

ARDC



ATTORNEY
REGISTRATION
& DISCIPLINARY
COMMISSION

Annual Report of 2015

Attorney Registration & Disciplinary Commission

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ARDC Mission

As an administrative agency of the Supreme Court of Illinois, the ARDC assists the Court in regulating the legal profession through attorney registration, education, investigation, prosecution and remedial action.

Through our annual registration process, we compile a list of lawyers authorized to practice law. We provide ready access to that list so that the public, the profession and courts may access lawyers' credentials and contact information.

We educate lawyers through seminars and publications to help them serve their clients effectively and professionally within the bounds of the rules of conduct adopted by the Court. We provide guidance to lawyers and to the public on ethics issues through our confidential Ethics Inquiry telephone service.

The ARDC handles discipline matters fairly and promptly, balancing the rights of the lawyers involved and the protection of the public, the courts and the legal profession. Grievances are investigated confidentially. Disciplinary prosecutions are adjudicated publicly and result in recommendations to the Court for disposition. Our boards consist of independent, diverse groups of volunteer lawyers and non-lawyers who make recommendations in disciplinary matters.

We advocate for restitution and other remedial action in disciplinary matters. We seek to provide reimbursements through our Client Protection Program to those whose funds have been taken dishonestly by Illinois lawyers who have been disciplined.





ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

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Chicago
April 27, 2016

To the Honorable the Chief Justice
and Justices of the Supreme Court
of Illinois:

The annual report of the Attorney Registration and Disciplinary Commission for 2015 is submitted to the Court, to the members of the Bar of Illinois, and to the public in accordance with Supreme Court Rule 751.

The report is a statement of activities of the Commission for calendar year 2015 and an accounting and audit of the monies received and expended during the twelve-month period that ended December 31, 2015.

Respectfully submitted,

James R. Mendillo, Chairperson
David F. Rolewick, Vice-Chairperson
Derrick K. Baker
Timothy L. Bertschy
Joan Myers Eagle
Karen Hasara
Bernard M. Judge, Commissioners

Jerome Larkin, Administrator
James J. Grogan, Deputy Administrator &
Chief Counsel

A Report of the Activities of the ARDC in 2015*

I. Educational and Outreach Programs

The education of Illinois lawyers and the public is a significant part of the ARDC's mission. Through seminars, publications and outreach on the ethical duties of lawyers, the ARDC strives to help lawyers serve their clients effectively and professionally, avoid potential harm to clients and minimize possible grievances later. Those efforts include the following:

A. MCLE Accredited Seminars Sponsored by the Commission

As an accredited MCLE provider in Illinois, the ARDC produces recorded MCLE accredited webcasts, free of charge and available on the ARDC website, to provide professional responsibility training and ethics education to the profession. Last year, approximately 11,500 lawyers received CLE credit from nine webcasts at no cost, earning 11,807.50 hours of Illinois-accredited CLE. In addition, the ARDC produced five new webcasts in 2015 which were posted to the ARDC website in January and February 2016. ARDC webcasts can be accessed at: <https://www.iardc.org/CLESeminars.html>. There are currently nine recorded webcasts on the ARDC website where lawyers can earn up to 9.0 hours of ethics and professionalism MCLE credit without charge.

B. Speaking Engagements

An important part of the ARDC's outreach efforts and as a service to the Illinois bar, the ARDC has offered experienced presenters to speak to lawyer and citizen groups. In 2015, ARDC Commissioners and staff members made 274 presentations, at no charge, to bar associations, government agencies, law firms, and other organizations throughout the state and country on a variety of subjects related to lawyer regulation. These presentations give many lawyers the opportunity to meet with ARDC staff to pose questions about their professional duties. In addition, several ARDC staff lawyers are instructors at National Institute for Trial Advocacy Training (NITA) teaching legal advocacy skills as well as course instructors of professional responsibility and legal ethics at Illinois law schools.

C. Ethics Inquiry Program

The Commission's Ethics Inquiry Program, a telephone inquiry resource, assists Illinois attorneys each year who are seeking help in resolving ethical dilemmas. The goal of the Program is to help lawyers understand their professional obligations and assist them in resolving important issues in their practices.

Staff lawyers responded to 4,289 inquiries in 2015. Questions about a lawyer's mandatory duty to report lawyer or judicial misconduct under Rule 8.3 of the Illinois Rules of Professional Conduct continues to be the greatest area of inquiry posed to the Commission's Ethics Inquiry Program.

* ARDC Annual Report of 2015 written and compiled by Mary F. Andreoni, Education Counsel, ARDC.

Lawyers with inquiries are requested to present their questions in the hypothetical form, and callers may remain anonymous if they so choose. No record is made of the identity of the caller or the substance of the specific inquiry or response. To make an inquiry, please call the Commission offices in Chicago (312-565-2600) or Springfield (217-546-3523). Additional information about the Program can be obtained at: www.iardc.org/ethics.html.

D. Publications

The Commission provides on its website for lawyers and the public links to the rules governing Illinois lawyers as well as other publications on the ethical duties of Illinois lawyers, including ARDC *The Client Trust Account Handbook*, which details a lawyer's duties under Rule 1.15 as well as *The Basic Steps to Ethically Closing a Law Practice* (October, 2012) and *Leaving a Law Firm: A Guide to the Ethical Obligations in Law Firm Departure* (October, 2012). These publications are available on the ARDC website at <https://www.iardc.org/pubs.html>. The ARDC also posts on the ARDC website and sends e-mail blasts to the Illinois bar information alerting lawyers on important ethics and professionalism news and topics that impact a lawyer's ethical duties. All ARDC E-News Alerts can be found at: <https://www.iardc.org/E-NewsAlerts.html>.

E. Commission Website

The ARDC website (www.iardc.org) is a vital tool in the ARDC's education and outreach efforts. The ARDC website is an important source of information regarding all aspects of the regulation of the legal profession in Illinois and recent developments affecting Illinois lawyers. In addition, all lawyers are required to register on-line, beginning with the 2016 registration year, pursuant to an amendment in Supreme Court Rule 756. Illinois became one of at least seven states that requires lawyers to register online. The Illinois Supreme Court began allowing voluntary online registration nearly a decade ago. Under the current registration system, lawyers must provide an address and telephone number to be included in the master roll of attorneys.

The site attracts an average of 121,000 visits each month, and in 2015 the number of visits totaled more than 1.4 million. The most visited feature is the Lawyer Search function. With over 2 million page views last year, this feature enables visitors to search the Master Roll for certain basic public registration information about lawyers, including principal address and public disciplinary information. The site also includes information about the ARDC investigative process and how to request an investigation, a schedule of public hearings and arguments on public disciplinary matters pending before the Hearing and Review Boards, and a searchable database of disciplinary decisions issued by the Supreme Court and reports filed by the disciplinary boards. Also available on the site is information about the Client Protection Program and claim forms as well as information about the Ethics Inquiry Program, and links to other legal ethics research sites.

F. Assistance to Public

In 2015, ARDC staff paralegals assisted over 4,500 callers and met in-person with over 300 visitors to one of the ARDC offices in Chicago or Springfield. ARDC staff paralegals provided the public with information about lawyers; information about ARDC investigations or procedures; help in submitting a request for an investigation or in making a claim to the Client Protection Program; and materials about ARDC investigations and proceedings.

II. Registration Report

A. Master Roll Demographics

The 2015 Master Roll of Attorneys for the state of Illinois increased by 1.5% to 94,128 attorneys as of October 31, 2015, comprised mostly of active and inactive status lawyers. See Chart 2, at Page 6. After that date, the Commission began the 2016 registration process, so that the total reported as of October 31, 2015 does not include the 1,648 attorneys who first took their oath of office in November or December 2015. See Chart 25A, at Page 31. Chart 1 shows the demographics for the lawyer population in 2015. There were no significant changes in the age, gender and years in practice demographics over the prior year.

Chart 1: Age, Gender and Years in Practice for Attorneys Registered in 2015*
**numbers based on the 2015 registration year which ended on 10/31/15*

Gender	
Female	38%
Male	62%
Years in Practice	
Fewer than 5 years	14%
Between 5 and 10 years	17%
Between 10 and 20 years	25%
Between 20 and 30 years	20%
30 years or more.....	24%
Age	
21-29 years old	6%
30-49 years old	50%
50-74 years old	42%
75 years old or older	2%

Chart 2 provides the breakdown by the registration categories set forth in Supreme Court Rule 756.

Chart 2: Registration Categories for 2015*
**numbers based on the 2015 registration year which ended on 10/31/15*

<i>Category</i>	<i>Number of Attorneys</i>
Admitted between January 1, 2014, and October 31, 2015	2,808
Admitted between January 1, 2012, and December 31, 2013.....	5,009
Admitted before January 1, 2012.....	70,811
Serving active military duty.....	372
Spouse of active military attorney under Rule 719.....	3
Serving as judge or judicial clerk	1,805
In-House Counsel under Rule 716.....	527
Foreign Legal Consultant under Rule 713	15
Legal Service Program Counsel under Rule 717	20
<i>Pro Bono</i> Authorization under Rule 756(j)	47
<i>Pro Hac Vice</i> under Rule 707	1,078
Inactive status	<u>11,633</u>
Total Active and Inactive Attorneys Currently Registered	94,128

64,749 or 68.8% of registered active and inactive attorneys reported a principal address in Illinois. Last year, the corresponding number was 64,439 or 69.5%. Charts 3 and 4 show the distribution by Judicial District, Circuit and County. There was no material change in the lawyer population by Judicial District. The 102 counties also experienced very little change over last year: 40 experienced a slight decrease in the number of attorneys from 2014, 31 remained the same and 31 experienced a slight increase.

Chart 3: Registered Active and Inactive Attorneys by Judicial Districts: 2011-2015*
**numbers based on the 2015 registration year which ended on 10/31/15*

	2011	2012	2013	2014	2015		2011	2012	2013	2014	2015
First District											
Cook County.....	45,035	45,690	45,306	45,171	45,487						
Second District						Fourth District					
15 th Circuit.....	201	198	196	200	197	5 th Circuit.....	257	260	253	247	238
16 th Circuit.....	1,489	1,494	1,460	1,171	1,159	6 th Circuit.....	865	877	864	852	848
17 th Circuit.....	796	808	786	787	796	7 th Circuit.....	1,266	1,273	1,275	1,285	1,289
18 th Circuit.....	4,246	4,373	4,402	4,362	4,352	8 th Circuit.....	189	191	189	186	181
19 th Circuit.....	3,143	3,200	3,179	3,123	3,117	11 th Circuit.....	655	669	659	662	657
22 nd Circuit.....	583	589	572	563	568	Total	3,232	3,270	3,240	3,232	3,214
23 rd Circuit+	*	*	275	277	280						
Total	10,458	10,662	10,870	10,483	10,469						
+circuit eff. 12/3/12											
Third District						Fifth District					
9 th Circuit.....	192	192	184	186	185	1 st Circuit.....	451	455	447	446	444
10 th Circuit.....	919	931	928	917	931	2 nd Circuit.....	308	306	301	304	304
12 th Circuit.....	952	977	943	945	960	3 rd Circuit.....	711	718	729	737	739
13 th Circuit.....	325	324	317	319	318	4 th Circuit.....	251	251	257	255	256
14 th Circuit.....	495	499	502	488	488	20 th Circuit.....	793	801	812	814	817
21 st Circuit.....	154	159	149	142	138	Total	2,514	2,531	2,546	2,556	2,560
Total	3,037	3,082	3,023	2,997	3,020						
						Grand Total	64,276	65,235	64,985	64,439	64,749

29,378 or 31.2% of registered attorneys reported a principal address outside Illinois. Last year, the corresponding number was 28,317 or 30.5%. The top five jurisdictions where these lawyers are located are: Missouri, California, Indiana, District of Columbia, and Virginia. These 29,378 attorneys registered as either active (68%) and able to practice under the auspices of their Illinois license or inactive (32%). None of these attorneys are included in Charts 3 and 4.

Chart 4: Registered Active and Inactive Attorneys by County for 2014-2015*

**numbers based on the 2015 registration year which ended on 10/31/15*

<u>Principal Office</u>	<u>Number of Attorneys</u>		<u>Principal Office</u>	<u>Number of Attorneys</u>		<u>Principal Office</u>	<u>Number of Attorneys</u>	
	<u>2014</u>	<u>2015</u>		<u>2014</u>	<u>2015</u>		<u>2014</u>	<u>2015</u>
Adams.....	118.....	116	Hardin	5	5	Morgan	41	43
Alexander	7.....	7	Henderson	7	7	Moultrie	10	11
Bond.....	13.....	12	Henry	55	55	Ogle	57	55
Boone.....	49.....	45	Iroquois	21	20	Peoria.....	775	787
Brown.....	9.....	10	Jackson.....	199	204	Perry	24	23
Bureau	32.....	30	Jasper	8	9	Piatt.....	23	21
Calhoun	5.....	5	Jefferson.....	117	120	Pike.....	12	12
Carroll.....	17.....	15	Jersey	18	19	Pope.....	7	6
Cass	11.....	7	Jo Daviess	35	39	Pulaski	6	6
Champaign.....	554.....	545	Johnson	11	11	Putnam.....	10	10
Christian	45.....	45	Kane.....	1,171	1,159	Randolph	31	29
Clark.....	13.....	15	Kankakee	121	118	Richland.....	24	25
Clay	14.....	15	Kendall	109	108	Rock Island.....	348	349
Clinton.....	24.....	26	Knox	59	57	Saline	39	37
Coles.....	101.....	92	Lake	3,123	3,117	Sangamon	1,166	1,165
Cook.....	45,171.....	45,487	LaSalle	221	220	Schuyler.....	7	7
Crawford.....	24.....	23	Lawrence.....	15	15	Scott.....	5	6
Cumberland	8.....	8	Lee	37	36	Shelby.....	16	15
DeKalb	168.....	172	Livingston	45	44	St. Clair.....	705	712
DeWitt	16.....	17	Logan	25	26	Stark	7	7
Douglas	22.....	22	Macon	227	232	Stephenson.....	54	52
DuPage.....	4,362.....	4,352	Macoupin	39	41	Tazewell	116	118
Edgar	18.....	18	Madison	724	727	Union	29	26
Edwards.....	4.....	4	Marion.....	44	42	Vermilion.....	107	105
Effingham.....	54.....	54	Marshall	9	9	Wabash.....	13	13
Fayette	24.....	24	Mason.....	10	10	Warren	20	20
Ford	12.....	12	Massac	17	17	Washington.....	23	23
Franklin	58.....	57	McDonough	44	47	Wayne.....	13	11
Fulton	41.....	38	McHenry	563	568	White.....	14	13
Gallatin	5.....	6	McLean	557	552	Whiteside.....	77	76
Greene	16.....	15	Menard.....	14	14	Will	945	960
Grundy.....	66.....	68	Mercer.....	8	8	Williamson	131	130
Hamilton.....	12.....	12	Monroe.....	31	30	Winnebago.....	738	751
Hancock.....	15.....	16	Montgomery.....	26	26	Woodford.....	23	23
						Grand Total.....		64,749

B. Mandatory Disclosures in Annual Registration

Lawyers must report *pro bono*, trust account and malpractice insurance information during the annual registration process as required by Supreme Court Rule 756. Under Supreme Court Rule 756(g), a lawyer is not registered if the lawyer fails to provide any of this information. The information reported by individual attorneys concerning voluntary *pro bono* service and trust accounts is confidential under Supreme Court Rule 766 and is not reported as part of a lawyer’s individual listing under “Lawyer Search” on the ARDC website (www.iardc.org). However, malpractice insurance information is shown in the Lawyer Search section of the ARDC website along with each lawyer’s public registration information. The following are the aggregate reports received for the 2015 registration year regarding *pro bono* activities, trust accounts and malpractice insurance.

