

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

**FILED**

February 24, 2022

**ARDC CLERK**

In the Matter of:

**JEFFREY ALLEN MCINTYRE,**

Attorney-Respondent,

No. 6225606.

Commission No. 2021PR00018

**REPORT AND RECOMMENDATION OF THE HEARING BOARD**

**DEFAULT PROCEEDING**

The hearing in this matter was held by videoconference on January 21, 2022, before a Hearing Board Panel consisting of Heather A. McPherson, Chair, Rhonda Sallée, and Joseph C. Vallez. Richard C. Gleason, II appeared on behalf of the Administrator. Respondent was not present at the hearing, and no counsel appeared on his behalf. The Administrator recommended that Respondent be suspended for eighteen months and until further order of the Court. We agree with the Administrator's recommendation.

We have considered the Administrator's three-count Complaint, a copy of which is attached as Exhibit 1. We have also considered the Order entered on November 16, 2021, deeming the allegations of the Complaint admitted, a copy of which is attached as Exhibit 2. Respondent did not file an answer or respond to the Motion to Deem the Allegations of the Complaint Admitted, nor did he participate in the pre-hearing conferences held in this matter.

The following allegations, which were deemed admitted, establish that Respondent committed criminal acts that reflect adversely on his fitness as a lawyer. Respondent pleaded guilty to a misdemeanor battery charge after an altercation in Wisconsin on December 25, 2017, in which

he punched an employee of a tavern. The court withheld adjudication based on a deferred prosecution agreement.

On October 16, 2018, Respondent pleaded guilty in Wisconsin to operating a motor vehicle while intoxicated. The court sentenced him to sixty days in jail, revoked his driver's license for twenty-six months, required him to use an ignition interlock device, ordered him to undergo an alcohol assessment, and imposed fines and costs. Respondent also has a 2003 conviction in Wisconsin and a 2014 conviction in Michigan for driving while intoxicated.

Respondent committed further misconduct by failing to respond to the Administrator's letters and subpoena duces tecum seeking information about his most recent criminal matter.

Respondent's failure to participate in these proceedings is a significant aggravating factor. Because he has not cooperated with the Administrator, we do not know whether he is receiving treatment for his alcohol use. Consequently, he should be required to demonstrate that he is rehabilitated before returning to practice.

We have considered as mitigation Respondent's lack of prior discipline, but that does not lead us to recommend a different sanction.

Accordingly,

1. Respondent was personally served with the Complaint on June 8, 2021. A copy of the Affidavit of Service is attached as Exhibit 3.
2. The allegations of the Complaint were deemed admitted in an Order filed on November 16, 2021. A copy of that Order is attached as Exhibit 2.
3. In consideration of the Order deeming the allegations of the Complaint admitted, this Panel finds Respondent committed the misconduct charged in the Complaint.



# **Exhibit 1**

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

In the Matter of:

JEFFREY ALLEN McINTYRE,

Attorney-Respondent,

No. 6225606.

Commission No. 2021PR00018

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Richard Gleason, pursuant to Supreme Court Rule 753(b), complains of Respondent, Jeffrey Allen McIntyre, who was licensed to practice law in Illinois on November 10, 1994, and alleges that Respondent has engaged in the following conduct which tends to defeat the administration of justice or to bring the courts or the legal profession into disrepute, and which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

*Criminal conviction for operating while intoxicated*

1. At all times alleged in this complaint, there was in effect a criminal statute in Wisconsin, Wis. Stat. 346.63(1)(a), which made it a state criminal offense to drive or operate a motor vehicle while under the influence of an intoxicant which rendered the driver incapable of safely driving.

FILED  
3/15/2021 3:59 PM  
ARDC Clerk

2. At all times alleged in this complaint, there was in effect a criminal statute in Wisconsin, Wis. Stat. 346.65(2)(am)(3). Wis. Stat. 346.65(2)(am)(3) made a conviction of 346.63(1)(a), described in paragraph one, above, punishable by a fine of not less than \$600 and not more than \$2,000, and not less than 45 days nor more than one year in the county jail, if the conviction constituted an offender's third conviction or violation of operating a motor vehicle while intoxicated.

