28BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND DISCIPLINARY COMMISSION

In the Matter of:

TRYGVE THOMAS MEADE Attorney-Respondent, No. 6313478.	Commission No. 2023PR00015

SECOND AMENDED 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, Trygve Thomas Meade, who was licensed to practice law in Illinois on October 31, 2013, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I
(Making false statements to a tribunal—Knox County consolidated cases)

1. At all times alleged in this count, Respondent was the principal attorney at Meade Law Office, P.C. in Canton, Illinois.

2. On or about August 12, 2021, Respondent agreed to represent Tonny J. Williamson ("Tonny") and her sister, Penny J. Williamson ("Penny") (collectively "the Williamsons") in two on-going cases pending in Knox County, *In the matter of Frederick Stegall, an Alleged Disabled Person,* case number 21-PP-0010 consolidated with *Frederick J. Stegall, Galesburg Rifle Club, an Illinois not-for-profit Corporation, and the Catholic Diocese of Peoria, an Illinois Religious Corporation, Plaintiffs vs. Tonny J. Williamson and Penny J. Williamson, Defendants*, case number 21-MR-21 ("consolidated cases").

FILED
April 19, 2024
ARDC CLERK

3. The representation agreement required the Williamsons to pay Respondent a security retainer of $10,000. Respondent was to bill the Williamsons on an hourly basis and send Tonny itemized monthly invoices for legal services and expenses.

4. On October 1, 2021, Paul Mangieri ("Mangieri"), counsel representing Mr. Stegall in the consolidated cases, filed and served a notice scheduling the Williamsons' discovery depositions for November 4, 2021. The notice required the Williamsons to produce a number of documents at their depositions.

5. Respondent did not communicate with the Williamsons regarding the November 4, 2021 depositions or the requested documents, nor did he meet with them in preparation for their depositions.

6. On the morning of November 4, 2021, shortly before Tonny's deposition was to begin, Respondent telephoned Mangieri to advise that a medical emergency involving Respondent's father had occurred. The depositions scheduled for that day were continued by agreement.

7. There was a court appearance in the consolidated cases on December 3, 2021. The attorneys of record, including Respondent, and the Williamsons personally appeared. Among the rulings made that day, the court orally ordered that the Williamsons appear and give their discovery depositions on December 9, 2021.

8. An agreed order regarding the court's rulings, including the setting of the Williamsons' discovery depositions, was circulated amongst and signed by the attorneys of record, including Respondent, and was entered on December 8, 2021.

9. Pursuant to the court's oral pronouncement, Mangieri filed and served, on December 3, 2021, a notice re-scheduling the Williamsons' discovery depositions for December

9, 2021. The notice required the Williamsons to produce a number of documents at their depositions.

10. On December 6, 2021, Respondent, on behalf of the Williamsons, filed a Motion to Certify Questions for Interlocutory Appeal in the consolidated cases.

11. Respondent did not communicate with the Williamsons regarding the requested documents, nor did he meet with them in preparation for their depositions.

12. On or about December 8, 2021, Respondent told the Williamsons that their depositions would not go forward on December 9, 2021, due to the filing of the Motion to Certify Questions for Interlocutory Appeal.

13. The Williamsons did not appear for their depositions on December 9, 2021.

14. On December 14, 2021, Mangieri, on behalf of Mr. Stegall, filed a verified Petition for Rule to Show Cause ("petition") against the Williamsons regarding their failure to appear for their December 9, 2021 depositions. Plaintiffs Galesburg Gun Club and Catholic Diocese of Peoria, through their attorney, John Robertson, joined in the petition on December 15, 2021.

15. On January 10, 2022, the court conducted a hearing on the petition.

16. At the outset of the January 10, 2022 hearing, the court asked Respondent "Where are your clients?"

17. Respondent stated, "So neither of them were able to make it today, Judge. They're not feeling well."

18. Respondent's statement "So neither of them were able to make it today, Judge. They're not feeling well" was false because Respondent had not informed the Williamsons of the hearing; he had not communicated with them regarding the hearing and the reason why the Williamsons were not present was not due to their "not feeling well."

19. Respondent knew that his statement described in paragraph 17, above, was false at the time he made it.

20. On January 19, 2022, the court entered a Rule to Show Cause, ordering the Williamsons to appear in court on January 26, 2022 to show cause and to answer the allegations contained in the petition.

21. On January 26, 2022, the Williamsons appeared and testified at the Rule to Show Cause hearing.

22. Tonny testified that she was told that she didn't have to be at the depositions because "we were in appeals." She also testified that between December 3 and December 9, 2021, she did not make any preparations to be deposed.

23. Penny testified that she was not present for her deposition on December 9. She testified that "we were under the understanding that we were in appeals and everything stopped at that point when we filed for an appeal." And that her understanding came, in part to "somebody else told me we didn't have to be there.'

24. At the conclusion of Tonny and Penny's testimony, the court stated:

> "What I will tell you, though, is I think I now have a requirement to turn this into the ARDC as the testimony has been presented that both Williamsons have been told by someone clearly not to appear because they're in an appeal, which does nothing but delay the case. The only person I would turn in at this juncture would be Mr. Meade, because he is their counsel of record, and I believe I have to do that under these circumstances. [. .]. They were advised not to appear to the deposition by somebody, and I guess the ARDC will figure out who as I believe attorney-client privilege will go out the window then."

25. The court found both Williamsons in indirect civil contempt, noting that "from the evidence deduced they were clearly instructed not to appear."

26. The Williamsons discharged Respondent as their attorney on or about January 27, 2022.

27. On February 23, 2022, the attorneys, Respondent and Penny appeared in court for, *inter alia*, a continuation of the Rule to Show Cause hearing. Penny was represented by the Williamsons' new counsel, James Nepple. The court examined Penny and Respondent, under oath.

28. Penny testified that it was Respondent who told her and Tonny that they didn't have to go to the depositions "because we were in appeals" sometime during the week that the depositions were scheduled.

29. Respondent testified that on December 8, 2021, he met with the Williamsons for two and one-half hours in preparation for the depositions.

