In re James P. Ginzkey
Attorney-Respondent

Commission No. 2021PR00031

Synopsis of Hearing Board Report and Recommendation
(August 2022)

Respondent provided documents to his expert witness that the court had deemed privileged under the Medical Studies Act. He denied intentionally violating the court's order. The Administrator charged Respondent with knowingly disobeying an obligation under the rules of a tribunal and engaging in conduct that is prejudicial to the administration of justice, in violation of Rules of Professional Conduct 3.4(c) and 8.4(d). The Hearing Panel found the Administrator proved the charges of misconduct and recommended that Respondent be censured.

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

In the Matter of:

JAMES P. GINZKEY,

Attorney-Respondent,

No. 3124355.

Commission No. 2021PR00031

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

Respondent engaged in misconduct by providing privileged and confidential documents to an expert witness in contravention of a court order. The Hearing Board recommended that he receive a censure.

INTRODUCTION

The hearing in this matter was held remotely by video conference on March 15, 2022, before a Panel of the Hearing Board consisting of Sonni Choi Williams, Chair, Mark T. Peters, and Elizabeth Delheimer. Rachel C. Miller represented the Administrator. Respondent was present and was represented by William F. Moran, III.

PLEADINGS AND ALLEGED MISCONDUCT

The Administrator filed a one-count Complaint against Respondent, alleging he knowingly disobeyed a court order by improperly disclosing privileged documents. Specifically, Respondent was charged with knowingly disobeying an obligation under the rules of a tribunal and engaging in conduct that is prejudicial to the administration of justice, in violation of Rules 3.4(c) and 8.4(d)

of the Illinois Rules of Professional Conduct (2010). In his Answer, Respondent admitted the factual allegations but denied engaging in misconduct.

EVIDENCE

The Administrator called Respondent as an adverse witness and two additional witnesses. The Administrator's Exhibits 1-6 were admitted. (Tr. 9). Respondent testified on his own behalf and submitted the evidence depositions of five character witnesses. Respondent's Exhibits 1-10 and 12-18 were admitted. (Tr. 8, 9).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Administrator bears the burden of proving the charges of misconduct by clear and convincing evidence. In re Thomas, 2012 IL 113035, ¶ 56. Clear and convincing evidence constitutes a high level of certainty, which is greater than a preponderance of the evidence but less stringent than proof beyond a reasonable doubt. People v. Williams, 143 Ill.2d 477, 577 N.E. 2d 762 (1991). The Hearing Board assesses witness credibility, resolves conflicting testimony, makes factual findings, and determines whether the Administrator met the burden of proof. In re Winthrop, 219 Ill.2d 526, 542-43, 848 N.E. 2d 961 (2006).

Respondent is charged with knowingly disobeying a court order by giving his expert witness documents the court had deemed privileged and confidential.

A. Summary

Respondent admits he provided two documents to his expert witness after the court had entered an order deeming them privileged and precluding their use in a medical negligence matter. The Hearing Board found Respondent acted knowingly and intentionally when he disobeyed the court's order, and further found that his conduct prejudiced the administration of justice.

B. Admitted Facts and Evidence Considered

Respondent has been licensed to practice law in Illinois since 1979. (Tr. 77). His practice focuses on personal injury matters, primarily in the area of medical negligence. (Tr. 78-79). Respondent testified that he plans to retire in the next two years. (Tr. 114).

The charges in this matter pertain to Respondent's representation of the estate of Eugene Wheat, who died in 2016 following a catheterization procedure performed by Patrick Murphy, M.D., at Advocate BroMenn Medical Center (Advocate). While investigating the matter at the request of Wheat's family, Respondent learned that Advocate suspended Dr. Murphy's staff privileges after Wheat's death and Dr. Murphy filed a lawsuit challenging the suspension, Patrick Murphy v. Advocate BroMenn Medical Center, 2016 CH 122 (Circuit Court of McLean County). Respondent then sat in on a hearing in the 2016 CH 122 matter and learned it involved Dr. Murphy's treatment of Wheat. On or around July 19, 2017, Respondent reviewed the court file for 2016 CH 122 and obtained copies of certain documents from the circuit clerk, including a peer review report generated by an Advocate Intraprofessional Conference Committee (ICC report), and a letter dated June 1, 2016 to Murphy from Advocate's president of medical staff (June 1 letter). (Tr. 127; Resp. Ex. 3). In Respondent's view, the ICC report "pretty well laid out what [Wheat's] case against Murphy was". (Tr. 128). The June 1 letter contained most of the same information as the ICC report. (Tr. 129).

