

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

In the Matter of:

REBECCA SUZANNE MURRAY,

Attorney-Respondent,

No. 6311937.

Commission No. 2021PR00077

REPORT AND RECOMMENDATION OF THE HEARING BOARD

DEFAULT PROCEEDING

The hearing in this matter was held by video conference on June 21, 2022, before a Hearing Board Panel consisting of Henry T. Kelly, Chair, Kristen E. Hudson, and John McCarron. Richard C. Gleason, II appeared on behalf of the Administrator. Respondent appeared pro se, by telephone. The Administrator recommended that Respondent be suspended for six months and until further order of the Court. We agree with the Administrator's recommendation and further recommend that Respondent be required to complete the Professionalism Seminar.

We have considered the Administrator's two-count Complaint, a copy of which is attached as Exhibit 1. We also considered the Order entered on March 21, 2022, 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 she participate in three prehearing conferences.

The allegations deemed admitted establish as follows. On December 9, 2020, Todd Kalas paid Respondent a \$2,500 retainer fee to represent him in a pending rule to show cause in the Circuit Court of McHenry County. Respondent filed her appearance but then did not appear for

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July 06, 2022

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three scheduled court dates for the hearing on the rule to show cause, despite being ordered to appear. As a sanction, the Court ordered Respondent to pay \$750 for opposing counsel's fees. Respondent also ignored Kalas's numerous efforts to contact her and failed to refund Kalas's retainer fee after he terminated the representation. In addition, Respondent ignored the Administrator's requests for information about the Kalas matter and failed to comply with a subpoena to produce documents and appear for a sworn statement.

In aggravation, the Panel considers Todd Kalas's credible testimony that Respondent's conduct caused him emotional distress and financial hardship. We also consider that Respondent was censured in 2018 for practicing law after she was removed from the master roll for failure to register. In re Murray, 2018PR00013, M.R. 029532 (Nov. 15, 2018). Respondent's failure to participate in this matter is another aggravating factor. Her appearance at the hearing demonstrates that she received communications about this matter, yet she chose not to comply with her obligation to respond to the Administrator's requests for information or otherwise participate in pre-hearing proceedings.

There is no mitigating evidence in the record before us. Respondent indicated that she wished to advise the Panel of circumstances related to her misconduct, but she then chose not to testify after being asked to appear by video.

Respondent's failure to participate leaves us unable to assess her fitness to practice law. Therefore, we agree with the Administrator that she should be suspended until further order of the Court. We note that restitution is a condition of reinstatement, pursuant to Supreme Court Rule 767(f). We also recommend that Respondent be required to complete the Professionalism Seminar, as she disregarded her fundamental obligations of diligence and protection of her client's interests.

Accordingly,

1. Respondent agreed to accept service by electronic mail and was served with the Complaint by electronic mail on January 7, 2022. A copy of the Affidavit of Agreed Service Pursuant to Commission Rule 214(c) is attached as Exhibit 3.
2. The allegations of the Complaint were deemed admitted in an Order filed on March 21, 2022. 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.
4. Given Respondent's misconduct, the serious aggravating factors present, and the case law cited by the Administrator, we recommend that Respondent, Rebecca Suzanne Murray, be suspended for six months and until further order of the Court and until she completes the Professionalism Seminar.
5. The Panel has concluded this report format will adequately and appropriately communicate its recommendation to the Court.

Respectfully submitted,

Henry T. Kelly
Kristen E. Hudson
John McCarron

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on July 6, 2022.

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

Exhibit 1

BEFORE THE HEARING BOARD
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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, Rebecca Suzanne Murray (“Respondent”), who was licensed to practice law in Illinois on October 1, 2013, and alleges that Respondent has engaged in the following conduct, which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Lack of diligence, failure to communicate, and failure to return unearned fee – Todd Kalas)

1. At all times alleged in this complaint, Respondent was the sole owner of The Law Offices of Rebecca Murray in Oak Park, Illinois, and was the sole attorney operating and providing services as part of that entity. Respondent’s practice focused on family law.

2. On or about December 9, 2020, Respondent consulted with Todd Kalas (“Mr. Kalas”), who was seeking an attorney to represent him in McHenry County case number of 19DV000865 (“the McHenry County case”). As part of the McHenry County case, there was pending a petition for rule to show cause against Mr. Kalas. The petition sought that the court hold Mr. Kalas in contempt of court.

3. Following the consultation described in paragraph two, above, Respondent and Mr.

Kalas agreed that Respondent would represent Mr. Kalas in the McHenry County case. Respondent and Mr. Kalas further agreed that Mr. Kalas would pay Respondent a retainer fee of \$2,500, which would be deposited in Respondent's client trust account, and against which Respondent would bill Mr. Kalas for legal fees at an hourly rate of \$200.

4. On or about December 9, 2020, Mr. Kalas paid Respondent the entire \$2,500 advance fee described in paragraph three, above. On December 21, 2020, Respondent filed her appearance as counsel for Mr. Kalas in the McHenry County case.

