

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

In the Matter of:

JAMES GREGORY LAS COLA,
Attorney-Respondent,
No. 6256256.

2024PR00025
Commission No.

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Matthew D. Lango, pursuant to Supreme Court Rule 753(b), complains of Respondent, James Gregory Las Cola, who was licensed to practice law in Illinois on November 5, 1998, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Lack of Diligence, Failure to Communicate,
and Failure to Return an Unearned Fee – Coleman Estate Planning Matter)*

1. At all times related to this complaint, Respondent was a solo practitioner, with a general practice in estate planning, business law, and litigation.
2. On or about November 5, 2021, Respondent met with Arthur and Rosie Coleman, and their daughter, Vetrice Coleman, at his office in Orland Park. At that time, Respondent and the Colemans agreed that Respondent would represent Arthur and Rosie Coleman in the preparation of their estate planning documents.
3. On November 5, 2021, Respondent gave the Colemans a retainer agreement to review and told them that in order to complete their estate planning documents, he required a

FILED
5/1/2024 2:40 PM
ARDC Clerk

retainer of \$1,750. On that date, Vetrice Coleman, using the digital payment platform Zelle, paid Respondent \$1,015.

4. After leaving Respondent's office, the Colemans reviewed Respondent's retainer agreement and determined it contained errors, including the name of a different client. Vetrice Coleman emailed Respondent and informed him that his retainer agreement contained information for another client. Respondent then offered to go to the Coleman's home and have them sign a corrected retainer agreement.

5. The next day, on November 6, 2021, Respondent went to Arthur and Rosie Coleman's home. On that date, Respondent brought a new retainer agreement with the Colemans' names listed as the clients. Vetrice Coleman was present for that meeting. After Arthur and Rosie Coleman signed Respondent's retainer agreement, Vetrice Coleman made a second payment via Zelle to Respondent in the amount of \$735.

6. Shortly after the meeting on November 6, 2021, Respondent emailed to the Colemans a questionnaire and estate planning forms, such as a will and power of attorney, with no specific information as to the Colemans on the documents. Respondent told the Colemans that he would work with them to incorporate their information into the documents to achieve their estate planning goals.

7. On or about November 10, 2021, the Colemans sent Respondent documents and information that they believed were necessary to complete their estate plan.

8. At no time after November 10, 2021, did Respondent complete or take any further actions with respect to the Colemans' estate planning documents.

9. Between November 10, 2021, and March 2022, the Colemans called Respondent approximately thirteen times and sent Respondent numerous emails regarding the status of their estate plan. Respondent did not respond to the Colemans' communications.

10. In or about December 2021, after not having received a response from Respondent, the Colemans requested the return of the \$1,750 retainer paid to Respondent.

11. At no time did Respondent return the Colemans' retainer or complete their estate planning documents.

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

- a. failure to act with reasonable diligence and promptness in representing a client, by conduct including failing to complete Arthur and Rosie Coleman's estate planning documents, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failure to keep a client reasonably informed about the status of a matter, by failing to respond to requests for information from the Colemans between November 2021 and March 2022, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- c. failure to surrender property to refund an unearned fee, by conduct including failing to refund any unearned portion of the \$1,750 fee the Colemans paid to Respondent in connection with Respondent's agreement to complete estate planning documents for the Colemans, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Failure to Communicate and Failure to Return an Unearned Fee – Robertson Eviction Matter)

13. On or about September 30, 2022, Brandon Robertson ("Robertson") retained Respondent to represent his company, Resilient Realty Group, in a residential eviction matter to be filed in the Circuit Court of Cook County. On that date, Robertson paid Respondent a retainer

of \$2,500. Later, on November 11, 2022, Robertson gave Respondent an additional retainer of \$525 for filing fees and other costs.

14. On or about November 14, 2022, Respondent, on Robertson's behalf, filed an eviction case in the Circuit Court of Cook County, captioned as *Resilient Realty Group v. Joyce E. Robertson*, and assigned Cook County case number 20226009436. On or about that date, Respondent tendered the eviction complaint and summons to the Cook County Sheriff's Office for service of process.

15. Between November 14, 2022, and December 16, 2022, Robertson frequently contacted Respondent for updates concerning the status of the eviction case, though often received no response from Respondent. On December 16, 2022, Robertson emailed Respondent, terminating his legal services for lack of adequate communication. Robertson also requested Respondent to return any unused portion of his retainer and send him an accounting of all time spent on the eviction case.

16. Between the date Robertson hired Respondent to represent Resilient Realty Group in the eviction case, September 30, 2022, and December 19, 2022, the only substantive action Respondent took in the matter was to prepare and file a residential eviction complaint and tender a copy of the complaint and summons to the Cook County Sheriff's Office.

17. On December 19, 2022, Respondent replied to Robertson's December 16, 2022, email, described above, stating that he had attempted to reach Robertson via telephone, without success, and that he withdrew from the case. Robertson replied to this email requesting whatever remained of his retainer, as well as an itemized invoice. Respondent did not reply to this email.

18. During his representation of Resilient Realty Group and Robertson, Respondent did not perform sufficient work on the eviction matter to justify his retention of Robertson's \$2,500 retainer.

