2026 IL App (1st) 251570-U
No. 1-25-1570
Order filed November 24, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

SECOND DIVISION

In re ESTATE OF KATHLEEN LaROCCA, A Disabled Person

(Estate of Kathleen LaRocca, Petitioner-Appellee,

v.

James J. Macchitelli, Respondent-Appellant).

Appeal from the Circuit Court of Cook County.
Honorable Susan Kennedy-Sullivan, Judge, Presiding.
No. 2014 P 005683

JUSTICE REYES delivered the judgment of the court.
Justices McBride and Van Tine concurred in the judgment.

ORDER

¶ 1 *Held*: The probate court's order sanctioning the respondent attorney for failure to comply with its prior orders is affirmed, where the probate court had jurisdiction to enter the challenged order and its sanction was not an abuse of discretion.

¶ 2 The instant appeal arises from the distribution of settlement proceeds received by the estate of Kathleen LaRocca, a disabled person (the estate), as a result of legal services provided by respondent James J. Macchitelli, the estate's former counsel. After the estate settled a medical malpractice lawsuit, a portion of the proceeds was distributed to respondent as attorney fees, and another portion of the proceeds was distributed to respondent as reimbursement for expenses he

had incurred during the course of the representation. After the entry of the court order permitting the distribution of proceeds, the probate court ordered respondent to provide documentation to substantiate his expenses. Respondent failed to do so, and eventually withdrew his representation of the estate. The estate continued to request the court-ordered documentation, and ultimately sought sanctions against respondent for his failure to comply with court orders. After a hearing, the probate court found that respondent's failure to comply with its orders warranted sanctions, and ordered him to return the $81,579.37 he had been awarded for the unsubstantiated expenses. Respondent now appeals, contending that the probate court lacked jurisdiction to enter the order and that the imposed sanction was excessive. For the reasons set forth below, we affirm the probate court's order.

¶ 3 I. BACKGROUND

¶ 4 On September 19, 2014, Adventist GlenOaks Hospital (the hospital) filed a petition requesting that Kathleen LaRocca, a patient at the hospital, be adjudged a disabled person and that the Office of State Guardian be appointed as guardian of her person. On the same day, the probate court entered an order appointing a guardian *ad litem* (GAL) for LaRocca.

¶ 5 On September 22, 2014, the hospital filed a "Petition to Invalidate, Suspend, and/or Revoke Power of Attorney," alleging that LaRocca's brother, George Spirakis, purportedly held a power of attorney for her health care. The petition alleged that the hospital had discussed discharge planning for LaRocca, who had been diagnosed with serious mental illness, but Spirakis refused to consent to a nursing home placement at Niles Nursing and Rehab (the nursing home) and refused to meet with the discharge team. On the same day, the GAL filed a report with the probate court, recommending the appointment of a temporary and plenary guardian of LaRocca's person. The probate court appointed the Office of State Guardian as LaRocca's temporary guardian and

suspended any powers of attorney. The hospital transferred LaRocca to the nursing home the same day.

¶ 6 On November 18, 2014, Spirakis, represented by respondent, filed a cross-petition for guardianship, requesting that he be appointed guardian of LaRocca's estate and her person. On January 13, 2015, the probate court found LaRocca to be a disabled person and named Spirakis plenary guardian of LaRocca's estate and person. Spirakis removed LaRocca from the nursing home and returned her to the home of their mother, where LaRocca had lived prior to her hospitalization.

¶ 7 In 2018, Spirakis filed a medical malpractice lawsuit (the law division case) on behalf of the estate against the hospital, the nursing home, and two doctors who had treated LaRocca (case No. 2018 L 003854). The estate and the hospital ultimately agreed to settle the claims against the hospital for $200,000, and the trial court in that case entered a good faith finding and an order approving the settlement on September 12, 2022; the order approving the settlement did not set forth the amount of the settlement, nor did it contain any language concerning the distribution of the settlement. On March 29, 2023, Spirakis filed a petition in the probate court, seeking leave to distribute the settlement proceeds as follows: (1) $27,229.17 to satisfy a Medicare lien, (2) $66,666.66 for respondent's attorney fees in the law division case based on a contingency fee agreement, (3) $41,134.20 for costs and expenses incurred by respondent in connection with the lawsuit, and (4) the remaining $63,469.97 to LaRocca's special needs trust.[1]