3. At all times alleged in this complaint, there was in effect a criminal statute in Wisconsin, Wis. Stat. 343.307(a)(1). For the purposes of counting the number of an offender's prior convictions under 346.65(2)(am)(3), Wis. Stat. 343.307(a)(1) required that a sentencing court include previous convictions of Wis. Stat. 346.63, described in paragraph one, above, as well as convictions under the law of another jurisdiction that prohibits a person from using a motor vehicle while intoxicated.

4. On or about February 11, 2018 at 5:00pm, Respondent was driving in Springdale, Wisconsin on Hwy 18-151. Wisconsin State Trooper Vacha observed Respondent's vehicle to be traveling at a speed of 91 miles per hour in a 65 mile per hour zone. Trooper Vacha stopped Respondent. After speaking with Respondent, Trooper Vacha asked Respondent to exit the vehicle and perform various field sobriety tests, all of which Respondent failed. Trooper Vacha placed Respondent under arrest and transported Respondent to Meriter Hospital in Madison, Wisconsin. At the hospital, Respondent submitted to a blood test, which revealed Respondent's blood alcohol level to be .143 g/100 ml.

5. Respondent had previously been convicted of operating while intoxicated in Dane County, Wisconsin in March of 2003, and convicted of operating while impaired in Berrien County, Michigan on July 22, 2014.

6. Respondent was charged with operating while intoxicated (3<sup>rd</sup>), in violation of the Wisconsin statutes described in paragraphs one through three, above. The Clerk of the Court of Dane County, Wisconsin docketed the matter as *State v. McIntyre*, and assigned the matter the case number of 2018CT000198.

7. On or about October 16, 2018, Respondent plead guilty to the criminal offense of operating while intoxicated (3<sup>rd</sup>), pursuant to Wis. Stat. 346.63(1)(a). The court sentenced Respondent to 60 days in jail, revoked Respondent's license for 26 months, required Respondent to use an ignition interlock device for 26 months, provide a DNA sample, and undergo an alcohol assessment, and imposed fines of \$766 and court costs of \$648.

8. By reason of the conduct and convictions described above, Respondent has engaged in the following misconduct:

- a. Committing a criminal act that reflects adversely on his fitness as a lawyer, by conduct including committing and being convicted of the offense of operating while intoxicated (third violation), in violation of Wis. Stat. 346.63(1)(a) and Wis. Stat. 346.65(2)(am)(3), in violation of Rule 8.4(a)(b).

COUNT II  
*Battery*

9. At all times alleged in this complaint, there was in effect a criminal statute in Wisconsin, Wis. Stat. 940.19 made it a Class A misdemeanor to cause bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed.

10. At all times alleged in this complaint, there was in effect a criminal statute in Wisconsin, Wis. Stat. 939.51(3), which provided that the penalties for a Class A misdemeanor were a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

11. On or about December 25, 2017, Respondent was at a tavern in Madison, Wisconsin in the company of two women. Tavern staff informed Respondent and his two female companions that the tavern would soon close for the evening. Respondent and his companions became upset that the tavern was closing. One of the women pulled her pants down and urinated on the floor of the tavern.

12. Respondent and the two women left the tavern. One of the staff members of the tavern followed Respondent and the women out of the tavern, and called the police, intending to press charges against the woman who urinated on the floor. Respondent made an obscene hand gesture to the staff member, and then punched the staff member in the nose with a closed fist. Madison police arrived and placed Respondent under arrest.

13. After his arrest, Respondent was charged with misdemeanor battery and disorderly conduct. The Dane County Clerk of Court docketed the matter as *State v. McIntyre*, and assigned the matter the case number of 2018CM000035.

14. On or about May 29, 2018, Respondent pled guilty to the battery charge. The courtroom prosecutor dismissed the disorderly conduct charge on the prosecutor's own motion. The court withheld adjudication based on a nine-month deferred prosecution agreement.

