

SUPREME COURT OF ILLINOIS

FRIDAY, SEPTEMBER 24, 2004

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.18078 - In re: Gerald David William North. Disciplinary Commission.

The petitions by respondent Gerald David William North and the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board are denied. As recommended by the Review Board, respondent is suspended from the practice of law for three (3) months, and until respondent files proof with the Administrator that he has paid restitution of \$1,869.93 plus interest and costs of the Arizona disciplinary proceeding. Suspension effective October 15, 2004.

Respondent Gerald David William North 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.19205 - In re: Joseph Kingsland Robbins. Disciplinary Commission.

The Administrator of the Attorney Registration and Disciplinary Commission having filed a report pursuant to Supreme Court Rule 763 on the status of respondent Joseph Kingsland Robbins in the State of Missouri; respondent's probation in Illinois is terminated and respondent's one (1)-year stayed suspension in Illinois will terminate on March 12, 2005.

Order entered by the Court.

M.R.19281 - In re: Rodney Lane Harrison. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission for excess costs in the amount of \$3,360 is allowed. Respondent Rodney Lane Harrison is directed to pay the costs in full to the Attorney Registration and Disciplinary Commission.

Order entered by the Court.

M.R.19433 - In re: John Francis Brennan. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent John Francis Brennan is censured.

Order entered by the Court.

M.R.19434 - In re: Henry Thompson Tucker, Jr. 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 Henry Thompson Tucker, Jr., who has been disciplined in the State of Virginia, is disbarred in the State of Illinois.

The petition by respondent Henry Thompson Tucker, Jr. for a hearing pursuant to Supreme Court Rule 763 is denied.

Orders entered by the Court.

M.R.19435 - In re: David Alan Schechter. 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 David Alan Schechter, who has been disciplined in the State of Kentucky, is suspended from the practice of law in the State of Illinois for two (2) years and until he is reinstated to the practice of law in Kentucky.

Respondent David Alan Schechter 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.19436 - In re: Brenda Joyce Stidham. 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 Brenda Joyce Stidham, who has been disciplined in the State of Texas, is suspended from the practice of law in the State of Illinois for six (6) months and until she is reinstated in Texas.

Respondent Brenda Joyce Stidham 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.19440 - In re: Patrick Joseph Mitchell. 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 Patrick Joseph Mitchell is suspended from the practice of law for sixty (60) days. Suspension effective October 15, 2004.

Respondent Patrick Joseph Mitchell 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.19441 - In re: Louis Ernest Neuendorf. Disciplinary Commission.

The petition by respondent Louis Ernest Neuendorf 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.19442 - In re: Mark Hatlen Mennes. 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 Mark Hatlen Mennes is suspended from the practice of law for two (2) years and until further order of the Court, with all but the first year of suspension stayed by probation to continue for the duration of the period that respondent is licensed to practice law in the State of Illinois, subject to the following conditions:

a. During the one (1)-year suspension period, respondent shall enroll in and complete a moderate intensity outpatient alcohol dependency program and attend any recommended aftercare and 12-step meetings at a frequency determined by his outpatient chemical dependency treatment providers;

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

c. Respondent shall, upon request by the Administrator, submit to random substance testing by a mental health professional or facility approved by the Administrator, within eight hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

d. Respondent shall continue in his course of treatment with a qualified mental health professional and physician acceptable to the Administrator, comply with all treatment recommendations of the mental health professional and physician, take prescribed medications, undergo a neuropsychological evaluation at least every 18 months and provide appropriate releases to the treating professional(s) to allow reports to the Commission on a regular basis of not less than four times per year, with the Administrator advised of any change in attendance deemed warranted by such professional(s);

e. When he resumes his practice, respondent's practice of law shall be supervised by a licensed attorney(s) acceptable to the Administrator. Respondent shall notify the Administrator of the name and address of any and all attorneys with whom he establishes a supervisory relationship. Respondent shall authorize the supervising attorney(s) to provide a report in writing to the Administrator no less than every three months, regarding the nature of respondent's work, the number of cases being handled by respondent and the supervisor's general appraisal of respondent's continued fitness to practice law;

f. During the one(1)-year suspension period, respondent shall attend and successfully complete the course conducted by the Illinois Professional Responsibility Institute;

g. 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 nature and extent of his compliance with the conditions of probation;

h. Respondent shall notify the Administrator within fourteen (14) days of any change of his address, or change in treatment professionals;

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

j. 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;

k. Respondent shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct; and

l. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining one (1)-year 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.

Suspension effective October 15, 2004.

Order entered by the Court.

M.R.19443 - In re: Stuart Knight Holcomb, III. 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 continued to allow the parties to amend the final probationary condition, identified as No. 8. on page 9 of the petition, to conform with the usual and customary language stating the consequences of violating probation. If an amended condition is not submitted by October 8, 2004, the petition to impose discipline on consent will be denied without further notice.

Order entered by the Court.

M.R.19451 - In re: Roberta Lee Samotny. 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 Roberta Lee Samotny is disbarred.

Order entered by the Court.

M.R.19460 - In re: Steven David Lustig. Disciplinary Commission.

