

SUPREME COURT OF ILLINOIS

TUESDAY, MARCH 16, 2021

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.028878 - In re: Mitchell Harlin Wexler. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board. Allowed. The petition of Mitchell Harlin Wexler for reinstatement to the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 767. Denied.

Order entered by the Court.

Anne M. Burke, C.J. took no part.

M.R.030139 - In re: Elena Gallo. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission for order and judgment for costs pursuant to Supreme Court Rule 773. Allowed. Costs in the amount of \$11,977.89 are assessed against Elena Gallo, and she is directed to pay the costs in full to the Attorney Registration and Disciplinary Commission within thirty (30) days of the entry of this order.

Judgment in the amount of \$11,977.89 is entered for the Attorney Registration and Disciplinary Commission and against Elena Gallo.

Order entered by the Court.

M.R.030470 - In re: Joel Alan Brodsky. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission for excess costs pursuant to Supreme Court Rule 773 in the amount of \$10,037.68. Allowed. Respondent Joel Alan Brodsky is directed to pay the costs in full to the Attorney Registration and Disciplinary Commission within thirty (30) days of the entry of this Court's order.

Order entered by the Court.

M.R.030538 - In re: John Henry Salgado. Disciplinary Commission.

Amended petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent John Henry Salgado is suspended from the practice of law for one (1) year, with the suspension stayed after thirty (30) days by a one (1) year period of probation subject to the following conditions:

- a. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;
- b. Respondent shall reimburse the Commission for costs of this proceeding as defined in Supreme Court Rule 773 and, at least thirty (30) days prior to the termination of the period of probation, shall reimburse the Commission for any further costs incurred during the period of probation;
- c. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct;
- d. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;
- e. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;
- f. Respondent shall notify the Administrator within fourteen (14) days of any change of address;
- g. Respondent shall submit to an independent audit of his client trust account, conducted by an auditor approved by the Administrator, at respondent's expense, three (3) months after the commencement of probation. Respondent and the Administrator shall each receive copies of the audit. The audit shall establish respondent's maintenance of complete records of client

trust accounts, required by Rule 1.15 of the Rules of Professional Conduct, including the following:

- i. the preparation and maintenance of receipt and disbursement journals for all client trust accounts, containing a record of deposits and withdrawals from client trust accounts specifically identifying the date, source, and description of each item deposited, and the date, payee and purpose of each disbursement;
- ii. the preparation and maintenance of contemporaneous ledger records for all client trust accounts showing, for each separate trust client or beneficiary, the source of all funds deposited, the date of each deposit, the names of all persons for whom the funds are or were held, the amount of such funds, the dates, descriptions and amounts of charges or withdrawals, and the names of all persons to whom such funds were disbursed;
- iii. the maintenance of copies of all accountings to clients or third persons showing the disbursement of funds to them or on their behalf, along with copies of those portions of clients' files that are reasonably necessary for a complete understanding of the financial transactions pertaining to them;
- iv. the maintenance of all client trust account checkbook registers, check stubs, bank statements, records of deposit, and checks or other records of debits;
- v. the maintenance of copies of all retainer and compensation agreements with clients;
- vi. the maintenance of copies of all bills rendered to clients for legal fees and expenses;

- vii. the preparation and maintenance of reconciliation reports of all client trust accounts, on at least a quarterly basis, including reconciliations of ledger balances with client trust account balances; and
  - viii. appropriate arrangements for the maintenance of the records in the event of the closing, sale, dissolution, or merger of a law practice;
- h. Respondent shall, within the first thirty (30) days of probation, establish a relationship with an attorney, acceptable to the Administrator, who will monitor, assess and implement appropriate law office management practices in respondent's practice of law. Respondent shall receive approval from the Administrator of any change in attorney monitor. Respondent shall meet with the attorney monitor at least once per month concerning respondent's practice of law. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize the following:

A system for handling of funds belonging to clients and third parties that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including the following Trust Account Procedures:

Basic accounting records that must be maintained daily and accurately:

Account Check Register – list sequentially all trust account deposits and trust account disbursements and maintain a current and accurate daily balance on the trust account;

Account Receipts Journal – list chronologically all deposits into the trust account, each deposit to list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit. Maintain a copy of each item deposited;

Account Disbursement Journal – list chronologically all trust account disbursements and identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check. Maintain a copy of each canceled check or other evidence of disbursement;

Client Ledger Journal – list chronologically for each client matter all receipts, disbursements and remaining balances, preparing a separate page for each client matter and listing chronologically all receipts and disbursements and remaining balances for each client matter;

Reconciliation Reports – maintain a running balance for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the receipt and disbursement journals, the account checkbook register and the bank statements. Copies of each reconciliation report and supporting records and journals, demonstrating respondent's compliance with Rule 1.15, shall be provided to the Administrator monthly;

Source documents which must be preserved for seven (7) years:

Bank statements;

Deposit slips;

Cancelled checks – all trust account checks must have a named payee (no checks written to "cash") and the memo portion of the check must contain a reference to a client matter;

Reconciliation reports and records;

Time and billing records; and

Copies of records from client files that are necessary for a full understanding of the lawyer's financial transactions with the client: e.g., retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered;

- i. Respondent shall authorize the law office management attorney monitor to:
  - i. disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the law office management program and the above-described conditions;
  - ii. promptly report to the Administrator respondent's failure to comply with any part of the above-described conditions; and
  - iii. respond to any inquiries by the Administrator regarding respondent's compliance with the above-described conditions; and
- j. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining eleven (11) month period of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective April 6, 2021.

