

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

FILED

April 12, 2024

ARDC CLERK

In the Matter of:

JARRED JAMES RAHAR,

Attorney-Respondent,

No. 6305013.

Commission No. 2024PR00017

ALW

~~SECOND~~ AMENDED COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission (“ARDC”), by her attorney, Rachel C. Miller, pursuant to Supreme Court Rule 753(b), complains of Respondent, Jarred James Rahar (“Respondent”), who was licensed to practice law in Illinois on May 5, 2011, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Failure to return an unearned portion of a security retainer fee)

1. At all times related to this complaint, Respondent worked as an associate attorney at David R. Fines Law Office in Taylorville. Respondent’s practice consisted of domestic relations and guardianship matters. Respondent also provided contract public defender services to the Christian County Public Defender’s Office.

2. On or around December 20, 2021, Respondent and Mitchell Barnosky (“Barnosky”) agreed that Respondent would represent Barnosky in a dissolution of marriage in Sangamon County. Barnosky paid Respondent \$1,500 by check as a security retainer, and the security retainer was deposited into the client trust account held by the David R. Fines Law Office.

Respondent and Barnosky agreed that Respondent would bill against the security retainer at a rate of \$250 per hour.

3. On January 10, 2022, Respondent entered the appearance of the David R. Fines Law Office on behalf of Barnosky in a matter docketed as *In re the Marriage of Barnosky*, 2021 D 447 (Sangamon County Circuit Court).

4. Between January 10, 2022, and August 17, 2022, Respondent performed legal work for Barnosky in 2021 D 447.

5. On August 17, 2022, Respondent filed a motion to withdraw in 2021 D 447, and the court entered an order allowing Respondent to withdraw on August 24, 2022.

6. Between November 2022 and January 9, 2023, Barnosky retained a new attorney to represent him in 2021 D 447. After retaining a new attorney, Barnosky contacted Respondent repeatedly to request his complete client file and the return of any unearned fee.

7. At no time did Respondent provide Barnosky his client file or any unearned portion of the fee, nor did he tell Barnosky if there was an unearned portion of the fee.

8. On Monday, January 9, 2023, Barnosky's mother, Terri Barnosky, sent Respondent a text message stating, in part:

"I am filing a complaint with the ARDC Friday. You have failed to provide an accounting of the \$1,500 given to you and you have failed to return everything you have on this case since you withdrew."

9. On Thursday, January 12, 2023, Respondent sent Barnosky an email stating:

"Attached is your final statement for services rendered as well the [sic] previous statements. You have \$97.75 left on your retainer. David R. Fines Law Office will be sending you a check with that remaining balance of \$97.75 in the mail."

10. On February 2, 2023, Barnosky submitted a request for investigation alleging that Respondent failed to provide his client file to him and failed to refund the \$97.75 of the unearned fee.

11. On February 8, 2023, Counsel for the Administrator sent a copy of the report to Respondent and requested that he provide a written response within 14 days. Respondent did not respond.

12. On March 3, 2023, Counsel for the Administrator sent Respondent a second letter stating that his response had not been received, he had a duty to comply, and that he should provide his response within 7 days. Respondent did not respond.

13. On March 14, 2023, Counsel for the Administrator sent Respondent an email requesting that he call her on March 14 to provide dates of his availability for a sworn statement. Respondent called and left a voicemail for Counsel for the Administrator, but he did not provide his availability.

14. On March 16, 2023, Counsel for the Administrator caused Respondent to be served with a subpoena, via email, for a sworn statement on April 5, 2023. The rider to the subpoena included a request that Respondent provide Barnosky's entire client file by March 29, 2023. Respondent did not provide Barnosky's client file by March 29, 2023.

15. On March 31, 2023, Investigator Mark Pointer ("Pointer") personally served Respondent at the Christian County Courthouse with the subpoena for the April 5, 2023 sworn statement.

16. At the time Pointer served Respondent with the subpoena on March 31, 2023, the odor of alcohol emanated from Respondent.

17. At no time between August 17, 2022, when Respondent withdrew from Barnosky's matter, and April 5, 2023, did Respondent return the unearned portion of the fee.