30. Respondent's testimony that he prepared the Williamsons for their depositions on December 8, 2021 was false because Respondent had not prepared the Williamsons for their depositions on December 8, 2021.

31. Respondent knew that his testimony described in paragraph 29, above, was false at the time he gave it.

32. Respondent denied telling the Williamsons that they would not have to attend the depositions because an appeal had been requested.

33. Respondent's testimony denying that he told the Williamsons that they would not have to attend the depositions because an appeal had been requested was false because he did tell the Williamsons that they would not have to attend the depositions because an appeal had been requested.

34. Respondent knew that his testimony described in paragraph 32, above, was false at the time he gave it.

35. Respondent testified that he "believes" he made it clear that they (being the Williamsons) were to be in Galesburg to give a deposition on December 9, 2021.

36. Respondent's testimony that he "believes" he made it clear that they were to be in Galesburg to give a deposition on December 9, 2021 was false, because Respondent had not told them to appear in Galesburg on December 9, 2021 to give their depositions.

37. Respondent knew that his testimony described in paragraph 35, above, was false at the time he gave it.

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

a. knowingly making a false statement of fact or law to a tribunal by conduct including falsely stating that neither of his clients (the Williamsons) were able to make the January 10, 2022 hearing because "they were not feeling well,"; by testifying that he had met with the Williamsons on December 8, 2021 in preparation for their depositions; his testimony denying that he told the Williamsons that the cases were "on appeal" and that their depositions were canceled; and his testimony that he believes he told the Williamsons that they were to be in Galesburg on December 9, 2021 for their depositions, in violation of Rule 3.3(a) of the Illinois Rules of Professional Conduct (2010); and

b. conduct involving dishonesty, fraud, deceit or misrepresentation by conduct including falsely stating that neither of his clients (the Williamsons) were able to make the January 10, 2022 hearing because "they were not feeling well,"; by testifying that he had met with the Williamsons on December 8, 2021 in preparation for their depositions; his testimony denying that he told the Williamsons that the cases were "on appeal" and that their depositions were canceled; and his testimony that he believes he told the Williamsons that they were to be in Galesburg on December 9, 2021 for their depositions, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Making false statements to clients and counsel—Knox County consolidated cases)

39. The Administrator realleges and incorporates paragraphs 1 through 13 of Count I, above, as and for paragraph 39.

40. Respondent's statement to Mangieri on November 4, 2021, that his father had sustained a medical emergency as a basis for continuing Tonny and Penny's depositions scheduled for that day was false, because Respondent's father had not sustained a medical emergency that day.

41. Respondent knew that his statement in paragraph 40, above, was false at the time he made it.

42. Respondent's statement to the Williamsons that their depositions would not go forward on December 9, 2021, due to the filing of the Motion to Certify Questions for Interlocutory Appeal, was false because the filing of the Motion to Certify Questions for Interlocutory Appeal did not serve to cancel those depositions.

43. Respondent knew that his statement in paragraph 42, above, was false at the time he made it.

44. As of December 8, 2021, Respondent knew that the Williamsons would not be appearing for their depositions the next day.

45. Respondent resides in Canton, an approximately 50-60-minute drive from Galesburg, where the depositions were scheduled to take place.

46. On the morning of December 9, 2021, beginning at approximately 8:01 a.m., Respondent began engaging in a text conversation with Mangieri, regarding the depositions scheduled for that day. Respondent indicated that he was unable to start his car, but had someone coming to try and jump start it. Mangieri indicated that if they needed to start late, it was not a problem, and asked Respondent to keep him advised of the situation. Contingencies of Respondent getting a ride to Galesburg with the Williamsons and the attorneys gathering in Canton to take the depositions, were discussed. Mangieri then stated:

"First, I would say keep trying on starting. Second, your clients are not here, do you want me to convey to them your dilemma?"

47. Respondent replied:

"They know, they are [. . .] eccentric and prefer not to enter until I'm there. We'll keep working here."

48. Respondent's statement that the Williamsons "prefer not to enter until I'm there" was false, because Respondent knew that the Williamsons were not in Galesburg, as they were not appearing for their depositions that day.

49. Respondent knew that his statement in paragraph 47, above, was false at the time he made it.

50. At 8:34 a.m. on December 9, 2021, Respondent sent the following text message to Tonny:

"This is Trygve. I called Penny already, but I wanted to let you know that my car isn't starting this morning and I'm staying in [C]anton."

51. At 9:20 a.m., Mangieri went on the record, stating:

"We're back on the record in this case at 9:20. I received a telephone call from Mr. Meade. Trygve advised that his car had been started, it was running. He's going to let it run for a bit. He said he would be heading out in ten minutes and would be able to attend the depositions thereafter. So we'll wait for Mr. Meade."

52. Respondent's statement to Mangieri that he would be able to attend the depositions was false, because Respondent knew that the Williamsons were not going to appear in Galesburg that day for their depositions.

53. Respondent knew that his statement in paragraph 51, above, was false at the time he made it.

54. Respondent arrived at the location where the depositions were to be conducted at approximately 10:15 a.m. The Williamsons were not present. The attorneys went on the record

at 10:28 a.m., with John Robertson, attorney for the Galesburg Rifle Club and Catholic Dioceses, stating:

> "I was just going to say I think it was 10:15, or thereabouts, when Tryg got here. And he's indicated he's going to call his clients and find out what their status is."

55. Respondent stated:

> "And I've already done so once before we went on the record now. I just did not reach them."

56. Respondent's statement that he'd attempted to reach the Williamsons and was unable to reach them was false, because Respondent knew that the Williamsons would not be appearing in Galesburg that day for their depositions.

57. Respondent knew that his statement in paragraph 55, above, was false at the time he made it.

58. The attorneys went off the record, then went back on 11:03 a.m. Mangieri commented that Tonny had not appeared for her deposition and that he did not want to proceed if she appeared before Penny's deposition, scheduled for 1:00 p.m. He indicated that if Tonny was to arrive at 1:00 p.m., he would proceed with her deposition first and try to get both depositions done that day. Robertson indicated his agreement with this plan.

