In re Pamela D. Lucas
Petitioner-Appellant

Supreme Court No. M.R. 30423
Commission No. 2020PR00040

Synopsis of Review Board Report and Recommendation
(September 2022)

Petitioner seeks reinstatement. In 2004, she was suspended on consent for three years until further order of the Court, based on misconduct relating to a personal injury case. Petitioner had previously been suspended on consent for three months based on misconduct relating to her bankruptcy practice.

Following a hearing at which Petitioner was represented by counsel, the Hearing Board found that Petitioner failed to prove that she is rehabilitated and meets the requirements for reinstatement, and the Hearing Board recommended that Petitioner not be reinstated to the practice of law at this time. Petitioner appealed, asking the Review Board to recommend that Petitioner be reinstated to the practice of law.

The Review Board affirmed the Hearing Board's findings and recommended that Petitioner not be reinstated to the practice of law at this time.

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

In the Matter of:	
PAMELA D. LUCAS,	Supreme Court No. M.R. 30423
Petitioner-Appellant,	Commission No. 2020PR00040
No. 6220599.	

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

SUMMARY

Petitioner seeks reinstatement. In 2004, she was suspended on consent for three years until further order of the Court, based on Petitioner's settling a personal injury case without authorization, forging her client's name, and converting $7,500 in settlement funds that belonged to her client. Petitioner had previously been suspended on consent for three months based on her unauthorized practice of law in bankruptcy court, making a misrepresentation to a bankruptcy judge, making a misrepresentation on an application for bar membership, and failing to diligently represent a bankruptcy client.

Following a hearing at which Petitioner was represented by counsel, the Hearing Board found that Petitioner failed to prove that she is rehabilitated and meets the requirements for reinstatement and recommended that she not be reinstated to the practice of law at this time. Petitioner appealed, asking this Board to recommend that she be reinstated.

For the reasons that follow, we affirm the Hearing Board's findings of fact and agree with the Hearing Board's recommendation that Petitioner should not be reinstated to the practice of law at this time.

BACKGROUND

The facts are fully set out in the Hearing Board's report, and they are summarized only to the extent necessary here.

Petitioner

Petitioner was admitted to the Illinois bar in 1994. She worked for another attorney for a short period of time, and then became a solo practitioner. Her law practice focused on bankruptcy, real estate, and personal injury matters. Petitioner was disciplined in 2003 and 2004.

Petitioner's 2000 Misconduct Relating to Bankruptcy Matters

In 2000, Petitioner engaged in misconduct relating to bankruptcy matters (hereinafter referred to as the "bankruptcy misconduct"). Following a hearing in 2002 at which Petitioner was represented by counsel, the 2002 Hearing Board found that Petitioner had engaged in misconduct between May 1994 and October 2000, which included the following: (1) Petitioner practiced law in the U.S. Bankruptcy court for six years without being a member of the federal bar, as required; (2) Petitioner falsely represented to a bankruptcy judge that Petitioner was a member of the federal bar, even though she was not a member of the federal bar; (3) Petitioner made a false statement on her application for the federal bar by falsely representing that she had never been investigated by the ARDC, when, in fact, there had been eight prior ARDC investigations; and (4) Petitioner failed to diligently represent a bankruptcy client by failing to file a bankruptcy petition on behalf of that client in a timely manner to prevent foreclosure on the client's home. In 2003, after the Hearing Board found that Petitioner had engaged in misconduct, Petitioner consented to a three-month suspension. *See In re Lucas*, 00 CH 38 (Hearing Bd., Nov. 15, 2002), *approved and confirmed*, M.R. 18545 (March 19, 2003); (Adm. Exs. 3, 4.)

Petitioner's 2001 Misconduct Involving a Lawsuit

In 2001, Petitioner engaged in misconduct relating to a personal injury lawsuit (hereinafter referred to as the "lawsuit misconduct"). In 2004, Petitioner was suspended for three years on consent and until further order of the Court based on that misconduct. *See In re Lucas*, 03 CH 79, *petition to impose discipline on consent allowed*, M.R. 19511 (Sept. 24, 2004) (Adm. Exs. 1, 2.)

The Petition to Impose Discipline on Consent, which was filed with the Illinois Supreme Court in 2004, set forth the facts concerning Petitioner's 2001 lawsuit misconduct, as well as a summary of her 2000 bankruptcy misconduct. Petitioner signed an affidavit stating that the facts in the Consent Petition were true. According to the Consent Petition, the following took place:

In February 2000, Petitioner was hired to represent a client, Patricia McCoy-Amos, in a personal injury matter. In January 2001, McCoy-Amos hired another attorney to handle the personal injury claim, because McCoy-Amos was unable to contact Petitioner. The newly-retained attorney sent Petitioner a certified letter discharging her, and the attorney left several phone messages for Petitioner. The letter was returned unclaimed, and Petitioner did not return the attorney's phone calls.

