

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

In the Matter of:

STEVAN KRKLJES,

Attorney-Respondent,

No. 6198441.

Commission No. 2022PR00028

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, Steven Krkljes, who was licensed to practice law in the State of Illinois on November 10, 1988, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Criminal Conviction for Operating a Motor Vehicle
with a Blood Alcohol Concentration Exceeding 0.08)*

1. On December 29, 2018, at or about 11:30 p.m., while driving his Ford Explorer in Park Ridge, Illinois, Respondent was observed striking another vehicle, leaving the roadway and striking a brick fence owned by the City of Park Ridge. Park Ridge Police Officer Jason Doucet was dispatched to the area and upon his arrival at the scene, observed Respondent's vehicle stopped near the brick fence with the driver's side door open and Respondent standing next to the vehicle.

2. Officer Doucet approached Respondent and asked him if he was injured. Respondent denied any injury. Officer Doucet observed that Respondent had slurred speech,

bloodshot and watery eyes, had difficulty standing, had soiled his pants, and that a strong odor of an alcoholic beverage emanated from his person. Officer Doucet asked Respondent if he had been drinking, and Respondent claimed that he had not had anything to drink since 3 a.m. that previous early morning. Officer Doucet asked Respondent if he had any injury that would interfere with a field sobriety test and Respondent said no, after which Officer Doucet administered several field sobriety tests. Respondent failed or was unable to perform any of the field sobriety tests, and Officer Doucet placed Respondent under arrest and transported Respondent to the Park Ridge Police Department. Upon arriving at the police department, a breath test was administered to Respondent, which showed a blood alcohol concentration of .226.

3. On December 29, 2018, the Park Ridge Police Department filed four complaints against Respondent: complaint no. YE-719-075, for driving under the influence of alcohol, in violation of 625 ILCS 5/11-501(a)(2); complaint no. YE-719-076, for improper overtaking on right and driving off the roadway, in violation of 625 ILCS 5/11-704(c); complaint no. YE-719-077, for damage to city property, in violation of township ordinance 14-4-2; and complaint no. YE-719-078, for driving under the influence of alcohol greater than .08 blood alcohol concentration, in violation of 625 ILCS 5/11-501(a)(1).

4. On January 4, 2019, a Cook County Grand Jury indicted Respondent relating to the violations set forth in paragraph three, above. The Clerk of the Circuit Court of Cook County docketed the case and entitled it *People of the State of Illinois v. Stevan Krkljes*.

5. On or about February 11, 2019, Respondent received notice that the Secretary of State had issued a statutory summary suspension of his driver's license, effective February 13,

2019, for a minimum of 6 months pursuant to Sect. 11-501.1 of the Illinois Vehicle Code, due to Respondent's chemical test result indicating alcohol concentration of .08 or more.

6. On December 30, 2019, Respondent pled guilty to a misdemeanor charge of driving under the influence in violation of 11-501(a)(1). The other charges against Respondent were dismissed. On that date, the court sentenced Respondent to an eighteen-month period of supervision, ordered him to perform 100 hours of community service, attend a victim impact panel, complete a drug/alcohol evaluation and pay fines and costs.

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

engaging in a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct, by conduct including having committed a criminal act of driving under the influence of alcohol, in violation of 625 ILCS 5/11-501(a)(1).

COUNT II

(Lack of diligence, misrepresentations to a client – Frank Caliendo Jr.)

8. On January 23, 2015, while working at a construction site located at 401-465 East Illinois St. in Chicago, Frank Caliendo Jr. ("Caliendo") was involved in an incident while employed by Reflection Window Company ("Reflection Window"). Reflection was providing services to a general contractor, Ghafari Associates LLC ("Ghafari"). Caliendo stepped on debris left at the construction site by a work crew not employed by Reflection Window. As a result of the incident, Caliendo sustained injuries and incurred medical expenses.

9. Prior to April 8, 2015, Respondent and Caliendo agreed that Respondent would represent Caliendo in a worker's compensation claim to be filed against Reflection Window, and that Respondent would receive 20% of any recovery against Reflection Window as his fee.

10. On April 8, 2015, Respondent filed his appearance, an attorney representation agreement and an application for adjustment of claim with the Illinois Worker's Compensation Commission on behalf of Caliendo. The clerk of the Commission docketed the matter as *Frank R. Caliendo v. Reflection Window Company LLC*, case number 15 WC 013940.

11. On or about December 10, 2015, Respondent and Caliendo agreed to settle Caliendo's claim against Reflection Window in the amount of \$28,478.17, and Respondent disbursed to Caliendo his portion of the settlement shortly thereafter.

12. Prior to October 5, 2016, Respondent and Caliendo agreed that Respondent would represent Caliendo in a personal injury claim to be filed against Ghafari, and that Respondent would receive one-third of any recovery as his fee.