59. Respondent subsequently stated:

> "And I would just comment that I did advise them this morning that I was having automotive difficulties. I indicated to them that I would call them when I reach Galesburg to let them know I was here to appear."

60. Respondent's statement that he indicated to the Williamsons that he would call them when he reached Galesburg to let them know he was there to appear was false, because Respondent knew that the Williamsons would not be appearing in Galesburg that day for their depositions.

61. Respondent knew that his statement in paragraph 59, above, was false at the time he made it.

62. Respondent continued with his remarks:

> "I would further indicate that I have tried to get ahold of them since then, that it is unusual that I am not able to get ahold of them, and I don't have any reason to think they're being evasive or in any way trying to avoid the deposition. My assumption is that there is some reasonable explanation for this. "

63. Respondent's statement that "I have tried to get ahold of them since then, that it is unusual that I am not able to get ahold of them" was false, because Respondent knew that the Williamsons would not be appearing in Galesburg that day for their depositions.

64. Respondent knew that his statement in paragraph 62, above, was false at the time he made it.

65. Respondent's statement that "I don't have any reason to think they're being evasive or in any way trying to avoid the deposition" was false, because Respondent knew that the Williamsons would not be appearing in Galesburg that day for their depositions.

66. Respondent knew that his statement in paragraph 62, above, was false at the time he made it.

67. Respondent's statement that "my assumption is that there is some reasonable explanation for this" was false because Respondent knew that the Williamsons would not be appearing in Galesburg that day for their depositions.

68. Respondent knew that his statement in paragraph 62, above, was false at the time he made it.

69. Respondent continued with his remarks:

> "I will continue to try to contact them and try to get them both here at 1:00, and that I would just thank everybody for their patience and make those apologies,

> particularly Madam Court Reporter. This really isn't anything, you know, that you should have to deal with."

70. Respondent's statement that "I will continue to try to contact them and try to get them both here at 1:00" was false because Respondent knew that the Williamsons would not be appearing in Galesburg that day for their depositions.

71. Respondent knew that his statement in paragraph 69, above, was false at the time he made it.

72. Respondent continued with his remarks:

> "So but our intent would be to, if we're not able to complete this one at 9:00. Which I would agree that we're not able to, to try to do them both this afternoon, or otherwise try to get them done within as quickly a time frame as appropriate."

73. Respondent's statement that "So but our intent would be to, if we're not able to complete this one at 9:00. Which I would agree that we're not able to, to try to do them both this afternoon," was false because Respondent knew that the Williamsons would not be appearing in Galesburg that day for their depositions.

74. Respondent knew that his statement in paragraph 72, above, was false at the time he made it.

75. Neither of the Williamsons appeared for Penny's scheduled deposition for 1:00. The attorneys went back on the record, with Mangieri deferring to Respondent to make a statement relative to Penny's absence.

76. Respondent stated:

> "There may have been some confusion on my clients' part."

77. Respondent's statement that "there may have been some confusion on my clients' part" was false because there was no confusion on his clients' part; Respondent knew that the Williamsons would not be appearing in Galesburg that day for their depositions.

78. Respondent knew that his statement in paragraph 76, above, was false at the time he made it.

79. Respondent also stated:

> "It is unclear to me what the reason is for the absence is, but I haven't been able to contact them this morning, and so I don't reasonably expect that anything will change about that."

80. Respondent's statement that "it is unclear to me what the reason is for the absence is, but I haven't been able to contact them this morning, and so I don't reasonably expect that anything will change about that" was false because it was clear to Respondent why the Williamsons were absent as he knew that they would not be appearing in Galesburg that day for their depositions.

81. Respondent knew that his statement in paragraph 79, above, was false at the time he made it.

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

a. knowingly making false statements of material fact or law to a third person by conduct including making the knowingly false statements described in paragraphs 40, 42, 47, 51, 55, 62, 69, 72, 76, and 79, above, in violation of Rule 4.1(a) of the Illinois Rules of Professional Conduct (2010); and

b. conduct involving dishonesty, fraud, deceit or misrepresentation by conduct including making the knowingly false statements described in paragraphs 40, 42, 47, 51, 55, 62, 69, 72, 76, and 79, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(*Lack of diligence and making false statements —Royale J. Surratt)*

83. The Administrator realleges and incorporates paragraph 1 of Count I, above, as and for paragraph 83.

84. On or about October 7, 2022, Royale J. Surratt ("Surratt") and Respondent agreed that Respondent would represent Surratt for a flat fee of $1,000 in McDonough County Case No. 2022-CM-00155, captioned *The People of the State of Illinois, Plaintiff, vs. Royale J. Surratt, Defendant*.

85. At the time that Respondent agreed to represent Surratt, he knew that she and her family were relocating to Texas.

86. On October 14, 2022, Surratt, now residing in Texas, sent Respondent an email asking if he "could please move our court date on the 18th I just need a little more time." Respondent responded "yes."

87. Surratt sent Respondent emails on October 17 and 19, 2022, requesting information concerning the requested rescheduling of the court appearance. Respondent did not respond to those emails.

88. At no time did Respondent enter his appearance as Surratt's counsel, communicate with the prosecutor handling the case or appear in court on Surratt's behalf at the October 19, 2022 court appearance. As neither Surratt nor an attorney representing her appeared in court, an order of forfeiture was entered and a warrant of arrest was issued.

89. Surratt sent Respondent an email on October 21, 2022, asking if he had received her emails of October 17 and 19, 2022, and requesting an update.

90. Respondent responded by email, stating, "Hey, yes! It's three weeks from Tuesday."

91. Respondent's statement that "It's [the court appearance] three weeks from Tuesday" was false because the court appearance had not been continued.