In February 2001, Petitioner received a settlement offer from the insurance company, which Petitioner accepted without McCoy-Amos's knowledge. Petitioner had her assistant sign McCoy-Amos's name on a release form, without McCoy-Amos's knowledge, accepting the proposed settlement offer. Petitioner sent the signed release form to the insurance company and accepted the settlement offer. Petitioner sent McCoy-Amos a letter stating that the insurance company had made a settlement offer, but Petitioner did not disclose that she had accepted the offer.

In March 2001, the insurance company sent Petitioner a settlement check in the amount of $7,500. Petitioner endorsed the check and deposited the funds into her client trust account. Thereafter, Petitioner also deposited personal funds into the client trust account.

The attorney, who was representing McCoy-Amos, learned that Petitioner had negotiated the settlement check and filed a complaint with the ARDC. The ARDC contacted Petitioner, and in June 2001, Petitioner filed a response stating that she was holding all of the settlement proceeds.

By November 2001, Petitioner had overdrawn the funds in her client trust account and had converted the $7,500 settlement proceeds for her own benefit.

Petitioner subsequently repaid the $7,500 to the insurance company. McCoy-Amos obtained a new settlement from the insurance company in the amount of $30,000.

Petitioner's Conduct After Being Suspended

After her suspension, Petitioner worked as a mortgage consultant for Wells Fargo Bank and a loan originator for Chase Bank. She also took on short term jobs for mortgage companies. From 2011 to 2013 she was largely unemployed but volunteered with her husband's not-for-profit organization. Between 2013 and 2021, she was employed by Fay Servicing, and became a bankruptcy account manager. She filed for bankruptcy in 2017, and her debts were discharged.

HEARING BOARD'S FINDINGS AND RECOMMENDATION

In determining whether to recommend that Petitioner be reinstated to practice, the Hearing Board looked to Supreme Court Rule 767(f), which instructs the hearing panel to "consider the following factors, and such other factors as the panel deems appropriate, in determining the petitioner's rehabilitation, present good character and current knowledge of the law:"

1. The nature of the misconduct for which Petitioner was disciplined;

2. The maturity and experience of Petitioner at the time discipline was imposed;

3. Whether Petitioner recognizes the nature and seriousness of the misconduct;

4. Whether Petitioner has made restitution;

5. Petitioner's conduct since discipline was imposed; and

6. Petitioner's candor and forthrightness in presenting evidence to support the petition.

The Hearing Board noted that, in a reinstatement proceeding, the focus is on the petitioner's rehabilitation and character, with rehabilitation being the most important consideration. *In re Martinez-Fraticelli*, 221 Ill. 2d 255, 850 N.E.2d 155 (2006). Rehabilitation is demonstrated by the petitioner's return to a beneficial, constructive, and trustworthy role. *In re Wigoda*, 77 Ill. 2d 154, 159, 395 N.E.2d 571 (1979). After considering the evidence presented and applying it to the factors set forth in Rule 767(f), the Hearing Board found that Petitioner had not established that she is rehabilitated and recommended that she should not be reinstated at this time. The Hearing Board found that the most damaging factor to Petitioner's case was her failure to fully recognize the nature and seriousness of the misconduct.

The Hearing Board found that the following factors weighed against reinstatement:

- The serious nature of Petitioner's misconduct, which involved a pattern of wrongdoing, including conversion of a client's funds, neglect of a client, misrepresentations to the court, the unauthorized practice of law, and dishonesty; and although this factor did not exclude reinstatement, it weighed heavily against reinstatement;
- Petitioner's maturity and experience at the time of the misconduct; Petitioner was in her early forties and had been practicing law for seven years;
- Petitioner's failure to fully recognize the nature and severity of her misconduct and its impact on her clients, which included her denial of aspects of the 2001 lawsuit misconduct that she had previously admitted, and her attempt to minimize her bankruptcy misconduct, as well as her failure to present a plan to prevent similar misconduct in the future;

- Petitioner's failure to demonstrate the level of candor, care, and attention to detail that is required of a practicing attorney, as shown by her petition for reinstatement;
- Petitioner's failure to explain why she engaged in the misconduct and what she would do in the future to prevent it from occurring again; and why she wants to regain her license;
- Petitioner's failure to present testimony regarding her contributions to society and concerning her character (except for her daughter's testimony); and
- Petitioner's failure to submit continuing legal education ("CLE") certificates showing courses she had taken and her current knowledge of the law.

The Hearing Board found that the only factors that weighed in favor of reinstatement were Petitioner's restitution to the insurance company, and Petitioner's stable work history and financial condition. The Hearing Board concluded that Petitioner had not established the necessary indicia of rehabilitation and had failed to prove by clear and convincing evidence that she should be reinstated at this time.

ANALYSIS

On appeal, Petitioner argues generally that the Hearing Board erred in recommending that she should not be reinstated. Specifically, Petitioner contends that the Hearing Board erred by finding that Petitioner's prior misconduct was serious; that Petitioner failed to acknowledge the nature and severity of her misconduct; and that Petitioner failed to establish that she is rehabilitated. Petitioner also argues that the Hearing Board ruled against her based on animus.

