

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

In the Matters of:)	
)	
STANLEY E. NIEW,)	Commission No. 2016PR00069
Attorney No. 2053721,)	
)	
and)	
)	
ANTHONY ALLEGRA,)	Commission No. 2016PR00070
Attorney No. 6295759,)	
)	
Respondents.)	

RESPONDENT STANLEY E. NIEW’S ANSWER TO FIRST AMENDED COMPLAINT

Respondent, Stanley E. Niew (“Stan”), by his attorneys, Burke, Warren, MacKay & Serritella, P.C., and pursuant to Commission Rule 233, makes the following answer to the First Amended Complaint filed by the Attorney Registration and Disciplinary Commission (“ARDC”):

COMMISSION RULE 231 STATEMENT

Stan was licensed to practice law in the State of Illinois on November 27, 1972. Stan was also admitted under the name Stanley E. Niew to the following Courts on the following dates: the United States District Court for the Northern District of Illinois (December 19, 1972); and the Seventh Circuit Court of Appeals (October 18, 1996). Respondent has no other professional license other than his license to practice law and has not been licensed to practice law in any other jurisdiction.

FILED

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**ATTY REG & DISC COMM
CHICAGO**

FACTS COMMON TO ALL COUNTS

1. At all times alleged in this complaint, Supreme Court Rule 764(b) provided that an attorney who was disbarred or suspended for six months or more shall not maintain a presence or occupy an office where the practice of law is conducted. Supreme Court Rule 764 also placed a duty upon all attorneys affiliated with the disciplined attorney as partner or associate to take reasonable action necessary to insure that the disciplined attorney complied with the provision of Supreme Court Rule 764(b).

ANSWER: Supreme Court Rule 764 ("Rule 764") is the best evidence of its provisions, conditions and content, and Stan denies any allegations which attempt to summarize, paraphrase or interpret Rule 764.

2. On December 17, 2012, the Administrator filed a complaint before the Hearing Board against Kathleen Niew ("Ms. Niew"), Respondent Niew's wife, alleging her mishandling of approximately \$2.34 million belonging to a client she was representing in a real estate transaction. The matter was docketed In re Niew, No. 2012PR00162.

ANSWER: Admitted, subject to the qualification that Stan did not know of the ARDC's complaint against his wife, Kathleen, (including the details of the underlying allegations of said complaint) until after he resigned from Niew Legal Partners, P.C. ("Niew Legal Partners") on February 19, 2013.

3. In January 2013, Respondent Allegra became an associate at Niew Legal Partners, P.C., which was located at 1000 Jorie Boulevard, Suite 206 in Oakbrook. Respondent Niew and Ms. Niew were partners at Niew Legal Partners, and Respondent Allegra and attorney Ryan Liska ("Liska") were associates at Niew Legal Partners. Heather Tichy ("Tichy") was a paralegal at Niew Legal Partners and Bernadette Ibaska ("Ibaska") was the secretary at Niew Legal Partners. In March 2013, Liska left Niew Legal Partners.

ANSWER: Stan denies the allegation that he was a partner with his wife Kathleen at Niew Legal Partners, at any point in time. Stan lacks sufficient information to definitively admit or deny the details of Allegra's affiliation with Niew Legal Partners, subject to the qualification that he believes at one point Allegra was a contract attorney for and subsequently employed by Niew Legal Partners. Stan further admits that Liska worked for Niew Legal Partners, but lacks sufficient information to definitively admit or deny his relationship therewith, whether contractor

or employee. Stan believes, and therefore admits, that both Tichy and Ibaska were employed by Niew Legal Partners, as a paralegal and legal secretary, respectively. Stan admits that Liska separated from Niew Legal Partners shortly after Stan resigned therefrom in February, 2013. Stan further admits that Niew Legal Partners utilized offices at the address alleged, 1000 Jorie Boulevard, Suite 206, Oakbrook, Illinois (the "Jorie Blvd. Offices"). To the extent necessary, Stan denies the remaining allegations of paragraph 3 of the Complaint.

