

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

In the Matter of:

<b>FRANK AVILA,</b>	)	
Attorney-Respondent.	)	Commission No.
Illinois ARDC No. <b>6273730</b>	)	<b>2026PR00022</b>

**PARTIAL ANSWER AND CORRECTION(S) OF FACTS IN COUNT I**

**NOW COMES, THE RESPONDENT-ATTORNEY, FRANK AVILA,** by and with and through, **HIMSELF, Pro-Se,** and hereby files this **PARTIAL ANSWER AND CORRECTION(S) OF FACTS IN COUNT 1.** In support of this Partial Answer and Correction(s) of Facts in Count 1, the Respondent-Attorney states as follows:

1. Billy Richmond physically went to every single court date in his proper person, in person physically in Court in case number 2014L004637. Attorney(s) Cooper and Evans did not do a job on his case and it is sad they were not held accountable but that is NOT Frank Avila's fault. Billy Richmond was wronged by Attorneys Cooper and Evans and by Judge Sherlock but he was not wronged by Attorney Freank Avila. Billy Richmond was injured in jail. Billy Richmond was injured by Attorneys Cooper and Evans. Billy Richmond was on the verge of being homeless

- and Frank Avila helped him unrelated to any legal cases pending or terminated or in any other way related to a case or the law—it was just helping somebody in need.
2. Billy Richmond was accompanied by his stepfather/boyfriend of his mother to Court for case number 2014L004637. Billy Richmond's stepfather/mother's boyfriend was involved with a big case that Attorney Frank Avila had and Frank Avila probably would not have taken the case if not for that. Frank Avila also helped Billy Richmond because of that.
  3. Billy Richmond also had a "jail house lawyer" assisting him in malpractice case.
  4. Billy Richmond was present in person physically in Court on October 18<sup>th</sup>, 2014, where his stepfather/mother's boyfriend saw Frank Avila and asked him to assist. Billy Richmond was fully informed and advised that the Judge Sherlock issued an Order granting the Motion to Dismiss in part and also denying it in part. There were some ongoing discussions about Frank Avila entering the case because he was concerned about taking over a pro-se case and he had a busy caseload already. Attorney Frank Avila also saw Billy Richmond in Court when there was a discussion of informal mediation with Judge Sherlock.
  5. Attorney Frank Avila did file his Appearance on or about March 18<sup>th</sup>, 2015, in the malpractice case on behalf of Billy Richmond and did ask for more time to respond because he had just entered the case. Billy

Richmond did sign an Engagement Agreement and did not pay anything to Attorney Frank Avila but did sign a contingency agreement. However, Frank Avila no longer has that agreement. The online court docket says electronic filing

6. During the Spring of 2015, Frank Avila got shingles in the nerves of his eye (in the nerves of his cornea if his memory is correct) and was in a lot of pain and was disfigured and did not know it was shingles at first because he never had shingles before. He had shingles a few times after that and never had it again but that was a painful time.
7. The Circuit Court of Cook County began mandatory electronic filing on or about July 1, 2018, in compliance with an Illinois Supreme Court Order (M.R. 18368) that required all Illinois circuit courts with stand-alone e-filing systems to migrate to the statewide eFileIL platform by that date. There were some delays and problems with Electronic Filing but it was not mandatory until 2018, and it started for some divisions as of 2017. Order M.R. 18368 (entered May 30, 2017) originally set a January 1, 2018, deadline for mandatory e-filing in Illinois circuit courts, but Cook County chose to migrate earlier to give filers time to adapt. The County Division of Cook County's Circuit Court had already started using eFileIL in October 2017, with the rest of the civil divisions added in November 2017. The mandatory switch for all civil cases (with limited exceptions such as quasi-criminal, housing, and wills) took effect at midnight on July 1, 2018,

when the old OLIS e-filing system was removed and replaced by eFileIL. However, e-filing is not always available for Criminal Cases, especially Misdemeanor Criminal Cases, and Odyssey does not always work for felonies. Filings in Order of Protections and certain other cases are confidential and not open for the public and some filings are made in person. There was some proto-electronic filing that started in 2009 if Attorney Avila recalls.