An attorney who seeks reinstatement has the burden of proving by clear and convincing evidence that he should be reinstated. *See In re Richman*, 191 Ill. 2d 238, 244, 730 N.E.2d 45 (2000). There is no presumption in favor of reinstatement. *Id*. at 247-48. The petitioner must establish that he has been rehabilitated, is of present good character, and is currently knowledgeable about the law. *See In re Livingston*, 133 Ill. 2d 140, 142, 549 N.E.2d 342 (1989).

We defer to the factual findings of the Hearing Board and will not disturb them unless they are against the manifest weight of the evidence. *See In re Timpone*, 157 Ill. 2d 178, 196, 623 N.E.2d 300 (1993). A factual finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident or the finding appears unreasonable, arbitrary, or not based on the evidence. *See Leonardi v. Loyola University*, 168 Ill. 2d 83, 106, 658 N.E.2d 450 (1995); *Bazydlo v. Volant*, 164 Ill. 2d 207, 215, 647 N.E.2d 273 (1995). Considerable weight is ordinarily given to the Hearing Board's findings concerning the petitioner's candor, sincerity, and forthrightness. *In re Martinez-Fraticelli*, 221 Ill. 2d 255, 280, 850 N.E.2d 155 (2006).

Petitioner has not met her burden of showing that the Hearing Board's factual findings were against the manifest weight of the evidence. The Hearing Board made factual findings as to each of the factors set forth in Rule 767(f), and the record contains substantial evidence on which the Hearing Board based its findings. We find no error in the Hearing Board's thorough analysis, nor in its conclusion that Petitioner failed to prove that she should be reinstated.

As set forth below, we address only the issues specifically raised by Petitioner on appeal, rather than addressing each of the Rule 767(f) factors.

1. The Hearing Board Did Not Err In Finding That The Serious Nature Of Petitioner's Misconduct, And Petitioner's Failure To Acknowledge The Nature And Severity Of That Misconduct, Weigh Against Reinstatement

We consider these two factors together because they are closely linked, as discussed below. Specifically, Petitioner attempted to minimize and deny aspects of her misconduct, which is tied to the issue of Petitioner's failure to acknowledge the nature and severity of her misconduct.

Petitioner argues the Hearing Board erred in finding that the serious nature of her misconduct, and her failure to recognize the nature and severity of her misconduct, weigh against reinstatement. Petitioner asserts that her misconduct was relatively minimal and that she has

acknowledged her misconduct and accepted responsibility. Those arguments, however, are not supported by the record.

The Hearing Board appropriately found that Petitioner's misconduct was serious and weighs against reinstatement, although her misconduct, by itself, did not preclude reinstatement. The Hearing Board noted that Petitioner's misconduct involved a pattern of wrongdoing over a considerable period of time, which included the conversion of a client's funds, neglect of a client, misrepresentations to the court, the unauthorized practice of law, and dishonesty. Additionally, the Hearing Board found that Petitioner attempted to make it appear that her misconduct was minimal by denying aspects of her wrongdoing. The Hearing Board concluded that the serious nature of Petitioner's misconduct weighs heavily against reinstatement. We agree.

The Hearing Board also found that Petitioner failed to appreciate the nature and severity of her misconduct and its impact on her clients. The Hearing Board concluded that Petitioner's failure to recognize the seriousness of her misconduct was the most damaging factor concerning reinstatement. We agree. *See In re Sosman*, 2012PR00150 (Hearing Bd., May 23, 2014) at 32, *approved and confirmed*, M.R. 25693 (Sept. 12, 2014) ("An attorney's failure to recognize or acknowledge the wrongful nature of his or her conduct raises significant concerns regarding the attorney's ability to adhere to ethical norms in the future."); *In re Tuchow*, 90 CH 305 (Review Bd. Oct 12, 1994) at 15, *petition for leave to file exceptions denied*, M.R. 6757 (Jan. 25, 1995) ("[R]einstatement is legitimately denied where the Hearing Board concludes that the petitioner does not recognize the nature and gravity of his or her misconduct."); *In re Samuels*, 126 Ill. 2d 509, 531, 535 N.E.2d 808 (1989) (An attorney's refusal to acknowledge wrongdoing "does not inspire confidence that respondent is ready to recognize his duty as an attorney and to conform his conduct to that required by the profession."); *In re Howard*, 2010PR00067 (Hearing Bd., April 21, 2006) at 20, *upheld*, (Review Bd. May 16, 2007), *petition for leave to file exceptions denied*,

M.R. 20173 (Sept. 18, 2007) (Absent proof that the attorney understands why he was disciplined, "we cannot be certain that he will refrain from similar conduct in the future.").

