

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

In the Matter of:

DEVIN NICOLE LUSTER,

Attorney-Respondent,

No. 6340862.

2025PR00037
Commission No.

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Morgan B. Handwerker, pursuant to Supreme Court Rule 753(b), complains of Respondent, Devin N. Luster, who was licensed to practice law in Illinois on May 12, 2022, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

ALLEGATIONS COMMON TO ALL COUNTS

1. On October 14, 2021, a woman with the initials T.J. filed a *pro se* complaint against her sister, a woman with the initial D.L. (“D.L.”) in the Circuit Court of Cook County, Municipal Department (“the Municipal matter”). Judge Patricia M. Fallon presided over the Municipal matter for the duration of the case.

2. The complaint alleged that D.L. was in possession of T.J.’s personal property and that D.L. had allegedly locked out T.J. of a house located on South Wallace Street in Chicago (“Wallace Street Residence”), thus preventing T.J. from retrieving her property. T.J. sought approximately \$30,000 in damages against D.L. At all times alleged in this complaint, D.L. was not represented by counsel.

FILED
7/2/2025 3:57 PM
ARDC Clerk

COUNT I

(Dishonesty – Misrepresentation to the Chicago Police Department and D.L. regarding possession of a court order allowing the removal of personal property)

3. The Administrator realleges and reincorporates paragraphs one through two above.

4. In late 2022, T.J. and Respondent agreed that Respondent, who at the time was an associate attorney at a law firm in Palos Heights, would represent T.J. in the Municipal matter against D.L.

5. On November 22, 2022, Respondent filed her appearance for T.J. in the Municipal matter. On December 21, 2022, Respondent appeared in court on behalf of T.J. On that date, Judge Fallon set various deadlines in the case, including a discovery cutoff date and set a trial date of June 8, 2023. At no time during the November 22, 2022 hearing did Judge Fallon authorize Respondent, T.J., or anyone else to retrieve T.J.'s personal property, which was the subject of the Municipal matter, from the Wallace Street Residence.

6. In early January 2023, Respondent sent a request to R.J., T.J.'s sister who was living at the Wallace Street Residence, to retrieve T.J.'s personal property from the Wallace Street Residence. On or about January 6, 2023, Respondent and R.J. exchanged text messages wherein R.J. told "Attorney Luster, [to] Pick up items for [T.J.] on 1/8/2023 8:00 a.m." Respondent confirmed that she would come to the Wallace Street Residence on January 8, 2023. On that date, Respondent knew that she did not have authority from Judge Fallon or anyone else to retrieve T.J.'s property from the Wallace Street Residence.

7. On January 8, 2023, Respondent contacted the Chicago Police Department, identified herself as an attorney, and asked that Chicago Police Department officers to accompany her to the Wallace Street Residence. The Chicago Police Department representative agreed to the

request and on that date, Respondent arrived at the Wallace Street Residence, along with two Chicago Police Department officers.

8. On January 8, 2023, when they arrived at the Wallace Street Residence, one of the Chicago Police Department officers asked Respondent if she had a court order allowing the removal of T.J.'s personal property from the Wallace Street Residence; to which Respondent replied that she did.

9. Respondent's statement that she had a court order allowing the removal of T.J.'s personal property from the Wallace Street Residence was false because neither Judge Fallon nor any other judge had entered such an order in the Municipal matter allowing the removal of T.J.'s personal property.

10. Respondent knew her statement to the officer that she had a court order allowing the removal of T.J.'s personal property from the Wallace Street Residence was false because she knew that neither Judge Fallon nor any other judge had entered such an order in the Municipal matter that allowed the removal of T.J.'s personal property from the Wallace Street Residence.

11. Once Respondent and the Chicago Police Department officers' arrived at the Wallace Street Residence, R.J. told the Respondent and Chicago Police Department officers that T.J.'s personal property was in the backyard of the Wallace Street Residence. Respondent, with the assistance of the Chicago Police Department officers, then removed T.J.'s property, consisting of several bags and boxes of personal items, from the backyard of the Wallace Street Residence.

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

- a. conduct involving dishonesty, fraud, deceit, or misrepresentation, by representing that she had a court order to an unrepresented party (R.J.) and the Chicago Police Department allowing the removal of personal property from the exterior of the Wallace Street Residence when no such order existed, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct that is prejudicial to the administration of justice by utilizing Chicago Police Department officers to assist in the removal of personal property from the exterior of the Wallace Street Residence, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Lack of Diligence and False Statements to a Tribunal - June 8, 2023 Bench Trial)

13. The Administrator realleges and reincorporates paragraphs one through twelve above.

14. Prior to Respondent's filing her appearance as counsel for T.J. in the Municipal matter, T.J. had submitted exhibits consisting of documents and photographs to Judge Fallon. On November 22, 2022, Respondent filed her appearance on behalf of T.J. in the Municipal matter.