92. Respondent knew that his statement in paragraph 90, above, was false at the time he made it.

93. Surratt sought clarification as to whether Respondent meant three weeks from "this Tuesday or this coming Tuesday?"

94. Respondent responded "this coming"

95. Respondent's statement that "this coming [Tuesday]" was false because the court appearance had not been continued.

96. Respondent knew that his statement in paragraph 94, above, was false at the time he made it.

97. On October 30, 2022, Surratt sent Respondent an email, indicating that she had seen an active warrant list and her name was still on it for a failure to appear. She stated "Why hasn't this been fixed yet? I don't need any problems walking into court with a warrant. This isn't even my fault."

98. Respondent responded on October 30, 2022, by email, "No clue - I'll get it quashed, though!"

99. Respondent's statement "no clue" was false because Respondent knew why the warrant had been issued.

100. Respondent knew that his statement in paragraph 98, above, was false at the time he made it.

101. In early February 2023, Surratt inquired of Respondent as to the status of the motion to quash.

102. On February 13, 2023, Respondent sent Surratt an email, stating, in part: "Yes, I will! I'm actually going to be there on Wednesday, and I figured I'd check on the order quashing it then."

103. Respondent's statement "Yes, I will! I'm actually going to be there on Wednesday, and I figured I'd check on the order quashing it then" was false because Respondent had not filed a motion to quash the warrant and there was no order to check on.

104. Respondent knew that his statement in paragraph 102 was false at the time he made it.

105. By reason of the conduct described 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 enter his appearance, failing to communicate with the prosecutor regarding the case, and failing to appear for the October 19, 2022 court appearance, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);

b. knowingly making false statements of material fact or law to third persons by conduct including the false statements Respondent made to Surratt described in paragraphs 90, 94, 98 and 102, above, in violation of Rule 4.1(a) of the Illinois Rules of Professional Conduct (2010); and

c. conduct involving dishonesty, fraud, deceit or misrepresentations by conduct including making the false representations to Surratt described in paragraphs 90, 94, 98 and 102, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT IV
(*Failure to communicate with client and lack of diligence—Teresa Hollenback*)

106. The Administrator realleges and incorporates paragraph 1 of Count I, above, as and for paragraph 106.

107. During the May 1-June 22, 2022 timeframe, Respondent was representing Teresa Hollenback ("Hollenback") in Fulton County Case No. 19-F-155, captioned *David D. Brown, Petitioner v. Teresa Hollenback, Respondent*.

108. Hollenback had allegedly failed to meet her obligations to pay the balance owed to the court-appointed guardian *ad litem* ("GAL"), Alison Vawter ("Vawter"). Vawter noticed a status hearing for May 2, 2022 to seek the court's guidance as to how to recover the outstanding balance.

109. On the morning of May 2, 2022, Respondent called Vawter to discuss what settlement terms would be acceptable. Vawter told Respondent that Hollenback needed to resume paying the $100 per month, per Hollenback's prior commitment that she'd stopped meeting, and make a lump sum payment of $400 by the end of the day. Respondent responded by text later that day, stating: "Sh[e] can catch it up. For administrative convenience, shall we say COB tomorrow?" Vawter responded her agreement to the terms and indicated she would prepare an agreed order.

110. On May 3, 2022, Hollenback emailed Vawter asking what had happened the day before. Vawter responded:

> "There was no hearing yesterday as far as I am aware. Tryg indicated you had agreed to catch up on your payments by 5 o'clock today, which would be $400, and resume making regular payments of $100 a month on the 28th of each month, starting May 28. Is that correct?"

111. Hollenback responded:

> "Ummm I didn't agree to that at all!!"

112. In a subsequent email Hollenback sent that day to Vawter, Hollenback stated:

> "He just called me at 10:00 am said he spoke to you and Nathan [counsel representing David D. Brown] and said the papers would be filed yesterday/today and that child support ended yesterday only agreement was I had to start paying you again since I'd have more money. I asked if I needed to get ahold of you yesterday he said no papers would be filed via court house for the order. He absolutely did not mention the $400 by today. I don't have any money at the moment. I'd never agree to that if I couldn't pay that. I'm calling his office I have had it with the go around on this case!"

113. In a subsequent email sent on May 3, 2022, to Vawter, Hollenback stated:

> "He just called me he said he's paying the $400? Let me know if he doesn't?"

114. On May 4, 2022, Hollenback sent Vawter an email, asking if the money got sent. Vawter replied "no" and Hollenback indicated she would call and email Respondent.

115. Pursuant to her May 3, 2022 telephone conversation with Respondent, Vawter had prepared and circulated an agreed order and continued the May 3, 2022 status conference. Respondent and opposing counsel, Nathan Collins, as well as Vawter, signed the agreed order and it was entered on May 6, 2022.

116. Vawter did not receive the $400 payment and re-noticed the status hearing for June 22, 2022.

117. A status hearing was held on June 22, 2022. After the hearing, Vawter received a $400 check from Respondent, drawn on his IOLTA account.

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

> a. failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Illinois Rule of Professional Conduct 1.0(e) is required by the Rules of Professional Conduct, by failing to discuss and obtain Hollenback's consent before obligating Hollenback to make a $400 payment to Vawter by the close of business on May 4, 2022, in violation of Rule

1.4(a)(1) of the Illinois Rules of Professional Conduct (2010);

b. failing to reasonably consult with the client about the means by which the client's objectives are to be accomplished, by failing to discuss and obtain Hollenback's consent before obligating Hollenback to make a $400 payment to Vawter by the close of business on May 4, 2022, in violation of Rule 1.4(a)(2) of the Illinois Rules of Professional Conduct (2010);

c. failing to keep the client reasonably informed about the status of the matter, by failing to disclose that he had entered into an agreed order on Hollenback's behalf, obligating her to make a $400 payment to Vawter by the close of business on May 4, 2022, and failing to inform her that she was subject to being held in contempt of court if she failed to comply with the agreed order, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010).; and

d. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to either remit the $400 he'd agreed to provide to Vawter by 5:00 p.m. on May 4, 2022 or moving to vacate or modify the agreed order entered on May 6, 2022, to protect his client from being held in contempt of court for failing to comply with the terms of the agreed order, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010).

