

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

In the Matter of:

WILLIAM E. KOFFIE, JR.,

Attorney-Respondent,

No. 6298182.

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Commission No.

2018PR00051

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Roona N. Shah, pursuant to Supreme Court Rule 753(b), complains of Respondent, William E. Koffie, Jr., who was licensed to practice law in the State of Illinois on April 28, 2009, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Lack of diligence, failure to expedite litigation, not keeping a client reasonably informed, making a false statement in the Clark matter)

1. On July 17, 2015, Luella Clark was injured while shopping at a Cosmos Beauty Supply Store (“Cosmos”) on South King Drive in Chicago, when she stepped on a needle that penetrated through her foot. Clark was then taken via ambulance to Mercy Hospital for treatment. At the hospital, doctors took x-rays of Clark’s foot, they put her foot in a cast and prescribed her medicines, as well. Clark later required follow-up treatment because of the cast.

2. At some time thereafter, but prior to December 4, 2015, Clark contacted Respondent and asked Respondent to pursue a personal injury claim for her against Cosmos. Respondent and Clark verbally agreed that Respondent would represent Clark through the

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conclusion of the matter, and that Clark would pay Respondent an initial fee of \$400, which Clark paid in cash.

3. On December 4, 2015, Respondent filed a complaint against Cosmos to initiate the matter, entitled *Luella Clark v. Cosmos Beauty Supply Store*, 2015-M1-302767 (Circuit Court of Cook County). On January 7, 2016, attorneys at the law firm of Bollinger, Connolly, Krause, LLC (“the Bollinger firm”) filed the firm’s appearance as counsel for Cosmos.

4. On January 29, 2016, on the Bollinger firm’s motion, the Honorable Jerry Esrig entered an order in the *Clark* case granting Cosmos leave to file an answer within 28 days, requiring the parties to complete discovery by April 22, 2016, and directing that Clark’s case would be sent to the Cook County Arbitration Center after discovery closed on April 22nd. Shortly thereafter, Respondent received a copy of the order.

5. As of February 3, 2016, the Bollinger firm served Respondent with written discovery requests, including interrogatories and a notice to produce, and also filed a notice of deposition scheduling Clark’s discovery deposition for March 31, 2016. At that time, the firm filed a motion to strike and dismiss Clark’s complaint, arguing that Respondent had improperly pled negligence and premises liability in one count instead of pleading them with specificity in two separate counts. Cosmos also asserted that Respondent had filed the complaint in the wrong division, since the limit on monetary damages in the municipal division was \$30,000 and Respondent was seeking over \$30,000 on Clark’s behalf. Cosmos noticed the motion for a hearing on February 17, 2016, and Respondent received notice of it shortly thereafter.

6. As of February 17, 2016, Respondent had not filed a response to Cosmos’ motion to strike and dismiss. On February 17, 2016, Respondent did not appear before Judge Esrig on

the hearing in the *Clark* Case. An attorney from the Bollinger firm appeared on Cosmos' behalf, but Judge Esrig denied Cosmos' motion.

7. As of February 25, 2016, Cosmos filed its answer and affirmative defenses, denying many of the allegations in Clark's complaint.

8. On March 4, 2016, the Bollinger firm sent Respondent a letter pursuant to Supreme Court Rule 201(k) requesting that Clark comply with the defendant's outstanding discovery requests. The Bollinger firm also called Respondent at least three times to discuss the *Clark* case, but had been unable to reach him because he did not answer the calls, and his voice mailbox was full.

9. As of March 22, 2016, Respondent had not taken any action on Clark's behalf to respond to Cosmos' discovery requests, nor had he responded to Cosmos' 201(k) letter or otherwise communicated with the Bollinger firm regarding discovery in the *Clark* case.

10. On March 22, 2016, Cosmos filed a motion to compel Clark to answer the interrogatories, respond to the notice to produce and appear for a deposition. The Bollinger firm noticed a hearing on the motion to compel for April 1, 2016. Respondent received the motion and notice of hearing shortly thereafter, but did not respond to them at any time.

11. As of April 1, 2016, Respondent had not answered Cosmos' discovery requests and had not responded to the motion to compel. On that day, an attorney from the Bollinger firm appeared before Judge Esrig to argue the motion to compel, but Respondent was not present. Judge Esrig granted the motion to compel and gave Clark until April 8, 2016 to answer the outstanding discovery requests, but the order did not address the scheduling of Clark's deposition. Respondent received a copy of Judge Esrig's April 1, 2016 order shortly thereafter.