15. On December 21, 2022, in addition to setting a trial date, Judge Fallon set pre-trial deadlines for the parties to exchange discovery and any exhibits that would be used at the trial. Judge Fallon also required the parties to submit copies of any exhibits to the Court prior to trial.

16. Despite being required to do so, Respondent failed to tender T.J.'s exhibits, including those previously provided to Judge Fallon, prior to the commencement of the trial on June 8, 2023. During the ensuing trial, Respondent offered no documents, photographs, or other exhibits concerning T.J.'s personal property or her purported damages into evidence.

17. In ruling from the bench at the conclusion of the trial, Judge Fallon found that

Respondent, on behalf of T.J., presented almost no evidence regarding the identification of the alleged personal property at issue and no evidence was introduced to demonstrate that D.L. possessed the personal property at issue.

18. During the June 8, 2023 bench trial, Respondent's conduct on January 8, 2023, as described in Count I above, came to Judge Fallon's attention through D.L.'s testimony to the Court. Specifically, D.L. testified that on January 8, 2023, Respondent went to the Wallace Street Residence with Chicago Police officers and removed T.J.'s property from the Residence, claiming that Respondent had a court order allowing her to do so.

19. After D.L. testified regarding the events, Judge Fallon questioned Respondent as to the factual basis for Respondent's apparent statement to D.L. and R.J. that Respondent had been authorized by a court order to enter the Wallace Street Residence and removal T.J.'s personal property. Respondent told Judge Fallon, "something to the effect of, 'well, you kinda did [enter an order], Judge.'"

20. Respondent's statement to Judge Fallon as set forth in paragraph 19 was false because Judge Fallon never entered any order allowing Respondent, or anyone else, to retrieve T.J.'s property from the Wallace Street Residence.

21. Respondent knew the statement to Judge Fallon was false because Judge Fallon had never entered any order allowing Respondent, or anyone else, to retrieve T.J.'s property from the Wallace Street Residence.

22. Additionally, in ruling from the bench at the conclusion of the trial, Judge Fallon found that Respondent "lied to the Court in an effort to conceal her egregious conduct" and "had now made herself a witness in the instant matter."

23. Following D.L.'s testimony and Respondent's statements as described in paragraph 19, Judge Fallon dismissed the Municipal matter. In dismissing the Municipal matter, Judge Fallon found that Respondent's conduct in failing to prepare exhibits for the hearing and in going to the Wallace Street Residence on January 8, 2023 had made her a witness and prejudiced T.J.'s case.

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

- a. failing to act with reasonable diligence in representing a client, by conducting not adequately preparing or presenting T.J.'s case and making herself a witness at the June 8, 2023 trial by conduct including not preparing or offering into evidence proposed exhibits, causing the matter to be dismissed, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. knowingly making a false statement of fact to a tribunal by omission of material and relevant information by conduct including, falsely telling Judge Fallon that she had entered an order allowing the removal of personal property from the Wallace Street Residence, in violation of Rule 3.3(a)(1); and
- c. conduct involving dishonesty, fraud, deceit, or misrepresentation, by making a knowingly false statement in response to Judge Fallon's questions regarding the alleged court order allowing the removal of personal property from the Wallace Street Residence, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(False statements to the Administrator relating to removal of personal property)

25. The Administrator realleges and incorporates paragraphs one through twenty-four above.

26. On or about June 9, 2023, the Administrator initiated an investigation into Respondent's conduct as set forth in Counts I and II, above.

27. During the Respondent's sworn statement before the Administrator on January 21, 2025, Respondent testified that she did not remove any of T.J.'s personal property from the backyard of the Wallace Street Residence. As set forth above, on January 8, 2023, Chicago Police Department Officers Coglianese and Smith accompanied Respondent to the Wallace Street Residence.

28. Respondent's testimony that she did not remove any of T.J.'s personal property from the backyard of the Wallace Street Residence was false because she removed at least one box containing T.J.'s personal property from the Wallace Street Residence.

29. Respondent knew her testimony to counsel for the Administrator on January 21, 2025, above, was false because she had personally gone to the Wallace Street Residence and removed property.

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

- a. knowingly making a false statement of material fact in connection with a disciplinary matter, by falsely stating to the Administrator that Respondent did not remove any personal property from the Wallace Street Residence in violation of Rule 8.1(a) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct involving dishonesty, fraud, deceit, or misrepresentation, by misrepresenting to the Administrator that she did not remove any personal property from Wallace Street Residence, 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 a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Morgan B. Handwerker
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