

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

FILED
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ARDC Clerk

In the Matter of:)	
)	
JAROSLAW SZYMANSKI,)	
)	Commission No. 2021PR00053
Attorney-Respondent,)	
)	
No. 6311410.)	

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Sharon D. Opryszek, pursuant to Supreme Court Rule 753(b), complains of Respondent, Jaroslaw Szymanski, who was licensed to practice law in the State of Illinois on June 18, 2013, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I
(Criminal conduct - domestic battery)

1. On February 19, 2016 at approximately 8:00 p.m., Respondent and his wife, Candice, were at their home in Mundelein when a verbal argument ensued about household responsibilities and caring for the Respondent's father, who was residing with Candice and Respondent at that time.

2. Respondent caused a verbal argument to escalate to a physical encounter when Respondent pushed Candice against a wall and placed his hands on her throat, causing a partial obstruction to her breathing, small scratches and redness to Candice's neck and redness to her back. Candice broke free from Respondent and requested police assistance in a 911 call.

3. On February 19, 2016, shortly after 8:00 p.m., Mundelein police officers Turek, Anderson and Rathke arrived at Respondent's home. The police observed a scratch on the right side of Candice's throat, as well as redness to her upper and lower back and smelled a strong odor of alcohol on Respondent.

4. Mundelein police arrested Respondent on charges of Aggravated Domestic Battery, in violation of 720 ILCS 5/12-3.3(A)(5), ticket number 16-01605.

5. On April 28, 2016, the Lake County State's Attorney's Office filed an information charging Respondent with Aggravated Domestic Battery, a Class 2 felony, in violation of 720 ILCS 5/12-3.3(A)(5) and Domestic Battery, a Class A misdemeanor, 720 ILCS 5/12-3.2(A)(1). The matter was docketed as *People v. Szymanski*, docket number 16CF480.

6. On May 24, 2016, Respondent pled guilty to an amended count of misdemeanor battery against Candice before Judge Daniel Shanes. As part of the plea, Respondent received a sentence of 24 months supervised supervision with conditions which included that Respondent could not possess or consume alcohol, could not have abusive or harassing contact with his wife, must complete 150 hours of community service, must comply with the recommendations of Dr. Jonathan Gamze, pay court costs of \$1,856, complete a Domestic Violence Offender Evaluation and follow any recommended treatment.

7. On May 24, 2018, Respondent completed his term of supervision and the matter was terminated.

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

- a. Committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer by committing a battery on Candice Szymanski by placing his hands on her throat and pushing her against a wall in violation of 720 ILCS 5/12-

3.3(A)(5) and 720 ILCS 5/12-3.2(A)(1), in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Criminal conduct and resisting arrest - domestic battery)

9. On September 10, 2018, in the early evening hours, Respondent and Candice were at their home where Respondent had consumed approximately a half-bottle of vodka. Respondent and Candice began to verbally argue.

10. Respondent caused the verbal argument to escalate to a physical encounter when Respondent attempted to enter their young daughters' room. When Candice tried to block Respondent from entering their daughters' room, he began punching Candice in the arm, attempted to punch Candice in the stomach, and told her to call the police again. After Respondent entered their daughters' room, Candice called a friend who called 911.

11. On September 10, 2018, at approximately 11:21 p.m., Libertyville police officers Baratti, Melvin and Lt. Roszkowiak arrived at Respondent's home in response to report of domestic violence. Police observed Candice crying, redness on her arms and a welt near her bicep, caused by Respondent's actions. At the time of the police arrival, Respondent was in another room.

12. As police officers approached Respondent, they smelled a strong odor of alcohol emanating from Respondent. When police attempted to arrest Respondent for domestic battery, he resisted.

13. Libertyville police arrested Respondent on charges of misdemeanor Resisting a Peace Officer, 720 ILCS 5.0/31(1)(A) misdemeanor Domestic Battery, 720 ILCS 5.0/12-3.2(A)(1) against his wife, Candice.

14. On September 24, 2018, the Lake County State's Attorney's office filed an information charging Respondent with two counts of Resisting a Peace Officer, 720 ILCS 5.0/31(1)(A) and two counts of Domestic Battery, 720 ILCS 5.0/12-3.2(A)(1) against his wife, Candice. The matter was docketed as *People v. Szymanski*, 18 CM 2490. At that time, Candice was granted an order of protection, on behalf of herself and her two daughters, against Respondent, 18 OP 1723.

15. On December 12, 2018, prior to Respondent's next court date, and after receiving a subpoena to appear for trial, Candice contacted prosecutors by e-mail advising that she would not be able to attend Respondent's December 14, 2018 court date due to work obligations. In that email, Candice expressed here strong desire to have the charges dropped against Respondent.

16. On October 7, 2019, the Lake County State's Attorney's office moved to dismiss, via *nolle prosequi*, Respondent's pending criminal case, *People v. Szymanski*, 18-CM-2490. The Judge granted the motion and dismissed all charges against Respondent.

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

- a. Committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer by committing a domestic battery on his wife Candice Szymanski by punching her in the arm in violation of 720ILCS5/12-3.3(A)(1) and resisting arrest by Libertyville police in violation of 720 ILCS 5/31-(1)(A), in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, 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
Disciplinary Commission

By: /s/ Sharon D. Opryszek
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