

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

In the Matter of:

RICHARD P. BRODERICK,  
Attorney-Respondent,  
No. 6221017.

Commission No. 2022PR00053

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Michael Rusch, pursuant to Supreme Court Rule 753(b), complains of Respondent, Richard P. Broderick, who was licensed to practice law in Illinois on May 13, 1994, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Misrepresentations to a Tribunal)*

1. On January 11, 2017, Helen L. Broderick died testate in Illinois. She was a widow and was survived by her seven adult children, one of whom was Respondent. Mrs. Broderick appointed her daughter, Respondent's sister, Joann Frances Broderick Harms, as the executor of her will.

2. On February 1, 2017, attorney Thomas D. Bransfield filed a petition for probate of Mrs. Broderick's will and for letters testamentary to issue to Ms. Harms. The Clerk of the Circuit Court of Cook County docketed the case as, *In re the Estate of Helen L. Broderick*, case number, 2017P001320.

3. On April 6, 2017, Respondent filed his *pro se* appearance in the estate case.

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4. On November 25 and 26, 2019, the Honorable Daniel B. Malone held an evidentiary hearing to resolve issues regarding use of estate and trust assets. Judge Malone considered the legal briefs that were submitted, case law, exhibits and the testimony of four witnesses. On February 20, 2020, Judge Malone issued his written order regarding those enumerated issues.

5. On March 23, 2020, Respondent filed a motion for an extension of time to file a motion to reconsider Judge Malone's February 20, 2020 order.

6. On August 18, 2020, Judge Malone granted Respondent's motion for an extension of time and ordered Respondent to file his motion to reconsider on or before August 31, 2020. The estate case was continued to September 9, 2020 for a status hearing.

7. On or about September 9, 2020, Respondent appeared before the Judge Malone via video conference for status conference concerning the estate matter. Respondent told Judge Malone that he had been unable to file his motion to reconsider the February 20, 2020 order, on or before the August 31, 2020, due date, because he had been admitted to the Veterans Affairs Hospital on August 21, 2020 and had not been discharged from the hospital until August 28, 2020.

8. Respondent's statement to Judge Malone, described in paragraphs 7, above, was false, because Respondent had not been admitted to a Veteran's Affairs Hospital between August 21, 2020 and August 28, 2020.

9. Respondent knew that his statement to Judge Malone, described in paragraph 7, above, was false, because he knew that he had not been admitted to a Veteran's Affairs Hospital, or any hospital, during that time. Among other things, on August 25, 2020, Respondent appeared, in-person, in the Circuit Court of Will County before the Honorable Raymond Alexander Nash, in the matter of *Angela Mendoza v. Alfredo Casas*, case number 11F859.

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

- a. knowingly making a false statement of fact or law to a tribunal by conduct including telling Judge Malone that he was hospitalized from August 21, 2020 through August 28, 2020, as described in paragraph 7, above, in violation of Rule 3.3(a)(1) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct involving dishonesty, fraud, deceit or misrepresentation by conduct including telling Judge Malone that he was hospitalized from August 21, 2020 through August 28, 2020, as described in paragraph 7, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

#### COUNT II

*(Misrepresentation to a Tribunal and Falsification of Medical Records)*

The Administrator realleges and incorporates paragraphs 1 through 7, above.

11. On or about September 9, 2020, Judge Malone ordered Respondent to provide proof of his purported hospitalization. Judge Malone's September 10, 2020 order stated, in part:

Richard Broderick shall also obtain evidence of his hospital stay, specifically a report reflecting his admission on August 21, 2020 and his discharge on August 28, 2020. Richard is ordered to email this report to all parties of record on or before Monday September 14, 2020. Failure to provide this report by September 14, 2020 shall result in this order's provisions granting Richard leave to file a Motion to Reconsider being vacated.

12. Prior to September 15, 2020, Respondent fabricated medical records that falsely purported to show that he had been hospitalized at the Captain James A. Lovell Federal Health Care Center ("North Chicago VAMC") between August 21, 2020 and August 28, 2020. Respondent created the purported records by using pre-existing medical records and changing the

admission and discharge dates to reflect that he had been admitted to the North Chicago VAMC on August 21, 2020 at 3:07 pm and discharged on August 28, 2020 at 12:00 pm.

13. On September 15, 2020, Respondent filed his motion to reconsider the order of February 20, 2020 and attached the purported records described in paragraph 12, above.

14. The documents Respondent provided to Judge Malone, described in paragraph 12, above, were false, not only because Respondent had not been admitted to the North Chicago VAMC between August 21, 2020 and August 28, 2020, but also because Respondent fabricated those records by altering the admission and discharge dates on pre-existing records.

15. Respondent knew the documents described in paragraph 12, above, were false, because he knew that he had created those records by altering pre-existing North Chicago VAMC medical records to reflect that he was hospitalized at the North Chicago VAMC between August 21, 2020 and August 28, 2020.

16. At the time Respondent filed the documents, described in paragraph 12, above, Respondent knew that those documents were false, and Respondent intended to mislead Judge Malone into believing that he had been hospitalized at the North Chicago VAMC between August 21, 2020 and August 28, 2020, to support his earlier misrepresentation, described in paragraph 7, above.

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

- a. conduct involving dishonesty, fraud, deceit or misrepresentation by conduct including preparing and filing false hospitalization records, as described in paragraphs 12 and 13, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct that is prejudicial to the administration of justice, by conduct including preparing and filing false hospitalization

records to secure additional time to file a motion to reconsider Judge Malone's ruling of February 20, 2020, as described in paragraphs 12 and 13, above, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

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

Respectfully submitted,

Jerome Larkin, Administrator  
Illinois Attorney Registration and  
Disciplinary Commission

By:           /s/ Michael Rusch            
Michael Rusch

Michael Rusch  
Illinois Attorney Registration and  
Disciplinary Commission  
One Prudential Plaza  
130 East Randolph Drive, Suite 1500  
Chicago, Illinois 60601-6219  
Telephone: (312) 565-2600  
Facsimile: (312) 565-2320  
Email: [ARDCeService@iadc.org](mailto:ARDCeService@iadc.org)  
Email: [mrusch@iadc.org](mailto:mrusch@iadc.org)

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