

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

FILED

AUG 29 2016

ATTY REG & DISC COMM
CHICAGO

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

ANTHONY ALLEGRA'S ANSWER TO COMPLAINT

Respondent, Anthony Allegra ("Anthony"), by his attorney, Lawrence D. Mishkin, of the law firm Silver & Mishkin, LLC, pursuant to Commission Rule 223, for his answer to the Complaint filed against him by the Illinois Attorney Registration and Disciplinary Commission ("ARDC") states as follows:

STATEMENT PURSUANT TO COMMISSION RULE 231

Anthony became licensed to practice law in Illinois in November, 2008. In 2009 Anthony was admitted to the bar for the United States District Court for the Northern District of Illinois. Anthony is not licensed to practice law in any other state. Anthony has no other professional licenses.

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: Anthony admits the existence of Supreme Court Rule 764(b). Answering further, Anthony states that Supreme Court Rule 764(b) speaks for itself and denies any allegation in Paragraph 1 of the Complaint that is inconsistent with the express terms of Rule 764(b).

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 docket *In Re Niew*, No. 2012PR00162.

ANSWER: Anthony admits that Kathleen Niew ("Kathleen") is Respondent, Stanley Niew's ("Stan") wife. Anthony admits that at some time after the alleged filing date he became aware of the existence of the complaint filed by the Administrator against Kathleen ("Kathleen's Complaint") as alleged in Paragraph 2 of the Complaint, but lacks knowledge of both the date of filing for Kathleen's Complaint and the date he first became aware of its existence. Answering further, Anthony states that the allegations in Kathleen's Complaint speak for themselves and denies any allegation in Paragraph 2 of the Complaint that is inconsistent with the express allegations in Kathleen's Complaint.

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: Anthony is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 3 of the Complaint regarding the legal nature of the relationship between Kathleen and Stan at Niew Legal Partners and therefore denies same. Anthony admits the remaining allegations in 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: Anthony admits that at some time after the alleged filing date he became aware of the existence of the petition for rule to show cause filed by the Administrator against Kathleen as alleged in Paragraph 4 of the Complaint, but lacks knowledge of both the date of the filing for the petition and the date he first became aware of its existence. Answering further, Anthony states that the allegations in the petition speak for themselves and denies any allegation in Paragraph 4 of the Complaint that is inconsistent with the express allegations in the petition. Answering further, Anthony admits that at some time after the alleged filing date he became aware of the existence of the Illinois Supreme Court’s ruling against Kathleen as alleged in Paragraph 4 of the Complaint, but lacks knowledge of both the date the rule issued and the date he first became aware of its existence. Answering further, Anthony states that the terms of the

rule issued by the Supreme Court speak for themselves and denies any allegation in Paragraph 4 of the Complaint that is inconsistent with, the express terms of the rule.

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

ANSWER: Anthony admits that at some time after the alleged filing date he became aware of the existence of the order entered by the Illinois Supreme Court as alleged in Paragraph 5 of the Complaint, but lacks knowledge of both the date of the order's filing and the date he first became aware of its existence. Answering further, Anthony states that the statements in the order speak for themselves and denies any allegation in Paragraph 5 of the Complaint that is inconsistent with, the express statements in the order.

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: Anthony is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Complaint and therefore denies same.

7. In April 2013, Niew Legal Partners became the Law Offices of Stanley Niew. 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.

ANSWER: Anthony admits that at some time in the late winter/early spring of 2013 Stan opened the Law Offices of Stanley Niew located at 1000 Jorie Boulevard, Suite 206, Oakbrook, Illinois. Anthony admits that when it opened, Tichy and Ibaska became employees of the Law Offices of Stanley Niew. Anthony admits that at some time thereafter he became an

employee of the Law Offices of Stanley Niew. Anthony is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 7 of the Complaint including those regarding the legal nature of the relationship between Kathleen and the Law Offices of Stanley Niew, if any, and therefore denies same.

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: Anthony admits that at some time after the alleged hearing date he became aware of the existence of the default hearing and the issued report and recommendation as alleged in Paragraph 8 of the Complaint, but lacks knowledge of both the date of the hearing and the issued report and recommendation and the date(s) he became aware of the hearing and the issued report and recommendation. Answering further, Anthony admits the existence of the Hearing Board's report and recommendation, states that the terms of the report and recommendations speak for themselves and denies any allegation in Paragraph 8 of the Complaint that is inconsistent with, the express terms in the report and recommendations.

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: Anthony admits the existence of the order entered by the Illinois Supreme Court as alleged in Paragraph 9 of the Complaint, but lacks knowledge of the date of the order's filing. Answering further, Anthony states that the statements in the order speak for themselves and denies any allegation in Paragraph 9 of the Complaint that is inconsistent with, or otherwise summarizes, paraphrases or interprets, the express statements in the order.

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

ANSWER: Anthony is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Complaint and therefore denies same.

