

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

FILED  
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ARDC Clerk

In the Matter of:

LOUIS L. BERTRAND,  
  
Attorney-Respondent,  
  
No. 6187917.

Commission No. 2023PR00043

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Tammy L. Evans, pursuant to Supreme Court Rule 753(b), complains of Respondent, Louis L. Bertrand, who was licensed to practice law in Illinois on November 16, 1984, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Lack of Diligence and False Statements to a Client – Robert Covone)*

1. On December 19, 2015, Robert Covone (“Covone”) was driving eastbound on Army Trail Road in Bloomingdale when his vehicle was struck from behind by a vehicle operated by Jeffery Godke (“Godke”). Covone suffered injuries as a result of the automobile accident.

2. Prior to September 12, 2017, Respondent and Covone agreed that Respondent would file a personal injury action against Godke and that Respondent would receive a contingent fee of one-third of any settlement received plus costs. Respondent did not provide Covone with a written contingent fee agreement.

3. On September 12, 2017, Respondent filed his appearance and a complaint on Covone’s behalf against Godke in the Eighteenth Judicial Circuit, DuPage County. The matter was

docketed as case number 2017L1007 and titled *Covone v. Godke*. The matter was scheduled for a status hearing on December 11, 2017.

4. Illinois Supreme Court Rule 102(a) provides: “Promptly upon issuance, summons (together with copies of the complaint as required by Rule 104) shall be placed for service with the sheriff or other officer or person authorized to serve process.”

5. Respondent made no efforts to effectuate the service of summons on Godke after he filed the complaint in case number 2017L1007.

6. On December 11, 2017, Respondent did not appear for the status hearing that was scheduled for case number 2017L1007. The court continued the matter for a case management conference on February 28, 2018.

7. On February 28, 2018, Respondent did not appear for the case management conference that was scheduled for case number 2017L1007. The court continued the matter for a status hearing on May 2, 2018.

8. On May 2, 2018, Respondent did not appear for the status hearing that was scheduled for case number 2017L1007. The court continued the matter for a status hearing on June 13, 2018, and directed the Circuit Clerk to send a copy of the court’s order to Respondent. On May 4, 2018, the Circuit Clerk mailed a copy of the court’s order to Respondent’s law office. Respondent received the court’s May 2, 2018 order.

9. On June 13, 2018, Respondent did not appear for the status hearing that was scheduled for case number 2017L1007. The court continued the matter for a status hearing on July 19, 2018.

10. On July 19, 2018, Respondent did not appear for the status hearing that was scheduled for case number 2017L1007. The court continued the matter for a status hearing on September 20, 2018.

11. On September 20, 2018, Respondent did not appear for the status hearing that was scheduled for case number 2017L1007. The court entered an order that directed Respondent to appear in court on October 25, 2018 for a status report, and directed the Circuit Clerk to send a copy of the court's order to Respondent. On September 25, 2018, the Circuit Clerk mailed a copy of the court's order to Respondent's law office. Respondent received the court's September 20, 2018 order.

12. Respondent did not appear in court on October 25, 2018, for case number 2017L1007, as directed by the court. The court continued the matter for a status hearing on November 29, 2018.

13. On November 29, 2018, Respondent did not appear in court for the status hearing that was scheduled for case number 2017L1007. The court continued the matter for a status hearing to February 7, 2019. On December 3, 2018, the Circuit Clerk mailed a copy of the court's November 29, 2018 order to Respondent's law office. Respondent received the court's November 29, 2018 order.

14. On February 7, 2019, Respondent did not appear in court for the status hearing in case number 2017L1007. The court entered an order dismissing the matter for want of prosecution. On February 7, 2019, the Circuit Clerk mailed an official notice of dismissal for want of prosecution to Respondent's law office. The official notice stated that Respondent must file a petition to vacate and address the court to have the case reinstated. Respondent received the official notice.

15. At no time after February 7, 2019, did Respondent file a motion to vacate the court's February 7, 2019 order.

16. As a result of Respondent's failure to file a motion to vacate the court's February 7, 2019 order, Covone's cause of action against Godke is barred.

17. At no time after February 7, 2019, did Respondent inform Covone that the court had entered an order dismissing case number 2017L1007 for want of prosecution.

18. Between February 7, 2019 and July 2020, Respondent and Covone communicated on numerous occasions about the status of case number 2017L1007. During those communications, Respondent informed Covone that case number 2017L1007 was still pending.

19. Respondent's statements to Covone that case number 2017L1007 was still pending were false because the court entered an order on February 7, 2019, dismissing the matter for want of prosecution, and Respondent failed to file a timely petition to vacate the court's February 7, 2019 order.

20. At the time Respondent made the statements to Covone that case number 2017L1007 was still pending, he knew the matter had been dismissed for want of prosecution.

21. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to issue a summons to the defendant in case number 2017L1007, failing to appear for 10 status hearings in case number 2017L1007, and failing to file a timely petition to vacate the court's February 7, 2019 order dismissing case number 2017L1007 for want of prosecution, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these rules, by

conduct including failing to inform Covone that Respondent had failed to issue summons in case number 2017L1007, and failing to inform Covone that the court had entered an order dismissing case number 2017L1007 for want of prosecution, in violation of Rule 1.4(a)(1) of the Illinois Rules of Professional Conduct (2010);

- c. failing to keep the client reasonably informed about the status of the matter, by conduct including failing to inform Covone that Respondent had failed to issue summons in case number 2017L1007, and failing to inform Covone that the court had entered an order dismissing case number 2017L1007 for want of prosecution, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- d. failing to enter into a written fee agreement with Covone in his lawsuit against Godke, when his fee for legal services he provided to Covone was contingent upon the outcome of the matter, in violation of Rule 1.5(c) of the Illinois Rules of Professional Conduct (2010); and
- e. conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including making statements to Covone that case number 2017L1007 was still pending when Respondent knew that the matter had been dismissed for want of prosecution, and Respondent knew that he failed to file a timely petition to vacate the court's February 7, 2019 order dismissing the matter for want of prosecution, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator  
Attorney Registration and  
Disciplinary Commission

By: /s/ Tammy L. Evans  
Tammy L. Evans

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