In re Eddy Copot
Attorney-Respondent

Commission No. 2022PR00036

Synopsis of Hearing Board Report and Recommendation
(February 2024)

The Administrator charged Respondent with engaging in dishonest conduct by falsifying internal emails at the company at which he was employed to make it appear as though the emails came from his supervisor when, in fact, he created them. The Hearing Board found that the Administrator proved by clear and convincing evidence that Respondent committed the charged misconduct. It recommended that Respondent be suspended for six months and until he completes the ARDC Professionalism Seminar.

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

FILED
February 14, 2024
ARDC CLERK

In the Matter of:

EDDY COPOT,

Attorney-Respondent,

No. 6312581.

Commission No. 2022PR00036

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

The Administrator charged Respondent in a single-count complaint with engaging in dishonesty by falsifying internal emails at the company at which he was employed. The Hearing Board found that the Administrator proved the charged misconduct and recommended that Respondent be suspended for six months and until he completes the ARDC Professionalism Seminar.

INTRODUCTION

The hearing in this matter was held at the ARDC's Chicago office over the course of four days, on May 24, May 25, July 25, and July 26, 2023, before a panel of the Hearing Board consisting of William E. Hornsby, Jr., Chair, Linda A. Walls, and John McCarron. Scott Renfroe and Jonathan Wier represented the Administrator. Respondent was present and represented himself.

PLEADINGS AND MISCONDUCT ALLEGED

On April 27, 2022, the Administrator filed a one-count complaint against Respondent, alleging that Respondent engaged in dishonest conduct, in violation of Illinois Rule of Professional

Conduct 8.4(c), by falsifying emails to make it appear as though they came from his supervisor when, in fact, he created them. In his amended answer, Respondent denied most of the factual allegations and denied the charges of misconduct.

MOTIONS *IN LIMINE*

Prior to and during the hearing in this matter, Respondent filed various motions *in limine*, which the hearing panel chair ruled on orally at hearing. Those rulings are as follows:

- Respondent's Motion to Use Depositions for Purposes of Impeachment Pursuant to Rule 212 and for Other Relief, filed May 23, 2023, was granted;
- Respondent's Motion *in Limine* to Exclude the Administrator's Offered Exhibit #12, filed May 23, 2023, was denied as moot;
- Respondent's Motion *in Limine* to Exclude the Administrator's Opinion Witness Testimony Pursuant to Illinois Rule of Evidence 701, filed May 23, 2023, was denied;
- Respondent's Motion *in Limine* to Exclude the Alleged Email Dated October 15, 2018, as Hearsay Pursuant to Illinois Rule of Evidence 802, filed May 23, 2023, was denied; and
- Respondent's Motion *in Limine* and for Other Relief, filed July 25, 2023, was denied.

EVIDENCE

The Administrator's Exhibits 2, 3, 4, 6, 7 (pages 1-19 and 28-43), 8, 11, and 13 were admitted into evidence. (Tr. 64, 74, 111, 113, 367, 399, 531, 537.) The Administrator presented testimony from three witnesses. Respondent's Exhibits 1, 16, 28 (page 30 only), 29, 30, 40, 50, 53, 54, 59, 61, 75, 80, 81, 82, 83, 92, 96, 107, 109, 116, 120, 128, 129, 130, and 136 were admitted into evidence. (Tr. 128, 138, 162, 166, 183, 188, 193, 199, 203, 209, 221, 231, 241, 269, 278, 301, 318, 333, 345, 438, 448, 742, 872, 893, 941, 954.) Respondent testified on his own behalf and presented testimony from four additional witnesses.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In attorney disciplinary proceedings, the Administrator has the burden of proving the charges of misconduct by clear and convincing evidence. In re Winthrop, 219 Ill. 2d 526, 542, 848 N.E.2d 961 (2006). Clear and convincing evidence requires a high level of certainty, which is greater than a preponderance of the evidence but less stringent than proof beyond a reasonable doubt. In re Santilli, 2012PR00029, M.R. 26572 (May 16, 2014) (Hearing Bd. at 3) (citing People v. Williams, 143 Ill. 2d 477, 484-85, 577 N.E.2d 762 (1991)). In determining whether the Administrator has met that burden, the Hearing Board assesses witness credibility, resolves conflicting testimony, and makes factual findings. In re Edmonds, 2014 IL 117696, ¶ 35; In re Winthrop, 219 Ill. 2d at 542-43.