Respondent testified that he checked to see if any parts of the court file were sealed, and they were not. (Tr. 98, 123). Attorney Richard Stites, who represented Advocate, testified that Advocate had moved to seal the ICC report and it was his understanding that the court ordered that it be sealed. (Tr. 70).

Respondent also obtained appellate briefs and two opinions from the Fourth District Appellate Court regarding the 2016 CH 122 matter. In Respondent's view, the appellate opinions set out all of the pertinent information contained in the ICC report and June 1 letter. (Tr. 132-33).

After reading criticisms of Dr. Murphy in the documents he obtained, Respondent asked Stites if Advocate would allow him to depose the two physicians involved in drafting the ICC report. When Advocate declined, Respondent filed a petition for discovery seeking the testimony of the two physicians regarding whether they concluded that Dr. Murphy committed malpractice in his treatment of Wheat. Respondent sought their testimony in the hope that he could avoid hiring an expert for Wheat's anticipated malpractice lawsuit. (Tr. 79-80, 98). Respondent ultimately chose not to pursue the petition for discovery. (Tr. 128).

On January 5, 2018, Respondent filed a medical negligence complaint in the Circuit Court of McLean County on behalf of Lorrie Wheat, Special Administrator of the Estate of Eugene Wheat, against Dr. Murphy and Advocate. (Resp. Ex. 4). During discovery, the parties litigated issues of privilege as to 41 documents, including the ICC report and June 1 letter. The litigation included Respondent's Motion for Judicial Notice, filed on October 11, 2018, asking the court to take judicial notice of information contained in the Fourth District appellate opinion, including the findings set forth in the ICC report and the testimony of physicians who were members of the peer review committee. (Resp. Ex. 5).

On February 22, 2019, the court entered an order denying the Motion for Judicial Notice and determining, in relevant part, that the ICC report was privileged and confidential under the Medical Studies Act, 735 ILCS 5/8-2101 *et seq*., because it contained recommendations arising from the peer review process. The court further determined that the June 1 letter was privileged in part because it contained the results of the peer review process and recommendations and

conclusions arising from the peer review process. The court noted that, pursuant to Section 5/8-2102 of the Medical Studies Act, the fact that the appellate court published information that may be subject to the Medical Studies Act did not constitute a waiver of confidentiality. (Adm. Ex. 1).

Respondent had substantial experience with litigating issues involving the Medical Studies Act. He testified that privilege under the Medical Studies Act is "always a bone of contention" in medical negligence cases. (Tr. 125-26). He further testified that he likes "to try cases on the merits and not get involved in all of the collateral issues, the constant fights over the Medical Studies Act, for instance". (Tr. 114).

Respondent understood that the court's ruling meant he could not use or disclose the ICC report or the redacted portions of the June 1 letter. (Tr. 82, 144). After the court ruled, he and his paralegal put the paper copies of the privileged documents in a separate folder so they would be segregated from the rest of the file. He did not dispose of the documents because he planned to raise issues related to them on appeal. (Tr. 83). Respondent kept unredacted electronic copies of the documents on his computer. (Tr. 147).

In late November 2019, Respondent was working with his expert witness, Timothy Sanborn, M.D., to draft his opinions, which were required to be disclosed by December 2, 2019. (Tr. 84). On Thursday, November 28, Dr. Sanborn asked Respondent to send him the page numbers in the electronic records dealing with "the January Cath report" and Dr. Murphy's progress notes related to that admission. The following day, at 8:11 a.m., Respondent sent Dr. Sanborn an email with the information he requested. At 8:17 a.m., Respondent sent Dr. Sanborn another email, with the ICC report and unredacted June 1 letter attached, that stated, "As a result of his mistreatment of Eugene Wheat in May of 2016 Dr. Murphy's privileges at Advocate were revoked per the attached". (Adm. Ex. 2).

