

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

In the Matter of:

GARRET CHARLES KERR,

Attorney-Respondent,

No. 6300187.

Commission No. 2024PR00043

REPORT AND RECOMMENDATION OF THE HEARING BOARD

DEFAULT PROCEEDING

The hearing in this matter was held by videoconference on December 11, 2024, before a Hearing Board Panel consisting of Stephen S. Mitchell, Chair, Rachel C. Steiner, and Ghian Foreman. Matthew D. Lango appeared on behalf of the Administrator. Respondent did not appear, nor did any counsel appear on his behalf. The Administrator requested that Respondent be suspended for one year and until further order of the Court. We agree with the Administrator's recommendation.

We have considered the Administrator's two-count Complaint, filed on July 23, 2024, a copy of which is attached as Exhibit 1, as well as the Order entered on October 30, 2024, deeming the allegations of the Complaint admitted, a copy of which is attached as Exhibit 2. After appearing for a pre-hearing conference on October 2, 2024, when he was given additional time to file his answer, Respondent stopped participating in this matter. He did not appear for a pre-hearing conference on October 30, 2024, nor did he file an answer to the Complaint or a response to the Administrator's Motion to Deem the Allegations of the Complaint Admitted Pursuant to Commission Rule 236.

FILED

January 10, 2025

ARDC CLERK

The allegations deemed admitted establish that Respondent made false statements to his employer, a Michigan law firm, about the status of his admission to the Michigan bar, by stating he had applied for admission when he had not and that his application had been delayed when he had not actually submitted an application. In addition, Respondent held him himself out to Michigan clients as authorized to practice law when he had not been admitted to practice in Michigan and had been removed from the master roll of attorneys authorized to practice law in Illinois due to his failure to complete his Illinois registration. By this conduct, Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of Rule 8.4(c)* of the Illinois Rules of Professional Conduct (2010) (Counts I and II), and practiced law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct (2010) (Count II).

Respondent's failure to fully participate in this proceeding and his failure to appear for his disciplinary hearing are significant factors in aggravation. In addition, we note that the State of Michigan Attorney Discipline Board suspended Respondent for one year and until further order of the Michigan Supreme Court. (Adm. Ex. 1). Because of Respondent's failure to participate, we too determine that he should be suspended for one year and until further order of the Court and required to establish his fitness to practice law should he wish to be reinstated. We have considered that Respondent has no prior misconduct in Illinois, but that does not alter our recommendation.

Accordingly,

1. On July 30, 2024, Respondent agreed to accept service of the Complaint electronically, and service was completed that same day via email. A copy of the Affidavit of Personal Service Pursuant to Commission Rule 214(c) is attached as Exhibit 3.

2. The allegations of the Complaint were deemed admitted in an Order entered on October 30, 2024. 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 that Respondent committed the charged misconduct.
4. Given the nature of the misconduct, the serious aggravation, and the relevant case law, we recommend that Respondent be suspended for one year and until further order of the Court.
5. The Panel has concluded that this report format will adequately and appropriately communicate its recommendation to the Court.

Respectfully submitted,

Stephen S. Mitchell
Rachel C. Steiner
Ghian Foreman

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 January 10, 2025.

/s/ Michelle M. Thome

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

4917-7150-5422, v. 1

* Before the hearing began, the Chair granted the Administrator's oral motion to correct typographical errors in charging paragraphs 9(a) and 20(b) of the Complaint. The original citations to Rule 8.4(b) were changed to citations to Rule 8.4(c). The language of the charges reflects the language of Rule 8.4(c), so Respondent was clearly informed of the nature of the charges against him.

Exhibit 1

BEFORE THE HEARING BOARD
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7/23/2024 2:42 PM
ARDC Clerk

In the Matter Of:

GARRETT CHARLES KERR,

Attorney-Respondent,

No. 6300187.

Commission No. 2024PR00043

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Matthew Lango, pursuant to Supreme Court Rule 753(b), complains of Respondent, Garrett Charles Kerr, who was licensed to practice law in Illinois on November 5, 2009, and alleges that Respondent engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

BACKGROUND

1. Between 2009 and 2016, Respondent practiced law in Illinois, working primarily as an associate attorney handling personal injury matters and doing document review on various projects. In or about 2016, Respondent ceased actively practicing law in Illinois and pursued non-legal employment. Respondent last registered to practice law in Illinois in 2020 and was removed from the master roll of attorneys licensed to practice law in Illinois on May 7, 2021.

2. In or about March 2020, Respondent moved to Michigan. In or about July 2020, Respondent applied for an associate attorney position with LeFevre & LeFevre, PLLC (“LeFevre”), a personal injury and general litigation law firm in Saginaw, Michigan. In July 2020, LeFevre hired Respondent with the explicit agreement that he would seek admission to practice

law in Michigan. Until he gained admission to the Michigan Bar, LeFevre and Respondent agreed that Respondent would act as a law clerk and that Respondent would not sign any pleadings, appear in court, sign or offer engagement agreements on behalf of the firm, or offer any legal advice to the firm's clients.