COUNT V

(*Providing financial assistance to a client—Daniel Dallefeld*)

119. The Administrator realleges and incorporates paragraph 1 of Count I, above, as and for paragraph 119.

120. On February 4, 2023, Daniel Dallefeld ("Dallefeld") was arrested and cited by the Canton police for driving under the influence and child endangerment.

121. Dallefeld's bond amount to get out of custody was $100 plus $29.60 in costs, for a total of $129.60.

122. Dallefeld did not have the money to bond himself out of custody.

123. On and prior to Dallefeld's February 4, 2023 arrest, Respondent represented Dallefeld in Fulton County Case number 2021D107, *Katherine Dianne Dallefeld, Petitioner v. Daniel S. Dallefeld, Respondent.*

124. On February 4, 2023, Dallefeld asked Respondent to "front" him the money necessary to bond out of custody.

125. On February 4, 2023, Dallefeld contemplated hiring Respondent to represent him on the criminal charges resulting from his February 4, 2023 arrest.

126. On February 4, 2023, Respondent forwarded $130 of his own money to Dallefeld using "Cash App" a mobile payment service that allows users to transfer money to on another using a mobile phone.

127. On February 4, 2023 Dallefeld, using the $130 fronted to him by Respondent, bonded out of custody.

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

a. providing financial assistance to a client in connection with a pending or contemplated litigation, by providing $130 of his own money to Dallefeld so Dallefeld could bond himself out of custody on February 4, 2023, in violation of Rule 1.8(e) of the Illinois Rules of Professional Conduct (2010).

COUNT VI

(*Lack of competence and diligence, failure to communicate with clients, making a false statement of fact to a tribunal and making false and/or misleading statements to third persons —Sean and Amy Shymansky*)

129. The Administrator re-alleges and incorporates the allegations set forth in paragraph 1 of Count I, above, as and for paragraph 129.

130. On March 25, 2022, Herman Family Land Trust No. 1001, by and through Chad Herman, Trustee ("Land Trust"), filed a complaint for eviction in Fulton County against Sean

Shymansky and Amy Shymansky (collectively "the Shymanskys"), all unknown owners and non-record claimants. The case was docketed as Fulton County case number 2022EV00020, captioned *Herman Family Land Trust No. 1001 by and through Chad Herman, Trustee, Plaintiff, vs. Sean Shymansky, Amy Shymansky, all Unknown Owners and Non-Record Claimants, Defendants*.

131. Among other relief, the complaint for eviction sought to evict the Shymanskys from property located at Dee Bee Road and County Highway 17 in Norris, which the Land Trust had allegedly sold to the Shymanskys.

132. The Shymanskys were served with the summons and complaint in early April, 2022. Shortly thereafter they met with Respondent, who orally agreed that he would represent the Shymanskys in the case.

133. On April 19, 2022, Respondent filed his entry of appearance in the case. That same day, Respondent filed a motion to dismiss the complaint pursuant to 735 ILCS 5/2-619.

134. The motion to dismiss was heard and denied on June 9, 2022. The case was set for a bench trial on June 23, 2022.

135. Respondent failed to advise the Shymanskys of the June 23, 2023 trial date and they did not appear for the trial.

136. At the outset of the trial, Respondent advised the court that his clients, the Shymanskys, were not in attendance as they were required to work.

137. Respondent's statement that his clients, the Shymanskys, were not in attendance as they were required to work was false, because Respondent had not informed the Shymanskys of the trial date, Sean Shymansky was and is disabled and unable to work, and Amy Shymansky could have taken time off of work to attend the trial.

138. Respondent knew that his statement in paragraph 136, above, was false at the time he made it.

139. The trial started on June 23, 2022, but was not completed and was continued to July 27, 2022.

140. Respondent failed to advise the Shymanskys as to what happened at the June 23, 2022 trial and/or that the trial had been continued to July 27, 2022.

141. On the morning of July 27, 2022, Respondent telephoned Amy Shymansky, asking her some questions and informing her that a "hearing" was taking place later that day. The Shymanskys did not appear for the continued trial on July 27, 2022.

142. The trial concluded on July 27, 2022, with the court ruling in favor of the plaintiff and against the defendants. On July 28, 2022, an eviction order was entered in favor of plaintiff and against the defendants.

143. Respondent informed the Shymanskys of the trial result.

144. Both days of the trial proceedings were audio-recorded.

145. After consulting with the Shymanskys, Respondent filed a notice of appeal on their behalf on August 26, 2022. Respondent informed the Shymanskys of the filing of the notice of appeal.

146. The Clerk of the Fourth District Appellate Court assigned the case number of 4-22-0766 to the appeal.

147. On September 29, 2022, Respondent filed a docketing statement (civil) in case number 4-22-0766. Among the information Respondent certified to the court was that on "09/22/2022 I made a written request to the court reporting personnel to prepare the transcripts, a

copy of which is attached to this Docketing Statement." No such written request was attached to the docketing statement.

148. Respondent's statement that "I made a written request to the court reporting personnel to prepare the transcripts" was false, because Respondent knew that he had not made a written request to the court reporting personnel to prepare the transcripts.

149. Respondent knew that his statement in paragraph 147, above, was false at the time he made it.

150. On or about October 26, 2022, the Clerk of the Circuit Court for Fulton County filed the common law record in case number 4-22-0766. No transcripts or reports of proceedings were included with the common law record.

151. On November 10, 2022, Respondent had an in-person conversation with opposing counsel, Joshua Smith ("Smith"), at the Fulton County Courthouse. Respondent informed Smith that the trial transcripts were ordered and that a motion to supplement the record would be forthcoming.

152. Respondent's statements to Smith that the trial transcripts were ordered and that a motion to supplement the record would be forthcoming were false, because Respondent knew that he had not ordered the transcripts.

153. Respondent knew that his statements in paragraph 151, above, were false at the time he made them.

154. On December 5, 2022, Respondent filed a motion for extension of time to file appellants' brief in case 4-22-0766.

155. On December 14, 2022, the appellate court entered an order granting the motion for extension of time, extending the date for appellants to file their brief to December 26, 2022.

