

In re Robby S. Fakhouri
Respondent-Appellee

Commission No. 2021PR00056

Synopsis of Review Board Report and Recommendation
(January 2024)

The Administrator brought a thirteen-count complaint against Respondent charging him with dishonestly misappropriating more than \$280,000 of client funds in thirteen client matters, in violation of Rules 1.15(a), and 8.4(c) of the Illinois Rules of Professional Conduct (2010).

The Hearing Board found that Respondent had committed the charged misconduct. The Hearing Board recommended that Respondent be suspended for three years, until further order of the Court, with the suspension stayed after one year, by a two-year period of probation, subject to conditions.

The Administrator appealed, challenging the Hearing Board's sanction recommendation, and asking the Review Board to recommend that Respondent be disbarred.

The Review Board recommended that Respondent be suspended for three years, until further order of the Court, with the suspension stayed after two years, by a one-year period of probation, subject to conditions.

**BEFORE THE REVIEW BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION**

In the Matter of:

ROBBY S. FAKHOURI,

Respondent-Appellee,

No. 6315332.

Commission No. 2021PR00056

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

SUMMARY

The Administrator brought a thirteen-count complaint against Respondent, charging him with dishonestly misappropriating more than \$280,000 of client funds in thirteen client matters for his own business and personal purposes, without authority, in violation of Rules 1.15(a), and 8.4(c) of the Illinois Rules of Professional Conduct (2010).

Following a hearing at which Respondent was represented, the Hearing Board found that Respondent had committed the charged misconduct. The Hearing Board recommended that Respondent be suspended for three years, until further order of the Court (“UFO”), with the suspension stayed after one year, by a two-year period of probation, subject to conditions. In other words, the sanction would be an actual suspension of one year, followed by a two-year period of probation with conditions, where a violation of probation would trigger the UFO provision.

The disciplinary hearing was held on four separate days – June 7, June 8, August 15, and October 4, 2022. The Administrator presented testimony from two of Respondent’s former clients and a forensic psychiatrist, and the Administrator called Respondent as an adverse witness.

FILED

January 16, 2024

ARDC CLERK

Respondent testified on his own behalf and presented the testimony of his treating counselor and five character witnesses. Exhibits from both parties were admitted.

The Administrator appealed, challenging the Hearing Board's recommendation, and asking this Board to recommend that Respondent be disbarred. Respondent argues that the Hearing Board's recommendation should be adopted in whole, or alternatively, adopted in all respects, except that the three-year suspension, UFO, should be stayed after less than one year.

We agree with the Hearing Board that the sanction should be a three-year suspension, UFO, stayed in part by probation, with conditions. However, we recommend that the three-year suspension, UFO, be stayed after two years (instead of after one year), followed by a one-year period of probation, subject to conditions. Given the severity of Respondent's actions, we believe that an actual suspension of two years better achieves the disciplinary goals of safeguarding the public, preserving the legal profession's integrity, and deterring future misconduct.

FACTS

The facts are fully set out in the Hearing Board's report and are summarized only to the extent necessary here. The summary set forth below reflects the Hearing Board's findings of fact.

Respondent

Respondent was admitted to practice law in Illinois in 2014. He worked at a law firm for two years handling personal injury cases. In 2016, he opened his own solo law firm, focusing on plaintiff's personal injury cases. Respondent has no prior discipline.

Respondent's Misconduct

Respondent's misappropriation of client funds: Between 2017 and 2019, Respondent dishonestly converted approximately \$281,152 of client funds, for his own use, without authority, which he was holding in connection with the settlement of thirteen personal injury cases. (Hearing Bd. Report at 10-12.) Respondent admitted that he used those funds without authority, knowing that it was wrong to do so. (Tr. 75-105, 240-41, 292.) The details concerning the conversion of funds as to each of the thirteen client matters is set out in the Hearing Board's Report. (*See* Hearing Bd. Report at 9-29.)

Respondent used client funds, including funds owed to third parties and lienholders, (hereinafter "client funds") to pay for business expenses to keep his law firm running, including to pay for office rent. Respondent also used client funds to repay funds that he had taken from other clients, and to pay for personal expenses, including to purchase drugs. (Tr. 251, 276.) Respondent delayed distributing settlement funds to clients and third parties for significant periods of time. (Tr. 251-52, 291.)

Between 2016 and 2018, Respondent abused prescription drugs. (Tr. 90.) He stopped using drugs in July 2018 (Tr. 253), but he continued misappropriating client funds for a full year after he stopped. Between July 2018 and July 2019, Respondent misappropriated \$127,007 from settlement funds in seven separate client matters – half of the thirteen client matters charged in the complaint – even though he was no longer using drugs.

Respondent eventually repaid all of the money he took, with the last payment being made in May 2021 (Tr. 291.) He frequently repaid clients by using other clients' funds to make those payments, and some clients were not repaid until after the ARDC began investigating in July 2019.

Respondent testified that, in 2020, he hired a company, APA Financial Services, to perform bookkeeping services for his law firm. (Tr. 234-35.)

Respondent's financial situation: Respondent worked at a law firm between 2014 and 2016, where he was earning \$50,000 a year. Respondent wanted to earn more money because his parents were having financial difficulties, so he tried to find another job, but he was not successful. Consequently, Respondent opened his own law office in 2016. He was 25 years old. His prior firm allowed him to take a group of approximately forty-five personal injury cases with him when he left. He struggled financially while he waited for his cases to be resolved. (Tr. 209-18.)

Respondent provided the following testimony: His parents gave him financial support until 2015, when his parents began having financial difficulties. In 2015, he was living at Lake Point Tower in a unit owned by his parents, and he was evicted due to his parents' financial problems. He then moved to the Ritz Carlton Hotel, where he agreed to pay rent of \$3,000 a month. He failed to make rent payments and was evicted in 2016 or 2017. He then moved from hotel to hotel. In 2018, he moved to Trump Tower, where he agreed to pay rent of \$4,000 a month. He missed rent payments and was evicted. He moved in with his parents in 2018. (Tr. 72-75; 209-213.)

Respondent's use of drugs: Respondent claimed that his drug abuse was the sole cause of his misappropriation of client funds. (Tr. 121, 145-46, 169-70, 287, 292.) The Hearing Board rejected that argument and concluded that "while his substance abuse contributed to his misconduct, it was not the singular cause of it." (Hearing Bd. Report at 36.)