The Administrator charged Respondent with engaging in dishonest conduct.

A. Summary

Respondent engaged in dishonest conduct in violation of Rule 8.4(c) by falsifying three emails to make them appear to be from his supervisor when, in fact, he created them.

B. Admitted Facts and Evidence Considered

Background Information

Respondent has been licensed to practice law in Illinois since 2013. (Tr. 24.) From April 2017 through October 2018, Respondent worked as a claims counsel for Stewart Title Guaranty Company (Stewart). In his role as claims counsel at Stewart, Respondent was responsible for processing claims for coverage submitted pursuant to title insurance policies issued or underwritten by Stewart. (Am. Ans. ¶¶1, 3.)

During the time of Respondent's alleged misconduct, Kelly Rickenbach was associate chief claims counsel for Stewart and Respondent's direct supervisor; and Scott McBee was chief

claims counsel and associate general counsel for Stewart, and Rickenbach's direct supervisor. (Tr. 46, 49, 388-89, 391.)

Testimony of Kelly Rickenbach

Kelly Rickenbach testified that Stewart uses a database called Legal Files to track and store information about claims that the company handles. Each time a claim is opened, a number is generated and saved in Legal Files for that particular claim. (Tr. 52.)

When a claims counsel decides to deny a claim for coverage under a Stewart policy, that claims counsel must send the recommended denial to a supervisor for approval of the denial. The supervisor will review the analysis that the claims counsel has undertaken to make sure that the appropriate policy provisions are cited, that the denial makes sense, and that the denial letter looks professional. The same approval process is followed in the event that a customer asks for reconsideration of a denial. (Tr. 44, 54, 56; Resp. Ex. 30 ¶¶18-19.)[1]

In mid-October 2018, Rickenbach reviewed the file maintained in Legal Files for a claim identified as S023-0304448-18 (the Wolfe claim) after she was contacted by an insurance agent, most likely because the insured contacted the agent about the claim being denied. (Tr. 206-07, 375; Resp. Ex. 30 ¶27; Adm. Ex. 6 at 0001.) While reviewing the file, she found an email approving the denial of the claim that she had purportedly sent to Respondent on October 15, 2018, with the subject line "Denial S023-0304448-18." She did not recall either reviewing the claim denial or emailing her approval of the denial to Respondent. She then searched her email account and could not find the email in her "sent items" folder. (Tr. 76-77; Resp. Ex. 30 ¶27; Adm. Ex. 7 at 0001-0003.) Rickenbach called her supervisor, Scott McBee, notified him of her discovery, and told him she would investigate further. (Tr. 75, 81-82; Resp. Ex. 30 ¶28.)

Even though she is not an information technology (IT) expert, Rickenbach knew how to look at the email's metadata.[2] She reviewed the metadata for the Wolffe email and saw that the

original email had a subject line stating, "[EXTERNAL] Your Request for Time Off has been approved" rather than "Denial S023-0304448-18." The metadata also indicated that the email originated from an external server maintained by ADP, a third-party vendor that administered Stewart's payroll and human resources systems, and through which Stewart employees would submit requests for time off. When she saw that the email went through ADP's server, she checked to see whether she had approved time off for Respondent on October 15, and found that he had requested time off right around then. This information led her to conclude that Respondent had altered the subject line and message of the email approving Respondent's time-off request to make it appear as though she had approved the denial of the Wolffe claim. (Tr. 61, 78-83, 361; Resp. Ex. 30 ¶29; Adm. Ex. 7 at 0004.)

Rickenbach continued to investigate Respondent's assigned claims files and found two more claim denials that she had not approved: a claim identified as S023-0304420-18 (the Summit claim) and a claim identified as S023-0303925-18 (the Beck-Quale claim). Upon seeing the Summit and Beck-Quale approval emails that were saved in Legal Files, Rickenbach thought that they looked like a "cut and paste" of her approval; they appeared to be emails from her that Respondent then forwarded to himself, but the original emails were not saved in Legal Files. Moreover, her understanding of Outlook is that it automatically attaches the prefix "FW" in the subject line of an email that is forwarded, but these emails did not have that indicia of being forwarded. She also looked in her sent items and did not find an email from her to Respondent regarding either claim. Finally, she did not recall reviewing or approving the Summit and Beck-Quale claim denials. (Tr. 89-91, 94-98; Resp. Ex. 30 ¶¶30-32; Adm. Ex. 6 at 0001; Adm. Ex. 7 at 0010-0011, 00116-0017.)