156. Respondent did not file appellants' brief on or before the December 26, 2022 deadline.

157. On December 27, 2022, Respondent filed a second motion for extension of time to file appellants' brief in case 4-22-0766.

158. On January 5, 2023, the appellate court entered an order granting the second motion for extension of time, extending the date for appellants to file their brief to January 9, 2023.

159. Respondent did not file appellants' brief on or before the January 9, 2023 deadline, nor did Respondent file a third motion for extension of time to file appellants' brief.

160. On January 18, 2023, the trial transcript from the June 23, 2022 trial proceedings was filed with the Fulton County Circuit Clerk. That same day Respondent emailed Amy Shymansky the June 23, 2022 trial transcript, stating: "This is the first of two transcripts. I have not received the other one and will not have a complete brief until I do, as stated multiple times."

161. On January 19, 2023, the trial transcript from the July 27, 2022 trial proceedings was filed with the Fulton County Circuit Clerk.

162. On January 20, 2023, the appellate court entered an order dismissing case number 4-22-0766 for appellants' failure to file a brief, notifying Respondent of same.

163. Upon receipt of the January 20, 2023 order, Respondent failed to file a motion to reconsider, motion for leave to late-file the appellants' brief, or similar motion.

164. At no time did Respondent inform the Shymanskys of the dismissal of case number 4-22-0766.

165. On February 2, 9, 15 and 20, 2023, Respondent and Amy Shymansky had communications. At no time during these communications did Respondent inform Amy Shymansky that the appellate court had dismissed case number 4-22-7066.

166. On February 27, 2023, the mandate was issued, returning the case to the circuit court.

167. Upon his receipt of the mandate, Respondent failed to inform the Shymanskys of the mandate.

168. On February 27, 2023, plaintiff filed a motion to enforce eviction ("Motion to Enforce") and set it for hearing on March 21, 2023 in Fulton County case number 2022EV00020.

169. Upon receipt of the Motion to Enforce and notice of hearing, Respondent failed to inform the Shymanskys of the motion, hearing date or explain the matter to them.

170. On March 1, 2023, Respondent met with the Shymanskys to discuss talking points for additional settlement discussions for Respondent to have with Smith. At no time during this meeting did Respondent inform the Shymanskys that the appellate court had dismissed case number 4-22-7066, that the eviction case had been returned to the circuit court, that a Motion to Enforce had been filed, and/or that the Motion to Enforce had been set for hearing on March 21, 2023.

171. On March 2, 2023, Respondent informed Amy Shymansky that he had made a call to Smith with a "firm" offer. Respondent failed to inform Amy Shymansky that the appellate court had dismissed case number 4-22-7066, that the eviction case had been returned to the circuit court, that a Motion to Enforce had been filed, and/or that the Motion to Enforce had been set for hearing on March 21, 2023.

172. On March 10, 2023, Respondent sent a text to Amy Shymansky stating he did not have an update from the offer. Respondent failed to inform Amy Shymansky that the appellate court had dismissed case number 4-22-7066, that the eviction case had been returned to the circuit

court, that a Motion to Enforce had been filed, and/or that the Motion to Enforce had been set for hearing on March 21, 2023.

173. On March 15, 2023, after multiple requests by Amy Shymansky to Respondent to meet, review and discuss appeal briefs, Respondent sent a draft brief to Amy Shymansky.

174. On March 16, 2023, Respondent told Amy Shymansky that his office staff "Charla" had filed appellants' brief in the appellate court.

175. Respondent's statement to Amy Shymansky that "Charla" had filed appellants' brief in the appellate court, was false, because neither "Charla," Respondent or anyone at Respondent's office had filed the appellants' brief with the appellate court.

176. Respondent knew that the statement in paragraph 174, above, was false at the time he made it.

177. On March 21, 2023, unbeknownst to the Shymanskys, Respondent participated in a hearing on the Motion to Enforce in the circuit court. An order setting the eviction for April 4, 2023 was entered.

178. Respondent failed to inform the Shymanskys that a Motion to Enforce had been filed, there was a hearing on the Motion to Enforce, that the court had entered an order granting the Motion to Enforce and/or that it had set an eviction date of April 4, 2023.

179. On March 24, 2023, Amy Shymansky requested an update from Respondent regarding the status of the settlement discussions. Respondent provided an email response, indicating that he had not received a response from Smith. Respondent failed to inform Amy Shymansky that a Motion to Enforce had been filed, there was a hearing on the Motion to Enforce on March 21, 2023, that as a result of the motion and hearing, the court had entered an order granting the Motion to Enforce and/or that the court had set an eviction date of April 4, 2023.

180. On March 30, 2023, the Shymanskys were served with the eviction order. Amy Shymansky texted a copy of the order to Respondent.

181. Amy Shymansky then texted: "Were you in the hearing for this? It says "parties appearing through counsel" so did you appear for this hearing? Why does it say that??"

182. Respondent responded via text: "That must just be him or something, it's just his signature on the order there. Which is another weird thing about that. Sometimes after an appeal the lawyers are discharged but I've been communicating with him."

183. Respondent's statement "[t]hat must just be him or something, it's just his signature on the order there" was false, because Respondent participated in the March 21, 2023 hearing on the Motion to Enforce and was aware of the court's order granting the Motion to Enforce.

184. Respondent knew that the statement in paragraph 182, above, was false at the time he made it.

185. Also on March 30, 2023, Respondent had a telephone call with Amy Shymansky. During the phone call, Respondent told Amy Shymansky that he would call the appellate court to verify the status of appellate case number 4-22-0766.

186. Respondent then sent Amy Shymansky the following text: "It apparently did get dismissed in January after the transcripts didn't get filed. But that's so confusing. Like why are we dealing with it now? That gives me something to fight it. Because the reporters aren't in my control."

187. Respondent's statement "[i]t apparently did get dismissed in January after the transcripts didn't get filed. But that's so confusing. Like why are we dealing with it now? That gives me something to fight it. Because the reporters aren't in my control" was false because he received notification from the appellate court regarding its dismissal of case number 4-22-0766

shortly after January 20, 2023. Further, he had participated in at least one court proceeding after the mandamus was issued and the case was returned to the circuit court.