19. On January 6, 2023, Robertson emailed Respondent, again inquiring about his refund and itemized accounting of funds. Respondent replied to this email stating that a statement of account would be sent within the next ten days.

20. On or about January 23, 2023, Robertson emailed Respondent, again inquiring about the refund and statement of account because the ten-day period had passed. Respondent did not reply to this email or to any further communications from Robertson.

21. On January 26, 2023, Robertson emailed Respondent again, informing him that a complaint would be filed with the Attorney Registration and Disciplinary Commission if a statement of account and return of any unused portion of the retainer was not sent to him. Respondent did not reply to this email.

22. At no time did Respondent send Robertson a statement of account or any itemization of the time allegedly spent on the eviction matter to justify his retention of Robertson's \$2,500 fee retainer.

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

- a. failure to keep a client reasonably informed about the status of a matter, by failing to respond to Robertson's repeated requests for a statement of account, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- b. failure to surrender property to refund an unearned fee, by conduct including failing to refund any unearned portion of the \$2,500 fee Robertson paid to Respondent in connection with Respondent's representation of Resilient Realty Group in a

resident eviction matter, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Failure to Cooperate with a Disciplinary Investigation and False Statements to the Administrator)

24. The Administrator realleges and incorporates paragraphs 13 through 23 above.

25. On February 23, 2023, the Administrator received a charge from Robertson alleging Respondent's lack of adequate communication, failure to return unearned fees, and failure to send him a statement of account. After reviewing the charge, the Administrator docketed investigation number 2023IN00660 into Respondent's alleged conduct.

26. On March 22, 2023, counsel for the Administrator emailed Respondent a copy of Robertson's charge and requested a written response from Respondent within fourteen days.

27. On April 13, 2023, after receiving no response from Respondent, counsel for the Administrator sent a second letter, requesting a response within seven days and informing Respondent that his failure to respond would result in a subpoena being served on him and his being required to appear for a sworn statement. Respondent did not respond to that letter.

28. On May 31, 2023, an investigator for the Administrator served Respondent via email with a subpoena to appear for a sworn statement on June 23, 2023, via Zoom, to answer questions under oath regarding the Robertson matter. Respondent did not respond to the May 31, 2023, email. Subsequently, an investigator for the Administrator left a copy of the subpoena for Respondent's sworn statement at his home.

29. On June 22, 2023, Respondent appeared via Zoom to provide sworn testimony related to matters described in this complaint. Approximately thirteen minutes after the scheduled start time of his sworn statement, Respondent emailed to counsel for the Administrator a PDF

document purporting to be a statement of account in the Robertson eviction matter described in Count II above.

30. The first page of the purported statement of account indicated that the document was created on January 2, 2023, though later pages indicated a date of January 16, 2023. The minimum billing increment used by Respondent on the statement of account was .25 hours. The statement of account contained eleven entries totaling 5.25 hours of time spent on the matter before the engagement took place. Additionally, according to the statement of account, with each email Respondent received from Robertson, regardless of whether Respondent replied, he claimed to have spent .25 hours reviewing the email. Respondent also claimed to have spent 5.75 hours withdrawing from the eviction case.

31. During the sworn statement, Counsel for the Administrator asked Respondent if he ever sent the statement of account to Robertson. Respondent repeatedly stated that he sent the statement of account to Robertson on January 16, 2023, via U.S. Post.

32. Respondent's statements in his sworn statement that Respondent mailed Robertson a statement of account was false. Respondent knew his statement was false because he knew that Robertson followed up with him multiple times to determine the status of his refund and statement of account, which Respondent never sent, and Robertson never received.

33. On June 22, 2023, after the sworn statement, Counsel for the Administrator sent Respondent an email at the email address Respondent registered with the ARDC. The email requested a Word version of the statement of account for Robertson. At no time did Respondent reply to counsel for the Administrator's June 22, 2023, email.

34. On June 23, 2023, counsel for the Administrator sent Respondent a second email at his registered email address. The email again requested a Word version of the statement of

account for Robertson before the close of the business day. At no time did Respondent reply to the Administrator's June 23, 2023, email.

35. On June 27, 2023, the Administrator served Respondent via email with a subpoena *duces tecum* to produce the Word version of the Statement of Account for Robertson on or before July 6, 2023, at 10:00 a.m.

36. As of the date of this Complaint, Respondent has not produced the requested document and has failed to comply with the Administrator's subpoena.

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

- a. knowingly making false statements of material fact in connection with a disciplinary proceeding, by conduct including making a false statement in sworn testimony on June 22, 2023, that he mailed a copy of the statement of account to Robertson, in violation of Rule 8.1(a) of the Illinois Rules of Professional Conduct (2010); and
- b. failure to respond to a lawful demand for information from a disciplinary authority, by conduct including failing to respond to the Administrator's June 22, 2023, and June 23, 2023, emails and failing to produce documents on or before July 6, 2023, in compliance with the Administrator's subpoena requiring the production of information and documents, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010).

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

Respectfully submitted,

Lea Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Matthew D. Lango
Matthew D. Lango

Matthew D. Lango
Attorney Registration and Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, IL 60601
Telephone: (312) 565-2600
Email: mlango@iardec.org