Respondent testified he sent the ICC report and June 1 letter because he felt Dr. Sanborn was not focusing on the correct time period and Respondent wanted to "jog his memory". (Tr. 87-88). He was feeling panicked because the disclosure deadline was approaching, and his office was closed for the Thanksgiving holiday. (Tr. 89). He further testified that the court's order "never came into [his] mind". (Tr. 165). He acknowledges he made a mistake but testified it was unintentional. (Tr. 177).

Respondent then obtained an extension of time to disclose Dr. Sanborn's opinions and continued to work with Dr. Sanborn in drafting those opinions. (Tr. 94-95). On January 28, 2020, Respondent filed a revised Rule 213(f) witness disclosure, which listed the ICC report and June 1 letter as materials upon which Dr. Sanborn relied in forming his opinions. (Ans. par. 20). The Rule 213(f) disclosure did not indicate the date on which he gave Dr. Sanborn the privileged materials. (Resp. Ex. 10 at 21).

According to Respondent, the ICC report and June 1 letter were not important to Dr. Sanborn in forming his opinions. Respondent acknowledged, however, that Dr. Sanborn's written opinions mirrored language in the privileged documents to a certain extent because Respondent believed he needed to include such language to make a record for purposes of appeal. (Tr. 92-94).

Respondent does not recall when he realized he had violated the court's order. He believes it was when he filed the revised Rule 213(f) disclosure. He did not contact the opposing attorneys to inform them he had provided the privileged materials in contravention of the court's order. He assumed they would call him. (Tr. 99, 170).

Attorney Bret Coale represented Dr. Murphy. (Tr. 32,33). He became aware in mid-June of 2020 that Respondent had divulged the unredacted peer review letter. At the time Respondent filed his Rule 213(f) disclosure, Coale was aware Respondent had provided the privileged

materials to Dr. Sanborn but did not know whether Respondent had done so before or after the court had deemed them privileged. (Tr. 37). On July 23, 2020, after learning when Respondent provided the privileged documents, Coale filed an emergency motion for a temporary restraining order and to bar Dr. Sanborn. (Tr. 40).

On July 24, 2020, Advocate, which had settled with Wheat and been dismissed from the case on February 18, 2020, filed a petition to intervene and for leave to file an emergency motion for a temporary restraining order. Advocate later filed a motion for sanctions, permanent injunctive relief, and contempt finding. (Tr. 63-64).

In responding to Dr. Murphy's Motion to Bar Dr. Sanborn, Respondent stated that he recognized and appreciated the time the court spent in fashioning the order of February 22, 2019 and regretted that the ICC report and June 1 letter were forwarded to Dr. Sanborn "through inadvertence". (Resp. Ex. 10).

On October 9, 2020, the court entered an order addressing Advocate's and Dr. Murphy's motions. The court granted injunctive relief and ordered Respondent, his staff, and Dr. Sanborn to destroy all privileged materials. In addressing the issue of sanctions, the court noted that some of Dr. Sanborn's written opinions mirrored the content of the privileged materials. The court further found that Advocate had been diligent in seeking to protect the privileged materials. It noted that, in 2016 CH 122, Advocate filed a motion for leave file documents under seal on June 27, 2016; documents were filed under seal on July 7, 2016; and exhibits were ordered sealed by the court on July 8, 2016*. The court further found that Respondent did not act in good faith when he disclosed the privileged materials, noting that he "is a veteran trial attorney who deals with confidential records on a daily basis given his concentration in medical malpractice litigation" and has participated in extensive motion practice dealing with the Medical Studies Act. Consequently, the

court barred Dr. Sanborn from testifying and ordered Respondent to pay Advocate and Dr. Murphy the amount of reasonable expenses incurred as a result of Respondent's misconduct. The court did not find Respondent in contempt. (Adm. Ex. 5).

On November 30, 2020, the court ordered Respondent to pay attorney fees in the amounts of $20,000 to Advocate and $12,000 to Dr. Murphy. (Ans. par. 28). As of the date of this hearing, Respondent had not paid those fees because he intends to appeal the sanction order and the Wheat matter was still pending in the circuit court. (Tr. 43, 95, 183).

C. Analysis and Conclusions

Rule 3.4(c) provides that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists. Rule 1.0(f) provides that "knowingly" "denotes actual knowledge of the fact in question. A person's knowledge may be inferred from the circumstances". Respondent does not dispute that he violated the court's order by providing the ICC report and unredacted June 1 letter to Dr. Sanborn, but contends the Administrator failed to prove that he acted knowingly. We disagree.

