



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

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Chicago
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To the Honorable, the Chief Justice
and Justices of the Supreme Court
of Illinois:

The annual report of the Attorney Registration and Disciplinary Commission for 1993 is submitted to the Court, to the members of the Bar of Illinois, and to the public in accordance with Supreme Court Rule 751.

The report is a statement of activities of the Commission for calendar year 1993 and an accounting and audit of the monies received and expended during the twelve-month period which ended December 31, 1993.

Respectfully submitted,

David M. Hartigan, Chairman
James H. Bandy
John P. Clarke
Eldridge T. Freeman, Jr.
Watts C. Johnson
James J. McDonough
Benedict Schwarz, II, Commissioners

Mary Robinson, Administrator

I. Registration Report

Supreme Court Rule 756 charges the Commission with the responsibility of conducting an annual registration of attorneys licensed to practice law in Illinois, collecting the annual fee prescribed by that rule and maintaining the Master Roll of registered attorneys. The annual registration process begins on November 1st of the year before the registration is effective, and beginning on that date, changes are made in registration data, including information showing the county of an attorney's principal office. The registration data reported here is that recorded as of October 31, 1993.

As of that date, the 1993 Master Roll of attorneys contained the names of 63,328 attorneys. That total does not include the 1,776 attorneys who first took their oath of office in November or December 1993.

Chart A reflects the number of attorneys registered by reference to the categories set forth in Rule 756 for determining the annual fee to be paid.

Chart A: Registration Categories

Admitted between 01-01-92 and 10-31-93:	3,136
Admitted between 01-01-90 and 12-31-91:	4,686
Admitted before 01-01-90:	42,951
Serving military duty:	225
Serving as judge:	896
Birthday before 12-31-17:	2,375
Foreign legal consultant	1
Neither practice, nor reside, nor are employed in Illinois:	<u>9,058</u>
Total attorneys active and currently registered:	63,328

Charts B and C show the distribution by County and by Judicial Circuit of the 49,377 registered attorneys who report a principal business address in Illinois. The

13,951 difference between the 49,377 lawyers accounted for in Charts B and C and the 63,328 registered for 1993 is comprised of the 9,058 attorneys who pay a reduced fee because they neither practice nor reside nor are employed in the state and the 4,893 attorneys who report a business address outside Illinois but register to be able to practice in Illinois.

Chart B: Registered Attorneys by Judicial Districts and Circuits

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>
First District					
Cook County	31839	32374	33716	34180	35140
Second District					
15th Circuit	164	166	167	180	189
16th Circuit	802	839	868	929	984
17th Circuit	553	569	592	619	647
18th Circuit	2084	2178	2243	2590	2763
19th Circuit	<u>1620</u>	<u>1755</u>	<u>1810</u>	<u>2066</u>	<u>2182</u>
Total	5223	5507	5680	6384	6765
Third District					
9th Circuit	200	200	195	202	202
10th Circuit	716	732	765	782	796
12th Circuit	422	464	485	487	508
13th Circuit	284	280	285	294	299
14th Circuit	452	457	468	487	501
21st Circuit	<u>139</u>	<u>133</u>	<u>138</u>	<u>150</u>	<u>152</u>
Total	2213	2266	2336	2402	2458
Fourth District					
5th Circuit	280	265	269	277	288
6th Circuit	714	722	738	767	776
7th Circuit	1011	1003	1054	1086	1120
8th Circuit	179	178	180	185	186
11th Circuit	<u>412</u>	<u>417</u>	<u>431</u>	<u>448</u>	<u>469</u>
Total	2596	2585	2672	2763	2839
Fifth District					
1st Circuit	317	322	335	355	377
2nd Circuit	298	288	299	294	290
3rd Circuit	478	487	487	508	515
4th Circuit	249	243	242	248	249
20th Circuit	<u>695</u>	<u>694</u>	<u>712</u>	<u>728</u>	<u>744</u>
Total	2037	2034	2075	2133	2175
Grand Total	43,908	44,766	46,479	47,862	49,377