Petitioner's 2000 Bankruptcy Misconduct

During her testimony at the 2021 reinstatement hearing, Petitioner denied a substantial portion of her 2000 bankruptcy misconduct, including that she failed to diligently represent a bankruptcy client; that she knowingly made a false statement to a bankruptcy judge; and that she intentionally made a false statement on her application to the federal bar. The 2002 Hearing Board, however, found that Petitioner had engaged in all of that misconduct. *See In re Lucas*, 00 CH 38 (Hearing Bd., Nov. 15, 2002), *approved and confirmed*, M.R. 18545 (March 19, 2003); (Adm. Exs. 3, 4.) Specifically, during the 2021 reinstatement hearing, Petitioner denied the following aspects of her bankruptcy misconduct:

• *Bankruptcy Client*: The 2002 Hearing Board found that Petitioner failed to diligently represent a bankruptcy client because Petitioner was late filing the client's bankruptcy petition, thereby failing to meet the deadline to save the client's home from foreclosure. During the 2021 reinstatement hearing, however, Petitioner testified that she never neglected any matter that she was handling for a client in the bankruptcy court. (Tr. 47.) Petitioner also testified that she filed a bankruptcy petition for her client, and the client suffered no harm. (Tr. 47-49.) The 2021 Hearing Board, however, properly rejected that argument, relying on the 2002 Hearing Board's finding that Petitioner failed to act diligently, and the client suffered no harm because the client hired a new attorney, who filed the bankruptcy petition in time to prevent foreclosure of the client's home, which Petitioner failed to do. The 2021 Hearing Board found that Petitioner was attempting to minimize her misconduct by claiming that her bankruptcy client did not suffer any harm.

• *False Statements to a Bankruptcy Judge*: The 2002 Hearing Board found that Petitioner knowingly made false representations to a bankruptcy judge concerning the fact that she

was not a member of the federal bar, and therefore, was not authorized to practice law in the federal bankruptcy court. During the 2021 reinstatement hearing, although Petitioner admitted that she made a false statement to a bankruptcy judge, Petitioner denied that she did so knowingly, claiming that she simply misunderstood the judge's question. (Tr. 43-44, 83.) That testimony is inconsistent with the 2002 Hearing Board's findings that Petitioner made false representations to the judge during two separate court hearings, and that Petitioner relied on misdirection and ambiguity rather than candidly admitting to the judge that she was not a member of the federal bar.

• *False Statement on the Federal Bar Application:* The 2002 Hearing Board found that Petitioner knowingly made a false statement on her federal bar application by falsely representing that she had never been investigated by the ARDC, when, in fact, there had been eight ARDC investigations concerning Petitioner, and she had received at least seven letters from the ARDC notifying her that she was being investigated. Nevertheless, during the 2021 reinstatement hearing, Petitioner testified she did not know there had been eight investigations by the ARDC against her. (Tr. 84.) (Question: "And, in fact, at the time, … there had been eight previous investigations by the ARDC against you, correct?" Answer by Petitioner: "I have no knowledge of that.").

Although Petitioner attempted to make it appear that her bankruptcy misconduct was relatively minimal, the Hearing Board was not persuaded, nor are we. Despite Petitioner's 2021 testimony concerning these issues, the Hearing Board stated that, in assessing Petitioner's wrongdoing, it was taking into consideration Petitioner's misrepresentations to the bankruptcy court and her neglect of her bankruptcy client, as well as her unauthorized practice of law in the bankruptcy court. Petitioner's denials undermine her argument that she has accepted responsibility for her misconduct and acknowledged the nature and severity of her misconduct.

Petitioner's 2001 Lawsuit Misconduct

The facts concerning Petitioner's misconduct in 2001 – involving the personal injury lawsuit – were set forth in the 2004 Consent Petition, and Petitioner signed an affidavit stating that those facts were true. Specifically, Petitioner admitted that: (i) she settled the personal injury case without the client's authority; (ii) Petitioner had her secretary sign the client's name on the Release form to settle the case; (iii) Petitioner signed the client's name on the settlement check; (iv) Petitioner co-mingled the client's funds with personal funds; and (v) Petitioner converted the client's funds ($7,500) for her own purpose. (Adm. Ex. 1 at 2.)

At the 2021 reinstatement hearing, Petitioner admitted that she converted $7,500 and co-mingled funds but denied the other facts concerning her misconduct, including that she had acted without her client's consent and that she had forged the client's signature. Specifically, at the reinstatement hearing, Petitioner testified that the client agreed to the settlement; the client signed the release form; and the client signed the settlement check. (Tr. 51-52; 80-82.) On cross examination, Petitioner testified that she knowingly signed a false affidavit in 2004, stating that those facts were true, even though they were not. (Tr. 79-81.)

The Hearing Board found it disturbing that Petitioner denied those facts, because Petitioner's denials were contrary to her prior admissions made under oath in her 2004 affidavit. The Hearing Board stated, "In our opinion, Petitioner does not appreciate the nature and severity of the misconduct that led to her discipline and instead has attempted to diminish or deny parts of it." (Hearing Bd. Report at 8.) We agree.