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

- a. Committing a criminal act that reflects adversely on his fitness as a lawyer, by conduct including committing and pleading guilty to the offense of battery under Wis. Stat. 940.19, in violation of Rule 8.4(a)(b).



COUNT III

*Failure to cooperate with an ARDC investigation*

16. On November 19, 2018, the Administrator received from Respondent a letter disclosing Respondent's plea of guilty on October 16, 2018 to the misdemeanor offense of operating while intoxicated, described in paragraph seven, above. Based on the information in Respondent's letter, the Administrator docketed investigation number 2018IN04489.

17. On or about November 21, 2018, Respondent received a letter from the Administrator asking Respondent to provide, within 14 days, a specific, detailed account of the circumstances of the offense Respondent had pled guilty to on October 16, 2018. In the letter, the Administrator additionally asked that Respondent explain in detail the circumstances leading up to any prior or subsequent criminal or driving arrests, a copy of any alcohol or drug assessments Respondent had received since his admission to practice law in Illinois, and to identify any disciplinary action imposed by other jurisdictions in which Respondent was licensed.

18. On November 30, 2018, Respondent's counsel contacted the Administrator to state that counsel would be representing Respondent, and asked that she be provided an extension until January 11, 2019 to respond to the Administrator's request for information, described in paragraph 15, above. The Administrator agreed to the extension requested by Respondent's counsel.

19. As of May 5, 2020, Respondent had yet to respond to the Administrator's November 21, 2018 request for information, described in paragraph 15, above. On May 5, 2020, the Administrator sent Respondent's counsel a letter asking that Respondent provide the requested information within seven days.

20. As of June 2, 2020, Respondent had yet to respond to the Administrator's request for information, described in paragraph 15, above. On June 2, 2020, the Administrator issued a subpoena duces tecum to Respondent seeking the same information requested in the November

21, 2018 letter, and served Respondent with the subpoena the same day by sending a copy via email to Respondent's counsel. The subpoena was returnable June 24, 2020.

21. As of August 3, 2020, Respondent had yet to respond to the Administrator's subpoena or letter requests for information. On August 3, 2020, the Administrator issued a new subpoena duces tecum to Respondent seeking the same information requested in the November 21, 2018 letter and June 2, 2020 subpoena. The Administrator emailed a copy of the subpoena directly to Respondent at his work address, as well as to Respondent's counsel. The subpoena was returnable August 25, 2020.

22. On September 28, 2020, Respondent's counsel emailed the Administrator to state that she had not been able to contact Respondent, and that she would no longer be representing Respondent. Respondent had yet to respond to any of the Administrator's subpoenas or letter requests for information.

23. As of October 6, 2020, Respondent had yet to respond to any of the Administrator's subpoenas or letter requests for information. On October 6, 2020, the Administrator issued a new subpoena duces tecum to Respondent seeking the same information requested in the November 21, 2018 letter, June 2, 2020 subpoena, and August 3, 2020 subpoena. The October 6, 2020 subpoena was returnable October 20, 2020. The Administrator served Respondent with a copy of the subpoena by delivering a copy to Respondent's home address via FedEx on October 7, 2020.

24. At no time did Respondent provide any of the information sought by the Administrator in any of the Administrator's letters to Respondent, or comply with any of the subpoenas issued by the Administrator.

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

- a. failure to respond to lawful demands for information from a disciplinary authority, by failing to timely respond to letters and subpoenas duces tecum, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct that is prejudicial to the administration of justice, by conduct including failing to respond to the Administrator's requests for additional information and failing to comply with the Administrator's subpoena duces tecum, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator  
Attorney Registration and  
Disciplinary Commission

By: /s/ Richard Gleason  
Richard Gleason

Richard Gleason  
Counsel for the Administrator  
130 East Randolph Drive, Suite 1500  
Chicago, Illinois 60601  
Telephone: (312) 565-2600  
Email: Email: [ARDEeservice@iadc.org](mailto:ARDEeservice@iadc.org)  
Email: [rgleason@iadc.org](mailto:rgleason@iadc.org)

#1332428

# **Exhibit 2**

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

**FILED**

November 16, 2021

**ARDC CLERK**

In the Matter of:

**JEFFREY ALLEN MCINTYRE,**

Attorney-Respondent,

No. 6225606.

