

September 23, 2021

IN THE SUPREME COURT OF ILLINOIS

ARDC CLERK

In the Matter of:

JOHN P. JACOBY,

Attorney-Movant,

No. 6197947.

Supreme Court No. M.R.

Commission No. 2021PR00067

MOTION PURSUANT TO SUPREME COURT RULE 762(a)

Movant, John P. Jacoby, respectfully represents to the Court that:

1. Movant was licensed to practice law in Illinois on May 31, 1988.
2. Movant desires to have his name stricken from the Roll of Attorneys pursuant to Rule 762(a), effective immediately.
3. Filed contemporaneously with this motion is a statement of charges prepared by the Administrator and Movant's affidavit in support of this motion.

WHEREFORE, Movant respectfully requests that the Court enter an order striking his name from the Roll of Attorneys.

Respectfully submitted,

/s/ John P. Jacoby
John P. Jacoby

John P. Jacoby
Movant
10748 Fintan Court
Mokena, IL 60448
Telephone: (630) 987-4657
Email: johnjacobychicago@gmail.com
MAINLIB-1388995-v1

E-FILED
9/23/2021 2:42 PM
Carolyn Taft Grosboll
SUPREME COURT CLERK

FILED

IN THE SUPREME COURT OF ILLINOIS

September 23, 2021

ARDC CLERK

In the Matter of:

JOHN P. JACOBY,

Supreme Court No. M.R.

Attorney-Movant,

Commission No. 2021PR00067

No. 6197947.

STATEMENT OF CHARGES PURSUANT TO
SUPREME COURT RULE 762(a)

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Jonathan M. Wier, pursuant to Supreme Court Rule 762(a), states that on the date John P. Jacoby (hereinafter “Movant”) filed a motion requesting that his name be stricken from the Roll of Attorneys, a one-count complaint was pending before the Hearing Board alleging that Movant failed to promptly deliver \$43,601.65 in funds belonging to a client and third parties and, of that amount, he converted \$13,313.69. Had Movant’s conduct been the subject of a hearing, the Administrator would have introduced the evidence described below, and that evidence would have clearly and convincingly established the misconduct set forth below:

I. FACTUAL BASIS

Movant’s admissions and testimony, bank records and other documents, and the testimony of various other individuals would establish the following facts:

A. *Movant’s Background*

1. Movant is 63 years old and was licensed to practice law in Illinois on May 31, 1988.

Movant was a sole practitioner with John Jacoby Law, LLC in Mokena, Illinois.

2. Movant registered as retired, effective April 8, 2021.

E-FILED
9/23/2021 2:42 PM
Carolyn Taft Grosboll
SUPREME COURT CLERK

B. *Failure to Promptly Deliver \$43,601.65 in Funds Belonging to the Client or Third Parties – The Chamberlain Group, Inc.*

3. In August 2018, Movant or someone on his behalf, registered John Jacoby Law, LLC (“JL LLC”) as a limited liability corporation with the Illinois Secretary of State. The Chamberlain Group, Inc. (“Chamberlain”), is engaged in the manufacture and sale of garage door openers and related products. Movant and Chamberlain agreed that Movant and his law firm, JL LLC, would represent Chamberlain in defending products liability claims.

4. As part of representing Chamberlain, Movant agreed to oversee third-party law firms and vendors that provided services in connection with the defense of the product liability claims. Movant agreed to process invoices submitted by the third parties.

5. After receiving an invoice from a third party, Movant would seek payment of the invoice from Chamberlain by creating his own invoice charging Chamberlain for the amount invoiced by the third party and his legal fees. Chamberlain then wired the funds into Movant’s account at Chase Bank named “John Jacoby Law, LLC” and ending in account numbers 2822, in most cases within about 30 days. That account was an operating account, not a client trust account for Movant’s law firm. Once Movant received the funds from Chamberlain, he should have paid the third parties the amounts owed to them.

6. In July and September 2019, Kilgore Engineering (“Kilgore”) submitted invoices to Movant for amounts owed by Chamberlain to Kilgore totaling at least \$25,134.89. Movant, in turn, prepared invoices that he submitted to Chamberlain requesting payment of that amount. Chamberlain then wired the funds into Respondent’s account at Chase Bank named “John Jacoby Law, LLC” and ending in account numbers 2822. At no time prior to November 5, 2020 did Movant remit the \$25,134.89 to Kilgore.

7. In June and July of 2019, Lindsay, Pickett & Postel, LLC (“LPP LLC”), a law firm in Waukegan, Illinois, submitted invoices to Movant for amounts owed by Chamberlain to LPP LLC totaling at least \$544.50. Movant, in turn, prepared invoices that he submitted to Chamberlain requesting payment of that amount. Chamberlain then wired the funds into Movant’s account at Chase Bank named “John Jacoby Law, LLC” and ending in account numbers 2822. At no time prior to November 5, 2020 did Movant remit the \$544.50 to LPP LLC.

8. From March through November 2019, Van De Poel, Levy, Thomas, Arneal, LLP (“VLTA LLP”), a California law firm, submitted invoices to Movant for amounts owed by Chamberlain to VLTA LLP totaling at least \$17,791.01. Movant, in turn, prepared invoices that he submitted to Chamberlain requesting payment of that amount. Chamberlain then wired the funds into Movant’s account at Chase Bank named “John Jacoby Law, LLC” and ending in account numbers 2822. At no time prior to November 5, 2020 did Movant remit the \$17,791.01 to VLTA LLP.