¶ 8 On April 4, 2023, the probate court entered an order providing that "[t]he Plenary Guardian is authorized to receive the proceeds of a settlement from Adventist Glenoaks Hospital in the sum of $136,530.03 in Cook County Law Division Case No. 2018L003854, so long as the proceeds are

[1]We observe that these amounts, which are based on the list of expenses attached to the petition, add to $198,500, not $200,000.

distributed directly to the Kathleen Larocca Special Needs Trust."[2] The funds were not directly deposited into the trust and, on December 14, 2023, the probate court entered an order directing respondent to "furnish the guardian ad litem with all documents and information pertaining to the recovery of a settlement in Cook County Law Division Case No. 2018L003854, including but not limited to documents pertaining to liens paid or pending in connection with the settlement and documents [*sic*] deposit of the Ward's funds into [respondent's] IOLTA account and disbursements of the Ward's funds from the IOLTA account." The order further directed the GAL to file a report with the probate court concerning the status of the settlement proceeds.

¶ 9 On January 30, 2024, the GAL filed a report with the probate court, noting that the trial court order approving the settlement did not state the amount of the settlement or adjudicate the distribution of the settlement. The GAL further noted that, as of the date of the report, no settlement proceeds had been deposited into the trust, and that, "[u]pon information and belief, [respondent] has deposited an unknown amount of money belonging to the Ward into his IOLTA Account, and it is unknown whether disbursements have been made to pay attorney's fees, liens, and other expenses." The status of the law division case as to any remaining defendants was also unknown. Based on the GAL's report, on February 1, 2024, the probate court ordered respondent to "e-file a document or documents responding to issues raised by the guardian ad litem" in the report no later than February 20, 2024.

¶ 10 On February 21, 2024, the GAL filed a motion to state an account pursuant to section 24-15 of the Probate Act of 1975 (755 ILCS 5/24-15 (West 2024)), claiming that no account had been filed on behalf of the estate after August 13, 2021. The GAL included a proposed account that she had prepared, but observed that there were numerous outstanding questions, including questions

[2]We note that $136,530.03 was listed as the combined amount of respondent's attorney fees, costs and expenses, and the Medicare lien on the exhibit to the petition to approve distribution.

surrounding the distribution of the settlement proceeds. The GAL's motion included a copy of a $200,000 check issued by the hospital on April 17, 2023, in settlement of the law division case. In addition, her proposed account contained a notation providing: "Based upon conversations with [respondent], apparently [respondent] has made disbursements from his IOLTA account for attorney's fees and expenses, and he has informed the guardian ad litem that there is an unpaid 'Medicare lien' in the sum of $27,229.17 and that he expects to receive another $40,000.00 settlement check." (Emphases omitted.) On February 26, 2024, the probate court entered and continued the GAL's motion, but ordered Spirakis to file an account covering the period from April 1, 2021, through December 31, 2023, and to include:

> "a. An accounting of Ward's funds deposited to and disbursed from [respondent's] IOLTA Account including payees, purposes, and amounts, and describing what court, if any, authorized the disbursements; and
>
> b. Identification of all liens, including but not limited to Medicare Liens pertaining to the Ward's Law Division settlement and other outstanding expenses, if any, and whether the liens have been adjudicated and paid; and
>
> c. Describing whether the Ward's Law Division cause of action is still pending and, if so, naming the remaining Defendants[.]"

¶ 11 On March 6, 2024, Spirakis filed a "motion to correct order," seeking to modify the probate court's April 4, 2023, order concerning the distribution of the settlement proceeds. Spirakis claimed that the entered order "made misstatements," including listing $136,530.03 as the total amount of the settlement proceeds instead of the amount which represented the expenses incurred in the litigation. Spirakis also claimed that, "[a]fter further review" by the GAL and respondent, the amount of costs was miscalculated, and the actual amount of the expenses should have been

$146,530.03, meaning that $53,469.97 was remaining to be distributed to the special needs trust. The motion included an itemized list of the expenses, which consisted of (1) $66,666.66 in attorney fees, (2) $52,634.20 in costs and expenses, and (3) a $27,229.17 Medicare lien.