13. On October 5, 2016, Respondent filed a complaint in the Circuit Court of Cook County against Ghafari, alleging negligence. The clerk of the court assigned the matter case number 2016 L 9824, entitled *Frank R. Caliendo v. Ghafari Associates LLC*.

14. Between October 5, 2016, and September 24, 2018, Respondent participated in depositions, prepared and responded to discovery pleadings, and appeared at case management conferences before the court on behalf of Caliendo in case number 2016 L 9824.

15. On September 24, 2018, and November 26, 2018, Judge Melissa A. Durkin held case management conferences for discovery status in case number 2016 L 9824. Respondent received notice of each of the conferences but failed to appear.

16. At the November 26, 2018 case management conference in case number 2016 L 9824, Judge Durkin scheduled a case management conference for January 17, 2019, noting that plaintiff's counsel "has not appeared during the last two [case management conferences]. Plaintiff counsel to appear at next CMC; failure to do so will result in DWP."

17. Also on or about November 26, 2018, Judge Durkin scheduled case number 2016 L 9824 for a trial setting call on January 10, 2019. The notice, which was sent to Respondent by email and received by Respondent, stated that “All cases appearing on the trial setting call will be receiving trial dates and, as such, all parties should discuss reasonable trial dates to suggest to the court. [...] All attorneys of record and pro se litigants must appear.”

18. On December 27, 2018, Respondent filed a notice of change of firm address in 2016 L 9824, setting forth his new office address. Respondent’s email address did not change.

19. Respondent did not appear for the January 10, 2019, trial setting call in case number 2016 L 9824. On that date, Judge Marcia Maras entered an order setting case number 2016 L 9824 for case management on January 19, 2019.

20. On January 17, 2019, Respondent failed to appear in court in case number 2016 L 9824 for the case management conference which had been scheduled pursuant to the court’s order as set forth in paragraph 16 above. On January 17, 2019, Judge Melissa A. Durkin dismissed case number 2016 L 9824 for want of prosecution. Respondent received notice of the court’s order by email shortly thereafter, and learned that the case had been dismissed.

21. At no time after January 17, 2019, did Respondent take any action to reinstate Caliendo’s claim or reopen case number 2016 L 9824.

22. At no time after January 17, 2019, did Respondent inform Caliendo that case number 2016 L 9824 had been dismissed for want of prosecution.

23. Between January 17, 2019, and July 24, 2019, Caliendo telephoned Respondent on several occasions urging Respondent to settle his case. During these telephone conversations, Respondent told Caliendo that he was continuing to work towards settling Caliendo’s personal injury claim against Ghafari.

24. On or about July 17, 2019, Caliendo telephoned Respondent. During this conversation, Respondent told Caliendo that because Respondent was very busy, he had spoken to lawyer Thomas Gorman and had asked Gorman to file his additional appearance on behalf of Caliendo in case number 2016 L 9824. Respondent scheduled a purported meeting with Respondent, Caliendo and Gorman at his office for the following week, on July 24, 2019.

25. On July 24, 2019, Caliendo appeared at Respondent's office for the purported meeting. At that time, Respondent told Caliendo that he had "just missed" Gorman, but presented Caliendo with an amended contract for legal services whereby Caliendo agreed to retain both Respondent and Gorman to represent him in his personal injury matter, and that the fee remained at one-third of any recovery.

26. Respondent's statements to Caliendo that he was working on a third-party case, that Gorman had agreed to represent Caliendo and to share the fee with Respondent, that Gorman would be present at a meeting on July 24, 2019, and that Caliendo had "just missed" Gorman at the purported meeting, as described in paragraphs 23 through 24, above, were false. Respondent's statement that he was working on a third-party complaint was false because the court dismissed the case for want of prosecution on January 17, 2019. Respondent's statement that Gorman had agreed to represent Caliendo and share the fee with Respondent was false because Respondent had not agreed with Gorman that Gorman would represent Caliendo. Respondent's statement that Caliendo had "just missed" Gorman at the purported meeting was false because there was no meeting scheduled with Gorman, and Gorman had not agreed to represent Caliendo. At no time during the July 24, 2019, meeting did Respondent inform Caliendo that case number 2016 L 9824 had been dismissed in January 2019. At no time prior to the meeting did lawyer Tom Gorman agree to enter his appearance on behalf of Caliendo.

27. Respondent knew that his statements to Caliendo, described in paragraphs 22 through 24, above, were false, because he knew that the court had dismissed case number 2016 L 9824 in January of 2019, knew that he was not working on the case, knew that Gorman had not agreed to represent Caliendo, and knew that there was no meeting planned with Gorman, Caliendo, and himself on July 24, 2019.

28. Prior to January 13, 2020, Caliendo telephoned Respondent and requested Respondent to assist him in obtaining social security disability status.