Respondent provided the following testimony: He began taking prescription medication in 2015. He increased his use of prescription drugs in 2016 and continued to abuse

prescription drugs until July 2018. (Tr. 90, 228, 253.) Respondent used client funds to pay for drugs. (Tr. 82-83.) Prior to July 2018, he never told anyone, including any of his clients, that he had a substance abuse issue. (*Id.*)

Respondent testified that beginning in 2015, he obtained prescriptions for Adderall, Xanax, and other drugs from Dr. Ghada Albeheary, a psychiatrist. According to Respondent, in order to obtain a prescription for Adderall from Dr. Albeheary, Respondent falsely represented that he had a history of attention deficit disorder and had previously taken Adderall. (Tr. 106-07, 223.)

Respondent testified that, between 2016 and July 2018, he took significant amounts of Adderall and Xanax, as well as taking other medications that included Lorazepam, Gabapentin, Prozac, Fluoxetine, and Vyvanse. (Tr. 106-07.) He testified that he cannot remember everything that occurred during between 2016 and 2018, given the amount of drugs he was taking. (Tr. 78.) He also testified that he purchased drugs on the street, including Xanax, when he ran out of his prescription medication. (Tr. 107-08, 225-26.) He did not disclose that to Dr. Albeheary. (Tr. 108.)

Respondent testified that he lied to the people around him. (Tr. 263.) Respondent also provided the following testimony: He abused drugs due to stress, which included dealing with his parents' financial circumstances and maintaining a solo law practice as a young lawyer. He eventually needed the medication to handle his professional obligations. Because of the drugs, he sometimes had his assistant delay matters with his clients or had her tell his clients that there had been a delay, and sometimes he stayed home and slept for three days. (Tr. 228-31, 295.)

Testimony of Dr. Lisa Rone (forensic psychiatrist): The Administrator presented the expert testimony of Dr. Lisa Rone, who is a forensic psychiatrist. (Tr. 131-171.) Dr. Rone is board-certified by the American Board of Psychiatry, and she testified that she has conducted

hundreds of similar evaluations, including ten to twelve evaluations of attorneys. (Tr. 134.) She testified that her opinions were based on a reasonable degree of medical and psychiatric certainty. (*Id.*) She evaluated Respondent in March 2022.

Dr. Rone concluded that Respondent's substance abuse did not explain his diverting client funds and handling the monies the way he did. (Tr. 146.) Dr. Rone testified that Respondent attributed his mishandling of client funds solely to his substance abuse problem; he claimed that his behavior was due to his addiction; he said that although he misused client funds, he had dealt with it all by getting clean; and he said that his misuse of client funds happened during the time that he was addicted. (Tr. 145-46, 169-70.) Dr. Rone, however, concluded that Respondent's drug use does not explain all of his behavior between 2015 and 2018. (Tr. 146, 161.) According to Dr. Rone, the drugs that Respondent used do not directly cause someone to act dishonestly. (Tr. 141.)

Dr. Rone also found that Respondent had a very limited understanding of his behavior, and he did not exhibit much insight into what happened, including why he mishandled client funds in the way that he was mishandling them, and why he abused drugs. (Tr. 149-50, 154.) Dr. Rone stated, "I saw no evidence that he had insight into the behavior that contributed to the misapplication, the conversion of the funds that he converted. There is no assurance ... that wouldn't occur again." (Tr. 157.)

Dr. Rone also found that Respondent's drug use influenced his behavior and his ability to practice of law, in that Respondent said he had memory problems, and he was not keeping up with things in a normal manner. (Tr. 146.) Dr. Rone testified that it would be beneficial for Respondent to have an understanding of his pattern of dishonesty and recklessness. (Tr. 152, 154, 167-68.)

In Dr. Rone's opinion, Respondent is capable of practicing law, but he may require mental health treatment in order to practice ethically and credibly. (Tr. 165.) Dr. Rone recommended that Respondent participate in weekly psychotherapy for at least a couple of years. (Tr. 152, 165, 167-68.) According to Dr. Rone, she also believed that Respondent could function better if he had supervision, mentorship, and someone helping him with the management of his practice. (Tr. 157.)

Testimony of Katie Love (professional counselor): Respondent presented the testimony of Katie Love, a licensed professional counselor and certified alcohol and drug counselor, who is in private practice. (Tr. 328-366.) Love had eight counseling sessions with Respondent, by phone, in 2022. (Tr. 332.)

Love testified that she diagnosed Respondent as having generalized anxiety disorder, due to his feeling overwhelmed, especially about the disciplinary proceeding (Tr. 333-34.) She also testified that she did not form an opinion as to whether Respondent's psychiatric diagnosis contributed to his mishandling of client funds. (Tr. 353.) Love assessed Respondent as being pretty stable and well grounded and testified that he was cooperative and had adhered to the therapy plan she established for him. (Tr. 341-43.) She did not consider Respondent to be at high risk of relapse because he does not want to use any drugs. (Tr. 355.) She did not believe that Respondent has ongoing problems with honesty and judgment. (Tr. 357-58.) She testified he did not tell her about going to Rosecrance (Tr. 352-53) or that he lied to his psychiatrist to get Adderall (Tr. 364.)

According to Respondent, he terminated his relationship with Love the day after she testified at the disciplinary hearing, and he began seeing a different therapist in September

2022; he had seen the new therapist twice before the last day of the disciplinary hearing. He testified that he planned to continue seeing that therapist. (Tr. 507-11.)

HEARING BOARD'S FINDINGS AND SANCTION RECOMMENDATION

Misconduct Findings

The Hearing Board found that Respondent violated Rule 1.15(a), which requires attorneys to “hold property of clients or third persons that is in a lawyer’s possession in connection with a representation separate from the lawyer’s own property.” The Hearing Board found that Respondent failed to safeguard more than \$280,000 of settlement funds in thirteen client matters, as charged in the complaint. (*See* Hearing Bd. Report at 9-29, addressing each of the thirteen counts.)

The Hearing Board also found that Respondent violated Rule 8.4(c), which prohibits attorneys from engaging in “conduct involving dishonesty, fraud, deceit, or misrepresentation.” (*Id.*) The Hearing Board stated,

Having found that Respondent failed to safeguard his client’s funds, we further find that he purposefully and knowingly used those funds without his client’s authority. The undisputed evidence, and particularly Respondent’s own testimony, demonstrated that Respondent knowingly and intentionally used funds that he should have been safeguarding ... to pay other clients’ settlements, as well as to pay for drugs and office expenses, at a time when he was experiencing personal and professional financial difficulties. He testified that he knew that his use of client funds was wrong. While he also testified that his mind was clouded because of his drug use and that he was not considering the consequences of his actions, those facts do not negate the intentional nature of Respondent’s use of [client] funds. By knowingly using funds that did not belong to him, without authority to do so, Respondent engaged in dishonest conduct.