5. On December 22, 2020, Respondent appeared in court with Mr. Kalas. On the same date, the court issued the rule to show cause against Mr. Kalas and set a hearing on the rule to show cause for January 21, 2021.

6. On January 21, 2021, Mr. Kalas appeared in court, but Respondent did not. The Court continued the case to January 28, 2021. At no point did Respondent inform Mr. Kalas that she would not be appearing in court on January 21, 2021. After the court appearance, Mr. Kalas left telephone messages for Respondent, but Respondent did not respond to any of the messages.

7. On January 28, 2021, Mr. Kalas appeared in court, but Respondent again did not. The court continued the case to February 11, 2021, and entered an order requiring Respondent to appear and explain why she should not be held in contempt of court for her failure to appear in court on January 21, 2021 and January 28, 2021. At no point did Respondent inform Mr. Kalas that she would not be appearing in court on January 28, 2021. After the court appearance, Mr. Kalas left telephone messages for Respondent, but Respondent did not respond to any of the messages.

8. On February 11, 2021, Mr. Kalas appeared in court, but Respondent did not. The Court entered an order sanctioning Respondent \$750 for opposing counsel's attorney fees and

requiring Respondent to appear on the next court date, March 4, 2021. At no point did Respondent inform Mr. Kalas that she would not be appearing in court on February 11, 2021. After the court appearance, Mr. Kalas left telephone messages for Respondent, but Respondent did not respond to any of the messages.

9. On March 2, 2021, Mr. Kalas filed his own *pro se* appearance in the case. On March 3, 2021, Respondent filed a motion to withdraw as attorney.

10. On March 4, 2021, opposing counsel confirmed that Respondent had paid the \$750 sanction, described in paragraph eight, above. The court then granted Respondent's motion to withdraw as attorney for Mr. Kalas.

11. Mr. Kalas requested that Respondent refund the retainer fee he paid Respondent. Respondent never refunded any portion of Mr. Kalas's advance fee payment described in paragraphs three and four, above. The services Respondent provided Mr. Kalas do not justify her retention of that entire fee.

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

- a. Failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to appear in court on three consecutive court dates, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. Failing to take steps to the extent reasonably practicable to protect a client's interests upon termination of representation, by conduct including failing to return any unused funds to Mr. Kalas, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II
(Failure to cooperate with ARDC investigations)

13. On or about February 2, 2021, the Administrator received a request for an investigation of Respondent from Mr. Kalas related to Respondent's handling of the McHenry County case described in paragraph two through 13, above. After reviewing the correspondence, the Administrator docketed investigation number 2021IN00305. On February 3, 2021, counsel for the Administrator sent a letter via email to the email address Respondent had previously provided the registration department at the ARDC, requesting that Respondent submit a written response and documentation regarding the allegations contained in the request for investigation. Respondent did not provide a written response or any documentation.

14. As of February 11, 2021, Respondent had not replied to the Administrator's request for information in investigation number 2021IN00305.

15. On February 11, 2021, counsel for the Administrator issued a subpoena that required Respondent to provide documentation relating to her representation of Mr. Kalas, and to appear for a sworn statement on March 25, 2021.

16. The subpoena was sent via email to the email address Respondent had previously provided the registration department at the ARDC. Respondent received the subpoena but did not appear for the sworn statement.

17. As of August 24, 2021, the date the Administrator referred investigation number 2021IN00305 to Panel C of the Inquiry Board, she had not provided any of the documentation requested in the subpoena or requested additional time in which to do so. Respondent's appearance has never been waived or excused.

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

- a. failing to respond to a lawful demand for information from a disciplinary authority, by conduct including failing to respond to the Administrator's requests for a written response to the Kalas investigation, as well as for failing to provide documents and appear for a sworn statement on March 25, 2021, pursuant to the Administrator's subpoena, in violation of Rule 8.1(b) 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
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Chicago, Illinois 60601
Telephone: (312) 565-2600
Email: rgleason@iadc.org
Email: ARDCeService@iadc.org

Doc. #1408916

Exhibit 2

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ORDER

The Chair having considered the Administrator's Motion To Deem The Allegations Of The Rule 753 Complaint Admitted Pursuant To Commission Rule 236 and Motion To Bar Witnesses From Testifying ("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 at the hearing. The evidence at the 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 March 21, 2022.

/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 address shown below by regular mail by depositing it with proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox box at One Prudential Plaza, 130 East Randolph Drive, Chicago, Illinois 60601 on March 21, 2022, 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.

