

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

In the Matter of:

GABRIEL PAUL CASEY,

Attorney-Respondent,

No. 6305599.

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Commission No. 2022PR00071

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, David B. Collins, pursuant to Supreme Court Rule 753(b), complains of Respondent Gabriel Paul Casey (“Respondent”), who was licensed to practice law in Illinois on November 10, 2011, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, making a false statement of fact to a third person and threatening to present criminal charges to obtain an advantage in a civil matter)

1. On February 8, 2022, Respondent and Jacob Goodbred (“Goodbred”) entered into an attorney employment agreement (“Agreement”). Pursuant to the Agreement, Goodbred hired Respondent to provide legal services in connection with settlement and litigation against Jeff and Julie Barbee (“the Barbees”) for elder/disabled abuse of Goodbred’s great aunt, Marilyn Worlow (“Worlow”). Goodbred agreed to pay Respondent 10% of any settlement or 33 1/3% of any trial court litigation (excluding real property Goodbred had already received from Worlow’s estate).

FILED
9/6/2022 8:50 AM
ARDC Clerk

2. Respondent prepared a letter and sent it to the Barbees on April 4, 2022. The letter informed the Barbees that he had been retained by Goodbred to represent him against them for their actions against the property and real estate of Worlow.

3. The letter alleged that the Barbees had engaged in financial exploitation of Worlow, an elderly person or a person with disabilities, in violation of the Financial Exploitation Act, 720 ILCS 17-56, *et seq.* (“Act”), asserted that they would be both criminally charged under the Act and would face a civil suit arising from their alleged violation of the Act.

4. The letter states, in pertinent part:

Should you be unwilling to settle your actions with Jacob under this demand, He [*sic*] will immediately report to the most apt law enforcement agency for reporting and prosecution of the crimes you have committed, in addition to civil litigation instituted by my firm. We have several other family members with direct knowledge of your actions that will also join him in the police report. I have already spoken to Julie’s former employer, Stuart [*sic*] Umholtz, concerning this claim and he is interested in prosecuting. The fact that he is running for judge at this very moment is evidence that he will have no choice but to prosecute you both to the fullest extent of the law or risk his election as an elected official who will let his employees and associates commit crimes without prosecution.

This demand is your ONLY opportunity to resolve what you have done without both civil and criminal prosecution and the losses I have outlined under the Financial Exploitation Act above. Do not take this lightly, thinking it can be ignored, or that you can avoid severe consequences for your wrongful actions. You should immediately consult an attorney.

Jacob is willing to settle this claim, which means that neither he, nor the family members we spoke to, will pursue criminal prosecution or civil litigation against either of you under the Act. In full settlement, Jacob will accept the amount of \$950,000.00 (Nine-Hundred and Fifty-Thousand Dollars). This offer of settlement will be valid for only two-weeks after it is delivered. After that period, without further communication or warning, we will begin the criminal process and pursue civil litigation. If the demand is accepted prior to this deadline, we will postpone pursuit while a settlement contract is drafted and executed. This offer of settlement must be accepted in writing executed by both of you, to be valid. The acceptance may be mailed or sent electronically.

5. Respondent's statements in paragraph 4 above, regarding Goodbred making a report to a law enforcement agency regarding the Barbees' alleged crimes and pursuing criminal prosecution unless they settled Goodbred's claim, constituted a threat to present criminal charges to obtain an advantage in a civil matter.

6. Respondent's statements in paragraph 4 above, regarding Respondent having spoken with Tazewell County State's Attorney Stewart Umholtz ("Umholtz") concerning "this claim" and that Umholtz was "interested in prosecuting" were false, because Respondent had not conveyed details of the alleged crimes to Umholtz, and did not inform Umholtz of the victim's name or that Jeff Barbee and/or Julie Barbee were the alleged perpetrators of the alleged crimes. The statements in paragraph 4, above, were also false because Umholtz never indicated that he was "interested in prosecuting" the criminal case.

7. Respondent knew or should have known that his statements in paragraph 4 above, that he had spoken with Umholtz concerning "this claim" and that Umholtz was "interested in prosecuting", were false when he made them.

8. Pursuant to the Agreement, a \$950,000 settlement would have resulted in a \$95,000 attorney's fee to Respondent.

9. As of April 4, 2022, the Barbees' alleged crimes had not been reported to any law enforcement agency.

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

- a. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation by stating "I have already spoken to Julie's former employer, Stuart [*sic*] Umholtz, concerning this claim and he is interested in prosecuting" in the letter when Respondent knew that he had not spoken to Umholtz concerning "this claim" and Umholtz had not advised that he

was “interested in prosecuting” the claim, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010);

- b. making a false statement of material fact or law to a third person, by stating in his letter to the Barbees “I have already spoken to Julie’s former employer, Stuart [*sic*] Umholtz, concerning this claim and he is interested in prosecuting” when Respondent knew that he had not spoken to Umholtz concerning “this claim” and Umholtz had not advised that he was “interested in prosecuting” the claim, in violation of Rule 4.1(a) of the Illinois Rules of Professional Conduct (2010); and
- c. presenting, participate in presenting, or threaten to present criminal or professional disciplinary charges to obtain an advantage in a civil matter by threatening to report the Barbees’ alleged crimes to a law enforcement agency unless they settled Goodbred’s claim, in violation of Rule 8.4(g) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ David B. Collins
David B. Collins

David B. Collins
Counsel for the Administrator
Attorney Registration and Disciplinary Commission
3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
Telephone: 217-546-3523
Email: dcollins@iardec.org
MAINLIB_#1528584_v1