Chart C: Registered Attorneys by County

PRINCIPAL OFFICE	NUMBER OF ATTORNEYS		PRINCIPAL OFFICE	NUMBER OF ATTORNEYS	
	1992	1993		1992	1993
Adams	109	110	Lee	36	38
Alexander	11	11	Livingston	53	51
Bond	13	14	Logan	34	37
Boone	32	32	Macon	233	236
Brown	8	7	Macoupin	47	47
Bureau	48	48	Madison	495	501
Calhoun	3	4	Marion	48	45
Carroll	15	15	Marshall	14	13
Cass	12	12	Mason	16	16
Champaign	451	460	Massac	23	26
Christian	46	44	McDonough	50	50
Clark	15	16	McHenry	359	383
Clay	14	14	McLean	325	345
Clinton	21	22	Menard	14	14
Coles	86	90	Mercer	12	13
Cook	34,180	35,140	Monroe	39	39
Crawford	20	20	Montgomery	40	39
Cumberland	6	6	Morgan	50	52
DeKalb	146	152	Moultrie	19	18
DeWitt	21	22	Ogle	43	45
Douglas	17	18	Peoria	642	653
Du Page	2590	2763	Perry	22	25
Edgar	36	38	Piatt	26	22
Edwards	6	5	Pike	11	11
Effingham	36	38	Pope	3	4
Fayette	17	18	Pulaski	6	6
Ford	19	18	Putnam	6	6
Franklin	51	53	Randolph	26	26
Fulton	42	38	Richland	26	25
Gallatin	9	8	Rock Island	356	368
Greene	16	14	Saline	6	38
Grundy	53	53	Sangamon	949	982
Hamilton	17	13	Schuyler	12	12
Hancock	16	16	Scott	7	6
Hardin	5	6	Shelby	18	21
Henderson	5	7	St Clair	621	635
Henry	51	50	Stark	13	14
Iroquois	27	26	Stephenson	55	59
Jackson	171	176	Tazewell	107	110
Jasper	8	8	Union	19	22
Jefferson	97	97	Vermilion	134	138
Jersey	17	19	Wabash	20	18
Jo Daviess	31	32	Warren	31	30
Johnson	8	6	Washington	20	19
Kane	752	792	Wayne	12	13
Kankakee	123	126	White	13	14
Kendall	31	40	Whiteside	68	70
Knox	58	61	Will	487	508
Lake	1707	1799	Williamson	78	88
LaSalle	193	198	Winnebago	587	615
Lawrence	18	18	Woodford	17	18

Chart D reports age, gender, and tenure information for Illinois attorneys registered for 1993.

Chart D: Age, Gender and Years in Practice for Attorneys Registered for 1993

Gender	
Male	76%
Female	24%
	100%

Age	
21-29	9%
30-49	65%
50-74	22%
75-or over	4%
	100%

Years in Practice	
Less than 10	37%
10 or More	63%
	100%

II. Report on Disciplinary Matters and Non-Disciplinary Action Affecting Attorney Status

A. Investigations

The Attorney Registration and Disciplinary Commission is charged with the responsibility of investigating and, when appropriate, prosecuting charges of misconduct by attorneys. Charges typically come from clients, other attorneys, judges, and other persons connected with transactions or litigation in which the attorney is involved.

During 1993, the Commission docketed 6345 investigations, involving charges against 4106 different attorneys. When investigations are docketed, a staff attorney makes an initial assessment of the nature of the misconduct alleged, if any, and the type

of legal context in which the facts apparently arose. Charts 1 and 2 report the classifications recorded for investigations docketed in 1993.

As with prior years, the three areas of practice most likely to lead to a complaint

of attorney misconduct are tort, domestic relations, and criminal law. Similarly, the violations most commonly reported track those for prior years. Neglect of the client's cause and failure to communicate with the client remain high on the list.

