

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

FILED

January 09, 2023

ARDC CLERK

In the Matter of:)
)
JAMES DOUGLAS COTTRELL,)
) Commission No.2022 PR 00069
Attorney-Respondent,)
)
No. 6184207)

AMENDED ANSWER

NOW COMES the Attorney-Respondent, James Douglas Cottrell, by and through his counsel, Michael J. Costello and for his Amended Answer to the Complaint of the Administrator, respectfully states as follows:

1. That the Respondent states that the James D. Cottrell Law Office, PC was incorporated on or about October 11, 2013, and the Respondent has been involved in the general practice of law with that firm, since then.
2. That prior to that time, he was a partner in the law firm of Tepper Mann & Cottrell in Urbana Illinois. Prior to that he was a partner at the law firm of Dobbins Fraker Tennant Joy and Perlstein in Champaign. Prior to that he was an associate in the law firm of Dobbins, Fraker, Tennant, Joy and Perlstein, and previous to that, an associate in the law firm of Phebus, Tummelson, Bryan and Knox of Urbana, Illinois.
3. That on or about April 8, 2014, Respondent opened a trust account ending in 6729 at PNC Bank in order to transfer unclaimed payments dating back to 1977, in the trust account of an attorney whose practice Respondent purchased. Respondent does not use trust accounts for his own clientele. No client funds were amongst the funds transferred.

4. That Respondent admits that he was the sole signatory on the trust account.
5. That Respondent admits, as indicated in paragraph 3 above, that the trust account was established to transfer the indicated funds from the purchased law practice. An indicated list was provided. A complete investigation was carried out with regards to the funds in the list, and one, and possibly a second payment to designated parties were made. Attempts were made to locate other possible recipients for said funds, with said investigation being unsuccessful.
6. That Respondent admits that he deposited the above said funds into the indicated trust account.
7. That Respondent denies the allegations of Paragraph 7, all as indicated above.
8. That Respondent admits the allegations of Paragraph 8.
9. That the Respondent states that he used the sum of \$2902.34 from said trust account for his own business or personal purposes, and denies the usage of any client funds.
10. That the Respondent restates his answer to Paragraph 9 above as his answer to Paragraph 10 herein.
11. That the Respondent states that he used said funds without authority and dishonestly, and denies the remainder of the allegations of paragraph 11.
12. That the Respondent states that the usage of said funds was as indicated above, and Respondent further states that he has replaced the funds in the trust account on April 8, 2022, and further states that he voluntarily reported his actions to the ARDC.

WHEREFORE, Attorney-Respondent, James Douglas Cottrell, requests that the panel make findings of fact, conclusions of fact and law and recommendation of such discipline is meet and proper.

Respectfully Submitted,
James Douglas Cottrell, Attorney-Respondent

____/s Michael J. Costello _____
MICHAEL J. COSTELLO
Attorney-Respondent

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CERTIFICATE OF SERVICE

I certify that on 30th day of December 2022 by electronic filed and transmitted the foregoing documents pursuant to 735 ILCS 5/2-619.1 with the Clerk of the Court for the Illinois Attorney Registration Commission of Illinois for the Fourth Judicial Circuit by using the Tyler eFileIL system.

I further certify that the individual named below was served electronically and by enclosing the same in an envelope addressed to such party at his business or residence address, as disclosed by the pleadings of record herein, with postage full prepaid, and by depositing said envelope in the United States Mail in Springfield, Illinois on this 30th day of December, 2022.

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_____/s Michael J. Costello _____

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