**In re Paul David Katz**
Respondent-Appellee

Commission No. 2024PR00055

**Synopsis of Review Board Report and Recommendation**
(April 2026)

The Administrator filed a one-count disciplinary Complaint against Respondent Paul David Katz, alleging that he dishonestly charged unreasonable fees for the work he performed as a court-appointed attorney in the Child Protection Division of the Circuit Court of Cook County, in violation of Rules 1.5(a) and 8.4(c) of the Illinois Rules of Professional Conduct (2010). The Complaint alleged that Respondent dishonestly charged unreasonable fees by submitting 275 fee petitions, in which he falsely stated that he had worked a total of 4,401 hours in a one-year period.

The Hearing Board found that Respondent charged unreasonable fees, in violation of Rule 1.5(a), but found the evidence did not establish that Respondent acted dishonestly, in violation of Rule 8.4(c). The Hearing Board recommended that Respondent be suspended for six months, stayed after 90 days by six months' probation with conditions designed to improve his timekeeping and billing practices. Essentially, the Hearing Board recommended a 90-day suspension, followed by probation.

The Administrator appealed, arguing that Respondent acted dishonestly in violation of Rule 8.4(c), and Respondent should be suspended for at least six months, with no part stayed by probation. Respondent, on the other hand, argued that the Review Board should affirm the Hearing Board's findings concerning dishonesty, and should adopt the Hearing Board's sanction recommendation. Respondent also argued that his due process rights were violated by two judges in the Circuit Court of Cook County, and therefore the disciplinary case should be dismissed.

The Review Board affirmed the Hearing Board's finding that the evidence did not show that Respondent acted dishonestly, in violation of Rule 8.4(c). The Review Board rejected Respondent's arguments concerning due process. The Review Board recommended that Respondent be suspended for 90 days, with no probation.

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

In the Matter of:

**PAUL DAVID KATZ,**

Respondent-Appellee,

No. 1413848.

Commission No. 2024PR00055

## REPORT AND RECOMMENDATION OF THE REVIEW BOARD

## SUMMARY

In 2024, the Administrator filed a one-count disciplinary Complaint against Respondent, Paul David Katz, alleging that he dishonestly charged unreasonable fees for the work he performed as a court-appointed attorney in the Child Protection Division of the Circuit Court of Cook County, in violation of Rules 1.5(a) and 8.4(c) of the Illinois Rules of Professional Conduct (2010). The Complaint alleged that Respondent submitted 275 fee petitions, in which he falsely stated that he had worked a total of 4,401 hours in a one-year period, thereby charging an unreasonable fee and acting dishonestly.

Respondent filed an Answer to the Complaint, in which he admitted some of the facts, but not all, and denied engaging in any misconduct.

On June 3, 2025, the disciplinary hearing was held; Respondent represented himself at the hearing, and continues to do so on appeal. The Administrator called three witnesses, including Respondent as an adverse witness, and the Administrator's Exhibits 1-4 were admitted. Respondent testified and called six other witnesses. Respondent's Exhibits 1-12 were admitted. The parties also presented a Joint Stipulation of Facts.

The Hearing Board found that Respondent charged unreasonable fees, in violation of Rule 1.5(a), but found the evidence did not establish that Respondent acted dishonestly, in violation of Rule 8.4(c).[1]

The Hearing Board recommended that Respondent be suspended for six months, stayed after 90 days by six months' probation, with conditions designed to improve his timekeeping and billing practices. Essentially, the Hearing Board recommended a 90-day suspension, followed by probation.

The Administrator appealed, arguing that Respondent acted dishonestly in violation of Rule 8.4(c); and Respondent should be suspended for at least six months, with no part stayed by probation.

Respondent, on the other hand, requests that we affirm the Hearing Board's findings concerning dishonesty, and adopt the Hearing Board's sanction recommendation. Respondent also argues that his due process rights were violated by two judges in the Circuit Court of Cook County, and, therefore, the disciplinary case should be dismissed.

For the reasons set forth below, we affirm the Hearing Board's findings that the evidence did not establish that Respondent acted dishonestly, in violation of Rule 8.4(c). We also reject Respondent's arguments concerning due process. We recommend that Respondent be suspended for 90 days, with no probation.

## BACKGROUND

### Respondent

In 1973, Respondent was admitted to practice law in Illinois. At the time of the disciplinary hearing, Respondent was 78 years old. After law school, Respondent worked for the Cook County Public Defender's Office for four years; and in 1977, he went into private practice and became a solo practitioner. From the late 1970s until October 2022, he worked as a court-appointed attorney

in the Child Protection Division of the Circuit Court of Cook County ("Child Protection Division"). In October 2022, his appointments were cancelled based on the overbilling issues addressed here. Respondent has no prior discipline.

**The Facts**

This case concerns Respondent's billing during a one-year period, from April 2021 to April 2022. The facts set forth below are based on the Hearing Board's findings of fact.

The parties stipulated that during the relevant one-year period, Respondent was handling approximately 200 juvenile matters as a court-appointed attorney. Respondent submitted a total of 275 fee petitions, requesting payment for his services, and he billed 4,401 hours of work for that year. All of his bills were approved by the judges who reviewed his bills. (Stipulation, Common Law Record ("C.") at 79-80.)

Respondent billed an average of approximately 80 hours a week, every week for a year. He billed for working more than 20 hours a day on 17 dates, and for working between 15 and 20 hours a day on 115 dates.

Respondent was the highest paid court-appointed attorney in the Child Protection Division. He billed $254,712 for the relevant one-year time period. The Hearing Board concluded that Respondent's billing did not accurately reflect the amount of time that Respondent actually worked and, therefore, he charged unreasonable fees, in violation of Rule 1.5(a).

