

SUPREME COURT OF ILLINOIS

MONDAY, SEPTEMBER 17, 2012

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.25292 - In re: Kyle Matthew Kinzy. Disciplinary Commission.

The petitions by the Administrator of the Attorney Registration and Disciplinary Commission and respondent Kyle Matthew Kinzy for leave to file exceptions to the report and recommendation of the Review Board are denied. Respondent is censured, as recommended by the Review Board.

Order entered by the Court.

M.R.25311 - In re: Brent Allan Winters. 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 Brent Allan Winters is suspended from the practice of law for two (2) years.

Suspension effective October 8, 2012.

Respondent Brent Allan Winters 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.25334 - In re: Alexander Pechenik. 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 Alexander Pechenik is suspended from the practice of law for two (2) years and until further order of the Court, with the suspension stayed after sixty (60) days 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 his conduct;

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

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

d. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining twenty-two (22) month period of suspension and until further order of the Court shall commence from the date of the determination that any term of probation has been violated;

e. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;

f. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation. Within fourteen (14) days of discontinuation from his current employment at McDermott and Krupa, respondent shall notify the Administrator of his change in employment status and obtain an attorney mentor, who is acceptable to the Administrator. Respondent shall authorize his attorney mentor to disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's cooperation with the above-described conditions. Respondent shall also authorize the attorney mentor to respond to any inquiries by the Administrator regarding respondent's compliance with the above-described conditions, and to provide an assessment of the respondent's continued fitness to practice law;

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

h. Respondent shall continue in his course of psychotherapy with Dr. Meyer, or such other qualified mental health professional acceptable to the Administrator, and shall report to Dr. Meyer, or such other qualified mental health professional, not less than once per week for at least eighteen (18) months, with the Administrator advised of any change in attendance deemed warranted by such professional;

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

j. Respondent shall provide to Dr. Meyer, or such other qualified mental health 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 plans;

k. Respondent shall continue in his course of treatment with Dr. Alhuwalia, or such other qualified psychiatrist acceptable to the Administrator, and shall report to Dr. Alhuwalia, or such other qualified psychiatrist, not less than every six (6) weeks for the next six (6) months, and thereafter every three (3) months for at least eighteen (18) months, with the Administrator advised of any change in attendance deemed warranted by such psychiatrist;

l. Respondent shall comply with all treatment recommendations of Dr. Alhuwalia or such other qualified psychiatrist, including the taking of medications as prescribed; and

m. Respondent shall provide to Dr. Alhuwalia, or such other qualified psychiatrist, 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 plans.

Suspension effective October 8, 2012.

Order entered by the Court.

M.R.25341 - In re: Regan D. Ebert. 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 censured, as recommended by the Review Board.

Order entered by the Court.

M.R.25343 - In re: Danny Ray Hill. 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 Danny Ray Hill 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.25344 - In re: Dorothy Jean 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 Dorothy Jean Mitchell is suspended from the practice of law for ninety (90) days.

Suspension effective October 8, 2012.

Respondent Dorothy Jean Mitchell shall reimburse the Client Protection Program Trust 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.25345 - In re: John Devin Cashman. Disciplinary Commission.

The motion by John Devin Cashman 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.25347 - In re: Roger L. Brown. 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 Roger L. Brown is suspended from the practice of law for nine (9) months, with the suspension stayed after three (3) months by a one (1) year period of probation subject to the following conditions:

a. Prior to the end of three (3) months from the date of the final order of discipline, respondent shall attend and successfully complete the ARDC Professionalism Seminar;

b. Respondent shall establish and utilize a system for the handling and accounting 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:

(i) Trust Account Procedures

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

Account Receipts Journal - List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of each deposit, the client

matter, the deposit number and the amount of the deposit. Maintain a copy of each item deposited.

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

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

(ii) Source Documents, which must be saved 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.

(iii) 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 engagement, and contingent fee agreements; settlement statements to client showing the disbursement of the settlement proceeds; bills sent to clients and records of payment to other lawyers or non-employees for services rendered.

(iv) Reconciliation

There must be a running balance maintained for all ledger and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Records of each reconciliation must be maintained for seven (7) years.

c. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator and submit quarterly written

reports to the Administrator concerning the extent of his compliance with the conditions of probation;

d. Respondent shall notify the Administrator within fourteen (14) 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 investigation 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 does not comply with any condition of probation. The remainder of the nine (9) month suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective October 8, 2012.

