

SUPREME COURT OF ILLINOIS

TUESDAY, MAY 18, 2010

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.23674 - In re: Anthony Michael Klytta and John Robert Klytta. 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 Anthony Michael Klytta and respondent John Robert Klytta are each suspended from the practice of law for one (1) year, with each suspension stayed after ninety (90) days by a two (2)-year period of probation subject to the following conditions:

a. Respondents 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 respondents 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 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.

Source documents, which must be preserved for seven (7) years:

Bank statements

Deposit slips

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

Time and billing records

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.

Reconciliation

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 each reconciliation must be maintained for seven (7) years.

b. During the period of probation, respondents shall meet with the Administrator's representative on at least a quarterly basis and shall provide the Administrator with any and all documentation and records requested in order to verify compliance with condition (a).

c. Respondents 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 their conduct;

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

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

g. Probation of respondent Anthony Michael Klytta or respondent John Robert Klytta shall be revoked if he is found to have violated any term of probation, and the remaining nine (9)-month period of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspensions effective June 8, 2010.

Order entered by the Court.

M.R.23712 - In re: James Edward Musial. Disciplinary Commission.

The 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. Respondent James Edward Musial is suspended from the practice of law for one (1) year and until further order of the Court, with the suspension stayed after ninety (90) days by a two (2)-year period of probation subject to the following conditions, with conditions (a) through (m) to become effective on the effective date of the final order of discipline:

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

b. Respondent shall continue in his course of treatment at the Wynn House and with Dr. Melvin Hess, or such other qualified mental health professional acceptable to the Administrator, and shall report to Dr. Hess, or such other qualified mental health professional, on a basis determined by the mental health professional, but not less than once every three (3) months, with the Administrator advised of any change in attendance deemed warranted by such professional;

c. Respondent shall comply with all treatment recommendations of the Wynn House and Dr. Hess, or such other qualified mental health professional, including the taking of medications as prescribed;

d. Respondent shall provide to the Wynn House and Dr. Hess, 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;

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

f. Respondent shall, as required by the Administrator, submit to random substance testing by a qualified 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 participate in a 12-step program such as Alcoholics Anonymous, by attending at least two to three meetings a 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 and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the 12-step program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within 72 hours of his knowledge of that usage;

i. Respondent shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within 72 hours of that usage;

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

k. 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;

l. 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;

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

n. 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

o. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining nine (9)-month 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 June 8, 2010.

Respondent James Edward Musial 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.23713 - In re: Robert Sheldon Monitz. 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 Robert Sheldon Monitz is disbarred.

Order entered by the Court.

M.R.23720 - In re: Loren Elliotte Friedman. Disciplinary Commission.

The petitions by respondent Loren Elliotte Friedman 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 allowed. Respondent 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.23731 - In re: Derrick Daniel. 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 Derrick Daniel 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.23732 - In re: Gary Eugene Stark. 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 Gary Eugene Stark is suspended from the practice of law for one hundred twenty (120) days and until he makes restitution in the amount of \$712 to Susan and David Mann.

Suspension effective June 8, 2010.

Respondent Gary Eugene Stark 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.23733 - In re: James H. Himmel. 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 James H. Himmel is suspended from the practice of law for thirty (30) days.

Suspension effective June 8, 2010.

Respondent James H. Himmel 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.23734 - In re: Donald P. Lasica. Disciplinary Commission.

The petition by respondent Donald P. Lasica 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.23748 - In re: David Jack Rosenfeld. 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 David Jack Rosenfeld is suspended from the practice of law for sixty (60) days.

Suspension effective June 8, 2010.

Respondent David Jack Rosenfeld 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.23783 - In re: Michael Peter Butler. 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 Peter Butler is suspended from the practice of law for two (2) years.

Suspension effective June 8, 2010.

Respondent Michael Peter Butler 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.23784 - In re: Steven David Gustafson. 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 Steven David Gustafson is disbarred.

Order entered by the Court.

M.R.23785 - In re: Kevin Carroll Kakac. 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 June 8, 2010.

Respondent Kevin Carroll Kakac 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.

Karmeier, J., took no part.

M.R.23794 - In re: Kristine Ann Peshek. 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 Kristine Ann Peshek is suspended from the practice of law for sixty (60) days.

Suspension effective June 8, 2010.

Respondent Kristine Ann Peshek 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.

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 Jess Evan Forrest is suspended from the practice of law for one (1) year, stayed after two (2) months by a one (1)-year period of probation, subject to the following conditions:

a. Respondent shall attend and successfully complete the course conducted by the Illinois Professional Responsibility Institute;

b. 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 of 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.

Source documents which must be preserved for seven (7) years:

Bank statements

Deposit slips

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

Time and billing records

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.

Reconciliation

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 each reconciliation must be maintained for seven (7) years.

c. 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 (b);

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 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, and the remaining ten (10) months of suspension shall commence on the date of the determination that any term of probation has been violated.

Suspension effective June 8, 2010.

Respondent Jess Evan Forrest 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.23798 - In re: Robert Edward Borrows. 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 Edward Borrows is suspended from the practice of law for ninety (90) days.

Suspension effective June 8, 2010.

Respondent Robert Edward Borrows 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.23799 - In re: Robert Vincent Gildo. 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 Robert Vincent Gildo is censured and ordered to successfully complete the program offered by the Illinois Institute of Professional Responsibility within one (1) year of the entry of the order of discipline.

Order entered by the Court.

M.R.23801 - In re: Don Paul Koeneman, 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 Don Paul Koeneman, Jr. 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 three (3)-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. 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;

e. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

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

g. Respondent shall continue in his course of treatment with Steve H. Reimann, MA, LPC, or such other qualified mental health professional acceptable to the Administrator, and shall report to Mr. Reimann, or such other qualified mental health professional, on a regular basis of not less than once per month, with the Administrator advised of any change in attendance deemed warranted by such professional;

h. Respondent shall comply with all treatment recommendations of Mr. Reimann or such other qualified mental health professional, including the taking of medications as prescribed, and including participation in psychological counseling and therapy as may be recommended;

i. Respondent shall provide to Mr. Reimann, 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 plan;

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

k. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remainder of the two (2)-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 June 8, 2010.

Order entered by the Court.

Karmeier, J., took no part.

M.R.23808 - In re: David Andrew Pollock. 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 David Andrew Pollock is suspended from the practice of law for sixty (60) days.

Suspension effective June 8, 2010.

Respondent David Andrew Pollock 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.23811 - In re: James E. Hinterlong. 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 James E. Hinterlong is disbarred.

Order entered by the Court.

M.R.23813 - In re: Robert A. Suding, 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 Robert A. Suding, Jr. 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.23827 - In re: Donald Ray Brewer. 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 Donald Ray Brewer is censured and ordered to successfully complete the program of the Illinois Institute of Professional Responsibility within one (1) year of the entry of the order of discipline.

Order entered by the Court.

M.R.23852 - In re: Scott David Spooner. 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 Scott David Spooner is censured.

Order entered by the Court.