4. On March 13, 2013, pursuant to Supreme Court Rule 774, the Administrator filed a petition for rule to show cause why Ms. Niew should not be suspended from the practice of law on an interim basis pending the resolution of her disciplinary charges. On March 21, 2013, the Illinois Supreme Court issued a rule requiring Ms. Niew to show cause in writing why she should not be suspended on an interim basis, effective immediately and until further order of the Court. Ms. Niew did not answer the rule to show cause.

ANSWER: Stan lacks sufficient information to admit or deny the allegations in paragraph 4 of the Complaint.

5. On May 7, 2013, the Illinois Supreme Court entered an order enforcing the rule to show cause, and suspending Respondent from the practice of law effective that same date and until further order of the Court.

ANSWER: Stan lacks sufficient information to admit or deny the allegations in paragraph 5 of the Complaint, subject to the qualification that at some point after May 7, 2013, Stan learned that his wife, Kathleen, had been suspended from the practice of law in Illinois, effective on that date.

6. Later in May 2013, Respondent Niew learned that the Court had suspended Ms. Niew from the practice of law on an interim basis.

ANSWER: Stan lacks sufficient information as to when he learned that Kathleen had been suspended from the practice of law, but does not deny learning so after May 7 and/or that she was in fact suspended.

7. In April 2013, Niew Legal Partners became the Law Offices of Stanley Niew. Between May 2013 and June 2014, the Law Offices of Stanley Niew remained at the same location as Niew Legal Partners. Respondent Niew, Ms. Niew, Respondent Allegra, Tichy, and

Ibaska remained employees at the Law Offices of Stanley Niew. For this period of 14 months, Ms. Niew maintained a presence at 1000 Jorie Boulevard, Suite 206 in Oakbrook. During that period of time, Ms. Niew met with clients of the Law Offices of Stanley Niew and worked with Respondent Niew's associate, Anthony Allegra. Ms. Niew also used the Law Offices of Stanley Niew's receptionist, Bernadette Ibaska, as well as the firm's paralegal, Heather Tichy. As a result of her continued presence at the same law office where she was previously employed at Niew Legal Partners, her work with Respondent Allegra and his staff, and her previous association with Respondent Niew at Niew Legal Partners, Respondent Niew and Ms. Niew remained associated-in-fact, thereby obliging Respondent Niew to comply with the requirements of Supreme Court Rule 764.

ANSWER: Stan denies that Niew Legal Partners “became” The Law Offices of Stanley E. Niew and that his wife, Kathleen, was ever employed by Stan’s law practice (including Stan’s PC as defined below). Stan admits that after he resigned from Niew Legal Partners on February 19, 2013, he operated as a sole proprietorship to practice law, referred to as the Law Offices of Stanley E. Niew, until he obtained a certification from the Illinois Supreme Court to practice law as a professional corporation, the Law Offices of Stanley E. Niew, P.C. (“Stan’s PC”), on or about June 5, 2013. Stan further admits that his law practice, whether the Law Offices of Stanley E. Niew or Stan’s PC, operated from the same physical location as had Niew Legal Partners (i.e., the Jorie Blvd. Offices). Stan further admits that Allegra, Tichy, and Ibaska began to work for his law practice in connection with it being established. Stan asserts that whether his wife, Kathleen, “maintain[ed] a presence” at the Jorie Blvd. Offices is a legal conclusion to which no answer is required. In further answer, Stan admits that at various points in time, on or near the dates alleged, his wife, Kathleen, was physically present at the Jorie Blvd. Offices, but not engaged in the practice of law, and that, at some point, his wife, Kathleen, ceased to be present at the Jorie Blvd. Offices. Further answering, Stan asserts that, to the extent any meeting took place with Kathleen and Allegra, as alleged, any such meeting was with former clients of Niew Legal Partners, P.C. or clients of other entities located at the Jorie Blvd. Office which Kathleen owned and operated (e.g., Niew Financial Services, Inc.). Stan lacks sufficient

information to admit or deny whether Kathleen “used” Ibaska and/or Tichy. To the extent necessary, Stan denies that he and Kathleen were “associated-in-fact,” and further states that such a relationship (whatever it means and to the extent it exists) is insufficient to obligate him in any way as to Illinois Supreme Court Rule 764. Further answering, to the extent necessary, Stan denies the remaining allegations of paragraph 7 of the Complaint.

