

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

In the Matter of:

**JAROSLAW ARKADIUSZ SZYMANSKI,**

Attorney-Respondent,

No. 6311410.

Commission No. 2021PR00053

**REPORT AND RECOMMENDATION OF THE HEARING BOARD**

**DEFAULT PROCEEDING**

The hearing in this matter was held by videoconference on October 28, 2021, before a Hearing Board Panel consisting of Brigid A. Duffield, Chair, Patricia Piper Golden, and Peter B. Kupferberg. Sharon D. Opryszek and Evette Ocasio appeared on behalf of the Administrator. Ms. Ocasio appeared pursuant to Supreme Court Rule 711(c), under the supervision of Ms. Opryszek. Respondent was not present at the hearing, and no counsel appeared on his behalf. The Administrator recommended that Respondent be suspended for two years and until further order of the Court. We agree with the Administrator's recommendation.

We have considered the Administrator's two-count Complaint, a copy of which is attached as Exhibit 1. We have also considered the Order entered on August 27, 2021, deeming the allegations of the Complaint admitted, a copy of which is attached as Exhibit 2. Respondent did not file an answer or respond to the Motion to Deem the Allegations of the Complaint Admitted, nor did he participate in the pre-hearing conference held on September 7, 2021, despite being given notice.

**FILED**

November 16, 2021

**ARDC CLERK**

The allegations deemed admitted establish as follows. On April 28, 2016, Respondent was charged with Aggravated Domestic Battery and Domestic Battery, arising from an incident in which he pushed his wife, Candice, against a wall and placed his hands around her throat, causing a partial obstruction of her breathing. The police smelled a strong odor of alcohol on Respondent at the time of his arrest and observed a scratch on Candice's throat and redness on her upper and lower back. On May 24, 2016, Respondent pleaded guilty to an amended count of misdemeanor battery. He was placed on supervision for 24 months with conditions that included abstaining from drinking alcohol, completing a Domestic Violence Offender evaluation, and complying with treatment recommendations. Respondent completed his term of supervision.

Respondent was arrested again on September 10, 2018, after he consumed half of a bottle of vodka and got into an argument with Candice. When he tried to enter his young daughters' bedroom, Candice blocked his way. Respondent then began punching her in the arm and attempted to punch her in the stomach. When police officers arrived at the home, he resisted arrest. The arresting officers reported that Respondent smelled strongly of alcohol and they observed redness on Candice's arms and a welt on her bicep. Candice was granted an order of protection against Respondent for herself and their daughters. Respondent was charged with two counts of Resisting a Peace Officer and two counts of Domestic Battery. However, after Candice advised the Lake County State's Attorney that she would not be able to attend Respondent's court date and wanted the charges to be dropped, the charges were dismissed.

In aggravation, the Panel considered the Administrator's Exhibits 1-5, in particular the report of forensic psychiatrist, Stafford Henry, M.D., and an Emergency Order of Protection entered on March 17, 2021, which prohibited Respondent from any contact with Candice and their daughters. After examining Respondent on June 18, 2020, Dr. Henry opined that Respondent is

actively dependent on alcohol, mistakenly believes he is in control of his alcohol intake, is in need of intensive outpatient treatment, and presents a risk of further domestic violence incidents. The circumstances surrounding the Order of Protection demonstrate that the issues that led to Respondent's arrests are not resolved and, on the contrary, are escalating. On March 16, 2021, Candice observed that Respondent brought a revolver and a knife into their bedroom and had closed the curtains around their home. When she asked what he was doing, Respondent said he intended to lure the police to their home and use the weapons against them. Candice reported that Respondent's alcohol intake had significantly increased in the preceding two weeks. Respondent's untreated alcohol dependence and increasingly dangerous behavior are very serious factors in aggravation. His failure to participate in these proceedings is another significant aggravating factor.

Respondent has no prior discipline. We considered that factor in mitigation, but it does not lead us to recommend a different sanction.

Accordingly,

1. Respondent agreed to accept electronic service and was served with the Complaint by email on July 1, 2021. A copy of the Affidavit of Agreed Service is attached as Exhibit 3.
2. The allegations of the Complaint were deemed admitted in an Order filed on August 27, 2021. A copy of that Order is attached as Exhibit 2.
3. In consideration of the Order deeming the allegations of the Complaint admitted, this Panel finds Respondent committed the misconduct charged in the Complaint.

4. Given Respondent's misconduct, the serious aggravating factors present, and the case law cited by the Administrator, we recommend that Respondent, Jaroslaw Arkadiusz Szymanski, be suspended for two years and until further order of the Court.
5. The Panel has concluded this report format will adequately and appropriately communicate its recommendation to the Court.