29. On January 13, 2020, Respondent sent an email to a representative at the office of Social Security Administration. Respondent's email cc'd Caliendo, and stated as follows: "Let me know when u [sic] get medical records. I have coordinated with u on civil case. I know Frank anxious, and I want to get it all resolved. I am in court at the moment."

30. Respondent's January 13, 2020, email was false, because the civil case had been dismissed in January of 2019, and because Gorman did not represent Caliendo on the case.

31. Respondent knew the email was false because he knew the case had been dismissed in January of 2019. In sending the email to Caliendo, Respondent intended to mislead Caliendo that case number 2016 L 9824 was still pending.

32. On February 18, 2020, Caliendo telephoned attorney Thomas Gorman to request the status of his personal injury claim against Ghafari. Gorman informed Caliendo that he did not and would not represent him, and further, that he checked the website of the Circuit Court of Cook County and that Caliendo's case had been dismissed for want of prosecution more than a year prior.

33. Caliendo had one year, or until January 17, 2020, to seek to reinstate case number 2016 L 9824 following the dismissal of his claim for want of prosecution. As a result of

Respondent's misrepresentations to Caliendo until after that deadline had passed, as described in paragraphs 17-22, above, Caliendo's claim against Ghafari became time-barred, and he was unable to take any action to reinstate case number 16 L 9824.

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

- a. failing to provide competent representation to a client, by conduct including failing to appear in court for case management conferences in case number 2016 L 9824, resulting in the matter being dismissed for want of prosecution, and failing to seek to reinstate Caliendo's claim following that dismissal, in violation of Rule 1.1 of the Illinois Rules of Professional Conduct (2010);
- b. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to appear for case management conferences in case number 2016 L 9824, thereby resulting in dismissal for want of prosecution in that matter, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- c. failing to keep a client reasonably informed about the status of a matter, by conduct including failing to timely inform Caliendo that case number 2016 L 9824 had been dismissed for want of prosecution on January 17, 2019, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- d. conduct involving dishonesty, deceit, fraud, or misrepresentation, by conduct including but not limited to Respondent's statements to Caliendo after his case had been dismissed that Respondent was continuing to attempt to settle Caliendo's claim, that lawyer Thomas Gordon had agreed to meet with Caliendo and to act as co-counsel, and by fabricating a purported fee agreement with Gorman, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Lack of diligence and failure to keep a client reasonably informed-Rita Ambriz)

35. On September 14, 2016, while as a passenger in a vehicle driven by James R. Haderlein (“Haderlein”), Rita Ambriz (“Ambriz”) was involved in a collision on Interstate Highway 90/94 in Cook County Illinois, with a vehicle driven by Ibrahim Noor Aden Noor, a resident of the State of Minnesota. Ambriz suffered injuries and sought medical treatment as a result of the September 14, 2016 incident.

36. On September 15, 2016, Ambriz met with lawyer Mario Encinas, Jr. (“Encinas”) regarding a possible personal injury claim against Ibrahim. Encinas and Ambriz agreed that Encinas would represent Ambriz and would accept one-third of any recovery as his fee. Encino’s fee agreement further provided that Ambriz would agree to “authorize Encinas & Ornelas PC in the joining of Law Office of Stevan Krkljes for the successful resolution of this claim.”

37. On September 13, 2017, at the conclusion of Ambriz’ medical treatment, Encinas informed Ambriz that he would like to turn over responsibility for her matter to Respondent, who had more experience with personal injury matters, and that Respondent and Encinas would share the one-third contingency fee of any recovery as set forth in their initial September 15, 2016, agreement. Because Ambriz was Spanish-speaking and Encinas spoke Spanish while Respondent did not, Encinas agreed to act as a communication intermediary between Ambriz and Respondent.

38. On October 10, 2017, Respondent filed a complaint on behalf of Ambriz in the Circuit Court of Cook County. The clerk of the court assigned the matter case number 2017 L 10249, entitled *Rita Ambriz v. Aden Noor Ibrahim*.

39. On November 8, 2017, due to the fact that Ibrahim and Ambriz resided in Minnesota and Illinois, respectively, counsel for Ibrahim filed a notice of removal to the United

States District Court for the Northern District of Illinois in case number 2017 L 10249. The clerk of that court assigned the matter case number 17 CV 8070, *Rita Ambriz v. Aden Noor Ibrahim*.

40. Between November 8, 2017, and April 17, 2018, Respondent participated in, prepared, and responded to discovery pleadings, and appeared at status hearings before the court on behalf of Ambriz in case number 17 CV 8070.

41. On April 12, 2018, counsel for Ibrahim filed motion for leave to file a third-party complaint, and their third-party complaint for contribution against James Haderlein, the driver of the vehicle in which Ambriz was a passenger, and AMP Medical Transportation, Inc., for whom Haderlein was agent. The motion was scheduled to be heard on April 17, 2018. Respondent received notice of the court date from the Clerk of the Court.