After reviewing the Wolffe, Summit, and Beck-Quale files, Rickenbach was concerned that Respondent did not follow the appropriate approval process and did not obtain her approval

to deny the claims, and instead, fabricated emails to make it appear as though she had approved the claim denials. She emailed McBee on October 25, 2018, and provided him with a written summary of her investigation as well as copies of the emails that she believed to be fabricated and other documentation related to her suspicions. Shortly thereafter, McBee told her that he had decided to terminate Respondent's employment. Respondent's employment was terminated on October 30, 2018. (Tr. 101-02, 106-07; Resp. Ex. 30 ¶¶33-35; Adm. Ex. 6; Adm. Ex. 7.)

Testimony of Scott McBee

Scott McBee testified that Rickenbach called him at home one evening in October 2018 and told him that she suspected that Respondent had forged the secondary approval on a claim denial. She explained to him how she had arrived at her suspicion. He told her that it merited further investigation and asked her to continue gathering information regarding her allegation. Rickenbach summarized the results of her investigation in an email to McBee dated October 25, 2018, to which she attached the Wolffe, Summit, and Beck-Quale emails as well as the metadata for the Wolffe email. He told Rickenbach to get the metadata verified by Stewart's IT department. She did so, and reported back to him that IT verified that the Wolffe email had been altered. Based on the information that Rickenbach had compiled, plus confirmation by Stewart's IT department that the Wolffe email had been altered, McBee agreed with Rickenbach that Respondent had fabricated the three approval emails. (Tr. 394-96, 422, 466-68; Adm. Ex. 6, Adm. Ex. 7.)

McBee contacted Stewart's human resources department (HR) about the situation. He believed it was an egregious thing for an employee to do, and he told HR that he was interested in terminating Respondent's employment and wanted guidance on how to do it correctly. He also told Stewart's general counsel about the situation, and the general counsel told him to go ahead with the termination. (Tr. 396-97.)

Testimony of Genady Vishnevetsky

Genady Vishnevetsky is the chief information security officer for Stewart Title. He has worked in the IT field for over 30 years. (Tr. 507-08.) He was asked by Stewart in-house counsel to examine emails that were purportedly sent by Rickenbach and determine if the metadata associated with those emails matched what was in the emails. (Tr. 510-11.)

Regarding the email associated with the Wolffe claim denial, Vishnevetsky testified that he received a copy of the metadata with Rickenbach's handwritten notes on it, but he also independently pulled metadata from the original email and examined that metadata, which was identical to the copy he received. He compared the metadata to the email and concluded that it was "a complete mismatch." He testified that the metadata proved that the email came from an external source – ADP – and was not an internal email from Rickenbach to Respondent. The metadata also revealed that the subject of the original email was "Your request for time off has been approved," which is different from the subject of the email that was saved to Legal Files. He testified that, if the email were what it purports to be in Legal Files – an email from Rickenbach to Respondent – the email would not have traveled through an ADP server, and the metadata would be much smaller, because internal communications stay within the local mail server and therefore generated less metadata. Consequently, Vishnevetsky concluded that the message had been altered. (Tr. 522-27; Adm. Ex. 7 at 2-4.)[3]

Regarding the email associated with the Beck-Quale claim denial, Vishnevetsky testified that it has the appearance of a forwarded email, with the original email from Rickenbach to Respondent, and then forwarded from Respondent to himself. He examined the metadata for this email and determined that the metadata was not consistent with what the email purports to be. While it appears to be a forwarded email, there is no "FW:" in the subject line. Normally, when emails are forwarded in Outlook, a "FW:" would, by default, appear in the subject line. Also, if it

were a forwarded email, its message-header information in the metadata would contain a message ID as well as a reference to the original message ID, and this email does not have both; it has only one message ID, which is consistent with "a single threaded email" – an email sent from one person to another person – and not the continuation of an email that was forwarded. He thus concluded that the Beck-Quale email was not a forwarded email. (Tr. 512-18; see also Adm. Ex. 7 at 16-17, Adm. Ex. 11 at 13.)