¶ 12 In addition, according to the motion, subsequent to the entry of the order, one of the doctor defendants also agreed to settle the claims against him in the law division case, and trial proceeded against the nursing home and the other doctor defendant, resulting in a verdict in favor of the defendants. During the preparation of the trial, there were an additional three discovery depositions taken, incurring additional expenses of $1,716.[3] As such, Spirakis requested that payment in the amount of $1,716 be permitted to the court reporter and that the probate court enter an order "correctly directing Guardian's attorney to pay $51,753.97 to the Ward's Special Needs Trust."

¶ 13 On March 12, 2024, the probate court entered an order approving the motion to correct order, directing respondent to disburse from his IOLTA account (1) $1,716 to the court reporter and (2) $51,753.97 to the special needs trust. The probate court further ordered that, within 42 days, Spirakis was to file an account which was to include "[a]n accounting of Ward's funds deposited to and disbursed from [respondent's] IOLTA Account, including dates, payees, purposes, and amounts." Spirakis did not file an account by that date, and on April 23, 2024, the GAL filed a proposed account that she had completed, which the probate court approved on May 2, 2024.

¶ 14 On December 2, 2024, Spirakis filed a petition to approve the distribution of the $45,000 settlement with the doctor defendant in the law division case, with $15,000 being distributed to respondent pursuant to a contingency fee agreement and $30,000 being distributed to the special needs trust.

[3]While the motion claimed that the court reporter expenses for the three depositions totaled $1,716, we observe that adding the three fees together ($544, $544, and $620), totals $1,708.

¶ 15 On December 3, 2024, Spirakis filed a motion for substitution of counsel, replacing respondent with different counsel. The probate court approved the substitution of attorneys on December 4, 2024, ordering that:

> "By 5pm December 5, 2024, [respondent] will furnish the court with a copy by email of any court order entered in the Law Division determining and itemizing the expenses to be deducted from the proceeds of a settlement reached with Adventist Glenoaks Hospital on or about September 12, 2022 in the case entitled Spirakis etc. vs. Adventist Glenoaks Hospital (2018L003854); and in the event such an Order does not exist, [respondent] is directed to explain why and to take all action necessary and appropriate to secure such an Order and to present it to the guardianship court at the next court date with Notice and courtesy copies to all interested parties."

The probate court also entered and continued the motion to approve the distribution of the second settlement "subject to presentation of a Law Division court order approving the settlement and determining and itemizing the expenses to be deducted from the settlement."

¶ 16 On January 27, 2025, the probate court entered another order providing, in relevant part, that:

> "2. [Respondent] will furnish an Order from Law Division determining and itemizing the expenses to be deducted from the proceeds of a settlement reached with Adventist Glenoaks Hospital (2018L003854) to present to the guardianship court on January 28, 2025, at 9:30 A.M.
>
> 3. [Respondent] will furnish an Order from Law Division determining and itemizing the expenses to be deducted from the proceeds of a settlement in the sum of

$45,000.00 with [the doctor defendant] to present to the guardianship court on January 28, 2025, at 9:30 A.M.

4. [Respondent] will furnish all invoices for Fred Moss, M.D. to *** counsel for George Spirakis to ensure the amount paid to Fred Moss, M.D. was correct."

¶ 17 On January 28, 2025, the probate court entered an order providing that "[respondent] will furnish the vouchers itemizing the expenses to be deducted from the proceeds of a settlement reached with Adventist Glenoaks Hospital (2018L003854) to the Court and the Parties no later than 9:30 A.M. on January 29, 2025."

¶ 18 On January 29, 2025, the GAL filed a motion for sanctions against respondent due to his noncompliance with court orders. The GAL contended that, for over a year, multiple court orders had required Spirakis, while represented by respondent, and respondent himself to provide information and documents relating to the settlements, which were never provided. The GAL maintained that respondent had unreasonably and willfully failed to comply with the probate court's orders and requested that respondent be sanctioned accordingly.

¶ 19 On January 30, 2025, the probate court entered an order setting a briefing schedule on the GAL's motion for sanctions. The order further provided, in relevant part:

"4. [Respondent] shall furnish *all* vouchers supporting the itemizing of expenses that were deducted from the proceeds of a settlement reached with Adventist Glenoaks Hospital (2018L003854), including but not limited to checks and invoices and shall email *and* send hard copies to this Honorable Court and all parties in this matter.