Respondent understood the court's order and understood he was not permitted to disclose the ICC report or unredacted June 1 letter. There was no testimony from Respondent that he forgot about or misunderstood the court's ruling. On the contrary, Respondent's own testimony established that he purposely provided the privileged information to Dr. Sanborn to focus Dr. Sanborn's attention on a particular time period. Respondent also testified that the content of Dr. Sanborn's written opinions, which Respondent helped draft, mirrored the language in the ICC report to a certain extent because Respondent wanted to make a record for purposes of appeal. The logical inference from this testimony is that Respondent disclosed the privileged documents with the intention that information contained therein would make its way into Dr. Sanborn's opinions.

Thus, the evidence clearly and convincingly established that Respondent's conduct was not accidental or inadvertent.

We do not find credible Respondent's testimony that the court's order did not enter his mind when he sent the documents. It is clear from Respondent's testimony and his conduct that the information in the ICC report and June 1 letter was valuable to Wheat's case. Respondent testified that the ICC report "laid out the case" against Dr. Murphy. Respondent devoted significant effort to obtaining the ICC report and June 1 letter and other related court filings and opinions, seeking the testimony of the authors of the ICC report, and trying to convince the court through his Motion for Judicial Notice to allow his client to use the information contained in those documents. In addition, Respondent has substantial experience litigating privilege issues under the Medical Studies Act and was well aware that the court's order meant he was not permitted to use the privileged information in any way. Nevertheless, he chose to reveal it without any prompting from Dr. Sanborn. Regardless of the time pressures Respondent was under, we do not believe that an attorney with his experience would fail to recall that the ICC report and June 1 letter had been deemed privileged. In our role as triers of fact, we need not accept testimony that is inherently incredible or improbable, nor are we required to be naïve or impractical in evaluating the evidence. In re Peek, 93 SH 357, M.R. 9461 (Dec. 29, 1995). Accordingly, we find Respondent acted in violation of Rule 3.4(c) by knowingly disobeying the court's order.

We further find that Respondent's conduct caused prejudice to the administration of justice. An attorney's conduct is considered prejudicial to the administration of justice if it has an impact on the representation of a client or the outcome of a case, undermines the judicial process, or jeopardizes a client's interests. In re Storment, 203 Ill.2d 378, 399, 786 N.E. 2d 963 (2002). Even if the underlying case is not harmed, the administration of justice is prejudiced if an attorney's

misconduct causes additional work for judges or other attorneys, or causes additional proceedings to be held. In re Haime, 2014PR00153, M.R. 28532 (March 20, 2017) ((Hearing Bd. at 16-17).

There is no question that Respondent's conduct caused additional work for opposing counsel and the court. Both Dr. Murphy and Advocate had to seek relief from the court and incur additional attorney fees in order to protect their confidential information, with Advocate re-entering the case after having settled. The court was required to spend time addressing Respondent's conduct instead of the merits of the case. Due to the ruling barring Dr. Sanborn from testifying as an expert witness, Respondent also placed his client's interests in jeopardy. Accordingly, we find the Administrator proved a violation of Rule 8.4(d) by clear and convincing evidence.

EVIDENCE IN AGGRAVATION AND MITIGATION

Aggravation

When asked to tell the Hearing Panel why he believes he should not be disciplined, Respondent stated, "I don't see how my sending two documents to a physician merits what has happened here when Dr. Murphy, the hospital, and all of their attorneys did the same thing". (Tr. 200). Respondent described Advocate's conduct in seeking to intervene after it had settled as "a little bit hypocritical" and "stunning" because Advocate failed to protect the ICC report and June 1 letter "in any fashion". (Tr. 174-75). Respondent described Dr. Murphy's motion to bar Dr. Sanborn and grant summary judgment in his favor as a result of Respondent's conduct as "somewhat draconian". (Tr. 181). Respondent does not believe that the attorney fees the court ordered him to pay were generated in relation to his disclosure of the privileged documents. (Tr. 186). This testimony leads us to conclude that Respondent does not take responsibility for his misconduct and its consequences.

