

SUPREME COURT OF ILLINOIS

THURSDAY, NOVEMBER 13, 2014

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.26732 - In re: Brian Keith Sides. Disciplinary Commission.

The petitions by the Administrator of the Attorney Registration and Disciplinary Commission and respondent Brian Keith Sides 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 five (5) months, with the suspension stayed after sixty (60) days by a two (2) year period of probation subject to the following conditions:

a. Respondent's practice of law shall be supervised by a licensed attorney acceptable to the Administrator. Respondent shall provide the name, address, and telephone number of the supervising attorney to the Administrator. Within the first thirty (30) days of probation, respondent shall meet with the supervising attorney and meet at least once a month thereafter. Respondent shall authorize the supervising attorney to provide a report in writing to the Administrator, no less than once every quarter, regarding respondent's cooperation with the supervising attorney, the nature of respondent's work, and the supervising attorney's general appraisal of respondent's practice of law;

b. Respondent shall provide notice to the Administrator of any change in supervising attorney within fourteen (14) days of the change;

c. Within the first year of his period of probation, respondent shall attend and successfully complete the ARDC Professionalism Seminar;

d. 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;

e. Respondent shall attend meetings as scheduled by the Commission probation officer;

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

g. 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

h. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining period of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective December 4, 2014.

Respondent Brian Keith Sides 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.26856 - In re: Vivien Jo Cockburn. 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 Vivien Jo Cockburn, who has been disciplined in the State of Virginia, is censured in the State of Illinois.

Order entered by the Court.

M.R.26886 - In re: Jeffrey Kenneth McGinness. 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 Jeffrey Kenneth McGinness, who has been disciplined in the State of Iowa, is suspended from the practice of law for six (6) months in the State of Illinois and until he is reinstated by the Supreme Court of Iowa.

Suspension effective December 4, 2014.

Respondent Jeffrey Kenneth McGinness 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.26897 - In re: Robert Scott Forbes. Disciplinary Commission.

The motion by Robert Scott Forbes 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.26898 - In re: Warren G. McElwain. 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 Warren G. McElwain is suspended from the practice of law for thirty (30) days.

Suspension effective December 4, 2014.

Respondent Warren G. McElwain 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.26901 - In re: Richard Dudley Borah. 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 Richard Dudley Borah is suspended from the practice of law for two (2) years and until he successfully completes the Attorney Registration and Disciplinary Commission Professionalism Seminar and until he provides proof of restitution as follows: \$53,476.91 to Carroll Borah; \$53,476.91 to Perry Borah; \$49,274.67 to Mary Borah; \$49,274.67 to Wilma Borah; and \$900.80 to Mark Haney.

Suspension effective December 4, 2014.

Respondent Richard Dudley Borah 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.26902 - In re: Walter Thomas Keane. 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 Walter Thomas Keane, who has been disciplined in the State of Utah, is reprimanded in the State of Illinois.

Order entered by the Court.

M.R.26903 - In re: Michael Samuel Froman. Disciplinary Commission.

The motion by Michael Samuel Froman 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.26904 - In re: James J. Kemp, Jr. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent James J. Kemp, Jr., is suspended from the practice of law for sixty (60) days.

Suspension effective December 4, 2014.

Respondent James J. Kemp, Jr., 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.26910 - In re: Per Kays Hanson. Disciplinary Commission.

The petition by Per Kays Hanson to be placed on permanent retirement status pursuant to Supreme Court Rule 756(a)(8) is allowed, effective immediately.

Order entered by the Court.

M.R.26915 - In re: John Walter Reed, 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 John Walter Reed, Jr., who has been disciplined in the State of California, is reprimanded in the State of Illinois and required to successfully complete the conditions imposed upon respondent by the State Bar Court of California.

Order entered by the Court.

M.R.26919 - In re: Corinda Luchetta. Disciplinary Commission.

The petition by respondent Corinda Luchetta for a reciprocal discipline hearing pursuant to Supreme Court Rule 763 is denied.

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 Corinda Luchetta, who has been disciplined in the State of Florida, is suspended from the practice of law for ninety-one (91) days in the State of Illinois and until she is reinstated in the State of Florida.

Suspension effective December 4, 2014.

Respondent Corinda Luchetta 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.

Orders entered by the Court.

M.R.26924 - In re: David B. Carlson. Disciplinary Commission.

The petition by David B. Carlson to be placed on permanent retirement status pursuant to Supreme Court Rule 756(a)(8) is allowed, effective immediately.

Order entered by the Court.

M.R.26931 - In re: Abigail A. Williams. 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 Abigail A. Williams, who has been disciplined in the District of Columbia, is suspended from the practice of law in the State of Illinois for six (6) months, with all but the first sixty (60) days stayed by a one (1) year period of probation subject to the conditions imposed upon respondent by the District of Columbia Court of Appeals.

Suspension effective December 4, 2014.

Respondent Abigail A. Williams 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/probation.

Order entered by the Court.

M.R.26932 - In re: Michael Naphtali Miller. 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 Michael Naphtali Miller is suspended from the practice of law for five (5) months.

