

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

In the Matter of:

HEDWIG SARNICKI,

Attorney-Respondent,

No. 6208136.

Commission No. 2022PR00041

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Rachel C. Miller, pursuant to Supreme Court Rule 753(b), complains of Respondent, Hedwig Sarnicki ("Respondent"), who was licensed to practice law in Illinois on November 7, 1991, and alleges that Respondent has engaged in the following conduct which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Assisting in the unauthorized practice of law by a disbarred attorney and representing an individual in a workers' compensation case without the client's consent at the direction of a disbarred attorney)*

1. Prior to and until September 21, 2015, attorney Daniel Rozenstrauch ("Rozenstrauch") employed Respondent as an associate attorney at Daniel P. Rozenstrauch and Associates PC, located at 6333 Milwaukee Avenue ("6333 Milwaukee") in Chicago.

2. On September 21, 2015, the Supreme Court of Illinois issued its mandate disbarring Rozenstrauch from the practice of law in the matter *In re Daniel Rozenstrauch*, M.R. 27477, 2012PR00166 (September 21, 2015).

3. At no time after September 21, 2015, did the court vacate or set aside its order.

4. At no time after September 21, 2015 did the court reinstate Rozenstrauch to the practice of law.

5. At all times alleged in this complaint, Supreme Court Rule 764 provided in part:

Any and all attorneys who are affiliated with the disciplined attorney as a partner or associate shall take reasonable action necessary to insure that the disciplined attorney complies with the provisions of paragraphs (a), (b), (c), (d) and (e) below. Within 35 days of the effective date of the order of discipline, each affiliated attorney or a representative thereof shall file with the clerk of the supreme court and serve upon the Administrator a certification setting forth in detail the actions taken to insure compliance with paragraphs (a), (b), (c), (d), and (e) below...

(b) Withdrawal from Law Office and Removal of Indicia as Lawyer. Upon entry of the final order of discipline, the disciplined attorney shall not maintain a presence or occupy an office where the practice of law is conducted.

6. At no time did Respondent file an affidavit as an affiliated attorney as required by Supreme Court Rule 764, following Rozenstrauch's disbarment.

7. After September 21, 2015, Rozenstrauch started Conflict Resolution and Mediation Services ("Conflict Resolution"), located at his former law office at 6333 Milwaukee Ave.

8. On or about September 21, 2015, Respondent started a general law practice, LNH Law Group, in the Conflict Resolution office at 6333 Milwaukee Avenue in Chicago. At the time, Respondent knew that Rozenstrauch had been disbarred on September 21, 2015.

9. On or about May 1, 2018, Rozenstrauch moved the Conflict Resolution office to 1585 Ellinwood Street, Unit 215, in Des Plaines.

10. On or about May 1, 2018, Respondent moved LHN Law Group to 1518 Ellinwood Street, Unit 215, Des Plaines, the same office unit as Conflict Resolutions. At the time, Respondent knew that Rozenstrauch remained disbarred.

11. On October 10, 2018, Ralph Zaborowski (“Ralph”) sustained an injury to his left knee while he was working as a sheet metal worker for Metal Erectors, Inc.

12. On or before November 8, 2018, Ralph met with Rozenstrauch at his office at 1585 Ellinwood Street in Des Plaines. At the time, Rozenstrauch represented to Ralph that he was an attorney licensed to practice in Illinois.

13. During their meeting, Rozenstrauch and Ralph orally agreed that Rozenstrauch would file an adjustment of claim for workers’ compensation benefits (“claim application”). Ralph paid Rozenstrauch an initial retainer of \$500, but they did not agree on an hourly rate. On or about November 21, 2018 and December 28, 2018, Ralph paid Rozenstrauch an additional \$900. At no time did Rozenstrauch explain to Ralph that attorneys’ fees in workers’ compensation cases were set by statute and were based on a percentage of the recovery.

14. On or before November 8, 2018, Rozenstrauch and Respondent agreed that Respondent would file a claim application on Ralph’s behalf with the Illinois Workers’ Compensation Commission (“IWCC”).

15. On November 8, 2018, Respondent filed a claim application on behalf of Ralph, and the IWCC docketed the matter as case number 18WC33582. Respondent was listed as counsel for Ralph.

16. At no time did Ralph authorize Respondent to file a claim application on his behalf.

17. At no time before or after the filing of the claim application did Respondent communicate with Ralph, nor did Respondent inform or explain to Ralph that she, and not Rozenstrauch, filed the claim application on Ralph’s behalf.

18. After Respondent filed the claim application, Ralph started receiving benefits. However, in 2019, Ralph's workers' compensation benefits terminated, and he notified Rozenstrauch about the termination.

19. On or about May 17, 2019, Rozenstrauch contacted attorney Marc Perper ("Perper") about taking over Ralph's workers' compensation case.

20. After determining that Ralph spoke Polish, Perper asked a Polish-speaking associate attorney in his firm, Zbigniew Bednarz ("Bednarz"), to contact Ralph.

21. On May 17, 2019, Bednarz contacted Ralph and informed him that Rozenstrauch had contacted his firm and asked that his firm take over as counsel for Ralph in case 18WC33582. At that time, Ralph learned for the first time that Respondent, not Rozenstrauch, had filed the claim application in case 18WC33582.

22. On May 22, 2019, Bednarz sent Respondent paperwork requesting that she withdraw from case 18WC33582 and agree that Bednarz would substitute in as counsel for Ralph in case 18WC33582.

23. At no time between May 22, 2019 and May 31, 2019, did Respondent sign the substitution paperwork nor did Respondent communicate with Bednarz or Ralph.

24. On May 31, 2019, Bednarz filed a motion to dismiss Respondent as attorney of record for Ralph in case 18WC33582.

25. On June 17, 2019, the arbitrator for IWCC entered an order dismissing Respondent as counsel of record in 18WC33582.

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

- a. violating or attempting to violate the Rules of Professional Conduct, knowingly assisting or inducing another to do so,

or doing so through the acts of another, by conduct including filing a workers' compensation claim on behalf of Ralph at Rozenstrauch's direction, thereby assisting Rozenstrauch in the unauthorized practice of law, in violation of Rule 8.4(a) of the Illinois Rules of Professional Conduct (2010);

- b. assisting another in the unauthorized practice of law by conduct including, filing a workers' compensation claim at the direction of Rozenstrauch, without Ralph's knowledge or consent, in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct (2010);
- c. failure to keep the client reasonably informed about the status of the matter by conduct including never communicating with Ralph about his workers' compensation claim, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- d. failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation by conduct including never communicating with Ralph about his workers' compensation claim either before or after the claim was filed in violation of Rule 1.4(b) of the Illinois Rules of Professional Conduct (2010);
- e. failure to abide by the client's decisions concerning the objectives of representation by conduct including filing and pursuing a workers' compensation claim on behalf of Ralph without his knowledge or consent and by never communicating with Ralph before or after the claim was filed, in violation of Rule 1.2(a) of the Illinois Rules of Professional Conduct (2010); and
- f. conduct involving dishonesty, fraud, deceit, or misrepresentation by conduct including filing a workers' compensation claim on behalf of Ralph without his knowledge or consent, and by concealing her role in the representation of Ralph, in violation of Rule 8.4(c) 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  
Attorney Registration and  
Disciplinary Commission

By: /s/ Rachel C. Miller  
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