Respondent Roger L. Brown shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.25368 - In re: Peter Burritt Nolte. 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 Peter Burritt Nolte 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.25369 - In re: Dumitry Razvan Ancuta. 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 Dumitry Razvan Ancuta is disbarred.

Order entered by the Court.

M.R.25380 - In re: Nicholas Anthony Pavich. 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 Nicholas Anthony Pavich 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.25381 - In re: Rex Lindsey Reu. Disciplinary Commission.

The petition by respondent Rex Lindsey Reu 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, as recommended by the Review Board.

Suspension effective October 8, 2012.

Respondent Rex Lindsey Reu 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.25400 - In re: Glen Robert Weber. 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 Glen Robert Weber is censured.

Order entered by the Court.

M.R.25422 - In re: Scott David Beal. 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 Scott David Beal 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.25451 - In re: Vincent Louis Trunda. 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 Vincent Louis Trunda is suspended from the practice of law for two (2) years.

Suspension effective October 8, 2012.

Respondent Vincent Louis Trunda 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.25452 - In re: Mark Allen Larson. 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 Mark Allen Larson 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.25453 - In re: Shaveda Monique Scott. 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 Shaveda Monique Scott is suspended from the practice of law for thirty (30) days.

Suspension effective October 8, 2012.

Respondent Shaveda Monique Scott shall reimburse the Client Protection Program Trust 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.25458 - In re: Charles Gregory Murphy. Disciplinary Commission.

The motion by Charles Gregory Murphy 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.25459 - In re: John R. Weinberger. 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 R. Weinberger is censured and required to successfully complete the Attorney Registration and Disciplinary Commission Professionalism Seminar within one (1) year of the Court's final order of discipline.

Order entered by the Court.

M.R.25465 - In re: Elizabeth Jane Barringer. 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 Elizabeth Jane Barringer is censured and required to successfully complete the Attorney Registration and Disciplinary Commission Professionalism Seminar within one (1) year of the Court's final order of discipline.

Order entered by the Court.

M.R.25481 - In re: Lawrence Joseph Hess. Disciplinary Commission.

The petition by respondent Lawrence Joseph Hess 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 six (6) months, as recommended by the Review Board.

Suspension effective October 8, 2012.

Respondent Lawrence Joseph Hess 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.25487 - In re: Daniel Earl Brown. 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 Daniel Earl Brown is suspended from the practice of law for two (2) years 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, within the first ninety (90) 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. Respondent shall

successfully complete the law office management program at least thirty (30) days prior to the end of the probation term;

b. 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.

c. 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;

d. Respondent shall attend and successfully complete the Attorney Registration and Disciplinary Commission Professionalism Seminar within the first year of probation;

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

f. 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 (8) 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;

g. Respondent shall continue to participate in Alcoholics Anonymous or other 12-step program approved by the Administrator by attending at least three (3) meetings per week. Respondent is to maintain a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports;

h. Respondent shall maintain a sponsor in the 12-step program. Respondent shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of being placed on probation;

i. Respondent shall be responsible for ensuring that the sponsor communicates with the Administrator, in writing, every three (3) months regarding respondent's participation and progress, including any lapses in sobriety or usage of controlled substances or illegal drugs;

j. Respondent shall report any lapses in sobriety or usage of a non-prescribed controlled substance or illegal drug to the Administrator within seventy-two (72) hours of that usage;

k. Respondent shall notify the Administrator within fourteen (14) days of any change of address, and any change in treatment professionals, 12-step programs, or 12-step program sponsors;

l. Respondent shall participate in a course of treatment with a psychotherapist acceptable to the Administrator and shall comply with all treatment recommendations of the therapist. The frequency and duration of treatment shall be determined by the therapist and respondent;

m. Respondent shall provide to his therapist an appropriate release authorizing the treating professional to (1) disclose to the Administrator on at least a quarterly basis information pertinent to the nature of respondent's compliance with any treatment plan; (2) promptly report to the Administrator respondent's failure to comply with the plan; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with the treatment plan;

n. 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;

o. 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;

p. 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;

q. Probation shall be revoked if respondent is found to have violated any of the terms of his probation. The remaining 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; and

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

Order entered by the Court.

M.R.25503 - In re: Jacob Reiss. 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 Jacob Reiss is suspended from the practice of law for six (6) months and until further order of the Court.

Order entered by the Court.