Mitigation

Respondent contributes to Prairie State Legal Services and was on its fundraising committee for ten years. He made donations and volunteered his time to the Bloomington-Normal YMCA, including serving as President and a Board member. He occasionally handles personal injury cases *pro bono* and has done *pro bono* work for Prairie State Legal Services, the YMCA, and a local food pantry. He has also been active in the Illinois State Bar Association. (Tr. 109-110, 113).

Attorney Guy Fraker has known Respondent for many years, since Respondent worked as an associate in Fraker's firm. He believes Respondent has the highest reputation for honesty and integrity. (Resp. Ex. 14). Retired Circuit Court Judge Harold Frobish testified that Respondent appeared before him regularly in personal injury matters. Judge Frobish always found Respondent to be competent, courteous, and well-prepared. (Resp. Ex. 15). Retired Circuit Court Judge Charles Reynard has known Respondent since 1984. He litigated one matter with Respondent, and Respondent appeared before him time to time. In his opinion, Respondent has a good reputation for truth and veracity. (Resp. Ex. 17)

Gina Hefflefinger, a court reporter, has known Respondent since the mid-1990s. She testified that Respondent has a reputation in the legal community for being professional and courteous. (Resp. Ex. 16). B.J. Wilken, the Chief Executive Officer of the Bloomington-Normal YMCA, has known Respondent since 2009 and has regular contact with him because of Respondent's involvement in the YMCA. In Wilken's opinion, Respondent's reputation for honesty and integrity is very high.

Respondent also submitted excerpts from depositions of two physicians in unrelated matters, in which the deponents thanked him for being fair and acting like a gentleman. (Resp. Ex. 12, 13)

Prior Discipline

Respondent was reprimanded in 2010 for posing certain questions to a witness in a jury trial after the court had barred such questions both before and during trial. In re Ginzkey, 2010PR00006 (Oct. 7, 2010). Respondent represented Leon Thomas in a negligence action against dentist Frank Koe, Jr. Prior to trial, the court granted a motion *in limine* seeking to bar Thomas from presenting any reference to an Illinois Department of Financial and Professional Regulation (IDFPR) investigation into Dr. Koe's office. During the trial, Respondent began to question Dr. Koe about his license and the IDFPR's authority to conduct investigations. Dr. Koe's counsel objected, and the court sustained the objection and affirmed the *in limine* ruling outside the juries' presence. Respondent made an offer of proof consisting of Dr. Koe's testimony about the IFDPR visit to his office. Before reconvening the jury, the court asked Respondent if he was "crystal clear" with respect to the court's ruling. Respondent answered, "My hearing is fine, your Honor". When he resumed his examination in front of the jury, Respondent asked Dr. Koe whether he had refused to allow an inspector to see his equipment and whether Dr. Koe had written a letter about the incident. The court then found Respondent in direct criminal contempt and fined him $500. Respondent appealed the contempt adjudication, which the appellate court affirmed.

RECOMMENDATION

A Summary

Having considered the nature of the misconduct and the evidence in aggravation and mitigation, the Hearing Board recommends that Respondent be censured.

B. Analysis

The purpose of the disciplinary process is not to punish attorneys, but to protect the public, maintain the integrity of the legal profession, and safeguard the administration of justice from reproach. In re Edmonds, 2014IL117696, ¶ 90. When recommending discipline, we consider the nature of the misconduct and any factors in mitigation and aggravation. In re Gorecki, 208 Ill.2d 350, 360-61 802 N.E. 2d 1194 (2003). We seek consistency in recommending similar sanctions for similar types of misconduct, but must decide each case on its own unique facts. Edmonds, 2014IL117696,¶ 90.

The Administrator asks us to recommend a 30-day suspension. Respondent maintains that no discipline is warranted and does not propose an alternative sanction. Having found that the Administrator proved the charged misconduct, we reject Respondent's position and assess the relevant circumstances to arrive at an appropriate sanction recommendation.

Respondent's conduct was unfair to the opposing parties and demonstrated a lack of regard for the court's authority. While not the most egregious misconduct, this is not the first time Respondent has faced discipline for willfully ignoring an order limiting his use of evidence. It is troubling that his prior disciplinary matter did not have the desired effect of creating a heightened awareness of his obligation to comply with the ethical rules. See Storment, 203 Ill.2d at 401. Given this lack of awareness and the similarity to the misconduct before us, Respondent's prior discipline is a factor in aggravation. See In re Banks, 2020PR00068, M.R. 031115 (March 25, 2022) (Hearing Bd. at 12).