Regarding the email associated with the Summit claim denial, Vishnevetsky testified that it has the appearance of a forwarded email that originally was sent from Rickenbach to Respondent and then forwarded by Respondent to himself, except that, like the Beck-Quale email, it is missing the "FW:" in the subject line. He reviewed the metadata associated with the email and concluded that the metadata is not consistent with an email that was forwarded, because it only has an original message ID and not a reference ID, which a forwarded email would have. He thus concluded that the Summit email was not a forwarded email. (Tr. 518-21; Adm. Ex. 7 at 10-11; Adm. Ex. 11 at 15.)

While Vishnevetsky concluded that the Wolffe, Beck-Quale, and Summit emails had been altered, he testified that he could not draw a conclusion as to when the alterations occurred, who made them, or what device was used to make them. (Tr. 623-25.)

Testimony of Respondent

Respondent testified that he does not recall the Wolffe, Summit, and Beck-Quale files because he worked on hundreds of files during his time at Stewart. (Tr. 874, 925, 943.) However, he denied that he forged any emails. (Tr. 876, 1022-23) He testified that he made a complaint to Stewart's human resources department in October 2018, and within two weeks, Rickenbach found the three claim files at issue in this matter and Stewart management "came to the conclusions [it] did to terminate [his] employment." (Tr. 909.) He later filed a federal lawsuit against Stewart,

alleging, among other things, that Stewart retaliated against him for making a human resources complaint by terminating his employment shortly after he complained. (Tr. 981.)[4]

Respondent testified that the emails in the Summit and Beck-Quale files were not the only times he sent an email to himself and that there were various reasons for doing so, including to have backup documentation on a file just in case something happened to the file or it could not be located in Legal Files, or to get around a situation that sometimes occurred where the email did not upload into Legal Files correctly. (Tr. 927-28.) He also testified that, while Outlook automatically attaches "FW" to the beginning of the subject line when an email is forwarded, that "FW" can be manually removed by the sender. (Tr. 995.)

Testimony of Respondent's Witnesses

Jennifer Vander Wagen has worked at Stewart since November 2018, first as claims counsel and since April 2023 as senior claims counsel. She testified generally about handling claims files, and specifically about taking over some of Respondent's claims files, including the Wolffe, Beck-Quale, and Summit claims. (Tr. 684-87, 699-701, 702-08.)

Daniel Feeney is an attorney who drafted several letters to the ARDC on behalf of Stewart attorneys, including a letter sent in July 2020 notifying the ARDC that Respondent may have violated Rule 8.4(c), as well as a September 2020 follow-up letter. (Tr. 742-43; Resp. Ex. 1.) He testified about the basis of the letters. He acknowledged that the June 2020 letter contained some inaccuracies, which he attributed to his initial misunderstanding about the emails that were at issue. He testified that the September 2020 contained a "more correct description" of the emails, but that he attached an incorrect exhibit to that letter. The first letter contained the correct exhibit. (Tr. 749, 768, 779, 818-19.)

Corey Orvold testified about a claim she and her husband filed with Stewart, and about her dissatisfaction with Stewart's handling of the claim, which caused them to file a complaint against

Stewart with the Washington State Insurance Commissioner. She testified that Respondent was the only Stewart employee who helped them with a stressful situation, which they appreciated. (Tr. 850-55.)

C. Analysis and Conclusions

Rule 8.4(c)

It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. Ill. R. Prof'l Cond. 8.4(c). Rule 8.4(c) "is broadly construed to include anything calculated to deceive, including the suppression of truth and the suggestion of falsity." Edmonds, 2014 IL 117696, ¶ 53 (citing In re Yamaguchi, 118 Ill. 2d 417, 426, 515 N.E.2d 1235 (1987)). We find that the Administrator proved by clear and convincing evidence that Respondent altered three emails to make it appear as though Rickenbach had approved the denial of the Wolffe, Summit, and Beck-Quale claims when, in fact, she neither reviewed nor approved the claim denials. In so doing, Respondent engaged in a course of conduct that was calculated to deceive his employer, and therefore violated Rule 8.4(c).

