

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

In the Matter of:

ILAN BOROCHOV

Attorney-Respondent,

No. 6335300.

Commission No. 2023PR00072

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, David B. Collins, pursuant to Supreme Court Rule 753(b), complains of Respondent, Ilan Borochov, who was licensed to practice law in Illinois on June 15, 2021, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Committing a criminal act that reflects adversely on the lawyer's fitness as a lawyer)

1. At all times alleged in this count, Respondent was a litigation associate at Bradley Arant Boult Cummings LLP in Dallas, Texas.
2. At all times alleged in this count, Respondent was admitted to practice law in New York and Texas and had pending an application to be admitted to practice law in Illinois.
3. At all times alleged in this count, Respondent resided in a townhouse located in Irving, Texas.
4. At all times alleged in this count, Section 42.092 of the Texas Penal Code, titled "Cruelty to Nonlivestock Animals" provided:

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(a) In this section:

- (1) "Abandon" includes abandoning an animal in the person's custody without making reasonable arrangements for assumption of custody by another person.
- (2) "Animal" means a domesticated living creature, including any stray or feral cat or dog, and a wild living creature previously captured. The term does not include an uncaptured wild living creature or a livestock animal.
- (3) "Cruel manner" includes a manner that causes or permits unjustified or unwarranted pain or suffering.
- (4) "Custody" includes responsibility for the health, safety, and welfare of an animal subject to the person's care and control, regardless of ownership of the animal.
- (5) "Depredation" has the meaning assigned by Section 71.001, Parks and Wildlife Code.
- (6) "Livestock animal" has the meaning assigned by Section 42.09.
- (7) "Necessary food, water, care, or shelter" includes food, water, care, or shelter provided to the extent required to maintain the animal in a state of good health.
- (8) "Torture" includes any act that causes unjustifiable pain or suffering.

(b) A person commits an offense if the person intentionally, knowingly, or recklessly:

- (1) tortures an animal or in a cruel manner kills or causes serious bodily injury to an animal;
- (2) without the owner's effective consent, kills, administers poison to, or causes serious bodily injury to an animal;
- (3) fails unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody;
- (4) abandons unreasonably an animal in the person's custody;
- (5) transports or confines an animal in a cruel manner;
- (6) without the owner's effective consent, causes bodily injury to an animal;
- (7) causes one animal to fight with another animal, if either animal is not a dog;
- (8) uses a live animal as a lure in dog race training or in dog coursing on a racetrack; or
- (9) seriously overworks an animal.

(c) An offense under Subsection (b)(3), (4), (5), (6), or (9) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09.

(c-1) An offense under Subsection (b)(1) or (2) is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1), (2), (7), or (8) or under Section 42.09.

(c-2) An offense under Subsection (b)(7) or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted under this section or under Section 42.09.

(d) It is a defense to prosecution under this section that:

(1) the actor had a reasonable fear of bodily injury to the actor or to another person by a dangerous wild animal as defined by Section 822.101, Health and Safety Code; or

(2) the actor was engaged in bona fide experimentation for scientific research.

(e) It is a defense to prosecution under Subsection (b)(2) or (6) that:

(1) the animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of this discovery; or

(2) the person killed or injured the animal within the scope of the person's employment as a public servant or in furtherance of activities or operations associated with electricity transmission or distribution, electricity generation or operations associated with the generation of electricity, or natural gas delivery.

(f) It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:

(1) form of conduct occurring solely for the purpose of or in support of:

(A) fishing, hunting, or trapping; or

(B) wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or

(2) animal husbandry or agriculture practice involving livestock animals.

(g) This section does not create a civil cause of action for damages or enforcement of the section.

5. On February 10, 2021, near his residence, Respondent held up, berated and repeatedly hit his female Rottweiler mix dog, Luna, about her head, then threw her into a fence and kicked her.

6. Several witnesses reported the incident to the Irving, Texas Police Department, who along with other authorities investigated the incident. A search warrant was issued for Respondent's dwelling. After the search warrant was executed, Respondent's two dogs were removed from the house.

7. In March of 2021, Respondent was arrested for, and charged in Dallas County, Texas case number F2133181 with a felony violation of the Cruelty to Nonlivestock Animals statute arising from the February 10, 2021 incident.