12. As of April 18, 2016, Respondent had not taken any action on Clark's behalf to comply with discovery requests. As of that date, Respondent also had not spoken to Clark about the outstanding discovery, nor had he notified Clark of her obligation to appear for a deposition.

13. On April 18, 2016, Respondent sent an email on the *Clark* case to Natasia Frank, a secretary at the Bollinger firm, seeking to schedule Clark's deposition. In his email, Respondent said that Clark "had some last minute scheduling conflicts" (that had precluded her from appearing for her deposition on an earlier date, and asked to schedule Clark's deposition for Thursday, April 21, 2016. In that email, Respondent also said that he would be forwarding Clark's discovery responses to Frank.

14. Respondent's email to Frank concerning Clark's availability for her deposition was false, because Respondent had not spoken to Clark, and Clark, who would have been available, had not told Respondent that she "had some last minute scheduling conflicts."

15. At the time that Respondent sent his email to Frank, Respondent knew that his email was false and knew that he had not spoken to Clark about the scheduled deposition or "some last minute scheduling conflicts."

16. As of April 19, 2016, Respondent had not spoken to Clark about the outstanding discovery, nor had he forwarded Clark's discovery responses to Frank or presented Clark for a deposition.

17. On April 19, 2016, Cosmos filed and served upon Respondent an emergency motion for sanctions, asking the court to dismiss Clark's case for failure to comply with the April 1, 2016 order, and also filed a motion to extend the discovery cut-off date on the grounds that Cosmos disputed liability and needed to complete discovery. Cosmos noticed both of the

motions for a hearing date of April 22, 2016. Respondent received notice of the motions and hearing date shortly thereafter.

18. On April 22, 2016, Cosmos' attorney appeared before Judge Esrig. Respondent had not filed responses to Cosmos' motion and did not appear. On that day, Judge Esrig entered and continued Cosmos' motion for sanctions and motion to extend the all discovery closure date. Cosmos re-filed those motions on May 2, 2016 and served those motions upon Respondent, noticing the motions for a hearing on May 11, 2016. Respondent received notice of the re-filed motions and re-noticed hearing date shortly thereafter.

19. As of May 11, 2016, Respondent still had not asked Clark to assist him in answering, reviewing or signing her discovery responses, nor had Respondent ever asked Clark to appear for a deposition.

20. On May 11, 2016, the Honorable Sheryl Ann Pethers dismissed Clark's case with prejudice. As a result, Clark's claims against Cosmos were barred. Respondent received a copy of the order shortly thereafter, but did not tell Clark of the dismissal.

21. On June 13, 2016, Respondent filled out a one-page, pre-printed motion form that he obtained from the Circuit Court Clerk's office, seeking to vacate the May 11, 2016 dismissal with prejudice. Respondent did not provide any basis for his request, nor did he attach any exhibits to the motion. Respondent noticed the motion for a hearing on July 21, 2016 and sent the Bollinger firm a copy, which the firm received shortly thereafter.

22. At the time that Respondent filed the motion to vacate the May 11, 2016 dismissal with prejudice, Respondent knew that the dismissal with prejudice meant that Judge Pethers had permanently dismissed Clark's case, that Clark could not refile her case after that dismissal, and

that Clark's claims against Cosmos had been barred. Respondent did not have a good faith basis, in law or in fact, to file the request.

23. On July 21, 2016, neither Respondent, Clark, nor anyone on her behalf, were present in court to present the motion to vacate the May 11, 2016 order that dismissed Clark's case with prejudice. On that day Judge Pethers struck Respondent's motion to vacate.

24. During the time that Respondent represented Clark, Clark called or texted Respondent approximately once per week asking about the status of her case. Respondent received those messages, but did not respond to his client's attempts to contact him.

25. Sometime after Clark's case was dismissed with prejudice, Respondent and Clark met and spoke. In that conversation, Respondent apologized to Clark for his handling of her case and said that he would reimburse her for the \$400 in fees that she had paid him. As of June 27, 2018, the date an investigation of Clark's charges against Respondent was referred to a panel of the Inquiry Board, Respondent had not returned any funds to Clark.