5. [Respondent] shall furnish an Order from Law Division determining and itemizing the expenses to be deducted from the proceeds of a settlement in the sum of

> $45,000.00 with the [doctor defendant] and shall email *and* send hard copies to this Honorable Court and all parties in this matter.
>
> * * *
>
> 8. [Respondent] shall prepare a petition to approve the distribution attaching all supporting documents and itemized cost sheets, along with dates the funds came in[,] to be filed no later than 2/28/25 in addition to a courtesy copy for an in camera review of the retainer agreement." (Emphases in original.)

¶ 20 In his response to the GAL's motion, Spirakis requested leave to join the motion, similarly contending that respondent's noncompliance with court orders was sanctionable. In her reply, the GAL noted that respondent had not filed a response to the motion for sanctions. She further indicated that Spirakis, through his current counsel, had provided a copy of a voucher and redacted bank statements and checks received from respondent, which reflected total expenditures of $158,245.03. The GAL noted that these documents "set forth some check numbers, amounts, and some information sufficient to establish the disbursement of some funds from [respondent's] accounts," but maintained that there were no paid receipts from any payees, and the information provided for some of the disbursements was "especially insufficient" to support that the expenses had been paid in connection with the law division case. The GAL further noted that the total amount of the expenditures had varied over time, "raising questions about accuracy." Finally, the GAL observed that respondent had never provided a court order approving the second settlement as previously directed by the probate court.

¶ 21 The parties, including respondent, came before the probate court for a hearing on the motion for sanctions on March 27, 2025. At the hearing, the GAL noted that the problems with the settlement had begun with the original request to approve the settlement distribution, which the

probate court entered without the trial court in the law division case having previously entered an order adjudicating the proper distribution of the settlement proceeds, as required under court rules. The probate court agreed with the GAL, finding that "I was blindsided by that order because I had made the inaccurate assumption that what [respondent was] presenting to me were the numbers that the Law Division had approved, and they were not." As such, the probate court found that "I am taking the sua sponte position that I shouldn't have entered those orders. They were incomplete, as misrepresented by counsel pursuant to the rules, and I am vacating the original order and the subsequent order." The GAL, and counsel for Spirakis, further observed that respondent had been repeatedly ordered to provide documentation substantiating his expenses, but had failed to do so. The GAL noted that, two days before the prior hearing in the case, respondent had sent Spirakis' counsel a number of canceled checks, which counsel forwarded to the GAL, and that, minutes before the instant hearing, respondent had contacted the GAL by phone to explain some of the unclear expenses.

¶ 22 After the GAL and Spirakis' counsel had argued, respondent attempted to hand the probate court "all the documents that you said were missing," but the probate court refused to accept them, finding that it was "completely improper" for respondent to present them at this stage. Respondent explained that he had not previously been able to locate a number of the documents but "I realized where it is today."

¶ 23 The probate court found that it would sanction respondent for his noncompliance with court orders, and discussed with the parties the proper amount of the sanction. The probate court indicated that "[respondent] can come up with a motion to reconsider, and he can show you everything he's got, that he's got this file that's missing that he's finally found the day of the hearing. So if he produces all these things, I might reconsider everything, but I am right now ready

to have [the guardian] returned money under the granting of sanctions." The GAL and Spirakis' counsel discussed whether certain expenses had been substantiated, and respondent interrupted, resulting in the following colloquy with the probate court:

> "RESPONDENT: Your Honor, may I ask you a question, please? Is she satisfied with my proof of the $10,200 that was wired to Dr. Preter?
>
> THE COURT: She's already said she is not.
>
> RESPONDENT: I have provided her proof today with the contract and the time frame of the transfers.
>
> THE COURT: [Respondent], I'm not going to say it again. What you produce on the courthouse steps is not the equivalent of providing discovery. And furthermore, you didn't even respond or reply to their responses.
>
> RESPONDENT: Because, Judge, this Court has no jurisdiction over me. There was a substitution, and I no longer have an appearance on file. I was never served the way you are supposed to be served with a sanctions motion pursuant to statute with the sheriff's service."