The Hearing Board did not make a determination concerning whether Petitioner's 2004 affidavit was accurate (in which Petitioner admitted all of the misconduct), or whether Petitioner's 2021 testimony was accurate (in which Petitioner denied most of the misconduct). In

either case, the fact that Petitioner signed a false affidavit, or provided inaccurate testimony, weighs against reinstatement.[1]

It is also worth noting that Petitioner engaged in the misconduct in 2001 after the ARDC had filed its first disciplinary complaint against her concerning her bankruptcy misconduct. Additionally, Petitioner misappropriated the $7,500 of client funds after the ARDC began investigating her conduct relating to those funds, and after Petitioner filed a response with the ARDC stating that she was holding that money. Petitioner was not deterred by the ARDC's complaint and investigation, which may indicate an indifference to the disciplinary process. *See In re Weston*, 92 Ill. 2d 431, 439-40, 442 N.E.2d 236 (1982) (ignoring the disciplinary complaint and proceedings, and engaging in misconduct thereafter, may reflect "'insensitivity to professional responsibilities and an indifference to or contempt for the proceeding.'") (quoting *In re Snitoff*, 53 Ill. 2d 50, 55, 289 N.E.2d 428 (1972)).

In sum, the Hearing Board did not err in finding that Petitioner's misconduct was serious; that Petitioner failed to recognize the seriousness of her misconduct; and that those factors weigh heavily against reinstatement at this time.

2. The Hearing Board Did Not Err In Finding That Petitioner Failed To Establish She Was Rehabilitated

Petitioner argues that the Hearing Board erred in finding that Petitioner failed to establish she was rehabilitated. Petitioner asserts that the evidence of her stable finances and consistent employment, together with her payment of restitution, establish that she is rehabilitated. Additionally, Petitioner argues that the Hearing Board should not have considered either Petitioner's failure to explain why she wants to regain her license or Petitioner's failure to submit CLE certificates. Finally, Petitioner argues that the Hearing Board's finding was based on the Hearing Board's animus against her.

The purpose of reinstatement proceedings is to safeguard the public, maintain the integrity of the legal profession and protect the administration of justice from reproach. *See In re Berkley*, 96 Ill.2d 404, 410-11, 451 N.E.2d 848 (1983). In determining whether Petitioner should be reinstated, the focus is on rehabilitation and character. *In re Fleischman*, 135 Ill.2d 488, 496, 553 N.E.2d 352 (1990). Rehabilitation is demonstrated by the petitioner's return to a beneficial, constructive, and trustworthy role. *In re Wigoda*, 77 Ill. 2d 154, 159, 395 N.E.2d 571 (1979).

The Hearing Board considered the evidence that was presented and properly concluded that Petitioner had not met her burden of establishing that she is rehabilitated. Petitioner has not shown that the Hearing Board erred.

The Lack of Evidence

The Hearing Board found that Petitioner did not provide sufficient evidence to establish the necessary indicia of rehabilitation. Petitioner correctly points out that she presented evidence concerning her employment, financial situation, and restitution. Despite that, however, the Hearing Board concluded that Petitioner simply did not present enough evidence, or the type of evidence needed, to establish that she is rehabilitated and is unlikely to engage in similar misconduct or harm her future clients. *See In re Silvern,* 92 Ill. 2d 188, 195 (1982) ("The central issue then is whether the petitioner has presented enough evidence for us to conclude with the requisite certainty that he has changed and now is unlikely to repeat his past mistakes."); *See also In re Voltl*, 2013PR00006 (Review Bd., Oct. 26, 2021) at 4-5, 7, *petition for leave to file exceptions denied*, M.R. 29943 (March 25, 2022) (although the attorney had taken steps to turn his life around, his post-disbarment conduct was not enough to overcome other factors that weighed against reinstatement).

Overall, Petitioner presented relatively little evidence concerning her conduct in the years after she was suspended. Specifically, as the Hearing Board noted, Petitioner failed to present

testimony regarding her contributions to society and concerning her character. Other than presenting her daughter as a witness, Petitioner failed to call any witnesses to provide testimony concerning Petitioner's good character, her honesty and trustworthiness, and her ability to practice law honestly and ethically. Moreover, Petitioner failed to provide any substantial evidence that she provided pro bono legal services; participated in volunteer or charity work; engaged in community or religious activities; contributed to the community through public service or educational endeavors; or provided assistance to neighbors, family members, or others.