1. Report on Pro Bono Activities in 2015 Registration

Pro bono service and contributions are an integral part of lawyers' professionalism. See IRPC (2010), Preamble, Comment [6A]. While *pro bono* activities are voluntary under Supreme Court Rule 756(f), Illinois lawyers are required to report voluntary *pro bono* service and monetary contributions on their registration forms. 31,362 registered attorneys reported that they had provided *pro bono* legal services, as defined by Rule 756, or 33.3% of Illinois lawyers, a 3.8% increase (up 1,149) from 2014. Those lawyers reported a total of 2,055,987 *pro bono* legal service hours. 62,766 attorneys reported that they had not provided *pro bono* legal services, 9,942 of whom indicated that they were prohibited from providing *pro bono* legal services because of their employment.

Chart 5A provides a five-year breakdown of the *pro bono* hours reported under Rule 756. The reported information does not include hours that legal service or government lawyers provide as part of their employment. Total *pro bono* hours increased by 1.3% from 2014 to 2015. While total *pro bono* hours have decreased by approximately 9% from 2011 to 2015, lawyers have performed a total of 10,585,424 *pro bono* service hours since 2011.

Chart 5A: Report on Pro Bono Hours (2011-2015)*

**numbers based on the 2015 registration year which ended on 10/31/15*

	2011	2012	2013	2014	2015
Type of Pro Bono Services	Service Hours				
Legal services to persons of limited means	1,207,199	1,130,480	1,119,465	1,071,492	1,083,664
Legal services to enumerated organizations designed to address needs of persons of limited means	365,197	355,062	334,824	354,054	372,601
Legal services to enumerated organizations in furtherance of their purposes	634,164	605,505	592,095	559,543	545,450
Training intended to benefit legal service organizations or lawyers providing <i>pro bono</i> services	48,464	54,480	52,088	45,325	54,272
TOTAL:	2,255,024	2,145,527	2,098,472	2,030,414	2,055,987

Chart 5B provides a breakdown of monetary contributions for the same five-year period as Chart 5A. The percentage of lawyers making monetary contributions increased to 18.7% in 2015 from 18.5% in 2014, and the total amount contributed in 2015 increased by about 4% from 2014. In 2015, 17,565 lawyers reported that they made contributions to organizations that provide legal services to persons of limited means.

Chart 5B: Monetary Contributions to Pro Bono Service Organizations (2011-2015)*

**numbers based on the 2015 registration year which ended on 10/31/15*

	2011	2012	2013	2014	2015
Amount Contributed	\$15,419,130	\$15,919,963	\$14,017,816	\$14,270,521	\$14,802,544
Number of lawyers who made contributions	15,318	16,120	16,266	17,179	17,565
% of lawyers who made contributions	17.4%	18.0%	17.9%	18.5%	18.7%

Not reflected in the above chart is the fact that most Illinois lawyers contribute to the funding of legal aid through the \$95 portion of the full annual registration fee that is remitted to the Lawyers Trust Fund of Illinois, as well as the contributions lawyers have made to other charitable and not-for-profit organizations. For the 2015 registration year, \$6,840,700 was remitted to the Lawyers Trust Fund, representing a 3.5% increase over 2014. A total of \$46,090,306 has been remitted to the Lawyers Trust Fund since the 2003 registration year, the first year the ARDC began collection and remittance of this fee as provided in Supreme Court Rules 751(e)(6) and 756(a)(1).

2. Report on Trust Accounts in 2015 Registration

Supreme Court Rule 756(d) requires every active and inactive Illinois lawyer to disclose whether they or their law firm maintained a trust account during the preceding year and to disclose whether the trust account was an IOLTA (Interest on Lawyer Trust Account) trust account, as defined in Rule 1.15(f) of the Rules of Professional Conduct. If a lawyer did not maintain a trust account, the lawyer is required to disclose why no trust account was maintained.

Chart 6A shows the responses received from the 94,128 lawyers who were registered for 2015. 50.6% or 47,614 of all registered lawyers reported that they or their law firm maintained a trust account sometime during the preceding 12 months. 81% of these trust accounts were IOLTA accounts. Of those who reported that they or their law firm did not maintain a trust account, nearly half explained that they had no outside practice because of their full-time employment in a corporation or governmental agency.

Chart 6A: Trust Account Disclosure Reports in 2015 Registration*

**numbers based on the 2015 registration year which ended on 10/31/15*

A. Lawyers with Trust Accounts:	47,614
81% with IOLTA trust accounts	
19% with non-IOLTA trust accounts	
B. Lawyers without Trust Accounts:	46,514
Full-time employee of corporation or governmental agency (including courts) with no outside practice	22,748
Not engaged in the practice of law	12,138
Engaged in private practice of law (to any extent), but firm handles no client or third party funds	9,015
Other explanation	2,613

3. Report on Malpractice Insurance

Supreme Court Rule 756(e) requires Illinois lawyers to report whether they carry malpractice insurance coverage and, if so, the dates of coverage. Only sitting judges, magistrates or judicial staff who do not pay a registration fee are exempt from this reporting requirement. The Rule does not require Illinois lawyers to carry malpractice insurance in order to practice law based upon their Illinois license. Chart 6B shows the aggregate number and percentage of lawyers who carry malpractice insurance as reported during the registration process.

In 2015, 52.3% of all 94,128 registered lawyers reported that they have malpractice insurance, representing no change from 2014. However, the 47.7% of lawyers that reported that they did not carry malpractice insurance includes many government lawyers and other lawyers that likely would not require malpractice insurance. See Chart 6A above.

Chart 6B: Malpractice Disclosure Reports: 2011-2015*

**numbers based on the 2015 registration year which ended on 10/31/15*

Lawyer Malpractice Insurance	2011	2012	2013	2014	2015
Yes	46,107 (52.4%)	46,699 (52.3%)	47,289 (51.9%)	48,492 (52.3%)	49,250 (52.3%)
No	41,836 (47.6%)	42,631 (47.7%)	43,794 (48.1%)	44,264 (47.7%)	44,878 (47.7%)

4. Report on Master Roll Removals

Chart 7A shows the trend of removals from the Master Roll between 2011 and 2015. There were increases in the number of lawyers electing Retired status and lawyers removed from the Master Roll for failure to comply with MCLE General and Basic Skills requirements.

Chart 7A: Attorney Removals from the Master Roll: 2011 – 2015 Registration Years

Reason for Removal	2011	2012	2013	2014	2015
Registration non-compliance	1,186	1,019	833	1,228	1,155
Deceased	304	318	277	348	475
Retired	822	853	815	833	1,334
Disciplined	75	81	74	68	57
MCLE General con-compliance	133	75	76	70	109
MCLE Basic Skills non-compliance	20	18	15	7	33
Total	2,540	2,364	2,090	2,554	3,163

5. *Pro Hac Vice* Permission

Out-of-state attorneys practicing *pro hac vice* must register and pay an annual registration fee (\$105 in 2015) as well as a \$250 per case fee to the ARDC, as required by Supreme Court Rule 707. \$175 of this per case fee is remitted to the Illinois Supreme Court Commission on Access to Justice (AJC) and \$75 is retained by the ARDC. The chart below shows *pro hac vice* activity for 2014-2015, including the total AJC and ARDC per-case fees collected.

Chart 7B: *Pro Hac Vice* Activity: 2014-2015

	<i>Number of Lawyer Submissions</i>	<i>Number of Lawyers Registered</i>	<i>Number of Proceedings</i>	<i>Total AJC Per-Proceeding Fees</i>	<i>Total ARDC Per-Proceeding Fees</i>
2014	772	864	1,097	\$159,540	\$70,800
2015	782	1,078	1,199	\$184,508	\$78,379

III. Report on Disciplinary and Non-Disciplinary Matters

A. Investigations Initiated in 2015

During 2015, the Commission docketed 5,648 investigations, a 4.6% decrease over the prior year and the third consecutive year of decline in the number of docketed investigations. The types of investigations docketed in 2015 are shown in Chart 8A below.

Chart 8A: *Types of Investigations Docketed in 2015*

Type of Investigation in 2015	
Disciplinary charge against Illinois lawyer	5,090
Overdraft notification of client trust account	283
Unauthorized Practice of Law	104
Disciplinary charge against out-of-state lawyer	44
Receivership	14
Reciprocal	13
Impairment	4
Conditional Admission monitoring	2
Reopened investigations	94
TOTAL:	5,648

Those 5,648 investigations involved charges against 4,008 different attorneys, representing 4.3% of all registered attorneys. About 19% of these 4,008 attorneys were the subject of more than one investigation docketed in 2015, as shown in Chart 8B. Chart 8B also shows the percentage of lawyers who were the subject of a grievance by years in practice. 36% of lawyers admitted 30 or more years were the subject of an investigation in 2015 even though they account for 24% of the overall legal population.

Chart 8B: Investigations Docketed in 2015

<i>Investigations per Attorney</i>	<i>Number of Attorneys</i>
1	3,254
2	488
3	148
4	61
5 or more.....	<u>57</u>
	Total: 4,008
<i>Gender</i>	<i>Years in Practice</i>
Female..... 25%	Fewer than 54%
Male 75%	Between 5 and 1011%
	Between 10 and 2024%
	Between 20 and 3025%
	30 or more36%

Charts 9 and 10 report the classification of investigations docketed in 2015, based on an initial assessment of the nature of the misconduct alleged, if any, and the type of legal context in which the facts arose. Chart 9 reflects that more than half of all grievances related to client-attorney relations: neglect of the client’s cause (38%) and failure to communicate with the client (12%).

Chart 9: Classification of Charges Docketed in 2015 by Violation Alleged

<i>Type of Misconduct</i>	<i>Number*</i>	<i>Type of Misconduct</i>	<i>Number*</i>
Neglect.....	2,137	Failing to comply with Rule 764 following discipline	71
Failing to communicate with client, including failing to communicate the basis of a fee	700	Not abiding by a client’s decision concerning the representation or taking unauthorized action on the client’s behalf	64
Fraudulent or deceptive activity, including misrepresentation to a tribunal, clients and non-clients	675	Improper communications with a party known to be represented by counsel or with an unrepresented person	55
Excessive or improper fees, including failing to refund unearned fees.....	636	Improper division of legal fees/partnership with nonlawyer.....	46
Improper management of client or third party funds, including commingling, conversion, failing to promptly pay litigation costs or client creditors or issuing NSF checks	522	Failing to preserve client confidences or secrets	40
Failing to provide competent representation	342	Threatening criminal prosecution or disciplinary proceedings to gain advantage in a civil matter	26
Filing frivolous or non-meritorious claims or pleadings	314	Failing to report misconduct of another lawyer or judge.....	21
Criminal conduct, assisting a client in a crime or fraud, and counseling illegal or fraudulent conduct	292	Failing to supervise subordinates	15
Improper trial conduct, including using means to embarrass, delay or burden another or suppressing evidence where there is a duty to reveal	245	<i>Ex parte</i> or improper communication with judge or juror.....	12
Failing to properly withdraw from representation, including failing to return client files or documents	236	Failing to maintain appropriate attorney-client relationship with client with diminished capacity	11
Conflict of Interest:.....	214	Incapacity due to chemical addiction or mental condition.....	9
Rule 1.7: Concurrent clients	145	Improper extrajudicial statement.....	7
Rule 1.8(a): Improper business transaction with client	10	Violation of anti-discrimination statute or ordinance	5
Rule 1.8(b): Improper use of information	1	False statements about a judge, judicial candidate or public official	4
Rule 1.8(c): Improper instrument or gift from client.....	2	Improper practice after failure to register under Rule 756	4
Rule 1.8(e): Improper financial assistance to client	7	Stating or implying ability to improperly influence authority	4
Rule 1.8(f): Improper compensation from third party	3	Aiding judicial misconduct/gift/loan to judge or court employee ..	3
Rule 1.8(h)(2): Improper settlement of claim against lawyer	1	Improper employment where lawyer may become a witness	3
Rule 1.8(i): Improper acquisition of interest in cause of action.....	1	Abuse of public office to obtain advantage for client.....	1
Rule 1.8(j): Improper sexual relations with client	8	Failing to report discipline in another jurisdiction	1
Rule 1.9: Successive conflicts	24	Failing to disclose to prevent death/bodily harm.....	1
Rule 1.10: Imputed conflict	6	Failing to report criminal conviction.....	1
Rule 1.13: Organizational client	1	Failing to pay child support	1
Rule 1.18(c): Prospective client.....	5	Failing to file tax return or pay taxes	1
Conduct prejudicial to the administration of justice, including conduct that is the subject of a contempt finding or court sanction	201	Making false statement in bar admission or disciplinary matter....	1
Prosecutorial misconduct.....	126	No misconduct alleged.....	143
Practicing in a jurisdiction where not authorized	99		
Improper commercial speech, including inappropriate written or oral solicitation	78		

*Totals exceed the number of requests for investigations docketed in 2015 because in many requests more than one type of misconduct is alleged.

Consistent with prior years, the top subject areas most likely to lead to a grievance of attorney misconduct are criminal law, domestic relations, real estate and tort, as shown in Chart 10.

