

SUPREME COURT OF ILLINOIS

FRIDAY, JANUARY 14, 2005

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.18227 - In re: Burnell Dixon, II. Disciplinary Commission.

The petition by Burnell Dixon, II for leave to file exceptions to the report and recommendation of the Review Board is denied. As recommended by the Review Board, the petition of Burnell Dixon, II 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.

M.R.18428 - In re: Judy S. Watts. Disciplinary Commission.  
19889

(18428)

The rule to show cause that issued to respondent Judy S. Watts on November 5, 2002, pursuant to Supreme Court Rule 774 is discharged.

Order entered by the Court.

(19889)

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 Judy S. Watts is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.19682 - In re: James Bouril. 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. The petition of James Bouril to vacate the March 22, 2000 suspension order pursuant to 735 ILCS 5/2-1401 is denied.

Order entered by the Court.

M.R.19752 - In re: Kenneth Wayne Pilota. 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 discharged, as recommended by the Review Board.

Order entered by the Court.

M.R.19792 - In re: Alan J. Bernstein. 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 Alan J. Bernstein is suspended from the practice of law for ninety (90) days, with the last sixty (60) days stayed by a one (1)-year period of probation, subject to the following conditions:

a. 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 statement 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) above;

c. Respondent shall notify the Administrator within fourteen 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. Respondent shall successfully attend and successfully complete an appropriate course of instruction of the Illinois Rules of Professional conduct, subject to the approval of the Administrator, within the first three months of probation; and

g. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining sixty (60) days of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective February 4, 2005.

Respondent Alan J. Bernstein 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.19794 - In re: Luke Townsend, 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 Luke Townsend, Jr. is suspended from the practice of law for two (2) years, with the suspension stayed after six (6) months by a period of probation for eighteen (18) months, subject to the following conditions, with conditions enumerated in paragraphs (e), (f), (g), and (h) to be effective on the effective date of the Court's order of discipline:

a. 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;

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

c. 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;

d. 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;

e. Respondent shall continue in his course of treatment with the Community Mental Health Council, Inc. in Chicago, Illinois, or such other qualified mental health agency or professional acceptable to the Administrator, and shall report to the Community Mental Health Council, Inc. or such other qualified mental health agency or professional on a regular basis of not less than once per month for the first six months of discipline, and, thereafter, provided no recurrent symptoms of depression are noted or reported, on an "as needed" basis, with the Administrator advised of any change in attendance deemed warranted by such agency or professional;

f. Respondent shall comply with all treatment recommendations of the Community Mental Health Council, Inc. or such other qualified mental health agency or professional, including the taking of medications as prescribed;

g. Respondent shall provide to the Community Mental Health Council, Inc. and any such other qualified mental health agency or professional, an appropriate release 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; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plan;

h. Respondent shall notify the Administrator within fourteen days of any change in treatment professionals;

i. Respondent shall, within the first thirty (30) days of probation, enroll in a law office management program approved by the Administrator and shall notify the Administrator of the name of the attorney with whom he 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 his 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 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, whether orally or in writing, in a timely manner;

(5) for cases where 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

(6) a system for 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.

j. 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 inquiries by the Administrator regarding respondent's compliance with the above described conditions.

k. Respondent shall complete the course of the Illinois Professional Responsibility Institute;

l. At least thirty (30) days prior to the termination of the period of probation, respondent shall complete and provide proof to the Administrator of the payment of restitution in the amount of \$195 to Dorothy M. Mosby;

m. 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; and

n. Probation shall be revoked if respondent is found to have violated any of the terms of the probation, and the remaining eighteen (18) months of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective February 4, 2005.

Order entered by the Court.

M.R.19795 - In re: Troy Leslie Daugherty. 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 Troy Leslie Daugherty, who has been disciplined in the State of Kansas, is censured in the State of Illinois.

Order entered by the Court.

M.R.19796 - In re: Steven Robert Liss. 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 Steven Robert Liss, who has been disciplined in the State of California, is censured in the State of Illinois.

Order entered by the Court.

M.R.19802 - In re: Thomas Murphy Hester. 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 Murphy Hester is disbarred.

Order entered by the Court.

M.R.19813 - In re: Gertrude Gurney McCarthy. 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 Gertrude Gurney McCarthy is suspended from the practice of law for sixty (60) days.

Suspension effective February 4, 2005.

Respondent Gertrude Gurney McCarthy 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.19816 - In re: David Benjamin Fairless. 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 David Benjamin Fairless is suspended from the practice of law for eighteen (18) months and until further order of the Court.

Order entered by the Court.

M.R.19817 - In re: James A. Reskin. 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 James A. Reskin, who has been disciplined in the State of Kentucky, is censured in the State of Illinois.

The motion by respondent James A. Reskin for a hearing is denied.