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

ANSWER: Anthony admits that at some time he became aware of Kathleen having been disbarred, but lacks knowledge of both the date of disbarment and the date he first became aware of the disbarment.

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:

The allegations in Count I of the Complaint are directed exclusively at Stan. Therefore, Anthony makes no answer to the allegations in Count I.

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:

23. Between November 2013 through May 2014, Respondent Allegra, an affiliated attorney at the Law Offices of Stanley Niew, participated in meetings between Ms. Niew and at least six legal clients, including Harry Haralampopolous, Maciej Wilhelm, Peter Vlahos, Julia and Michael Maloney, and John Hymn. Respondent Allegra accepted instructions from Ms. Niew

regarding legal work to be completed by Respondent Allegra on behalf of at least one client, Arno Reichel.

ANSWER: Anthony admits that between November, 2013 and July, 2014, he was an associate at the Law Offices of Stanley Niew. Anthony admits that during that time, he attended meetings with Harry Haralampopolous, Maciej Wilhelm, Peter Vlahos, Julia and Michael Maloney and John Hyrn at which Kathleen was present. As an affirmative matter, at the times of the meetings Kathleen identified all six individuals to Anthony as either her existing clients or new referrals for financial planning purposes. The purpose of the meetings was for Kathleen to introduce her financial clients to Anthony so he could provide legal services for them. Kathleen did not participate in any of the meetings in which Anthony discussed legal matters with Kathleen's financial planning clients. Anthony denies each and every remaining allegation in Paragraph 23 of Count II of the Complaint.

24. On or about November 19, 2013, while Ms. Niew was suspended on an interim basis until further order the Court, Peter Vlahos sent a facsimile to Ms. Niew via the law firm facsimile machine. The facsimile consisted of Peter Vlahos' handwritten cover letter addressed to Kathleen Niew, and a copy of the letter to John Vlahos dated October 4, 2013 from the Volunteer Coordinator at the DuPage County Circuit Court related to *In re the Estate of Penelope Vlahos*, a disabled person, case number 2011P1089. The October 4, 2013 letter stated that John Vlahos was the court appointed guardian of Penelope Vlahos, and that his annual accounting and report on the condition of the Penelope Vlahos had been scheduled for hearing on January 2, 2014.

ANSWER: Anthony is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of Count II of the Complaint and therefore denies same.

25. All calendar events on the law firm’s Outlook Calendar that refer to the Penelope Vlahos matter refer to Ms. Niew and do not mention Anthony Allegra. Respondent Niew had access to the office outlook calendar, and during the time that Ms. Niew was not authorized to practice law due to her interim suspension or disbarment, the following entries were made in the law firm outlook Calendar related to the Penelope Vlahos matter:

Date	Calendar Event Description
December 2, 2013	Reminder: Penelope Vlahos/Guardianship Case/KIN call Peter Vlahos – 2 nd Annual Report & Accounting/KIN – GRL says if Judge gets Report 10 Days ahead of TODAY won’t have to attend (By12/20/13)
December 2, 2013	Penelope Vlahos/Guardianship Case/KIN call peter Vlahos – 2 nd Annual Report & Accounting – Has John V. sent back signed paper/KIN
December 16, 2013	ALREADY SUBMITTED TO COURT 12/3/13 – PENELOPE VLAHOS/Guardianship Case/Presentation of 2 nd Annual Report & Accounting/KIN – GRL says if Judge gets Report 10 Days ahead of TODAY won’t have to attend (By12/20/13)
January 2, 2014	PENELOPE VLAHOS/Guardianship Case/Presentation of 2 nd Annual Report & Accounting/KIN – GRL says if Judge gets Report 10 Days ahead of TODAY won’t have to attend. – DuPage County/Room 2009

ANSWER: Anthony admits that Kathleen had meetings with her financial planning clients at the office located at 1000 Jorie Boulevard, Suite 206, Oakbrook, Illinois. Anthony admits that Stan had access to the office outlook calendar. Anthony is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 25 of Count II of the Complaint and therefore denies same.

26. On December 3, 2013, Respondent Allegra filed an annual report and account on behalf of John Vlahos in relation to the estate of Penelope Vlahos, case number 2011P1089.

ANSWER: Anthony admits that he filed a report in the matter regarding the estate of Penelope Vlahos, but does not remember the date of filing or the case number.

27. On February 20, 2014, Heather Tichy (“Tichy”), who was employed at the Law Offices of Stanley Niew as a paralegal, sent an email addressed to both Respondent Allegra and Ms. Niew. The email attached documents related to the estate of Penelope Vlahos. Tichy’s email to Respondent Allegra and Ms. Niew stated:

Anthony & Kathleen,

Per Anthony’s request attached are the guardianship discharge papers to send to Peter Vlahos for John Vlahos’s signature.

Anthony said he or Kathleen would email to Peter. Peter’s email address I have is: (redacted)

Please let me know if you have any issues. Thank you.