Chart 10: Classification of Charges Docketed in 2015 by Area of Law*

<i>Area of Law</i>	<i>Number</i>
Criminal/Quasi-Criminal	1,296
Domestic Relations	696
Real Estate/Landlord-Tenant	614
Tort (Personal Injury/Property Damage)	555
Probate	324
Bankruptcy	256
Labor Relations/Workers' Comp	219
Contract	168
Debt Collection.....	121
Immigration	99
Civil Rights.....	87
Local Government Problems	68
Corporate Matters	63
Patent and Trademark.....	23
Social Security.....	22
Tax.....	19
Mental Health	2
Adoption	1

*does not include charges classified with no area of law indicated or alleged misconduct not arising out of a legal representation.

B. Investigations Concluded in 2015

If an investigation does not reveal sufficiently serious, provable misconduct, the Administrator will close the investigation. If an investigation produces evidence of serious misconduct, the case is referred to the Inquiry Board, unless the matter is filed directly with the Supreme Court under Rules 757, 761, 762(a), or 763. The Inquiry Board operates in panels of three, composed of two attorneys and one nonlawyer, all appointed by the Commission. An Inquiry Board panel has authority to vote a formal complaint if it finds sufficient evidence to support a charge, to close an investigation if it does not so find, or to place an attorney on supervision under the direction of the panel pursuant to Commission Rule 108. The Administrator cannot pursue formal charges without authorization by an Inquiry Board panel.

About 3% of investigations concluded in 2015 resulted in the filing of formal charges. Chart 11 shows the number of investigations docketed and concluded for the past five years between 2011 and 2015. Chart 12 shows the type of actions that terminated investigations docketed in 2015.

Chart 11: Investigations Docketed: 2011-2015

** includes reopened investigations*

Year	Pending January 1 st	Docketed During Year*	Concluded During Year	Pending December 31 st
2011	1,858	6,155	5,977	2,036
2012	2,036	6,397	6,611	1,822
2013	1,822	6,073	5,732	2,163
2014	2,163	5,921	6,165	1,919
2015	1,919	5,648	5,561	2,006

Chart 12: Investigations Concluded in 2015

Concluded by the Administrator:

Closed after initial review1,343
(No misconduct alleged)

Closed after investigation3,993

Filed at Supreme Court pursuant to
Supreme Court Rules 757,
762(a), and 763 12

Concluded by the Inquiry Board:

Closed after panel review52

Complaint or impairment petition voted..... 158

Closed upon completion of conditions
of Rule 108 supervision 3

Total.....5,561

1. Timeliness of Investigations Concluded in 2015

Of the 5,561 investigations concluded in 2015, 5,348 were concluded by the Administrator. Charts 13A through C show the average number of days that the 5,348 investigations concluded in 2015 were pending before either being closed or filed in a formal action. In keeping with the Commission's policy that disciplinary matters be handled expeditiously, codified in Commission Rule 1, Charts 13A through C show the time periods required to conclude investigations.

Chart 13A shows that 1,343, or 24%, of the 5,561 investigations concluded in 2015 were closed after an initial review of the complainant's concerns. More than 96% of these 1,343 investigations were concluded within 60 days of the docketing of the grievance. The Intake division of the Administrator's staff, made up of five staff lawyers, review most incoming grievances and perform the initial inquiry into the facts to determine whether the written submissions from complainants, read liberally, describe some misconduct by a lawyer. Generally, closures made after an initial review are completed without asking the lawyer to respond, although the lawyer and complainant are typically apprised of the determination.

Chart 13A

1,343 Investigations Closed After Initial Review in 2015			
<i>Average Number of Days Pending Prior to Closure:</i>			
Fewer than 10 days	10 - 20 days	21 - 60 days	More than 60 days
1,006 (74.90%)	49 (3.65%)	235 (17.5%)	53 (3.95%)

In the remaining 4,005 investigations closed in 2015 by the Administrator, the staff determined that an investigation was warranted. In most cases, these investigations began with a letter from Intake counsel to the lawyer named in the grievance, enclosing a copy of the complainant's submission and asking the lawyer to submit a written response. The lawyer's written response was usually forwarded for comment to the complainant, and the file was reviewed by Intake counsel after the complainant's reply was received or past due. If, at that stage, the submissions and any back-up documentation obtained demonstrated that the lawyer did not violate professional conduct rules, or at least that a violation could not be proved, Intake counsel closed the file. If Intake counsel determined that further investigation was warranted, the file was reassigned to Litigation counsel.

Chart 13B shows that for the 4,005 investigations closed after a determination to conduct an investigation was made, 2,608, or 65%, were closed by Intake counsel, with approximately 83% of those investigations closed within 90 days of receipt.

Chart 13B

2,608 Investigations Concluded in 2015 by the Intake Staff After Investigation			
<i>Average Number of Days Pending Prior to Closure:</i>			
Fewer than 90 days	Between 90 – 180 days	Between 180 - 365 days	More than 365 days
2,162 (82.90%)	367 (14.07%)	59 (2.26%)	20 (0.77%)

Chart 13C indicates that 1,397, or 35%, were closed by Litigation counsel and over 42% of the files referred to Litigation counsel were closed within six months. Investigations referred to Litigation counsel are more extensive and time consuming, in order to determine if the filing of formal action is warranted. The time it takes before an investigation is resolved can be influenced by different factors: whether the lawyer has addressed all concerns raised during the investigation; whether other sources are cooperating with the ARDC’s request for information; the complexity of the issues; and the amount of information and documents that ARDC counsel must review.

Chart 13C

1,397 Investigations Concluded in 2015 by the Litigation Staff After Investigation			
<i>Average Number of Days Pending Prior to Closure:</i>			
Fewer than 90 days	Between 90 - 180 days	Between 180 - 365 days	More than 365 days
314 (22.48%)	279 (19.97%)	423 (30.28%)	381 (27.27%)

C. Certain Subtypes of Investigations

1. Overdraft Trust Account Notification Investigations

Chart 14 shows the activity for investigations resulting from client trust account overdraft notifications. 288 overdraft investigations were opened in 2015, an average of 24 files docketed each month. This presents a 22% decrease in the number of overdraft notifications received over last year and a 46% decrease since 2012, the first full year after the automatic overdraft notification rule took effect. If there is evidence that a lawyer converted client funds, a formal complaint will likely be filed against the lawyer. There were ten formal complaints originating from a trust account overdraft notice filed in 2015.

Chart 14: Overdraft Notification Investigations (2011-2015)

Overdraft Notification Investigations	2011*	2012	2013	2014	2015	Total
Opened	232	530**	485***	370****	288*****	1,905
Closed	157	311	363	371	313	1,515
Formal Complaints Filed	0	3	5	12	10	30

* investigations docketed after September 1, 2011, when Rule 1.15(h) took effect.

** includes 109 investigations reopened for further investigation.

*** includes 148 investigations reopened for further investigation.

**** includes 13 investigations reopened for further investigation.

***** includes 5 investigations reopened for further investigation.

In most overdraft investigations, the lawyer is required to provide a written explanation of the facts and circumstances that caused the account shortage, together with copies of relevant financial records. Many overdraft investigations show that the overdraft was the result of error rather than intentional wrongdoing. Typical errors include: checkbook mix-ups; attempting to draw on deposits that have not yet cleared the banking process; arithmetic errors; clicking on the wrong account during online banking activity; failing to account for bank service fees or credit card fees; and failing to adequately monitor account activity.

Although most overdraft notices sent to the ARDC do not result from the lawyer's conversion of client funds, some overdraft investigations reveal problems with the lawyer's use of his or her trust account or with the lawyer's recordkeeping practices. In these situations, the ARDC's focus is to educate the attorney regarding the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and to ensure that necessary practice corrections are made. To achieve these ends, ARDC counsel may direct lawyers to review sections of the ARDC's *Client Trust Account Handbook* or to view the ARDC's webinars covering the requirements of Rule 1.15 (*see ARDC CLE Seminars*.) Lawyers may also be provided with sample recordkeeping forms or may receive informal one-on-one instruction on trust account recordkeeping. Lawyers who implement changes in their trust accounting practices to correct deficiencies may be asked to complete written reports regarding their improved trust accounting practices to ensure that all rule requirements are being met.

2. Unauthorized Practice of Law Investigations

The ARDC is authorized under Supreme Court Rule 779 to investigate allegations of the unauthorized practice of law (UPL) and initiate proceedings against suspended and disbarred Illinois lawyers, out-of-state lawyers licensed in another jurisdiction and persons not licensed in any jurisdiction. UPL proceedings against a suspended Illinois lawyer or a lawyer from another U.S. jurisdiction are begun by filing a disciplinary complaint before the Hearing Board and proceeding as Supreme Court Rule 753 directs. UPL proceedings against a disbarred Illinois attorney or against a person, entity or association that is not licensed to practice law in any other United States' jurisdiction may be brought as civil and/or contempt actions pursuant to the Supreme Court's rules, its inherent authority over the practice of law, or other laws of the state related to the unauthorized practice of law and commenced in the circuit court.

In 2015, there were 116 investigations opened involving UPL charges against 92 unlicensed individuals or entities, 12 against out-of-state lawyers and 9 involving disbarred or suspended Illinois lawyers as shown in Chart 15A.

Chart 15A: Unauthorized Practice of Law Investigations (2012-2015)

<i>Type</i>	2012	2013	2014	2015
UPL by suspended lawyer	4	4	2	3
UPL by out-of-state lawyer	8	35	19	12
UPL by disbarred lawyer	2	4	15	9
UPL by unlicensed person	61	67	72	82
UPL by unlicensed entity	15	14	4	10
Total	90	124	112	116

Chart 15B shows the areas of law involved from which the investigations arose. In 2015, the unauthorized practice of law investigations once again saw a prevalence of allegations against non-attorneys handling real estate matters. Unlicensed individuals attempting to provide services for fees in the areas of foreclosure defense, loan modification, and real estate tax assessment appeals before state and county boards of review, drew a high concentration of grievances. Additionally, an increasing number of investigations were docketed against immigration service providers, most likely given the well-publicized federal executive initiatives known as Deferred Action for Parental Accountability (DAPA) and Deferred Action for Childhood Arrivals (DACA).

Chart 15B: Area of Law Involved in UPL Investigations in 2015

<i>Subject Area</i>	<i>Number of Investigations*</i>	<i>Subject Area</i>	<i>Number of Investigations*</i>
Real Estate.....	31.....27%	Probate	4.....3%
Domestic Relations.....	13.....11%	Bankruptcy	3.....3%
Immigration.....	10.....9%	Tax	3.....3%
Tort.....	10.....9%	Civil Rights	2.....2%
Criminal.....	10.....9%	Local Government.....	2.....2%
Contract.....	7.....6%	Workers' Comp.....	2.....2%
Debt Collection	7.....6%	Corporate Matters	1.....1%

* Total less than 116 investigations because eight investigations were designated as “undeterminable” and three as “other”.

During 2015, formal action was initiated in the circuit court against non-attorneys pursuant to Supreme Court Rule 779(b) in two different instances: in the first matter for drafting pleadings in dissolution of marriage proceedings; and in the second matter for appearing in court on behalf of a criminal defendant. In a third matter, a disbarred attorney, who was previously convicted of criminal contempt for engaging in the unauthorized practice of law, was prosecuted for violating the terms of his sentence which prohibited him from further practice. The Administrator also took formal action in court against an out-of-state attorney pursuant to Supreme Court Rule 707, where the attorney attempted to practice in the state, but was not eligible for *pro hac vice* admission.

Also, 2015 marked the first time out-of-state lawyers without an Illinois license were disciplined by the Supreme Court as the result of disciplinary proceedings initiated the prior year under Supreme Court Rule 779(a): *In re Robert S. Sanderson*, M.R. 27108, 2014PR00040 (Jan. 16, 2015); and *In re Jeannette M. Conrad*, M.R. 27327, 2014PR00063 (Sept. 21, 2015). Sanderson was disbarred for engaging in the unauthorized practice of law in Illinois by entering his appearance in 3,081 cases in Madison County and at least six in St. Clair County between April 2007 and March 2014 while employed by a St. Louis law firm. While he was licensed in Missouri and Indiana, Sanderson was never admitted to practice in Illinois and he misled his law firm into thinking he was licensed in Illinois for purposes of acting as local Illinois counsel for the firm, using another lawyer’s registration number without her knowledge. Conrad was suspended for six months and until further order of the Court in Illinois for engaging in the unauthorized practice of law in Illinois when she handled matters before the Illinois Racing Board and the United States Trotting Association. She had inactive licenses in Kentucky and Indiana and was never admitted to practice law in Illinois.

3. Investigations Assigned to Special Counsel

Under Supreme Court Rule 751(e)(5), the ARDC Commission appoints former Board members to serve as Special Counsel in matters involving allegations against attorneys associated with the ARDC, including counsel for the Administrator, Adjudication counsel, Commissioners and members of ARDC boards. Special Counsel conducts investigations as assigned and has the same authority and responsibilities as the Administrator's counsel under Supreme Court and Commission rules, except that Special Counsel does not take direction from the Administrator or his or her legal staff. Special Counsel

exercises independent authority to investigate and to refer an investigation to the Inquiry Board and reports directly to the Commission regarding the status and disposition of investigations assigned.

In 2015, 17 new investigations were opened and seven investigations remained pending at the end of the year. Five former Board members served as Special Counsel in 2015. Since adoption of the Special Counsel rule in 2013, a total of 53 investigations were opened and three have resulted in the filing of formal disciplinary charges. The Commission Policy on the Appointment of Special Counsel can be found on the ARDC website at: <https://www.iardc.org/policiesandorders.html>.

D. Disciplinary Prosecutions: Hearing Board Matters

A formal complaint setting forth all allegations of misconduct pending against the attorney is filed when an Inquiry Board panel authorizes the filing of charges. The matter then proceeds before a panel of the Hearing Board which functions much like a trial court in a civil case. Each panel is comprised of three members, two lawyers and one nonlawyer, appointed by the Commission. Counsel for Adjudication assists hearing board members in drafting pre-hearing conference orders and reports of the Hearing Board.

Upon filing and service of the complaint, the case becomes public. The panel chair presides over pre-hearing matters. In addition to complaints alleging misconduct filed pursuant to Supreme Court Rule 753, and complaints alleging conviction of a criminal offense under Rule 761, the Hearing Board also entertains petitions for reinstatement pursuant to Rule 767, petitions for transfer to inactive status because of impairment pursuant to Rule 758, and petitions for restoration to active status pursuant to Rule 759.

Chart 16A shows the activity before the Hearing Board in 2015. There were 86 cases added to the Hearing Board’s docket in 2015. Of those, 81 were initiated by the filing of a new disciplinary complaint. Chart 16B shows the demographics of the 81 lawyers who were the subject of a formal disciplinary complaint in 2015.

