

SUPREME COURT OF ILLINOIS

THURSDAY, MAY 19, 2022

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.030186 - In re: Michael David Elkin. 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. Petitioner Michael David Elkin is reinstated to the practice of law in the State of Illinois pursuant to Supreme Court Rule 767, subject to the following conditions, which shall be applicable for two (2) years following petitioner's reinstatement:

- a. Petitioner shall comply with 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. Petitioner, upon reinstatement, shall comply, or document that he has complied, with the Minimum Continuing Legal Education requirements for reinstated attorneys set out in Supreme Court Rule 791(f);
- c. Petitioner shall attend meetings as scheduled by the Commission probation officer. He shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of his reinstatement;
- d. Petitioner shall notify the Administrator within fourteen (14) days of any change of address;

- e. Petitioner shall continue in his course of individual therapy with Dr. Henry Gault, or such other qualified mental health professional approved by the Administrator, on a regular basis of not less than once per week for the first year following reinstatement and not less than once per month for the second year, with the Administrator advised of any change in attendance deemed warranted by such professional. Petitioner shall comply with any treatment recommendations, including the taking of medications as prescribed by the treating professional or by another mental health professional approved by the treating professional and the Administrator;
- f. Petitioner shall provide the Administrator and approved mental health professional(s) with an appropriate release authorizing the professional(s) to (1) disclose to the Administrator, on at least a quarterly basis, information pertaining to petitioner's compliance with any treatment plan established with respect to petitioner's condition; (2) promptly report to the Administrator petitioner's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding petitioner's compliance with any established treatment plan;
- g. Petitioner shall participate in counseling sessions with the Lawyers' Assistance Program by attending at least one (1) meeting per month;
- h. Petitioner's practice shall be supervised by a licensed attorney approved by the Administrator. Petitioner shall meet with the attorney on a monthly basis concerning petitioner's practice of law. Petitioner shall authorize the attorney to meet with a representative of the Administrator and work out a supervision plan, which shall include the supervising attorney submitting a quarterly written report to the Administrator regarding petitioner's practice, the number of cases being handled by petitioner, and the supervising attorney's general appraisal of petitioner's practice of law;
- i. Petitioner shall notify the Administrator within fourteen (14) days if the supervising attorney is unable to serve;

- j. Petitioner and the supervising attorney shall promptly report any violation of the Illinois Rules of Professional Conduct by petitioner; and
- k. Petitioner's conditional reinstatement shall be revoked if he is found to have violated any of the conditions of reinstatement, and he shall be suspended from the practice of law until further order of the Court.

Order entered by the Court.

M.R.031162 - In re: Mark Doyle Easley II. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763. Allowed. Respondent Mark Doyle Easley II, who has been disciplined in the State of Missouri, is suspended from the practice of law in the State of Illinois until he is reinstated in the State of Missouri, with the suspension stayed in its entirety by a period of probation subject to the conditions imposed upon respondent in Missouri and continuing until he successfully completes his probation in Missouri.

Respondent Mark Doyle Easley II 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 probation.

Order entered by the Court.

M.R.031163 - In re: Dale B. Halling. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763. Allowed. Respondent Dale B. Halling, who has been disciplined in the State of Colorado, is disbarred in the State of Illinois.

Order entered by the Court.

M.R.031177 - In re: Valarie Pope Franklin. Disciplinary Commission.

Petition by respondent Valarie Pope Franklin for leave to file exceptions to the report and recommendation of the Review Board. Denied. Respondent Valarie Pope Franklin is disbarred, as recommended by the Review Board.

Order entered by the Court.

M.R.031178 - In re: Marc Ericson Darnell. Disciplinary Commission.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763. Allowed. Respondent Marc Ericson Darnell, who has been disciplined in the State of Virginia, is suspended from the practice of law in the State of Illinois for nine (9) months, effective October 13, 2023, and until he is reinstated to the practice of law in the State of Virginia.

Suspension effective June 9, 2022.

Respondent Marc Ericson Darnell 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.031192 - In re: John Russell McCulloh. 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 John Russell McCulloh is suspended from the practice of law for one (1) year, with the suspension stayed after sixty (60) 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, at least thirty (30) days prior to the termination of the period of probation, shall reimburse the Commission for any further costs incurred during the period of probation;
- c. 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 his conduct;
- d. 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;
- e. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall disclose to the Administrator on a quarterly basis by way of signed reports, information pertaining to the nature and extent of respondent's compliance with the conditions of probation, including providing any and all requested trust account records and journals;
- f. Respondent shall notify the Administrator within fourteen (14) days of any change of address;
- g. Respondent shall successfully complete the ARDC Professionalism Seminar within the first six (6) months of probation;
- h. Respondent shall, within the first thirty (30) 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 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 system for maintaining records as required by Supreme Court Rule 769;
- ii. a diary and docketing system, including a mechanism by which approaching statutes of limitations and other filing deadlines are noted;
- iii. a system by which telephone messages are recorded and telephone calls are returned in a timely manner;
- iv. 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;
- v. a system whereby clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid;
- vi. 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;
- vii. for cases in which a retainer is paid, a system by which clients are provided with fee agreements that clearly identify and define the kind of general retainer, security retainer, or advanced payment retainer being paid;
- viii. a system for all fee agreements to state whether the funds paid remain the property of the client until used to pay for services rendered or expenses incurred and will be deposited into a client trust account or whether the funds are earned when paid and immediately become property of the lawyer; and

