

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

In the Matter of:)
)
BRIAN PHILIP GARWOOD,) 2026PR00036
) Commission No. ~~2026PR~~_____
Attorney-Respondent,)
)
No. 6292862.)

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Ann R. Pieper, pursuant to Supreme Court Rule 753(b), complains of Respondent Brian Philip Garwood, who was licensed to practice law in Illinois on November 16, 2007, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

ALLEGATIONS COMMON TO ALL COUNTS

1. At all times alleged in this complaint, Respondent practiced law in McLean County in the areas of estate planning, estate administration, real estate, and tax law. Respondent was a shareholder at the law firm of Costigan & Wollrab P.C. (“Costigan & Wollrab”) in Bloomington, where he was hired as an associate attorney in the fall of 2008 and continued working until he was terminated by a majority vote of the shareholders on January 27, 2025. Respondent continues to practice law from his home office in Forsyth, Illinois.

COUNT I

(Lack of Diligence and Failure to Expedite Litigation)

2. Between 2016 and 2019, Respondent filed pleadings on behalf of his clients, who were the executors or administrators of decedents’ estates, to open eight separate probate matters

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in McLean County. All eight of those cases were independent estate administrations matters, which allows the case to continue through probate court with minimal court supervision or status hearings. An independent estate administration probate case does not typically have regular court appearances or status hearings while the matter is ongoing unless the estate executors or administrators encounter an issue as they categorize property, sell property, pay debts, and distribute assets.

3. In September of 2020, the McLean County probate court judges reviewed all pending independent estate administration matters on the courts' dockets to make sure that the open cases were progressing. The judges scheduled status hearings for any matters that had no filings or appearances for three or more years. Respondent was attorney of record for six of the cases that met the judges' criteria to be set for status hearings. The court's clerk sent Respondent notice that those six cases had been "pulled for review," and that Respondent would need to appear on November 6, 2020 for a status hearing on all six matters. At the hearing, the judge ordered that cases would be more closely monitored due to their age and lack of progress, and that Respondent would be required to appear in court for regular status hearings until the cases were concluded. Respondent appeared on the six cases at least every third month, and occasionally monthly, both in person and electronically, from March of 2021 through to May 17, 2022. At the status hearings on those six matters, Respondent advised the court that he had been in contact with the estate executors and administrators and that he was almost ready to prepare the final accountings for the matters.

4. On May 17, 2022 Respondent appeared in court before the Honorable Mark Fellheimer for status on the six estate administration cases. Judge Fellheimer expressed to Respondent his frustration that the six matters were not yet closed and entered an order directing

the estate executors and administrators and Respondent to complete and file final accountings for all six matters and present the final accountings at a hearing on November 29, 2022 at 9:30 a.m.

5. Between May 17, 2022 and November 22, 2022, Respondent did not complete or file final accountings in any of the six matters.

6. On November 22, 2022 Respondent appeared in court for the hearing on the final accountings. On that date, Judge Fellheimer noted in his docket entry that “the court is becoming impatient that little progress is being made to close [these estates] despite repeated representations that have been made over the last year that the estate[s] will be closed soon. If the estates are not closed by the next status hearing [set for February 6, 2023] the court will thereafter require counsel and the [estate] Representative[s] to appear in person to explain the continued delays.”

7. As of June 2023, Respondent had done nothing to bring about the closure of the six estates. From February 6, 2023 through to June of 2023, Judge Fellheimer required Respondent’s appearance in court every other month to report on the status of the six cases. Judge Fellheimer did not require the executors and administrators to personally appear but did continue to express frustration at the delays in the six matters. At the hearing held on June 29, 2023, Judge Fellheimer admonished Respondent about the need to timely close probate matters and set the next hearing in all six cases on September 14, 2023.

8. On or about August 1, 2023, the McLean County probate judges, once again, reviewed the status of the pending independent estate administration matters that were not adequately progressing in their courtrooms. Judge Fellheimer identified two additional open independent estate administration matters in which Respondent represented the administrator or executor.

