

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

In the Matter of:

MICHAEL T. FRANZ,  
  
Attorney-Respondent,  
  
No. 6247680.

Commission No. 2026PR00025

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Melissa Katt, pursuant to Supreme Court Rule 753(b), complains of Respondent, Michael T. Franz, who was licensed to practice law in Illinois on July 7, 1998, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Creation of a False Document, Falsification of Evidence to a Tribunal, Dishonesty, and Conduct Prejudicial to the Administration of Justice – Fabricated Email)*

*A. Background*

1. From 2010 to June 2021, Respondent was a partner with the Chicago law firm Sanchez Daniels & Hoffman. Respondent practiced primarily in the areas of insurance defense and condominium-related litigation. On or around July 1, 2021, Respondent became a partner at Lewis Brisbois Bisgaard & Smith, primarily practicing in commercial and transportation litigation.

2. From at least August 16, 2018 until August 17, 2022, Respondent represented the Atrium Court Village Home Condominium Complex (“Atrium”), a condominium association

organized as a not-for-profit corporation located in Berwyn, Illinois, and the members of the Atrium's Board of Directors (the "Board").

3. On August 16, 2018, Goodman Chicago Condos, LLC ("Goodman") filed a lawsuit in the Circuit Court of Cook County against Atrium and members of its Board based on Goodman's ownership of a condominium unit in Atrium. That case was assigned case number 2018M1128159 (Goodman's first suit). Goodman's first suit alleged, in part, that Atrium and its Board members breached their fiduciary duties to Goodman by failing to maintain and repair the building and by failing to remediate water leakage into the condominium unit.

4. On December 11, 2020, Goodman filed a second lawsuit in the Circuit Court of Cook County against Atrium and members of Atrium's Board, which was assigned case number 2020CH07251 ("Goodman's second suit"). Goodman's second suit alleged that Atrium and its Board members had breached their fiduciary duties to Goodman by failing to tender in a timely manner an insurance claim relating to Goodman's first suit to the Great American Insurance Company ("Great American"), the insurance company with whom Atrium held an insurance policy at the time Goodman's first suit was filed, which resulted in Great American denying the insurance claim. Goodman's second suit further alleged that Atrium had not complied with its own bylaws and the Illinois Condominium Property Act's open meeting requirements, and that the Atrium Board members did not discuss or vote on whether to sue Great American to compel insurance coverage related to Goodman's first suit in a meeting open to unit owners after Great American denied the claim. Respondent filed appearances on behalf of Atrium and its Board members in both lawsuits.

*B. Sanctions Motion*

5. Beginning in April 2021, the parties engaged in written and oral discovery in Goodman's second suit. On December 14, 2021, Goodman filed a motion seeking sanctions against Respondent, Atrium, and Atrium's Board members pursuant to Illinois Supreme Court Rules 137 and 219. In the sanctions motion, Goodman alleged that Respondent signed a false pleading without making a reasonable inquiry into the underlying facts, referring to an affirmative defense which alleged that Atrium's Board met "separately in a private meeting to discuss the insurer's denial of its tender of defense and indemnification and possibly filing a lawsuit against the insurer for wrongful denial" and during the meeting "voted on but did not approve the filing of a lawsuit against the insurer for a wrongful denial."

6. In its sanctions motion, Goodman additionally alleged that during discovery, Respondent procured knowingly false interrogatory answers and affidavits from his clients which purported to support Atrium's defenses in Goodman's second suit, including a false interrogatory answer signed by Atrium's Board President, an individual with the initials "R.W." R.W.'s interrogatory answer, provided on behalf of the Board stated that the Board had met and "determined that the cost of filing a lawsuit against its insurer were prohibitive of doing so."

7. On January 24, 2022, Respondent filed a response to Goodman's sanctions motion on behalf of himself, Atrium, and Atrium's Board. In his response, Respondent denied having committed the misconduct alleged in the sanctions motion, and further claimed that the Atrium Board had met and voted not file a lawsuit against Great American for Great American's denial of the insurance coverage claim.

8. On August 11, 2022, Goodman filed a surreply in support of its sanction motion, adding an allegation that Respondent had prepared and submitted to the court as an exhibit to his

January 24, 2022 response to the sanctions motion a knowingly false affidavit signed by a former Atrium Board Member in a dishonest effort to substantiate the false pleadings and discovery responses Respondent had previously provided.

9. On August 17, 2022, Respondent was granted leave to withdraw from representing Atrium and the members of Atrium's Board in the Goodman suits. Thereafter, through new counsel, Atrium settled both Goodman suits, and the claims against Atrium and its Board members were dismissed on July 13, 2023. Goodman's sanctions motion against Respondent remained pending before the Honorable Pamela McLean Meyerson.

10. Judge Meyerson scheduled an evidentiary hearing on the still-pending sanctions motion for September 27, 2023. Two days before the evidentiary hearing, Respondent emailed a "bench brief" to Judge Meyerson, and also sent a redacted version of that document to Goodman's counsel. Respondent never filed his bench brief with the clerk's office. Respondent attached to his bench brief a PDF copy of an email purportedly dated February 27, 2021, purportedly from R.W., Atrium's Board President in 2021, and purportedly sent to Respondent at Respondent's Sanchez Daniels & Hoffman email address. Respondent had not previously disclosed the existence of the email to Goodman or to the court. In the email purportedly authored by R.W., R.W. informed Respondent that the Board had voted not to sue Great American.

11. Respondent, or someone at his direction, fabricated the purported February 27, 2021 email from R.W. The email was false because R.W. did not send Respondent the email on February 27, 2021.

