

**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

**REPORT AND RECOMMENDATION OF THE HEARING BOARD**

**DEFAULT PROCEEDING**

The hearing in this matter was held by video conference on November 21, 2022, before a Hearing Board Panel consisting of John D. Gutzke, Chair, Joseph Lyndell Stone, and John Burns. Michael P. Rusch appeared on behalf of the Administrator. Respondent appeared and represented himself. The Administrator recommended that Respondent be suspended for one year and until further order of the Court. We agree with the Administrator's recommendation.

We have considered the Administrator's two-count Complaint, a copy of which is attached as Exhibit 1. We have also considered the Order entered on September 22, 2022, deeming the allegations of the Complaint admitted, a copy of which is attached as Exhibit 2. Despite being given an extension of time, Respondent did not timely file an answer.

The allegations deemed admitted establish that Respondent, while representing himself in a probate matter involving his mother's estate, falsely told the Court that he had been unable to file a motion to reconsider because he had been admitted to the hospital. After the Court ordered Respondent to provide proof of his hospitalization, Respondent altered dates on pre-existing medical records and submitted the falsified records to the Court.

**FILED**

December 19, 2022

**ARDC CLERK**

Respondent's misconduct of intentionally providing false information to the Court and fabricating documents was extremely serious. The Panel has considered in aggravation that Respondent acted with a deceptive motive and engaged in a pattern of dishonest conduct. In addition, his participation in this proceeding was sporadic. We further consider that, although Respondent participated in the disciplinary hearing, his presentation left us with concerns about his ability to practice competently. Specifically, he testified that he has been diagnosed with mental health issues for which has not received consistent treatment in recent months. For the foregoing reasons, our responsibility to protect the public and the profession necessitates a recommendation that Respondent be suspended until further order of the Court.

We do not consider Respondent's mental health issues as a mitigating factor, because there was no evidence of a causal connection between those issues and the misconduct. We have considered in mitigation that Respondent is a veteran and has no prior discipline. However, those factors do not lead us to recommend a different sanction.

Accordingly,

1. Respondent was served with the Complaint via email, by agreement, on July 12, 2022. A copy of the Affidavit of Agreed Service Pursuant to Commission Rule 214(c) is attached as Exhibit 3.
2. The allegations of the Complaint were deemed admitted in an Order entered on September 22, 2022. A copy of that Order is attached as Exhibit 2.
3. In consideration of the Order deeming the allegations of the Complaint admitted, this Panel finds Respondent committed the misconduct charged in the Complaint.

4. Given Respondent's misconduct, the aggravating factors present, and the case law cited by the Administrator, we recommend that Respondent, Richard P. Broderick, be suspended for one year and until further order of the Court.
5. The Panel has concluded that this report format will adequately and appropriately communicate its recommendation to the Court.

Respectfully submitted,

John D. Gutzke  
Joseph Lyndell Stone  
John Burns

### **CERTIFICATION**

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on December 19, 2022.

\_\_\_\_\_  
/s/ Michelle M. Thome  
Michelle M. Thome, Clerk of the  
Attorney Registration and Disciplinary  
Commission of the Supreme Court of Illinois

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# **Exhibit 1**

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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6/22/2022 10:33 AM  
ARDC Clerk

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  
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Email: [mrusch@iadc.org](mailto:mrusch@iadc.org)

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# **Exhibit 2**

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

**FILED**

September 22, 2022

**ARDC CLERK**

In the Matter of:

**RICHARD P. BRODERICK,**

Attorney-Respondent,

No. 6221017.

Commission No. 2022PR00053

**ORDER**

A telephonic pre-hearing conference was held in this matter on September 22, 2022, at 9:30 a.m. Participating were John D. Gutzke, Chair; and Michael P. Rusch, Counsel for the Administrator. Respondent had notice of this pre-hearing conference and was sent call-in information but did not participate. Counsel for the Administrator advised the Chair of the status of the matter. Accordingly,