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

- a. failing to provide competent representation to a client, by conduct including not filing any pleadings, discovery or other responses after filing Clark's complaint and failing to appear in court for hearings on motions, in violation of Rule 1.1 of the Illinois Rules of Professional Conduct (2010);
- b. not acting with reasonable diligence and promptness in representing a client, by conduct including not filing any pleadings, discovery or discovery responses after filing Clark's complaint and failing to appear in court for hearings on motions, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- c. not reasonably consulting with the client about the means by which the client's objectives are to be accomplished, by

conduct including not advising Clark about the status of her case, including the outstanding discovery that was due, as well as notifying Clark of her obligation to appear for a deposition, in violation of Rule 1.4(a)(2) of the Illinois Rules of Professional Conduct (2010);

- d. failing to keep the client reasonably informed about the status of the matter, by conduct including not responding to Clark's telephone calls and text messages asking about the status of her case, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- e. not promptly complying with reasonable requests for information, by conduct including not responding to Clark's telephone calls and text messages asking about the status of her case, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010);
- f. not explaining a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, by conduct including not responding to Clark's telephone calls and text messages asking about the status of her case, and not advising Clark about the status of her case including the outstanding discovery that was due, as well as notifying Clark of her obligation to appear for a deposition, in violation of Rule 1.4(b) of the Illinois Rules of Professional Conduct (2010);
- g. bringing or defending a proceeding, or asserting or controverting an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good-faith argument for an extension, modification or reversal of existing law, by conduct including in filing a motion to vacate the order dismissing Clark's case with prejudice when Clark's claims against Cosmos had been barred and there was not any good faith basis, in law or in fact, to bring the motion to vacate, violation of Rule 3.1 of the Illinois Rules of Professional Conduct (2010);
- h. failing to make reasonable efforts to expedite litigation consistent with the interests of the client, by conduct including not answering discovery, failing to appear in court for hearings on motions, not advising Clark about her case including the outstanding discovery that was due, as well as not notifying Clark of her obligation to appear for a deposition, and not taking action necessary to prevent

Clark's case from being dismissed with prejudice, in violation of Rule 3.2 of the Illinois Rules of Professional Conduct (2010); and

- i. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including making a false statement to Frank regarding Clark's availability for a deposition when he had not spoken to his client about her availability for the deposition, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Failure to cooperate with an ARDC investigation)

27. On January 23, 2017, the Administrator received a request for investigation from Clark alleging that Respondent had neglected Clark's personal injury case. After reviewing the request, the Administrator docketed investigation number 2017IN00320 into Respondent's alleged conduct.

28. After docketing investigation number 2017IN00320, counsel for the Administrator sent Respondent letters requesting that Respondent submit a response to Clark's allegations. The letters were sent to the address which Respondent had previously provided as part of the annual registration process (on Hoyne Avenue in Chicago), but as of April 12, 2018 Respondent had not responded to the Administrator regarding Clark's allegations.

29. On April 12, 2018, the Administrator issued a subpoena that required Respondent's appearance for a sworn statement and the production of documents at the ARDC's Chicago office on May 15, 2018. On May 1, 2018, Respondent was personally served with the Administrator's subpoena.

30. Respondent did not appear for his sworn statement on May 15, 2018, nor did he contact counsel for the Administrator to request that his appearance be rescheduled.

Respondent's appearance has never been rescheduled for a date after May 15, 2018, nor has it been waived or excused.

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

- a. failing to respond to a lawful demand for information from a disciplinary authority, by failing to appear on May 15, 2018, or thereafter, in compliance with the Administrator's subpoena requiring Respondent's appearance for a sworn statement with which he had been personally served, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Criminal conduct of vehicular hijacking, arrested for multiple traffic violations and failure to report a misdemeanor conviction for reckless driving)

32. On October 22, 2015, Respondent was driving a red Lexus vehicle southbound on the 7400 block of South Wabash Avenue in Chicago when he was stopped by Officer William Giger. Based on the officer's observations and interactions with Respondent, Officer Giger arrested and charged Respondent with four counts of violations of the Illinois Compiled Statutes for: driving while intoxicated, pursuant to 625 ILCS 5.0/11-501-A-2; failing to obey a stop sign, pursuant to 625 ILCS 5.0/11-904-B; illegally possessing and transporting of liquor from a passenger vehicle, pursuant to 625 ILCS 5.0/11-502-B; and driving with a suspended Illinois drivers' license, pursuant to 625 ILCS 5.0/6-101. The Clerk of the Circuit Court of Cook County docketed the charges against Respondent under ticket number TH450470.