¶ 24 The parties and the probate court then discussed whether respondent had been served and whether service was even necessary under these circumstances. The probate court ultimately concluded that personal service was not required here, as respondent was the attorney of record at the relevant time, and the fact that Spirakis later substituted his counsel "doesn't lift the hook out of [respondent] to prove to this Court for this disabled person what happened while he was representing her through Mr. Spirakis." The probate court found that "[respondent] at the time that this Court first questioned the ruling in the Law Division and the ultimate distribution to my ward, *** he was part of this case, and he never satisfied the Court or the guardian ad litem or his client,

apparently, to explain how the $200,000 settlement trickled down to a $40-some-odd-thousand receipt to the ward."

¶ 25 The probate court ultimately entered a written order on the motion for sanctions, indicating that respondent had appeared at the hearing and "questioned whether personal service is a prerequisite for the conduct of this hearing, and the court finding nothing so requiring." The probate court found that, "based upon this probate court's unsatisfied requests and court orders for [respondent] to produce *** a Law Division determination and other documents and information pertaining to the Law Division settlement for almost two years; and based upon this probate court's unique function to protect the interests of the ward," it would permit respondent his $66,666.66 attorney fee, but ordered him to pay $81,579.37 to the trust within 30 days, representing the $133,333.34 net settlement after attorney fees less the $51,753.97 previously deposited into the trust. The probate court also vacated the portions of its April 4, 2023, and March 12, 2024, orders permitting respondent to receive the proceeds of the settlement and to distribute them, finding with respect to each order that "that part of the Order is incomplete and misrepresented by [respondent]; and that part of the Order had previously been effectively vacated by the court due to numerous unsatisfied requests by the court and court orders demanding supporting documents and information."

¶ 26 On April 28, 2025, respondent filed a "petition to object to personal jurisdiction," contending that the probate court's March 27, 2025, order was void where there was no service of process on respondent. Respondent claimed that, as of December 4, 2024, when new counsel was substituted to represent Spirakis, respondent "has no appearance before this court" and that, without proper service, the probate court lacked personal jurisdiction in the matter. In his reply,

respondent added the allegation that the probate court also lacked the subject-matter jurisdiction to vacate the April 4, 2023, order where it was "well after 30 days" after the entry of the order.

¶ 27 Respondent's petition was denied on July 15, 2025, and this appeal follows.

¶ 28 II. ANALYSIS

¶ 29 On appeal, respondent contends that (1) the probate court lacked jurisdiction to enter its March 27, 2025, order and (2) that the imposed sanction was excessive. We consider each argument in turn.

¶ 30 A. Jurisdiction

¶ 31 Jurisdiction is commonly understood to consist of two elements: personal jurisdiction and subject-matter jurisdiction. *People v. Castleberry*, 2015 IL 116916, ¶ 12. Personal jurisdiction "refers to the court's power to bring a person into its adjudicative process." (Internal quotation marks omitted.) *Id.* Subject-matter jurisdiction "refers to the power of a court to hear and determine cases of the general class to which the proceeding in question belongs." *Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325, 334 (2002). In this case, respondent contends that both were lacking.

¶ 32 Probate courts are courts of general jurisdiction, which have the power to hear and decide all justiciable matters. *Gurga v. Roth*, 2011 IL App (2d) 100444, ¶ 16. Thus, there is no question that the probate court in this case had subject-matter jurisdiction over the matters of LaRocca's estate as a whole. With respect to final orders, however, a circuit court is generally divested of its jurisdiction to amend, modify, or vacate such an order 30 days after the entry of the order. *Howell v. Zenith Electronics Corp.*, 334 Ill. App. 3d 917, 922 (2002). In this case, respondent contends that the probate court's March 12, 2024, order granting the motion to correct the distribution of the

settlement constituted a final order such that the probate court lacked the ability to *sua sponte* vacate the order on March 27, 2025.

¶ 33 As an initial matter, we note that respondent's brief primarily relies on two cases in support of his argument. One of the two cases, however, is an unpublished decision filed in 2014, meaning that the decision may not be cited for any purpose, including as persuasive authority. See Ill. S. Ct. R. 23(e) (eff. June 3, 2025) (providing that nonprecedential orders entered on or after January 1, 2021, may be cited for persuasive purposes). As such, this decision plays no role in our consideration of the issues raised in respondent's appeal, and we have no need to further discuss it. Additionally, the second case relied on by respondent is significantly different factually, as the issue involved the circuit court's jurisdiction to modify an order dismissing the case after settlement. See *Howell*, 334 Ill. App. 3d at 922-23. This case, by contrast, asks us to consider whether the probate court has the subject-matter jurisdiction to *sua sponte* vacate an order concerning the distribution of settlement proceeds while proceedings concerning the management of the estate remain open. We find that it does, at least under the circumstances present here.