Chart 16A: Matters Before the Hearing Board in 2015

Cases Pending on January 1, 2015	141
Cases Filed or Reassigned in 2015:	
<i>Disciplinary Complaints Filed:</i> *	
➤ Rules 753, 761(d)	81
<i>Reinstatement Petition Filed:</i>	
➤ Rule 767	4
<i>Disability Petition Filed:</i>	
➤ Rule 758	1
Total New Cases Filed or Reassigned	86
Cases Concluded During 2015	130
Cases Pending December 31, 2015	97
* The number of cases filed at Hearing is significantly lower than the number of matters voted by Inquiry, because multiple investigations against a particular attorney in which the Inquiry Board has voted a complaint are consolidated into a single complaint for purposes of filing at the Hearing Board.	

Chart 16B: Profile of Lawyers Charged in Disciplinary Complaints Filed in 2015

	# of Complaints Filed	% of Complaints Filed	% of Lawyer Population
Years in Practice			
Fewer than 5	2	3%	14%
Between 5 and 10	10	12%	17%
Between 10 and 20	13	16%	25%
Between 20 and 30	26	32%	20%
30 or more	30	37%	24%
Age:			
21-29 years old	0	0%	6%
30-49 years old	23	28%	50%
50-74 years old	51	63%	42%
75 or more years old	7	9%	2%
Gender:			
Female	11	14%	38%
Male	70	86%	62%

Chart 17A shows the types of misconduct alleged in the 81 disciplinary complaints filed during 2015, and Chart 17B indicates the areas of practice in which the alleged misconduct arose. The allegations of fraudulent or deceptive activity, improper handling of trust funds, neglect of a client’s case and failure to communicate, most frequently seen in initial charges as reported in Charts 9 and 10, are also among the most frequently charged in formal complaints.

Chart 17A: Types of Misconduct Alleged in Complaints* Filed Before Hearing Board in 2015

<i>Type of Misconduct</i>	<i>Number of Cases*</i>	<i>% of Cases Filed**</i>	<i>Type of Misconduct</i>	<i>Number of Cases*</i>	<i>% of Cases Filed**</i>
Fraudulent or deceptive activity.....	62	77%	Misrepresentations to a tribunal	9	11%
Improper handling of trust funds	38	47%	Failure to provide competent representation ...	6	7%
Neglect.....	24	30%	Unauthorized practice after removal		
Failure to communicate with client.....	22	27%	from the Master Roll	5	6%
False statement or failure to respond			Not abiding by client’s decision or taking		
in disciplinary matter	15	19%	Pursuing/filing frivolous or		
Improper withdrawal from employment,			non-meritorious claims or pleadings	4	5%
including failure to refund unearned fees....	14	17%	Unauthorized action on client’s behalf.....	4	5%
Criminal conduct/conviction of lawyer.....	11	14%	Unauthorized practice after suspension.....	2	2%
Conflict of interest	11	14%	Knowingly disobeying a discovery order.....	2	2%
Rule 1.7: concurrent conflicts.....	5		Failure to record criminal conviction as		
Rule 1.8(a): improper business			required by Rule 761(a).....	2	2%
transaction with client	4		Breach of duties under Rule 764	2	2%
Rule 1.8(c): improper gift from client.....	1		Improper communications with rep. person....	1	1%
Rule 1.8(i): improper proprietary interest					
in cause of action.....	1				
Excessive or unauthorized legal fees	10	12%			
Misrepresentation to third persons or					
using means to embarrass or delay.....	10	12%			

* Totals exceed 81 disciplinary cases and 100% because most complaints allege more than one type of misconduct.

** based on complaint initially filed and not on amended charges.

Chart 17B: Subject Area Involved in Complaints Filed Before Hearing Board in 2015

<i>Subject Area</i>	<i>Number of Cases*</i>	<i>% of Cases Filed*</i>	<i>Subject Area</i>	<i>Number of Cases*</i>	<i>% of Cases Filed*</i>
Probate.....	19	23%	Criminal	5	6%
Real Estate	18	22%	Bankruptcy.....	4	6%
Tort	13	16%	Immigration	3	4%
Domestic Relations	11	14%	Corporate Matters	3	4%
Contract	10	12%	Tax	2	2%
Criminal Conduct/Conviction	9	11%	Civil Rights	2	2%
Workers’ Comp/Labor Relations	6	7%	Patent/Trademark.....	2	2%
Deceptive, threatening or offensive conduct not					
arising out of a legal representation	5	6%			

*Totals exceed 81 disciplinary complaints and 100% because many complaints allege several counts of misconduct arising in different areas of practice.

Chart 18 shows the type of action by which the Hearing Board concluded 130 matters, including 123 disciplinary cases during 2015.

For the 123 disciplinary matters that were concluded by the Hearing Board in 2015, 48 cases or 39% were closed by discipline on consent: 45 cases by a filing in the Supreme Court and three closed as an agreed reprimand by the Hearing Board. Another 42 cases or 34% proceeded as contested hearings and 22 cases or 18% were conducted as default hearings because the lawyer-respondent did not appear and was not represented by counsel. 82 cases of the 130 terminated in 2015 or 63% were concluded without the need to prepare a report and recommendation from the Hearing Board.

Chart 18: Actions Taken by Hearing Board in Matters Terminated in 2015

A. Disciplinary Cases: Rules 753 & 761(d)	
Recommendation of discipline after contested hearing	42
Case closed by filing of petition for discipline on consent other than disbarment.....	39
Recommendation of discipline after default hearing	22
Case closed by filing of motion for disbarment on consent	6
Case closed by death of respondent	4
Complaint dismissed after hearing.....	3
Case closed by administration of a reprimand to respondent by consent	3
Complaint dismissed before hearing.....	3
Case closed by filing a petition to transfer to disability inactive status	<u>1</u>
Total Disciplinary Cases.....	123
B. Disability Inactive Status Petition: Rule 758	
Petition allowed and respondent placed on disability inactive status after default hearing	1
C. Reinstatement Petitions: Rule 767	
Recommendation of petition denied	2
Petition withdrawn.....	2
Motion to dismiss petition allowed.....	2
Total Matters Terminated.....	130

E. Review Board Matters

Once the Hearing Board files its report in a case, either party may file a notice of exceptions to the Review Board, which serves as an appellate tribunal. The Review Board is assisted by a legal staff hired by the Commission that is separate from the Administrator’s office and the Hearing Board’s adjudication staff. Chart 19 shows activity at the Review Board during 2015.

Chart 19: Actions Taken by Review Board in 2015

Cases pending on January 1, 2015	13
Cases filed during 2015:	
Exceptions filed by Respondent	16
Exceptions filed by Administrator.....	11
Exceptions filed by both.....	<u>4</u>
Total.....	31
Cases concluded in 2015:	
Hearing Board affirmed.....	12
Hearing Board reversed on findings and/or sanction	9
Notice of exceptions withdrawn	2
Notice of exceptions stricken	1
Case dismissed	1
Case closed by death of respondent	<u>1</u>
Total.....	26
Cases pending December 31, 2015	18

F. Supreme Court Matters

1. Disciplinary Cases

The Supreme Court has sole authority to sanction attorneys for misconduct, except for a reprimand, which can be imposed in a disciplinary case without order of the Court by either the Hearing or Review Board. In 2015, the Court entered 126 sanctions against 125 lawyers (one lawyer was disciplined twice in 2015) as shown in Chart 20.

Chart 20: Disciplinary Sanctions Ordered by the Supreme Court in 2015

Disbarment.....	33
Suspension until further order of Court.....	25
Suspension for a specified period.....	22
Suspension for a specified period & conditions	10
Probation with partially stayed suspension	12
Probation with fully stayed suspension	11
Censure	9
Reprimand.....	4
Total	126*

*In addition to the 57 suspensions, the Court also ordered eight interim suspensions, as reported in Chart 22 at (H).

Charts 21A and 21B provide demographic information on the 125 lawyers disciplined by the Court and three lawyers reprimanded by the Hearing Board in 2015. *See* Chart 18 on Page 24. Other than Board reprimands, the Hearing and Review Boards issue reports that include recommendations to the Supreme Court for disposition.

Chart 21A: County of Practice of Lawyers Disciplined in 2015

County	Number Disciplined	County	Number Disciplined
Cook.....	53	McLean	1
Out-of-State.....	31	Montgomery.....	1
DuPage.....	13	Moultrie.....	1
Lake.....	7	Sangamon.....	1
Kane	3	LaSalle	1
McHenry	3	Lee	1
Will.....	3	Peoria	1
St. Clair	2	Union	1
Jackson	2	Williamson.....	1
Christian	1		
DeWitt	1		

Chart 21B: Years in Practice, Age and Gender of Lawyers Disciplined in 2015

Years in Practice	# of Lawyers Disciplined	% of Lawyers Disciplined	% of Lawyer Population
Fewer than 5.....	1	1%	14%
Between 5 and 10.....	10	8%	17%
Between 10 and 20.....	27	21%	25%
Between 20 and 30	42	33%	20%
30 or more	48	37%	24%
Age:			
21-29 years old.....	0	0%	6%
30-49 years old.....	42	33%	50%
50-74 years old.....	80	62%	42%
75 or more years old.....	6	5%	2%
Gender:			
Female.....	19	15%	38%
Male	109	85%	62%

Chart 21C shows the practice setting around the time of the misconduct. 75% of the 128 lawyers disciplined in 2015 were sole practitioners or practiced in a firm of 2-10 lawyers at the time of the misconduct.

Chart 21C: Practice Setting of Lawyers Disciplined in 2015

Practice Setting	Solo	Firm 2-10	Firm 11-25	Firm 26+	Gov't/ Judicial	In-House	No Practice
128 Lawyers Sanctioned	78	18	1	8	3	0	20

It is frequently seen in discipline cases that an attorney-respondent is impaired by addiction to alcohol or other substance or suffers some mental illness or disorder. Chart 21D reflects only those cases in which one or more impairments were raised either by the lawyer or otherwise known by staff counsel. It is likely that many cases involving impaired lawyers are never so identified. 34 out of the 128 lawyers disciplined in 2015, or 27% had at least one substance abuse or mental impairment issues. In addition, 79% of impaired lawyers were sole practitioners or practiced in a small firm at the time of the misconduct.

Chart 21D: Impairments Identified for Lawyers Disciplined in 2015, By Practice Setting

<i>Practice Setting</i>	<i>Solo</i>	<i>Firm 2-10</i>	<i>Firm 11-25</i>	<i>Firm 26+</i>	<i>Gov't/ Judicial</i>	<i>In-House</i>	<i>No Practice</i>
34 Lawyers* with Impairments	24	3	1	1	2	0	3
<i>Impairment</i>							
Substances:							
Alcohol	8	2	0	0	1	0	3
Cocaine	5	0	0	0	0	0	0
Cannabis	0	0	0	0	0	0	0
Heroin	2	0	0	0	0	0	0
Other	1	0	0	0	0	0	0
Mental Illness:							
Depression	7	0	1	0	1	0	1
Bipolar	3	1	0	1	0	0	0
Schizophrenia	0	1	0	0	0	0	0
Other	4	0	0	0	0	0	0
Gambling	4	0	0	0	0	0	0
Sexual Disorder	4	0	0	0	0	0	0
Cognitive Decline	0	0	0	0	0	0	0
% of 34 lawyers with impairments	70%	9%	3%	3%	6%	0%	9%

*Some lawyers have more than one impairment identified.

Chart 22 reflects the several ways disciplinary cases reach the Court. There were a total of 13 lawyers disciplined on a reciprocal basis in 2015, as provided in Supreme Court Rule 763, because they had been disciplined in another jurisdiction where they also held a license in addition to their Illinois license. In those cases, the lawyer is subject to the same or comparable discipline in Illinois. The matters are filed directly with the Court upon petition, unless the court remands the matter for hearing before the Hearing Board. In addition, the Court allowed 14 consent disbarments on motions, eight of which were filed directly in the Court. The remainder of final disciplinary orders arose from matters initiated by the filing of an action before the Hearing Board.

Chart 22: Orders Entered by Supreme Court in Disciplinary Cases in 2015

<p>A. <u>Motions for disbarment on consent: Rule 762(a)</u> Allowed..... 14 Denied..... 0 Total 14</p>	<p>D. <u>Motions to approve and confirm report of Review Board: Rule 753(e)(6)</u> Allowed 8 Denied 0 Total 8</p>
<p>B. <u>Petitions for discipline on consent: Rule 762(b)</u> Allowed: Suspension 20 Suspension stayed in part, probation ordered 9 Suspension stayed in its entirety, probation ordered 6 Censure 6 Total 41 Petition Dismissed 0 Denied..... 1 Total 42</p>	<p>E. <u>Motions to approve and confirm report of Hearing Board: Rule 753(d)(2)</u> Allowed 34 Denied 0 Total 34</p>
<p>C. <u>Petitions for leave to file exceptions to report and recommendation of Review Board: Rules 753(e)(1) and 761</u> Allowed and more discipline imposed than recommended by Review Board 4 Denied; dismissal as recommended by Review Board 1 Denied and same discipline imposed as recommended by Review Board 10 Allowed and same discipline imposed as recommended by Review Board 0 Allowed and less discipline imposed as recommended by Review Board 1 Total 16</p>	<p>F. <u>Petitions for reciprocal discipline: Rule 763</u> Allowed 13 Denied 0 Total 13</p>
	<p>G. <u>Petitions for reinstatement: Rule 767</u> Allowed with conditions..... 1 Allowed 1 Petition withdrawn or stricken..... 3 Denied 3 Total..... 8</p>
	<p>H. <u>Petitions for interim suspension: Rule 774</u> Rule enforced and lawyer suspended..... 4 Rule discharged 0 Total..... 4</p>

Chart 23 tracks the type of misconduct that led to the 129 sanctions entered in 2015, 126 by the Court and three Board reprimands administered in 2015.