Chart 1: Complainants' Classification of Charges Docketed in 1993 by Violation Alleged

<u>Type of Misconduct</u>	<u>Number</u>
Neglect or lack of diligence	1,308
Fraudulent or deceptive activity, including lying to clients, knowing use of false evidence or making a misrepresentation to a tribunal	645
Failure to communicate with client, including failure to communicate the basis of a fee	566
Improper management of client or third party funds, including commingling, conversion, failure to promptly pay litigation costs or client creditors, or issuing N.S.F. checks	479
Incompetence	459
Excessive fees, including failure to refund unearned fees	379
Conflict of interest, including improperly entering into business transactions with clients	178
Failure to properly withdraw from representation, including failure to return client files or documents	165
Conduct prejudicial to the administration of justice, including conduct which is the subject of a contempt finding or court sanction	164
Failure to treat others with courtesy	136
Not abiding by a client's decision concerning the representation or taking unauthorized action on the client's behalf	110
Improper commercial speech, including inappropriate written and oral solicitation	108
Criminal activity, including criminal convictions, counselling illegal conduct, public corruption	64
Filing frivolous or non-meritorious claims or pleadings	55
Lawyer is the subject of grand jury subpoena or other lawful government process	52
Practicing law in a jurisdiction where not authorized	51
Aiding in the unauthorized practice of law, including sharing fees with nonlawyers	46
Improper trial conduct, including suppressing evidence where there is a duty to reveal	41
Threatening criminal prosecution to gain advantage in a civil matter	34
Incapacity due to chemical addiction or mental condition	33
Improper communication with a party known to be represented by counsel	32
Failure to register	30
Avoiding in bad faith the repayment of an educational loan guaranteed by a governmental entity	30
Improper communications with or harassment of jurors	26
Sexual harassment or abuse	21
Failing to preserve client confidences or secrets	18
Improper ex parte communication	14
Prosecutor's bad faith initiation of criminal charges	11
Failure to disclose fraud on a tribunal or lawyer misconduct	11
Improper advances or loans to clients	8
Attempting to circumvent the ethics rules through the actions of others	5
Giving or lending something of value to judicial officials	5
False statements concerning judicial officials	3
Failure to pay tax obligation	3
No misconduct alleged	974
Other	81
Total	6345

**CHART 2: Classification Of Charges
Docketed In 1993 by Area
Of Law**

Area of Law	Number
Tort (Personal Injury/ Property damage)	1,034
Domestic Relations	983
Criminal/Quasi-Criminal	869
Real Estate/Landlord-Tenant	491
Contract	467
Probate	306
Labor Relations	206
Bankruptcy	140
Corporate Matters	89
Immigration	43
Local Government Problems	34
Other	35
Civil Rights	29
Tax	27
Adoption	24
Patent and Trademark	13
Mental Health	11
No specific area of law identified	570
Complaints alleged no misconduct	974
Total	6345

In furtherance of its duty to protect the public and the integrity of the profession, the Commission requires its counsel to fully investigate all facially viable complaints. Although the primary obligation is to investigate serious cases of misconduct, when feasible, staff counsel will attempt to intervene to resolve underlying difficulties. Frequently, complainants are referred to other organizations that provide assistance in mediating disputes.

If an investigation fails to reveal provable misconduct, staff counsel will seek authorization to close the file. Counsel is required to explain in writing to the complainant the basis for closing an investigation.

If an investigation produces evidence of misconduct, the case is referred to the Inquiry Board. The Inquiry Board operates in panels of three, composed of two attorneys and one nonlawyer, all appointed by the Commission. An Inquiry Panel has authority to vote a formal complaint if it finds evidence to support a charge, to close an investigation if it does not so find, or to defer the investigation and place an attorney on supervision under the direction of the panel pursuant to Commission Rule 108. The Administrator cannot pursue formal charges without authorization by an Inquiry Panel.

Comparatively few investigations result in the filing of formal charges. Charts 3 and 4 show the number of investigations docketed and terminated during 1993, and the type of action which terminated the investigations.