8. On June 27, 2013, a default hearing was held in relation to Commission number 2012PR00162, after which the Hearing Board issued a report and recommendation recommending that Ms. Niew be disbarred.

ANSWER: Stan lacks sufficient information to admit or deny the allegations in paragraph 8 of the Complaint, subject to the qualification that at some point Stan learned that his wife, Kathleen, had been disbarred from the practice of law in Illinois, effective November 20, 2013. Further answering, Stan admits the existence of the Report and Recommendation of the Hearing Board, Default Proceeding, as to 2012PR00162 and the Order of the Illinois Supreme Court dated November 20, 2013, as available in public records. To the extent necessary, Stan denies any remaining allegations in paragraph 8 of the Complaint.

9. On November 20, 2013, the Court entered an order disbaring Ms. Niew as a result of her mishandling of her client's \$2.34 million.

ANSWER: Admitted, subject to Stan's answer to paragraphs 2 and 8 of the Complaint.

10. Shortly after November 20, 2013, Respondent Niew learned that Ms. Niew had been disbarred.

ANSWER: Admitted, subject to the qualification that Stan lacks sufficient information to admit or deny when he learned that his wife, Kathleen, had been disbarred.

11. In late November 2013, Respondent Allegra learned that Ms. Niew had been disbarred.

ANSWER: The allegations in paragraph 11 of the Complaint are not directed to Stan and thus Stan makes not answer to this allegation.

COUNT I

(Allowing Kathleen Niew, a disciplined attorney, to maintain a presence in a law office and assisting her in the unauthorized practice of law)

The Administrator alleges that Respondent Niew has engaged in the following conduct:

12. Between November 20, 2013, the date that the Court entered an order disbaring Ms. Niew, through late May or early June 2014, Respondent Niew allowed Ms. Niew to maintain a presence at his law office located at 1000 Jorie Boulevard, Suite 206 in Oakbrook.

ANSWER: Stan incorporates his answers to paragraphs 8-10 of the Complaint as it relates to the dates of his wife's disbarment. Further answering, Stan asserts that whether his wife, Kathleen, "maintain[ed] a presence" at the Jorie Blvd. Offices is a legal conclusion to which no answer is required. In further answer, Stan admits that at various points in time, on or near the dates alleged, his wife, Kathleen, was physically present at the Jorie Blvd. Offices, but not engaged in the practice of law, and that, at some point, his wife, Kathleen, ceased to be present at the Jorie Blvd. Offices. Stan denies the remaining allegations of paragraph 12 of the Complaint.

13. Between November 20, 2013 and about early June 2014, Ms. Niew maintained an office in the Jorie Boulevard suite, and she was physically present in the office four to five times per week. During that same period of time Respondent Niew observed Ms. Niew talking on the office telephone, writing letters on the office computer, and conducting meetings. Although Respondent Niew knew that his wife had been disbarred, he encouraged her to deposit money into the firm's client funds account that he knew or should have known was client money for legal services.

ANSWER: Stan asserts that whether his wife, Kathleen, "maintained a presence" at the Jorie Blvd. Offices is a legal conclusion to which no answer is required. Further answering, Stan admits that his wife, Kathleen, was physically present in the Jorie Blvd. Offices and using a computer, attending meetings and/or using the telephone. Stan denies the remaining allegations of paragraph 13 of the Complaint, including and in particular that he encouraged his wife,

Kathleen, to deposit money into the firm's client funds account that he knew or should have known was client money for legal services.