Significantly, as the Hearing Board further noted, Petitioner failed to explain why she engaged in the prior misconduct, or what she would do to prevent similar misconduct in the future. Although Petitioner may have learned her lesson, and turned her life around, she failed to prove either of those facts. Additionally, as the Hearing Board pointed out, Petitioner failed to explain why she wants to regain her license. Moreover, Petitioner did not offer any type of plan to avoid future misconduct, such as seeking out a mentor, or implementing new office practices. *See In re Hildebrand*, 2010PR00102 (Review Bd., Aug. 6, 2012) at 14-15, *petition for leave to file exceptions denied*, M.R. 24031 (Nov. 19, 2012) ("While Petitioner's current employment has been commendable, he has not presented sufficient evidence at this time as to his understanding of his misconduct and as to his plans to avoid future misdeeds to overcome our concerns."); *In re Howard*, 05 RT 3006 (Review Bd., May 18, 2007) at 15-19, *petition for leave to file exceptions denied*, M.R. 20173 (Sept. 18, 2007) (The denial of reinstatement was based in part on the attorney's failure to articulate "any real plan for how to avoid future similar misconduct.").

The Hearing Board also found that, in presenting her petition for reinstatement, Petitioner failed to demonstrate "the level of candor, care and attention to detail that is required of a practicing attorney." (Hearing Bd. Report at 15.) The Hearing Board explained that, in the petition for reinstatement, Petitioner failed to disclose certain information and provided other

information that was inaccurate. The Hearing Board also pointed out that it was essential for Petitioner to provide a complete financial picture, which she failed to do.

In response to specific questions in the petition for reinstatement, Petitioner failed to disclose several civil actions, including four eviction actions against her, a federal lawsuit in which Petitioner had been a plaintiff, and a 2005 bankruptcy filing; Petitioner also failed to disclose that she had applied for an insurance provider's license. (*See* Petitioner's Ex. 1.) The Hearing Board pointed out that Petitioner initially testified that she applied for the insurance provider's license after she had filed the petition for reinstatement but changed her testimony when confronted with the actual dates of filing. In response to other questions in the petition for reinstatement, Petitioner misstated the dates of her employment with two banks, and she inaccurately claimed that her adult children were dependents. (*Id*.) The Hearing Board concluded that Petitioner's overall pattern of carelessness weighed against reinstatement.

In sum, the Hearing Board did not err in finding that Petitioner failed to present sufficient evidence to establish that she is changed and is unlikely to repeat her wrongdoing. The Hearing Board properly concluded that this factor weighs against reinstatement.

Petitioner's Failure to Explain Why She Wants to Regain Her License

Petitioner argues that the Hearing Board erred by considering Petitioner's failure to explain why she wants to regain her license. Specifically, Petitioner argues that Rule 767(f) does not require Petitioner to provide such an explanation. That argument fails.

Rule 767(f) instructs the Hearing Board to consider not only the six enumerated factors, but also "such other factors as the panel deems appropriate." Thus, the Hearing Board has authority to consider additional factors, which are not enumerated by Rule 767(f). *See In re Harrod*, 1990PR00461 (Review Bd., Jan. 4, 1994) at 4, *petition for leave to file exceptions allowed*, M.R. 6962 (March 30, 1994) ("In addition to authorizing certain specified factors to be

considered in a reinstatement petition, Rule 767 also authorizes a hearing panel to consider 'such other factors as the panel deems appropriate.'").

The Hearing Board deemed it appropriate to consider Petitioner's failure to explain why she wants to regain her license, as authorized by Rule 767(f). The issue of why Petitioner wants to be reinstated (*i.e.*, she wants to do pro bono work; she wants to open a law firm or work with a specific group of attorneys; or she wants to practice a particular type of law) is relevant to assessing how Petitioner will conduct herself in the future, if reinstated. The Hearing Board did not err in considering that factor.

Petitioner's Failure to Present CLE Certificates

Petitioner argues that her testimony established that she is currently knowledgeable about the law, and the Hearing Board erred by considering the fact that Petitioner did not submit CLE certificates. That argument is not persuasive.

Although Petitioner testified that she had completed continuing legal education classes in connection with her employment, she did not provide any supporting evidence concerning those classes. Petitioner also failed to provide any other evidence concerning her current knowledge of the law.

The Hearing Board, which clearly wanted additional evidence, pointed out that Petitioner failed to submit any certificates showing her completion of those CLE classes. After listening to Petitioner's testimony, the Hearing Board found that her testimony, standing on its own, without supporting certificates or other corroborating evidence, was not sufficient to establish that she is ready to practice law. *See In re Juron*, 01 RT 3002 (Hearing Bd., Dec. 30, 2002) at 19, *approved and confirmed*, M.R. 17655 (March 19, 2003) (attorney's uncorroborated testimony that he had attended legal seminars, without supporting documentation or materials, was insufficient

to prove current knowledge of the law). We conclude the Hearing Board did not err by considering Petitioner's failure to submit CLE certificates.

Petitioner also argues that she could not have offered CLE certificates because they constitute inadmissible hearsay. Petitioner, however, did not offer any CLE certificates or make that argument during the reinstatement hearing. Consequently, the Hearing Board did not have an opportunity to rule on the issue of admissibility.

Instead, in response to the Administrator's argument that Petitioner had failed to present CLE certificates, Petitioner's counsel stated that Petitioner "would be able to produce certificates of the … Continuing Legal Education that she has pursued, … if the Panel were interested in seeing those." (Tr. 149.) The Panel Chairperson took that as a motion to keep the record open and denied the motion. Petitioner did not object to that ruling and has not challenged it on appeal.