Chart 23: Misconduct Committed in the 129 Disciplinary Cases Decided in 2015¹

Types of Misconduct	Number of Cases in Which Sanctions Were Imposed				
	Disbarment	Suspension ²	Probation ³	Censure	Reprimand ⁴
Total Number of Cases:	33	57	23	9	7
Fraudulent or deceptive activity	28	40	15	6	1
Neglect/lack of diligence	5	26	10	2	1
Criminal conduct/conviction of the lawyer	19	9	6	0	3
Failure to communicate with client, including failure to communicate basis of a fee	6	26	6	2	1
Improper management of client or third party funds, including commingling and conversion	9	21	8	2	1
Excessive or unauthorized legal fees, including failure to refund unearned fees	3	19	4	0	0
False statement or failure to respond in bar admission or disciplinary matter	5	17	4	0	0
Failure to provide competent representation	1	4	3	1	0
Offering false evidence, making false statements to a tribunal or improper trial conduct	3	10	3	2	1
Pursuing/filing frivolous or non-meritorious claims or pleadings	1	3	0	1	0
Not abiding by a client's decision concerning the representation or taking unauthorized action on the client's behalf	1	5	0	0	0
Improper withdrawal, including failure to return file	1	2	3	1	1
Conflict of interest (1.7: concurrent clients)	2	3	0	2	0
Conflict of interest (1.8(a): improper business transaction with client)	1	1	0	1	0
Conflict of interest (1.8(e): improper financial assistance to client	0	1	1	0	0
Conflict of interest (1.9): former client	1	0	0	0	0
Failure to supervise subordinates	1	4	1	0	0
Failure to report discipline in another jurisdiction	0	0	1	0	0
Failure to report criminal conviction under Rule 761	0	0	2	0	1
Misrepresentation to third persons	1	3	0	1	0
Improper commercial speech, including inappropriate written or oral solicitation	0	0	0	0	2
Breach of client confidences	1	0	0	0	0
Breach of 764 duties	1	0	0	0	0
Unauthorized practice in jurisdiction not admitted	1	2	0	1	1
Unauthorized practice after suspension	3	2	0	0	0
Unauthorized practice after removal from the Master Roll	0	0	3	0	0
Improper threat of criminal or disciplinary prosecution	1	1	0	0	0
False/reckless statements about integrity of a judge/candidate	0	1	0	1	0
Assisting nonlawyer in the unauthorized practice of law or improper division of fees/partnership	0	3	0	0	0
Counseling client to engage in fraudulent or criminal activity	1	3	2	1	0
Judicial candidate's violation of Judicial Code	0	0	0	1	0

1 Totals exceed 129 cases because in most cases more than one type of misconduct was found.
2 Includes 22 suspensions for a specified period, 25 until further order of the Court and 10 suspensions with conditions.
3 Includes 11 suspensions stayed entirely by probation and 12 suspensions stayed in part by probation.
4 Includes three Hearing Board reprimands.

2. *Non-Disciplinary Actions*

The Supreme Court also entertains pleadings in non-disciplinary matters that affect an attorney's status. Chart 24 reflects the orders allowed in such cases in 2015; there were no denials.

Chart 24: Non-Disciplinary Actions by the Supreme Court for 2015

<i>Rule 756(a)(9) Permanent Retirement Status</i>	
Motion to transfer to permanent retirement status allowed	3
<i>Rule 757 Transfer to Disability Inactive Status</i>	
Motion for transfer to disability inactive status allowed.....	3
<i>Rule 758 Transfer to Disability Inactive Status</i>	
Motion to approve and confirm report of Hearing Board's recommendation to permit lawyer to practice with one year of conditions allowed	2

3. Registration and Caseload Trends (2000-2015)

Charts 25A and 25B show the registration and caseload trends for the past fifteen years.

Chart 25A: Registration Growth and Disciplinary Investigations (2000-2015)

	Number of Registered Attorneys	% of Growth Over Prior Year	Investigations Docketed	Closure By Administrator No Misconduct Alleged	Closure By Administrator After Investigation	Closure By Inquiry Board After Investigation	Complaint Voted By Inquiry Board*
2000	73,661	0.2%	5,716	1,146	4,319	87	224
2001	74,311	0.9%	5,811	1,077	4,318	55	273
2002	75,421	1.5%	6,182	1,350	4,360	96	334
2003	76,671	1.7%	6,325	1,396	4,332	61	353
2004	78,101	1.9%	6,070	1,303	4,539	90	320
2005	80,041	2.5%	6,082	1,460	4,239	102	317
2006	81,146	1.4%	5,801	1,319	4,076	76	215
2007	82,380	1.5%	5,988	1,508	4,117	125	279
2008	83,908	1.9%	5,897	1,441	4,305	104	228
2009	84,777	1.0%	5,834	1,322	3,891	79	226
2010	86,777	2.2%	5,617	1,354	3,914	50	271
2011	87,943	1.3%	6,155	1,405	4,293	83	156
2012	89,330	1.6%	6,397	1,649	4,598	75	273
2013	91,083	2.0%	6,073	1,544	3,974	50	142
2014	92,756	1.8%	5,921	1,442	4,468	46	198
2015	94,128	1.5%	5,648	1,343	3,993	52	158

*Totals are higher than number of complaints filed because a complaint may be based on more than one investigation.

Chart 25B: Disciplinary Proceedings (2000-2015)

	Matters Filed With Hearing Board	Matters Concluded at Hearing Board	Matters Filed With Review Board	Matters Concluded at Review Board	Sanctions Ordered By Court
2000	119	116	29	32	120
2001	137	129	28	28	123
2002	131	122	36	30	126
2003	141	125	35	30	137
2004	156	170	45	41	149
2005	144	134	28	47	167
2006	108	132	25	23	144
2007	144	121	32	29	120
2008	134	137	31	26	135
2009	137	135	30	31	130
2010	122	115	27	32	148
2011	106	147	35	31	156
2012	120	113	36	32	103
2013	95	120	29	48	149
2014	126	105	29	29	112
2015	86	130	31	26	126

4. Duty to Report Lawyer Misconduct: Lawyer Reports: 2003-2015

IRPC 8.3 requires a lawyer who knows that another lawyer has committed a violation of Rule 8.4(b) or Rule 8.4(c) or that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge’s fitness for office shall inform the appropriate authority. Otherwise referred to as a “Himmel” report, the ARDC received 583 reports in 2015, an average of 526 reports each year.

Although most investigations opened as a result of attorney reporting are concluded without the filing of formal disciplinary charges, an average of nearly 25% of the formal disciplinary caseload between 2003 and 2015 included at least one charge generated as a result of a lawyer or judge filing an attorney report. Since 2007, the percentage of formal complaints arising out of reports made by attorneys has increased significantly and for the last nine years has averaged 29% of formal complaints. In 2015, 62 attorney reports were made involving the alleged misconduct of 44 attorneys. Attorney reports accounted for 38.9% of formal disciplinary complaints filed in 2015, a significant increase over the prior year and the highest percentage since 1992. See *2007 Annual Report of the ARDC*, pages 25-27, for attorney report statistics between 1988 and 2007.

Chart 26 tracks attorney report filings for the past thirteen years from 2003 through 2015.

Chart 26: Attorney Reports: 2003-2015

Year	Number of Grievances	Number of Attorney Reports	Percent of Attorney Reports to Grievances	Number of Grievances Voted into Complaints	Number of Attorney Reports Voted into Complaints	Percent of Attorney Reports to Formal Complaints
2003	6,325	510	8.1%	353	44	12.5%
2004	6,070	503	8.3%	320	42	13.1%
2005	6,082	505	8.3%	317	47	14.8%
2006	5,800	435	7.5%	217	35	16.1%
2007	5,988	525	8.8%	284	82	28.9%
2008	5,897	542	9.1%	228	69	30.2%
2009	5,837	489	7.7%	226	60	26.5%
2010	5,617	497	8.8%	271	73	26.9%
2011	6,155	536	8.7%	156	33	21.2%
2012	6,397	651	10.2%	273	86	31.5%
2013	6,073	485	9.2%	144	48	33.3%
2014	6,165	581	9.4%	199	52	26.1%
2015	5,648	583	9.4%	159	62	38.9%
Totals for 2003-2015	78,054	6,842	--	3,147	733	--
Average For 2003-2015	6,004	526	8.8%	242	56	24.6%

IV. 2015 Developments

A. Amended Rules Regulating the Legal Profession in Illinois

Among the amendments adopted by the Illinois Supreme Court in 2015 to the Supreme Court Rules governing the legal profession and Rules of Professional Conduct are as follows:

1. ***Amendments to the Illinois Supreme Court Rules and Rules of Professional Conduct in Light of Technology Advances and Practice Developments.*** On October 15, 2015, the Illinois Supreme Court adopted several rule changes which bring the rules governing the legal profession in Illinois up to date with advances in technology and developments in mobility and globalization in legal practices. Effective January 1, 2016, the Supreme Court amended Supreme Court Rules 705 and 716; and Rules of Professional Conduct (IRPC) Rules 1.0, 1.2, 1.6, 1.18, 3.8, 4.4, 5.3, 5.5, 7.3 and the comments to IRPC Rules 1.1, 1.3, 1.17, 7.1, 7.2, and 8.5. The ARDC produced a short webinar on the new rules which can be found at: <https://www.iardc.org/CLEseminars.html>.

- ***Illinois Rules of Professional Conduct (IRPC) Rules 1.0, 1.2, 1.6, 1.18, 3.8, 4.4, 5.3, 5.5, 7.3 and the comments to IRPC Rules 1.1, 1.3, 1.17, 7.1, 7.2, and 8.5***

Many of the amendments to both the black letter text and comments to the IRPC stem from recent changes made to the American Bar Association's (ABA) Model Rules of Professional Conduct upon which Illinois's rules are largely based. The changes address such issues as:

- what uses of the internet are permissible for advertising and client development (Rules 7.1-.3);
- how lawyers changing, merging or buying firms should deal with the disclosure of confidential information in order to check for conflicts (Rules 1.6 and 1.17);
- what are a prosecutor's duties with the discovery post-conviction of new evidence of a defendant's innocence (Rule 3.8); and
- guidance to lawyers on counseling clients with respect to conflicts between Illinois law, federal or other law (Rule 1.2) and, in particular, the impact of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act.

- ***Supreme Court 705 Admission on Motion***

The amendment reduces the "time in practice" requirement from five to three years for lawyers licensed in another jurisdiction who are seeking admission in Illinois. Based on the ABA model rule, the goal of the amendment is to make the admission by motion process more uniform throughout the United States as lawyers often move to different jurisdictions for employment.

- ***Rule 716 Limited Admission of House Counsel: Foreign Licensed In-House Lawyers***

The amendment extends the limited admission of in-house counsel to include lawyers licensed only from a foreign jurisdiction. A corresponding amendment was made to IRPC Rule 5.5(d).

2. ***Amended Supreme Court Rule 756 Registration and Fees*** (amended May 27, 2015, eff. June 1, 2015). Beginning with the 2016 registration year, all lawyers must register on-line; provide detailed practice information; and state whether they have a written succession plan. Illinois became one of at least seven states that require lawyers to register online. More detailed demographic information will provide a better understanding of the legal profession in Illinois and will be helpful in allocating the educational and registration resources of the ARDC. The data collected under the rule will be kept confidential by the ARDC except for the contact information provided in an attorney's listing on the master roll of lawyers which will remain publicly available for most lawyers.

3. **Amended Supreme Court Rule 763 Reciprocal Disciplinary Action** (Feb. 9, 2015, eff. immediately). The amendment expands the effect of discipline imposed on a lawyer licensed in Illinois and in another “jurisdiction” to include the District of Columbia and a country other than the United States as well as a state, province, territory or commonwealth of the United States.

4. **Amended Supreme Court Rule 768 Notification of Disciplinary Action** (Feb. 9, 2015, eff. immediately). The amendment provides that, upon the date an order of the Supreme Court disbaring or suspending a lawyer or transferring a lawyer to disability inactive status becomes final, the Administrator of the ARDC shall send a copy of the order to each other jurisdiction in which the lawyer is known to be licensed and to the National Regulatory Data Bank administered by the ABA.

5. **Amended Supreme Court Rule 759 Restoration to Active Status** (Feb. 9, 2015, eff. immediately). The amendment adds a requirement that in a petition for restoration to active status filed by a lawyer transferred to disability inactive status shall include verification from the ARDC that the lawyer has reimbursed the Client Protection Programs for any payments arising from the lawyer’s conduct.

6. **Amended Supreme Court Rule 780 Client Protection Program** (Feb. 9, 2015, eff. immediately). The amendment expands the definition of reimbursable loss for claims made to the Client Protection Program to include losses involving unearned, unrefunded fees paid to lawyers who later died or were transferred to disability inactive status before rendering services or refunding unearned fees. Commission Rules 501 through 512 govern the administration of the Program.

7. **Amended Rule of Professional Conduct 1.15 Safekeeping Property** (April 7, 2015, eff.7/1/15). The amendment adds paragraph (i) to the trustkeeping property rule, IRPC 1.15, to provide a mechanism by which lawyers can properly dispose of unidentified funds in the IOLTA trust account. Under Rule 1.15(i), lawyers may remit trust funds that cannot be identified as belonging to either a client, a third person or the lawyer to the Lawyers Trust Fund of Illinois (LTF). The ARDC sent an e-blast to all lawyers before the amendment took effect that featured the unidentified funds requirement ([https://www.iardc.org/E-Mail_Blast_-_Iolta_and_Pro_Hac_\(July_2015\).pdf](https://www.iardc.org/E-Mail_Blast_-_Iolta_and_Pro_Hac_(July_2015).pdf)). Over \$400,000 has been remitted to LTF since the amendment took effect in July 2015.

The Illinois Supreme Court Rules on the admission and discipline of attorneys and Rules of Professional Conduct can be accessed from the ARDC website at: <https://www.iardc.org/Rules.html>.

B. Diversity and Inclusion Initiative

In July 2015, the ARDC Commissioners announced an initiative to strengthen and formalize the ARDC's diversity and inclusion efforts. Historically, the ARDC has had a strong commitment to diversity and inclusiveness and believed that those efforts would benefit from a more sustainable structure. The first step taken by the Commissioners was to appoint Lea S. Gutierrez, as Director of ARDC Diversity and Inclusion. Employed as litigation counsel with the ARDC since 2006, Ms. Gutierrez received her J.D. from Temple University in 2000. In addition to her role as Senior Litigation Counsel, she will lead the Commission’s efforts to recruit, retain, develop and advance diverse staff lawyers and board members as well as engage with affinity bar associations in Illinois to begin establishing more meaningful relationships.

C. Paperless Initiative at the ARDC

In keeping with the Illinois Supreme Court’s directive of making e-filing mandatory in all courts by January 1, 2018, the ARDC made efforts in 2015 towards becoming less reliant on paper with the goal of becoming more efficient and less expensive to operate. One of the first steps has been to establish an office policy to scan incoming documents related to a matter into an electronic document management system. Once captured or scanned into digital format, select hard copies are kept during the pendency of a proceeding and later destroyed upon closure of the matter. The next step on this path to paper-less is to

establish the e-filing of pleadings with the ARDC Clerk’s Office for all disciplinary proceedings. On April 15, 2016, the Commission adopted Commission Rule 237 Master File (eff. Jan 1, 2016), which requires the Clerk of the ARDC to maintain an electronic record of all proceedings and designates the electronic record as the official record of proceedings. The Clerk may dispose of paper copies of documents filed as part of the electronic record. This change was made in accordance with Illinois Supreme Court directives to make e-service and e-filing the norm throughout Illinois courts.