14. Between November 20, 2013 and June 2014, Ms. Niew participated in meetings with legal clients at least 8 times, including:

Meeting Date	Calendar Description	Others Present
December 18, 2013	Peter Vlahos and Harry Haralampopoulos here/KIN and ARA	Respondent Allegra
January 8, 2014	Meeting w/Sam Pancotto Jr. -Will signing/ARA/KIN - Sam Pancotto's - Oak Brook	Respondent Allegra
January 31, 2014	Harry H. & Peter V./Meeting w/KIN - Our Office	
March 14, 2014	Bester, Robert/Meeting w-Indu to list Woodridge Home for Sale/KIN - Bester's Home	
March 18, 2014	ATMORE, BETTY/Review Estate Plan/ARA/KIN - Our Office - Betty's phone #: (847) 394-9480	Respondent Allegra
March 28, 2014	ARNO REICHEL/Meeting/KIN	
April 3, 2014	REICHEL, ARNO & KEN/Meeting w/KIN -**KIN gave Arno & Ken each their original Estate Plan Books - Our Office	
May 13, 2014	Arno Reichel/Meeting and to sign documents w/KIN/ARA - Our Office	Respondent Allegra

ANSWER: Stan lacks sufficient information to admit or deny the allegations in paragraph 14 of the Complaint, subject to the qualification that Stan was aware that his wife, Kathleen, attended meetings at the Jorie Blvd. Offices.

15. Between December 20, 2013 and about early June 2014, Ms. Niew communicated with at least two legal clients, John Vlahos ("Vlahos") and Arno Reichel ("Reichel"), via the law firm email regarding Vlahos' guardianship matter and Reichel's estate planning matters, and she received at least two facsimiles on the law firm fax machine regarding those legal matters.

ANSWER: Stan lacks sufficient information to admit or deny the allegations in paragraph 15 of the Complaint, subject to the qualification that he believes his wife, Kathleen, used e-mail and possibly a fax machine while in the Jorie Blvd. Offices. Stan denies the

remaining allegations of paragraph 15 of the Complaint, including and in particular that Kathleen ever practiced law following her suspension by the Supreme Court on May 7, 2013.

16. On December 10, 2013, Kelly Vos ("Vos"), an accountant who had joined Respondent Niew's office in October 2013, sent Tichy an email, which Tichy forwarded to Respondent Niew that same date. The email from Vos stated:

Actually you need to hire someone else. I don't feel comfortable with someone who has been disbarred for fraud and still is making contracts for new business. She should be home and I don't believe some of the personal expenses should be paid by the company.

ANSWER: Stan denies that Vos was an accountant, but admits that she became employed by Stan's PC in or about October 2013. Stan admits the existence of an e-mail by Vos dated December 10, 2013, and states that such e-mail is the best evidence of its complete content, and denies any allegations which attempt to summarize, paraphrase or interpret that document.

17. For six months after receiving the email that Vos sent to Tichy, described in paragraph 16, above, Respondent Niew did not take any action to insure that Ms. Niew did not maintain a presence in the Jorie Boulevard law office, and she continued to do so.

ANSWER: Stan admits receiving the e-mail by Vos dated December 10, 2013, which is the best evidence of its complete content. Further answering, Stan asserts that whether his wife, Kathleen, "maintain[ed] a presence" at the Jorie Blvd. Offices is a legal conclusion to which no answer is required. In further answer, Stan asserts that any conduct he may or may not have engaged in as alleged in paragraph 17 of the Complaint is not admissible evidence to show culpability as to any purported misconduct, and otherwise denies the remaining allegations in paragraph 17 of the Complaint.

18. On May 8, 2014, the Administrator docketed an investigation against Respondent Niew based on concerns that he may have been assisting Ms. Niew in the unauthorized practice of law. On May 13, 2014, the Administrator sent Respondent Niew a letter asking him to address the Administrator's concerns regarding Ms. Niew's continued presence in the Jorie Boulevard law office and concerns that Ms. Niew had been meeting with clients. Respondent Niew received the letter shortly thereafter.

ANSWER: Stan lacks sufficient information to admit or deny the allegations in the first sentence of paragraph 18 of the Complaint. Stan admits receiving a letter from the ARDC dated May 13, 2014, which letter is the best evidence of its complete content, and denies any allegations which attempt to summarize, paraphrase or interpret that document. Stan denies the remaining allegations in paragraph 18 of the Complaint, including that he engaged in any misconduct as alleged, defined or otherwise.