8. The Odyssey eFileil-file/e-serve Illinois system started in Cook County in October 2017, for the County Division, with mandatory e-filing for civil cases beginning on January 1, 2018. The Cook County Circuit Courts will start using the eFileIL system ([efile.illinoiscourts.gov](http://efile.illinoiscourts.gov)) for the County Division in October of 2017. In November, Cook County will add the rest of the civil divisions. Additionally, they will move to mandatory e-filing in compliance with Illinois Supreme Court Order M.R. 18368. On May 30th, 2017, the Illinois Supreme Court entered Order M.R. 18368, which amends a previous order entered on January 2, 2016. It mandates any court operating a stand alone e-filing system to migrate to the eFileIL system by July 1, 2018; which Cook County does.
9. The online docket for Billy Richmond's case states that Attorney Frank Avila filed his Appearance and Notice of Filing on March 18<sup>th</sup>, 2015, with an electronic filing number of: eFiling Attorney Number: 006300888. But Frank Avila filed his Appearance in person with a Notice of Filing and

Certificate of Service and served the Defendant and went to every single court date. And that number is NOT the eFiling Attorney Number of Frank Avila. The first time Frank Avila used the Odyssey efileIL electronic filing system ever in Illinois, and in Cook County, was November 15<sup>th</sup>, 2018 and the second time was January 23<sup>rd</sup>, 2019.

10. Attorney Frank Avila filed a response to defendants' motions on May 18, 2015. He did serve the Defendants. He showed the Response to Billy Richmond. He may have given Judge Sherlock's clerk a courtesy copy but he does not remember but it was usually the movant that did that. Frank Avila was told by the Clerk of the Circuit Court that due to a clerical error by the Clerk's office, Respondent's May 18, 2015 response was not filed in the malpractice case and Judge Sherlock did not receive it. However, he does not personally know why there was an error nor how it happened—but he was told that and it was confirmed the response was filed on May 18<sup>th</sup>, 2025.

11. On or about On June 12, 2015, Frank Avila filed a Motion entitled "Plaintiff's Motion to Reset the Briefing Schedule, or in the Alternative, for Leave to File Second Amended Complaint within 30 Days." In this motion, Respondent had filed his May 18, 2015 response in a timely manner, and did serve the Defendants. Billy Richmond acknowledged this. However, the original Complaint and the Amended Complaint were both pro-se done by Billy Richmond with the help of his "Jail House

Lawyer” (Frank Avila does not remember his name). Defendants acknowledged they received it.

12. On June 17, 2015, Judge Sherlock dismissed the malpractice case based on defendants’ motions to reconsider. Attorney Frank Avila filed a motion to reconsider on behalf of Billy Richmond on July 17, 2015 and attached the May 18, 2015 response. Billy Richmond was in Court and received the Dismissal Order based on the Defendants’ Motion to Reconsider the original ruling on their Motion to Dismiss. Billy Richmond also saw the Motion to Reconsider. The Judge’s Dismissal contradicted his original ruling. Frank Avila told Billy Richmond he would prefer to have a Complaint he wrote on file and not a Complaint that Billy Richmond wrote pro-se.
13. Judge Sherlock ultimately dismissed the malpractice case by way of an order dated September 14, 2015, after denying Respondent’s July 17, 2015 motion. In his order, Judge Sherlock acknowledged that the May 18, 2015 response to the defendants’ motions appeared to have “slipped through a judicial crack.” Judge Sherlock did NOT allow Frank Avila to Amend the Complaint even though the original Complaint and First Amended Complaint were both pro-se. Judge Sherlock did NOT address the issues in the May 19<sup>th</sup>, 2015 Response filed by Frank Avila on behalf of Billy Richmond nor the June 12<sup>th</sup>, 2015 Motion to Reconsider filed by Frank Avila on behalf of Billy Richmond.

14. Billy Richmond was in court on September 14<sup>th</sup>, 2015, and Judge Sherlock read the Order in open court. There was also on August 20<sup>th</sup>, 2026.
15. Billy Richmond heard the Judge make the ruling.
16. Billy Richmond had a copy of the June 17<sup>th</sup>, 2026, Order by the Judge dismissing the case.
17. Billy Richmond had a copy of the September 14<sup>th</sup>, 2015, Order dismissing the case.
18. Judge Sherlock's June 17<sup>th</sup>, 2015, Order and September 14<sup>th</sup>, 2015, Order acknowledged the timely filing of the May 18<sup>th</sup>, 2015 Response by Frank Avila on behalf of Billy Richmond, and the June 12<sup>th</sup>, Motion to Reconsider and Re-set Briefing Schedule asking time and leave to file an Amended Complaint by Frank Avila on behalf of Billy Richmond, but did not fully take them into account. The June 17<sup>th</sup>, 2015 Order and the September 14<sup>th</sup>, 2015 Order both contradicted the law and analysis in the October 18<sup>th</sup>, 2015 Order.
19. Attorney Frank Avila absolutely did file a Motion to Reconsider on June 12<sup>th</sup>, 2015.
20. Attorney Frank Avila did not have an agreement to do an Appeals and rarely does Appeals. Attorney Frank Avila absolutely did a Motion to Reconsider and also asked to file a 2<sup>nd</sup> Amended Complaint because the original Complaint and First Amended Complaint were both pro-se.