**IT IS ORDERED:**

1. Respondent was previously granted an extension of time to file his answer and was directed to do so on or before September 12, 2022. Counsel for the Administrator advised the Chair that Respondent sent him a purported answer by email. That does not constitute filing. Respondent has not filed an answer with the Clerk of the Commission pursuant to the electronic filing procedures set forth in Commission Rule 213. Therefore, the Administrator's Motion to Deem the Allegations of the Complaint Admitted Pursuant to Commission Rule 236 is granted. The factual allegations and disciplinary charges set forth in the Complaint are deemed admitted, and no further proof shall be required. At hearing, the parties shall be limited to presenting evidence of aggravating and mitigating factors and arguments regarding the form and amount of discipline to be imposed;

2. The parties shall exchange the exhibits they propose to offer at hearing on or before November 14, 2022;

3. The hearing in this matter is scheduled for November 21, 2022, commencing at 10:00 a.m., and will be held remotely via Webex video conference. The Clerk of the Commission shall provide the parties with Webex access information; and

4. Each party shall prepare exhibits in conformance with Commission Rule 276 and the Clerk of the Commission's procedures regarding electronic exhibits.

### **CERTIFICATION**

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, certify that the foregoing is a true copy of the order, approved by the Hearing Board Chair, entered in the above entitled cause of record filed in my office on September 22, 2022.

/s/ Michelle M. Thome

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Michelle M. Thome,  
Clerk of the Attorney Registration and  
Disciplinary Commission of the  
Supreme Court of Illinois

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**PROOF OF SERVICE**

I, Andrea L. Watson, hereby certify that I served a copy of this Order on the Attorney-Respondent listed at the address shown below by regular mail by depositing it with proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox at One Prudential Plaza, 130 East Randolph Drive, Chicago, Illinois 60601 on September 22, 2022, at or before 5:00 p.m. At the same time, a copy of this Order was sent to Counsel for the Administrator by e-mail service.

Richard P. Broderick  
Attorney-Respondent  
The Law Office of Richard Broderick  
1508 W. Arthur, #3  
Chicago, IL 60626-4903

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

\_\_\_\_\_  
/s/ Andrea L. Watson

Andrea L. Watson

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# **Exhibit 3**

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

FILED  
7/13/2022 11:25 AM  
ARDC Clerk

In the Matter of:

RICHARD P. BRODERICK,

Attorney-Respondent,

No. 6221017.

Commission No. 2022PR00053

AFFIDAVIT OF AGREED SERVICE  
PURSUANT TO COMMISSION RULE 214(c)

I, CHERYL BAUER (“Affiant”), an agent of the Attorney Registration and Disciplinary Commission who is over the age of 18, being duly sworn, hereby state:

1. Affiant possesses firsthand knowledge of the facts presented in this Affidavit and, if called as a witness, Affiant will testify to the truth of the facts as presented in this Affidavit.

2. Affiant is a Senior Investigator for the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (“the Commission”) and, as such, is authorized to serve process.

3. On Monday, June 27, 2022 at approximately 11:46 a.m., Affiant emailed Respondent at his last registered email address as indicated in Law Manager of [rbrodericklaw@aol.com](mailto:rbrodericklaw@aol.com) and asked if he would accept service of the Complaint via email.

4. On Monday, July 11, 2022 at approximately 11:38 a.m., after not hearing from Respondent, Affiant again emailed Respondent at his last registered email address as indicated in Law Manager of [rbrodericklaw@aol.com](mailto:rbrodericklaw@aol.com) and asked if he would accept service of the Complaint via email. Affiant advised Respondent that should she not hear from him, personal service arrangements would be made.

5. On Tuesday, July 12, 2022, at approximately 4:12 p.m., Affiant received a reply email from Respondent who stated that he would accept service of the Complaint via email.

6. On Tuesday, July 12, 2022, at approximately 4:20 p.m., Affiant emailed the Complaint Service Letter, Complaint, Notice of Complaint, Order Assigning Chairperson of the Hearing Panel, ARDC Defense Attorney List, Filings and Procedures Memorandum and Rules of the Attorney Registration and Disciplinary Commission to Respondent at [rbrodericklaw@aol.com](mailto:rbrodericklaw@aol.com).

7. Further Affiant Sayeth not.

/s/ Cheryl Bauer  
Cheryl Bauer  
Senior Investigator

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/ Cheryl Bauer  
Cheryl Bauer

Dated: July 13, 2022