COUNT I

(Dishonesty Regarding Status of Admission to Practice Law in Michigan)

3. From the beginning of his employment with LeFevre in July 2020, and throughout the course of his employment with the firm until July 2021, Respondent repeatedly told the firm's managing partners that he applied for admission to practice law in Michigan. At various times throughout his employment, when asked about the status of his application, Respondent indicated that his application was somehow being delayed. Respondent did not apply for admission to practice law in Michigan until late July 2021.

4. Respondent's statements to the managing partners at LeFevre beginning in July 2020 and continuing through July 2021, that he had applied for admission to practice law in Michigan were false in that he had not applied for admission to practice law in Michigan. Respondent knew those statements were false at the time he made them.

5. Respondent's statements to the managing partners at LeFevre beginning in July 2020 and continuing through July 2021 that his application to practice law in Michigan was somehow delayed were false because Respondent had not applied to practice law in Michigan and thus there was no application to be delayed. Respondent knew those statements were false at the time he made them.

6. In early July 2021, when Respondent had still not been admitted to practice law in Michigan, the LeFevre firm terminated his employment. Following Respondent's termination from the LeFevre firm, attorneys from the firm reviewed Respondent's work and correspondence,

and discovered that he had been holding himself out as authorized to practice law to a number of the firm's clients, as well as making false statements to those clients about the status of their cases.

7. Respondent ultimately applied for admission to practice law in Michigan in late July 2021. Respondent's application to practice law in Michigan was rejected by the Michigan Supreme Court Board of Law Examiners ("Board") on July 29, 2021. A letter from the Board to Respondent states, in pertinent part:

From the information you submitted, you do not meet the BLE Rule 5(A)5(a) and MCL 600.946(3) requirement for practicing 36 months of the previous 60 months in a jurisdiction where admitted. Your employment history indicates that you have not practiced law in Illinois since July 2016 when working as a contract attorney for Axiom Legal. Your experience working remotely as a legal consultant for a Michigan company is not considered the practice of Illinois law and does not meet the rule requirement. Unless you were practicing as In-House Counsel, this raises unauthorized practice of law concerns.

8. As of the date of this complaint, Respondent has not reapplied for nor been admitted to practice law in Michigan.

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

- a. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including lying about his bar admission status to his employer by stating that he had applied for admission when he had not, and by stating that his application to practice law in Michigan was delayed, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Unauthorized Practice of Law and Dishonest Statements to Clients)

10. The Administrator realleges and incorporates paragraphs 1 through 8, above.

11. Respondent has never been admitted to practice law in Michigan. In addition, Respondent did not register to practice law in Illinois in 2021. Due to his failure to register, on

May 7, 2021, Respondent was removed from the master roll of attorneys licensed to practice law in Illinois. Throughout the rest of 2021 and continuing through the time of the filing of this complaint, Respondent has not been in good standing to practice law in any jurisdiction.

12. On or about November 25, 2020, A.H. contacted the LeFevre firm to represent him in a property repossession matter. In his initial contact with the firm, A.H. spoke to Respondent who held himself out as the attorney who would be working on A.H.'s case. In reliance on Respondent's representations, A.H. retained the firm to represent him.

13. Beginning in November 2020 and continuing through 2021, Respondent communicated with A.H. in a manner that indicated that he was the attorney working on his matter. In emails to A.H. on March 29, 2021, and April 7, 2021, Respondent falsely represented to A.H. that he was pursuing legal matters and filing documents on his behalf. Respondent also falsely told A.H. about hearings and about negotiations taking place with governmental entities on his behalf.

14. Respondent's statements to A.H. were false in that no documents had been filed on his behalf with any court and no hearings or negotiations were taking place. Respondent knew that his statements to A.H. were false at the time he made them because Respondent had not filed anything on his behalf and was not negotiating with anyone on his behalf.

15. Later, in May 2021, Respondent met with two other clients of the LeFevre firm, V.B. and S.K., and told them that he was the attorney working on their matters. Respondent, on June 1, 2021, on behalf of the LeFevre firm, accepted a \$1,000 retainer from V.B. and S.K. Respondent represented to V.B. and S.K. that he would file answers on their behalf in their civil lawsuit in which they were defendants that was pending in Michigan state court.

16. In 2021, Respondent did not file any documents with any court on V.B. and S.K.'s behalf, and default judgments were entered against them. Following Respondent's termination from the LeFevre firm, other attorneys from the firm learned of Respondent's actions with regard to V.B. and S.K. and about the default judgments entered against them, which were ultimately set aside.

17. Respondent's actions as described above with regard to the LeFevre firm's clients, A.H., V.B., and S.K. constituted the unauthorized practice of law.