Orders entered by the Court.

M.R.19818 - In re: Kevin M. O'Brien. 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 Kevin M. O'Brien is censured.

Order entered by the Court.

M.R.19819 - In re: Jon Michelle Gibbs Richardson. 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 Jon Michelle Gibbs Richardson is suspended from the practice of law for two (2) years and until she makes restitution to the following individuals in the amounts indicated: Dwight R. Burke, \$950; Willie Marshall, \$870; and Michael Carter, \$3,000.

Suspension effective February 4, 2005.

Respondent Jon Michelle Gibbs Richardson 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.19820 - In re: Wyvonnia Ford Bridgeforth. 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 Wyvonnia Ford Bridgeforth is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.19821 - In re: Carl Wehling Kuhn. 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 Carl Wehling Kuhn is disbarred.

Order entered by the Court.

M.R.19822 - In re: Rick Allan White. 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 Rick Allan White is suspended from the practice of law for eighteen (18) months and until further order of the Court.

Order entered by the Court.

M.R.19823 - In re: Eric V. Puchala. 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 Eric V. Puchala is disbarred.

Order entered by the Court.

M.R.19824 - In re: William Charles Spangenberg. 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 William Charles Spangenberg is suspended from the practice of law for one (1) year and until he makes restitution in the amount of \$80,000 to the estate of Evelyn Horwath.

Suspension effective February 4, 2005.

Respondent William Charles Spangenberg 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.19825 - In re: Cheryl Ann Handy. 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 Cheryl Ann Handy is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.19826 - In re: Michael Daniel Johnson. 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 Michael Daniel Johnson is censured.

Order entered by the Court.

M.R.19830 - In re: Donald Sidney Dobkin. 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 Donald Sidney Dobkin, who has been disciplined in the State of Michigan, is reprimanded in the State of Illinois.

Order entered by the Court.

M.R.19831 - In re: John Christopher Landis IV. 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 John Christopher Landis IV, who has been disciplined in the State of Delaware, is suspended from the practice of law for three (3) years in the State of Illinois under the terms and conditions of the Delaware disciplinary order of May 14, 2004, and until he is reinstated in Delaware and until further order of this Court.

Suspension effective February 4, 2005.

Respondent John Christopher Landis IV 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.19832 - In re: Robert Leo Sherry. 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 Robert Leo Sherry, who has been disciplined in the State of Wisconsin, is suspended from the practice of law for nine (9) months in the State of Illinois, and until he is reinstated to the practice of law in Wisconsin.

Suspension effective February 4, 2005.

Respondent Robert Leo Sherry 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.19833 - In re: Charles Paul Horn. 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 Charles Paul Horn, who has been disciplined in the State of Florida, is suspended from the practice of law for thirty (30) days in the State Illinois.

Suspension effective February 4, 2005.

Respondent Charles Paul Horn 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.19879 - In re: Charles E. Tannen. 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. Tannen is censured.

Order entered by the Court.

M.R.19885 - In re: Joyce Seaberry Britton. 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 Joyce Seaberry Britton is disbarred.

Order entered by the Court.

M.R.19903 - In re: La Vetta Dianne Wallace 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, as modified, is allowed. Respondent La Vetta Dianne Wallace Williams is suspended from the practice of law for nine (9) months, with the suspension stayed after five (5) months by one (1) year conditional probation, provided that restitution is made to the following individuals or entities prior to the beginning of the probationary period in the designated amounts, plus interest accrued in the amount of five (5) percent per annum from the date of the filing of the report and recommendation: \$681.27 to Teresa Coney-Jones; \$267.76 to St. James Hospital; \$183.00 to University of Chicago; \$414.70 to Minnie Malone Dubose; and \$2,000 to Theodore Wannow. The probation shall terminate without further order of the Court if respondent complies with the following conditions:

a. Respondent shall establish and utilize a system for handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct 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 that 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 her 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, within the first thirty days of probation, enroll in a law office management program sponsored by or through the Cook County, Chicago or other Bar Association and shall, upon enrollment, notify the Administrator, in writing, of the name of the attorney with whom respondent is assigned to work;

e. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize the following:

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

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

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

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

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

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

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

g. 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;

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

i. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining four (4) months of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective February 4, 2005.

Respondent La Vetta Dianne Wallace Williams shall reimburse the Disciplinary Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.19904 - In re: Nancy Salamone. Disciplinary Commission.

The Administrator of the Attorney Registration and Disciplinary Commission having filed exceptions to the petition of Nancy Salamone for restoration to active status pursuant to Supreme Court Rule 759, the petition and the exceptions are referred to the Hearing Board, which shall hear the matter.

Order entered by the Court.

M.R.19929 - In re: Afoma Mbara Mpi. Disciplinary Commission.

Motion by Afoma Mbara Mpi 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.