In April 2021, the approved rate for court-appointed attorneys in the Child Protection Division was $50 an hour for out-of-court time and $75 an hour for in-court time. By April 2022, the rate had increased to $75 an hour and $112.50 an hour, respectively. For out-of-court work, Respondent billed at least a quarter hour for each task, including reviewing a client's text, reading a client's email, and exchanging emails with a client. For in-court work, Respondent charged an hour for a court appearance lasting up to an hour, and then billed in quarter-hour increments

thereafter. Most judges approved one hour for the preparation, filing, and presentation of a fee petition. (Hearing Bd. Report at 3-4; C. 80.)

On appeal, Respondent does not dispute the Hearing Board's finding that he charged unreasonable fees. However, Respondent denies that he intentionally inflated his bills. As discussed below, the Hearing Board found that Respondent's overbilling was not intentional. Rather, Respondent's overbilling was inadvertent, stemming from his billing procedures.

In October 2022, after the overbilling was discovered, Respondent was removed from all of his cases in the Child Protection Division, and he was prohibited from receiving further appointments. Having those cases taken away essentially closed his practice. Respondent testified that, except for representing one private client, he was virtually retired at the time of the disciplinary hearing.

## THE HEARING BOARD'S FINDINGS

### Findings of Misconduct

**Unreasonable Fees**: The Hearing Board found that Respondent violated Rule 1.5(a), by billing 4,401 hours in a one-year period, which constituted unreasonable fees. Respondent does not challenge that finding on appeal.

Rule 1.5(a) states: "A lawyer shall not…charge…an unreasonable fee." The Hearing Board stated: "[W]e find that Respondent's Rule 1.5(a) violation stems not from his use of minimum billing increments in general but rather from the way in which he applied them. *** For example, if Respondent spent a minute reading a text message in one case, 10 minutes reading and responding to an email in another case, and 4 minutes calling a client in yet another case, he would bill a quarter hour to each case, for a grand total of 45 billed minutes when he actually worked for only 15 minutes." (Hearing Bd. Report at 9-10.)

The Hearing Board stated: "Based on our experience, we find it highly implausible for any attorney to sustain this extraordinary workload, which more than doubles the standard 40-hour workweek, not counting unbillable time off for illness, vacation, or other personal needs. We are clearly convinced that this unreasonable total did not reflect the amount of time that Respondent actually worked, and…Respondent's flawed application of minimum billing increments contributed to his overbilling." (*Id*.) The Hearing Board also stated: "Even if we assume that Respondent was regularly working more than the standard 40 hours per week, based on his credible testimony that he frequently worked into the night and on weekends, we still find that there was a substantial gap between how much he actually worked and the incredible number of hours he billed, resulting in a significant amount of overcharged fees." (*Id*. at 19.) We agree with the Hearing Board's analysis.

**Dishonesty**: The Hearing Board found that the Administrator failed to prove that Respondent acted dishonestly, in violation of Rule 8.4(c), by overbilling for his services. Rule 8.4(c) states: "It is professional misconduct for a lawyer to.…engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."

The Hearing Board concluded that Respondent's excessive billing resulted from several factors, but did not result from dishonesty. (Hearing Bd. Report at 14.) The Hearing Board identified several factors supporting the conclusion that Respondent's conduct was inadvertent, rather than intentionally deceitful, including: (1) Respondent's bookkeeping system was inadequate; (2) Respondent was a sole practitioner, with no support; (3) Respondent erroneously applied the minimum billing increments; (4) Respondent relied on the judges' approval of his bills; and (5) Respondent's 275 fee petitions were never viewed in the aggregate. (*Id*.)

Additionally, Respondent testified that he was unaware that he was submitting false bills, and the Hearing Board found that testimony to be credible. (*Id*.) The Hearing Board concluded

that the Administrator failed to prove that Respondent knowingly inflated his bills, in violation of Rule 8.4(c). (*Id*. at 16.)

**Mitigation and Aggravation**

In terms of mitigation, the Hearing Board took into consideration that Respondent practiced law for 51 years, with no prior discipline. He was active in the Chicago Bar Association, and he cooperated in the disciplinary proceedings. He also presented several witnesses who testified to his good character.

In terms of aggravation, the Hearing Board took into consideration that Respondent's misconduct took place over a year and involved 275 fee petitions, in which he overbilled a significant number of hours. As an experienced attorney, Respondent should have had a better billing system in place. Additionally, court personnel expended time addressing his overbilling.

**Sanction Recommendation**

The Hearing Board recommended that Respondent be suspended for six months, stayed after 90 days by six months' probation, with conditions designed to improve his timekeeping and billing practices.

## ARGUMENTS

The Hearing Board's factual findings generally will not be disturbed on review unless they are against the manifest weight of the evidence. *See In re Timpone*, 208 Ill. 2d 371, 380 (2004). A factual finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident, or the finding is arbitrary, unreasonable, or not based on the evidence. *See In re Sides*, 2020PR00047 (Review Bd. at 12), M.R. 031287 (Sept. 21, 2022). We ordinarily afford deference to the Hearing Board's findings regarding the credibility of witnesses, the resolution of conflicting testimony, and other fact-finding judgments because the Hearing Board is in the best position to observe the witnesses and assess their demeanor and credibility. *See In re Thomas*,

2012 IL 113035 at 466 (2012). Questions of law are reviewed *de novo*, including the interpretation of rules. *Id*.

The Administrator appealed, arguing that Respondent acted dishonestly in violation of Rule 8.4(c); and Respondent should be suspended for at least six months, with no part of that suspension stayed by probation.