ANSWER: Anthony admits that on February 20, 2014, Heather Tichy was employed at the Law offices of Stanley Niew as a paralegal. Anthony is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 27 of Count II of the Complaint and therefore denies same.

28. On or about February 25, 2014, John Vlahos executed documents related to his discharge as independent representative of the estate of Penelope Vlahos. Ms. Niew notarized the documents, which Respondent Allegra filed in court in case number 2011P1089.

ANSWER: Anthony admits that as part of his job with the Law Offices of Stanley Niew he would file documents in court, but lacks knowledge or information sufficient to form a

belief as to the truth of the allegations in Paragraph 28 of Count II of the Complaint and therefore denies same.

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

- a. assisting another in practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction, by allowing Ms. Niew to maintain a presence in an office where the practice of law was conducted after her suspension and disbarment, participating in meetings with Ms. Niew and Harry Haralampopolous, Maciej Wilhelm, Peter Vlahos, Julia and Michael Maloney, and John Hyrn about their respective legal matters, and failing to take action necessary as an affiliated attorney to prevent Ms. Niew from communicating with Peter Vlahos regarding a case number 2011P1089, in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct (2010);
- b. violating or attempting to violate the Rules of Professional Conduct, or knowingly assisting or inducing another to do so, by conduct including allowing Kathleen Niew to maintain an office and conduct meetings in an office where the practice of law is conducted after her suspension and disbarment, and allowing her to communicate with Peter Vlahos regarding 2011P1089, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010);
- c. conduct prejudicial to the administration of justice, by 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 the Illinois Supreme Court Rule 764, in violation of Rule 8.4(a) of the Illinois Rules of Professional Conduct (2010); and
- d. failing to file a certification with the Clerk of the Supreme Court 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: Anthony denies each and every allegation in Paragraph 29 of Count II of the Complaint, including those in sub-paragraphs (a) through (d).

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:

30. On March 28, 2014 and April 3, 2014, while Ms. Niew was disbarred, Ms. Niew discussed with Arno Reichel (“Reichel”) changes that Reichel wanted made to his will and his revocable trust. Respondent Allegra did not participate with those meetings with Reichel. Ms. Niew communicated the changes that Reichel wanted to both documents to Respondent Allegra, who then made the changes.

ANSWER: Anthony is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 of Count III of the Complaint regarding Kathleen's alleged discussion with Arno Reichel and therefore denies same. Anthony admits that he did not participate in any meeting with Kathleen and Reichel. Anthony denies each and every remaining allegation in Paragraph 30 of Count III of the Complaint.

31. At no time before making the changes to Reichel’s will and revocable trust did Allegra meet or communicate with Reichel.

ANSWER: Anthony admits that he did not meet or communicate with Reichel. Anthony denies each and every remaining allegation in Paragraph 31 of Count III of the Complaint.

32. On or about May 13, 2014, Reichel executed the will and trust documents. After Reichel executed the documents, Respondent Allegra signed the documents as one of the witnesses, and Ms. Niew notarized the signatures to the will and trust documents.

ANSWER: Anthony admits the allegations in Paragraph 32 of Count III of the Complaint.

33. Shortly after the will and trust documents were executed, Respondent Allegra put the original documents on Tichy's desk, and instructed Tichy to scan the documents and then place them on Ms. Niew's desk for her to handle.

ANSWER: Anthony admits that he put the executed will and trust documents on Tichy's desk and instructed Tichy to scan the documents. Anthony denies each and every remaining allegation in Paragraph 33 of Count III of the Complaint.

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

- a. assisting another in practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction, by allowing Ms. Niew to maintain a presence in an office where the practice of law was conducted after her suspension and disbarment, and taking instruction from Ms. Niew about changes to Arno Reichel's will and trust without communicating with Arno Reichel himself, and then giving the revised legal documents back to Ms. Niew, in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct (2010);
- b. violating or attempting to violate the Rules of Professional Conduct, or knowingly assisting or inducing another to do so, by conduct including allowing Kathleen Niew to maintain a presence in an office where the practice of law is conducted after her suspension and disbarment, and allowing her to communicate with Arno Reichel regarding a legal matter, in violation of Rule 8.4(a) of the Illinois Rules of Professional Conduct (2010);
- c. conduct prejudicial to the administration of justice, by failing to take reasonable action necessary as an affiliated attorney 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 disbarring her as required by Illinois Supreme Court Rule 764, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

ANSWER: The allegations in Paragraph 34 of Count III of the Complaint are directed exclusively at Stan. Answering further, Anthony denies each and every allegation in Paragraph 34 of Count III of the Complaint, including those in sub-paragraphs (a) through (c).

WHEREFORE, Respondent, ANTHONY ALLEGRA, respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the Panel enter an order dismissing the Complaint with prejudice and awarding Allegra all other relief which the Panel deems proper under the circumstances.

Respectfully submitted,

ANTHONY ALLEGRA

By:  _____
One of His Attorneys

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