Petitioner failed to preserve this issue for appeal. Therefore, the issue has been waived for purposes of review. *See In re Betts*, 109 Ill. 2d 154, 168, 485 N.E.2d 1081 (1985); (failure to object to a continuance at the hearing, waived the issue on review); *In re Cordova*, 96 CH 571 (Review Bd., Aug. 30, 1999) at 17-18, *motion to approve and confirm denied*, M.R. 16199 (Nov. 22, 1999) (failure to object to admission of financial records at the hearing, waived the issue on review); *Malanowski v. Jabamoni*. 332 Ill. App. 3d 8, 14, 772 N.E.2d 967 (1st Dist. 2002) ("The failure to make an offer of proof of excluded testimony waives that issue for purposes of review.")

We note, however, that CLE certificates have previously been admitted at disciplinary hearings. *See In re Magafas*, 2019PR00063 (Hearing Bd., March 3, 2021) at 15, *approved and confirmed*, M.R. 29993 (Sept. 23, 2021) (The attorney "presented certificates showing he has completed 140.15 hours of continuing legal education … seminars since his voluntary disbarment."); *In re Schnibben*, 2010PR00081 (Hearing Bd., Feb. 21, 2012) at 26, M.R.

23961 (*petition withdrawn*) (The attorney "attended continuing legal education programs and submitted nine certificates for courses he completed."); s*ee also*, Ill. R. Evid. 803(6) (business records exception to the hearsay rule).

Possible Reinstatement in the Future

Although we do not believe that reinstatement is appropriate at this time, we believe that Petitioner may be able to provide sufficient evidence in the future to warrant reinstatement. Specifically, Petitioner may be able address issues discussed herein that currently weigh against reinstatement. For example, Petitioner may be able to submit a carefully written petition for reinstatement that includes full and truthful information; provide a plan for practicing law that will prevent similar misconduct in the future; offer certificates of continuing legal education; provide candid and forthright testimony; demonstrate an understanding and recognition of her past wrongdoing; and present evidence showing rehabilitation based on post-suspension conduct, including testimony from character witnesses and evidence of contributions to society.

Cases involving other attorneys who have been reinstated may provide guidance concerning the type of evidence needed to establish that reinstatement is appropriate. *See, e.g., In re Hildebrand*, 2015PR00015 (Hearing Bd., May 27, 2016), *approved and confirmed*, M.R. 27265 (Sept. 22, 2016) (attorney was reinstated based on his second petition for reinstatement; his misconduct included neglecting clients, making false statements, and engaging in conflicts of interest; at the second reinstatement hearing, the attorney acknowledged his wrongdoing, accepted full responsibility, expressed remorse, and made no attempt to minimize, excuse, or rationalize his misconduct; he presented evidence showing that his post-discipline conduct was commendable and impressive, which included his work as a teacher, his educational achievements, his work with troubled youth, and holding positions of trust and responsibility; his petition for reinstatement was candid and forthright; he testified that he planned to change his manner of practice; he agreed to

having a mentor supervise his practice; and he presented a character witness, who was a retired judge); *In re Schmieder*, 98 RT 3003 (Hearing Bd., Aug. 17, 1999), *approved and confirmed*, M.R. 15044 (Nov. 19, 1999) (attorney, who helped embezzle $58,000 and was convicted of fraud, was reinstated; the attorney accepted responsibility and expressed sincere remorse; he was candid and forthright in his testimony and his petition for reinstatement; he presented evidence concerning his conduct while on suspension, which included evidence that he had changed his lifestyle, obtained counseling, stopped drinking, and engaged in pro bono work and charitable activities; he presented testimony from his wife and son, and eight character witnesses, including two judges, a priest and several attorneys; and the evidence established that the attorney was unlikely to repeat his past mistakes or engage in misconduct again); *In re Fleischman*, 135 Ill. 2d 488, 553 N.E.2d 352 (1990) (attorney, who paid bribes to public officials and made false statements, was reinstated; he recognized the nature and seriousness of his misconduct; he presented evidence of his conduct after disbarment, showing that he conducted himself in an exemplary fashion, worked energetically, and engaged in charitable activities; he was candid and forthright in presenting evidence; and the evidence showed he was rehabilitated).

3. The Hearing Board Did Not Rule Based On Animus

Finally, Petitioner argues that the Hearing Board's ruling concerning rehabilitation was based on the Hearing Board's animus against her, rather than being based on the facts and the law. Specifically, Petitioner asserts, "The Hearing Board's deploring of Petitioner's unrebutted testimony and rejection of her explanation for the admissions in the original disciplinary proceeding show the Hearing Board's animus to re-punish Petitioner for her past errors rather than recognize the positive qualities she possesses as of the presentation of the Petition for Reinstatement." (Petitioner's Br. at 8.) That argument has no merit.