42. On April 17, 2017, Judge Gary Feinerman held a status hearing in 17 CV 8070. Respondent failed to appear. Judge Feinerman granted defendant's motion to file a third-party complaint, and scheduled a status hearing for July 12, 2018. Judge Feinerman further ordered as follows: "Plaintiff is warned that failure without good cause to appear for the July 12, 2018 status hearing, or any future status or motion hearing, will result in the dismissal of this case with prejudice for want of prosecution." Respondent was provided with a copy of the court's April 17, 2018, order in 17 CV 8070 by email shortly thereafter.

43. On or about April 18, 2018, Respondent and counsel for Ibrahim scheduled the deposition of Ambriz in case number 17 CV 8070 for May 2, 2018, at 1:00 pm.

44. On April 18, 2018, Respondent filed a motion to amend the complaint, and his amended complaint on behalf of Ambriz, in 17 CV 8070, and scheduled his motion to be heard on April 25, 2018.

45. Respondent did not appear in court when case number 17 CV 8070 was called on April 25, 2018. On that date, Judge Feinerman entered an order of judgment in favor of Ibrahim and against Ambriz, stating as follows: “Motion hearing held. Plaintiff again failed to appear, even though it was Plaintiff’s motion. For the reasons stated on the record, Plaintiff’s claims are dismissed with prejudice for want of prosecution. The third-party claims are dismissed as moot. Civil case closed.” Respondent was provided with a copy of the court’s April 25, 2018, order in 17 CV 8070 by email shortly thereafter.

46. At no time after April 25, 2018, did Respondent take any action to reinstate Ambriz’s claim or reopen case number 17 CV 8070.

47. At no time between April 25, 2018, and April 26, 2019, did Respondent inform Ambriz or Encinas that case number 17 CV 8070 had been dismissed for want of prosecution.

48. After April 25, 2018, Respondent periodically communicated with Encinas implying that case 17 CV 8070 was pending. Because Ambriz only spoke Spanish, Respondent knew that Ambriz relied on Respondent’s communications with Encinas to keep her informed as to the status of case number 17 CV 8070.

49. On April 30, 2018, in response to Encinas’ request for information regarding Ambriz’s deposition, previously scheduled for May 2, 2018, Respondent emailed Encinas stating “[dep] not going. Will advise. Ambriz.” By emails dated June 13, 2018, and July 10, 2018, Encinas requested that Respondent inform him of the status of Ambriz’s matter. Respondent did not reply to Encinas’s emails.

50. On September 26, 2018, Encinas left Respondent a telephone message asking that Respondent inform him of the status of Ambriz matter. By email to Encinas on September 26, 2018, Respondent replied: “Let us talk on Friday morning. I have been in and out of the office.”

51. On October 19, 2018, Encinas emailed Respondent requesting the status of the Ambriz matter. By email dated November 2, 2018, Respondent replied: “Sorry in and out of the hospital...going back in for another week or so.”

52. On November 26, 2018, Respondent emailed Encinas as follows: “I was in hospital for three weeks or so. I am full duty and healed up. We have things to catch up on and finish off.”

53. On January 25, 2019, Encinas emailed Respondent, stating “Steve, Rita and [an unrelated client] are threatening to fire me if I don’t give them an update. I don’t know what to tell them. Please give me an update on these two cases.” On that same date, Respondent responded by email: “Call me [Respondent’s cell phone number]”

54. On April 22, 2019, Encinas emailed Respondent stating as follows: “Steve, client is to the point where she calls 2-3 times a week about her case. When can I schedule her so we can talk to her?” On that same date, Respondent replied by email “We can meet later this week...Friday?”

55. On April 26, 2019, Respondent met with Encinas and Ambriz in his office and for the first time informed them that case number 17 CV 8070 had been dismissed for want of prosecution on April 18, 2018.

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

- a. failing to provide competent representation to a client, by conduct including failing to appear in court for hearings on motions, resulting in Ambriz’s matter being dismissed for want of prosecution, and failing to seek to reinstate Ambriz’s claim following that dismissal, in violation of Rule 1.1 of the Illinois Rules of Professional Conduct (2010);

- b. not acting with reasonable diligence and promptness in representing a client, by conduct including failing to appear in court for hearings on motions, resulting in Ambriz's matter being dismissed for want of prosecution, and failing to seek to reinstate Ambriz's claim following that dismissal, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and
- c. not reasonably consulting with the client about the means by which the client's objectives are to be accomplished, by conduct including not advising Encinas about the status of Ambriz's case, as well as not notifying Encinas that Ambriz's case had been dismissed for want of prosecution, in violation of Rule 1.4(a)(2) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully 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
Illinois Attorney Registration and
Disciplinary Commission

By: /s/ Richard Gleason
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