CHART 3: Trend of Investigations

YEAR	PENDING JANUARY 1st	DOCKETED DURING YEAR	CONCLUDED DURING YEAR	PENDING DECEMBER 31
1992	2894	7338	6849	3383
1993	3383	6345	6774	2954

B. Hearing Matters

Once an Inquiry Panel authorizes the filing of charges, a formal complaint setting forth all allegations of misconduct pending against the attorney is filed, and the matter proceeds before the Hearing Board. Upon filing and service of the complaint, the case becomes public. In addition to complaints alleging misconduct filed pursuant to Supreme Court

CHART 4: Action Concluding Investigations In 1993

Concluded by Administrator: Closed because no misconduct was stated:	974
Closed after investigation:	5,422
Concluded by Inquiry: Closed after investigation:	137
Complaint or impairment petition voted:	241
TOTAL	6,774

Rule 753, and complaints alleging conviction of a criminal offense under Rule 761, the Hearing Board also entertains petitions for reinstatement pursuant to Rule 767, petitions for transfer to inactive status because of impairment pursuant to Rule 758, and petitions for restoration to active status pursuant to Rule 759.

Chart 5 shows the number and types of new cases filed before the Hearing Board during 1993.

Charts 6A and 6B show the types of misconduct alleged in the 93 disciplinary complaints filed during 1993 and the areas of practice in which the alleged misconduct arose. In large part, the categories most frequently seen in formal charges track the categories most frequently seen in client complaints, as reported in Charts 1 and 2. As was true in 1992, neglect and conversion remain the most frequent charges, and tort law remains the area of practice that generates the largest number of client

CHART 5: Trend of Matters Before The Hearing Board

Cases Pending on January 1, 1993	128
New Cases Filed in 1993:	
Disciplinary Complaints Filed: Rule 753,761(d)	93*
Reinstatement Petitions Filed: Rule 767	8
Petitions Alleging Impairment: Rule 758	2*
Contested Restoration Petitions: Rule 759	3
Total New Cases:	106
Cases Concluded During 1993	115
Cases Pending December 31, 1993	119

*The number of cases filed at hearing is significantly lower than the number of matters voted by Inquiry because multiple investigations against a particular attorney in which an Inquiry Panel has voted a complaint are consolidated into a single complaint for purposes of filings at hearing.

complaints and formal charges.

The Hearing Board sits in panels of three. By amendment effective October 15, 1993, the Hearing Board is comprised of one nonlawyer for every two lawyer members. Hearing Board members are appointed by the Commission.

A Hearing Panel can terminate a case on the pleadings, after a contested hearing, or by approving the filing of a petition for discipline on consent pursuant to Rule 762(b). After a hearing has been held in a disciplinary case, the Hearing Board issues a report and recommendation either dismissing the complaint, or finding misconduct and recommending what sanction should be imposed. Findings of misconduct must be supported by clear and convincing evidence. In

CHART 6A: Area of Law Involved In Complaints Filed Before Hearing in 1993

Area of Law	Number (out of 93 filed)*	Approx.% of cases filed*
Tort	25	26%
Real Estate	15	16%
Probate	13	14%
Domestic Relations	13	14%
Corporate Matters	9	9%
Criminal	8	8%
Bankruptcy	7	7%
Labor Relations	6	6%
Contract	4	4%
Debt Collection	4	4%
Insurance Law	3	3%
Other Areas	3	3%

*Totals exceed 93 cases and 100% because many complaints allege several counts of misconduct arising in different areas of practice.

impairment cases, the Hearing Board can dismiss the Administrator's petition or find evidence of impairment and recommend that the respondent be transferred to inactive status. In reinstatement and restoration cases, the Hearing Board issues a report recommending that reinstatement or restoration to active status be allowed or denied.

Chart 7 shows the type of action by which the Hearing Board concluded the 114 cases terminated during 1993.

C. Matters Before the Review Board

Either the respondent or the Administrator can file exceptions as a

CHART 6B: Types of Misconduct Alleged in Complaints Filed Before Hearing Board in 1993

