

SUPREME COURT OF ILLINOIS

TUESDAY, JANUARY 17, 2023

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.030423 - In re: Pamela D. Lucas. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board. Allowed. The petition by Pamela D. Lucas for reinstatement to the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 767. Denied.

Order entered by the Court.

M.R.031402 - In re: Nejla K. Lane. Disciplinary Commission.

Petition by respondent Nejla K. Lane for leave to file exceptions to the report and recommendation of the Review Board. Denied. Respondent Nejla K. Lane is suspended from the practice of law for nine (9) months, with the suspension stayed after six (6) months by a six (6) month period of probation subject to the following conditions, as recommended by the Review Board:

- a. Respondent's practice of law shall be supervised by a licensed attorney acceptable to the Administrator. Respondent shall provide the name, address, and telephone number of the supervising attorney to the Administrator. Within the first thirty (30) days of probation, respondent shall meet with the supervising attorney and meet at least once a month thereafter. Respondent shall authorize the supervising attorney to provide a report in writing to the Administrator, no less than once every quarter, regarding respondent's cooperation with the supervising attorney, the nature of respondent's work, and the supervising attorney's general appraisal of respondent's practice of law;
- b. Respondent shall provide notice to the Administrator of any change in supervising attorney within fourteen (14) days of the change;

- c. Prior to the completion of the period of probation, respondent shall attend and successfully complete the ARDC Professionalism Seminar;
- d. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to her conduct;
- e. Respondent shall attend meetings as scheduled by the Commission probation officer;
- f. Respondent shall notify the Administrator within fourteen (14) days of any change of address;
- g. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773, and shall reimburse the Commission for any further costs incurred during the period of probation; and
- h. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining period of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective February 7, 2023.

Respondent Nejla K. Lane shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.031466 - In re: Tradd Ashton Fromme. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board. Allowed. Respondent Tradd Ashton Fromme is suspended from the practice of law for three (3) years and until further order of the Court.

Order entered by the Court.

M.R.031485 - In re: Robert James Semrad. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent Robert James Semrad is suspended from the practice of law for ninety (90) days and until further order of the Court.

Order entered by the Court.

M.R.031486 - In re: David Kyle Cooper. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board. Allowed. Respondent David Kyle Cooper is suspended from the practice of law for three (3) years and until further order of the Court.

Order entered by the Court.

M.R.031490 - In re: Hedwig Sarnicki. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent Hedwig Sarnicki is suspended from the practice of law for thirty (30) days.

Suspension effective February 7, 2023.

Respondent Hedwig Sarnicki shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.031492 - In re: Maurico Boris Andres Araujo. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board. Allowed. Respondent Mauricio Boris Andres Araujo is disbarred.

Order entered by the Court.

Theis, C.J. took no part.
O'Brien, J. took no part.

M.R.031498 - In re: David Louis Bartelsmeyer. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board. Allowed. Respondent David Louis Bartelsmeyer is suspended from the practice of law for three (3) years and until further order of the Court and is required to prove he has paid full restitution to Attorneys' Title Guaranty Fund, Inc. before being reinstated to the practice of law.

Order entered by the Court.

M.R.031506 - In re: Margaret Jean Lowery. Disciplinary Commission.

Petitions by respondent Margaret Jean Lowery and the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board. Denied. Respondent Margaret Jean Lowery is suspended from the practice of law for thirty (30) days and is required to successfully complete the ARDC Professionalism Seminar within one (1) year of the Court's final order of discipline, as recommended by the Review Board.

Suspension effective February 7, 2023.

Respondent Margaret Jean Lowery shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension.

Order entered by the Court.

Overstreet, J. took no part.

M.R.031515 - In re: Russell John Luchtenburg. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent Russell John Luchtenburg is suspended from the practice of law for thirty (30) days.

Suspension effective February 7, 2023.

Respondent Russell John Luchtenburg shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.031542 - In re: India Noelle Winbush. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent India Noelle Winbush is suspended from the practice of law for ninety (90) days and until further order of the Court, with the suspension stayed in its entirety by a two (2) year period of probation subject to the following conditions to commence upon the effective date of the Court's order:

- a. Respondent shall comply with any and all treatment and continuing care recommendations of the Lawyers' Assistance Program and Tony Pacione or other treatment providers approved by the Administrator, including the taking of medications as prescribed;
- b. Respondent shall provide the Administrator and Tony Pacione or other approved treatment providers and treatment program(s) with an appropriate release, authorizing the treating professionals to: (1) disclose to the Administrator, on at least a quarterly basis, information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's conditions; (2) to promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; (3) to respond to any inquiries by the Administrator regarding respondent's treatment and compliance with any established treatment plan;

- c. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to her conduct;
- d. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;
- e. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct;
- f. Respondent shall notify the Administrator within fourteen (14) days of any change of address;
- g. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of her practice of law and the nature and extent of her compliance with the conditions of probation;
- h. Respondent shall successfully complete the ARDC Professionalism Seminar within the first six (6) months of probation; and
- i. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The ninety (90) day suspension shall commence from the date of the determination any term of probation has been violated and shall continue until further order of the Court.

Order entered by the Court.