(Hearing Bd. Report at 12.)

Findings Regarding Aggravation and Mitigation

In aggravation, the Hearing Board found that Respondent engaged in a pattern of behavior that involved numerous instances of the intentional conversion of client funds over an extended period of time; Respondent also used the funds of one client to repay other clients, thereby continually placing clients in jeopardy of not receiving payment. Additionally, Respondent's conversion of funds caused a delay in payments, which resulted in harm to some clients. (Hearing Bd. Report at 36.)

In terms of mitigation, the Hearing Board found there was extensive mitigating evidence. (*Id.* at 30-35.) The Hearing Board found that Respondent's mental health and substance abuse issues clearly played a role in his misconduct and were mitigating, although the Hearing Board also took into account Dr. Rone's testimony that Respondent's substance abuse was not the sole cause of his mishandling of client funds. (*Id.* at 35.)

The Hearing Board also found that Respondent accepted responsibility, expressed remorse, and understands that what he did was wrong. He repaid his clients before the complaint was filed, he cooperated in the disciplinary proceedings, and he has no prior discipline. His misconduct occurred when he was just a few years out of law school, which contributed to his wrongdoing because he was ill-equipped to operate a busy solo personal injury practice. He hired a bookkeeper for his law firm in 2020, and he understands his obligations with respect to handling client funds. He engaged in volunteer work, led physical fitness classes, gave lectures, and created a podcast, in part, to help others with mental health issues. Additionally, Respondent presented five character witnesses, who testified that Respondent is honest and forthright. (*Id.* at 30-35.)

Recommendation

The Hearing Board recommended that Respondent be suspended for three years, UFO, with the suspension stayed after one year, by a two-year period of probation, with conditions designed to address Respondent's mental-health and substance-use issues and to monitor his accounting practices. (Hearing Bd. Report at 34.)

SANCTION RECOMMENDATION

The only issue on appeal is the appropriate sanction for Respondent's misconduct. The Administrator argues that Respondent should be disbarred based on the serious nature of the misconduct and the aggravating factors in this case. Respondent, on the other hand, argues that the Hearing Board's recommendation should be affirmed, or alternatively, that the three-year suspension, UFO, should be stayed after less than one year, based on the mitigating factors here.

We review the Hearing Board's sanction recommendations based on a *de novo* standard. *See In re Storment*, 2018PR00032 (Review Bd., Jan. 23, 2020) at 15, *petition for leave to file exceptions denied*, M.R. 030336 (June 8, 2020). We consider the nature of the misconduct and aggravating and mitigating circumstances shown by the evidence, *see In re Gorecki*, 208 Ill. 2d 350, 360-61, 802 N.E.2d 1194 (2003), while keeping in mind that the purpose of discipline is not to punish the attorney but rather to protect the public, maintain the integrity of the legal profession, deter other misconduct, and protect the administration of justice from reproach. *See In re Discipio*, 163 Ill. 2d 515, 528, 645 N.E.2d 906 (1994). The Hearing Board's credibility findings are entitled to deference because the Hearing Board is able to observe the witnesses' demeanor and judge their credibility. *See In re Timpone*, 157 Ill. 2d 178, 197, 623 N.E.2d 300 (1993).

The Hearing Board in this case presented a thoughtful and thorough analysis of the facts and the law, and we defer to the Hearing Board's credibility findings. We believe, however,

that the suspension should be stayed after two years (instead of one year), given the severity of Respondent's misconduct, followed by one year of probation, with conditions that address Respondent's mental health and sobriety, his law practice, and his ability to practice law ethically.

We note that both sides make persuasive arguments and the briefs on both sides are well written. We recognize the Administrator's valid concerns about the serious nature of Respondent's actions, and we also recognize Respondent's valid arguments about the mitigation in this case. We believe that the sanction we are recommending properly balances the serious nature of Respondent's actions with the mitigating factors here.

We believe that disbarment is not warranted in this case given the combination of the following: (1) after observing Respondent's testimony and the testimony of the other witnesses, the Hearing Board concluded that disbarment was not warranted; (2) the mitigating factors here show that Respondent has made significant changes and he has the ability to act in accordance with ethical standards in the future; (3) the recommended sanction prohibiting Respondent from practicing law for two years (and being on probation for one year) will help to deter Respondent from engaging in future misconduct; (4) Respondent's successful compliance for three years with the stringent conditions being recommended will help Respondent make additional changes to his life and his law practice, and will provide strong evidence that Respondent is willing and able to act ethically; and (5) alternatively, Respondent's failure to comply with the recommended conditions will result in his being suspended from the practice of law until further order of the Court, which means he will not be allowed to practice law until he is able to prove that he has been rehabilitated.

The Serious Nature of Respondent's Actions

Respondent's misconduct in this case was a flagrant violation of his obligation to safeguard client funds, and to act ethically and professionally. He misappropriated a large amount of money (more than \$280,000), from a large number of clients (in thirteen client matters), over a lengthy period of time (three years). Respondent knew that using client funds was wrong.

Two of the victim-clients were children and Respondent lied to the mother of one of those children. He deliberately violated a court order concerning the protection of the funds belonging to that child. Moreover, Respondent placed the clients' funds in jeopardy because he could not afford to repay those funds. He did not stop taking client funds until the ARDC renewed its investigation in July 2019. In addition, Respondent used client funds to buy drugs, including to illegally purchase drugs on the street, which we find to be outrageous conduct.

Respondent repeatedly failed to make timely payments to clients and third parties. In eight of the cases, he delayed payments, in whole or in part, for at least a year. The delay in payments had serious and negative consequences for two clients, B. Barlow and C. Madrid, during a time when those clients were financially vulnerable.

In B. Barlow's case, Respondent misappropriated \$24,333, which he did not repay in full for more than two years. Barlow testified that she was totally broke and needed the settlement funds. (Tr. 60.) She testified that it was a very difficult time for her, and even a few dollars would have made a difference. (Tr. 69.) Barlow also testified that Respondent disregarded her repeated attempts to contact him about the case and he failed to return her phone calls. Respondent did not repay Barlow until immediately before his sworn statement at the ARDC in 2021. According to Respondent, he had forgotten about Barlow's file. (Tr. 274-75.)