12. Respondent knew the email was false at the time he presented it to the court and to opposing counsel, and intended that the email create the false impression that the Board had met

and determined not to file suit against Great American and that in failing to file suit against Great American 2021, Respondent had been following the emailed instructions from his client, Atrium.

13. In his unfiled bench brief submitted to the court and Goodman, Respondent asserted that the email constituted conclusive evidence that directly refuted Goodman's claims in the sanctions motion, because the email purportedly corroborated Respondent's claim that R.W., as Atrium's Board member, informed Respondent in 2021 that the Board had met and voted not to file suit against Great American to compel insurance coverage, and purportedly substantiated Respondent's claims that the affirmative defense, the interrogatory answers, and affidavits he had previously submitted on behalf of Atrium and its Board members were not false.

14. At the September 27, 2023 hearing Goodman's counsel argued that Respondent should be barred from offering the February 27, 2021 email or any other previously undisclosed documents. Judge Meyerson continued the hearing to provide Goodman with 30 days to conduct discovery as to the authenticity of the email, and scheduled another evidentiary hearing for November 8, 2023.

15. After the September 27, 2023 hearing, Goodman's counsel subpoenaed Respondent's former law firm, Sanchez Daniels & Hoffman, where Respondent worked at the time Respondent purportedly received the email from R.W. described in paragraph ten above, requesting a copy of the email in its native format. The network administrator from Sanchez Daniels & Hoffman conducted a search pursuant to the subpoena and did not locate the February 27, 2021 email from R.W. to Respondent.

16. Both parties presented evidence and made arguments during the November 8, 2023 hearing. The Sanchez Daniels & Hoffman network administrator testified at the hearing, as did Respondent. Respondent testified that the purported email from R.W. dated February 27, 2021 was

authentic, and that he did not have access to the original email in its native format and, therefore, could only produce a scanned PDF.

17. Respondent's testimony before Judge Meyerson during the November 8, 2023 hearing that the February 27, 2021 email from R.W. was authentic, and that R.W. had emailed him on that date regarding not filing suit against Great American, was false, because R.W. had not sent Respondent an email on February 27, 2021.

18. Respondent knew that his testimony before Judge Myerson was false when he provided it, because Respondent knew that R.W. had not sent him the February 27, 2021 email and that instead Respondent had created a fake email.

19. On November 30, 2023, Judge Meyerson issued a decision, determining that “[Respondent] has not been candid with the Court” and specifically finding that Respondent “violated Rule 137 by creating and submitting a falsified document to the Court” – the purported February 27, 2021 email that Respondent claimed to have received from R.W. Judge Meyerson imposed sanctions against Respondent pursuant to Supreme Court Rule 137 for his conduct and awarded Goodman's counsel over \$50,000 in fees and costs. Specifically, Judge Meyerson found that “the evidence submitted at the hearing proves that the 2/27/21 email was fabricated by [Respondent].” Judge Meyerson found Respondent's conduct in fabricating the email sufficiently egregious to justify imposing sanctions under Rule 137 and therefore did not rule on the other allegations of misconduct identified by Goodman or impose sanctions under Rule 219.

20. Respondent, through counsel, timely appealed Judge Meyerson's sanctions finding to the Appellate Court of Illinois, First Judicial Circuit. On August 19, 2025, the Appellate Court vacated Judge Meyerson's decision and remanded the case to Circuit Court for further proceedings. The Appellate Court found that Judge Meyerson erred in imposing sanctions under

Supreme Court Rule 137 because the rule applies to documents filed with the court and Respondent emailed the bench brief containing the fabricated email directly to the trial court judge and opposing counsel, but never filed it. In vacating Judge Meyerson’s order of judgment, the Appellate Court held that, “because [Respondent] never filed the brief that contained the fake email with the clerk of the court, Rule 137 cannot be used to punish him.” However, the Appellate Court remanded the case for reconsideration because there were “other available remedies for that fabricated email, plus other allegations of sanctionable conduct that the circuit court declined to reach.”

21. The parties subsequently reached an agreement to settle Goodman’s claims for sanctions against Respondent, which resolved all outstanding claims in the Goodman suits. On January 20, 2026, the case was dismissed with prejudice, with the court retaining jurisdiction over the settlement agreement that was entered into between the parties.

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

- a. offering evidence the lawyer knows to be false to a tribunal, by conduct including submitting to the Court a fake email that he falsely stated he had received from R.W., in violation of Rule 3.3(a) of the Illinois Rules of Professional Conduct (2010); and
- b. falsifying evidence, by conduct including creating and submitting to the Court and opposing counsel a fake email, and falsely testifying that he received the email from R.W., in violation of Rule 3.4(b) of the Illinois Rules of Professional Conduct (2010);
- c. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including creating and submitting to the Court and opposing counsel a fake email and falsely testifying that he had received the email from R.W., in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and

- d. engaging in conduct that is prejudicial to the administration of justice, by conduct including submitting to the Court and opposing counsel a fake email that he falsely testified he had received from R.W., 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  
Disciplinary Commission

By: /s/ *Melissa Katt*  
Melissa Katt

Melissa Katt  
Counsel for the Administrator  
One Prudential Plaza  
130 East Randolph Drive, Suite 1500  
Chicago, Illinois 60601  
Telephone: (312) 565-2600  
Email: [mkatt@iadc.org](mailto:mkatt@iadc.org)  
Email: [ARDCeService@iadc.org](mailto:ARDCeService@iadc.org)

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