8. On November 29, 2022, Respondent entered into a plea agreement on the charge. In exchange for the state striking the words "cause unjustifiable pain and suffering, and in a cruel manner kill, and in a cruel manner cause serious bodily" from the indictment, Respondent admitted that on February 10, 2021, he "then and there intentionally and knowingly and recklessly injur[ed] an animal, to wit: a Female Rottweiler mix named Luna, by hitting said dog in the face with his hand." Respondent pled *nolo contendere* to the offense of Cruelty to Nonlivestock Animals statute as a lesser included offense.

9. Respondent was sentenced to deferred community supervision for two years, as well as standard conditions, completion of a responsible pet owner class and no pets.

10. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committed a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, by violating Texas Penal Code Section 42.092 by then and there intentionally and knowingly and recklessly injuring an animal, to wit: a female Rottweiler mix named Luna, by hitting said dog in the face with his hand, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Failure to correct or supplement his pending application to be admitted to the Illinois Bar with information regarding his arrest and charge for felony cruelty to animals)

11. On January 14, 2020, Respondent submitted an Application for Admission to the Bar of Illinois ("Application") to the Illinois Board of Bar Admissions ("IBAB") of the Supreme Court of Illinois pursuant to Illinois Supreme Court Rule 704(a), entitled "Admission by Transferred Uniform Bar Examination Score."

12. At all times related to this count, Illinois Supreme Court Rule 708(e) provided:

At all times prior to his or her admission to the bar of this state, each applicant is under a continuing duty to supplement and continue to report fully and completely to the Board of Admissions to the Bar and the Committee on Character and Fitness all information required to be disclosed pursuant to any and all application documents and such further inquiries prescribed by the Board and Committee.

13. As part of the Application, Respondent submitted a completed Character & Fitness Questionnaire ("Questionnaire").

14. Question 44 on the Questionnaire asked: "Have you read and do you understand the Illinois Rules of Professional Conduct?" Respondent responded "Yes" to Question 44.

15. Question 46 on the Questionnaire asked: "Have you ever been convicted of a felony or is there now pending against you any indictment, criminal information, or criminal complaint charging a felony offense?" Respondent responded "No" to Question 46.

16. Question 47 on the Questionnaire asked: “During the last 25 years, have you been formally or informally detained, restrained, cited, summoned into court, taken into custody, arrested, accused, charged, convicted, placed on probation, placed on supervision, or forfeited collateral in connection with any offense against the law or an ordinance, or accused of committing a delinquent act, other than traffic offenses set forth in response to question 48 as set forth in your Driving Record provided under question 49. Respondent responded “No” to Question 47.

17. Question 52 on the Questionnaire asked: “Do you understand that after your Character & Fitness Questionnaire is filed, you will have a continuous reporting obligation and must notify IBAB of any changes or additions to the information provided in your application? This includes, but is not limited to, address changes, employment changes, criminal charges, disciplinary actions (educational, employment or other), and traffic violations, including any parking tickets that are not paid upon receipt. Respondent responded “Yes” to Question 52.

18. The Administrator repeats and incorporates paragraphs 1-9 of Count I, above, as and for paragraph 18.

19. On June 15, 2021, based upon the above-described Application, including the Questionnaire, Respondent was admitted to practice law in the State of Illinois pursuant to the requirements of Supreme Court Rule 704(a).

20. At no time between his March 2021 arrest and his June 15, 2021 admission to practice law in Illinois did Respondent advise the IBAB or the Illinois Character and Fitness Committee of either his arrest, or criminal charge, arising from the February 10, 2021 incident, as required by Illinois Supreme Court Rule 708(e) and Rules 8.1(a) and 8.1(b) of the Illinois Rules of Professional Conduct.

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

- a. knowingly making a false statement of material fact on his admission to the Illinois Bar by allowing his answer to Question 46 on the Questionnaire, where he answered “no” to the question “Have you ever been convicted of a felony or is there now pending against you any indictment, criminal information, or criminal complaint charging a felony offense?” to stand as his answer after Respondent had been charged with felony cruelty to animals in Dallas County, Texas, in violation of Illinois Supreme Court Rule 708(e) and Rule 8.1(a) of the Illinois Rules of Professional Conduct (2010); and
- b. failing to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter by failing to supplement his response as an applicant for admission to the bar to the Character & Fitness Questionnaire with information relating to his arrest for, and charge of, felony cruelty to animals in Dallas County, Texas, in violation of Illinois Supreme Court Rule 708(e) and Rule 8.1(b) 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 the panel make findings of fact, and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ David B. Collins
David B. Collins

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