

**BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION**

In the Matter of :)
)
 LOUIS L. BERTRAND,) Commission No. 2023PR00043
)
 Attorney-Respondent,)
)
 No. 6187917.)

AMENDED ANSWER TO COMPLAINT

NOW COMES the Respondent, LOUIS L. BERTRAND, by and through his attorneys, KONICEK & DILLON, P.C., and, as and for his Amended Answer to the Complaint, states as follows:

COUNT I

(Lack of Diligence and False Statements to a Client - Robert Covone)

1. On December 19, 2015, Robert Covone ("Covone") was driving eastbound on Army Trail Road in Bloomingdale when his vehicle was struck from behind by a vehicle operated by Jeffery Godke ("Godke"). Covone suffered injuries as a result of the automobile accident.

ANSWER: The Respondent admits the allegations contained in paragraph 1.

2. Prior to September 12, 2017, Respondent and Covone agreed that Respondent would file a personal injury action against Godke and that Respondent would receive a contingent fee of one-third of any settlement received plus costs. Respondent did not provide Covone with a written contingent fee agreement.

ANSWER: The Respondent denies that Covone was not provided with a written contingent fee agreement.

FILED
9/1/2023 4:26 PM
ARDC Clerk

3. On September 12, 2017, Respondent filed his appearance and a complaint on Covone's behalf against Godke in the Eighteenth Judicial Circuit, DuPage County. The matter was docketed as case number 2017LI 007 and titled *Covone v. Godke*. The matter was scheduled for a status hearing on December 11, 2017.

ANSWER: The Respondent admits the allegations contained in paragraph 3.

4. Illinois Supreme Court Rule I 02(a) provides: "Promptly upon issuance, summons (together with copies of the complaint as required by Rule I 04) shall be placed for service with the sheriff or other officer or person authorized to serve process."

ANSWER: The Respondent admits the Supreme Court Rules.

5. Respondent made no efforts to effectuate the service of summons on Godke after he filed the complaint in case number 2017LI 007.

ANSWER: The Respondent admits the allegations contained in paragraph 5.

6. On December 11, 2017, Respondent did not appear for the status hearing that was scheduled for case number 2017LI007. The court continued the matter for a case management conference on February 28, 2018.

ANSWER: The Respondent admits the allegations contained in paragraph 6.

7. On February 28, 2018, Respondent did not appear for the case management conference that was scheduled for case number 20 I 7L I 007. The court continued the matter for a status hearing on May 2, 2018.

ANSWER: The Respondent admits the allegations contained in paragraph 7.

8. On May 2, 2018, Respondent did not appear for the status hearing that was scheduled for case number 2017LI 007. The court continued the matter for a status hearing on June 13, 2018, and directed the Circuit Clerk to send a copy of the court's order to Respondent. On May

4, 2018, the Circuit Clerk mailed a copy of the court's order to Respondent's law office. Respondent received the court's May 2, 2018 order.

ANSWER: The Respondent admits the allegations contained in Paragraph 8.

9. On June 13, 2018, Respondent did not appear for the status hearing that was scheduled for case number 2017 L 1007. The court continued the matter for a status hearing on July 19, 2018.

ANSWER: The Respondent admits the allegations contained in paragraph 9.

10. On July 19, 2018, Respondent did not appear for the status hearing that was scheduled for case number 2017L1007. The court continued the matter for a status hearing on September 20, 2018.

ANSWER: The Respondent admits the allegations contained in paragraph 10.

11. On September 20, 2018, Respondent did not appear for the status hearing that was scheduled for case number 2017LI007. The court entered an order that directed Respondent to appear in court on October 25, 2018 for a status report, and directed the Circuit Clerk to send a copy of the court's order to Respondent. On September 25, 2018, the Circuit Clerk mailed a copy of the court's order to Respondent's law office. Respondent received the court's September 20, 2018 order.

ANSWER: The Respondent admits the first three sentences of Paragraph 11. As to the fourth sentence, the Respondent either did not receive a copy of the order entered on September 20, 2018 or if it was received in his office it was not calendared properly in that the October 25, 2018 date was not on either of the Respondent's court calendars.

12. Respondent did not appear in court on October 25, 2018, for case number 2017L1007, as directed by the court. The court continued the matter for a status hearing on November 29, 2018.

ANSWER: The Respondent admits the allegations contained in paragraph 12.

13. On November 29, 2018, Respondent did not appear in court for the status hearing that was scheduled for case number 2017LI007. The court continued the matter for a status hearing to February 7, 2019. On December 3, 2018, the Circuit Clerk mailed a copy of the court's November 29, 2018 order to Respondent's law office. Respondent received the court's November 29, 2018 order.

ANSWER: The Respondent admits the first three sentences of Paragraph 13. As to the fourth sentence, the Respondent either did not receive a copy of the Order entered on November 29, 2018 or if it was received in his office it was not calendared properly.

