

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

In the Matter of:

CORY E. McGINN,  
  
Attorney-Respondent,  
  
No. 6308002.

Commission No. 2022PR00085

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Scott Renfro, pursuant to Supreme Court Rule 753(b), complains of Respondent, Cory E. McGinn, who was licensed to practice law in the State of Illinois on May 10, 2012, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COMPLAINT

*(Conversion of Settlement Funds –Multiple Client Matters)*

1. At all times alleged in this complaint, Respondent was sole practitioner with a practice located in Downers Grove that concentrated in the representation of claimants in personal injury matters. In operating that practice, Respondent maintained and was the sole signatory on a Chase IOLTA account ending in the four digits 5537 (hereinafter “IOLTA account”), which was entitled “McGinn Law Office, Inc. IOLTA Trust Account,” and which Respondent used as the depository of funds belonging presently or potentially to the firm’s clients, to third parties (including lienholders), or to Respondent.

FILED  
12/15/2022 10:33 AM  
ARDC Clerk

2. Beginning in 2020, Respondent delayed in making payments to lienholders and to certain clients following the settlement of client matters and his receipt of settlement proceeds. Several times each month, Respondent intentionally withdrew funds from the Chase IOLTA account by making transfers to other accounts or by making withdrawals of funds that he subsequently used for his own purposes. As of September 30, 2022, Respondent had drawn the balance in the Chase IOLTA account to \$2,450.64.

3. As set forth more specifically below, prior to September 30, 2022, Respondent had received the following amounts in settlement of claims in which he had represented the following clients, deposited those settlement funds into the Chase IOLTA account, and made certain partial distributions from the settlement proceeds, including payments to himself as claimed fees or the reimbursement of certain expenses. As a result of those transactions, as of September 30, 2022, when the balance in the Chase IOLTA account was \$2,450.64, Respondent should have been holding \$109,292.22 that he continued to owe to clients or lienholders.

	Client	Deposit date of settlement funds	Amount of settlement funds deposited	Total disbursement to or on behalf of client before 9/30/22	Respondent's fees and costs (total)	Amount outstanding to or on behalf of client as of 9/30/22
1.	Reyes, C.	3/17/20	\$10,000.00	\$4,325.00	\$3,300.00	\$2,375.00
2.	Aguire, D.	7/24/20	\$25,000.00	\$8,333.33	\$8,333.33	\$8,333.34
3.	Spencer, D.	8/31/20	\$7,250.00	\$2,500.00	\$2,300.00	\$2,450.00
4.	Burrell, B.	11/30/20	\$10,594.18	\$3,562.79	\$3,531.39	\$3,500.00
5.	Perez, E.	12/4/20	\$7,500.00	\$2,500.00	\$2,500.00	\$2,500.00
6.	Rios, T.	12/4/20	\$7,500.00	\$3,000.00	\$1,875.00	\$2,625.00
7.	Rodriguez, A.	12/4/20	\$7,216.49	\$2,500.00	\$2,405.50	\$2,310.99
8.	Rico, C.	12/18/20	\$10,450.07	\$4,000.00	\$3,450.07	\$3,000.00
9.	Spotwell, K.	12/22/20	\$10,000.00	\$3,333.34	\$3,333.33	\$3,333.33
10.	Jones, P.	12/23/20	\$8,500.00	\$3,166.67	\$2,833.33	\$2,500.00
11.	Reynaldo, P.	12/23/20	\$14,477.23	\$8,500.00	\$4,825.74	\$1,151.49
12.	Myers, P.	12/23/20	\$7,500.00	\$2,500.00	\$2,500.00	\$2,500.00
13.	Joseph, L.	12/28/20	\$7,210.00	\$0	\$2,403.33	\$4,806.67
14.	Joseph, W.	12/28/20	\$8,043.00	\$0	\$2,861.00	\$5,382.00
15.	Zelasco, B.	12/28/20	\$25,000.00	\$12,200.00	\$8,333.33	\$4,466.67

16.	Lanc, A.	2/5/21	\$40,000.00	\$13,265.26	\$16,734.74	\$10,000.00
17.	Casares D.	2/19/21	\$18,500.00	\$6,500.00	\$6,000.00	\$6,000.00
18.	Casares A.	3/26/21	\$25,000.00	\$8,500.00	\$8,333.34	\$8,166.66
19.	Quevedo, J.	3/26/21	\$4,500.00	\$3,369.86	\$1,000.00	\$130.14
20.	Quevedo, V.	3/26/21	\$4,500.00	\$1,923.43	\$1,000.00	\$1,576.57
21.	Lanc, D.	4/27/21	\$1,500.00	\$0	\$361.29	\$1,138.71
22.	Abedela, M.	5/25/21	\$7,061.00	\$2,236.00	\$2,000.00	\$2,825.00
23.	Abedela, Ma.	5/21/21	\$7,061.00	\$2,236.00	\$2,000.00	\$2,825.00
24.	Strong, E.	10/31/21	\$29,000.00	\$8,600.00	\$9,666.67	\$10,733.33
25.	Strong, T.	10/30/21	\$31,000.00	\$10,120.16	\$10,333.33	\$10,546.51
26.	Valtierra, M.	11/10/21	\$20,672.00	\$9,865.52	\$6,690.67	\$4,115.81
<b>TOTAL</b>						<b>\$109,292.22</b>

4. As of September 30, 2022, Respondent had, without authority from his clients or the various lienholders, used for his own business or personal purposes at least \$106,841.58 of the above clients' funds. Respondent's use of those funds constitutes conversion.

5. At the time Respondent used the funds due to the clients set forth in paragraph three, above, to their lienholders, or to other third parties, Respondent acted dishonestly, because he knew that he was using those funds for his own purposes without authority.

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

- a. failure to hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property, by conduct including: (1) failing to hold funds belonging to the clients listed in paragraph three, above, to their lienholders, or to third parties, separate from Respondent's own property, and (2) converting at least \$106,841.58 of personal injury settlement funds relating to the clients listed in paragraph three, above, to Respondent's own use and causing the balance in his IOLTA account to fall below the amount then belonging to the clients, to their lienholders, or to third parties, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010);