Respectfully submitted,

Brigid A. Duffield  
Patricia Piper Golden  
Peter B. Kupferberg

### **CERTIFICATION**

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on November 16, 2021.

/s/ Michelle M. Thome

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Michelle M. Thome, Clerk of the  
Attorney Registration and Disciplinary  
Commission of the Supreme Court of Illinois

MAINLIB\_#1441975\_v1

# **Exhibit 1**

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

FILED  
6/28/2021 1:17 PM  
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  
Sharon D. Opryszek

Sharon D. Opryszek  
Counsel for Administrator  
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Email: [sopryszek@iardc.org](mailto:sopryszek@iardc.org)

# **Exhibit 2**

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

In the Matter of:

**JAROSLAW ARKADIUSZ SZYMANSKI,**

Attorney-Respondent,

No. 6311410.

Commission No. 2021PR00053

**ORDER**

The Chair having considered the Administrator's Motion to Deem the Allegations of the Rule 753 Complaint Admitted Pursuant to Commission Rule 236 and Motion to Bar Witness from Testifying ("Motions") and Respondent having filed no response to the Motions;

**IT IS ORDERED:**

1. The Administrator's Motions are granted;
2. The allegations of the Complaint are deemed admitted. No further proof of the allegations of the Complaint is required; and
3. Respondent is barred from presenting any witnesses on his behalf at the hearing in this matter.

On the Chair's own motion and pursuant to Commission Rule 260,

**IT IS FURTHER ORDERED:**

4. A pre-hearing conference shall be held by telephone via WebEx on September 7, 2021, at 9:00 a.m. Counsel for the Administrator and Respondent shall be available at that time and are responsible for connecting to WebEx. The Clerk of the Commission shall provide call-in information to the parties; and

**FILED**

August 27, 2021

**ARDC CLERK**

5. At this pre-hearing conference, the Chair will enter a scheduling order setting certain dates, including the hearing date, in accordance with Commission Rule 260(c).

### **CERTIFICATION**

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, certify that the foregoing is a true copy of the order, approved by the Hearing Board Chair, entered in the above entitled cause of record filed in my office on August 27, 2021.

/s/ Michelle M. Thome

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Michelle M. Thome,  
Clerk of the Attorney Registration and  
Disciplinary Commission of the  
Supreme Court of Illinois

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### **PROOF OF SERVICE**

I, Andrea L. Watson, hereby certify that I served a copy of this Order on the Attorney-Respondent listed at the address shown below by regular mail by depositing it with proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox in Oak Park, Illinois 60304 on August 27, 2021, at or before 5:00 p.m. At the same time, a copy of this Order was sent to Counsel for the Administrator by e-mail service.

Jaroslav Arkadiusz Szymanski  
Attorney-Respondent  
1105 Juniper Parkway  
Libertyville, IL 60048-3542

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 she verily believes the same to be true.

/s/ Andrea L. Watson  
\_\_\_\_\_  
Andrea L. Watson

# **Exhibit 3**

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

FILED  
7/2/2021 9:45 AM  
ARDC Clerk

In the Matter of:

JAROSLAW ARKADIUSZ SZYMANSKI,  
  
Attorney-Respondent,  
  
No. 6311410.

Commission No. 2021PR00053

AFFIDAVIT OF AGREED SERVICE  
PURSUANT TO COMMISSION RULE 214(c)

1. I, Michael R. Hall, an agent of the Attorney Registration and Disciplinary Commission who is over the age of 18, on oath state that per the agreement of the parties, I served a copy of the Complaint, Notice of Complaint, Order Appointing the Chairperson, a Memorandum of Procedures and Filings and the Commission Rules (Complaint Packet), in the above-captioned matter, on Respondent via email to jszymanski17@gmail.com, on July 1, 2021 at approximately 4:23 p.m..

2. On June 30, 2021, at approximately 11:05 a.m., I emailed Mr. Szymanski at his registered email address, jszymanski17@gmail.com, stating that a Complaint had recently been filed against him and I was asked to serve him with a copy of the filed Complaint. I told him that our rules allowed for email service, and if he was agreeable to service in that manner, to please respond to my email indicating he would accept service via email.

3. On July 1, 2021 at approximately 3:26 p.m., Mr. Szymanski responded to my email stating that I could serve him using the same email address.

4. On July 1, 2021, at approximately 4:23 p.m., I sent the Complaint Packet, via email to his registered email address, jszyamsnki17@ thus completing service.



5. 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/ Michael R. Hall

Michael R. Hall

Dated: July 1, 2021