14. On February 7, 2019, Respondent did not appear in court for the status hearing in case number 2017LI007. The court entered an order dismissing the matter for want of prosecution. On February 7, 2019, the Circuit Clerk mailed an official notice of dismissal for want of prosecution to Respondent's law office. The official notice stated that Respondent must file a petition to vacate and address the court to have the case reinstated. Respondent received the official notice.

ANSWER: The Respondent admits the first three sentences of Paragraph 14. As to the fourth sentence, the Respondent either did not receive a copy of the Order entered on February 7, 2019 or if it was received in his office it was not calendared properly.

15. At no time after February 7, 2019, did Respondent file a motion to vacate the court's February 7, 2019 order.

ANSWER: The Respondent admits the allegations contained in paragraph 15.

16. As a result of Respondent's failure to file a motion to vacate the court's February 7, 2019 order, Covone's cause of action against Godke is barred.

ANSWER: The Respondent admits the case was dismissed.

17. At no time after February 7, 2019, did Respondent inform Covone that the court had entered an order dismissing case number 2017L I 007 for want of prosecution.

ANSWER: The Respondent denies the allegations set forth in Paragraph 17.

18. Between February 7, 2019 and July 2020, Respondent and Covone communicated on numerous occasions about the status of case number 2017LI007. During those communications, Respondent informed Covone that case number 2017L I 007 was still pending.

ANSWER: The Respondent admits that he communicated with Covone and informed him of his belief that the case was still pending.

19. Respondent's statements to Covone that case number 2017LI 007 was still pending were false because the court entered an order on February 7, 2019, dismissing the matter for want of prosecution, and Respondent failed to file a timely petition to vacate the court's February 7, 2019 order.

ANSWER: The Respondent had no knowledge to the fact that the case was dismissed when any statements were made to Covone

20. At the time Respondent made the statements to Covone that case number 2017L 1007 was still pending, he knew the matter had been dismissed for want of prosecution.

ANSWER: The Respondent denies the allegations contained in paragraph 20.

21. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to issue a summons to the defendant in case number 2017L1007, failing to appear for 10 status hearings in case number 2017LI007, and failing to file a timely petition to vacate the court's February 7, 2019 order dismissing case number 2017L1007 for want of prosecution, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);

- b. failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these rules, by conduct including failing to inform Covone that Respondent had failed to issue summons in case number 2017L1007, and failing to inform Covone that the court had entered an order dismissing case number 2017L1007 for want of prosecution, in violation of Rule 1.4(a)(1) of the Illinois Rules of Professional Conduct (2010);
- c. failing to keep the client reasonably informed about the status of the matter, by conduct including failing to inform Covone that Respondent had failed to issue summons in case number 2017L1007, and failing to inform Covone that the court had entered an order dismissing case number 2017L1007 for want of prosecution, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- d. failing to enter into a written fee agreement with Covone in his lawsuit against Godke, when his fee for legal services he provided to Covone was contingent upon the outcome of the matter, in violation of Rule 1.5(c) of the Illinois Rules of Professional Conduct (2010); and
- e. conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including making statements to Covone that case number 2017L1007 was still pending when Respondent knew that the matter had been dismissed for want of prosecution, and Respondent knew that he failed to file a timely petition to vacate the court's February 7, 2019 order dismissing the matter for want of prosecution, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

ANSWER: The Respondent denies the allegations contained in paragraph 21, including subparagraphs a-e.

Respectfully submitted,

/s/Daniel F. Konicek
Attorneys for Louis L. Bertrand

Daniel F. Konicek (#6205408)
Amanda J. Hamilton (#6306098)
KONICEK & DILLON, P.C.
21 West State Street
Geneva, IL 60134
(630) 262-9655
dan@konicekdillonlaw.com
amanda@konicekdillonlaw.com

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:

LOUIS L. BERTRAND,) Commission No. 2023PR00043
)
Attorney-Respondent,)
)
No. 6187917.)

NOTICE OF FILING

To: Tammy L. Evans tevens@iadc.org
Illinois Attorney Registration and
Disciplinary Commission
3161 West White Oaks Drive, Ste. 301
Springfield, IL 62704
ardceservice@iadc.org

PLEASE TAKE NOTICE that on September 1, 2023, we electronically e-filed through Odyssey e-file IL the AMENDED ANSWER TO COMPLAINT on behalf of the Attorney-Respondent LOUIS L. BERTRAND, copies of which are attached hereto and served upon you.

Respectfully submitted,

/s/Daniel F. Konicek
Attorney for Attorney-Respondent Bertrand

September 1, 2023

Name: Daniel F. Konicek (6205408)
Address: Konicek & Dillon, P.C.
21 W. State Street
Geneva, IL 60134-2238
Telephone: (630) 262-9655

dan@konicekdillonlaw.com

FILED
9/1/2023 4:26 PM
ARDC Clerk