 - Bill Krohe, appellee, v. City of Bloomington, etc., appellant. Appeal, Appellate Court, Fourth District.

Oral argument by J. Todd Greenburg for appellant and by William J. Connor for appellee. Submitted. Agenda 14.

No. 94231 - Mel Vitro et al., etc., appellants, v. Alice S. Mihelcic, M.D., et al., appellees. Appeal, Appellate Court, Second District.

Oral argument by Peter A. Guerrero for appellants and by William F. Cunningham for appellees. Submitted. Agenda 15.

SUPREME COURT OF ILLINOIS

THURSDAY, JANUARY 23, 2003

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.17567 - In re: Gregory L. Waugh. 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. Gregory L. Waugh's amended second petition for restoration to active status pursuant to Supreme Court Rule 759 is denied.

Order entered by the Court.

M.R.18386 - In re: Mark Anthony Vajdik. Disciplinary Commission.

The second amended 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 Mark Anthony Vajdik is suspended from the practice of law for one (1) year.

Respondent Mark Anthony Vajdik shall reimburse the Disciplinary 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.18436 - In re: Philip Maksymonko. 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 Philip Maksymonko is suspended from the practice of law for one (1) year, effective immediately.

Respondent Philip Maksymonko shall reimburse the Disciplinary 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.18444 - In re: Eric Slocum Sparks. 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. Respondent Eric Slocum Sparks, who has been disciplined in the State of Arizona, is suspended from the practice of law in Illinois for thirty (30) days and, thereafter, placed on probation for two (2) years subject to the terms and conditions imposed by the Supreme Court of Arizona.

Respondent Eric Slocum Sparks shall reimburse the Disciplinary 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.18445 - In re: Arthur D. Sutton. 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. Respondent Arthur D. Sutton is suspended from the practice of law for ninety (90) days, with the suspension entirely stayed by nine months' probation subject to the following conditions:

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

Trust Account Procedures

Basic accounting records that must be maintained daily and accurately:

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

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

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

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

Source documents which must be preserved for seven years:

Bank statements,

Deposit slips,

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

Time and billing records

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

Reconciliations

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 these reconciliations must be maintained for seven years.

b. During the period of probation, respondent shall meet with counsel for the Administrator on at least a quarterly basis and shall provide the Administrator with any and all documentation and records requested in order to verify his compliance with Condition (a);

c. During the period of probation, respondent shall successfully complete the Professionalism Seminar conducted by the Illinois Professional Responsibility Institute.

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

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

f. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation; and

g. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The ninety (90)-day period of suspension shall commence from the date of the determination that any term of probation has been violated.

Respondent Arthur D. Sutton shall reimburse the Disciplinary 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.18446 - In re: Edgar Philip Petti. 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 Edgar Philip Petti is suspended from the practice of law for one (1) month.

Respondent Edgar Philip Petti shall reimburse the Disciplinary 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.18447 - In re: Charles E. Marshall. 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 Charles E. Marshall is censured.

Order entered by the Court.

M.R.18448 - In re: Randolph Karl Blomberg. 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 Randolph Karl Blomberg is permitted to continue to practice law subject to the following conditions for two (2) years and until further order of the Court, pursuant to Supreme Court Rule 758;

a. Respondent shall continue a course of treatment with Dr. Leonard Elkun or a psychiatrist acceptable to the Administrator. Respondent shall report to the psychiatrist on a regular basis of not less than two times per month. Respondent shall advise the Administrator of any change in attendance deemed warranted by such professional;

b. Respondent shall comply with all treatment recommendations of the psychiatrist. Respondent shall agree to submit to whatever testing is deemed necessary by the psychiatrist, including random blood level testing in order to determine respondent's compliance with the taking of any medications, if such medications are prescribed;

c. Respondent shall provide to the psychiatrist an appropriate release as required under the Confidentiality Act of the Mental Health Code, 740 ILCS 110/1 et seq., authorizing the treating psychiatrist to: (1) provide to the Administrator twice a year a written report pertaining to the nature of respondent's compliance with any treatment plan established respecting 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 inquiries by the Administrator regarding respondent's mental or emotional state, or compliance with any established treatment plan. Respondent shall make his best efforts to assure that the treating psychiatrist makes the twice-a-year reports to the Administrator referred to in provision (1) of this paragraph;

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

e. Respondent shall, upon request by the Administrator, submit to random blood tests for substance testing by a mental health professional of a facility approved by the Administrator within eight hours, or such earlier time as may be practicable, 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.

f. Respondent's practice of law shall be monitored by a lawyer-monitor (or monitors) agreed to by the parties, who agrees to monitor respondent's practice in the following manner:

1. The designated agreed upon monitoring attorney(s), shall agree to speak with respondent on a regular basis of not less than two times per month for the purpose of monitoring respondent's condition and fitness to practice law;

2. The designated agreed upon monitoring attorney(s), shall agree to report any concerns they have regarding respondent's continued ability to practice law, or relapse in respondent's mental condition to the Administrator within 48 hours of the monitoring attorney(s) becoming aware of the relapse;

