

November 27, 2023

IN THE SUPREME COURT OF ILLINOIS

ARDC CLERK

In the Matter of:

BENJAMIN KESLER HERRINGTON,

Attorney No. 6278870,

Movant.

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Supreme Court No. M.R. 31973

Commission No. 2023PR00066

STATEMENT OF CHARGES PURSUANT TO
SUPREME COURT RULE 762(a)

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission (“ARDC”), by her attorney, Christine P. Anderson, pursuant to Supreme Court Rule 762(a), states that, on the date Benjamin Kesler Herrington (hereinafter “Movant”) filed a motion requesting that his name be stricken from the Roll of Attorneys, the Administrator was investigating the conduct that formed the basis for Movant’s conviction for the crime of criminal trespass to a motor vehicle. In the course of that investigation, counsel for the Administrator advised Movant, both during in-person meetings and in written communications, that the Administrator did not necessarily consider Movant’s conduct (an apparently isolated event that could have been the product of a temporary medical condition, intoxication, or some other factor) as requiring his disbarment, and that a range of other disciplinary outcomes could be available to Movant (including an indefinite suspension or a period of probation, depending on the casual connection between Movant’s conduct and any such condition, and any subsequent treatment to address such a condition). Despite these conversations, Movant has chosen to file the instant motion.

Had Movant’s conduct been the subject of a hearing, the Administrator would have introduced the judgment of conviction from that case, which would constitute conclusive evidence of Movant’s guilt of that crime for purposes of disciplinary proceedings.

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I. FACTUAL BACKGROUND

The information, judgment of conviction and sentencing order from Movant's criminal case would establish the following:

A. Criminal charges filed against Movant

1. On April 25, 2022, Movant took possession of a parked Chicago Fire Department ambulance in Chicago. Movant then drove the ambulance from the firehouse where it was stationed, for approximately 60 miles, to Grundy County, Illinois. During the drive, Movant was pursued first by the Chicago Police and then by the Illinois State Police. During the pursuit, Movant ran over several spike strips placed on the roadway by the police authorities but continued to drive the ambulance on the rims of the ambulance wheels, causing damage to the ambulance. Movant ultimately stopped the vehicle on Interstate-55 in Grundy County and was apprehended.

2. On April 27, 2022, then Grundy County State's Attorney Jason Helland charged Movant in a one-count criminal information, in the Circuit Court of the 13th Judicial Circuit, Grundy County, with unlawful possession of a stolen motor vehicle (a Class 2 felony). The matter was captioned, *People of the State of Illinois v. Benjamin K. Herrington*, 22CF117.

3. On July 13, 2023, Grundy County State's Attorney Russell Baker filed a new one-count information against Movant that was docketed as case number 23CM150. The information charged Movant with criminal trespass to a motor vehicle (a Class A misdemeanor). According to the new information filed against Movant in case number 23CM150, on or about April 25, 2022, Movant committed the offense of criminal trespass to a motor vehicle when he knowingly and without authority entered a motor vehicle that was the property of the Chicago Fire Department.

B. Conviction and Sentencing

4. On July 13, 2023, Movant pled guilty to the new information filed in case number 23CM150. On that date, the Honorable Scott M. Belt found Movant guilty of criminal trespass to a motor vehicle, in violation of Chapter 720, Act 5, Section 21-2 of the Illinois Compiled Statutes. On that date, the State moved to dismiss the original felony charges filed against Respondent in case 22CF117.

5. On July 13, 2023, Judge Belt entered a judgment of conviction against Movant in case number 23CM150 and sentenced Movant to 24 months of conditional discharge and 180 days in the Grundy County jail, with time considered served. Judge Belt further ordered that Movant pay fines and costs, obtain a drug, alcohol and mental health evaluation and complete any recommended treatment and pay restitution in the amount of \$7,833.44 for the benefit of the Chicago Fire Department, for the cost of the damages Movant caused to the ambulance.

II. CONCLUSIONS OF MISCONDUCT

6. By reason of the conduct set forth above, Movant has engaged in the following misconduct:

- a. committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by engaging in criminal trespass to a motor vehicle, in violation of Chapter 720, Act 5, Section 21-2 of the Illinois Compiled Statutes and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/Christine P. Anderson
Christine P. Anderson

Christine P. Anderson
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Chicago, Illinois 60601
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NOTICE OF FILING

TO: Benjamin Kesler Herrington
Movant
bkh@abpindustriesllc.com

PLEASE TAKE NOTICE that on November 27, 2023, electronic copy of the Administrator's STATEMENT OF CHARGES, was submitted to the Clerk of the Supreme Court for filing. On that same date, a copy was served on Movant, by email at bkh@abpindustriesllc.com at or before 4:00 p.m.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Christine P. Anderson
Christine P. Anderson

Christine P. Anderson
Counsel for the Administrator
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PROOF OF SERVICE

The undersigned, an attorney, hereby certifies, pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/109, that the Administrator served copies of the Notice of Filing and the Administrator's STATEMENT OF CHARGES PURSUANT TO SUPREME COURT RULE 762(a), on the individual at the address shown on the forgoing Notice of Filing, by email at bkh@abpindustriesllc.com on November 27, 2023 at or before 4:00 p.m.

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/ Christine P. Anderson

Christine P. Anderson

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