18. On April 5, 2023, Respondent appeared for his sworn statement in the Springfield office. At that time, he indicated that he would attempt to return the unearned portion of the security retainer fee for Barnosky's matter. Subsequently, Respondent stated that he would provide a copy of the check issued to Barnosky to the ARDC.

19. At no time between April 5, 2023, and the date of the filing of this complaint has Respondent provided a copy of the check issued to Barnosky to Counsel for the Administrator.

20. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

- a. failing to surrender paper and property to which the client is entitled and failing to refund any advance payment of fee or expense that has not been earned, by conduct including failing to provide Barnosky his client file and the unearned portion of the security retainer totaling \$97.75, in violation of Rule 1.15 of the Illinois Rules of Professional Conduct (2010).

COUNT II
(Failure to cooperate)

21. The Administrator realleges and incorporates paragraphs one through 19, above.

22. At all times related to this Complaint, Supreme Court Rule 754 empowered the Inquiry Board to "take evidence of respondents, petitioners and any other attorneys or persons who may have knowledge of the pertinent facts concerning any matter which is the subject of an investigation or hearing."

23. On July 24, 2023, this matter was referred to a panel of the Inquiry Board. Pursuant to Commission Rule 55, Counsel for the Administrator sent Respondent a letter that day notifying him of the inquiry referral and notifying him that the Inquiry Panel would meet on August 7, 2023.

24. On August 7, 2023, the Inquiry Panel voted to require Respondent's appearance at its next meeting on October 25, 2023, at 12:30 p.m. in the Springfield ARDC office.

25. On August 21, 2023, Respondent was personally served with a subpoena to appear before the Inquiry Panel on October 25, 2023, at 12:30 p.m.

26. At no time on October 25, 2023, did Respondent appear in the Springfield ARDC office, nor did he contact the office to request a continuance of his appearance before the Inquiry Panel.

27. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

- a. knowingly failing to response to a lawful demand for information from a disciplinary authority, by conduct including failing to appear for the October 25, 2023, Inquiry Panel meeting, despite being personally served with a subpoena requiring his appearance, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010); and
- b. engaging in conduct prejudicial to the administration of justice by conduct including failing cooperate with a subpoena issued by a panel of the Inquiry Board, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT III
(Unauthorized Practice of Law)

28. At all times related to this complaint, Supreme Court Rule 794 required that every Illinois attorney shall complete certain minimum continuing education ("MCLE") hours during a two-year reporting period beginning on July 1 and ending on June 30. The reporting period for attorneys with last names beginning with the letters A through M begins on July 1 of even-numbered years and runs through June 30 of the subsequent even-numbered year. The reporting

period for attorneys with last names beginning with the letters N through Z begins on July 1 of odd-numbered years and runs through June 30 of the subsequent odd-numbered year.

29. Respondent knew or should have known of the requirements of Rule 794 and his responsibility to comply with that rule.

30. Based on the requirements of Rule 794, Respondent's reporting period begins on July 1 of odd-numbered years.

31. At all times related to this complaint, Supreme Court Rule 796 required that Illinois attorneys submit a certification within 31 days after the end of their reporting period to the Minimum Continuing Legal Education Board ("MCLE Board") stating whether the attorney completed the required MCLE hours.

32. Respondent knew or should have known of the requirements of Rule 796 and his responsibility to comply with that rule.

33. Based on the requirements of Rule 796, Respondent was required to submit his MCLE certification by July 31 of his odd-numbered reporting year.

34. For the reporting period running from July 1, 2021, through June 30, 2023, Respondent was required to complete 30 MCLE hours by June 30, 2023, and submit his MCLE certification to the MCLE Board by July 31, 2023.

35. Respondent did not complete the required 30 MCLE hours by June 30, 2023, nor did he report his lack of compliance to the MCLE Board by July 31, 2023.

36. On May 1, 2023, and pursuant to Supreme Court Rule 796(a)(1), the MCLE Board sent Respondent an Initial MCLE Notice regarding the MCLE requirement to his registered mailing address. The notice listed a completion deadline of June 30, 2023, and a reporting deadline of July 31, 2023. The notice also stated that, pursuant to Supreme Court Rule 796(a)(2), attorneys

must submit their report using the MCLE Board's online reporting system and listed the website address for the MCLE Board.