9. On approximately August 5, 2023, Judge Fellheimer directed his clerk to email Respondent a list of his eight open estate administration cases that were considered problematic and requested that Respondent provide the court with a written status report for each case via email. Respondent received Judge Fellheimer's order, but as of August 17, 2023, he had not provided written status reports for the eight estate administration cases.

10. On August 17, 2023 Judge Fellheimer scheduled a hearing for September 11, 2023 for Respondent's eight estate administration matters and asked his clerk to notify Respondent via email to appear in Court on September 11, 2023.

11. Respondent did not appear in court on September 11, 2023, and Judge Fellheimer made a docket entry continuing all eight matters to November 3, 2023 and stated that he was considering holding Respondent in contempt if he did not appear in person on November 3, 2023 to explain why the eight cases were not progressing.

12. On September 14, 2023, Respondent appeared before Judge Fellheimer for the previously scheduled status hearing regarding the six estate matters as described in paragraph 7. During the hearing, Judge Fellheimer had his clerk provide Respondent with the September 11, 2023 docket entry and directed Respondent to inform the executors and administrators in all eight cases that their presence was required in court on November 3, 2023.

13. Between September 14, 2023 and November 3, 2023, Respondent made attempts to contact the executors and administrators in all eight matters to inform them that their presence was required in court on November 3, 2023.

14. On November 3, 2023, Respondent appeared in court with the estate administrators and executors that he had been able to contact. Judge Fellheimer admonished Respondent and the

clients present that they must work together so that the estate matters could be closed. Judge Fellheimer continued the matters for a case management conference on May 3, 2024.

15. On May 3, 2024, Respondent appeared in court for the case management conference for all eight matters and reported to Judge Fellheimer that he was preparing the final accountings. Based on Respondent's oral report, Judge Fellheimer entered an order continuing all eight matters to November 4, 2024 for a hearing on the final accountings.

16. On November 4, 2024, Respondent appeared in court but had not completed or filed final accountings for any of the eight cases. Judge Fellheimer entered an order directing the estate administrators and executors in all eight administration matters to personally appear in court on January 7, 2025.

17. On January 7, 2025, neither Respondent nor any of the estate administrators or executors appeared in court. Judge Fellheimer entered an order that stated he would close all eight estates and revoke the letters of office that had been issued for each estate on February 20, 2025, if the estates had not been closed by that date.

18. In mid-January 2025, Robert Porter, a shareholder at Costigan & Wollrab, informed Judge Fellheimer that Respondent was no longer employed at Costigan & Wollrab. Mr. Porter told Judge Fellheimer that he would contact the executors and administrators of each of the eight estates and notify them that Respondent was no longer employed with Costigan & Wollrab. Mr. Porter further stated that he would file his appearance on behalf of the executors and administrators in the eight matters if they wanted Costigan & Wollrab to continue to represent them.

19. On April 1, 2025, Mr. Porter entered his appearance on behalf of the executors and administrators in all eight matters.

20. By October 1, 2025, Mr. Porter had filed final accountings and closed all eight estate administration matters.

21. By reason of the conduct described above, Respondent engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client by failing to complete the work necessary to close the eight independent estate administration matters, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and
- b. failing to make reasonable efforts to expedite litigation consistent with the interest of the client by delaying the work necessary to settle the eight independent estate administration matters over a period of more than seven years, in violation of Rule 3.2 of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Lack of Diligence and Engaging in Conduct that is Prejudicial to the Administration of Justice in the Estate of J.P., a disabled Adult)

