

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

In the Matter of:

RICHARD F. MORTON, )  
 Attorney-Respondent, )  
 No. 6201663. )  
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 )  
 Commission No. 2026PR00001

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Marci Jacobs, pursuant to Supreme Court Rule 753(b), complains of Respondent Richard F. Morton, who was licensed to practice law in Illinois on November 9, 1989, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I  
*(Conversion of \$42,000 in Rent Payments)*

1. At all times alleged in this complaint, Respondent was a sole practitioner in Chicago. He operated a general practice known as "Richard F. Morton and Associates." Respondent maintained an IOLTA client trust account ending with the numbers 4881, and a business account for "Richard F. Morton PC," ending with the numbers 4695, both held at First Personal Bank. Respondent also maintained a business account for "Richard F. Morton PC," ending with the numbers 3001, held at People's Bank.

2. In June 2020, Respondent agreed to represent a father and son with the initials "R.Q." and "O.Q.," respectively, in matters relating to the restaurant they owned.

3. On June 18, 2020, the landlord who owned the property from whom R. Q. and O.Q. leased their restaurant filed a complaint in Cook County Municipal Court against R.Q., O.Q., and unknown occupants seeking possession of the restaurant and to recover allegedly past due rent and costs.

4. On July 10, 2020, Respondent filed a Chapter 13 bankruptcy reorganization petition in the United States Bankruptcy Court for the Northern District of Illinois on behalf of O.Q.

5. On July 27, 2020, Respondent filed a Chapter 13 plan on behalf of O.Q. It proposed that O.Q. would pay \$14,000 per month for 39 months to the bankruptcy trustee to be disbursed to the landlord for the restaurant rent and arrearages.

6. From August 2020 through October 2020, Respondent wrote a series of text messages to O.Q. and/or his wife, a woman with the initials "R.G.," asking for money to fund the proposed Chapter 13 plan and rent. On August 6, 2020, Respondent wrote to R.G.: "The plan payment of \$14000 was due on the first. I need as much as that that you can get me tomorrow and I'll work it out with the court. Those monies are really crucial." On August 8, 2020, after receiving \$7,000 from R.Q., Respondent texted R.G.: "[O.Q.] said he would have the other half of the rent Monday or Tuesday. It's important." On August 10, 2020, Respondent texted O.Q.: "What time are you coming this afternoon? Please bring ... a check for \$7000." On August 31, 2020, Respondent texted both O.Q. and R.G.: "Sorry to be bugging you but I need the September rent. Get me \$7000 before Friday and I'll work with the trustee on the balance."

7. Between August 7, 2020 and October 9, 2020, Respondent received the following four checks from R.Q. made payable to Respondent, in the total amount of \$42,000:

a. check number 1149 dated August 7, 2020, in the amount of \$7,000, with the words "½ rent of August" written in the memo section;

- b. check number 1170 dated August 12, 2020, in the amount of \$7,000, with the memo section left blank;
- c. check number 1226 dated September 5, 2020, in the amount of \$14,000, with the words “Rente de Septembre” written in the memo section; and
- d. check number 1275 dated October 9, 2020, in the amount of \$14,000, with the words “October Rent- Mariscos Asador” written in the memo section.

8. Respondent deposited checks numbers 1149 and 1170 into his business account at First Personal Bank. Respondent deposited check number 1226 into his IOLTA account. Respondent deposited check number 1275 into his business account at People’s Bank.

9. When Respondent deposited check number 1149 for \$7,000 into his business account at First Personal Bank on August 7, 2020, the account had a balance of \$20.49. By August 31, 2020, Respondent drew down the balance to \$0.11 by drawing checks or making other transactions to pay for his business or personal expenses. As of August 31, 2020, Respondent had not paid any portion of the check’s proceeds to the landlord.

10. When Respondent deposited check number 1170 for \$7,000 into his business account at First Personal Bank on August 12, 2020, the account had a balance of \$4.49. By August 31, 2020, Respondent drew down the balance to \$0.11 by drawing checks or making other transactions to pay for his business or personal expenses. As of August 31, 2020, Respondent had not paid any portion of the check’s proceeds to the landlord.

11. When Respondent deposited check number 1226 for \$14,000 into his IOLTA account on September 8, 2020, the IOLTA account had a balance of \$1.21. By September 30, 2020, Respondent drew the balance in the IOLTA account to \$0.51 by drawing checks or making

other transactions to pay for his business or personal expenses. As of September 30, 2020, Respondent had not paid any portion of the check's proceeds to the landlord.