188. Respondent knew that his statement in paragraph 186, above, was false at the time he made it.

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

a. failing to act with reasonable diligence and promptness in representing a client, by conduct including 1) failing to timely and properly request the court reporting personnel to prepare transcripts of the trial held June 23, 2022 and July 27, 2022 for use on appeal; 2) failing to make a third motion for an extension of time to file an appellate brief on behalf of his clients; 3) failing to file an appellate brief on behalf of his clients; and 4) after being notified that the appellate court had dismissed appeal number 4-22-7066, failing to file a motion to reconsider and/or a motion for leave to late-file an appellate brief or similar motion, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);

b. failing to keep the client reasonably informed about the status of the matter, including 1) failing to inform the Shymanskys of the June 23, 2022 trial date; 2) failing to inform them of what transpired at the June 23, 2022 trial; 3) failing to inform them of the continued trial date of July 27, 2022; 4) failing to inform them of the appellate court's January 20, 2023 dismissal of case number 4-22-0766; 5) failing to inform them that the mandate was issued on February 27, 2023; 6) failing to inform them that the plaintiff filed a motion to enforce eviction and noticed that motion for hearing; and 7) failed to inform them that the court granted the Motion to Enforce and set an April 4, 2023 eviction date, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);

c. knowingly making a false statement of fact or law to a tribunal by conduct including 1) advising the circuit court at the outset of the June 23, 2022 bench trial that his clients, the Shymanskys, were required to be at work that day; and 2) falsely certifying in the docketing statement (civil) filed on September 29, 2022 to the Illinois Appellate Court, Fourth

District that he had, on September 22, 2022, “filed a written request to the court reporting personnel to prepare the transcripts” in violation of Rule 3.3(a) of the Illinois Rules of Professional Conduct (2010);

d. knowingly making false statements of material fact or law to third persons by conduct including 1) falsely informing opposing counsel, Joshua Smith, during an in-person meeting at the Fulton County Courthouse on November 10, 2022 that the trial transcripts were ordered and that a motion to supplement the record would be forthcoming; and 2) communications with client, Amy Shymansky, on dates including March 16, 2023 (detailed in paragraphs 174-176) and March 30, 2023 (detailed in paragraphs 180-184 and 185-188), above, in violation of Rule 4.1(a) of the Illinois Rules of Professional Conduct (2010); and

e. conduct involving dishonesty, fraud, deceit or misrepresentation by conduct including 1) falsely representing to the circuit court at the June 23, 2022 bench trial that his clients, the Shymanskys, were required to be at work that day; 2) falsely certifying in the docketing statement (civil) filed on September 29, 2022 to the Illinois Appellate Court, Fourth District, that he had, on September 22, 2022, “filed a written request to the court reporting personnel to prepare the transcripts”; 3) falsely informing opposing counsel, Joshua Smith, during an in-person meeting at the Fulton County Courthouse on November 10, 2022 that the trial transcripts were ordered and that a motion to supplement the record would be forthcoming; and 4) false communications with client, Amy Shymansky, on dates including March 16, 2023 (detailed in paragraphs 174-176) and March 30, 2023 (detailed in paragraphs 180-184 and 185-188), in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VII

(*Making false statements to a tribunal, opposing counsel and a client, and failing to keep a client apprised of important information regarding their case—Mason County Case No. 2020-LM-25.*)

190. At all times alleged in Count VII, Respondent was a duly licensed attorney authorized to practice law in the State of Illinois.

191. On information and belief, in February of 2021, Dan Sherren ("Sherren") and Respondent agreed that Respondent would represent Sherren in a civil lawsuit in Mason County, case number 2020LM25, "*Scott Haare, Plaintiff, vs. Dan Sherren, Defendant.*" Respondent entered his appearance as counsel of record for Sherren on February 22, 2021.

192. The case proceeded and a bench trial was held over the course of three days in early 2022.

193. On August 24, 2022, the court entered judgment against Sherren in the amount of $11,133.82.

194. Sherren neither appealed the judgment nor satisfied the judgment, and on December 6, 2022, Scott Haare ("Haare") filed a petition for rule to show cause against Sherren.

195. On December 12, 2022, the court entered an order for rule to show cause and set the matter for hearing on January 9, 2023.

196. On January 9, 2023, the parties and their attorneys appeared in court. By agreement, an order was entered requiring Sherren to pay the entire judgment plus Haare's attorney's fees totaling $600, by July 1, 2023.

197. Sherren did not pay the judgment amount or Haare's attorney's fees by July 1, 2023, and on August 2, 2023, Haare filed a second petition for rule to show cause against Sherren.

198. On August 2, 2023 an order for rule to show cause was filed and on August 3, 2023 a notice to show cause was filed, setting the matter for hearing on August 30, 2023.

199. Prior to the August 30, 2023 hearing, Respondent advised Sherren that the hearing "was off" and that Sherren did not need to appear for the August 30, 2023 hearing.

200. Respondent's statements to Sherren that the August 30, 2023 hearing "was off" and that he did not need to appear were false because the hearing had not been cancelled or continued.

201. Respondent knew that the statements in paragraph 199 were false at the time he made them.

202. Also prior to the August 30, 2023 hearing, Respondent advised Sherren that the court was reviewing the judgment amount.

203. Respondent's statement to Sherren that the court was reviewing the judgment amount was false because the Court was not reviewing the judgment amount.

204. Respondent knew that the statement in paragraph 202 was false at the time he made it.

205. On August 30, 2023, Haare, his counsel and Respondent appeared in court for the hearing on the order for rule to show cause.

206. Prior to the start of the hearing, Respondent spoke with counsel representing Haare, Stephen Courtney ("Courtney"), advising that Sherren had furnished a check to Respondent's office for the "entire amount."

207. Respondent's statement to Courtney that Sherren had furnished a check to Respondent's office for the "entire amount" was false because Sherren had not furnished Respondent with a check.