3. The designated agreed upon monitoring attorney(s) will provide a written report to the Administrator twice a year, or at any time when requested by the Administrator, regarding the nature of respondent's practice and their assessment of respondent's fitness to practice law; and

4. The designated agreed upon monitoring attorney(s), shall agree to step in and take over respondent's files, or immediately refer any legal matters in the event that respondent is unable to continue to practice;

5. Respondent shall authorize the attorney(s) agreed upon by the parties to respond to any inquiries by the Administrator regarding respondent's law practice during the time period these conditions are in effect;

g. Respondent shall notify the Administrator within fourteen days of any change of address, or change of psychiatrist;

h. Respondent shall attend meetings scheduled by the Commission for purposes of monitoring these conditions as requested by the Administrator. Respondent shall submit written reports and information and documentation as requested by the Administrator and/or probation officer;

i. Respondent shall comply with the Illinois Rules of Professional Conduct, and will cooperate with the Administrator in providing any information regarding any investigations relating to his conduct;

j. The Administrator shall report to the Court any noncompliance by respondent with any of the conditions imposed herein. If noncompliance with any of the conditions is found by the Court, respondent may be placed on inactive status until further order of the Court; and

k. The above conditions shall remain in effect for a period of at least two years and until further order of the court. Twenty-two (22) months from the date of the imposition of conditions by the Court, respondent shall be evaluated by a physician named by the Administrator, who shall submit a written report to the Administrator. Within 60 days of receiving the evaluating physician's completed written report, the Administrator will report to the Court any findings indicating that the conditions described above should be discontinued, or continued, or modified.

Order entered by the Court.

M.R.18452 - In re: Harry R. Buoscio. 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 Harry R. Buoscio is suspended from the practice of law for one (1) year.

Respondent Harry R. Buoscio shall reimburse the Disciplinary 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, J., took no part.

M.R.18453 - In re: Paul Michael Sheridan, Jr. 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 Paul Michael Sheridan, Jr. is suspended from the practice of law for one (1) year.

Respondent Paul Michael Sheridan, Jr. shall reimburse the Disciplinary 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, J., took no part.

M.R.18465 - In re: Karrean Marie Rolling-Holmes.
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 Karrean Marie Rolling-Holmes is suspended from the practice of law for one (1) year and until she makes restitution in the amount of \$1,868.50.

Respondent Karrean Marie Rolling-Holmes shall reimburse the Disciplinary 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.18466 - In re: Arnim Johnson, Jr. 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 Arnim Johnson, Jr. is suspended from the practice of law for six (6) months, with the suspension entirely stayed and respondent placed on probation for two (2) years subject to the following conditions:

a. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances or illegal drugs;

b. Respondent shall continue in his course of treatment with the multidisciplinary treatment team at the CORE Center;

c. Respondent shall continue his participation in the outpatient chemical dependence program at Haymarket House for eight months;

d. Respondent shall attend 12-step meetings at a frequency determined by his outpatient chemical dependency treatment team and secure a sponsor with whom he will maintain regular contact. Respondent shall request that the sponsor communicate with the Administrator in writing every three months regarding respondent's participation and progress, and report any lapses in sobriety or usage of controlled substances to the Administrator within 72 hours of his knowledge of that usage;

e. Respondent shall, after completing the outpatient chemical dependence program, participate in an aftercare/relapse prevention group and attend a Caduceus group for at least one year;

f. Respondent shall, upon request by the Administrator, submit to random substance testing within eight hours of receiving notice by the Administrator that he shall submit to the testing, the cost of which shall be paid by respondent and the results of which will be reported to the Administrator;

g. Within the first month of probation, respondent shall 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 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:

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

2. A diary and docketing system in accordance with the requirements established by the law office management program, including a mechanism by which approaching filing dates are noted;

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

4. 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 manner;

5. A system by which clients are provided with itemized, quarterly billing statements 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

6. 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 his compliance with the above-described conditions.

h. Respondent shall successfully complete the course conducted by the Illinois Professional Responsibility Institute prior to the completion of probation;

i. 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;

j. 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 his conduct;

k. Respondent shall reimburse the Commission the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation; and

l. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The six-month suspension shall commence from the date of the determination that any term of probation has been violated.

Respondent Arnim Johnson, Jr. shall reimburse the Disciplinary 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.18467 - In re: Eric Michael Glasson. 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 Eric Michael Glasson is censured.

Order entered by the Court.

M.R.18479 - In re: Brian R. Hutchison. Disciplinary Commission.

The motion by Brian R. Hutchison 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.18480 - In re: Patricia D. 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 Patricia D. Johnson is suspended from the practice of law for three (3) years and until further order of the Court.

Order entered by the Court.

Kilbride, J., took no part.

M.R.18500 - In re: Nicholas P. Black. Disciplinary Commission.

The motion by Nicholas P. Black 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.18501 - In re: Timothy Michael Whiting. 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 Michael Whiting is censured.

Order entered by the Court.

M.R.18502 - In re: Peter Kookchin Lee. 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 Peter Kookchin Lee is censured.

Order entered by the Court.

M.R.18508 - In re: Thornton Eugene Cherry. 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 Thornton Eugene Cherry is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.