Type of Misconduct	Number (out of 93 filed)*	% of cases filed*
Neglect Of the 35 cases where neglect was charged, the neglects were accompanied by the following facts in the number of cases noted	35	38%
Prejudice to clients	21	
Misrepresentations to client	27	
Failure to return unearned fees	13	
Improper handling of funds	30	32%
Criminal conduct	20	22%
Fraudulent or deceptive activity, including schemes to defraud clients or others, falsifying evidence, false statements to tribunal	19	20%
Incompetence	17	18%
Conflict of interest arising from sexual relationship with client	12	13%
Excessive or unauthorized fees	8	9%
Failure to respond to ARDC request for information	7	8%
Aiding or engaging in unauthorized practice of law	4	4%
Entering agreement with client not to pursue ARDC complaint	3	3%
Withdrawing from employment without court approval	3	3%
Violating client privilege	2	2%
Counseling or assisting client in unlawful conduct	1	1%
Refusal to accede to reasonable requests of opposing counsel	1	1%
Failure to report attorney misconduct	1	1%
Avoiding in bad faith repayment of education loan	1	1%
Failure to report criminal conviction to ARDC	1	1%

*Totals exceed 93 cases and 100% because most complaints allege more than one type of misconduct.

CHART 7: Actions Taken by Hearing Board in Matters Terminated in 1993

A. DISCIPLINARY CASES: RULES 753 & 761(d)		
Recommendation of dismissal or discharge:	4	
Recommendation of discipline:	59	
Cases closed by disbarment on consent:	17	
Cases closed by filing of petition for discipline on consent:	19	
Cases stayed by Supreme Court:	1	
TOTAL DISCIPLINARY CASES:		100
B. REINSTATEMENT PETITIONS: RULE 767		
Recommend petition be allowed:	2	
Recommend petition be denied:	3	
Petition withdrawn before hearing:	2	
TOTAL RULE 767 PETITIONS:		7
C. IMPAIRMENT CASES: RULE 758		
Cases closed by voluntary transfer to inactive status:	3	
Report of fact finding entered:	1	
TOTAL RULE 758 PETITIONS:		4
D. RESTORATION CASES: RULE 759		
Recommend petition be allowed:	1	
Recommend petition be denied:	1	
Petition dismissed without prejudice:	1	
TOTAL RESTORATION CASES:		3
TOTAL MATTERS TERMINATED:		114

matter of right from the recommendation of the Hearing Board. Those exceptions are heard by the Review Board consisting of nine lawyers appointed by the Supreme Court. The Review Board entertains briefs and oral arguments, and then issues a report and recommendation

affirming or reversing the recommendation of the Hearing Board. The Review Board can also dispose of a case by approving the filing of a petition for discipline on consent pursuant to Rule 762(b). Chart 8 shows the data on cases filed before, and disposed of by, the Review Board.

D. Supreme Court - Disciplinary Cases

Only the Supreme Court has authority to sanction attorneys for misconduct, and under the rules of the Court, no sanction other than a Board reprimand can be imposed in a disciplinary case without order of the Court. Disciplinary cases reach the Court in several ways.

CHART 8: Trend Of Matters In The Review Board

Cases Pending on January 1, 1993:	38
Cases filed during 1993:	
Exceptions filed by Administrator:	9
Exceptions filed by Respondent:	31
Exceptions filed by both parties:	1
Remanded by Supreme Court:	3
TOTAL :	44
Cases decided in 1993:	
Hearing Board affirmed:	16
Hearing Board reversed as to findings or sanction:	19
Exceptions withdrawn, matter presented to Court on motion to approve Hearing Board Report:	3
Exceptions mooted by filing of motion for disbarment on consent:	1
Petition for discipline on consent:	1
Case dismissed as moot due to death of Respondent:	1
TOTAL :	41
Cases pending December 31, 1993	41

In cases that have been heard by the Review Board, either party can petition the Court for leave to file exceptions to the Review Board report and recommendation. Review by the Court in such cases is discretionary. If neither party excepts, the matter is presented to the Court by motion to approve and confirm the Review Board report. In either event, the Court may affirm the Review Board report and enter the sanction or other relief recommended; decide to review the matter on the merits and order briefs and argument; or reject the Review Board recommendation and impose a sanction or other disposition different from that recommended by Review without briefs or argument.

Similarly, if a case has proceeded to hearing, and neither party files exceptions to the Review Board, the matter is presented to the Supreme Court by motion to approve and confirm the report and recommendation of the Hearing Board. The Court may grant that motion and impose the sanction recommended by the Hearing Panel; deny the motion and remand the case for further proceedings; or alter the Hearing Board recommendation without further proceedings.