22. On or about October 10, 2014, a man with the initials “J.V.” filed a petition in McLean County for the appointment of a plenary guardian for a man with the initials “J.P.” In his petition, J.V. alleged that J.P. suffered from a medical condition and that he was not fully able to manage his person or estate. J.V. also requested that the trial court adjudicate J.P. a disabled person, appoint J.V. guardian of J.P.’s person with residential placement powers that would allow J.V. to place J.P. in a memory assistance facility, and appoint Daniel Deneen, Public Guardian of McLean County, the guardian of J.P.’s estate. On the same date, J.V. filed a petition for the appointment of a temporary guardian of J.P.’s estate in which he alleged that a temporary guardianship was necessary for the immediate protection of J.P.’s estate. On October 10, 2014, the trial court entered an order appointing Mr. Deneen as temporary guardian of J.P.’s estate, directing Mr. Deneen to provide copies of all relevant documents to Respondent, and directing

Respondent to advise the court if he or his firm would represent J.P. in the guardianship matter by November 1, 2014.

23. On October 31, 2014, Respondent filed his appearance on behalf of J.P. in the guardianship matter. On November 3, 2014, Respondent, on behalf of J.P., filed an answer to the petition for appointment of a guardian. In his answer, Respondent stated that J.P. would not oppose the petition but preferred that his friends, a woman with the initials “B.L.” and a man with the initials “J.D.,” be appointed as co-guardians of his person, and that J.D. be appointed as guardian of his estate.

24. On November 20, 2014, the trial court adjudicated J.P. a disabled person and appointed B.L. and J.D. as plenary co-guardians of J.P.’s person. The trial court appointed Mr. Deneen as plenary guardian of J.P.’s estate because J.D. was unwilling to serve as guardian of J.P.’s estate.

25. On June 18, 2015, Mr. Deneen filed a motion to substitute Respondent as guardian of J.P.’s estate. In support of his petition, Mr. Deneen stated that J.P.’s assets had been liquidated, and his estate had been simplified, so there was no longer a need for two attorneys to be involved in the guardianship matter. On June 29, 2015, the trial court entered an order appointing Respondent as the successor plenary guardian of J.P.’s estate.

26. Between 2015 and 2025, Respondent and B.L. worked together to manage J.P.’s care. As J.P.’s estate guardian, Respondent paid the bills associated with J.P.’s care, including paying nursing home invoices, invoices from B.L. for her time and expenses that she incurred taking J.P. to and from his doctors’ appointments, insurance co-payments, and his Blue Cross/Blue Shield (“BCBS”) supplemental insurance premiums. As guardian of J.P.’s estate, Respondent was also responsible for filing annual reports with the trial court.

27. As of June 8, 2023, Respondent had not filed the annual report in J.P.'s case, which had been due no later than January 1, 2023, and the trial court sent notice to Respondent that an annual report was past due. Respondent received the court's notice shortly thereafter.

28. At no time between June 8, 2023 and June 26, 2024, did Respondent file an annual report with the court in J.P.'s guardianship matter.

29. On June 26, 2024, the trial court sent a notice to Respondent that the annual report was past due in J.P.'s estate. Respondent received the court's notice shortly thereafter.

30. At no time between June 26, 2024 and January 27, 2025 did Respondent file an annual report with the court in J.P.'s guardianship matter.

31. On January 27, 2025, Costigan & Wollrab terminated Respondent. Respondent and Costigan & Wollrab agreed that Respondent would continue to serve as J.P.'s attorney and guardian of his estate because Respondent and B.L. had a good working relationship.

32. On April 7, 2025 Dawn Wall, an attorney at Costigan & Wollrab sent an email to Respondent. In her email, Ms. Wall explained that Costigan & Wollrab had received a billing statement from BCBS for J.P.'s supplemental insurance premium, which indicated that the premium was past due. Ms. Wall attached a scanned copy of the statement to her email. Respondent received Ms. Wall's email at the time it was sent.