19. After receiving the Administrator's May 8, 2014 letter [*sic*], in June 2014, Respondent Niew took actions to insure that Ms. Niew did not maintain a physical presence in the Jorie Boulevard law office.

ANSWER: Stan asserts that whether his wife, Kathleen, “maintain[ed] a [] presence” at the Jorie Blvd. Offices is a legal conclusion to which no answer is required. In further answer, Stan asserts that any conduct he may or may not have engaged in as alleged in paragraph 19 of the Complaint is not admissible evidence to show culpability as to any purported misconduct, and otherwise denies the remaining allegations in paragraph 19 of the Complaint.

20. On June 18, 2014 Ms. Tichy sent Respondent Niew the following an email stating:

I am emailing you because I just took a phone call from a woman named Vena Gandhi at approximately 8:59am this morning.

Vena said that she had been texting with Kathleen Niew around 3-4pm yesterday afternoon and that KIN told her that she would be giving me (HMT) books approx. 10 books regarding retirement planning called The Retirement Miracle by Patrick Kelley and another called Tax Free Retirement and that Vena could come into our office today and pick-up the books...

I am not comfortable with KIN regularly giving out my name and telling people that they can/should call your office and to ask for me to schedule appointments with ARA and/or pick-up KIN's books/dots from me.

ANSWER: Stan admits the existence of an e-mail by Tichy dated June 18, 2014, and states that such e-mail is the best evidence of its complete content, and denies any allegations which attempt to summarize, paraphrase or interpret that document.

22. By reason of the conduct described above, Respondent Niew has engaged in the following misconduct:

- a. conduct prejudicial to the administration of justice, by conduct including, but not limited to, failing to take reasonable action necessary to insure that Ms. Niew did not maintain a presence in an office where the practice of law was conducted after the Illinois Supreme Court entered an order disbaring her as required by Illinois Supreme Court Rule 764, and allowing her to conduct meetings and to use the law firm email and fax machine in an office where the practice of law is conducted after her disbarment, by disregarding the Court's order and processes in *In re Niew*, M.R. 26310, 2012PR000162 (November 20, 2013), and by failing to take action after receiving Vos' email, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct prejudicial to the administration of justice by conduct including, but not limited to, failing to file a certification with the Clerk of the Supreme Court in *In re Niew*, M.R. 26310, 2012PR000162 (November 20, 2013) setting forth the actions taken to insure compliance with Supreme Court Rule 764(b), in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

ANSWER: Denied. Further answering, Stan requests that that the Hearing Panel strike the phrase in paragraph 22, subsections a and b, "including but not limited to," as it unreasonably expands the scope of misconduct for which discipline may theoretically be imposed and violates Stan's procedural due process rights.

COUNT II

(Assisting Kathleen Niew in the unauthorized practice of law - John Vlahos)

The Administrator alleges that Respondent Allegra has engaged in the following misconduct:

ANSWER: The allegations in Count II are, and Count II itself is, directed at Respondent Anthony Allegra. As such, Stan makes no answer to Count II.

COUNT III

(Assisting Kathleen Niew in the unauthorized practice of law - Arno Reichel)

The Administrator alleges that Respondent Allegra has engaged in the following misconduct:

ANSWER: The allegations in Count III are, and Count III itself is, directed at Respondent Anthony Allegra. As such, Stan makes no answer to Count III.

WHEREFORE, the Respondent, Stanley E. Niew, respectfully requests that this matter be assigned to a Panel of the Hearing Board, that a hearing be held, and that the Hearing Panel dismiss the Complaint of the ARDC against Respondent Niew, and award him such other and further relief as the Hearing Panel deems just and proper.

Respectfully Submitted,

STANLEY E. NIEW

By: _____



One of His Attorneys

Frederic A. Mendelsohn
Alexandra N. Van Dusen
Burke, Warren, MacKay & Serritella, P.C.
330 N. Wabash Ave., 21st Floor
Chicago, IL 60611
(312) 840-7000
Atty. No. 41704