In addition, under Rule 762, matters can be presented to the Court by consent. An attorney may move for disbarment on consent under Rule 762(a) at any point in time. If the motion is allowed, the attorney can apply for reinstatement after three years, as opposed to the normal five years when disbarment is involuntary. If the motion is denied, the matter proceeds through the regular disciplinary process.

Rule 762(b) provides for consent discipline other than disbarment. While a case is pending before any of the boards, Inquiry, Hearing or Review, the appropriate Board can approve the filing of a petition for discipline on consent by which the parties agree to the misconduct that has occurred and the sanction that should be imposed. The Court may grant the petition and impose the agreed sanction or deny the petition and remand the case for further proceedings.

During 1993, the Court entered 114 sanctions against 113 attorneys in cases presented through one of the above procedures. Chart 9 reflects the nature of the orders entered, and Chart 10 provides demographic information on the lawyers who were disciplined.

**CHART 9: Disciplinary Sanctions
Ordered By The Supreme
Court In 1993**

Disbarred	45
Suspended	47*
Censured	13
Probation	8
Reprimand	<u>1</u>
Total	114

*The number reported for suspensions in prior years included interim suspensions ordered pursuant to Rule 761 and 774. The 47 suspensions reported for 1993 were all final orders entered after hearings or pursuant to consent petitions. In addition to those, the Court ordered 9 interim suspensions during 1993, as reported in Charts 11G and 11J.

**CHART 10: Age, Gender, and Years
In Practice For Attorney
Disciplined During 1993**

<u>GENDER</u>	
Male	94%
Female	6%
	100%
<u>AGE</u>	
21-29	1%
30-49	63%
50-74	36%
75 or over	0%
	100%
<u>YEARS IN PRACTICE</u>	
Less than 10	14%
10 or more	86%
	100%

Chart 11 reflects the actions taken by the Supreme Court in disciplinary matters in the varying procedural contexts in which those matters are presented.

During 1993, the Court heard arguments and issued opinions in three disciplinary cases. In re Jordan, (1993) 156 Ill.2d 202; In re Rosin, (1993) 157 Ill.2d 266; In re Timpone, (1993) 157 Ill.2d 178. The attorney in Rosin was discharged, and sanctions of probation (Jordan) and suspension (Timpone) were ordered in the other cases. Thus 112 of the 114 sanction orders entered by the Court in 1993 were entered pursuant to a consent petition, a motion to approve and confirm the report of the Hearing Board or Review Board, or a petition for reciprocal discipline. In several cases presented to the Court on exceptions to the Review Board recommendation or a motion to approve the Review Board recommendation, the Court ordered different sanctions than those recommended by Review without entertaining briefs or oral argument. As Chart 11 reflects, the Court accepted two disciplinary cases for plenary review

during 1993. In re Chandler, No. 76145; In re Discipio, No. 76460.

**CHART 11: Orders entered by Supreme
Court in Disciplinary Cases**

A. <u>Petitions for disbarment on consent: Rule 762(a)</u>	
Allowed	32
Denied	4
Withdrawn	1
TOTAL	37
B. <u>Petitions for discipline on consent: Rule 762(b)</u>	
Allowed:	
Suspended	16
Probation	6
Censured	6
Total	28
Denied	1
TOTAL	29
C. <u>Petitions for leave to file exceptions to report and recommendation of review board: Rule 753(e)(1)</u>	
Allowed	2
Allowed, and different sanction imposed without briefs	4
Denied	11
TOTAL	17
D. <u>Motions to approve and confirm report of review board: Rule 753 (e)(6)</u>	
Allowed	4
Denied, and different sanction imposed without briefs	1
TOTAL	5
E. <u>Motions to approve and confirm report of hearing board: Rule 753(d)(2)</u>	
Allowed	23
Denied	1
TOTAL	24
F. <u>Petitions relating to enforcement of subpoenas: Rule 754</u>	
Motion to quash subpoena allowed	1
Motion to quash subpoena denied	3
Petition for rule to show cause for failure to honor subpoena denied, with leave to resubmit	1
TOTAL	5