In C. Madrid's case, Respondent represented Madrid and her daughter, Analisiya V. ("Ana"), concerning a car accident. Because Ana was a child, a judge had to approve Ana's settlement. The judge approved the settlement and ordered Respondent to transfer Ana's \$65,717 to the Probate Division of the court. (Tr. 103, Adm. Ex. 27 at 35.) Respondent deliberately violated that court order by misappropriating Ana's funds and failing to transfer those funds to the Probate Division as ordered. Madrid testified that she was unable to get any settlement funds from Respondent, despite repeated requests, even though it was her understanding that Ana was entitled to use funds from the settlement to pay for the extensive dental work needed as a result of the car accident. (Tr. 46-47, 49.) In response to multiple inquiries by Madrid, Respondent falsely represented that judges were not signing off on anything because of the Covid epidemic, and he did not disclose that he had received a settlement check. (Tr. 35.) In fact, the judge in Ana's case had signed off on Ana's settlement, and Respondent had received the settlement check. Respondent lied in order to conceal the fact that he had misappropriated Ana's funds. Additionally, Respondent converted Madrid's settlement funds of \$9,064, and he delayed payment to Madrid by four months. Madrid testified that she was struggling financially and needed those funds as soon as they were available. (Tr. 30, 33.)

Respondent's Drug Use

At the disciplinary hearing, the testimony and the parties' arguments focused on Respondent's drug use to a great extent. Respondent claimed that his misconduct was caused solely by his drug use. The Hearing Board, however, rejected that argument, finding that Respondent intentionally and dishonestly converted client funds. We agree with that finding, and Respondent has not challenged that finding on appeal.

Respondent's drug use, and the stress he was experiencing, did not make it permissible for him to take client funds. His drug addiction did not excuse his taking clients' money, and it did not blind him to the wrongful nature of his actions. To the contrary, Respondent admitted that he knew taking client funds was wrong. The Hearing Board found that Respondent acted knowingly and intentionally, and although Respondent testified that his drug use clouded his mind, the Hearing Board concluded that it did "not negate the intentional nature" of his misconduct. (Hearing Bd. Report at 12.) We agree.

Despite his drug use and stress, Respondent was able to operate his law practice. He accepted, negotiated, and settled all of the thirteen cases at issue here while he was taking drugs. He also kept track of the funds he misappropriated, and he handled funds in a way that required planning and organization. Respondent was not so overwhelmed by his use of drugs or the stress he was experiencing that he was unable to practice law or make the myriad of decisions required to do so.

Additionally, Respondent testified that after he stopped using drugs and came off of the prescription medications, he did not really experience adverse physical symptoms. (Tr. 261.) He testified that he went through detox at home with his parents in July 2018, which took approximately two weeks. (Tr. 257-58.)

In particular, we note that after Respondent stopped taking drugs in July 2018, he misappropriated \$127,007 from seven clients. Those funds constitute almost half of the money that he misappropriated overall.

Set forth below is a chart that lists the thirteen client matters at issue in this case, and identifies the funds that Respondent took after he stopped using drugs. The chart also shows the delays in distribution of the settlement funds that resulted from his misuse of the clients' funds.

Client	Amount Converted	Date Respondent Received the Funds	Delay in Distribution of Funds
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February 2017 - July 2018

A. Nesheiwat	\$3,949	February 2017	22 month delay
N. Tientcheu	\$14,000	March 2017	17 month delay
S. Perez	\$66,546	June 2017	1 year delay
McGrath Auto Group	\$11,264	September 2017	1 year delay
D. Barnes	\$4,508	October 2017	11 month delay
G. Khoshaba	\$53,873	April 2018	1 year delay

**After he stopped using drugs.
July 2018 - July 2019**

B. Barlow and her son	\$24,333	July and August 2018	2½ year delay before the final payment
J. DeMarco	\$6,476	August 2018	3 month delay
Z. Alshwayyat	\$13,761	August 2018	5 month delay
J. Carreno	\$3,805	August 2018	6 month delay
M. Alshaahin	\$3,851	September 2018	2 year delay
C. Madrid	\$9,064	September 2018	4 month delay
Ana V., C. Madrid's 8-year-old daughter	\$65,717	December 2018	2 year delay before the funds were transferred to the Probate Division

(See Hearing Bd. Report at 9-29; Tr. 83-103; Adm. Exs. 2-14; Respondent's Answer - Common Law Record at 49-81; Adm. Brief at 5-16.)

Respondent's conversion of client funds after he stopped using drugs is clear evidence that his misconduct was not caused solely by his drug use, as Respondent claimed. If the drugs had caused Respondent's misconduct, then his misconduct would have stopped when his drug use stopped. Instead, his misconduct continued for a year. We believe that by blaming his misconduct on his drug use, Respondent was attempting to make it appear that his wrongdoing was not intentional, in order to avoid the consequences of his actions.

False Representations Prior to the Disciplinary Hearing

The Hearing Board found that Respondent's testimony was credible concerning the events that led to his abusing drugs and the impact that his drug abuse had on his life and his practice. (Hearing Bd. Report at 35.) We give deference to that finding, because the Hearing Board had the opportunity to see Respondent testify. We note, however, that Respondent also claimed that his drug use was the sole cause of his misconduct, and the Hearing Board rejected that argument, finding that his drug use was not the sole cause of his misconduct. (Hearing Bd. Report at 36.)

We have concerns about Respondent's honesty based on his actions, statements, and omissions prior to his testimony at the disciplinary hearing in 2022, which include the following:

In 2019, Respondent lied to his client, C. Madrid, by falsely representing that her daughter's case had not been settled (Tr. 35), in order to conceal that Respondent had taken the daughter's settlement funds. That lie was intentional and was not fueled by his use of drugs, since it occurred after he stopped using drugs. Additionally, in 2018, he failed to tell B. Barlow for months that he had settled her case and allowed her to incorrectly believe the case was still on-going. (Tr. 54-55.)

In 2015, Respondent lied to his psychiatrist, Dr. Albeheary, by falsely representing that he suffered from attention deficit disorder and providing a false medical history, so that he could get a prescription for Adderall. (Tr. 107, 421.) He told that lie before he began abusing drugs. Additionally, Respondent deceived Dr. Albeheary through July 2018, in that he failed to disclose to her that he was taking prescription medications in much larger doses than she prescribed, and that he was supplementing her prescriptions by purchasing drugs on the street. (Tr. 108.)

Prior to the disciplinary proceeding, in 2021 and 2022, Respondent falsely represented to the ARDC and Dr. Rone that he had gone through a three-day detox program at Rosecrance, a drug rehabilitation center. (Tr. 113, 148.) In fact, he was there for only 18 hours; he did not participate in a detox program; he left against medical advice; and he did not follow the staff's treatment recommendations. (Tr. 145, 277-78, Adm. Exs. 23, 24.)