Respondent, on the other hand, requests that we affirm the Hearing Board's findings concerning dishonesty, and adopt the Hearing Board's sanction recommendation. Respondent argues: "The evidence before the Hearing Board showed that Respondent was unaware of his overall billings, in that the self-designed procedures that he used to formulate his billings were concentrated on each individual case. He had no idea of the amount of his overall billings on all of his approximately two hundred appointed cases." (Resp. Brief at 1.)

The Hearing Board provided a well-reasoned and thorough analysis of the facts and the law in this case concerning Respondent's overbilling and the issue of dishonesty. We affirm the Hearing Board's finding that the evidence did not establish that Respondent acted dishonestly in violation of Rule 8.4(c), for the reasons stated by the Hearing Board. We reject Respondent's argument concerning due process. We recommend that Respondent be suspended for 90 days, with no probation.

**Dishonesty**

**The Administrator's Argument**: The Administrator argues that Respondent acted dishonestly, and asserts that the Hearing Board erred in declining to find that Respondent intentionally overstated his billing. After careful consideration, we conclude that the Hearing Board's findings on that issue are not against the manifest weight of the evidence.

The Administrator argues that the facts in this case clearly prove that Respondent engaged in dishonest conduct, in violation of Rule 8.4(c). The Administrator cites the following key facts,

*inter alia*, as providing sufficient evidence to establish that Respondent intentionally inflated his fee petitions:

- Respondent billed 4,401 hours;
- Respondent applied the minimum billing increments incorrectly;
- Respondent knew that the judges did not provide vigorous oversight and they did not see his aggregate billing;
- Respondent personally prepared the bills and made the inflated entries around the time he completed the tasks;
- Respondent was an experienced attorney, and he certified that the statements in his fee petitions were true.

The Administrator reviewed the facts of the case and reached a different conclusion than the Hearing Board did. However, those facts are not so compelling that they justify overturning the findings of the Hearing Board. This conclusion is particularly true given the Hearing Board's well-reasoned analysis of the existing facts.

**The Hearing Board's Conclusions**: The Hearing Board identified the key facts and concluded that the evidence did not prove that Respondent intentionally inflated his bills. The Hearing Board explained its reasoning as follows:

> There must be an act or circumstance that shows purposeful conduct or reckless indifference to the truth, rather than a mistake….'[A] critical factor is whether the attorney knew, when his…representations were made, [that] those representations were false.'
>
> ***
>
> [F]or the Rule 8.4(c) charge, the Administrator must prove by clear and convincing evidence that Respondent made those inaccurate statements knowingly or with the intent to deceive.…We find that the Administrator did not meet this burden of proof.
>
> We find that Respondent's excessive billed hours were the product of several factors, none of which involve dishonesty. First, Respondent used a rudimentary system to track his billable hours. This system involved making individual time entries in individual client files, with no method for aggregating hours by the day, week, or year across all of his files. Second, Respondent was a sole practitioner who had no partner, associate, or administrative assistant who might have suggested or supported a better timekeeping

> system. Third, as discussed in the Rule 1.5(a) analysis, Respondent used minimum billing increments that were commonly accepted in the Child Protection Division, although he erroneously applied them in a way that resulted in overbilling. Fourth, Respondent relied on the decades-long acceptance of his fee petitions by the judges and attorneys in the Child Protection Division as a stamp of approval of his billing practices, so he did not question those practices. Fifth, until the Chief Judge's Office looked at Respondent's numbers in the aggregate, no one in the court system was aware of the scope of his excessive billing, which occurred across 275 fee petitions that were reviewed by 12 different judges and numerous assistant state's attorneys over the course of a year.
>
> For all of these reasons, we find credible Respondent's testimony that he, too, was unaware of his overbilling until he was confronted with the data in October 2022.
>
> ***
>
> The Administrator also attempted to highlight two errors in Respondent's fee petitions that indicated an intent to deceive the court. However, we believe Respondent's explanation that these were innocent mistakes….We find credible Respondent's testimony that these entries were inadvertent errors….[W]e find it likely that the wrong dates were billed because Respondent mistakenly entered incorrect dates when he made those two time entries.
>
> Finally, we have considered certain facts that may appear suspicious. For example, Respondent's highest daily total of work hours was 23.75, which hovers just under the physically impossible total of more than 24. However, because there was no evidence that Respondent was aware of his daily total hours, we find this does not constitute clear and convincing evidence of calculated deception. Also, Respondent testified that he received paychecks and annual income tax forms from Cook County….We find it plausible that Respondent could have remained unaware of the total fees he billed during those 12 months because they spanned two separate tax years and because he was never paid for some of the hours he billed at the end of this period.

(Hearing Bd. Report at 14-16.) (Citations omitted.)

We agree with the Hearing Board's analysis and conclusions on this issue. We add that Respondent was attempting to handle 200 cases on his own, without support staff. Respondent testified that he was working all the time; all he was doing was working; he had never been busier in his life; and he was working days, nights, and weekends. (Tr. 212-17, 271.) The Hearing Board found Respondent's testimony credible that he frequently worked into the night and on weekends.

(Hearing Bd. Report at 19.) In our view, Respondent's attempt to handle 200 cases was an overwhelming task that contributed to his billing mistakes.

**Respondent's Timekeeping**: The Administrator argues: "The Hearing Board's findings are against the manifest weight of the evidence, because that Board overlooked Respondent's testimony that he was inputting the charges into his timekeeping system at the time of or around the time he completed the tasks. According to Respondent, each case had its own file on his computer and he would enter 'whatever charges [he] was making on the case as simultaneously or as quickly…the same date, as [he] could.' R. 235." (Adm. Brief at 27.) The Administrator states: "Consequently, Respondent knew what he was billing and he would have known…that he was overstating his hours….The Hearing Board's contrary finding should be reversed." (*Id*. at 28.) That argument has no merit.