Order entered by the Court.

M.R.030557 - In re: Christopher Steven Jones. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763. Allowed. Respondent Christopher Steven Jones, who has been disciplined in the State of Florida, is disbarred in the State of Illinois.

Motion by respondent, Christopher Steven Jones and request for a hearing on the Administrator's petition for reciprocal discipline pursuant to Supreme Court Rule 763. Denied.

Order entered by the Court.

M.R.030603 - In re: Lee Jackson. Disciplinary Commission

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763. Allowed. Respondent Lee Jackson, who has been disciplined in the State of Arizona, is reprimanded in the State of Illinois and placed on probation for two (2) years, *nunc pro tunc* to October 31, 2019, subject to the conditions imposed upon respondent by the Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona.

Respondent Lee Jackson shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of probation.

Order entered by the Court.

M.R.030604 - In re: John Christopher Carver. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763. Allowed. Respondent John Christopher Carver, who has been disciplined in the State of Florida, is suspended from the practice of law in the State of Illinois for ninety (90) days.

Suspension effective April 6, 2021.

Respondent John Christopher Carver shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.030611 - In re: Joshua Nathan Levy. Disciplinary Commission

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763. Allowed. Respondent Joshua Nathan Levy, who has been disciplined in the State of North Carolina, is censured in the State of Illinois.

Order entered by the Court.

M.R.030617 - In re: Tamara Ann Stewart. Disciplinary Commission.

Petition by Tamara Ann Stewart to be placed on permanent retirement status pursuant to Supreme Court Rule 756(a)(8). Allowed. Effective immediately.

Order entered by the Court.

M.R.030618 - In re: Michael Jerome Moore. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board. Allowed. Respondent Michael Jerome Moore is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.030625 - In re: Ryne DeGrave. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent Ryne DeGrave is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.030629 - In re: Rufus James Tate, Jr. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763. Allowed. Respondent Rufus James Tate, Jr., who has been disciplined in the State of Missouri, is suspended from the practice of law in the State of Illinois for one (1) year and until further order of the Court, with the suspension stayed in its entirety by a two (2) year period of probation, *nunc pro tunc* to December 24, 2013, subject to the conditions of probation imposed upon respondent by the Supreme Court of Missouri.

Respondent Rufus James Tate, Jr. shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.030646 - In re: Jose Arvizu Bracamonte. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763. Allowed. Respondent Jose Arvizu Bracamonte, who has been disciplined in the State of Arizona, is suspended from the practice of law in the State of Illinois for forty-five (45) days, *nunc pro tunc* to July 15, 2020.

Suspension effective April 6, 2021.

Respondent Jose Arvizu Bracamonte. shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.030647 - In re: Burton Douglas Stephens, Jr. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board. Allowed. Respondent Burton Douglas Stephens, Jr. is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.030659 - In re: Oscar Antonio Gonzalez. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent Oscar Antonio Gonzalez is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.030688 - In re: Nathaniel Jay Pomrenze. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent Nathaniel Jay Pomrenze is suspended from the practice of law for five (5) months and until further order of the Court, with the suspension stayed in its entirety by a two (2) year period of probation subject to the following conditions:

- a. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;
- b. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and, at least thirty (30) days prior to the termination of the period of probation, shall reimburse the Commission for any further costs incurred during the period of probation;

- c. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct;
- d. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;
- e. Respondent shall attend meetings as scheduled upon reasonable notice by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;
- f. Respondent shall notify the Administrator within fourteen (14) days of any change of address;
- g. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances;
- h. Respondent shall continue in his course of treatment with Dr. Sheldon Cotler or his associate mental health professional, or such other qualified mental health professional reasonably acceptable to the Administrator, and shall report to Dr. Cotler, or such other qualified mental health professional on a regular basis of not less than four times per year, with the Administrator advised of any change in attendance deemed warranted by such professional;
- i. Respondent shall provide to Dr. Cotler, or such other qualified mental health professional, an appropriate release authorizing the treating professional to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plans;
- j. Respondent shall notify the Administrator within fourteen (14) days of any change in treatment professionals;

- k. Respondent shall, as required by the Administrator, submit to random substance testing by a qualified mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator to submit to the testing or with daily breath testing with an Administrator approved testing device. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;
- l. Respondent shall continue to participate in "Smart Recovery" or Alcoholics Anonymous, by attending at least two meetings a week. Respondent shall also participate in the LAP men's support group at least one time per month. Attendance at a support group meeting shall satisfy one of the weekly meetings referred to in the first sentence of this paragraph. Respondent is to maintain a log of his attendance at the meeting and submit it to the Administrator with his quarterly reports;
- m. Respondent shall maintain a sponsor in the Smart Recovery or 12-step program and shall provide the name, address, telephone number and email address of the sponsor to the Administrator within fourteen (14) days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within seventy-two (72) hours of his/her knowledge of that usage;
- n. Respondent shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within seventy-two (72) hours of that usage;
- o. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court; and
- p. The suspension shall terminate without further order of the Court provided that respondent complies with the above conditions.

Order entered by the Court.