Additionally, Respondent caused two character witnesses, A. Palivos and B. Monico, to incorrectly believe that he had participated in a formal drug treatment program (Tr. 375-76, 412.) Moreover, during his counseling sessions with Katie Love, Respondent did not disclose that he had lied to his psychiatrist, Dr. Albeheary, in order to obtain Adderall (Tr. 364), or that he had been evaluated at Rosecrance. (Tr. 352-53.)

Furthermore, between 2016 and 2018, Respondent did not disclose his drug use to his clients, when they were considering hiring him or while they were discussing legal strategy and settlement of their cases. (Tr. 82-83, 108-09.) He also never disclosed to his clients that he had misused client funds or that he was using client funds to buy drugs. (Tr. 82-83.) Moreover, according to Respondent, he lied to the people around him during that time period (Tr. 263), and he directed his assistant to tell clients that there had been delays in their cases, in order to buy time. (Tr. 231.)

According to Respondent, in July 2018, he lied to the emergency room staff at Northwestern Hospital by falsely representing that he was not abusing drugs. (Tr. 110.) We also note that Respondent provided three descriptions of his July 2018 visit to Northwestern's emergency room, and those descriptions, which are inconsistent, do not match the hospital's medical records.

The Northwestern medical records state that Respondent walked into the emergency department; he requested refills of his prescriptions because his father had thrown away his pills; he denied any suicidal intent; he had a small abrasion on his forehead from bumping his head on a cabinet; and the doctor discharged him after four hours. (Adm. Ex. 22, at 2, 5.)

According to Respondent's testimony at the disciplinary hearing, he tried to commit suicide by overdosing on Xanax during a taxi cab ride on the way home from a pharmacy; he did not show up at work and his assistant found him unconscious in his apartment; his head had been busted open when he fell and hit a desk; he was rushed to the emergency room in an ambulance; and after seeing the doctors and denying that he had attempted suicide or abused drugs, he ripped out his I.V.s and left the emergency room before being discharged. (Tr. 109-111.)

On appeal, Respondent asserts he was in his apartment, and he became dizzy; he fell and hit his head. While he was on the way to the hospital to address his injuries from the fall, he tried to commit suicide by overdosing on medication. He received medical treatment for the overdose at the emergency room. (Resp. Brief at 16.)

According to Katie Love, Respondent's counselor, Respondent said that he had attempted suicide by overdosing, which led to his being hospitalized; he woke up at the hospital and was not aware of how he got there; he received treatment while he was hospitalized; and he went through detox by having all of the drugs flushed out of his system while he was at the hospital. (Tr. 352-53.) Respondent's descriptions of what happened are not supported by the medical records.

Mitigating Factors

There is extensive mitigation in this case, which weighs heavily against disbarment. In particular, Respondent has taken important steps to improve his life and his law practice. We

believe that the mitigating evidence is significant because it shows that Respondent has the capability to practice law ethically and professionally, after he completes the recommended sanction.

We believe that Respondent's drug use and the stress in his life are mitigating factors because they had a negative impact on the choices he made. Dr. Rone found that Respondent's drug use impacted his judgment and behavior, and negatively affected his practice of law. (Tr. 146.) Respondent suffered from stress due to his parents' financial problems, and as a result of running his own law practice, which Respondent was ill-equipped to do. (*See* Hearing Bd. Report at 35.)

We give more weight, however, to the valuable steps that Respondent has taken to ensure that he does not make similar bad choices in the future. To his credit, Respondent stopped abusing prescription drugs in 2018, and he has refrained from using drugs since that time. Respondent has extensively utilized physical exercise, and a focus on physical fitness, to help avoid abusing drugs. Furthermore, he began participating in counseling in 2022, initially with Katie Love and then with another counselor. Respondent changed his life and has successfully maintained that change.

Respondent also made a major change to his law practice by hiring a company, APA Financial Services, to perform bookkeeping services for his law firm, including reconciling his client trust account, which essentially places safeguards on Respondent's use of client funds. We recommend to Respondent that he continue to employ a bookkeeper, even after the recommended sanction ends.

We also note that Respondent began practicing law in 2014, and has now been practicing law for almost 10 years. He has significantly more experience and ability now than he

had at the time of the misconduct. Respondent has also re-established relationships with colleagues that had been strained as a result of his addiction. (Tr. 259, 369, 433, 480-85.) Moreover, since his misconduct ended, Respondent has worked in conjunction with other attorneys as co-counsel on a number of cases; he has consulted with other attorneys; and he has asked for advice in connection with various cases and case referrals (Tr. 382-83, 397-98, 427-28, 430-34.) Doing so has given him the opportunity to learn from other attorneys, and it shows a willingness to seek out assistance concerning his cases, all of which will help Respondent practice law more ethically in the future.

In further mitigation, the Hearing Board found that Respondent expressed remorse and accepted responsibility; he recognizes that what he did was wrong; he understands his obligations with respect to handling client funds; and he acknowledged that his drug use was self-inflicted. (Hearing Bd. Report at 30-31.) Moreover, Respondent has no prior discipline, he cooperated in the disciplinary proceedings, he repaid all of his clients, and the record shows that he values his law license.

Since he stopped using drugs, Respondent has been active in the community. He has conducted physical exercise classes, worked with individuals on their physical fitness, and given lectures concerning mental health issues. He was active in the Arab American Bar Association, where he worked with the community outreach committee and helped organize events. He also held a seminar to help law students find mentors and internships. Moreover, he created a podcast concerning drug addiction, in part, to help others who have similar problems. (Tr. 262-67.) We recognize the merit of Respondent's attempt to help others.

Respondent and a partner also established a company in Las Vegas, Nevada, known as Resilient Recovery, which offers physical fitness training to help individuals stay sober. Respondent handles the operational side of the business. (Tr. 267-70, Resp. Ex. 1.) At the time of

the disciplinary proceeding Respondent was also studying to become a certified personal trainer and a nutrition coach. (Tr. 269.)

Respondent also presented impressive character testimony from five witnesses, who are attorneys. (Tr. 367-380, 380-393, 395-413, 426-442, 468-499.) Overall, the witnesses testified that Respondent is an excellent lawyer and a hard worker, and they believe he will practice law ethically. One witness testified that Respondent was at his lowest point at the time of the misconduct. (Tr. 438.) Another witness, who has known Respondent since he was eighteen, testified that Respondent is now in the best place he has ever been, mentally and physically. (Tr. 374.)

Respondent testified that he was suffering from a mental health crisis at the time of the misconduct. (Tr. 89.) Based on the record, it appears that Respondent has made a meaningful effort to resolve that crisis by avoiding drugs, engaging in a vigorous physical fitness regime, obtaining mental health treatment, recognizing the serious nature of his wrongdoing, reaching out to colleagues, actively engaging in community service, and hiring a bookkeeper to handle his law firm's financial records.