M.R.031559 - In re: Timothy Paul Peterson. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent Timothy Paul Peterson is suspended from the practice of law for six (6) months.

Suspension effective February 7, 2023.

Respondent Timothy Paul Peterson shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.031560 - In re: David Hall. Disciplinary Commission.

Amended petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent David Hall is suspended from the practice of law for sixty (60) days, with the suspension stayed after thirty (30) days by a one (1) year period of probation, subject to the following conditions:

- a. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;
- b. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;
- c. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;

- d. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of his employment;
- e. Respondent shall notify the Administrator within fourteen (14) days of any change of address;
- f. Respondent shall continue in his course of psychotherapy with his current provider, or such other qualified mental health professional acceptable to the Administrator, and shall report to his current provider, or such other qualified mental health professional, not less than once per month for at least one year, with the Administrator advised of any change in attendance deemed warranted by such professional;
- g. Respondent shall comply with all treatment recommendations of his primary care physician or such other qualified mental health professional, including the taking of medications as prescribed;
- h. Respondent shall provide to current mental health provider and his primary care physician, or such other qualified mental health professional, an appropriate release authorizing the treating professional to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's compliance with any established treatment plans; and
- i. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining thirty (30) days of the sixty (60) day period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court.

Suspension effective February 7, 2023.

Respondent David Hall shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.031561 - In re: Nicole Lynn Beran. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent Nicole Lynn Beran is suspended from the practice of law for six (6) months and until further order of the Court, with the suspension stayed after thirty (30) days by a two (2) year period of probation, subject to the following conditions to commence upon the effective date of the Court's order:

- a. Thirty (30) days prior to the end of the period of probation, respondent shall make restitution to the Client Protection Program Trust Fund in the aggregate amount of \$7,450, premised on the following client matters:
 1. Katy Mathey \$3,650
 2. Karen Gustafson \$3,800
- b. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of her practice of law and the nature and extent of her compliance with the conditions of probation;
- c. Respondent shall begin a course of treatment with a qualified mental health professional acceptable to the Administrator, and shall report to that qualified mental health professional on a regular basis of not less than once per month, with the Administrator advised of any change in attendance deemed warranted by such professional;

- d. The qualified mental health professional shall provide quarterly reports to the Commission probation officer;
- e. Respondent shall successfully complete the ARDC Professionalism Seminar within the first year of probation;
- f. Respondent shall, within the first sixty (60) days of probation, establish a relationship with an attorney acceptable to the Administrator who will monitor, assess, and implement appropriate law office management practices in respondent's practice of law. Respondent shall receive approval from the Administrator of any change in the attorney-monitor. Respondent shall meet with the attorney-monitor at least once per month concerning respondent's practice of law. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize the following:
 - i. a diary and docketing system in accordance with the requirements established by the law office management program, including a mechanism by which approaching statutes of limitations and other filing deadlines are noted;
 - ii. a system by which telephone messages are recorded and telephone calls are returned in a timely manner;
 - iii. a system by which written requests by clients for the status of their legal matters are answered, either orally or in writing, in a timely manner;
 - iv. a system whereby clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid;

- v. for cases in which the fee is to be calculated on an hourly basis, a system by which clients are provided with regular itemized billing statements provided at least quarterly, setting forth the services performed by respondent, the date upon which each service was performed, the time spent by respondent on each service, and the amount to be charged to the client; and
- vi. a system for the handling of funds belonging to clients and third parties that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including the following Trust Account Procedures:

Basic accounting records that must be maintained daily and accurately:

Account Check Register – list sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account;

Account Receipts Journal – list chronologically all deposits into the trust account, each deposit to list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit, and maintain a copy of each item deposited;

Account Disbursement Journal – list chronologically all trust account disbursements and identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check;

Client Ledger Journal – list chronologically for each client matter all receipts, disbursements and remaining balances, preparing a separate page for each client matter and listing chronologically all receipts and disbursements and remaining balances for each client matter;

Source documents which must be preserved for seven (7) years:

Bank statements;

Deposit slips;

Cancelled checks – all trust account checks must have a named payee (no checks written to “cash”) and the memo portion of the check must contain a reference to a client matter;

Time and billing records; and

Copies of records from client files that are necessary for a full understanding of the lawyer’s financial transactions with the client: *e.g.*, retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered;

Reconciliation reports – There must be a running balance maintained for all ledgers and account books, and the balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Copies of each report shall be provided to the Administrator monthly. Records of each reconciliation must be maintained for seven (7) years;

- g. Respondent shall authorize the attorney assigned to work with her in the law office management program to: (1) disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the law office management program and the above-described conditions; (2) promptly report to the Administrator respondent's failure to comply with any part of the above-described conditions; and (3) respond to any inquiries by the Administrator regarding respondent's compliance with the above-described conditions;
- h. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to her conduct;
- i. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;
- j. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct;

- k. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging her violation of any criminal or quasi-criminal statute or ordinance;
- l. Respondent shall notify the Administrator within fourteen (14) days of any change of address; and
- m. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining portion of the six (6) month period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court.

Suspension effective February 7, 2023.

Order entered by the Court.