¶ 34 We observe that, while respondent contends that the probate court's March 12, 2024, order "disposed of the rights to distribution of the settlement," that is not an entirely accurate description of the order. In the original petition to approve the settlement distribution, Spirakis (represented by respondent), requested that the probate court approve the attorney fees and costs set forth in the petition and grant leave to distribute $63,469.97 of the settlement proceeds to LaRocca's special needs trust. In its April 4, 2023, order, the probate court ordered that Spirakis "is authorized to receive the proceeds of a settlement from Adventist Glenoaks Hospital in the sum of $136,530.03," so long as the proceeds "are distributed directly to the Kathleen Larocca Special Needs Trust." In his motion to correct the order, Spirakis informed the probate court that it had erroneously listed

the amount of *expenses* instead of the amount of the *settlement* as the amount which he was authorized to receive, and requested a correction of the order to direct $51,753.97 to be deposited into the special needs trust. In the interim, between the April 4, 2023, order and the filing of the motion to correct the order, the GAL filed a motion to state an account, setting forth numerous questions concerning the settlement proceeds, and the probate court ordered Spirakis to file an account including details of any deposits and disbursements from respondent's IOLTA account, which he failed to do. Accordingly, in entering its March 12, 2024, order, the probate court ordered, in relevant part, (1) that "[t]he Guardian's Motion to Correct Order dated April 4, 2023 is approved" and respondent was directed to distribute $51,753.97 from his IOLTA account to the trust, and (2) that within 42 days, Spirakis was to file an account including details of any deposits and disbursements from the IOLTA account, as well as details concerning the status of the law division case.

¶ 35 The probate court's order, as well as the proceedings leading to it, make clear that the order did not simply "dispose[ ] of the rights to distribution of the settlement," as contended by respondent. Instead, the probate court expressly required Spirakis to provide detailed records concerning the deposit and distribution of these funds. Notably, in neither of the probate court's orders is there a finding that the expenses as set forth in Spirakis' requests were approved; instead, the only express findings concern the distributions to LaRocca's trust. At most, the probate court's March 12, 2024, order impliedly approved the expenses by directing the distribution of only $51,753.97 to the trust. Even so, however, in that same order, the probate court made it clear that it required more detail as to the distribution of the settlement. We thus cannot find that the rights to distribution of the settlement were conclusively determined by the probate court's order.

¶ 36 Moreover, even if the distribution of the settlement was determined by the March 12, 2024, order, we agree with the probate court that its subsequent orders "effectively vacated" that order through the "numerous unsatisfied requests by the court and court orders demanding supporting documents and information." These orders made clear that the issue of the distribution of the settlement proceeds was in no way settled and that there were outstanding matters which remained to be resolved. Accordingly, the probate court's March 12, 2024, order was not a final order which in any way affected its subject-matter jurisdiction to later vacate that order.

¶ 37 It is well settled that "an interlocutory order may be reviewed, modified or vacated at any time before final judgment." (Internal quotation marks omitted.) *Hernandez v. Pritikin*, 2012 IL 113054, ¶ 42. As such, the probate court's *sua sponte* decision to expressly vacate its earlier orders was well within its authority and respondent's contention that the probate court lacked subject-matter jurisdiction is without merit.

¶ 38 We similarly cannot find that the probate court lacked personal jurisdiction over respondent. Personal jurisdiction may be exercised where an individual consents to the court's jurisdiction through his conduct. See *In re Marriage of Verdung*, 126 Ill. 2d 542, 547-48 (1989); see also *In re Marriage of Davis*, 261 Ill. App. 3d 617, 619 (1994) (finding that attorney who participated in proceedings on behalf of his client was subject to the court's personal jurisdiction to the extent required to impose sanctions). Here, respondent does not dispute that, during the time of his representation of Spirakis, he was subject to the probate court's authority and that the court could properly enter orders governing his conduct in that capacity. Indeed, the record demonstrates that the probate court entered multiple such orders concerning the distribution of the settlement proceeds.