- ix. 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 disbursements 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. 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, and the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check. Maintain a copy of each canceled check or other evidence of disbursement;

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;

Reconciliation Reports – maintain a running balance for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the receipt and disbursement journals, the account checkbook register and the bank statements. Copies of each reconciliation report and supporting records and journals, demonstrating respondent’s compliance with Rule 1.15, shall be provided to the Administrator quarterly;

Source documents which must be preserved for seven 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;

Reconciliation reports and records;

Time and billing records;

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;

- i. Respondent shall authorize the law office management attorney monitor to:

- i. 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;
 - ii. promptly report to the Administrator respondent's failure to comply with any part of the above-described conditions; and
 - iii. respond to any inquiries by the Administrator regarding respondent's compliance with the above-described conditions;
- j. 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; and
- k. Probation shall terminate without further order of court provided respondent complies with the above conditions.

Suspension effective June 9, 2022.

Order entered by the Court.

M.R.031205 - In re: Mahdis Azimi. 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 Mahdis Azimi is suspended from the practice of law for ninety (90) days.

Suspension effective June 9, 2022.

Respondent Mahdis Azimi 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.031213 - In re: James Russell Leone. Disciplinary Commission.

Motion by respondent James Russell Leone and request for a hearing on the Administrator's petition for reciprocal discipline pursuant to Supreme Court Rule 763. Denied.

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763. Allowed. Respondent James Russell Leone, who has been disciplined in the State of Florida, is suspended from the practice of law in the State of Illinois until he is reinstated to the practice of law in the State of Florida.

Suspension effective June 9, 2022.

Order entered by the Court.

M.R.031238 - In re: Andres Ybarra. 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 Andres Ybarra is suspended from the practice of law for one (1) year, with the suspension stayed after sixty (60) days by an eighteen (18) month period of probation, subject to the following conditions:

- a. Respondent shall comply with any and all treatment, medication, and continuing care recommendations of Dr. Farozan Islam, or another psychiatrist and treatment program approved by the Administrator;
- b. Respondent shall provide the Administrator and Dr. Islam with an appropriate release, authorizing the treating professionals to: (1) disclose to the Administrator 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; and (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 his conduct;

- d. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and, at least thirty (30) days prior to the termination of the period of probation, 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 his conduct;
- f. Respondent shall notify the Administrator within seven (7) days of any arrest of charge alleging his violation of any criminal or quasi-criminal statute or ordinance;
- 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 his practice of law and the nature and extent of his compliance with the conditions of probation;
- h. Respondent shall notify the Administrator within fourteen (14) days of any change of address;
- i. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining ten (10) months 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;
- j. Probation shall terminate without further order of the Court provided that respondent complies with all conditions listed herein;
- k. Respondent shall successfully complete the ARDC Professionalism Seminar within the first six (6) months of probation;
- l. Respondent shall, within the first thirty (30) 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 every

two (2) months 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 his probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize the following:

- i. a system for maintaining records as required by Supreme Court Rule 769;
 - ii. a diary and docketing system, including a mechanism by which approaching statutes of limitations and other filing deadlines are noted;
 - iii. a system by which telephone messages are recorded and telephone calls are returned in a timely manner;
 - iv. 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;
 - v. a system whereby clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid;
 - vi. 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
 - vii. for cases in which a retainer is paid, a system by which clients are provided with fee agreements that clearly identify and define the kind of retainer being paid;
- m. Respondent shall authorize the law office management attorney monitor to:
- i. 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;

- ii. promptly report to the Administrator respondent's failure to comply with any part of the above-described conditions;
 - iii. respond to any inquiries by the Administrator and/or his probation officer regarding respondent's compliance with the above-described conditions; and
- n. Respondent shall, within sixty (60) days of when his suspension takes effect, refund Angeles Alvarado in the amount of \$2,000; refund Treasa Howard-Collin in the amount of \$350; refund Tiffany Early in the amount of \$400; and refund Silvia Soto in the amount of \$1,500.

Suspension effective June 9, 2022.

Order entered by the Court.

M.R.031247 - In re: Michael John Ries. 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 Michael John Ries is suspended from the practice of law for two (2) years and until he is reinstated to the practice of law before the United States Patent and Trademark Office.

Suspension effective June 9, 2022.

Respondent Michael John Ries 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.