D. A Look Ahead: The Illinois Bar in 2016

Responses to the Law Practice Registration Questions for the 2016 Registration Year

Beginning with the 2016 registration year, lawyers are required to register on-line and provide certain practice-related information. For many years, Illinois practice demographics was limited to age, gender, and years in practice. Although the information is preliminary, it does provide some insight into the practice of law in Illinois. Of the 77,161 responses from lawyers with an active status license for 2016, 68,317 or 88.5% indicated that they are currently practicing law. For those 68,317 actively engaged in the practice of law, their responses for practice size and setting are below:

Practice Size and Setting for Lawyers with an Active Status License and Currently Practicing Law

Practice Size*	Number Responding in Practice Category	Practice Size % of Total Engaged in Active Practice
Solo	13,555	19.8%
Firm of 2-10 Attys	12,890	18.9%
Firm of 100 + Attys	11,352	16.6%
Corporate In-house	9,404	13.8%
Government/Judge	7,686	11.3%
Firm of 11- 25 Attys	4,467	6.5%
Firm of 26-100 Attys	4,638	6.8%
Other	2,054	3.0%
Not-for-profit	1,330	1.9%
Academia	941	1.4%

*Preliminary figures taken from the 68,317 responses to the law practice size question for the 2016 registration year from lawyers with an Active status license and who indicated that they are currently practicing law.

V. Client Protection Program Report

The Supreme Court of Illinois created the Client Protection Program under Supreme Court Rule 780 to reimburse clients who lost money as the result of the dishonest conduct of an Illinois lawyer who has been disciplined or is deceased. The purpose of the Client Protection Program is to promote public confidence in the administration of justice and the integrity of the legal profession. The Program does not cover losses resulting from professional negligence or malpractice and does not consider claims involving fee or contract disputes. In 2015, the Court amended Supreme Court Rule 780 to expand the definition of reimbursable loss to include claims involving unearned, unrefunded fees paid to lawyers who later died or were transferred to disability inactive status before rendering services or refunding unearned fees. Commission Rules 501 through 512 govern the administration of the Program.

The Program is funded by an annual assessment paid by most active status lawyers and remitted to the Client Protection Program Trust Fund. Rule 756 sets the assessment amount at \$25 per lawyer. The maximum per-award limit is \$100,000 and the per-lawyer limit is \$1 million. In 2015, the Program collected \$1,825,307 (\$1,801,655 in assessments, \$16,355 in reimbursement, and \$7,297 in interest).

In 2015, the Commission approved payment of \$2,488,651 on 366 claims against 34 lawyers, of which over \$1.6 million was paid as the result of the misconduct of three disciplined lawyers as summarized below. Eight approvals were for the \$100,000 maximum and 159 were for \$2,500 or less.

- \$830,116 payments to 265 claimants victimized by Timothy Liou, disbarred by the Court in November 2013 (M.R. 26340), as the result of misconduct before the U.S. Bankruptcy Court for the Northern District of Illinois. Liou was permanently suspended by the bankruptcy court in August 2013 and was ordered to pay over \$2 million in restitution to 608 former clients for improper and excessive fees. The ARDC worked with the bankruptcy court's appointed administrator in coordinating restitution to Liou's former clients as well as allowing modest payments to successor attorneys designated to complete pending cases.
- \$363,724 paid on claims against Curt Rehberg, disbarred in January 2015 (M.R. 27025), for stealing over \$1.2 million from settlements and estates. He was also convicted in the Illinois circuit court and sentenced to nine years in prison for the thefts.
- \$484,093 paid on claims against Lino Menconi, disbarred in September 2014 (M.R. 26749) for misappropriating hundreds of thousands of dollars from clients, including converting \$122,000 from his 71-year-old uncle's annuity while serving as his uncle's attorney.

Below are some quotes from 2015 claimants:

“[It] was a welcome surprise to receive the maximum claim [award] and to understand that justice can be served when injury is inflicted by an attorney.”

“My wife and I greatly appreciate the refund and will be happy to put it back into our retirement account!”

“We are overjoyed with the award you have given us. Not only are we pleased to be awarded the money, but also pleased that [the lawyer] was disciplined for his unethical conduct.”

As Chart 27A shows, in 2015 Program awards exceeded income. The Program was able to pay claims in full by drawing on the reserve that has accrued since the Court set the \$25 per lawyer annual assessment for the Program.

Chart 27A: Client Protection Program Claims: 2002-2015

Year	Claims filed	# Claims Approved	# Claims Denied	For Claims Approved, # Respondent Attys	Total Amounts Paid
2002	187	57	86	31	\$215,564
2003	208	68	83	31	\$477,595
2004	357	153	113	40	\$617,772
2005	242	179	132	46	\$951,173
2006	222	111	69	38	\$843,054
2007	217	90	138	44	\$697,358
2008	224	102	122	56	\$1,029,220
2009	188	81	125	35	\$1,091,473
2010	207	89	108	30	\$705,168
2011	184	89	96	38	\$1,006,013
2012	350	70	124	34	\$986,771
2013	256	247	91	38	\$2,016,669
2014	256	95	106	40	\$1,300,775
2015	541	366	152	34	\$2,488,651

Chart 27B below provides a summary of the claims approved in 2015, by type of misconduct and area of law. For the types of misconduct involved in the 366 approved claims, unearned fee claims were 91% of approvals and conversion claims were 9% of approvals.

Chart 27B: Classification of Approved Client Protection Claims in 2015

Type of Misconduct:	
Charging excessive fee or failure to refund unearned fees	332
Conversion.....	34
Area of Law	
Bankruptcy/Debt Negotiation	292
Tort	14
Real Estate	12
Domestic Relations.....	12
Workers' Comp.	9
Probate/Trusts.....	9
Criminal/Quasi criminal	6
Debt Collection.....	4
Corporate	4
Immigration	4

VI. Appointments

A. ARDC Commissioners

1. *James R. Mendillo Appointed as Chairperson of Commissioners*

James R. Mendillo was named as Chairperson of the ARDC Commissioners, effective January 1, 2016, succeeding Joan Eagle who continues to serve as a Commissioner. Mr. Mendillo has been a Commissioner since 2010 and most recently served as the Vice-chairperson of the Commission. He previously served on the Hearing Board. He is a name partner in the Belleville firm of *Freeark, Harvey & Mendillo, PC*. A past president of the St. Clair County Bar Association, he is also a member of the Bar Association of Metropolitan St. Louis, the St. Clair County and Illinois State Bar Associations, the Missouri Bar Association, the Illinois and American Trial Lawyer Associations. Mr. Mendillo received his J.D. from the Washington University Law School in 1974. He is admitted in both Illinois and Missouri.

2. *David F. Rolewick Appointed as Vice-Chairperson of Commissioners*

David F. Rolewick, a Commissioner since 2011, was appointed as Vice-Chairperson of the ARDC Commissioners, upon the appointment of James R. Mendillo as Chair. Mr. Rolewick is a founding partner of the law firm of *Rolewick & Gutzke, P.C.* He served on the ARDC Review and also served as Chair as well as on the Hearing and Inquiry Boards. He is also past Chair of the Supreme Court Commission on Professionalism. Mr. Rolewick was admitted to practice in Illinois and received his J.D. in 1971 from the Loyola University School of Law in Chicago.

B. Review Board

1. *J. Timothy Eaton Appointed to Review Board*

J. Timothy Eaton was appointed by the Supreme Court to the Review Board, succeeding Gordan B. Nash, Jr. Mr. Eaton is a partner in the Chicago office of *Taft Stettinius & Hollister LLP* where he concentrates in commercial and appellate litigation and arbitration. Mr. Eaton is a past president of the Chicago Bar Association, Illinois State Bar Association and Appellate Lawyers Association. He received his J.D. from Southern Illinois University School of Law and was admitted in Illinois in 1977.

2. *Claire A. Manning Appointed as Review Board Chairperson*

Claire A. Manning was appointed as Chairperson of the Review Board succeeding Gordan B. Nash Jr., who served as Chair. Ms. Manning was appointed to the Review Board in 2011. She is a partner with *Brown, Hay & Stephens, LLP* in Springfield. She concentrates her practice in the areas of environmental law, labor, employment and administrative law. Ms. Manning received her J.D. from the Loyola University School of Law in Chicago and was admitted to practice law in Illinois in 1979.

3. *Jill W. Landsberg Appointed as Review Board Vice-chairperson*

Jill W. Landsberg was appointed Vice-chairperson of the Review Board. A Review Board member since 2010, Ms. Landsberg is an arbitrator, sole practitioner and adjunct professor at Northwestern University Law School. She served previously on the Illinois Judicial Inquiry Board and was a past Chair. She was admitted to the bar in Illinois in 1991 and in Massachusetts in 1977. She received her J.D. from Boston College Law School.

4. *Gordan B. Nash, Jr. Completes Term as Chairperson and Member of the Review Board*

Gordan B. Nash, Jr. completed his term as Chairperson and member of the Review Board on December 31, 2015. Appointed to the Review Board by the Supreme Court in 2008, Mr. Nash was later named as Chair in January 2014. He is of counsel at the law firm of *Drinker Biddle & Reath LLP* in Chicago.

VII. Financial Report

The ARDC engaged the services of Legacy Professionals LLP to conduct an independent financial audit as required by Supreme Court Rule 751(e)(6). The audited financial statements for the year ended December 31, 2015, including comparative data from the 2014 audited statements are attached. In addition, a five-year summary of revenues and expenditures as reported in the audited statements appears after the text in this section. The ARDC is also subject to a bi-annual financial statement audit conducted by the State of Illinois Office of the Auditor General (OAG). The report for the two years ended December 31, 2015 is expected to be released in May 2016. The OAG audit reports can be found on the OAG website at www.auditor.illinois.gov.

The ARDC has successfully maintained its operations through careful expense management, which has more than offset the negative revenue impact from historically low interest rates. The Commission estimates that it has suffered an opportunity loss of at least \$750,000/year due to the low interest rate environment.

While recent economic conditions have been very challenging, the number of registered attorneys increased by 1.5% from 2014 to 2015. Due to changing demographics, we may begin to see a plateauing in the total number of fee-paying attorneys.

The Court approved an increase in the registration fee structure effective with the 2015

registration season. Prior to that, the last fee increase was made effective with the 2007 registration year. At that time, it was projected that the new fee structure would support ARDC operations through at least 2010.

The total fee paid by attorneys admitted for more than three years increased from \$342 in 2014 to \$382 in 2015. The \$40 increase included an additional \$30 for the ARDC and \$10 for the Commission on Professionalism. The \$382 fee is allocated as follows:

- ARDC - \$230;
- Lawyers Trust Fund - \$95;
- Commission on Professionalism - \$25;
- Client Protection Program - \$25; and
- Lawyers Assistance Program - \$7.

The fee paid to the ARDC by inactive attorneys, Rule 707 attorneys and attorneys admitted between one and three years increased from \$105 in 2014 to \$121 in 2015. The Court also approved the elimination of the fee exemption for attorneys over the age of 75 effective with the 2015 registration season.

Effective with the 2017 registration year, the Court raised the registration fee increased from \$382 to \$385 for lawyers who have been in active status for three years or longer. The increased funds will be directed to the Lawyers' Assistance Program (LAP), a not-for-profit organization that helps attorneys, judges, and law students get confidential assistance with substance abuse, addiction, and mental health issues. Attorneys in active status for less than three years, inactive status attorneys, and out-of-state attorneys eligible to practice in Illinois under Supreme Court Rule 707 are not affected.

Since 2007, funding for Client Protection Program (CPP) award payments comes from the \$25 allocation referenced above. During 2009, the ARDC determined that CPP expenses should also be paid from that separate Client Protection Fund instead of the ARDC Disciplinary Fund. For 2015 and 2014, the Client Protection Fund reimbursed the Disciplinary Fund \$286,324 and \$276,869 respectively for the administrative costs of the Program.



of the Supreme Court of Illinois

**ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ILLINOIS**

FIVE YEAR SUMMARY OF OPERATIONS

	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>
REVENUE					
Investment income					
Interest	\$ 215,925	\$ 139,202	\$ 150,964	\$ 192,312	\$ 237,324
Net appreciation (depreciation) in fair value of investments	(86,873)	6,534	45,672	(39,294)	8,090
Registration and program fees	21,241,739	18,118,805	17,476,037	17,150,269	17,121,917
Costs reimbursements collected	82,782	70,810	84,500	65,825	95,436
Administrative expense reimbursement from Client Protection Program	286,324	276,869	283,541	275,656	265,968
Client Protection Program reimbursements	16,355	96,781	97,160	276,367	8,145
Total revenue	<u>21,756,252</u>	<u>18,709,001</u>	<u>18,137,874</u>	<u>17,921,135</u>	<u>17,736,880</u>
EXPENSES					
Salaries and related expenses	11,933,845	11,439,028	11,393,488	11,278,544	10,985,943
Travel expenses	130,279	113,327	151,290	156,608	125,743
Library and continuing education	143,206	108,280	144,083	148,002	242,598
General expenses and office support	2,299,321	2,052,396	2,096,892	1,782,941	2,359,722
Computer expenses	479,508	403,897	476,557	452,254	226,560
Other professional and case-related expenses	835,666	821,595	699,562	778,186	640,378
Client Protection Program direct expenses	2,496,544	1,307,599	2,024,420	993,212	1,010,605
Administrative expense reimbursement to Registration and Discipline	286,324	276,869	283,541	275,656	265,968
Depreciation and amortization expense	412,451	669,653	625,317	475,650	466,075
Total expenses	<u>19,017,144</u>	<u>17,192,644</u>	<u>17,895,150</u>	<u>16,341,053</u>	<u>16,323,592</u>
CHANGE IN NET ASSETS BEFORE EFFECT OF PRIOR PERIOD ADJUSTMENT	2,739,108	1,516,357	242,724	1,580,082	1,413,288
EFFECT OF PRIOR PERIOD ADJUSTMENT	-	-	-	-	545,707
CHANGE IN NET ASSETS	2,739,108	1,516,357	242,724	1,580,082	1,958,995
UNRESTRICTED NET ASSETS					
Beginning of year	<u>23,381,910</u>	<u>21,865,553</u>	<u>21,622,829</u>	<u>20,042,747</u>	<u>18,083,752</u>
End of year	<u>\$ 26,121,018</u>	<u>\$ 23,381,910</u>	<u>\$ 21,865,553</u>	<u>\$ 21,622,829</u>	<u>\$ 20,042,747</u>
OTHER INFORMATION AT YEAR END					
Number of active and registered attorneys	93,824	92,750	90,774	89,927	88,517
Registration fees					
More than one year and less than three years	\$ 121	\$ 105	\$ 105	\$ 105	\$ 105
More than three years	\$ 230	\$ 200	\$ 200	\$ 200	\$ 205
Inactive/out of state	\$ 121	\$ 105	\$ 105	\$ 105	\$ 105

**ATTORNEY REGISTRATION AND DISCIPLINARY
COMMISSION OF THE SUPREME COURT OF ILLINOIS**

FINANCIAL STATEMENTS

DECEMBER 31, 2015

REPORT OF INDEPENDENT AUDITORS

To the Commissioners of
Attorney Registration and
Disciplinary Commission of the
Supreme Court of Illinois

Report on the Financial Statements

We have audited the accompanying financial statements of Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (the Commission), which comprise the statements of financial position as of December 31, 2015 and 2014, and the related statements of activities and of cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to in the first paragraph present fairly, in all material respects, the financial position of Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois as of December 31, 2015 and 2014, and the changes in its net assets and its cash flows for the years then ended, in accordance with accounting principles generally accepted in the United States of America.