We give the mitigating evidence in this case substantial weight because it shows that Respondent has the ability to act in accordance with ethical standards in the future, assuming that he successfully complies with the recommended conditions during the recommended three-year sanction. We also believe that the mitigating evidence, including the notable testimony of the character witnesses, demonstrates that Respondent deserves a second chance, and that disbarment would hinder that second chance.

Probation

The Hearing Board concluded that the sanction should include probation, with conditions. We agree. The recommended conditions are designed to address and help resolve serious issues that arose in this case, including issues relating to Respondent's mental health and substance abuse, his failure to keep accurate records and other problems in his law practice, and his failure to comply with the ethical rules. Respondent's successful compliance with the recommended conditions will help demonstrate that Respondent has the ability, and is willing, to act ethically and professionally. If Respondent fails to comply with any of the recommended conditions, it will trigger the UFO provision, and his license will be suspended until further order of the court, pursuant to Illinois Supreme Court Rule 767.

The recommended conditions are set forth at the end of this Report. We have modified and added some recommended conditions. We believe that those conditions will provide safeguards to help Respondent practice law honestly during the recommended probation and in the future.

The recommended conditions include the following: Respondent will not use illegal drugs and he will undergo random drug testing; he will have weekly therapy with a therapist approved by the ARDC, and he will comply with the therapist's treatment recommendations; he will be supervised by the ARDC, and he will complete the ARDC Professionalism Seminar, an ethics course, and an office management course; after he resumes practicing law, while on probation, his law practice will be supervised by a mentoring attorney approved by the ARDC; Respondent will employ a professional bookkeeper approved by the ARDC; and Respondent will submit to an independent audit of his client trust account and an evaluation of his recordkeeping.

We have also added a condition requiring that Respondent perform 150 hours of community service, approved by the ARDC, while on probation. *See In re Jordan*, 157 Ill. 2d 266, 277, 623 N.E.2d 1372 (1993) (the Court imposed a condition requiring the respondent to perform 300 hours per year of community service for three years, while he was on probation). We believe that requiring Respondent to provide community service will serve the goals of attorney disciplinary by helping to restore the public's trust and confidence in the legal profession, helping to demonstrate that Respondent can act responsibly, and helping to deter Respondent and others. We recommend that Respondent provide *pro bono* legal services to indigent individuals, as approved by the Administrator, in order to satisfy this condition.

We are recommending that the conditions, which are not specifically limited to Respondent's law practice, take effect immediately and apply throughout the entire three-year period, thereby providing a lengthy period of accountability. *See In re Walsh*, 2008PR00077, *petition for discipline on consent allowed*, M.R. 23953 (Oct. 11, 2010) (the Illinois Supreme Court ordered that the specified conditions were effective immediately and the conditions applied during the period of suspension, as well as during the period of probation).

In Respondent's appellate brief, in addressing the Hearing Board's recommended sanction (which included a one-year actual suspension, and two years of probation with conditions), Respondent described the recommended conditions as requiring "heavy regulation" and stated that "[w]ith regret, but with sincere appreciation of his professional responsibilities, Respondent would welcome that kind of regulation." (Resp. Brief at 43.) Although Respondent was not addressing the sanction that we are recommending, in our view, that kind of heavy regulation is necessary, and it will help Respondent and protect the public.

Relevant Legal Authority

The Administrator argues that Respondent should be disbarred. The Administrator cites three cases in which the attorneys were disbarred for converting funds. *See In re Cuomo*, 2003PR00046 (Hearing Bd., June 5, 2006), *motion to approve and confirm denied and sanction increased*, M.R. 21048 (Sept. 21, 2006) (the attorney dishonestly converted \$420,000 belonging to three clients; he lied to those clients; he signed two clients' names on a check without authorization; he issued checks to his clients that were returned for insufficient funds; he failed to file a case on behalf of one of the clients; he told the client he had won the case and he created a false court order to deceive the client; he also provided testimony that was, in part, not credible; in mitigation, he had no prior discipline, he cooperated, he admitted wrongdoing and expressed remorse, he made restitution, and he offered favorable character testimony); *In re Stewart*, 2005PR00120 (Hearing Bd., Aug. 8, 2007), *motion to approve and confirm allowed*, M.R. 22284 (May 19, 2008) (the attorney, who was 82, dishonestly converted \$223,465 of escrow funds that belonged to four clients and he lied to his clients; he delayed repaying his clients, which seriously harmed his clients; one client went into debt, one client lost his business, and one client lost a contract; he had financial problems; he co-mingled funds to avoid an IRS lien; his testimony was rejected in part; he showed only limited remorse; and he still owed \$25,000 in restitution; the only mitigation was that he had no prior discipline and he presented two character witnesses); *In re Tash*, 2007PR00108, *petition for discipline on consent allowed*, M.R. 22419 (Sept. 16, 2008) (the attorney converted client funds totaling \$230,000 over a three year period; he was disbarred on consent, without presenting any information about aggravating or mitigating factors).

We believe *Cuomo*, *Stewart*, and *Tash* are distinguishable, and, as discussed above, we do not believe that disbarment is necessary or appropriate in this case. We believe the

mitigating factors in this case, including the huge strides Respondent has made in changing his life, distinguish this case from *Cuomo*, *Steward*, and *Tash*. Those cases, however, show that the recommended sanction in this case is not unduly harsh or punitive.

Respondent, on the other hand, argues that the sanction recommended by the Hearing Board, or a lesser sanction, is appropriate. In support of that argument, Respondent, cites four cases in which attorneys misused client funds and were suspended, with the suspensions stayed by probation after five or six months. *See In re Parikh*, 2019PR00005, *petition for discipline on consent allowed*, M.R. 030572 (Feb. 11, 2021) (the attorney dishonestly converted \$70,000 by overdrawing his client trust account at a time when his law firm was growing rapidly and he was not keeping track of whether the funds in the trust account constituted legal fees or client funds; and no one was harmed); *In re Walsh*, 2008PR00077, *petition for discipline on consent allowed*, M.R. 23953 (Oct. 11, 2010) (the attorney dishonestly converted \$87,000 by overdrawing his client trust account over a period of two years, due in part to his inadequate recordkeeping; he quickly restored the funds and no one was harmed); *In re Ladewig*, 2000PR00033, (Review Bd., April 30, 2004), *petition for leave to file exceptions denied*, M.R. 19512 (Oct. 15, 2004) (the attorney dishonestly converted \$94,000 in two client matters and he attempted to conceal his misconduct; he used the money to pay other clients, and did not use any of the money directly for his own benefit; he also failed to provide competent representation and to act diligently, and his misconduct affected five clients; in mitigation, he made several major changes to his law practice and was in treatment for serious mental health issues; according to his treating doctor, Ladewig had adequate safeguards in place to protect him and his practice from a relapse); *In re Nemoy*, 2003PR00019 (Review Bd., Aug. 4, 2005), *petition for leave to file exceptions allowed*, M.R. 20413 (December 13, 2005) (the attorney failed to safeguard \$113,000 of client funds as a result of his poor

bookkeeping practices, but he did not engage in dishonest conduct; he quickly replaced the money with his own personal funds; he had a net worth of \$2 million; no payments were delayed; and no one was harmed). The Hearing Board also relied on *Parikh, Walsh, and Ladewig* in making its recommendation.