37. On May 24, 2023, the MCLE Board sent a courtesy postcard reminding Respondent of his reporting obligations.

38. Respondent received the postcard described in paragraph 37, above.

39. On June 30, 2023, Respondent requested a grace period extension to October 31, 2023, to complete the credits for his 2021-2023 reporting period, and an extension to November 30, 2023, to report completion by October 31, 2023. Respondent paid a \$100 late fee to obtain the extension.

40. On October 4, 2023, the MCLE Board sent an email reminding Respondent of his completion and reporting obligations as described in paragraph 39, above.

41. Respondent received the email described in paragraph 39, above.

42. On October 26, 2023, the MCLE Board sent an email to Respondent reminding him of his completion obligations for his 2021-2023 MCLE credits, as described in paragraph 39, above.

43. Respondent received the email described in paragraph 42, above.

44. On October 31, 2023, the MCLE Board sent an email to Respondent reminding him that the deadline for completing his MCLE credits was that day.

45. Respondent received the email describe in paragraph 44, above.

46. At no time on or before October 31, 2023, did Respondent complete the required 30 hours of CLE credits in order to comply with the MCLE requirements for the 2021-2023 reporting period.

47. On November 16, 2023, the MCLE Board sent Respondent an email reminding him that he was required to report his MCLE compliance for the 2021-2023 reporting period by November 30, 2023.

48. Respondent received the email described in paragraph 47, above.

49. On November 20, 2023, the MCLE Board left a scripted voicemail on Respondent's voicemail regarding Respondent's reporting requirements for the 2021-2023 reporting period and that he would be removed on December 1, 2023, if he did not comply.

50. Respondent received the voicemail described in paragraph 49, above.

51. On December 1, 2023, the MCLE Board sent Respondent, via email and regular mail, a Notice of Removal from the master roll of attorneys.

52. Respondent received the email and letter regarding his Notice of Removal described in paragraph 51, above.

53. On December 1, 2023, Respondent was removed from the master roll of attorneys for failure to comply with the MCLE requirement pursuant to Rule 794 and 796.

54. Between December 1, 2023, and January 29, 2024, Respondent continued to operate in his law practice, met with clients, appeared in court, engaged in the practice of law, and accepted appointments to cases by judges in at least the following matters:

Date	County	Docket Number	Action(s) Taken
12/1/2023	Christian	2023GR18	Appeared in court
12/1/2023	Christian	2020F86	Appeared in court
12/1/2023	Christian	2023FA28	Appeared in court
12/1/2023	Christian	2020D100	Appeared in court
12/1/2023	Christian	20218D52	Appeared in court

12/1/2023	Christian	2023DC30	Appeared in court
12/1/2023	Christian	2020F85	Appeared in court
12/1/2023	Christian	2022OP255	Appeared in court
12/4/2023	Christian	2020D61	Appeared in court
12/5/2023	Christian	2021P42	Appeared in court
12/5/2023	Christian	2018P69	Appeared in court
12/5/2023	Christian	2023AD15	Appeared in court
12/5/2023	Christian	2023AD16	Appeared in court
12/5/2023	Christian	2022DC19	Appeared in court
12/6/2023	Christian	2023JA35	Appeared in court
12/7/2023	Christian	2022CF126	Appeared in court
12/8/2023	Christian	2020P73	Appeared in court
12/8/2023	Christian	2023EV77	Appeared in court
12/8/2023	Christian	2022DC34	Appeared in court
12/8/2023	Christian	2018D34	Appeared in court
12/8/2023	Christian	2018D25	Appeared in court
12/8/2023	Christian	2021F25	Appeared in court
12/8/2023	Christian	2013D71	Appeared in court
12/11/2023	Christian	2022FA14	Appeared in court
12/12/2023	Christian	2023CF86	Appeared in court
12/12/2023	Christian	2023FA26	Appeared in court
12/12/2023	Christian	2023OP143	Appeared in court
12/12/2023	Christian	2022PR90	Appeared in court