Legacy Professionals LLP

Chicago, Illinois

April 20, 2016

**ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ILLINOIS**

STATEMENTS OF FINANCIAL POSITION

DECEMBER 31, 2015 AND 2014

ASSETS	<u>2015</u>	<u>2014</u>
CURRENT ASSETS		
Cash and cash equivalents	\$ 2,655,887	\$ 2,458,241
Short-term investments	29,010,659	26,652,312
Accrued interest receivable	38,367	23,822
Accounts receivable	3,342	2,794
Prepaid expenses and deposits	<u>48,752</u>	<u>80,641</u>
Total current assets	31,757,007	29,217,810
PROPERTY AND EQUIPMENT - net	2,284,283	2,696,223
LONG-TERM INVESTMENTS	<u>17,843,378</u>	<u>15,636,435</u>
Total assets	<u>\$ 51,884,668</u>	<u>\$ 47,550,468</u>
LIABILITIES AND NET ASSETS		
CURRENT LIABILITIES		
Accounts payable and other accruals	\$ 1,123,684	\$ 358,825
Amounts held for others	3,945,897	3,854,321
Accrued vacation	441,734	448,628
Deferred registration and program fees	16,630,854	16,210,099
Postretirement benefit obligation - current portion	14,028	9,547
Deposits	<u>2,500</u>	<u>5,000</u>
Total current liabilities	<u>22,158,697</u>	<u>20,886,420</u>
LONG-TERM LIABILITIES		
Postretirement benefit obligation	1,703,471	1,487,604
Deferred rent expense	<u>1,901,482</u>	<u>1,794,534</u>
Total long-term liabilities	<u>3,604,953</u>	<u>3,282,138</u>
Total liabilities	25,763,650	24,168,558
UNRESTRICTED NET ASSETS	<u>26,121,018</u>	<u>23,381,910</u>
Total liabilities and net assets	<u>\$ 51,884,668</u>	<u>\$ 47,550,468</u>

See accompanying notes to financial statements.

**ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ILLINOIS**

STATEMENT OF ACTIVITIES

YEAR ENDED DECEMBER 31, 2015

WITH COMPARATIVE TOTALS FOR THE YEAR ENDED DECEMBER 31, 2014

	2015			2014
	Registration and Discipline	Client Protection Program	Total	Total
REVENUE				
Investment income				
Interest	\$ 193,995	\$ 21,930	\$ 215,925	\$ 139,202
Net appreciation (depreciation) in fair value of investments	<u>(72,239)</u>	<u>(14,634)</u>	<u>(86,873)</u>	<u>6,534</u>
Total investment income	121,756	7,296	129,052	145,736
Registration and program fees	19,440,083	1,801,656	21,241,739	18,118,805
Cost reimbursements collected	82,782	-	82,782	70,810
Administrative expense reimbursement from Client Protection Program	286,324	-	286,324	276,869
Client Protection Program reimbursements	<u>-</u>	<u>16,355</u>	<u>16,355</u>	<u>96,781</u>
Total revenue	<u>19,930,945</u>	<u>1,825,307</u>	<u>21,756,252</u>	<u>18,709,001</u>
EXPENSES				
Salaries and related expenses	11,933,845	-	11,933,845	11,439,028
Travel expense	130,279	-	130,279	113,327
Library and continuing education	143,206	-	143,206	108,280
General expenses and office support	2,299,321	-	2,299,321	2,052,396
Computer expense	479,508	-	479,508	403,897
Other professional and case-related expenses	835,666	-	835,666	821,595
Client Protection Program direct expenses				
Awards	-	2,490,608	2,490,608	1,300,575
Administrative	-	5,936	5,936	7,024
Administrative expense reimbursement to Registration and Discipline	-	286,324	286,324	276,869
Depreciation and amortization expense	<u>412,451</u>	<u>-</u>	<u>412,451</u>	<u>669,653</u>
Total expenses	<u>16,234,276</u>	<u>2,782,868</u>	<u>19,017,144</u>	<u>17,192,644</u>
CHANGE IN NET ASSETS	3,696,669	(957,561)	2,739,108	1,516,357
UNRESTRICTED NET ASSETS				
Beginning of year	<u>20,027,688</u>	<u>3,354,222</u>	<u>23,381,910</u>	<u>21,865,553</u>
End of year	<u>\$ 23,724,357</u>	<u>\$ 2,396,661</u>	<u>\$ 26,121,018</u>	<u>\$ 23,381,910</u>

See accompanying notes to financial statements.

**ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ILLINOIS**

STATEMENTS OF CASH FLOWS

YEARS ENDED DECEMBER 31, 2015 AND 2014

	<u>2015</u>	<u>2014</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Change in net assets	\$ 2,739,108	\$ 1,516,357
Adjustments to reconcile change in net assets to net cash provided by operating activities		
Net (appreciation) depreciation in fair value of investments	86,873	(6,534)
Loss on sale of property and equipment	-	607
Depreciation and amortization expense	412,451	669,653
(Increase) decrease in assets		
Accounts receivable and accrued interest receivable	(15,093)	20,407
Prepaid expenses and deposits	31,889	14,791
Increase (decrease) in liabilities		
Accounts payable and other accruals	764,859	(764,130)
Amounts held for others	91,576	270,935
Accrued vacation	(6,894)	11,650
Deferred registration and program fees	420,755	2,751,888
Deposits	(2,500)	(4,832)
Postretirement benefit obligation	220,348	100,333
Deferred rent expense	106,948	(69,944)
Net cash provided by operating activities	<u>4,850,320</u>	<u>4,511,181</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Purchases of investment securities	(30,793,613)	(30,677,699)
Maturities of investment securities	26,141,450	26,068,120
Purchases of property and equipment	(511)	(98,291)
Net cash (used in) investing activities	<u>(4,652,674)</u>	<u>(4,707,870)</u>
NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS	197,646	(196,689)
CASH AND CASH EQUIVALENTS		
Beginning of year	<u>2,458,241</u>	<u>2,654,930</u>
End of year	<u>\$ 2,655,887</u>	<u>\$ 2,458,241</u>

See accompanying notes to financial statements.

**ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ILLINOIS**

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2015 AND 2014

NOTE 1. GENERAL PURPOSE DESCRIPTION

The Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (the Commission) was established by the Supreme Court of Illinois (the Court) pursuant to Article VII(B) of its rules, effective February 1, 1973. The Commission appoints an administrator, with approval of the Court, to serve as its principal executive officer. Commission duties include maintenance of the Master Roll of Attorneys and administration of the disciplinary fund. The administrator conducts investigations and prosecutes complaints against attorneys and non-lawyers pursuant to rules of the Court and Commission.

Recent amendments to those rules and additional significant rules of the Court impacting the Commission's operations are as follows:

- Rule 756(a), as amended (the Rule), has set the annual registration and program fees for active lawyers licensed to practice law for three years or more at \$382 and the annual registration fees for active lawyers licensed to practice between one and three years and inactive lawyers at \$121, both effective with the 2015 registration season. For the 2014 registration season, the corresponding amounts were \$342 and \$105 respectively. The charge for late payment of annual registration fees is \$25 per month for every month that fees are delinquent. The Rule requires that the Commission, as part of the annual \$382 fee, collect and remit the following amounts to the following other Supreme Court entities that are not administered by the Commission: \$95 to the Lawyers Trust Fund of Illinois, \$25 to the Illinois Supreme Court Commission on Professionalism and \$7 to the Illinois Lawyers' Assistance Program. For the 2014 registration season, the corresponding remittance amounts were identical except for the Illinois Supreme Court Commission on Professionalism, which was then entitled to \$15.

NOTE 1. GENERAL PURPOSE DESCRIPTION (CONTINUED)

- Rule 780(b) provided for the establishment of the Client Protection Program (the Program) and set forth that the purpose of the Program “is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct” of Illinois lawyers who have been disciplined. Since the Program’s inception, the Commission has administered the Client Protection Program and has maintained a separate Client Protection Fund account. Amended Rule 756 provides that \$25 of the \$382 registration fee be set aside for the Client Protection Program to fund awards made by the Client Protection Program. Prior to the Rule 756 amendment, the Commission funded payment of awards by making an annual allocation from the Disciplinary Fund. The Commission includes in its general budget allocations for administrative expenses of the Program to be paid from the Disciplinary Fund. The Program reimburses the Commission for the cost of administering the Program.
- Rule 707, as amended, provides that eligible out-of-state attorneys may appear in an Illinois proceeding upon meeting certain requirements, including the payment of a \$250 per proceeding fee and an annual registration fee, which is currently \$121. The \$250 per proceeding fee is allocated between the Illinois Supreme Court Commission on Access to Justice (\$175) and the Commission (\$75). The registration fee is allocated to the Commission.

NOTE 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting - The financial statements of the Commission have been prepared on the accrual basis of accounting.

Basis of Presentation - In compliance with provisions of generally accepted accounting principles, the Commission is required to report information regarding its financial position and activities in three classes of net assets: unrestricted net assets, temporarily restricted net assets and permanently restricted net assets. The Commission does not have any temporarily restricted or permanently restricted net assets.

A breakdown by program in the statements of activities is provided for 2015 and is for additional analytical purposes only. The net assets of the Commission’s programs, both individually and in total, are considered to be unrestricted.

Cash and Cash Equivalents - For purposes of the statements of cash flows, cash and cash equivalents include all deposits in checking and savings accounts.

NOTE 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Accounts Receivable - Cost Reimbursements and Client Protection Program

Reimbursements - The Commission fully reserves reimbursements owed by attorneys under its Cost Reimbursement Program and the Program. Whether the Commission can fully collect all reimbursements is dependent upon each identified attorney's ability to pay and the current economic environment. Therefore, the Commission records these reimbursements as revenue under the cost recovery method when the reimbursements are received.

Property and Equipment - Property and equipment are stated at cost. Major additions are capitalized while replacements, maintenance and repairs which do not improve or extend the lives of the respective assets are expensed currently. Depreciation and amortization are provided over the estimated useful lives of the assets or asset groups, based on the straight-line method. Upon disposal of assets, gains or losses are included in income. Leasehold improvements are amortized over the shorter of their estimated useful lives or the remaining lease period.

The estimated useful lives of the property and equipment are as follows:

Computer and related equipment	3 - 5 years
Office furniture and equipment	3 - 10 years
Library	7 years
Leasehold improvements	5 - 15 years

Investments - The investments of the Commission are reported at fair value. The fair value of a financial instrument is the amount that would be received to sell that asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date (the exit price).

Purchases and sales of the investments are reflected on a trade-date basis.

Interest income is recorded on the accrual basis. Dividend income is recorded on the ex dividend date.

Amounts Held for Others - Amounts held for others at December 31, 2015 and 2014 consist of funds collected for the Illinois Lawyers' Assistance Program in the amount of \$216,730 and \$211,781 respectively; the Lawyers Trust Fund of Illinois in the amount of \$2,941,226 and \$2,873,525 respectively; the Illinois Supreme Court Commission on Professionalism in the amount of \$773,995 and \$755,540 respectively; and the Illinois Supreme Court Commission on Access to Justice in the amount of \$13,946 and \$13,475 respectively. All amounts were remitted subsequent to year end.

Deferred Registration and Program Fees - The Commission is primarily funded by an annual registration fee assessed on Illinois attorneys which includes a \$25 Client Protection Program fee applied to attorneys admitted greater than 3 years. The annual fees for the subsequent year are billed before November 1 and are due January 1. Deferred registration and program fees represent the fees for next year received in the current year.

NOTE 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Deposits - A portion of deposits is the reinstatement deposit that accompanies the petition of any attorney who is filing for reinstatement under Rule 767. The amount the attorney actually owes is assessed at the conclusion of the proceedings. Reinstatement deposits held at December 31, 2015 and 2014 were \$2,500 and \$5,000 respectively.

Deferred Rent Expense - Deferred rent expense consists of a combination of “free rent” and past and future lease incentives from the landlord. The Commission is recognizing operating lease expense on a straight-line basis over the term of the lease.

Income Taxes - The Internal Revenue Service has determined that the Commission is exempt from federal income taxes as an instrumentality of the State of Illinois.

Use of Estimates - The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires the Commission to make estimates and assumptions that affect certain reported amounts and disclosures in the financial statements. Actual results may differ from those estimates.

Functional Allocation of Expenses - The Commission has allocated certain administrative expenses, such as salary costs, among the various programs benefited. These allocations have been based on management’s estimate of time incurred on these programs or other reasonable and consistent methodologies (see Note 4). Certain prior year amounts have been reclassified to conform to the current year presentation.

Subsequent Events - Subsequent events have been evaluated through April 20, 2016, which is the date the financial statements were available to be issued.

NOTE 3. COST REIMBURSEMENTS

The Commission receives cost reimbursements for investigative and disciplinary costs from disciplined attorneys. Cost reimbursements are billed at the time that discipline is imposed by the Court. Such billings may not reflect the total costs or match the period in which the investigative disciplinary costs were incurred. The Commission is limited to \$1,000 in cost reimbursements for each discipline case, absent exceptional circumstances. During the years ended December 31, 2015 and 2014, the Commission regularly sought entry of judgments by the Court. Interest accrues upon the unsatisfied portions of those judgments at a rate of 9% per annum, from the date of judgment until satisfied, as provided by 735 ILCS 5/2-1303. The Commission has also established payment plans for disciplined attorneys.