We believe that those cases are not similar enough to the present case to be instructive. Respondent's intentional and deliberate misconduct in the instant case is significantly more egregious than the misconduct in those cases, and Respondent's wrongdoing warrants a more serious sanction than the sanctions imposed in those cases. In *Parikh, Walsh, and Nemoy* the misconduct was primarily the result of poor recordkeeping, unlike Respondent's misconduct here, and no one was harmed. Moreover, in *Nemoy*, a doctor concluded that there were adequate safeguards in place to prevent future misconduct, whereas here, similar safeguards are not yet in place, although we believe they will be in place by the end of the recommended sanction. We also note that the sanctions in each of those cases included probation with conditions designed to address specific issues, including some issues that are present in this case, which supports our recommendation for probation.

Instead, we find that this matter is similar to *In re Kosztya*, in which the attorney was suspended for two years, followed by one year of probation, for converting funds and other dishonest actions. *See In re Kosztya*, 2018PR00113 (Review Bd., Nov. 9, 2021), *petition for leave to file exceptions denied*, M.R. 031091 (April 15, 2022). *Kosztya* converted \$58,000 in two cases over two years, and he repeatedly lied to the court and his clients to conceal his wrongdoing. He used one client's funds to replace another client's funds and he filed a false affidavit. He failed to comply with court orders concerning discovery, thereby obstructing a party's access to evidence. He also caused harm to a client, who was held in civil contempt and was left without counsel. In

mitigation, he self-reported his misconduct to the ARDC, he fully cooperated, he expressed remorse, he had no prior discipline during his 18-year career, and three witnesses testified as to his good character.

We believe that *Kosztya* is on par with this matter, even though *Kosztya* converted less money. Both cases involve the dishonest conversion of client funds, as well as other serious misconduct, and there is considerable mitigation in both cases. Although Respondent misappropriated substantially more money, *Kosztya* repeatedly lied to the court and his clients, and engaged in other misconduct. In terms of mitigation, *Kosztya* self-reported his misconduct and he had practiced for 18 years without prior discipline, which are significant mitigating factors. Respondent made important changes to his life and was active in the community, which are also significant mitigating factors. Both attorneys presented character witnesses. Although Respondent's misconduct is more serious than *Kosztya's*, the recommended sanction is also more serious because it includes a UFO provision.

Additionally, we find that this case is similar to *In re Ring*, *In re Smith*, and *In re Loveless*, in which the attorneys were suspended for two years for dishonestly taking client funds. Again, although Respondent's misconduct here is more serious than the misconduct in those cases, the recommended sanction is also more serious. *See In re Ring*, 2014PR00070 (Review Bd. May 31, 2018), *petition to approve and confirm allowed*, M.R. 029443 (Oct. 11, 2018) (two-year suspension where the attorney dishonestly converted \$134,000 in two client matters and neglected a third matter, delayed payments, and was experiencing financial problems; in mitigation, he expressed remorse, cooperated, and presented impressive character testimony); *In re Smith*, 2004PR00084 (Review Bd., July 23, 2009), *petition for leave to file exceptions denied*, M.R. 23347 (Dec. 8, 2009) (two-year suspension where the attorney dishonestly billed \$200,000 to two clients

over a period of two years by creating false invoices for work he did not perform; he made misrepresentations to the clients; and he placed another attorney at risk of investigation; in mitigation, he had no prior discipline during a 27-year career, he cooperated, he presented five character witnesses, the misconduct took place twelve years earlier, and the Review Board concluded he would not repeat his conduct); *In re Loveless*, 2000PR00065 (Review Bd., May 19, 2003), *petitions for leave to appeal allowed*, M.R. 18838 (Sept. 19, 2003) (two-year suspension where the attorney dishonestly converted \$100,000 of funds relating to real estate transactions; he did not repay the money for two years; he attempted to conceal his misconduct by transferring the funds back into the trust account on the eve of an audit; he failed to keep accurate records; and his testimony attempting to justify his misconduct was rejected; in mitigation, he expressed remorse, he had no prior discipline during a 28-year career, he provided noteworthy community service, and four character witnesses testified).

We believe that the recommended sanction in this case is consistent with sanctions imposed for comparable misconduct and it falls squarely within the range of sanctions imposed in other cases involving the misappropriation of funds.

CONCLUSION

In sum, we believe that the recommended sanction is the appropriate discipline for Respondent's misconduct. We believe that this sanction serves the goals of attorney discipline by protecting the public, acting as a strong deterrent to Respondent and other attorneys, and helping to preserve public confidence in the legal profession. We find that the recommended sanction is commensurate with Respondent's misconduct and consistent with discipline that has been imposed for comparable misconduct, without being so harsh that it constitutes punishment.

Accordingly, we recommend that Respondent be suspended for three years and until further order of the Court, with the suspension stayed after two years, by a one-year period of probation, with the conditions (“conditions”) set forth below.