208. Respondent knew that the statement in paragraph 206 was false at the time he made it.

209. At the outset of the hearing, Respondent advised Courtney that Sherren "did drop off a check to my office."

210. Respondent's statement to Courtney that Sherren "did drop off a check to my office" was false because Sherren had not dropped off a check to Respondent's office.

211. Respondent knew that the statement in paragraph 209 was false at the time he made it.

212. Courtney gave the court an update on the case, stating:

> "Your Honor, it's my understanding from speaking with counsel before this case was being called, that Mr. Sherren furnished a check to Attorney Meade's office for the entire amount. We just want to make sure that gets cleared. So I don't have an issue with setting it for maybe a short phone conference but we certainly would like to see that we get paid."

213. To which Respondent replied, stating:

> "Yeah, I think just in full disclosure, I didn't give him a per diem, so there may be some interest, post-judgment interest, included in that. So I was going to shoot Mr. Courtney a figure and just make sure that we're able to clear that too, but I think that just a week out, you know, would be enough to make sure that we—we'll make sure that it clears in my account and then I will forward it on to Mr. Courtney."

214. Respondent's statement that " I think that just a week out, you know, would be enough to make sure that we—we'll make sure that it clears in my account and then I will forward it on to Mr. Courtney" was false, because Respondent had not received a check from Sherren, had thus not deposited a check from Sherren into Respondent's IOLTA account and did not have reason to see if the check "cleared" the IOLTA account.

215. Respondent knew that the statements in paragraph 213 were false at the time he made them.

216. Courtney subsequently stated: "Well again, I don't know what the figure [on Sherren's purported check] is. Is it the $11,100—"

217. To which Respondent replied, stating: "That's my understanding from looking at it."

218. Respondent's statement "[t]hat's my understanding from looking at it" was false because he had not received a check from Sherren and thus could not have had an "understanding" of the amount of the check.

219. Respondent knew that the statement in paragraph 217 was false at the time he made it.

220. The court subsequently inquired of Respondent as to the amount of the check, stating: "It would have been $11,733."

221. To which Respondent replied, stating: "And that is my best recollection what the check says."

222. Respondent's statement "that is my best recollection what the check says" was false because he had not received a check from Sherren and thus could not have had a "recollection" of the amount of the check.

223. Respondent knew that the statement in paragraph 221 was false at the time he made it.

224. The court stated: "All right, well, you want to write up a minute order and I'll sign such and we'll get everyone on their way."

225. To which Respondent replied, stating: "We'll get you paid and we'll check this one off the list."

226. Respondent's statement that "[w]e'll get you paid and we'll check this one off the list" was false because Respondent had not received a check from Sherren and was unable at that time to move the case to conclusion, as he suggested.

227. Respondent knew that the statement in paragraph 225 was false at the time he made it.

228. The court set the case for a review on September 11, 2023.

229. Following the August 30, 2023 hearing, Respondent failed to inform Sherren that Respondent had committed to pay the judgment and attorney's fees before the September 11, 2023 review.

230. On September 11, 2023, the court held a review to address the progress of the case since the August 30, 2023 hearing.

231. Courtney advised the court that he had not yet received a check from Respondent.

232. Respondent advised that the check was in his car.

233. A break was taken and Respondent was instructed to retrieve the check from his car. Respondent returned with the checkbook from his IOLTA account, stating: "The funds have cleared."

234. Respondent's statement that "[t]he funds have cleared" was false because Sherren had never given Respondent a check, thus Respondent had never deposited the purported check into his IOLTA and thus the purported check could not have "cleared."

235. Respondent knew that the statement in paragraph 233 was false at the time he made it.

236. Respondent wrote an $11,733.82 check from his IOLTA account to Courtney's law firm's trust account and gave it to the court to distribute to Courtney. The $11,733.82 had not been provided to Respondent by Sherren.

237. The court then asked Respondent: "So, Mr. Meade, you received this money from your client, Dan Sherren, by check?"

238. Respondent answered," "Yes."

239. Respondent's statement "yes" was false, because he had not received money to pay the judgement and attorney's fees by way of a check from Sherren.

240. Respondent knew that the statement in paragraph 238 was false at the time he made it.

241. The court then asked Respondent: "It cleared your bank account?"

242. Respondent answered, "Yes."

243. Respondent's statement "yes" was false, because he had not received a check from Sherren to deposit, did not deposit the purported check into his IOLTA account and thus the purported check never "cleared."

244. Respondent knew that the statement in paragraph 242 was false at the time he made it.

245. Respondent deposited his own personal funds into his IOLTA account to cover the $11,733.82 check he wrote to Courtney's firm's trust account.

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

a. knowingly making a false statement of fact or law to a tribunal by conduct including making 1) false statements during the August 30, 2023 hearing, as described in paragraphs 209, 213, 217, 221 and 225, and 2) false statements at the September 11, 2023 hearing as described in paragraphs 223, 237-238, and 241-242, in violation of Rule 3.3(a) of the Illinois Rules of Professional Conduct (2010);

b. conduct involving dishonesty, fraud, deceit or misrepresentation by conduct including: making 1) false statements during the August 30, 2023 hearing, as described in paragraphs 209, 213, 217, 221 and 225; 2) false statements at the September 11, 2023 hearing as described

in paragraphs 223, 237-238 and 241-242, 3) advising Courtney in a conversation prior to the August 30, 2023, that Sherren had furnished a check to his office for the "entire amount"; and 4) advising his client, Sherren, that the August 30, 2023 hearing "was off," that he did not need to appear for it, and that the judge was considering the judgment amount in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010);

c. conduct including depositing his own funds into his IOLTA account to cover the $11,733.82 check he wrote out of that account to pay the judgment and attorney's fees owed by Respondent's client, Sherren, in violation of Rule 1.15(c) of the Illinois Rules of Professional Conduct (2010); and

d. providing financial assistance to a client in connection with a pending or contemplated litigation, by depositing $11,733.82 of his own money into his IOLTA account in order to satisfy the judgment and attorney's fees imposed upon his client, Sherren, in violation of Rule 1.8(e) 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
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