Contrary to the Administrator's argument, the Hearing Board's Report clearly shows that the Hearing Board did not overlook Respondent's testimony concerning his process of contemporaneously recording his hours in his timekeeping system. The Administrator cites to Respondent's testimony at page 235 of the disciplinary hearing transcript; significantly, the Hearing Board also cited to Respondent's testimony at page 235. The Hearing Board stated: "Respondent…testified that he did not use timekeeping software but rather used an unsophisticated system that he created on his computer. It consisted of a folder labeled 'fee petitions' containing an individual file for each client, into which he entered the out-of-court and in-court charges as they accrued in each case. Every six months, he prepared a fee petition using this information. Then he would type a horizontal line in the file to indicate that all charges above the line had already been billed, and he added new charges below the line. (Tr. 234-35, 282)." (Hearing Bd. Report at 11.) (Emphasis added.) Thus, the Hearing Board discussed the very testimony that the Administrator asserts the Hearing Board failed to consider.

The Hearing Board considered Respondent's billing practices. Specifically, the Hearing Board stated: "We consider[ed]…whether Respondent's overall billing practices resulted in reasonable fees." (*Id*. at 9); and "Respondent's testimony about his billing practices and the extraordinarily high number of billed hours…demonstrate that he overrepresented his hours." (*Id*. at 11.) In sum, the Administrator's argument on this issue fails because the Hearing Board did not overlook or disregard Respondent's contemporaneous timekeeping procedures.

**Approval by the Judges**: The Administrator argues that there was no evidence to support the Hearing Board's finding that Respondent relied on the judges' acceptance of his fee petitions as approval of his billing practices. Specifically, the Administrator challenges the Hearing Board's statement: "Respondent relied on the decades-long acceptance of his fee petitions by the judges and attorneys in the Child Protection Division as a stamp of approval of his billing practices, so he did not question those practices." (Hearing Bd. Report at 14.) The Administrator argues that the Hearing Board based that conclusion on Respondent's opening statement, rather than on any evidence in the record. (Adm. Brief at 28.) That argument fails because the evidence in the record supports the Hearing Board's conclusion on that issue.

The evidence shows that Respondent began representing clients in the Child Protection Division in the late 1970s. (Tr. 205.) As a court-appointed attorney, Respondent filed petitions for attorney's fees requesting that the court compensate him for the work performed on a particular case. (Answer, C. 16-17.) In his Answer, Respondent stated: "The procedure for [filing a fee petition] was as follows: An appointed attorney would prepare…. and file the fee petition with the Clerk…[and] would then send a copy…to the [] the courtroom judge's administrative assistant [] and to the Assistant State's Attorney who was assigned to the case….If there was no objection, the judge, who…would have also reviewed the fee petition and fee order, would sign the fee order if he or she had no objection to it." (*Id*.)

The parties stipulated that during the 12-month period beginning in April 2021, "Respondent submitted approximately 275 fee petitions before the Court.…Once submitted, the judge presiding over the appointed matter reviewed Respondent's fee petition and entered an order approving payments of the fees and expenses to Respondent….[Those 275 fee petitions] were approved by the court." (C. 79-80.) Respondent testified that during 2021-22, he had probably submitted fee petitions to each of the twelve judges in the Child Protection Division. (Tr. 206-07.)

The Hearing Board stated: "Each of the 12 judges in the Child Protection Division reviewed some of Respondent's fee petitions, and all 275 fee petitions were approved." (Hearing Bd. Report at 5.) Three judges testified at the disciplinary hearing about their review of fee petitions. "Neither these three judges nor the assistant state's attorneys ever questioned the reasonableness or fairness of Respondent's fee petitions." (Hearing Bd. Report at 5-6.)

Several witnesses testified about the billing rules and procedures in the Child Protection Division. (Hearing Bd. Report at 4-5.) According to retired Judge Robert Balanoff, who had been a judge in the Child Protection Division for 20 years, he had rejected approximately ten petitions for unreasonable billing during that 20-year period. (Tr. 98-99.) He also testified that he had approved Respondent's invoices over the years (Tr. 119), and he did not recall ever questioning any of Respondent's fee petitions. (Tr. 124.)[2]

Judge Patrick T. Murphy, who had been a judge in the Child Protection Division for eight years, testified that over the years, Respondent had filed numerous fee petitions in his courtroom. (Tr. 128.) Judge Murphy testified that he never had an issue with any of Respondent's filings, and that Respondent's filings were always reasonable relative to the case in which he filed the petition. (Tr. 129.) Judge Murphy also testified that, after Respondent's billing became an issue, he spoke to other judges, and they all agreed that Respondent's fee petitions were fair. (Tr. 132-34.)

Judge Peter Vilkelis, who was an associate judge in the Child Protection Division for approximately 14 years, testified that he never questioned the reasonableness of any of the fee petitions that Respondent filed in his court, and he could not recall an Assistant State's Attorney ever objecting to any of Respondent's fee petitions. (Tr. 144.)

Three attorneys testified about billing procedures, namely, Stephen Jaffe, Charles J. Aron, and Brian O'Hara; they each worked as a court-appointed attorney in the Child Protection Division for many years. (Hearing Bd. Report at 4-5.) Charles Aron testified that he used the same minimum billing increments that Respondent used, and no one ever told him he should not use those increments. (*Id*. at 4.) Stephen Jaffe testified he used the same billing increments for out-of-court work. (*Id*.) Jaffe also testified that he never kept a running total of his hours for a year. (Tr. 163.) Brian O'Hara testified that Respondent did not have a reputation in the juvenile court community for over-billing on his fee petitions. (Tr. 167.)

A review of the record shows there was no evidence that anyone alleged that Respondent had submitted inflated fee petitions prior to 2022.