In reaching our findings, we relied heavily upon the testimony of Rickenbach, McBee, and Vishnevetsky, all of whom we found to be credible and compelling witnesses. We note that Rickenbach, in particular, testified for a day and a half, which allowed us a substantial amount of time to listen to and observe her testimony and assess her credibility. We further note that Rickenbach's hearing testimony was consistent with her August 2021 declaration in the federal lawsuit brought by Respondent against Stewart; that Rickenbach and McBee testified consistently with each other; and that their testimony was corroborated by contemporaneous emails describing Rickenbach's concerns, what her investigation revealed, and the course of action they chose to pursue. Their testimony also was buttressed by documentary evidence, as well as by

Vishnevetsky's uncontroverted expert testimony explaining how he arrived at his conclusion that each of the three emails had been altered.

We also have fully considered all of the evidence presented by Respondent, including his voluminous exhibits, the testimony of his witnesses, and his testimony on his own behalf.[5] Moreover, we have considered his primary theory of defense, which is that, in retaliation for his filing a human resources complaint, Stewart employees manufactured a pretext to fire him by making it appear as though he fabricated the Wolffe, Summit, and Beck-Quale emails when he did not do so. We found the evidence provided by Respondent to be insufficient to cast doubt upon the credible testimony of Rickenbach, McBee, and Vishnevetsky, as well as the documentary evidence that supports their testimony.

We found Respondent's version of events to be highly implausible. We also found much of his testimony to be vague, confusing, and occasionally contradictory, and therefore not credible. See In re Wilkins, 2014PR00078, M.R. 028647 (May 18, 2017) (Hearing Bd. at 18) (hearing panel is not required to accept testimony that is inherently improbable and contrary to human experience).

In addition, other than Respondent's own testimony, the record is utterly devoid of evidence that would substantiate his claim that Stewart employees essentially framed him by making it appear as though he altered the emails in question when he did no such thing. We acknowledge that Vishnevetsky could not reach a conclusion as to who altered the emails. However, his definitive and uncontradicted expert testimony that they had been altered, combined with documentary evidence indicating that Respondent sent the emails and the absence of any evidence that another Stewart employee had access to Respondent's computer or email account, convince us that Respondent altered the emails in an effort to deceive his employer.

Based upon our assessment of witness credibility, our resolution of conflicting testimony, and our evaluation of all of the evidence presented to us, we find that the evidence clearly and convincingly established that Respondent altered emails to make it appear as though Rickenbach had approved the denial of the Wolffe, Summit, and Beck-Quale claims when, in fact, she did not send Respondent emails approving those denials.

We therefore find that the Administrator proved that Respondent engaged in dishonest conduct in violation of Rule 8.4(c).

EVIDENCE IN MITIGATION AND AGGRAVATION

Brian T. Sheedy, in-house counsel at McDonald's Corporation, testified that Respondent worked at McDonald's Corporation as a consultant attorney from July through December 2019 and from June 2022 through June 2023. Sheedy was Respondent's direct supervisor during both of Respondent's stints at McDonald's. Sheedy testified that Respondent always followed policies and procedures, worked diligently, and was a good team member. He would hire Respondent again if the opportunity presented itself. (Tr. 753-57.)

Counsel for the Administrator stipulated on the record that Respondent has no prior discipline. (Tr. 1083.)

RECOMMENDATION

A. Summary

Based upon the nature of Respondent's misconduct, as well as the mitigating and aggravating factors, the Hearing Board recommends that Respondent be suspended for six months.

B. Analysis and Conclusions

At the conclusion of the hearing, the Administrator asked that Respondent be suspended for six months, and suggested that a suspension until further order of the Court could be warranted

based upon Respondent's conduct during his disciplinary proceedings. Respondent, in turn, denied engaging in misconduct and made no alternative argument regarding sanction.

In determining appropriate discipline, we are mindful that the purpose of these proceedings is not to punish the attorney but rather to safeguard the public, maintain the integrity of the profession, and protect the administration of justice from reproach. In re Edmonds, 2014 IL 117696, ¶ 90. We also consider the deterrent value of attorney discipline and "the need to impress upon others the significant repercussions of errors such as those committed by" Respondent. In re Discipio, 163 Ill. 2d 515, 528, 645 N.E.2d 906 (1994) (citing In re Imming, 131 Ill. 2d 239, 261, 545 N.E.2d 715 (1989)). Finally, we seek to recommend a sanction that is consistent with sanctions imposed in similar cases, In re Timpone, 157 Ill. 2d 178, 197, 623 N.E.2d 300 (1993), while also recognizing that each case is unique and must be decided on its own facts. In re Mulroe, 2011 IL 111378, ¶ 25.

