

SUPREME COURT OF ILLINOIS

THURSDAY, MAY 22, 2003

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.18575 - In re: John Joseph Carey and Joseph Peter Danis.
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. Respondents John Joseph Carey and Joseph Peter Danis are each suspended from the practice of law for six (6) months, as recommended by the Review Board.

Respondents John Joseph Carey and Joseph Peter Danis shall reimburse the Disciplinary Fund for any Client Protection payments arising from their conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.18666 - In re: Bruce F. Bowman. Disciplinary Commission.

The petition by respondent Bruce F. Bowman for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is transferred to disability inactive status until further order of the Court pursuant to Supreme Court Rule 758, as recommended by the Review Board.

Order entered by the Court.

M.R.18681 - In re: Robert Bryan Cochonour. Disciplinary
18724 Commission.

(18681) The rule to show cause that issued to respondent Robert Bryan Cochonour pursuant to Supreme Court Rule 761 on April 8, 2003, is discharged.

Order entered by the Court.

Garman, J., took no part.

(18724) The motion by Robert Bryan Cochonour 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.

Garman, J., took no part.

M.R.18682 - In re: Mary Elizabeth Gorecki. Disciplinary
No. 96299 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 for leave to file exceptions shall stand as the brief of the Administrator-appellant. Remaining briefs to be filed according to Supreme Court Rule 343.

Order entered by the Court.

M.R.18686 - In re: David I. Roth. Disciplinary Commission.

The motion by David I. Roth 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.18687 - In re: James L. Neppl. 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 L. Neppl, who has been disciplined in the State of Iowa, is reprimanded in the State of Illinois.

Order entered by the Court.

M.R.18694 - In re: Stephen Thomas Carmick. 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 Stephen Thomas Carmick, who has been disciplined in the State of Washington, is suspended from the practice of law in the State of Illinois for sixty (60) days.

Respondent Stephen Thomas Carmick 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.18695 - In re: David Vincent Grigsby. Disciplinary Commission.

The petition by respondent David Vincent Grigsby for leave to file exceptions to the report and recommendation of the Review Board is allowed.

Respondent shall be reprimanded by the Hearing Board of the Attorney Registration and Disciplinary Commission, as recommended by the Hearing Board, except that the reprimand shall not contain the following language: "You are advised that while this reprimand is not formally presented to the Supreme Court... . "

Order entered by the Court.

M.R.18696 - In re: Curt Patrick Rehberg. 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 Curt Patrick Rehberg is censured.

Order entered by the Court.

M.R.18697 - In re: H. Dean Hamra. Disciplinary Commission.

The motion by H. Dean Hamra 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.18699 - In re: Brenda A. Rossini. 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 Brenda A. Rossini is disbarred.

Order entered by the Court.

M.R.18700 - In re: Frank Matthew Picl. 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 Frank Matthew Picl is censured.

Order entered by the Court.

M.R.18710 - In re: David Kite Stalker. 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 Kite Stalker 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.18711 - In re: Jimmy Ray Sturgeon. 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 Jimmy Ray Sturgeon is suspended from the practice of law for two and one-half (2.5) years and until he pays \$8,000 in restitution to Platinum Electric Supply.

Respondent Jimmy Ray Sturgeon 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.18716 - In re: Reginald Clinton Griffin. 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 Reginald Clinton Griffin 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.18719 - In re: Richard P. Eickhoff. Disciplinary Commission.

The Administrator of the Attorney Registration and Disciplinary Commission having filed exceptions to the petition of Richard P. Eickhoff for restoration to active status pursuant to Supreme Court Rule 759, the petition and exceptions are referred to the Hearing Board of the Attorney Registration and Disciplinary Commission for a hearing.

Order entered by the Court.

M.R.18722 - In re: Martin E. Litwin. Disciplinary Commission.

The motion by Martin E. Litwin 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.18725 - In re: Philip E. Schickedanz. 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, with modifications to probationary conditions (b) and (g), as agreed by the parties, is allowed. Respondent Philip E. Schickedanz is suspended from the practice of law for six (6) months and until further order of the Court, with the suspension stayed after ninety (90) days by a four (4)-year period of probation subject to the following conditions:

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

b. Respondent shall continue with such outpatient courses of treatment as the clinical supervisor at Gateway Foundation may recommend. In addition, respondent shall commence within thirty (30) days, and thereafter comply with, the course of treatment recommended by Dr. Dan Angres, of the Rush Behavioral Health Center, or other such qualified mental health professional acceptable to the Administrator, including the taking of medications as prescribed;

c. Respondent shall keep the Administrator informed of his current course of treatment, his attendance, and any change in the course of treatment;

d. Respondent shall provide to Dr. Angres, or such other qualified mental health professional, an appropriate release as required under the Confidentiality Act of the Mental Health Code, 740 ILCS 110/1 et seq., authorizing the treating professional to: (1) disclose to the Administrator on a 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, 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 participate in Alcoholics Anonymous by attending at least three meetings a week, and 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's practice of law shall be supervised by a licensed attorney acceptable to the Administrator. Respondent shall notify the Administrator of the names and addresses of any attorneys with whom he establishes a supervisory relationship, and shall provide notice of any change in supervising attorneys within fourteen (14) days of the change. Respondent shall authorize the supervising attorney to provide a report in writing to the Administrator no less than every six (6) months, regarding the nature of respondent's work, the number of cases being handled by respondent and the supervisor's general appraisal of respondent's continued fitness to practice law;

k. 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 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 Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigation 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 Disciplinary Fund for any Client Protection payments arising from his conduct;

p. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remainder of the six (6)-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; and

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

Order entered by the Court.

M.R.18727 - In re: Brian Stuart Zenner. 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 Brian Stuart Zenner is suspended from the practice of law for two (2) years.

Respondent Brian Stuart Zenner 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.18728 - In re: Richard Bruce Girdler. 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 Richard Bruce Girdler, who has been disciplined in the State of New Jersey, is suspended from the practice of law in the State of Illinois for three (3) months and until he is reinstated to the practice of law in New Jersey.

Respondent Richard Bruce Girdler 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.18741 - In re: Joseph James Bitter. 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 Joseph James Bitter, who has been disciplined in the State of Iowa, is reprimanded in the State of Illinois.

Order entered by the Court.

M.R.18743 - In re: Richard F. Morton. 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 Richard F. Morton is suspended from the practice of law for one (1) year and until respondent complies with Supreme Court Rule 764, successfully completes an alcohol dependency program, and pays restitution as ordered in In re Morton, M.R. 17272 (March 22, 2001), i.e. \$17,000, plus interest accruing at 9 percent per annum, to Vahooman Mirkhaef.

Respondent Richard F. Morton 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.18754 - In re: Mary Ellen Zydowsky. Disciplinary Commission.

The motion by Mary Ellen Zydowsky to transfer to disability inactive status pursuant to Rule 758 is allowed, and Mary Ellen Zydowsky is transferred to inactive status until further order of the Court.

Order entered by the Court.

SUPREME COURT OF ILLINOIS

OPINION LIST

Springfield, Illinois, May 22, 2003

Opinions have this day been filed in the following cases:

- No. 84933 - People State of Illinois, appellee, v. Keith Shum, appellant. Appeal, Circuit Court (Cook).
Affirmed in part and reversed in part; remanded with directions.
- No. 87958 - People State of Illinois, appellee, v. Corey Moore, appellant. Appeal, Circuit Court (Cook).
Remanded with directions.
- No. 93347 - Illinois Education Association, etc., appellant, v. Illinois State Board of Education, appellee. Appeal, Appellate Court, Fourth District.
Appellate court judgment reversed; circuit court judgment reversed; cause remanded.
- No. 93511 - People State of Illinois, appellee, v. Esmon Vinci Jones, appellant. Appeal, Appellate Court, Fourth District.
Appellate court affirmed in part and vacated in part; circuit court affirmed in part and vacated in part; cause remanded.
Fitzgerald, J., specially concurring.
McMorrow, C.J., joined in part by Freeman and Kilbride, JJ., dissenting.
Freeman and Kilbride, JJ., also dissenting.
- No. 93608 - In re James E. (People State of Illinois, appellee, v. James E., appellant). Appeal, Appellate Court, Fifth District.
Affirmed.
Rarick, J., took no part.
Thomas, J., specially concurring.
McMorrow, C.J., joined by Freeman, J., dissenting.
- No. 93729 - Sisbro, Inc., appellee, v. The Industrial Commission of Illinois (George Rodriguez, appellant). Appeal, Appellate Court, Fourth District.
Appellate court judgment reversed; circuit court judgment affirmed.
Rarick, J., took no part.
- No. 93952 - People State of Illinois, appellant, v. Kenneth M. Alexander, appellee. Appeal, Circuit Court (Lake).
Reversed and remanded.

- No. 94029 - David J. Shields, appellant, v. The Judges' Retirement System of Illinois et al., appellees. Appeal, Appellate Court, First District.
Appellate court judgment reversed; circuit court judgment affirmed.
McMorrow, C.J., took no part.
- No. 94677 - Soryia Collingbourne, appellant, v. Geoff B. Collingbourne, appellee. Appeal, Appellate Court, Second District.
Appellate court judgment reversed; circuit court judgment affirmed.