Thus, there was ample evidence for the Hearing Board to conclude that Respondent relied on the judges' acceptance of his fee petitions as a stamp of approval for his billing practices.[3] We find that the Hearing Board properly concluded, based on the evidence in the record, that Respondent did not question his billing practices, in part, because his fee petitions were approved by numerous judges.

**The Hearing Board's Credibility Finding**: The Administrator argues that we should reject the Hearing Board's finding that Respondent credibly testified that he did not know his fee petitions were inflated. That argument fails.

The Hearing Board stated: "[W]e find credible Respondent's testimony that he…was unaware of his overbilling until he was confronted with the data in October 2022." (Hearing Bd.

Report at 15.) The Hearing Board stated that it found Respondent's testimony credible based on the reasons set forth above. (*See* Hearing Bd. Report at 14-16.) We defer to the Hearing Board's credibility findings, since the Hearing Board had the opportunity to observe Respondent's testimony and demeanor. *See In re Timpone*, 208 Ill. 2d 371, 380 (2004) ("Deference is to be accorded to the factual findings of the Hearing Board because the Hearing Board is in a position to observe the witnesses' demeanor, [and] judge their credibility."). The Administrator is asking us to substitute our judgment for the Hearing Board's judgment concerning Respondent's credibility on this key issue, which we decline to do.

**Legal Principles**: The Administrator cites numerous cases and ethical opinions that address well-accepted legal principles concerning the issue of dishonesty, including *inter alia*: circumstantial evidence is sufficient to prove dishonest intent; dishonesty includes anything calculated to deceive; a finding of dishonesty does not require that anyone actually be deceived; a lawyer's billing must be accurate; minimum billing increments should not be abused; fees in separate cases present too small a picture to reveal overbilling; a client's agreement to pay a fee does not negate the attorney's dishonesty; attorneys are held to a high standard of professional integrity; courts rely on the honesty of attorneys; and attorneys have an obligation to be truthful as an officer of the court; (*See* Adm. Brief at 22-31 and the cases cited therein.)

While those legal principles are sound, they do not establish that Respondent acted dishonestly in this case. For example, the Hearing Board concluded that the circumstantial evidence was insufficient to prove dishonesty, and the evidence did not establish that Respondent's billing was calculated to deceive. Of course we agree with the legal principles that a lawyer's billing must be accurate; attorneys are held to a high standard; and attorneys must be truthful. But those principles do not prove that Respondent intentionally inflated his fee petitions, or that the Hearing Board erred.

The Administrator correctly acknowledges that inadvertent conduct, which does not include knowing deception, typically will not result in a finding of dishonesty. (Adm. Brief at 23.) (Citing *In re Feinberg*, 1990PR00240 (Review Bd. at 15), *complaint dismissed*, (Aug. 13, 1993) (stating "[C]onduct 'calculated to deceive' implies some level of knowledge by the attorney.") (citation omitted); and *In re Gauza*, 2008PR00098 (Hearing Bd. at 42), M.R. 26225 (Dec. 11., 2013) (stating "[T]o prove a violation of Rule 8.4(c)….there must be something which tends to show purposeful conduct, rather than a mistake unaccompanied by any dishonest or deceitful intent")). In the instant case, the Hearing Board found that the evidence did not establish that Respondent's overbilling involved intentional deceit, and the Administrator has not pointed to any evidence or legal principle that overcomes that finding.

In sum, we conclude that the Hearing Board's findings concerning the issue of dishonesty are not against the manifest weight of the evidence.

**Due Process**

Respondent argues that his due process rights were violated by two judges in the Circuit Court of Cook County and, therefore, the disciplinary charges in this case should be dismissed. Respondent argues that, after his overbilling was discovered, the two judges refused to authorize payment for unpaid fees, and vacated his court appointments, without giving him an opportunity to respond to the allegations of overbilling. Based on this, Respondent argues that the instant case should be dismissed. Respondent's argument has no merit.

In a disciplinary proceeding, due process requires that an attorney be given fair notice of the allegations of misconduct and a fair opportunity to defend against those allegations. *See In re North*, 2002PR01503 (Review Bd. at 3), M.R. 18078 (Oct. 15. 2004) ("Due process is satisfied if an attorney is given fair notice of the disciplinary charges against him and an opportunity to explain and defend against those charges.")

The due process requirements were fully satisfied in this case. The disciplinary Complaint provided proper notice concerning the allegations of misconduct in this case, and Respondent had a fair opportunity to defend against those allegations. Respondent filed an Answer to the disciplinary Complaint. Moreover, Respondent appeared at the hearing; presented evidence on his own behalf; testified at the hearing; presented witnesses; offered exhibits; and cross-examined witnesses. Thus, even if Respondent did not have an opportunity to respond in the Circuit Court to the allegations of overbilling, he had an opportunity to respond to the charges of overbilling in the disciplinary case, where he was afforded due process. Accordingly, we reject Respondent's due process argument.

## SANCTION RECOMMENDATION

The Hearing Board recommended that Respondent be suspended for six months, with the suspension stayed after 90 days by a six-month period of probation, with conditions designed to improve his timekeeping and billing practices. Essentially, the Hearing Board's recommended sanction is a 90-day suspension, with probation.

We review the Hearing Board's sanction recommendation based on a *de novo* standard. *See In re Storment*, 2018PR00032 (Review Bd. at 15), M.R. 030336 (June 8, 2020). We have considered the nature of the misconduct, and the aggravating and mitigating circumstances in this case, *see In re Gorecki*, 208 Ill. 2d 350, 360-61 (2003), while keeping in mind that the purpose of discipline is not to punish but rather to protect the public, maintain the integrity of the legal profession, and to protect the administration of justice from reproach. *Id.*

The Administrator argues that Respondent should be suspended for at least six months, with no probation, given the seriousness of Respondent's misconduct. We disagree.