Rebecca Suzanne Murray
Attorney-Respondent
The Law Offices of Rebecca Murray
805 Lake Street, #407
Oak Park, IL 60301

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

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**AFFIDAVIT OF AGREED SERVICE
PURSUANT TO COMMISSION RULE 214(c)**

I, James A. Easoz (“Affiant”), being duly sworn, hereby state:

1. Affiant possesses firsthand knowledge of the facts presented in this Affidavit and, if called as a witness, Affiant will testify to the truth of the facts as presented in this Affidavit.
2. Affiant is a Senior Investigator for the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (“the Commission”) and, as such, is authorized to serve process.
3. On October 28, 2021, Affiant was assigned to serve a disciplinary complaint packet on the Respondent.
4. On November 3, 2021, Affiant attempted to contact Respondent by telephone at (708) 527-4317, Respondent did not answer, her phone went to the voicemail greeting, however, Respondent’s voicemail box was full. Affiant then sent a text message to Respondent requesting that Respondent call Affiant. Respondent did not contact Affiant or respond to Affiant’s text message.

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ARDC Clerk

5. On November 5, 2021, Affiant attempted to contact Respondent by telephone at (708) 527-4317, Respondent did not answer, her phone went to the voicemail greeting, however, Respondent's voicemail box was full. Affiant then sent a text message to Respondent stating he needed to get in touch with her regarding service of the disciplinary complaint and Affiant requested that Respondent call Affiant. Affiant sent a subsequent text message informing Respondent that she could accept service of the disciplinary complaint via electronic mail. Respondent did not contact Affiant or respond to Affiant's text messages.

6. On November 5, 2021, at 7:50 a.m., Affiant emailed Respondent at her registered email address of rebeccamurrayjd@gmail.com inquiring if Respondent would agree to accept service by email and, if so, for Respondent to reply to the email confirming she would accept service via electronic mail.

7. On December 1, 2021 at 12:34 p.m., Respondent sent an email to Affiant from rebeccamurrayjd@gmail.com stating she did not want to agree to accept service via electronic mail at this time.

8. On December 2, 2021 at 1:35 p.m., Affiant traveled to 1025 Randolph Street, Oak Park, IL, to attempt service upon Respondent. Affiant located Respondent's name on the directory and phoned her using the building call box. Affiant identified Respondent on the call and informed her he was at the front door with a copy of the disciplinary complaint. Affiant could not get Respondent to come to the front door to accept service of the disciplinary complaint.

9. On December 17, 2021 at 2:25 p.m., Affiant traveled to 1025 Randolph Street, Oak Park, IL, to attempt service upon Respondent. Affiant located Respondent's name on the directory and phoned her using the building call box. Affiant identified Respondent on the call and informed her he was at the front door with a copy of the disciplinary complaint to which Respondent stated

that she was out of town and would be “through the holidays”. Affiant also mentioned she may be interested in retaining counsel to represent her in this matter. The call on the callbox was then cut off. Affiant subsequently sent Respondent a text message inquiring if Respondent would like Affiant to send her a copy of the ARDC defense attorney list. Respondent “liked” Affiant’s text message offering to send her a copy of the ARDC defense attorney list.

10. On December 18, 2021 at 9:13 a.m., Affiant emailed a copy of the ARDC defense counsel list to Respondent at rebeccamurrayjd@gmail.com. Affiant did not receive a response from Respondent via email or text message.

11. Between December 2, 2021, and January 7, 2022, Affiant placed several calls to Respondent at (708) 527-4317; but her mailbox was regularly full, sent several text messages to Respondent, and several emails to Respondent at rebeccamurrayjd@gmail.com attempting to arrange personal service or agreed electronic service but did not receive a response from Respondent.

12. On January 6, 2022 at 8:55 a.m., Affiant traveled to 1025 Randolph Street, Oak Park, IL, to attempt service upon Respondent. Affiant located Respondent’s name on the directory and phoned her using the building call box. Affiant identified Respondent on the call and informed her he was at the front door with a copy of the disciplinary complaint to which Respondent stated she was not home. Affiant inquired where Respondent was and Respondent replied she was near Wisconsin. Affiant inquired when Respondent would be home and Respondent replied “maybe tomorrow.” Affiant informed Respondent she could simply respond to Affiant’s email and he could serve her via electronic mail to conclude the attempts by Affiant to serve Respondent otherwise Affiant would return the following day. Respondent replied by saying okay.

13. On January 6, 2022, at 9:01 a.m., Affiant emailed Respondent at her registered email address of rebeccamurrayjd@gmail.com following up on their conversation via callbox and informed Respondent she could respond to the email to accept service by email.

14. On January 7, 2022, at 8:01 a.m., Respondent emailed Affiant from her email address of rebeccamurrayjd@gmail.com stating “please send via email.”

15. On January 7, 2022, at 9:36 a.m., Affiant sent the complaint packet which included the Complaint, Notice of Complaint, Order Assigning Hearing Board Chairperson, Pre-Hearing Proceedings Memorandum and the Rules of the Attorney Registration and Disciplinary Commission to Respondent via electronic mail at rebeccamurrayjd@gmail.com.

16. Further Affiant sayeth not.

/s/ James A. Easoz

James A. Easoz

CERTIFICATION

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 he verily believes the same to be true.

/s/ James A. Easoz

James A. Easoz

Dated: January 7, 2022

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