33. On April 14, 2025, Ms. Wall sent an email to Respondent in which she explained that Costigan & Wollrab had received a policy termination notice from BCBS for J.P. In her email, Ms. Wall asked Respondent if he would continue to handle the file or if Costigan & Wollrab should make "other arrangements." Ms. Wall attached a scanned copy of the policy termination notice to her email. Respondent received Ms. Wall's email

34. Respondent did not respond to Ms. Wall's emails described in paragraphs 31 and 32 above and he did not pay the premium for J.P.'s BCBS supplemental insurance. As a result, BCBS cancelled J.P.'s supplemental insurance effective April 1, 2025.

35. After April 1, 2025, J.P. was hospitalized at Order of St. Francis Hospital ("OSF") in Peoria for a medical condition.

36. On or about May 6, 2025, B.L. took J.P. for an appointment at Illinois Cancer Care. Illinois Cancer Care informed B.L. that she would have to pre-pay for J.P.'s treatment because his supplemental insurance was not valid. B.L. contacted Respondent by phone and explained that there was a problem with J.P.'s supplemental insurance. Respondent told B.L. that he was in California and would look into the matter upon his return. Respondent asked B.L. to pre-pay for J.P.'s treatment and assured B.L. that the estate would reimburse B.L. On May 6, 2025, B.L. used her own personal funds to pay for J.P.'s treatment.

37. On or about May 21, 2025, B.L. received a bill for J.P. from OSF Hospital for J.P.'s hospitalization in April of 2025. The invoice requested payment in excess of \$9,000. BCBC had denied coverage of J.P.'s treatment because his supplemental insurance had been cancelled on April 1, 2025.

38. Between May 21, 2025 and July 2025, B.L. called Respondent and sent emails to him regarding the OSF bill. Respondent did not respond to B.L.'s emails and did not return her calls.

39. On or about June 23, 2025, Costigan & Wollrab received a notice from the McLean County Circuit Clerk requesting an annual report in J.P.'s guardianship matter. Upon receiving the notice, Ms. Wall sent Respondent an email and requested that Respondent notify the Circuit Clerk of his new contact information for J.P.'s court file. Ms. Wall attached the notice from the

McLean County Circuit Clerk regarding the need to file an annual report in J.P.'s guardianship matter. Respondent did not respond to the email notifying the clerk of the court of his new contact information or file an annual report with the court for J.P.'s estate.

40. On June 24, 2025, B.L. contacted Ms. Wall at Costigan & Wollrab and requested that the firm substitute as guardian of J.P.'s estate.

41. On June 26, 2025 Ms. Wall sent Respondent an email about J.P.'s guardianship matter. Ms. Wall asked that Respondent resign from his position as guardian of the estate of J.P., give Ms. Wall the client file, and sign a substitution of attorney form. Ms. Wall attached a resignation form and a substitution of attorney form for Respondent's signature to her email. Respondent signed the resignation and the substitution of attorney form on the same day and subsequently sent his client file to Ms. Wall.

42. On June 26, 2025, Ms. Wall filed the substitution of attorney signed by Respondent with the circuit court and entered the appearance of Costigan & Wollrab. Ms. Wall also filed Respondent's resignation as guardian of J.P.'s estate and a petition to appoint a successor guardian for J.P.'s estate. In her petition she stated that Respondent was unable to continue serving as plenary guardian of J.P.'s estate and that she was willing and able to serve as successor plenary guardian of J.P.'s estate. On June 30, 2025, the trial court appointed Ms. Wall as the successor plenary guardian of J.P.'s estate.

43. By reason of the conduct described above, Respondent engaged in the following misconduct:

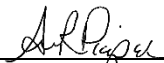
- a. failing to act with reasonable diligence and promptness in representing a client by conduct including failing to file annual reports for J.P.'s matter for three years and failing to pay J.P.'s Medicare supplemental insurance premiums resulting in the cancellation of the policy in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010).

- b. engaging in conduct that is prejudicial to the administration of justice by conduct including failing to file annual reports and failing to pay for J.P.'s Medicare supplemental insurance premiums resulting in the cancellation of the policy in violation of Rule 8.4(d) 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
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