We conclude that Respondent should be suspended for 90 days, consistent with the Hearing Board's recommendation that Respondent should serve an actual suspension of 90 days. We agree with the Administrator that the sanction should not include probation.

**Probation**

The Hearing Board stated: "Respondent's timekeeping and billing practices need improvement and can be addressed by probationary conditions….[T]he recommended education, mentoring, and monitoring conditions will facilitate the necessary improvements to Respondent's timekeeping and billing practices after he serves his suspension." (Hearing Bd. Report 21.)

The Administrator argues that imposing probation does not serve any practical purpose because Respondent is virtually retired, with only one remaining case. We agree. *See In re Moran*, 2003PR00009 (Review Bd. at 6), M.R. 20242 (Sept. 26, 2005) (stating "[B]ecause [the attorney] is not practicing law, probation, especially for a short term, would not serve any practical purpose;" the attorney was suspended for 30 days for failing to file a case on behalf of a client; lying to the client; and dishonestly creating fabricated documents); *In re Runkle*, 2000PR00064 (Hearing Bd. at 15) M.R. 17958 (March 22, 2002) (stating "Imposing probation on an attorney who is not practicing law, does nothing to meet the goals of our disciplinary system and is inappropriate;" the attorney was suspended for 30 days for mishandling an estate and failing to provide competent representation).

Respondent's law practice, which by 2021 primarily involved the representation of clients in appointed cases in the Child Protection Division, largely ended when his appointments were vacated in 2022. (Tr. 205-06, 266-74.) The only time that Respondent used hourly billing was in his court-appointed cases. (Tr. 236.) At the time of the disciplinary hearing, Respondent was 78 years old; he was no longer working as an appointed attorney; he had only one case left; and essentially, he was retired. (Tr. 273-74.) The circumstances that led to Respondent's misconduct

are no longer present. Based on those facts, we conclude that probation does not serve a useful purpose here.

**Suspension**

We conclude that a 90 day-suspension, with no probation, is the appropriate sanction. It is sufficient to help support public confidence in the legal system.

**Respondent's Wrongdoing**: A 90-day suspension gives appropriate weight to the serious nature of Respondent's misconduct. Respondent submitted inflated fee petitions, in numerous cases, over a twelve-month period, thereby billing for more time than he actually worked. As an experienced lawyer, he should have had a better timekeeping system in place. His misconduct had the potential to damage the public's trust in the legal system. Additionally, his overbilling caused court staff and judges to expend time addressing that issue.

**Mitigating Evidence**: A 90-day suspension also gives appropriate weight to the extensive mitigating evidence in this case. The Hearing Board stated: "Respondent has led an exemplary career representing an underserved population and providing community service, has no prior discipline, and expressed remorse for the errors in judgment that contributed to his misconduct." (Hearing Bd. Report at 21.) We agree. The mitigation in this case includes the following:

• Respondent practiced law for 51 years, and had an unblemished record.

• As a court-appointed attorney in the Child Protection Division, Respondent represented indigent minors and adults, which included some of the poorest people in Chicago, who lived in overwhelming poverty. (Tr. 89, 136.) Respondent handled cases that involved allegations of child abuse or neglect, and cases where children did not have a parent or adult to take care of them. (Tr. 81-89, 136.) Judge Balanoff testified: "[T]he bar attorneys…were doing hard work. It's hard work, but they have to deal with [it]. Many of [the] parents had mental health challenges." (Tr. 120.)

• Respondent's caseload grew from approximately 70 to 200 during the pandemic because many court-appointed attorneys left at that time, and judges in the Child Protection Division asked Respondent to take on additional cases, which he agreed to do. In our view, Respondent's handling of that extraordinary number of cases contributed to his erroneous billing. Respondent stated: "Unfortunately, I overextended myself…I made the mistake of rarely, if ever, saying 'no' [to accepting a case]....I had, give or take, 200 cases.…[I]t was too many." (Resp. Ex. 8 at 2.)

• There was no allegation that Respondent inadequately served any of his clients.

• Respondent cooperated in the disciplinary proceeding.

• Respondent's law practice was essentially shut down when his court-appointed cases were vacated in 2022. Respondent lost his career and his livelihood as a result of his overbilling.

• At the time of the disciplinary hearing, Respondent was virtually retired, with only one client remaining.

• Respondent has a history of volunteer service through the Chicago Bar Association, including that he helped to lead the Chicago Bar Association committee that partnered with the Juvenile and Criminal Courts in managing the court-appointed attorney program. He also mentored an attorney for six months, who was seeking to become a court-appointed attorney in the Child Protection Division.

• During the appellate oral argument, Respondent was respectful and professional.

• In addition, significantly, several character witnesses testified. Collectively they stated that Respondent was reliable, hard-working, well prepared, and diligent; he represented his clients with zeal; and he had a reputation for honesty. That testimony included the following:

‣ Judge Patrick T. Murphy, who had been a judge in the Child Protection Division since 2017, testified: "I've seen [Respondent] try cases and…[he was] amongst the most conscientious lawyers to appear in front of me, certainly one of the very best….[He] did an excellent job….I'm a lawyer 60 years now….So I would like to think I have a pretty good idea of who's a good advocate, and I think [he was] the best….If ever I had a tough case and needed a lawyer, you know, I would say get Katz in here." (Tr. 127.) In terms of Respondent's reputation with other judges in the Child Protection Division, Judge Murphy testified: "Everyone considers [Respondent]…amongst the very, very best….[He] represented [his] clients with zeal, but was always collegial with other lawyers." (Tr. 133.)