9. In November 2019, Ward and Smith, PA (“WS PA”), a North Carolina law firm, submitted invoices to Movant for amounts owed by Chamberlain to WS PA totaling at least \$131.25. Movant, in turn, prepared invoices that he submitted to Chamberlain requesting payment of that amount. Chamberlain then wired the funds into Movant’s account at Chase Bank named “John Jacoby Law, LLC” and ending in account numbers 2822. At no time prior to November 5, 2020 did Movant remit the \$131.25 to WS PA.

C. *Conversion of \$13,313.69 – The Chamberlain Group, Inc.*

10. As of November 5, 2020, Movant should have been holding at least \$43,611.65 in funds belonging to Kilgore, LLP LLC, VLTA LLP, and WS PA in his account at Chase Bank named “John Jacoby Law, LLC.” On November 5, 2020, the balance in that account dropped to \$30,287.96. Movant had used \$13,313.69 in funds belonging to Kilgore, LLP LLC, VLTA LLP,

and WS PA for his own business or personal purposes. Movant did not have authority from Kilgore, LLP LLC, VLTA LLP, WS PA or Chamberlain to use the funds for his own business or personal purposes, and his use of the funds constituted conversion.

11. On November 18, 2020, Movant electronically transferred \$28,601.25 from his account at Chase Bank named “John Jacoby Law, LLC” to Chamberlain. He also paid Chamberlain the remaining balance of \$15,010.40 from a separate account unrelated to his law practice.

II. CONCLUSIONS OF MISCONDUCT

12. By reason of the conduct described above, Movant has engaged in the following misconduct:

- a. failure to hold property of clients or third parties that is in the lawyer’s possession separate from the lawyer’s own property, by conduct including depositing funds from Chamberlain and due to third parties into his operating account, and then converting at least \$13,313.69 in funds given to Movant by Chamberlain, when those funds were to be paid to third parties for amounts owed to them by Chamberlain, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010);
- b. failure to promptly deliver funds to which a third party has an interest, by conduct including failing to promptly pay the \$43,601.65 given to Movant by Chamberlain to pay third parties, in violation of Rule 1.15(d) of the Illinois Rules of Professional Conduct; and

- c. conduct involving dishonesty, fraud, deceit, or misrepresentation, by converting at least \$13,313.69 in funds provided to Movant by Chamberlain for payment of third parties to his own use and without the authority of Chamberlain or the third parties, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Jonathan M. Wier
Jonathan M. Wier

Jonathan M. Wier
Attorney Registration and Disciplinary Commission
One Prudential Plaza
130 East Randolph St., Suite 1500
Chicago, Illinois 60601
Telephone: (312) 565-2600
Email: jwier@iadc.org
MAINLIB-#1388753-v1

FILED

IN THE SUPREME COURT OF ILLINOIS

September 23, 2021

ARDC CLERK

In the Matter of:

JOHN P. JACOBY,

Supreme Court No. M.R.

Attorney-Movant,

Commission No. 2021PR00067

No. 6197947.

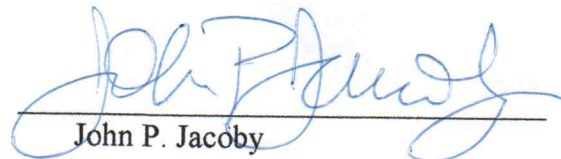
AFFIDAVIT

Affiant, John P. Jacoby, being first duly sworn, states:

1. Affiant has filed with this Court a motion to strike his name from the Roll of Attorneys licensed to practice law in Illinois, pursuant to Rule 762(a).
2. Affiant has received and reviewed a copy of the Administrator's statement of the charges that were pending against Affiant as of the filing of the instant motion. If the case proceeded to a hearing, the Administrator would present the evidence described in the statement of charges, and the evidence would clearly and convincingly establish the facts and conclusions of misconduct set forth in the statement of charges.
3. Affiant's motion is freely and voluntarily made.
4. Affiant understands the nature and consequences of this motion.

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

Date:

9/22/2021
John P. Jacoby

John P. Jacoby
Movant
10748 Fintan Court
Mokena, IL 60448
Telephone: (630) 987-4657
Email: johnjacobychicago@gmail.com
MAINLIB-1388994-v1

E-FILED
9/23/2021 2:42 PM
Carolyn Taft Grosboll
SUPREME COURT CLERK

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:

JOHN P. JACOBY,

Attorney-Movant,

No. 6197947.

Supreme Court No. M.R.

Commission No. 2021PR00067

NOTICE OF FILING

TO: John P. Jacoby
Attorney-Movant
10748 Fintan Court
Mokena, IL 60448
E-mail: johnjacobychicago@gmail.com

PLEASE TAKE NOTICE that on September 23, 2021, an electronic copy of the Administrator's MOTION PURSUANT TO SUPREME COURT RULE 762(a), a copy of which is attached, was submitted to the Clerk of the Supreme Court for filing. On that same date, copies were served on Respondent, by e-mail to johnjacobychicago@gmail.com.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Jonathan M. Wier
Jonathan M. Wier

Jonathan M. Wier
Counsel for Administrator
One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601
Telephone: (312) 565-2600
E-mail: jwier@iadc.org

E-FILED
9/23/2021 2:42 PM
Carolyn Taft Grosboll
SUPREME COURT CLERK

FILED

September 23, 2021

ARDC CLERK

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies, pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/109, that the Administrator served a copy of the Notice of Filing and the MOTION PURSUANT TO SUPREME COURT RULE 762(a), on Respondent, John P. Jacoby, at johnjacobychicago@gmail.com on September 23, 2021, at or before 5:00 p.m.

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

/s/ Jonathan M. Wier

Jonathan M. Wier

E-FILED
9/23/2021 2:42 PM
Carolyn Taft Grosboll
SUPREME COURT CLERK

FILED

September 23, 2021

ARDC CLERK