12/12/2023	Christian	2018D129	Appeared in court
12/13/2023	Christian	2023JA1	Appeared in court
12/13/2023	Christian	2023JA36	Appeared in court
12/13/2023	Christian	2023JA13	Appeared in court
12/13/2023	Christian	2023JA12	Appeared in court
12/13/2023	Christian	2023JA11	Appeared in court
12/13/2023	Christian	2023JA37	Appeared in court
12/13/2023	Christian	2023JA2	Appeared in court
12/13/2023	Christian	2023JA10	Appeared in court
12/13/2023	Christian	2023JA14	Appeared in court
12/13/2023	Christian	2023JA7	Appeared in court
12/13/2023	Christian	2023JA8	Appeared in court
12/13/2023	Christian	2022JA46	Appeared in court
12/13/2023	Christian	2023JA30	Appeared in court
12/13/2023	Christian	2023JA29	Appeared in court
12/13/2023	Christian	2023JA32	Appeared in court
12/14/2023	Christian	2021F25	Appeared in court
12/14/2023	Christian	2023CF86	Appeared in court
12/14/2023	Christian	2023CF187	Appeared in court
12/14/2023	Christian	2022CM103	Appeared in court
12/14/2023	Christian	2023MT12	Appeared in court
12/14/2023	Christian	2023MT237	Appeared in court
12/14/2023	Christian	2019F49	Appeared in court

12/14/2023	Christian	2023CF137	Appeared in court
12/14/2023	Christian	2023CF155	Appeared in court
12/15/2023	Christian	2021P85	Appeared in court
12/15/2023	Christian	2022GR8	Appeared in court
12/15/2023	Christian	2022GC1	Appeared in court
12/15/2023	Christian	2023EV78	Appeared in court
12/15/2023	Christian	2023CF86	Appeared in court
12/15/2023	Christian	2023CF187	Appeared in court
12/15/2023	Christian	2020F85	Appeared in court
12/15/2023	Christian	2022OP255	Appeared in court
12/18/2023	Shelby	2020JA9	Accepted appointment
12/18/2023	Shelby	2020JA10	Accepted appointment
12/19/2023	Christian	2023CF191	Appeared in court
12/19/2023	Christian	2023CF86	Appeared in court
12/19/2023	Christian	2023CF187	Appeared in court
12/21/2023	Christian	2023DV25	Appeared in court
12/21/2023	Christian	2023CF18	Appeared in court
12/21/2023	Christian	2022CF201	Appeared in court
12/28/2023	Christian	2021JA7	Appeared in court
12/28/2023	Christian	2021JA6	Appeared in court
12/28/2023	Christian	2020JA11	Appeared in court
12/28/2023	Christian	2023CF187	Appeared in court
1/2/2024	Christian	2023DC46	Appeared in court

1/2/2024	Christian	2023EV98	Appeared in court
1/2/2024	Christian	2023EV100	Appeared in court
1/2/2024	Christian	2024CF4	Appeared in court
1/2/2024	Christian	2020D100	Appeared in court
1/2/2024	Christian	2023DC5	Appeared in court
1/3/2024	Montgomery	2023CF308	Appeared in court
1/3/2024	Montgomery	2023MT182	Appeared in court
1/4/2024	Christian	2021F25	Appeared in court
1/4/2024	Christian	2019F219	Appeared in court
1/4/2024	Christian	2023CF75	Appeared in court
1/5/2024	Christian	2023EV74	Appeared in court
1/5/2024	Christian	2022EV129	Appeared in court
1/5/2024	Christian	2018D52	Appeared in court
1/5/2024	Christian	2023DC30	Appeared in court
1/5/2024	Christian	2020F86	Appeared in court
1/5/2024	Christian	2023FA28	Appeared in court
1/8/2024	Christian	2024JA1	Appeared in court
1/8/2024	Christian	2016P69	Appeared in court
1/8/2024	Christian	2013D71	Appeared in court
1/8/2024	Christian	2023FA26	Appeared in court
1/8/2024	Christian	2023OP143	Appeared in court
1/9/2024	Christian	2018D34	Appeared in court
1/9/2024	Christian	2021LM99	Appeared in court