Commission No. 2021PR00018

**ORDER**

The Chair having considered the Administrator's Motion To Deem The Allegations Of The Administrator's Complaint Admitted Pursuant To Commission Rule 236 ("Motion") and Respondent having filed no response to the Motion;

**IT IS ORDERED:**

1. The Administrator's Motion is granted;
2. The allegations of the Complaint are deemed admitted. No further proof of the allegations of the Complaint is required; and
3. Respondent is barred from presenting any witnesses on his behalf at the hearing in this matter and the evidence at hearing is limited to factors in aggravation and mitigation.

**CERTIFICATION**

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, certify that the foregoing is a true copy of the order, approved by the Hearing Board Chair, entered in the above entitled cause of record filed in my office on November 16, 2021.

/s/ Michelle M. Thome  
\_\_\_\_\_  
Michelle M. Thome,  
Clerk of the Attorney Registration and  
Disciplinary Commission of the  
Supreme Court of Illinois

**PROOF OF SERVICE**

I, Andrea L. Watson, hereby certify that I served a copy of this Order on the Attorney-Respondent listed at the addresses shown below by regular mail by depositing it with proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox in Oak Park, Illinois on November 16, 2021, at or before 5:00 p.m. At the same time, a copy of this Order was sent to Counsel for the Administrator by e-mail service.

Jeffrey Allen McIntyre  
Attorney-Respondent  
Husch Blackwell, LLP  
P.O. Box 1379  
Madison, WI 53701-1379

Jeffrey Allen McIntyre  
Attorney-Respondent  
306 W. Main St., #1102  
Madison, WI 53703

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

\_\_\_\_\_  
/s/ Andrea L. Watson  
Andrea L. Watson

# **Exhibit 3**

**AFFIDAVIT OF SERVICE**

<b>Case:</b> 2021PR00018	<b>Court:</b> Illinois Attorney Registration and Disciplinary Commission	<b>County:</b>	<b>Job:</b> 5815371
<b>Plaintiff / Petitioner:</b>		<b>Defendant / Respondent:</b> Jeffrey Allen McIntyre	
<b>Received by:</b> Wisconsin State Process		<b>For:</b> IARDC	
<b>To be served upon:</b> Jeffrey Allen McIntyre			

I, Troy Burch, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

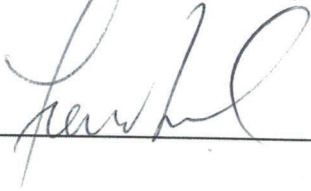
**Recipient Name / Address:** Jeffrey Allen McIntyre , 306 W. Main Street Apt 1102, Madison, WI 53703

**Manner of Service:** Personal/Individual, Jun 8, 2021, 5:08 pm CDT

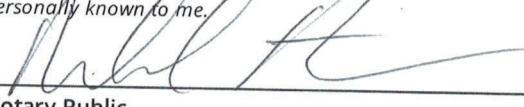
**Documents:** Letter; Notice of Complaint; Notice; Order; Complaint

**Additional Comments:**

1) Successful Attempt: Jun 8, 2021, 5:08 pm CDT at 306 W. Main Street Apt 1102, Madison, WI 53703 received by Jeffrey Allen McIntyre .

  
 \_\_\_\_\_  
 Troy Burch Date 6/22/21

*Subscribed and sworn to before me by the affiant who is personally known to me.*

  
 \_\_\_\_\_  
 Notary Public  
 Date 10-24-23 Commission Expires

Wisconsin State Process  
 PO Box 121  
 Madison , WI 53701  
 6086062130



FILED  
 6/23/2021 8:18 AM  
 ARDC Clerk