Petitioner's assertion that the Hearing Board ruled based on animus is a serious allegation that should not be made lightly. An attorney cannot make unfounded allegations against the court without having an objectively reasonable basis. *See In re Denison*, 2013PR00001 (Review Bd., May 28, 2015) at 2-4, *approved and confirmed*, M.R. 27522 (Sept. 21, 2015) (attorney was required to provide an objective factual basis for statements impugning a judge's integrity); *In re Walker*, 2014PR00132 (Hearing Bd., Dec. 18, 2015) at 21, *affirmed*, (Review Bd., Nov. 4, 2016), *recommendation adopted*, M.R. 28453 (March 20, 2017) ("[S]ubjective belief, suspicion, speculation, or conjecture does not constitute a reasonable belief"); *In re Hoffman*, 08 SH 65 (Review Bd., June 23, 2010) at 13, *petition for leave to file exceptions denied*, M.R. 24030 (Sept. 22, 2010) (attorney improperly claimed that the judge's decisions "were based on a 'personal vendetta' rather than on the facts and law", without having a factual basis for that claim).

Petitioner has not provided a shred of evidence or any objective factual basis to support the allegation that the Hearing Board acted with animus, and there is no support in the record for that claim. The fact that the Hearing Board ruled against Petitioner does not provide evidence of animus. *See Eychaner v. Gross*, 202 Ill. 2d 228, 280 (2002) ("Allegedly erroneous findings and rulings by the trial court are insufficient reasons to believe that the court has a personal bias for or against a litigant."); *People v. Patterson*, 192 Ill. 2d 93, 131-32 (2000) ("[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion.").

Therefore, we reject Petitioner's unfounded claim.

CONCLUSION

In sum, we agree with the Hearing Board that Petitioner failed to prove by clear and convincing evidence that she should be reinstated at this time. Petitioner's misconduct was serious; she failed to recognize the nature and seriousness of her wrongdoing; and she failed to

establish that she is rehabilitated. Considering these factors and the record as a whole, we conclude that Petitioner's request to be reinstated should be denied at this time.

For the foregoing reasons, we affirm the Hearing Board's findings regarding reinstatement, and recommend that Petitioner not be reinstated to the practice of law at this time.

Respectfully submitted,

Leslie D. Davis
J. Timothy Eaton
Bradley N. Pollock

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 Review Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on September 2, 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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[1] For purposes of this matter, it is not necessary to decide whether Petitioner signed a false affidavit in 2004 or provided inaccurate testimony in 2021. We note, however, that based on the record, it appears likely that the facts set forth in the 2004 Consent Petition were true, based on the following: (1) The case could have been proven (or disproven) in 2004 through the client's testimony as to whether the client signed the Release form and the check; and the secretary's testimony as to whether she signed the client's name on the Release form, and by comparing the client's real signature with the signatures on the checks. It seems unlikely that Petitioner would have admitted the misconduct and accepted the sanction imposed if she would have been exonerated by the client, the secretary, and the signatures on the checks. It seems more likely that Petitioner admitted the misconduct in 2004 based on the evidence, and denied the conduct in 2021, safely assuming that the evidence would not be presented at the 2021 reinstatement hearing; (2) It seems unlikely that, after the client obtained a new attorney (which she did), the client would have met with Petitioner and signed the Release form and the settlement check, without the new attorney's presence or knowledge. It also seems unlikely that the client and her new attorney would have reported the

matter to the ARDC, if the client had actually authorized the settlement and signed the Release form and the check; and (3) Petitioner knew that the ARDC and the Illinois Supreme Court would rely on the facts set forth in the Consent Petition, and as an experienced attorney, Petitioner would have known that there could be very serious consequences for lying in an affidavit in an ARDC proceeding; all of which makes it unlikely that Petitioner signed a false affidavit in 2004.

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

In the Matter of:	
PAMELA D. LUCAS,	Supreme Court No. M.R. 30423
Petitioner-Appellant,	Commission No. 2020PR00040
No. 6220599.	

PROOF OF SERVICE
OF THE REPORT AND RECOMMENDATION
OF THE REVIEW BOARD

I, Andrea L. Watson, hereby certify that I served a copy of the Report and Recommendation of the Review Board on the parties listed at the addresses shown below by email and by regular mail, by causing the same to be deposited with proper postage prepaid in the U.S. Mailbox at 3161 West White Oaks Drive, Springfield, Illinois 62704 on September 2, 2022, at or before 5:00 p.m. At the same time, a copy was sent to Counsel for the Administrator-Appellee by e-mail service.

Michael J. Greco
Counsel for Petitioner-Appellant
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Pamela D. Lucas
Petitioner-Appellant
5173 Monroe Street
Matteson, IL 60443

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.

Michelle M. Thome,
Clerk

/s/ Andrea L. Watson
By: Andrea L. Watson
Senior Deputy Clerk

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FILED

September 2, 2022

ARDC CLERK