12. When Respondent deposited check number 1275 for \$14,000 into his business account at People's Bank on October 10, 2020, the account had a balance of \$3.30. By October 31, 2020, he overdrawed the account by -\$2.71 by drawing checks or making other transactions to pay for his business or personal expenses. As of October 31, 2020, Respondent had not paid any portion of the check's proceeds to the landlord.

13. At the time Respondent used the proceeds of checks numbers 1149, 1170, 1226, and 1275, he did not have his client's authority to use those proceeds for any purpose other than to pay the landlord. In using the proceeds for his own purposes, Respondent acted dishonestly because he knew he was using the funds for his own business or personal expenses without R.Q.'s or O.Q.'s authority.

14. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

- a. failure to hold property of clients that is in the lawyer's possession in connection with a representation separate from the lawyer's own property, by conduct of depositing \$42,000 in funds paid to Respondent for the purpose of satisfying the monthly installment payments to the landlord required by bankruptcy proceedings into his IOLTA account and two business accounts and then causing the balance of his IOLTA account and two business accounts to fall below the amount then belonging to the client, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by knowingly converting \$42,000 of the rent money to be paid to the landlord during the course of bankruptcy proceedings to his own use and without authority; in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II  
(*False Statement to a Tribunal and a Third Party*)

15. The Administrator realleges the facts set forth in paragraphs one through 13.

16. Respondent represented R.Q. and O.Q. in a case filed by the landlord against them in the Cook County Law Division concerning their alleged non-payment of a promissory note for past-due utilities and other expenses. The case was set for trial on January 7, 2022. At one or more court dates prior to January 7, 2022, Respondent raised the issue of filing an order of protection on behalf of R.Q. and O.Q. against the landlord.

17. At the January 7, 2022, court date, the Honorable James E. Snyder asked Respondent, “Whatever happened to the order of protection matter?” Respondent answered, “It’s still pending, your Honor. [The landlord] has not been served yet.”

18. Counsel for the landlord, Christopher Miller, told the court that he had requested that Respondent provide him with the order of protection number, and that Respondent told him that Respondent could provide it. Mr. Miller then asked that the number be read into the record and Respondent stated, “I don’t have it handy in front of me, but I will send it to you today, Counsel.”

19. Respondent also stated: “Your honor, in light of your comments regarding the criminal order of protection \*\*\*, we subsequently filed a civil order of protection which we had not yet served on [the landlord] That is the status. We do have a filed case, and I will send that along to Mr. Miller.” Respondent further explained, “It’s a plenary order. A request for a plenary order and not for an emergency order.”

20. Later on January 7, 2022, Respondent emailed Mr. Miller stating, “Counsel, the case number is 2021OP80356.”

21. Respondent's January 7, 2022, statements to Judge Snyder and Mr. Miller that he had "a filed case," that the case was pending, that the landlord had not been served, and that Respondent could provide a case number, were false because Respondent had never filed a case relating to the order of protection, and no case number had been assigned.

22. Respondent knew that his statements to the Judge Snyder and Mr. Miller that he had "a filed case," that the case was pending, that the landlord had not been served, and that Respondent could provide a case number were false because Respondent had not filed for an order of protection against the landlord, no case was pending, there was nothing to serve the landlord, and no case number had been assigned.

23. Respondent's statement to Mr. Miller that the case number was 2021OP80356 was false, because Respondent had not filed for an order of protection against the landlord, no case had been docketed, and case number 2021OP80356 did not exist.

24. Respondent knew that his statement that the case number was 2021OP80356 was false, because Respondent knew that he had not filed for an order of protection against the landlord, no case had been docketed, and case number 2021OP80356 did not exist.

25. 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 stating in court on January 7, 2022, that he had filed for an order of protection against the landlord, that a case was pending, and that the landlord had not been served, when he had not filed for such an order of protection, in violation of Rule 3.3(a)(1) of the Illinois Rules of Professional Conduct (2010); and
- b. knowingly making a false statement to a third party, by conduct including telling Mr. Miller that he had filed for an order of protection against the landlord, that the case was pending, that the landlord had not been served, that he would provide Mr. Miller with the order number, and by providing

a non-existent case number when Respondent had not filed for such an order of protection, in violation of Rule 4.1 (a) of the Illinois Rules of Professional Conduct (2010); and

c. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by stating in court on January 7, 2022, that he had filed for an order of protection against the landlord, that the case was pending, that the landlord had not been served, and that he would provide counsel for the landlord with an order number when he had not filed for such an order of protection; and by conduct including telling Mr. Miller that he had filed for an order of protection against the landlord, that the landlord had not been served, that he would provide Mr. Miller with the order number, and by providing a non-existent case number when Respondent had not filed for such an order of protection, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

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

Respectfully submitted,

Lea S. Gutierrez, Administrator  
Attorney Registration and  
Disciplinary Commission

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