In arriving at our recommendation, we consider those circumstances that may mitigate or aggravate the misconduct. In re Gorecki, 208 Ill. 2d 350, 802 N.E.2d 1194 (2003). In mitigation, Respondent has no prior discipline, and Brian Sheedy testified positively about Respondent's employment with McDonald's.

In aggravation, we note that, throughout his disciplinary proceedings, Respondent repeatedly accused Administrator's counsel of improper conduct such as concealing evidence and conspiring with others against him. Making such baseless allegations against opposing counsel is inappropriate, unacceptable, and unbecoming of an attorney, and raises some concern about Respondent's ability to conduct himself professionally in the future. However, we do not find his conduct during these proceedings to be so egregious as to warrant a suspension until further order of the Court. Cf. In re Gomez, 2020PR00064, M.R. 31256 (Sept. 21, 2022) (attorney's obstreperous behavior during his disciplinary proceedings, which was similar to his underlying

misconduct, led Hearing Board to conclude that he presented a significant risk of committing further misconduct that would harm other lawyers, the reputation of the legal profession, and the administration of justice, and therefore that a suspension until further order of Court was warranted).

Based upon Respondent's misconduct, combined with the mitigating and aggravating factors, we recommend that Respondent be suspended for six months. We find support for our recommendation in the following cases.

In In re Loprieno, 2016PR00082, M.R. 29397 (Sept. 20, 2018), the Court imposed a five-month suspension where the attorney created a counterfeit mortgage subordination agreement, forged two bank officials' names on the document, falsely notarized the document, and tendered it to a lender to make the lender believe it had a superior lien on a piece of property. Using the fabricated document, the attorney was able to obtain a $25,000 loan. He later undertook the same steps to create a document purporting to cancel the subordination agreement.

In In re Magar, 99 CH 79, M.R. 16581 (April 21, 2000), the Court imposed a five-month suspension on consent where the attorney created two fraudulent leases in order to qualify for a mortgage, signed another person's name to those documents without the person's knowledge or authority, and made false statements on a mortgage application.

In In re Wylie, 2016PR000010, M.R. 28350 (Jan. 13, 2017), the Court imposed a six-month suspension on consent where the attorney did not call in for a status conference, then falsely claimed to have been involved in an emergency hearing in another matter at the time of the missed call. She later fabricated documents relating to the purported scheduling conflict that she showed to her supervisor, who was seeking information about the missed status hearing, and she made false statements to the ARDC about the fabrication of those documents.

Given the minimal mitigation and serious aggravation present in this matter, we find that Respondent's conduct warrants a six-month suspension. In addition, based upon Respondent's antagonistic behavior toward his opposing counsel during his disciplinary proceedings, we believe that Respondent would benefit from a review of his professional obligations. We therefore recommend that Respondent be required to successfully complete the ARDC Professionalism Seminar before resuming practice.

Having considered the applicable precedent, the nature of the misconduct, and the aggravation and mitigation, we recommend that Respondent be suspended for six months and until he successfully completes the ARDC Professionalism Seminar. We find that such a sanction will protect the public, maintain the integrity of the legal profession, and protect the administration of justice from reproach. Timpone, 157 Ill. 2d at 197.

Respectfully submitted,

William E. Hornsby, Jr.
Linda A. Walls
John McCarron

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 February 14, 2024.

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

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[1] Respondent's Exhibit 30 is a declaration made under penalty of perjury and signed by Rickenbach on August 18, 2021, in connection with a federal lawsuit brought by Respondent against Stewart.

[2] The Administrator's expert, Genady Vishnevetsky, explained that metadata is the information that is associated with an email as it travels through the internet from the source email server to a destination email server. (Tr. 508.)

[3] During his testimony, Vishnevetsky conducted a live demonstration of how he pulled the metadata for the Wolffe email, and confirmed that the metadata from his demonstration is the same as the metadata relied upon by Rickenbach. (Tr. 527-31; Adm. Ex. 13.)

[4] The federal court eventually granted summary judgment in favor of Stewart on Respondent's retaliation claims. We note the existence and outcome of the federal lawsuit, but have not taken any of the federal court's findings into account in reaching our own findings and conclusions in this disciplinary matter.

[5] Much of the testimony that Respondent sought to elicit from his witnesses, as well as much of his own testimony, was deemed inadmissible because it was not relevant to the issues in this matter or contained other evidentiary defects.