- However, after a Motion to Reconsider, there is no use in another Motion to Reconsider. Because of the relatively small record and the dismissal at the Motion to Dismiss (the final Motion was titled “Summary Judgment” was not a traditional Summary Judgement after Discovery as there was no Discovery and this was in the pleadings stage) stage, there issues for Appeal would have been difficult. There was no agreement to Appeal.
21. Billy Richmond and his “Jail House Lawyer” both had the 2 Dismissal Orders and they were discussed.
  22. Frank Avila did NOT lie nor was he dishonest with Billy Richmond.
  23. The messages between Frank Avila and Billy Richmond lack context and lack all the messages.
  24. Billy Richmond absolutely knew he lost his case and the case was dismissed on June 17<sup>th</sup>, 2015, and September 14<sup>h</sup>, 2015 Order granting Dismissal of the Case. He was in Court and had copies of the Orders and had assistance.
  25. Billy Richmond, and his girlfriend, were with Frank Avila when they met Attorney Cooper (accidentally) because he officed with (but did not share a law practice with) Attorney Andrew Finko. Attorney Cooper (over my objection) even talked to Billy Richmond directly one on one. Andrew Finko is a witness to this.
  26. Frank Avila did speak to Attorney Cooper one more time asking on a moral level, because they already lost the case, to help out Billy Richmond

because Attorney Cooper and Attorney Evans did NOT do a good job on their case for Billy Richmond and to do the moral right thing and he said no. Attorney Evans blew Attorney Frank Avila off and Attorney Avila knew Attorney Evans was unethical after dealing with her on another case..

27. Frank Avila NEVER concealed the fact that Judge Sherlock dismissed the case from Billy Richmond. Billy Richmond was in court. Billy Richmond came to every single court date in case 2014L004637. Billy Richmond heard the Court read it's ruling and had a copy of the Dismissal of his case the first and second time. Billy Richmond approved the May 18<sup>th</sup>, 2015 Response (2 months after Frank Avila came into this case) and Billy Richmond also approved the June 12<sup>th</sup>, 2015 Motion to Reconsider.
28. Frank Avila already filed a Motion to Reconsider on June 12<sup>th</sup>, 2015 and asked leave and time to file an Amended Complaint. Frank Avila never agreed to an Appeal and no agreement was signed on an Appeal. Billy Richmond went to every single court date and received and read everything that Frank Avila and the Defendants filed.
29. Billy Richmond absolutely knew that the case he was a Plaintiff in suing Attorney(s) Cooper and Evans for malpractice, Case Number 2014L004637, was dismissed. Frank Avila could not have concealed it from Billy Richmond because Billy Richmond was in Court and heard the

- judge read the decision and received a copy of the Order. This is absurd and ridiculous.
30. Frank Avila absolutely filed a Motion to Reconsider (and another Motion to Reconsider would not have done anything) and Frank Avila had no obligation to file an Appeal.
31. Frank Avila clearly advised Billy Richmond that his case was dismissed. The allegation in paragraph 8 of the Complaint in Count 1 is patently absurd and impossible. The only settlement coming was that Frank Avila was helping Billy Richmond. This is honestly an insane allegation and crazy and a bald-faced stupid lie. Billy Richmond was in Court and got a copy of the 2 Orders. There was a discussion about this with the Jail House Lawyer. Judge Sherlock may remember that Billy Richmond came to every single court date with his stepfather/mother's boyfriend and at least on one occasion with his girlfriend.
32. The only settlement was a moral one not a legal one, which Frank Avila tried to do, and Billy Richmond was even a witness on one occasion with him.
33. Any money given to Billy Richmond by Frank Avila, or that he asked Attorney Cooper to give was not based on a legal case but because Attorney Cooper did not do a good job on his case and on moral grounds. Frank Avila gave money to Billy Richmond after Billy Richmond out of Christian Charity because Billy Richmond said he would be homeless.