The motion by Steven David Lustig 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.19462 - In re: Gerald Lee Fishman. 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. Suspension effective October 15, 2004.

Respondent Gerald Lee Fishman shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

McMorrow, C.J., took no part.

Order entered by the Court.

M.R.19463 - In re: Dale Alan Carlson. Disciplinary Commission.

The motion by Dale Alan Carlson 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.19480 - In re: Chester Slaughter. 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 Chester Slaughter is suspended from the practice of law for five (5) months. Suspension effective October 15, 2004.

Respondent Chester Slaughter shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Fitzgerald, J., took no part.

Order entered by the Court.

M.R.19488 - In re: Michael Donald Malicki. 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 Donald Malicki 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.19490 - In re: Alan Sheldon Levin. 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 is suspended from the practice of law for thirty (30) days, as recommended by the Review Board. Suspension effective October 15, 2004.

Respondent Alan Sheldon Levin 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.19491 - In re: Michael James Meyer. 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 Michael James Meyer is censured, as recommended by the Review Board.

Order entered by the Court.

M.R.19499 - In re: Thomas J. Finnegan, Jr. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Thomas J. Finnegan, Jr. 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.19505 - In re: Margaret Rose Best. 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 Margaret Rose Best is disbarred.

Order entered by the Court.

M.R.19511 - In re: Pamela D. Lucas. 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 Pamela D. Lucas 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.19512 - In re: Scott Lowell Ladewig. 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. As recommended by the Review Board, respondent Scott Lowell Ladewig is suspended from the practice of law for three (3) years, with the suspension stayed after five (5) months by a thirty-one (31)-month period of probation pursuant to Supreme Court Rule 772, with probation to terminate without further order of Court, provided that respondent complies with the following conditions:

a. Within thirty (30) days of the entry of the Court's order imposing discipline, respondent shall submit proof to the Administrator that he has made full and complete restitution to DePaul University of any and all amounts due and owing to that institution. Within six (6) months of the Court's order he shall submit proof that he has closed the Audia estate;

b. 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;

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

d. 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;

e. 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;

f. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct;

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, twelve (12) months after the commencement of probation. Respondent and the Administrator shall each receive copies of the audit;

h. Respondent shall, within the first six (6) months 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:

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 statutes of limitations and other filing deadlines 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 whereby clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid;

6. 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

7. 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.

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

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

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

3. Respond to any and all inquiries from the Administrator regarding respondent's compliance with the above described conditions.

j. Respondent's practice of law shall be supervised by a licensed attorney (or attorneys) acceptable to the Administrator. Respondent shall notify the Administrator of the name and address of any and all attorneys with whom he establishes a supervisory relationship, and shall provide notice to the Administrator of any change in supervising attorneys within fourteen (14) days of the change. Respondent shall authorize the supervising attorney(s) to provide a report in writing to the Administrator, no less than every three (3) months, regarding the nature of respondent's work, the number of cases being handled by respondent and the supervisor's general appraisal of the respondent's continued fitness to practice law;

k. Respondent shall continue in his course of treatment with Dr. Errek or such other qualified mental health professional acceptable to the Administrator, and shall report to Dr. Errek or such other qualified mental health professional on a regular basis, of not less than once per week, with the Administrator advised of any change in attendance deemed warranted by such professional;

l. Respondent shall comply with all treatment recommendations of Dr. Errek or such other mental health professional, including the taking of medications as prescribed;

m. Respondent shall provide to Dr. Errek or such other qualified mental health professional, an appropriate release as required under the Confidentiality Act of the Mental Health Code, 740 ILCS 110/1 et seq., authorizing the treating professional to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plans;

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

o. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining thirty-one (31) month period of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective October 15, 2004.

Respondent Scott Lowell Ladewig 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.19520 - In re: Robert George Frederick. 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 George Frederick is suspended from the practice of law for ninety (90) days. Suspension effective October 15, 2004.

Respondent Robert George Frederick 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.19524 - In re: Cheryl Ann Handy. Disciplinary Commission.

The petition by respondent Cheryl Ann Handy 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.19525 - In re: Sam V. Menegas. 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 denied.

Order entered by the Court.

M.R.19526 - In re: Erik Alexander Martin. 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 denied.

Order entered by the Court.

M.R.19532 - In re: Richard Patrick Ryan. 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. Suspension effective October 15, 2004.

Respondent Richard Patrick Ryan 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.19542 - In re: Karen J. Roose. 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 Karen J. Roose, who has been disciplined in the State of Colorado, is suspended from the practice of law in the State of Illinois for one (1) year and until she is reinstated to the practice of law in Colorado.

Respondent Karen J. Roose 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.19545 - In re: Mark Van Pernis. 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 Mark Van Pernis, who has been disciplined in the State of Hawaii, is suspended from the practice of law for three (3) months in the State of Illinois. Suspension effective October 15, 2004.

Respondent Mark Van Pernis 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.19547 - In re: Vanessa Smith. 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 Vanessa Smith is disbarred.

Order entered by the Court.

M.R.19549 - In re: Karrean Marie Rolling-Holmes. 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 Karrean Marie Rolling-Holmes is suspended from the practice of law for three (3) years and until further order of the Court, effective immediately.

Order entered by the Court.