

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

FILED

May 05, 2023

ARDC CLERK

In the Matter of:

THERON WILLIAM BURALL,

Attorney-Respondent,

No. 6272005.

Commission No. 2023PR00013 mt

FIRST AMENDED COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Tammy L. Evans, pursuant to Supreme Court Rule 753(b), complains of Respondent, Theron William Burall, who was licensed to practice law in Illinois on November 9, 2000, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Unauthorized Practice of Law and Dishonesty)

1. At all times related to this complaint, Respondent operated a solo practice in Sterling.
2. At all times related to this complaint, the email address that Respondent registered with the ARDC was tburall@gmail.com.
3. At all times related to this complaint, Supreme Court Rule 794 required that every Illinois attorney shall complete certain minimum continuing legal education ("MCLE") hours during a two-year reporting period beginning on July 1 and ending on June 30. The reporting period for attorneys with last names beginning with the letters A through M begins on July 1 of even-numbered years and runs through June 30 of the subsequent even-numbered year. Attorneys

with last names beginning with the letters N through Z have reporting periods beginning on July 1 of odd-numbered years and running through June 30 of the subsequent odd-numbered year. Respondent knew or should have known of the requirements of Rule 794 and his responsibility to comply with that rule.

4. Based on the requirements of Rule 794, Respondent's reporting period begins on July 1st of even-numbered years.

5. At all times related to this complaint, Supreme Court Rule 796 required that Illinois attorneys submit a certification within 31 days after the end of their reporting period to the Minimum Continuing Legal Education Board ("MCLE Board") stating whether the attorney completed the required MCLE hours. Respondent knew or should have known of the requirements of Rule 796 and his responsibility to comply with that rule.

6. Based on the requirements of Rule 796, Respondent was required to submit his MCLE certification by July 31 of his even-numbered reporting year.

7. For the reporting period running from July 1, 2020 through June 30, 2022, Respondent was required to complete 30 MCLE hours by June 30, 2022, and submit his MCLE certification to the MCLE Board by July 31, 2022.

8. Respondent did not complete the required 30 MCLE hours by June 30, 2022, nor did he report his lack of compliance to the MCLE Board by July 31, 2022.

9. On August 26, 2022, the MCLE Board sent an email to Respondent notifying him of his non-compliance with the MCLE requirements for the 2020-2022 reporting period. Respondent received the August 26, 2022 email from the MCLE Board.

10. On September 20, 2022, the MCLE Board sent an email to Respondent reminding him that the deadline for reporting compliance with the MCLE requirements for the 2020-2022

reporting period and payment of the \$250 late fee was September 30, 2022. Respondent received the September 20, 2022 email from the MCLE Board.

11. On September 28, 2022, the MCLE Board sent an email to Respondent reminding him that the deadline for reporting compliance with the MCLE requirements for the 2020-2022 reporting period and payment of the \$250 late fee was September 30, 2022, and informing him that if he did not report compliance by September 30, 2022, the MCLE Board would refer his name to the ARDC for non-compliance with the MCLE requirements. Respondent received the September 28, 2022 email from the MCLE Board.

12. At no time on or before September 30, 2022 did Respondent report compliance with the MCLE requirements for the 2020-2022 reporting period or pay the \$250 late fee.

13. On October 25, 2022, the MCLE Board sent an email to Respondent reminding him that if he did not report compliance with the MCLE requirements for the 2020-2022 reporting period and pay the \$250 late fee by November 30, 2022, his name would be removed from the master roll of attorneys. Respondent received the October 25, 2022 email from the MCLE Board.

14. On November 15, 2022, the MCLE Board sent an email to Respondent reminding him that he had 15 days to report compliance with the MCLE requirements for the 2020-2022 reporting period and pay the \$250 late fee before his name was removed from the master roll of attorneys. Respondent received the November 15, 2022 email from the MCLE Board.

15. On November 30, 2022, Respondent reported his compliance with the MCLE requirements for the 2020-2022 reporting period to the MCLE Board, certifying that he had completed the required 30 MCLE hours. Respondent did not pay the \$250 late fee.

16. Respondent's report of compliance was false because he had completed just five of the required 30 MCLE hours by June 30, 2022.

17. Respondent knew his report of compliance was false at the time he submitted it to the MCLE Board.

18. On December 1, 2022, Respondent was removed from the master roll of attorneys for failure to comply with the MCLE requirement pursuant to Rule 794 and Rule 796.

19. Between December 1, 2022 and December 9, 2022, Respondent continued to operate his law office, met with clients, engaged in the practice of law, and appeared on behalf of clients in at least the following matters:

Date	Docket Number	Action(s) Taken
12/1/2022	<i>People of the State of Illinois v. Gregorio Hernandez</i> , 2020CF27, Whiteside County Circuit Court	Appeared in court via Zoom on behalf of the defendant
12/1/2022	<i>People of the State of Illinois v. Heidi Fargher</i> , 2017CF231, Whiteside County Circuit Court	Appeared in court via Zoom on behalf of the defendant
12/1/2022	<i>Smith v. Peterson</i> , 2018F84, Whiteside County Circuit Court	Respondent contacted opposing counsel and asked that he request a continuance of the matter
12/2/2022	<i>In the Matter of Amira L. Parsons, A Disabled Person</i> , 2014P121, Whiteside County Circuit Court	Appeared in court via Zoom on behalf of the guardian
12/2/2022	<i>In re marriage of Suzanne M. Lee v. Jeffrey R. Lee</i> , 2021D35, Whiteside County Circuit Court	Appeared in court via Zoom on behalf of Respondent
12/2/2022	<i>People of the State of Illinois v. Vyron Evans</i> , 2019DT143, 2019TR5163-5166, Whiteside County Circuit Court	Appeared in court in person on behalf of defendant
12/2/2022	<i>People of the State of Illinois v. Arafath Ouro-Gnao</i> , 2019TR5618-5619,	Appeared in court in person on behalf of defendant