NOTE 4. FUNCTIONAL EXPENSES BY NATURAL CLASSIFICATION

The following tables represent an analysis of the Commission's functional expenses, by natural classification, for the years ended December 31, 2015 and 2014.

	2015			
	Program			Total
	Registration and Discipline	Client Protection	Administration and Support	
Salaries and related expenses	\$ 9,471,492	\$ 230,636	\$ 2,231,717	\$ 11,933,845
Travel expense	102,243	940	27,096	130,279
Library and continuing education	114,898	2,247	26,061	143,206
General expenses and office support	1,863,465	34,647	401,209	2,299,321
Computer expense	384,726	7,523	87,259	479,508
Other professional and case-related expenses	787,029	3,860	44,777	835,666
Client Protection Program direct expenses:				
Awards	-	2,490,608	-	2,490,608
Administrative	-	5,936	-	5,936
Administrative expense reimbursement to Registration and Discipline	-	-	286,324	286,324
Depreciation and amortization expense	330,922	6,471	75,058	412,451
Total expenses	<u>\$ 13,054,775</u>	<u>\$ 2,782,868</u>	<u>\$ 3,179,501</u>	<u>\$ 19,017,144</u>

NOTE 4. FUNCTIONAL EXPENSES BY NATURAL CLASSIFICATION (CONTINUED)

	2014			
	Program			Total
	Registration and Discipline	Client Protection	Administration and Support	
Salaries and related expenses	\$ 9,304,825	\$ 222,519	\$ 1,911,684	\$ 11,439,028
Travel expense	93,136	916	19,275	113,327
Library and continuing education	87,852	1,718	18,710	108,280
General expenses and office support	1,681,171	31,278	339,947	2,052,396
Computer expense	327,697	6,410	69,790	403,897
Other professional and case-related expenses	781,164	3,401	37,030	821,595
Client Protection Program direct expenses:				
Awards	-	1,300,575	-	1,300,575
Administrative	-	7,024	-	7,024
Administrative expense reimbursement to Registration and Discipline	-	-	276,869	276,869
Depreciation and amortization expense	543,316	10,627	115,710	669,653
Total expenses	<u>\$ 12,819,161</u>	<u>\$ 1,584,468</u>	<u>\$ 2,789,015</u>	<u>\$ 17,192,644</u>

NOTE 5. INVESTMENTS

The following summary presents the fair value of each of the investment categories.

	<u>2015</u>	<u>2014</u>
Short Term		
U.S. Treasury notes and bills	\$ 9,446,162	\$ 10,155,376
U.S. bank certificates	8,786,000	5,418,000
Money market funds	9,645,935	10,011,949
Mutual funds and exchange traded funds	<u>1,132,562</u>	<u>1,066,987</u>
Total Short Term	<u>29,010,659</u>	<u>26,652,312</u>
Long Term		
U.S. Treasury notes and bills	8,564,378	6,700,435
U.S. bank certificates	<u>9,279,000</u>	<u>8,936,000</u>
Total Long Term	<u>17,843,378</u>	<u>15,636,435</u>
Total Investments	<u>\$ 46,854,037</u>	<u>\$ 42,288,747</u>

NOTE 6. FAIR VALUE MEASUREMENTS

The *Fair Value Measurements and Disclosures* Topic of the FASB Accounting Standards Codification established a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1 measurements) and the lowest priority to unobservable inputs (Level 3 measurements). The three levels of the fair value hierarchy are described below:

Basis of Fair Value Measurement

- | | |
|---------|---|
| Level 1 | Unadjusted quoted prices in active markets that are accessible at the measurement date for identical, unrestricted assets or liabilities |
| Level 2 | Quoted prices in markets that are not considered to be active or financial instruments for which all significant inputs are observable, either directly or indirectly |
| Level 3 | Prices or valuations that require inputs that are both significant to the fair value measurement and unobservable |

NOTE 6. FAIR VALUE MEASUREMENTS (CONTINUED)

The method used to measure fair value may produce an amount that may not be indicative of net realizable value or reflective of future fair values. Furthermore, although the Commission believes its valuation methods are appropriate and consistent with other market participants, the use of different methodologies or assumptions to determine the fair value of certain financial instruments could result in a different fair value measurement at the reporting date.

The following tables set forth, by level within the fair value hierarchy, the Commission's investment assets at fair value as of December 31, 2015 and 2014. As required, assets and liabilities are classified in their entirety based on the lowest level of input that is significant to the fair value measurement. The Commission did not own any assets that required measurement within Level 3 at either December 31, 2015 or 2014.

	Total	Fair Value Measurements at 12/31/15 Using		
		Quoted Prices in Active Markets for Identical Assets (Level 1)	Significant Other Observable Inputs (Level 2)	Significant Unobservable Inputs (Level 3)
U.S. Treasury notes and bills	\$ 18,010,540	\$ 18,010,540	\$ -	\$ -
U.S. bank certificates	18,065,000	-	18,065,000	-
Money market funds	9,645,935	9,645,935	-	-
Mutual funds and exchange traded funds				
Fixed income	661,815	661,815	-	-
Equity:				
Small cap	61,171	61,171	-	-
Mid cap	61,943	61,943	-	-
Large cap	257,637	257,637	-	-
International	89,996	89,996	-	-
Total	<u>\$ 46,854,037</u>	<u>\$ 28,789,037</u>	<u>\$ 18,065,000</u>	<u>\$ -</u>

NOTE 6. FAIR VALUE MEASUREMENTS (CONTINUED)

	<u>Fair Value Measurements at 12/31/14 Using</u>			
	<u>Total</u>	<u>Quoted Prices in Active Markets for Identical Assets (Level 1)</u>	<u>Significant Other Observable Inputs (Level 2)</u>	<u>Significant Unobservable Inputs (Level 3)</u>
U.S. Treasury notes and bills	\$ 16,855,811	\$ 16,855,811	\$ -	\$ -
U.S. bank certificates	14,354,000	-	14,354,000	-
Money market funds	10,011,949	10,011,949	-	-
Mutual funds and exchange traded funds				
Fixed income	624,613	624,613	-	-
Equity:				
Small cap	59,779	59,779	-	-
Mid cap	60,049	60,049	-	-
Large cap	239,717	239,717	-	-
International	82,829	82,829	-	-
Total	<u>\$ 42,288,747</u>	<u>\$ 27,934,747</u>	<u>\$ 14,354,000</u>	<u>\$ -</u>

Level 1 Measurements

U.S. Treasury notes and bills are traded in active markets on national and international securities exchanges and are valued at closing prices on the last business day of each period presented.

Money market funds represent shares in money market mutual funds.

The fair value of the mutual funds and exchange traded funds are determined by reference to the funds' underlying assets, which are principally marketable equity and fixed income securities. Shares held in the mutual funds and exchange traded funds are traded on national securities exchanges and are valued at the net asset value on the last business day of each period presented.

Level 2 Measurements

U.S. bank certificates are valued at cost which approximates fair value due to their liquid or short-term nature. At December 31, 2015, the U.S. bank certificates had interest rates ranging from 0.25% to 1.50% with maturity dates between January 2016 and August 2018. At December 31, 2014, the U.S. bank certificates had interest rates ranging from 0.25% to 1.50% with maturity dates between January 2015 and November 2017.

NOTE 7. PROPERTY AND EQUIPMENT

Property and equipment at December 31, 2015 and 2014 consist of the following:

	<u>2015</u>	<u>2014</u>
Office furniture and equipment	\$ 1,198,972	\$ 1,220,333
Computer and related equipment	2,784,509	2,809,233
Library	52,569	70,243
Leasehold improvements	<u>2,471,949</u>	<u>2,482,889</u>
	6,507,999	6,582,698
Less accumulated depreciation and amortization	<u>(4,223,716)</u>	<u>(3,886,475)</u>
Property and equipment - net	<u>\$ 2,284,283</u>	<u>\$ 2,696,223</u>

NOTE 8. LEASE COMMITMENTS

The Commission leases its Chicago and Springfield offices under operating lease agreements.

The Chicago office lease was to expire in May 2015. However, in February 2011 the Chicago office lease was extended through May 2027. This lease calls for monthly payments for pro-rata operating expenses and real estate taxes in addition to the scheduled rent payments. In addition, the original lease provided 32 months of "free rent" with the first rent payment made on January 1, 1996. Under the terms of an amendment, base rent was reduced from December 2003 through May 2008, and the landlord provided certain rent concessions which were fully applied as of December 31, 2012. The Commission is also receiving an allowance for leasehold improvements and other rent concessions between January 2012 and December 2017.

Effective November 1, 2012, the Commission entered into a fifteen year agreement for office space in Springfield, Illinois. The agreement, which included an allowance of \$20,000 for leasehold improvements, requires escalating rental payments of 2% per annum over the life of the lease. The Commission's scheduled rent payments for this lease include operating expenses and real estate taxes.

Rent expense under all lease agreements was \$1,200,956 in 2015 and \$1,011,084 in 2014.

NOTE 8. LEASE COMMITMENTS (CONTINUED)

Future minimum rental payments under the terms of these leases, net of scheduled rent abatements, are as follows:

	<u>Springfield</u>	<u>Chicago</u>	<u>Total</u>
Year ending December 31,			
2016	\$ 103,444	\$ 694,596	\$ 798,040
2017	105,513	103,422	208,935
2018	107,623	729,558	837,181
2019	109,776	747,806	857,582
2020	111,971	766,660	878,631
Thereafter	<u>827,283</u>	<u>5,393,659</u>	<u>6,220,942</u>
	<u>\$ 1,365,610</u>	<u>\$ 8,435,701</u>	<u>\$ 9,801,311</u>

NOTE 9. POSTRETIREMENT BENEFIT OBLIGATION

On August 9, 1985, the Commission formed a trust to replace the Medicare coverage lost by its employees when the Social Security Administration ruled that certain Commission employees were ineligible for benefits.

The Commission committed to pay the future cost of Medicare premiums for former employees who met certain criteria and were employed by the Commission before March 31, 1986. Furthermore, the Commission agreed to pay reimbursement credits to eligible former employees for supplemental medical and hospitalization insurance coverage beginning at age 65. Therefore, the Commission records a liability associated with its employees' lost Medicare coverage and supplemental health benefits for retirees.

The following sets forth information with respect to this benefit obligation as of and for the years ended December 31, 2015 and 2014. The benefit obligation at December 31, 2015 was actuarially determined by Towers Watson, and was estimated by Commission management for 2014.

	<u>2015</u>	<u>2014</u>
Change in accumulated benefit obligation		
Benefit obligation at beginning of year	\$ 1,497,151	\$ 1,396,818
Service cost	59,552	52,297
Interest cost	64,097	69,841
Benefits paid	(14,029)	(9,547)
Actuarial loss (gain)	<u>110,728</u>	<u>(12,258)</u>
Benefit obligation at end year	<u>\$ 1,717,499</u>	<u>\$ 1,497,151</u>

NOTE 9. POSTRETIREMENT BENEFIT OBLIGATION (CONTINUED)

Net periodic benefit costs for 2015 and 2014 are comprised of the following:

	<u>2015</u>	<u>2014</u>
Service cost	\$ 59,552	\$ 52,297
Interest cost	64,097	69,841
Actuarial loss (gain)	<u>110,728</u>	<u>(12,258)</u>
Net periodic benefit cost	<u>\$ 234,377</u>	<u>\$ 109,880</u>

The key assumptions are as follows:

	<u>2015</u>	<u>2014</u>
Actuarial cost method	Projected unit credit method	Projected unit credit method
Mortality table	RP-2014 Employee and Annuitant	2013 PPA Static Mortality
Discount rate	4%	4%
Retirement age	Between ages 55 and 65	Between ages 55 and 65
Medical trend rate ultimate	5%	5%

Assumed health care cost trend rates can have a significant effect on the amounts reported for health care benefits. The actuary noted in its 2015 valuation that the effect of a 1% increase in health care cost trend rates (medical trend ultimate) would be an increase of \$8,338 on total service cost and interest cost components and an increase of \$113,999 on the postretirement benefit obligation.

The liability will increase or decrease in future years due to changes in eligible employees, benefits paid, and possible changes in assumptions based on experience factors and applicable discount rates.

Actuarially determined net benefit payments for each of the next five years and the five years thereafter are as follows:

2016	\$ 26,830
2017	28,511
2018	33,101
2019	34,907
2020	39,460
2021 - 2025	<u>389,172</u>
	<u>\$ 551,981</u>

NOTE 9. POSTRETIREMENT BENEFIT OBLIGATION (CONTINUED)

The Commission maintains investments in a separate trust account for the Medicare replacement reserve. The assets are invested using prudent asset allocation parameters, with the goal of minimizing risk and achieving asset returns that will help the plan meet its future obligations. The plan's returns should be competitive with like institutions employing similar investment strategies. Because these investments are not considered to be plan assets, they are included in the total investment balances on the statements of financial position. The fair value of these investments totaled \$1,575,949 and \$1,477,277 at December 31, 2015 and 2014, respectively.

NOTE 10. EMPLOYEE BENEFIT PLANS

The Commission maintains a defined contribution retirement plan and trust for the benefit of all eligible employees. The Commission provides enhanced retirement plan contributions due to the Social Security Administration ruling that Commission employees are not eligible for benefits. Employee contributions are not permitted under the plan's provisions. The Commission contributes 18% of compensation for eligible employees, which totaled \$1,488,873 in 2015 and \$1,457,296 in 2014. The Commission also pays the plan's administrative expenses, which totaled \$169,880 in 2015 and \$175,822 in 2014.

The Commission also maintains a Section 457 savings plan which is primarily funded by voluntary pre-tax employee contributions. The Commission paid the savings plan's administrative expenses, which totaled \$3,900 in 2015 and \$3,832 in 2014. Effective January 1, 2015, the Commission began matching employee contributions at the rate of 10% of the employee deferral amount, subject to an annual cap of \$500 per employee. Matching contributions totaled \$20,983 in 2015.

NOTE 11. LITIGATION

Various complaints and actions are periodically filed against the Commission. At December 31, 2015, the Commission believes that pending matters do not present any serious prospect for negative financial consequences.

NOTE 12. RISKS AND UNCERTAINTIES

The Commission invests in various investment securities. Investment securities are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of investment securities will occur in the near term and that such changes could materially affect the amounts reported in the statements of financial position.

The actuarial present value of postretirement benefit obligations is reported based on certain assumptions pertaining to interest rates, health care inflation rates and employee demographics, all of which are subject to change. Due to uncertainties inherent in the estimations and assumptions process, it is at least reasonably possible that changes in these estimates and assumptions in the near term would be material to the financial statements.

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