‣ Judge Peter Vilkelis, who was a judge in the Child Protection Division since approximately 2011, testified: "[Respondent is] one of the best lawyers we ever had in Juvenile Court….[His character is of] the highest nature, I had all the respect. [Respondent was] one of the go-to lawyers that we would use regularly." (Tr. 143) Judge Vilkelis also testified: "[Respondent was] one of the sought after attorneys who was always reliable and diligent." (Tr. 145.)

‣ Stephen Jaffe, who worked as a court-appointed attorney in the Child Protection Division and has known Respondent since approximately 1992, testified that he had a high opinion of Respondent, and that: "[Respondent was] industrious, well prepared, and… honest in all [his] dealings in front of court." (Tr. 154-55.)

‣ Brian O'Hara, a court-appointed attorney in the Child Protection Division, who has known Respondent for over 30 years, testified: "I've always had a high opinion of [Respondent's] character and a great regard for [his] legal expertise." (Tr. 166.)

‣ Charles J. Aron, a court-appointed attorney in the Child Protection Division, who has known Respondent for at least 15 years, testified: "[Respondent is] honest, [and] hard working." (Tr. 171.) He also testified that Respondent had a reputation in Juvenile Court as being honest. (*Id*.)

‣ Laura Chrismer, an attorney who was mentored by Respondent concerning the Child Protection Division for six months in 2022, testified: "I think we were in about eight different courts during that time. Consistently, every time [Respondent] introduced me, the judge would say something along the lines of, well, you know Paul's a great person to shadow. He's been on the panel for years. He's very well-respected. I had similar comments from ASAs [Assistant State's Attorneys] and GALs [Guardians Ad Litem], you know, when we would meet with them around a case." (Tr. 195.) She also testified: "I found him to be very honest and very forthright with me in every way." (Tr. 202.)

In our view, the mitigation evidence in this case indicates that Respondent is unlikely to repeat the misconduct in this case, or engage in other ethical violations in the future.

**Relevant Legal Authority**

**Cases Cited by the Hearing Board**: The Hearing Board cited three cases, *Kutner*, *Serritella*, and *Salerno*, in which attorneys were suspended for charging unreasonable fees, where there was no proven dishonesty. We conclude that those cases provide guidance here.

In ***In re Kutner,*** 78 Ill. 2d 157 (1979), the attorney was censured. He charged his client $5,000 for a routine criminal battery case that did not go to trial and was dismissed at the first court date, which constituted an excessive fee. He also refused to refund any portion of the unearned fees. There was extensive mitigation, including that Respondent had practiced for 49 years and had no prior discipline; he had significant accomplishments in international matters and civil rights and he had received many citations praising his work in those areas; he devoted much of this time to *pro bono* work; and he was the author of a number of articles.

In ***In re Serritella***, 2003PR00115 (Review Bd.), M.R. 21655 (Oct. 30, 2007), the attorney was suspended for 30 days, and until he paid restitution of $14,5000 to two former clients. Serritella obtained unreasonable fees in two matters, and failed to promptly refund unearned fees.

In ***In re Salerno***, 1993PR00188 (Hearing Bd.), M.R. 10433 (Nov. 30, 1994), the attorney was suspended for five months. Salerno charged an excessive fee of more than $40,000 for

collecting the proceeds of two uncontested insurance policies. He also failed to promptly return the unearned fees.

Two other cases, *Miller and Jennings*, also provide guidance here.

In ***In Re Miller***, 2013PR00008, *discipline on consent*, M.R. 26705 (June 6, 2014), the attorney was suspended for ninety days for neglecting three cases and mistakenly providing the client with inflated bills. Miller billed for the performance of some identical work in each billing statement. She also billed at her attorney rate ($175 per hour) for administrative tasks such as photocopying documents and organizing client files. In mitigation, Miller was active in the community, expressed remorse, and had no prior discipline.

In ***In re Jennings***, 1999PR00032 (Review Bd.), M.R. 17394 (May 25, 2001), the attorney was suspended for three months for neglecting a criminal appeal; making false representations to the Appellate Court; and failing to earn the fee charged. Jennings failed to return the unearned fees for two years, until after he became aware that his client intended to complain to the ARDC. There was significant mitigation, including that Jennings was a highly regarded attorney; he was active in the community; and he had a 35 year career with no prior discipline.

Although *Miller* and *Jennings* involved neglect and other misconduct not present here, the overbilling in this case was more serious than in those cases.

The recommended 90-day suspension falls squarely within the range of sanctions imposed in the cases cited above.

**Cases Cited by the Administrator**: The Administrator argues that Respondent should be suspended for at least six months. The Administrator cites three overbilling cases, *Anderson*, *Newton*, and *Silets*, discussed below, in which the attorneys admitted that, if there had been a disciplinary hearing, the evidence would have established that they intentionally inflated their bills or fee petitions. (Adm. Brief at 37-43.) The Administrator argues that those three cases support a

six-month suspension in this case. We have carefully considered the Administrator's arguments and the cases cited by the Administrator on appeal, and we disagree.

In ***In re Newton***, 2008PR00063, *discipline on consent*, M.R. 22911 (April 6, 2009), the attorney was suspended for six months for intentionally and fraudulently inflating his timekeeping records for work he did not perform. Newton worked at a law firm as an associate, and he was assigned to work on a large document review project. He intentionally falsified entries in his timekeeping records relating to that document review project. He falsely billed for approximately 207 hours of work that he did not perform. He did so in reaction to perceived firm pressure. The law firm gave the client credit for the inflated hours that Newton billed.