¶ 39 The probate court's ability to enforce compliance with these orders did not cease after respondent withdrew from representation of Spirakis. "Once the circuit court acquire[s] personal jurisdiction over a party, it has the power to impose personal obligations on him [citation] and that jurisdiction continues until all issues of fact and law in the case are determined [citation]." *In re M.W.*, 232 Ill. 2d 408, 426 (2009). Here, the very order permitting respondent to withdraw suggests that the parties recognized that fact—the order expressly directed respondent to submit documentation concerning the settlement. All of the relevant orders entered by the probate court after respondent's withdrawal similarly directed respondent's compliance with the previously-imposed obligations. After respondent repeatedly failed to comply with the probate court's orders, the probate court sanctioned respondent in its March 27, 2025, order. This order represented an exercise of its authority to enforce compliance with its orders and, accordingly, we reject respondent's contention that the probate court lacked personal jurisdiction to enter such a sanction against him. See *Western Auto Supply Co. v. Hornback*, 188 Ill. App. 3d 273, 276 (1989) (circuit court retained jurisdiction to sanction attorney for document signed during the representation even after the attorney's withdrawal).

¶ 40 We also observe that, even if there was some question as to the probate court's retention of jurisdiction, any doubt would be resolved by the fact that respondent actively participated in the hearing on the motion for sanctions. See *Verdung*, 126 Ill. 2d at 547-48. While respondent eventually suggested that he chose not to file a response to the motion "[b]ecause *** this Court has no jurisdiction over me," this contention was first raised after the parties had argued the merits of the motion and the probate court had already determined that it would sanction respondent—the only remaining question was the amount of the sanction. As such, respondent's active

participation in the hearing provides further support for our conclusion that the probate court was well within its authority to sanction respondent.

¶ 41 B. Propriety of Sanction

¶ 42 Respondent also claims that the probate court's sanction was too severe, pointing to the fact that he represented Spirakis *pro bono* with respect to his guardianship and contending that the amount of the sanction was excessive. We review the sanction imposed by the probate court for an abuse of discretion. See *Sander v. Dow Chemical Co.*, 166 Ill. 2d 48, 67 (1995).

¶ 43 In this case, the probate court ordered Spirakis (while represented by respondent) and respondent himself to provide details concerning deposits and distributions related to the settlement beginning in December 2023. Despite repeated requests for this information over the next year, respondent failed to provide any supporting documentation until after the GAL had filed a motion for sanctions. Even then, respondent provided only a partial list of checks and no invoices or other evidence of the amounts owed. Respondent then, only minutes before the hearing on the motion for sanctions, contacted the GAL to inform her that he had "realized where [his box of documents] is today."

¶ 44 Given respondent's repeated noncompliance with the probate court's orders, we cannot find that its decision to impose sanctions was an abuse of discretion. We observe that the probate court is charged with overseeing that its ward, LaRocca, is being properly cared for by her guardian. See 755 ILCS 5/11a-17 (West 2024) (duties of personal guardian). This includes ensuring that LaRocca receives adequate support for her needs. *Id.* The probate court in this case was understandably concerned that LaRocca was to receive only a fraction of a sizeable settlement, and sought to ensure that the settlement was properly distributed. Requiring respondent to provide support for the expenses for which he sought to be reimbursed was eminently reasonable, and respondent's

repeated refusal to do so was seriously problematic. As such, where respondent failed to support the disbursement of the requested funds, the probate court properly determined that those funds should go to LaRocca. We further observe that the probate court expressly gave respondent the opportunity to avoid the sanction, inviting him to file a motion for reconsideration upon providing the missing documents. Respondent, however, instead chose to file a motion objecting to the probate court's jurisdiction. The sanction imposed in this case was not punitive and was not arbitrary—it was simply the probate court's determination that respondent was not permitted to expend LaRocca's funds on unsupported expenditures. We find no abuse of discretion in this decision, and accordingly, affirm the probate court's order.

¶ 45 III. CONCLUSION

¶ 46 The probate court's order is affirmed, where the probate court had the jurisdiction to enter the order and where the sanction imposed on respondent did not constitute an abuse of discretion.

¶ 47 Affirmed.