1/9/2024	Christian	2022FA14	Appeared in court
1/10/2024	Christian	2022DT29	Appeared in court
1/11/2024	Christian	2019F49	Appeared in court
1/11/2024	Christian	2021CH17	Appeared in court
1/11/2024	Christian	2022CM103	Appeared in court
1/11/2024	Christian	2023MT12	Appeared in court
1/11/2024	Christian	2023MT237	Appeared in court
1/11/2024	Christian	2023CF137	Appeared in court
1/11/2024	Christian	2023CF155	Appeared in court
1/12/2024	Christian	2021L4	Appeared in court
1/12/2024	Christian	2023CF191	Appeared in court
1/12/2024	Christian	2022CF126	Appeared in court
1/16/2024	Christian	2020F85	Appeared in court
1/16/2024	Christian	2022OP255	Appeared in court
1/16/2024	Christian	2022DC34	Appeared in court
1/17/2024	Christian	2021CM114	Appeared in court
1/17/2024	Christian	2023JA18	Appeared in court
1/17/2024	Christian	2023JA19	Appeared in court
1/17/2024	Christian	2023JA35	Appeared in court
1/17/2024	Christian	2023JA30	Appeared in court
1/17/2024	Christian	2023OV59	Appeared in court
1/18/2024	Christian	2020TR764	Appeared in court
1/18/2024	Christian	2020TR953	Appeared in court

1/18/2024	Christian	2020TR954	Appeared in court
1/18/2024	Christian	2021CF34	Appeared in court
1/18/2024	Christian	2021TR837	Appeared in court
1/18/2024	Christian	2021TR1113	Appeared in court
1/18/2024	Christian	2021TR1114	Appeared in court
1/18/2024	Christian	2021TR1593	Appeared in court
1/18/2024	Christian	2021TR1594	Appeared in court
1/18/2024	Christian	2021SC489	Appeared in court
1/18/2024	Christian	2023CF187	Appeared in court
1/18/2024	Christian	2022CM103	Appeared in court
1/18/2024	Christian	2023MT12	Appeared in court
1/18/2024	Christian	2023MT237	Appeared in court
1/18/2024	Christian	2016CF42	Appeared in court
1/19/2024	Christian	2022FA39	Appeared in court
1/19/2024	Christian	2021CF232	Appeared in court
1/19/2024	Christian	2021CF101	Appeared in court
1/22/2024	Christian	2023GR18	Appeared in court
1/23/2024	Christian	2017CF182	Appeared in court
1/23/2024	Christian	2017CT66	Appeared in court
1/23/2024	Christian	2017TR2578	Appeared in court
1/23/2024	Christian	2017TR2579	Appeared in court
1/24/2024	Christian	2020JA11	Appeared in court
1/24/2024	Christian	2022JA44	Appeared in court

1/24/2024	Christian	2021JA71	Appeared in court
1/24/2024	Christian	2021JA70	Appeared in court
1/24/2024	Christian	2022JA22	Appeared in court
1/24/2024	Christian	2022JA28	Appeared in court
1/24/2024	Christian	2022JA28	Appeared in court
1/24/2024	Christian	2022JA29	Appeared in court
1/24/2024	Christian	2021JA68	Appeared in court
1/24/2024	Christian	2021JA69	Appeared in court
1/24/2024	Christian	2021JA36	Appeared in court
1/24/2024	Christian	2022JA23	Appeared in court
1/24/2024	Christian	2020DT11	Appeared in court
1/24/2024	Christian	2022JA15	Appeared in court
1/24/2024	Christian	2022JA17	Appeared in court
1/24/2024	Christian	2020JA74	Appeared in court
1/24/2024	Christian	2022JA20	Appeared in court
1/24/2024	Christian	2021JA15	Appeared in court
1/25/2024	Christian	2023GR35	Appeared in court
1/25/2024	Christian	2023DC60	Appeared in court
1/25/2024	Christian	2017CF182	Appeared in court
1/25/2024	Christian	2017DT66	Appeared in court
1/25/2024	Christian	2017TR2578	Appeared in court
1/25/2024	Christian	2017TR2579	Appeared in court
1/25/2024	Christian	2022FA42	Appeared in court

1/26/2024	Christian	2022GR8	Appeared in court
1/26/2024	Christian	2018D129	Appeared in court
1/26/2024	Christian	2022GR28	Appeared in court
1/26/2024	Christian	2020D61	Appeared in court

55. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

- a. practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, by continuing to appear in cases and engage in the practice of law as an attorney, and holding himself out as an attorney after his name was removed from the master roll of attorneys authorized to practice law in Illinois, in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct (2010).

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

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Rachel C. Miller
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