In ***In re Anderson***, 2019PR00003, *discipline on consent,* M.R. 030018 (Dec. 10, 2019), the attorney was suspended for one year for charging an unreasonable fee, in violation of Rule 1.5(a), and engaging in conduct involving dishonesty in violation of Rule 8.4(c). Anderson intentionally and falsely inflated the time he spent on client matters at two law firms. He was an associate at one firm and he became a partner at the other firm. He created the false bills over a period of several years. He routinely created false bills to meet the firms' billing expectations, knowing that the time he recorded would be billed to his clients. His billing rate was $450 at one point. The law firms decided to offer a refund or credit to more than 100 clients affected by his overbilling.

We conclude that *Newton* and *Anderson* are inapplicable since the evidence in the instant case did not establish that Respondent intentionally inflated his hours.

In ***In re Silets***, 2023PR00024, *motion to strike granted*, M.R. 31789 (Sept. 21, 2023), the attorney filed a motion to strike his name from the Roll of Attorneys licensed to practice law in Illinois, pursuant to Illinois Supreme Court Rule 762(a), and the Administrator filed a statement of charges. Silets' motion to strike his name was granted. The parties agreed that if Silets' conduct

had been the subject of a hearing, the evidence would have clearly and convincingly established that: (1) Silets charged an unreasonable fee by submitting inflated fee petitions that overstated the hours that he worked as a court-appointed attorney in the Child Protection Division of the Circuit Court of Cook County, in violation of Rule 1.5(a); (2) he made false statements to the court by submitting inflated fee petitions, in violation of Rule 3.3(a)(1); (3) he engaged in conduct involving misrepresentations by submitting inflated fee petitions in violation of Rule 8.4(c); and (4) he engaged in conduct prejudicial to the administration of justice by submitting inflated fee petitions, in violation of Rule 8.4(d).

Unlike *Silets*, the evidence in this case did not establish that Respondent violated Rule 8.4(c). As the Hearing Board stated in the instant case: "[F]or the Rule 8.4(c) charge, the Administrator must prove by clear and convincing evidence that Respondent made those inaccurate statements knowingly or with the intent to deceive." (Hearing Bd. Report in the instant case at 14) (citing *In re Gauza*, 2008PR00098, Hearing Bd. at 42-43), M.R. 26225 (Dec. 11, 2013) (stating "[T]o prove a violation of Rule 8.4(c), the Administrator must prove more than just a false statement…. Instead, there must be something which tends to show purposeful conduct, rather than a mistake unaccompanied by any dishonest or deceitful intent….[A] critical factor is whether the attorney knew, when his or her representations were made, [that] those representations were false.")

The Hearing Board in the instant case considered *Silets*, and other overbilling cases that the Administrator cited, and stated: "We find these cases largely inapplicable because we did not find that Respondent engaged in dishonest conduct." (Hearing Bd. Report at 20.)

In sum, a suspension of 90 days is within the range of discipline imposed for similar misconduct, and is commensurate with Respondent's misconduct.

## CONCLUSION

For the foregoing reasons, we affirm the Hearing Board's findings concerning dishonesty. We reject Respondent's arguments concerning due process. We recommend that Respondent be suspended for 90 days, with no probation. We conclude that the recommended sanction will serve the goals of attorney discipline, including protecting the integrity of the legal profession.

Respectfully submitted,

Scott J. Szala
David W. Neal
Juan R. Thomas

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**ENDNOTES**

[1] Although the Complaint also initially charged Respondent with making a false statement to a tribunal, in violation of Rule 3.3(a)(1), that charge was stricken.

[2] Judge Balanoff also testified: "I don't know how [appointed attorneys] made a living when it was $75.00 an hour." (Tr. 94.) "[Appointed attorneys] were making $75.00 and $50.00 an hour and hadn't gotten a raise in 12 or 14 years.…[Y]ou can't live on that." (Tr. 107.) By March 31, 2022, the hourly rate had been increased to $75 for out-of-court work and $112 for in-court work. (Hearing Bd. Report at 3.)

[3] The Hearing Board did not cite to Respondent's opening statement in reaching its conclusion that Respondent relied on the approval of the judges. (See Hearing Bd. Report at 14.) Instead, the Administrator's argument is based entirely on the Hearing Board's citation to Respondent's opening statement in the Hearing Board's summary of facts. (*Id*. at 4.) The Hearing Board stated: "Respondent testified that he used minimum billing increments of a quarter hour for out-of-court work and one hour for in-court work on his Child Protection Division cases since the late 1970s, and no one objected to that practice until 2022. (Tr. 31-32)." (Hearing Bd. Report at 4.) This was a de minimis and harmless mistake in a comprehensive and well-written 80-page Report, and it does not provide a basis to reverse the Hearing Board's findings concerning dishonesty. In fact, Respondent testified that he used minimum billing increments of a quarter hour for out-of-court work, and that he billed one hour for in-court work on his Child Protection cases. (See e.g., Tr. 224-28.) Additionally, there was no evidence that anyone objected to his billing practices until 2022.

## 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 Review Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on April 16, 2026.

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

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

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|---|---|
| In the Matter of:<br><br>**PAUL DAVID KATZ,**<br><br>Respondent-Appellee,<br><br>No. 1413848. | Commission No. 2024PR00055 |

**PROOF OF SERVICE**
**OF THE REPORT AND RECOMMENDATION**
**OF THE REVIEW BOARD**

I, Andrea L. Watson, hereby certify that I served a copy of the Report and Recommendation of the Review Board on Respondent-Appellee listed at the address shown below by e-mail service on April 16, 2026, at or before 5:00 p.m. At the same time, a copy was sent to Counsel for the Administrator-Appellant by e-mail service.

Paul David Katz
Respondent-Appellee
paulkatzesq@gmail.com

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.

Michelle M. Thome,
Clerk

/s/ Andrea L. Watson
By: Andrea L. Watson
Deputy Clerk

4901-8709-5458, v. 1

FILED

April 16, 2026

ARDC CLERK