Suspension effective December 4, 2014.

Respondent Michael Naphtali Miller 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.26933 - In re: John Edgar Longwell. 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 John Edgar Longwell is suspended from the practice of law for three (3) years and until further order of the Court, and prior to filing a petition for reinstatement, required to pay restitution in the amount of \$1,154 to George Watson; \$799 to Mary Blei; \$899.99 to Melva Burcham; and \$1,070 to David Zarillo; plus interest, respectively, at the rate of nine (9) percent per annum, compounded from the date of the Court's final order of discipline.

Order entered by the Court.

Karmeier, J., took no part.

M.R.26938 - In re: Monica E. Ribbeck. Disciplinary Commission.

The petition by respondent Monica E. Ribbeck 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.26946 - In re: Lori Jo Kieffer. Disciplinary Commission.

The petition by respondent Lori Jo Kieffer for a reciprocal discipline hearing pursuant to Supreme Court Rule 763 is denied.

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 Lori Jo Kieffer, who has been disciplined in the State of Iowa, is suspended from the practice of law for six (6) months in the State of Illinois and until she is reinstated in the State of Iowa.

Suspension effective December 4, 2014.

Respondent Lori Jo Kieffer 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.

Orders entered by the Court.

M.R.26958 - In re: Ayla Nicole Ellison. 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 Ayla Nicole Ellison 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:

a. Respondent shall continue to see a board eligible/certified psychiatrist for continued treatment and pharmacological management with psychotropic medication of her Major Depressive Recurrent Episode - Mild Severity and Generalized Anxiety Disorder;

b. Respondent shall continue with individual outpatient therapy throughout the period of probation;

c. Respondent shall provide to her treating mental health professionals an appropriate release authorizing the treating professionals 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;

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

e. 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 her practice of law, and the nature and extent of her compliance with the conditions of probation;

f. 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 her conduct;

g. 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;

h. Probation shall be revoked if respondent is found to have violated any of the foregoing terms. Respondent's 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

i. If respondent successfully completes the term of her probation, the probation shall terminate without further order of the Court.

Suspension effective December 4, 2014.

Respondent Ayla Nicole Ellison 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/probation.

Order entered by the Court.

M.R.26960 - In re: Charles Harley Stegmeyer. 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 Harley Stegmeyer is suspended from the practice of law for sixty (60) days.

Suspension effective December 4, 2014.

Respondent Charles Harley Stegmeyer 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.26973 - In re: James Robert Cundiff. Disciplinary Commission.

The petition by James Robert Cundiff to be placed on permanent retirement status pursuant to Supreme Court Rule 756(a)(8) is allowed, effective immediately.

Order entered by the Court.

M.R.26988 - In re: James A. Spizzo. 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 James A. Spizzo is suspended from the practice of law for two (2) years.

Suspension effective December 4, 2014.

Respondent James A. Spizzo 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.26991 - In re: Richard Cuyler Folk. Disciplinary  
M.R.26431 Commission.

(26991) The motion by respondent Richard Cuyler Folk to expedite the effective date of discipline is allowed.

Effective immediately, 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 Richard Cuyler Folk is suspended from the practice of law for two (2) years 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:

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

b. Respondent shall continue in his course of treatment with Brenda Palmieri, CADC, and Margaret Harris, P.A., at Sinnissippi Treatment Centers or such other qualified health professional acceptable to the Administrator, and shall report to Ms. Palmieri or such other qualified mental health professional on a regular basis of not less than twice monthly, with the Administrator advised of any change in attendance deemed warranted by such professional;

c. Respondent shall comply with all treatment recommendations of Ms. Palmieri, Ms. Harris, and his primary care physician Dr. Karen Gellada or such other qualified health professional, including the taking of medications as prescribed;

d. Respondent shall provide to Ms. Palmieri, Ms. Harris, Dr. Gellada 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 Cocaine Anonymous, Narcotics Anonymous, Alcoholics Anonymous and/or the Lawyers' Assistance Program, by attending at least two meetings per week for a year then at least one meeting per week for the second year. Respondent is to maintain a log of his attendance at the meetings and submit it to the Administrator with the quarterly reports referred to in sub-paragraph (k), below;

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 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;

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

m. 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;

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;

o. 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;

p. The conditions of probation shall commence upon the effective date of the order imposing discipline, other than the identification of his 12-step sponsor as provided in sub-paragraph (h), above, and probation shall be revoked if respondent is found to have violated any of the terms of probation. The two (2)-year period of suspension shall commence from the date of the determination that any terms of probation have been violated and shall continue until further order of the Court; and

q. If respondent successfully completes the term of his probation, the probation shall terminate without further order of the Court.

Orders entered by the Court.

(26431) The rule to show cause that issued to respondent Richard Cuyler Folk on December 24, 2013, pursuant to Supreme Court Rule 761, and continued until further order of the Court on February 13, 2014, is discharged.

Order entered by the Court.

M.R.27000 - In re: John Charles Clavio. 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 Charles Clavio is suspended from the practice of law for sixty (60) days.

Suspension effective December 4, 2014.

Respondent John Charles Clavio 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.