

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

In the Matter of:

CHRISTOPHER ROBERT EMERALD,

Attorney-Respondent,

No. 6269706.

Commission No. 2021PR00085

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Rachel C. Miller, pursuant to Supreme Court Rule 753(b), complains of Respondent, Christopher Robert Emerald ("Respondent"), who was licensed to practice law in Illinois on November 4, 1999, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(misrepresentation to client, lack of diligence, and failure to communicate – Nancy Silver-Hacker)

1. At all times alleged in this complaint, Respondent practiced law as a sole practitioner at CE Law, LLC. He currently maintains an office in Crystal Lake, and he concentrates his practice in the areas of business law, estate planning, and real estate transactions.

2. At all times related to this complaint, Respondent frequently traveled to the Dominican Republic, and he resided there seasonally. Respondent currently does not maintain a residence in Illinois and resides in the Dominican Republic permanently.

3. On September 28, 2017, Nancy Silver-Hacker's ("Nancy") son, Kirk Clawes ("Kirk"), passed away in Kane County.

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4. On December 11, 2017, Respondent and Nancy agreed that Respondent would represent Nancy in opening a probate estate and legal work related to the estate. They agreed that Nancy would pay a \$2,500 security retainer to Respondent and that Respondent would bill at an hourly rate of \$250 per hour. Nancy paid the \$2,500 security retainer fee to Respondent with her credit card.

5. At no time prior to December 28, 2017 did Respondent open a probate estate or file a petition for letters of administration on behalf of Nancy in Kane County.

6. On or before December 28, 2017, Respondent sent Nancy a text message stating, “[t]he court is processing the petition I filed and we are waiting on the letters of office.”

7. Respondent’s text message to Nancy described in paragraph six, above, was false because Respondent had not filed a petition for letters of administration.

8. Respondent knew at the time he sent the text message to Nancy described in paragraph six, above, that his statement was false.

9. Between December 28, 2017 and May 9, 2018, Nancy contacted Respondent periodically regarding the status of the estate.

10. At no time between December 28, 2017 and May 9, 2018 did Respondent file a petition for letters of administration to open the probate estate nor did he tell Nancy that the estate was not open.

11. 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 open a probate estate on behalf of Nancy between December 11, 2017 and May 9, 2018, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and

- b. failing to keep the client reasonably informed about the status of a matter, by conduct including failing to communicate to Nancy that he had not filed the probate estate prior to May 10, 2018, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- c. engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including falsely stating in a text message to Nancy that he had filed a petition to open the probate estate, as described in paragraph six, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

*(affixing a client's signature to pleadings in Kane County case 2018 P 283
without the client's knowledge or consent – Nancy Silver-Hacker)*

12. The Administrator re-alleges and incorporates the allegations set forth in paragraphs one through 10 above.

13. On May 10, 2018, Respondent filed a petition for letters of administration and an affidavit of heirship in a matter docketed as *In the matter of the Estate of Kirk Clawes*, 2018 P 283 (Kane County Circuit Court).

14. Respondent affixed Nancy's purported signature to the petition for letters of administration and to the affidavit of heirship in case number 2018 P 283 without her knowledge or consent underneath the verification paragraph stating:

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.

15. Respondent knew at the time that he signed Nancy's purported signature to the petition for letters of administration and to the affidavit of heirship that the verification was false, because Nancy did not sign the petition for letters of administration or the affidavit of heirship.

16. Respondent also signed the petition for letters of administration and the affidavit of heirship as Nancy's attorney on the lines denoting "Attorney Signature/Certification pursuant to Supreme Court Rule 137."

17. Respondent knew at the time he affixed Nancy's purported signature to the petition for letters of administration and affidavit of heirship that he did so without her knowledge or consent.

18. On June 7, 2018, Respondent affixed Nancy's purported signature to an oath and bond of representative in case number 2018 P 283 without her knowledge or consent underneath the verification paragraph stating:

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.

19. Respondent knew at the time that he signed Nancy's purported signature to the oath and bond of representative that the verification was false, because Nancy did not sign the petition for letters of administration or the affidavit of heirship.

20. Respondent also signed the oath and bond of representative on the line denoting "Attorney Signature/Certification pursuant to Supreme Court Rule 137."

21. Respondent knew at the time he affixed Nancy's purported signature to the oath and bond of representative that he did so without her knowledge or consent.

22. On June 7, 2018, the court entered an order in case number 2018 P 283 appointing Nancy as administrator of the estate and an order declaring heirship. Letters of office were issued on June 8, 2018.

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

- a. making a false statement of fact or law to a tribunal, by conduct including verifying a petition for letters of administration, affidavit of heirship, and oath and bond of representative in Kane County case number 2018 P 283 by affixing Nancy's signature to the documents, without Nancy's knowledge or consent, in violation of Rule 3.3(a)(1) of the Illinois Rules of Professional Conduct (2010);
- b. offering evidence the lawyer knows to be false, by conduct including affixing Nancy's purported signature to a petition for letters of administration, affidavit of heirship, and oath and bond of representative in Kane County case number 2018 P 283, without Nancy's knowledge or consent, in violation of Rule 3.3(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including affixing Nancy's purported signature to a petition for letters of administration, affidavit of heirship, and oath and bond of representative in Kane County case number 2018 P 283, without Nancy's knowledge or consent, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(affixing a signature to a probate document without an individual's knowledge or consent and improper notarization of a probate document – Richard Clawes)

24. The Administration re-alleges and incorporates paragraphs 12 through 20, above.
25. Prior to July 30, 2018, Nancy terminated Respondent and retained new counsel, Jane Craddock Ryan ("Ryan"), to represent her in case number 2018 P 283.
26. On July 30, 2018, Respondent provided a copy of his case file for case number 2018 P 283 to Ryan at Ryan's request.
27. The case file included a copy of a letter dated April 18, 2018 and addressed to Richard Clawes ("Richard"), Nancy's ex-husband and Kirk's adoptive father. In the letter, he

asked Richard to sign the enclosed disclaimer of interest form for case number 2018 P 283 and return it to him.

28. The case file also included a disclaimer of interest form bearing a purported signature reading Richard Clawes and a date of April 16, 2018.

29. Respondent affixed Richard's purported signature to the disclaimer of interest form without Richard's knowledge or consent.

30. Respondent knew at the time he affixed Richard's purported signature to the disclaimer of interest form that he did so without his knowledge or consent.

31. Respondent then used his notary stamp to notarize the disclaimer of interest form bearing Richard's purported signature below a paragraph stating that he notarized Richard's signature after Richard "appeared before me this day in persona and acknowledged that he signed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth."

32. Respondent's notarization of the disclaimer of interest form was false, because Richard did not sign the form.

33. Respondent knew at the time he notarized the form that Richard had not signed the disclaimer of interest form.

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

- a. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including affixing Richard's signature to the disclaimer of interest form without his knowledge or consent and then notarizing the form bearing Richard's purported signature, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to the 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/ Rachel C. Miller
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