34. On Paragraph 14, Frank Avila clearly says that “sorry things didn’t work out for you” and Billy Richmond absolutely knew that Case number 2014L004637 was Dismissed. He heard the ruling. He got the Order. He went online. He had his stepfather/mother’s boyfriend and girlfriend go to court. He had a jail house lawyer assisting him who had a copy of the Dismissal. This is insane.
35. Frank Avila did NOT give money to Billy Richmond in connection to pending or completed litigation. Billy Richmond told Frank Avila that he was going to be homeless and Frank Avila helped him because Billy Richmond’s stepfather/mother’s boyfriend was part of a big case that Frank Avila had that was lucrative and Frank Avila felt bad for Billy Richmond as to what happened to him at the jail, what Attorneys Cooper and Evans did to him, and that he was going to be homeless. This was NOT in connection to pending nor completed litigation. It was not regarding any litigation at all—it was out of Christian Charity and a is is desire to help Billy Richmond and to make sure he was not homeless. This had NOTHING to do with any legal case. Frank Avila was hoping that Attorney Cooper do the right thing and morally give Billy Richmond some money. This is NOT a violation of any rule because it was not regarding any case. Billy Richmond used the term settlement not Frank Avila and it had nothing to do with case number 2014L004637 because Billy Richmond absolutely knew he lost the malpractice case. Judge Sherlock may

remember that Billy Richmond was always in Court. Frank Avila helped Billy Richmond out a lot so Billy Richmond must be a lying, ungrateful and garbage human being to lie and file this false Complaint against Frank Avila. No good deed goes unpunished. Frank Avila is a generous person and sometimes too generous and this is an occasion where it has backfired on him because some people are not good people, are not appreciative, and are liars. This complaint is a bald face lie. The communications are taken out of context if true at all. Frank Avila just wanted to make sure Billy Richmond was not homeless after the case was over and the money given was not connected to any case nor was it contingent on anything other than a gift.

36. Frank Avila always kept Billy Richmond informed about this case and Billy Richmond received, read and approved the May 18<sup>th</sup>, 2015, Response, and the June 12<sup>th</sup>, 2015 Motion to Reconsider and re-set Briefing Schedule and asking leave and time to file an Amended Complaint (which he was never able to do), and Frank Avila recalls a Motion to Vacate filed on or about July 17<sup>th</sup>, 2015 and it is also reflected in the Court docket. Even if Frank Avila did not inform Billy Richmond, which he did, Billy Richmond went to every single court date physically in person and heard the judge read his decisions, and also received the order and read the orders and had assistance from a “jail house lawyer” and his stepfather/mother’s boyfriend and his girlfriend at the time went to court

with him. It would have been impossible for Frank Avila to lie or conceal or be dishonest or not inform Billy Richmond.

37. This is a partial answer and response and Frank Avila reserves the right to Amend. Frank Avila will Amend and has witnesses. Andrew Finko is a witness to Frank Avila, Billy Richmond and Billy Richmond's girlfriend at the time accidentally going into an office where Attorney Cooper was and Billy Richmond and Attorney Cooper talked one on one without me listening. There are witnesses that saw Billy Richmond in Court and can testify that Billy Richmond absolutely knew his malpractice case was dismissed in 2015. There are witnesses who knew that I sent money, or even helped me send money, to Billy Richmond and knew why and were privy to conversations with Billy Richmond and I. Frank Avila needs time to obtain these witness and get sworn witness statements.

38. Frank Avila requests an extension of time to get all the witnesses but Andrew Finko is one of them, Jeff Stapleton is another, Jose Roberto Maldonado is another, and Jakub Avila Kowalkowski is another. Andrew Finko was present in person when Billy Richmond, Billy Richmond's girlfriend at the time, and Frank Avila, all spoke to Attorney Cooper.

39. Frank Avila requests the Illinois ARDC to accept this correction of the facts because the facts as stated are absolutely and categorically untrue and even impossible to have happened the way described.

40. The facts in this case need to be investigated and corrected because they are surreal, absurd, untrue and insane. Frank Avila would take a lie detector test. Frank Avila will take a lie detector test in front of the ARDC about these allegations, and he will proven innocent of the allegations.

**WHEREFORE, THE RESPONDENT-ATTORNEY**, respectfully prays for the relief from this Illinois Attorney Registration and Disciplinary Commission of accepting this Partial Answer/Response and Correcting Facts, and that the Illinois ARDC corrects the facts because the facts as stated are absolutely untrue and impossible to have happened.

Respectfully,

By: /s/ *Electronic Signature of Frank Avila*  
**Frank Avila**  
The Respondent-Attorney

**SECTION 1-109 VERIFICATION BY FRANK AVILA**

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned Attorney, Frank Avila, certifies that the statements set forth in this instrument (Partial Answer and Correction(s) of Facts in Count I) 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 he verily believes the same to be true.

Respectfully Verified and Certified,

By: /s/ *Electronic Signature of Frank Avila*

**FRANK AVILA**

*Attorney and Counselor at Law*

Illinois ARDC No. **6273730**

Cook County ID No. 45783

Telephone: 773-671-3480

E-mail(s): [FrankAvilaLaw@Gmail.com](mailto:FrankAvilaLaw@Gmail.com)

[f.avila@avila-law.com](mailto:f.avila@avila-law.com)