	2021TR5859, Whiteside County Circuit Court	
12/5/2022	<i>In re Marriage of Cheryl A. Miller v. Jeromy R. Miller</i> , 2021D103, Lee County Circuit Court	Appeared in court via Zoom on behalf of the Respondent
12/6/2022	<i>In the Interest of K.P, J.B, and J.B, Minors</i> , 2019JA74-76, Whiteside County Circuit Court	Appeared in court in person as the court-appointed Guardian <i>ad Litem</i>
12/6/2022	<i>In the Interest of M.P.V., a minor</i> , 2021JA20, Whiteside County Circuit Court	Appeared in court in person on behalf of the father of the minor
12/7/2022	<i>People of the State of Illinois v. David Lopez</i> , 2020CF344, Whiteside County Circuit Court	Appeared in court via Zoom on behalf of the defendant
12/7/2022	<i>People of the State of Illinois v. Tracie Shepard</i> , 2020CF410, 2021CM197, 2021CF206, Whiteside County Circuit Court	Appeared in court via Zoom on behalf of the defendant
12/8/2022	<i>People of the State of Illinois v. Aaron Howat</i> , 2019DT30, 2019TR969-970, Whiteside County Circuit Court	Appeared in court via Zoom on behalf of the defendant
12/8/2022	<i>People of the State of Illinois v. Benjamin Brown</i> , 2022DT19, Whiteside County Circuit Court	Appeared in court via Zoom on behalf of the defendant
12/8/2022	<i>People of the State of Illinois v. Saul Munoz-Martinez</i> , 2017DT136, 2020TR3247, Whiteside County Circuit Court	Appeared in court via Zoom on behalf of the defendant

20. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:
- a. practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, by continuing to appear in cases and engage in the practice of law as an attorney, and holding himself out as an attorney after his

name was removed from the master roll of attorneys authorized to practice law in Illinois, in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct (2010).

- b. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by conduct including submitting a false certification of compliance with the MCLE requirements for the 2020-2022 reporting period, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Lack of Diligence and Communication)

21. On July 28, 2021, Respondent and Andra Collins (“Collins”) agreed that Respondent would represent Collins in a dissolution of marriage action. Respondent and Collins agreed that Collins would pay Respondent a \$2,000 retainer, which she did.

22. On July 28, 2021, Respondent filed a petition for dissolution of marriage in Whiteside County Circuit Court. The matter was docketed as case number 2021D109, *Andra Collins v. James Collins*.

23. On August 23, 2021, Respondent filed Collins’ certificate of completion of the parent encouragement program with the court.

24. On March 24, 2022, Respondent filed a petition for temporary relief in case number 2021D109, but took no further action with respect to that petition.

25. Between March 24, 2022 and June 2022, Collins contacted Respondent on several occasions to schedule an appointment to discuss the status of her case. During that time, Respondent scheduled and cancelled several appointments that he made with Collins.

26. In July 2022, Collins and her then-husband, James, met with Respondent to discuss child support and custody. During that meeting, the parties agreed on child support and custody matters, and Respondent agreed to prepare a marital settlement agreement and proceed with the petition for dissolution.

27. On August 1, 2022, Respondent appeared remotely in case number 2021D109, and requested a continuance. The court continued the matter to September 26, 2022 for a case management conference.

28. On September 26, 2022, Respondent appeared remotely in case number 2021D109, and requested a continuance. The court continued the matter to November 28, 2022 for a case management conference.

29. At no time did Respondent inform Collins that the matter was scheduled for case management conferences on August 1, 2022, September 26, 2022 or November 28, 2022.

30. On November 28, 2022, Respondent failed to appear for the scheduled case management conference so the court, on its own motion, continued the matter to January 23, 2023 for a case management conference.

31. On December 1, 2022, Respondent was removed from the master roll of attorneys for failure to comply with the MCLE requirements pursuant to Rule 794 and Rule 796.

32. At no time between July 2022 and December 1, 2022, did Respondent prepare a marital settlement agreement or take any further action regarding the petition for dissolution of marriage in case number 2021D109.

33. At no time between December 1, 2022 and January 9, 2023, did Respondent contact Collins to inform her that he had been removed from the master roll of attorneys and was not authorized to practice law.

34. On January 9, 2023, the court removed Respondent as the counsel of record for Collins in case number 2021D109. The court mailed notice of its removal of Respondent as counsel of record to Collins.

35. On or about January 11, 2023, Collins hired another attorney to represent her in case number 2021D109. On January 23, 2023, Collins' new attorney filed a petition for dissolution of marriage and a marital settlement agreement with the court, which the court entered on that date.

36. By reason of the conduct outlined 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 prepare a marital settlement agreement and proceed with the petition for dissolution of marriage that he had filed on behalf of his client, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules, by conduct including failing to inform Collins of the scheduled court dates, and that he had been removed from the master roll of attorneys and was not authorized to practice law, in violation of Rule 1.4(a)(1) of the Illinois Rules of Professional Conduct (2010);
- c. failing to reasonably consult with the client about the means by which the client's objectives are to be accomplished, by conduct including failing to inform Collins of the scheduled court dates, 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 failing to inform Collins of the scheduled court dates, and inform her that he had been removed from the master roll of attorneys and was not authorized to practice law, in violation of Rule 1.4(a)(3) 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 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/ Tammy L. Evans
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