We recommend that the conditions shall become effective immediately upon entry of the Court's final order in this matter, and shall apply for the entire three-year period, except the conditions specifically limited to Respondent’s law practice and the community service condition, which shall apply only during the one-year period of probation. The recommended conditions are as follows:

- 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 Respondent shall timely cooperate with the Administrator in providing information regarding any investigation 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 Disciplinary 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, who will supervise Respondent’s suspension and probation. Respondent shall submit quarterly written reports to the Commission probation officer concerning the nature and extent of his compliance with the conditions, and the status of his law practice;
- f. Respondent shall notify the Administrator within fourteen (14) days of any change of address;
- g. At least sixty (60) days prior to the start of the probationary term, Respondent shall arrange a mentoring relationship with a licensed attorney or attorneys approved by the Administrator. At least seven (7) days prior to

the start of the probationary term, and throughout the period of probation, Respondent's practice of law shall be supervised by the attorney(s). Respondent shall provide notice to the Administrator of any change in supervising attorney within fourteen (14) days of the change, and any substitute supervising attorney must be a licensed attorney approved by the Administrator. Respondent shall authorize and direct the supervising attorney(s) to provide a report in writing to the Administrator no less than every three (3) months regarding the nature of Respondent's work, the number of cases being handled by Respondent, and the supervising attorney's general appraisal of Respondent's continued fitness to practice law. This condition applies only during the period of probation;

- h. Respondent shall successfully complete the following courses in addition to the courses required by Rule 791 (MCLE Requirements): (1) the ARDC Professionalism Seminar, to be completed within the first six months of suspension; (2) an ethics course, approved by the Administrator, to be completed within the first twelve months of suspension; and (3) a law office management program approved by the Administrator, to be completed within the first twenty months of suspension;
- i. Respondent shall abstain from using any controlled substances unless prescribed by a physician. Respondent shall use prescribed controlled substances only as directed by the physician;
- j. Respondent shall report to the Administrator any lapse in his sobriety, and any usage of unprescribed controlled substances within seventy-two (72) hours of that usage;
- k. Respondent shall participate in a course of mental health treatment with a psychotherapist, who is a licensed M.D. or Ph.D., such as a psychiatrist or a clinical psychologist ("the treating professional"), approved by the Administrator, at Respondent's expense, and Respondent shall meet with the treating professional on a regular basis of not less than once per week, with the Administrator advised of any change in attendance deemed warranted by the treating professional;
- l. Respondent shall comply with all treatment recommendations of the treating professional;
- m. Respondent shall provide to each treating professional from whom he receives treatment an appropriate release authorizing and directing the treating professional to: (1) disclose to the Administrator, on at least a quarterly basis, information pertaining to the nature of and Respondent's compliance with any treatment plan established with respect to Respondent's condition; (2) promptly report to the Administrator, any failure by Respondent to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding

Respondent's treatment and compliance with any established treatment plan;

- n. Respondent shall notify the Administrator within fourteen (14) days of any change in the treating professional;
- o. Respondent shall, as required by the Administrator, submit to random substance testing by a qualified mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. Respondent shall provide to the professional or facility an appropriate release authorizing and directing that the results of the tests shall be reported to the Administrator. Respondent shall pay any costs of such testing;
- p. Respondent shall submit to an independent audit of his client trust account, conducted by an auditor approved by the Administrator, at Respondent's expense, six (6) months after the commencement of probation. Respondent and the Administrator shall each receive copies of the audit. This condition applies only during the period of probation. The audit shall also evaluate Respondent's maintenance of complete records of client trust accounts, required by Rule 1.15 of the Rules of Professional Conduct (2023), and Respondent's system for maintaining records, including the following:
 - i. the preparation and maintenance of receipt and disbursement journals, for all client trust accounts, containing a record of deposits and withdrawals from client trust accounts specifically identifying the date, source, and description of each item deposited, and date, payee, and purpose of each disbursement;
 - ii. the preparation and maintenance of contemporaneous ledger records for all client trust accounts showing, for each separate trust client or beneficiary, the source of all funds deposited, the date of each deposit, the names of all persons for whom the funds are or were held, the amount of such funds, the dates, descriptions and amounts of charges or withdrawals, and the names of all persons to whom such funds were disbursed;
 - iii. the maintenance of copies of all accountings to clients or third persons showing the disbursement of funds to them or on their behalf, along with copies of those portions of clients' files that are reasonably necessary for a complete understanding of the financial transactions pertaining to them;
 - iv. the maintenance of all client trust account checkbook registers, check stubs, bank statements, records of deposit, and checks or other records of debits;

- v. the maintenance of copies of all retainer and compensation agreements with clients;
 - vi. the maintenance of copies of all bills rendered to clients for legal fees and expenses; and
 - vii. the preparation and maintenance of reconciliation reports of all client trust accounts, on at least a quarterly basis, including reconciliations of ledger balances with client trust account balances;
- q. At least thirty (30) days prior to the start of the probationary term, Respondent shall hire a professional individual or entity (“the bookkeeper”), approved by the Administrator, at Respondent’s expense, to manage his law firm’s bookkeeping, including the bookkeeping relating to his client trust account and his business account. At least seven (7) days prior to the start of the probationary term, and throughout the period of probation, the bookkeeper shall manage the law firm’s bookkeeping. Respondent shall provide notice to the Administrator of any change in the bookkeeper within fourteen (14) days of the change, and any substitute bookkeeper must be approved by the Administrator. Respondent shall authorize and direct the bookkeeper(s) to provide a report in writing to the Administrator no less than every three (3) months regarding the nature of Respondent’s bookkeeping, the work being done by the bookkeeper, and the bookkeeper’s general appraisal of Respondent’s bookkeeping practices and procedures. This condition applies only during the period of probation;
- r. During the one-year period of probation, Respondent shall provide 150 hours of community service, without charge, through one or more organizations approved by the Administrator. We recommend that Respondent provide *pro bono* legal services to indigent individuals, as approved by the Administrator, in order to satisfy this condition. Respondent shall itemize the time spent on community service in the quarterly reports submitted to the Administrator. This condition applies only during the period of probation;
- s. If Respondent is found to have violated any of the conditions, the stay of the three-year suspension, UFO, shall be revoked. The remaining period of the three-year suspension, UFO, shall continue as a suspension, which shall commence on the date of the determination that any condition has been violated, and shall continue until further order of the Court; and

- t. If Respondent successfully complies with all of the conditions, his suspension and probation shall terminate without further order of the Court.

Respectfully submitted,

J. Timothy Eaton
Esther J. Seitz
Scott J. Szala

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Review Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on January 16, 2024.

/s/ Michelle M. Thome
Michelle M. Thome, Clerk of the
Attorney Registration and Disciplinary
Commission of the Supreme Court of Illinois

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**BEFORE THE REVIEW BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION**

In the Matter of:

ROBBY S. FAKHOURI,

Respondent-Appellee,

No. 6315332.

Commission No. 2021PR00056

**PROOF OF SERVICE
OF THE REPORT AND RECOMMENDATION
OF THE REVIEW BOARD**

I, Michelle M. Thome, hereby certify that I served a copy of the Report and Recommendation of the Review Board on the parties listed at the addresses shown below by e-mail and regular mail, by depositing it with proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox in Chicago, Illinois on January 16, 2024, at or before 5:00 p.m. At the same time, a copy was sent to Counsel for the Administrator-Appellant by e-mail service.

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

Michelle M. Thome,
Clerk

/s/ Michelle M. Thome

By: Michelle M. Thome
Clerk