33. On May 23, 2017, Respondent pled guilty before the Honorable Marita Sullivan to a reduced charge of reckless driving, a Class A misdemeanor offense, in violation of 625 ILCS 5.0/11-503-A-2. As a result, Judge Sullivan sentenced Respondent to one year of supervision, terms of which included not violating the criminal statute of any jurisdiction, participating in ten

days of public service with the sheriff work alternative program (SWAP), and paying \$500 in fines.

34. At all times alleged in this complaint, Illinois Supreme Court Rule 761(a) required that an attorney admitted in this State who is convicted in any court of a felony or misdemeanor must notify the Administrator of the conviction in writing with 30 days of the entry of the judgment of conviction.

35. At no time did Respondent notify the Administrator of the May 23, 2017 misdemeanor conviction.

36. Between October 18, 2017 and December 15, 2017, Respondent violated the terms of his one year term of supervision when he violated criminal statutes on the following two separate occasions:

(a) On October 18, 2017, Respondent was out with a woman named Lyndsey Johnson. When they returned to his vehicle near 5647 South Calumet Avenue in Chicago, they found that the City of Chicago had booted a tire on Respondent's vehicle, thereby making his vehicle inoperable. Respondent asked Johnson for a ride home, which she gave him, using her 1998 Acura vehicle. During that ride, an argument occurred between them, Respondent punched and pushed Johnson out of her vehicle and onto the pavement. Respondent then moved into the drivers' seat and drove off with Johnson's vehicle, in which he was later involved in a hit-and-run incident. Johnson reported the incident to the police, who then issued a warrant for Respondent's arrest. The police later located the woman's vehicle in an impound lot. The responding officers then issued a warrant for Respondent's arrest for the crime of vehicular hijacking.

(b) As of December 15, 2017, Respondent had not been arrested on the warrant related to the vehicular hijacking. On that date, Respondent was driving a silver Mercedes vehicle that he then double-parked near 7401 South Vincennes and 150 West 75th Street in Chicago, thereby obstructing the flow of traffic. Respondent's vehicle also did not have a visible registration plate attached to the rear of the vehicle. Officer Kristopher Schultz arrived at the scene and requested that Respondent provide his driver's license and proof of insurance. Respondent gave the officer his Illinois attorney registration card and then handed Officer Schultz an Illinois license for a man named Willie Evans. Officer Schultz ran a name check and discovered that Respondent was driving on an expired driver's license and that there was no record on file for a Willie Evans, based on the license that Respondent had given the officer. At that time, Officer Schultz arrested Respondent for multiple traffic violations, including: knowingly possessing a fraudulent drivers' license, in violation of 625 ILCS 5.0/6-301.2-B-1; failing to surrender a firearm owner's identification card, in violation of 430 ILCS 65.0/9.5A; driving with a driver's license that was expired for more than a year, in violation of 625 ILCS 5.0/6-301.2-B-1; obstructing identification, in violation of 720 ILCS 5.0/31-4.5-A; and obstruction of traffic by a motorist and double parking in a no standing zone, in violation of 9-40-130. During the processing of those charges, Officer Schultz realized that there was an outstanding warrant for Respondent's arrest due to the October 18, 2017 incident described in the preceding paragraph. As a result, a grand jury indicted Respondent, and the Clerk of the Circuit Court of Cook County docketed the charges against him as

case number 2018-CR-0048501-S, titled *People of the State of Illinois v. William Koffie* (Circuit Court of Cook County, Criminal Division).

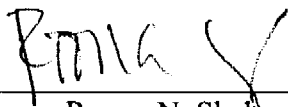
37. As a result of the conduct described above, Respondent has engaged in the following misconduct:

- a. conduct that is prejudicial to the administration of justice, by conduct including failing to notify the Administrator of his May 23, 2017 conviction for reckless driving, in writing, within 30 days after the entry of the conviction, as required by Supreme Court Rule 761(a) and in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010); and
- b. committing criminal acts that reflect adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including Respondent's May 2017 conviction of reckless driving for driving while intoxicated, failing to obey a stop sign, and driving with a suspended Illinois drivers' license, as well Respondent's subsequent conduct of hijacking Johnson's vehicle and punching and pushing her in October 2017, and also Respondent's conduct in December 2017 for multiple traffic violations, including but not limited to possessing a fraudulent drivers' license and driving with a driver's license that was expired for more than a year, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held pursuant to Supreme Court Rule 753(b), and that the Panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
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By: 

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