In addition, we consider in aggravation that Respondent did not show remorse for his conduct. See In re Lewis, 138 Ill.2d 310, 347-48, 562 N.E. 2d 198 (1990). Instead of expressing regret for his conduct or taking responsibility for it, he contends that opposing counsel was

responsible for the disclosure of the privileged information at issue and suggests this proceeding is therefore unfair or unwarranted. While he did express regret to the court in the underlying matter, his blaming of others in his testimony here is aggravating.

We also take into account any harm or risk of harm caused by Respondent's actions. In re Saladino, 71 Ill.2d 263, 276, 375 N.E. 2d 102 (1978). Respondent placed his client's interests in jeopardy by causing Dr. Sanborn to be barred. However, his client did not suffer actual harm because Respondent was able to retain another expert. Respondent's conduct did cause actual financial harm to Advocate and Dr. Murphy by causing them to incur additional attorney fees. Normally, we would consider as further aggravation the fact that Respondent has not complied with the order directing him to pay those fees. However, in light of Respondent's testimony that he intends to appeal the sanction order, we find he has a reasonable explanation as to why he has not yet paid the fees.

Respondent presented substantial evidence in mitigation. Respected members of the legal community testified to his good character. He has been involved in his community by contributing significant time and funds to the YMCA. He has contributed to the legal profession as well, through his involvement with Prairie State Legal Services, *pro bono* work, and bar activities. In addition, he cooperated in these proceedings and indicated he intends to retire in the next two years. See In re Applebee, 2012PR00049, M.R. 26795 (Sept. 12, 2014) (Review Bd. at 7-8).

Turning to the case law, the Administrator argues that Respondent should be suspended for 30 days but relies on two censure cases, In re Current, 08 SH 34, M.R. 22811 (Jan. 20, 2009) and In re Garza, 86 CH 21, M.R. 4206 (April 3, 1987). Current made improper statements during closing argument in a criminal trial despite the court's admonishment, which resulted in two murder convictions being reversed and remanded for a new trial. Garza made "grossly

unprofessional" and demeaning comments to a witness during a sentencing hearing, which led to the reversal of the defendant's death sentence. The Administrator argues that Respondent's conduct was more aggravated than Current's and Garza's due to his prior discipline and opportunity to correct his error.

We agree with the Administrator that the presence of prior discipline in this matter is aggravation that was not present in Current and Garza. However, the consequences of the misconduct and the prejudice to the administration of justice in Current and Garza were more serious than in the present case. Therefore, on balance, we do not find that the circumstances of this case warrant a more severe sanction than the censures imposed in the cases upon which the Administrator relies.

In re Ripplinger, 2017PR00081, M.R. 029259 (May 24, 2018), provides further guidance. Ripplinger, an experienced attorney in personal injury and legal malpractice matters, was disciplined for concealing information about his client's medical history from opposing counsel and violating multiple orders *in limine* by attempting to elicit testimony during trial that the judge had deemed inadmissible. Ripplinger violated Rules 3.4(c) and 8.4(d), similar to Respondent, but committed additional serious misconduct involving dishonesty. Like Respondent, Ripplinger had a long history of service to bar associations and community and charitable organizations. Unlike Respondent, Ripplinger did not have prior discipline. We believe a recommendation of a censure in the case before us is in line with Ripplinger, given that Ripplinger had more extensive misconduct but Respondent has prior discipline.

Having considered all of the relevant circumstances, we conclude that a censure adequately addresses the misconduct and balances Respondent's prior discipline and other aggravating factors with the substantial evidence in mitigation. Based on our observations of Respondent and

consideration of his testimony, we do not believe he poses a risk to the public or the profession such that a period of suspension is necessary. We emphasize that a censure, like any form of discipline, is not to be taken lightly. Accordingly, we recommend that Respondent, James P. Ginzkey, be censured.

Respectfully submitted,

Sonni Choi Williams
Mark T. Peters
Elizabeth Delheimer

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 August 4, 2022.

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

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[*] The motion and order referenced by the court contradict Respondent's testimony that there was no order sealing the ICC report and June 1 letter when he reviewed the 2016 CH 122 court file in 2017. However, the Administrator has not charged Respondent with any misconduct related to obtaining those documents, so we make no findings on that issue.