18. On or about April 3, 2023, the Grievance Administrator of the Michigan Attorney Grievance Commission filed a disciplinary complaint against Respondent charging him with making false statements to clients and with the unauthorized practice of law in violation of Michigan Rules of Professional Conduct ("MRPC") 5.5 & 8.1(b)(1) (unauthorized practice of law), 8.4(b) (dishonesty, fraud, deceit, or misrepresentation), 1.1(c) (neglect), 1.2(a) (client's objectives), 1.3 (diligence and promptness), 1.4(a) (client communication), 8.4(a) (violation of Rules of Professional Conduct), and 8.4(c) (conduct prejudicial to the administration of justice). Respondent was also charged with violating Michigan Court Rules ("MCR") 9.104(1) (conduct prejudicial to the administration of justice), 9.104(2) (conduct exposing legal profession to obloquy, contempt, censure, or reproach), 9.104(3) (conduct contrary to justice, ethics, honesty, or good morals), 9.104(4) (conduct violating rules of professional responsibility), and 9.104(7) & 9.113(B)(3) (failing to respond to Request for Investigation).

19. Respondent failed to respond to the complaint of the Michigan Grievance Administrator and on May 4, 2023, a default judgment was entered against him. Subsequently, on January 30, 2024, the Michigan Attorney Disciplinary Board entered an order suspending Respondent from the practice of law in Michigan for one year.

Exhibit 2

**BEFORE THE HEARING BOARD
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AND
DISCIPLINARY COMMISSION**

In the Matter of:

GARRETT CHARLES KERR,

Attorney-Respondent,

No. 6300187.

Commission No. 2024PR00043

ORDER

A telephonic pre-hearing conference was held in this matter on October 30, 2024, at 10:00 a.m. (CDT). Participating were Stephen S. Mitchell, Chair, and Matthew D. Lango, Counsel for the Administrator. Respondent was served with notice of the pre-hearing conference at his registered address and was provided call-in information via email from the Clerk's staff, but did not participate. Counsel for the Administrator advised the Chair as to the status of the matter. Accordingly,

IT IS ORDERED:

1. The Administrator's Motion to Deem the Allegations in the Complaint Admitted (Motion) is granted due to Respondent's failure to file an answer to the Complaint or a response to the Motion. The allegations and charges of the Complaint are deemed admitted, with no further proof required to establish those allegations or charges. At hearing, the parties shall be limited to presenting evidence of aggravating and mitigating factors and arguments regarding the form and amount of discipline to be imposed;

2. The parties shall exchange lists of the witnesses they intend to call at hearing on or before December 4, 2023;

FILED

October 30, 2024

ARDC CLERK

3. The parties shall exchange the exhibits they propose to offer at hearing on or before December 4, 2023. Pursuant to Illinois Supreme Court Rule 138, each party is responsible for redacting personal identity information from that party's exhibits;

4. The default hearing in this matter is scheduled for December 11, 2024, commencing at 9:30 a.m., and will be held remotely by Microsoft Teams (Teams). The Clerk of the Commission shall provide the parties with Teams instructions and access information; and

5. The parties shall prepare exhibits in conformance with Commission Rule 276 and the Clerk of the Commission's procedures regarding electronic exhibits.

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 and correct copy of the order, approved by the Hearing Board Chair, entered in the above-entitled cause of record filed in my office on October 30, 2024.

/s/ Michelle M. Thome

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

PROOF OF SERVICE

I, Michelle M. Thome, hereby certify that I served a copy of this Order on the Attorney-Respondent listed at the address shown below by regular mail by causing it to be deposited with proper postage prepaid in the U.S. Mailbox at One Prudential Plaza, 130 East Randolph Drive, Chicago, Illinois 60601 on October 30, 2024, 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.

Garrett Charles Kerr
Attorney-Respondent
771 Zehnder Drive
Frankenmuth, MI 48734

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/ Michelle M. Thome
Michelle M. Thome

Exhibit 3

BEFORE THE HEARING BOARD
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DISCIPLINARY COMMISSION

In the Matter of:)	
)	
Garrett Charles Kerr,)	Commission No. 2024PR00043
)	
Attorney-Respondent,)	
)	
No. 6300187.)	
)	

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

I, EDGAR A. LEON (“Affiant”), being duly sworn, hereby state:

1. Affiant is over 18 years of age, possesses firsthand knowledge of the facts presented in this Affidavit and, if called as a witness, Affiant will testify to the truth of the facts as presented in this Affidavit.

2. Affiant is an Investigator for the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (“the Commission”) and, as such, is authorized to serve process.

3. On July 25, 2024, Affiant was assigned to serve Respondent a Complaint and accompanying documents, via agreed electronic service if possible.

4. On July 30, 2024, at approximately 8:38 A.M. Affiant called the Respondent at 224-244-4747 and secured his email address garrettkerrjd@gmail.com, wherein Respondent verbally agreed to electronic service. The Complaint and accompanying documents were sent to Respondent’s email address at 10:07 A.M.

FILED
8/1/2024 7:50 AM
ARDC Clerk

5. On July 30, 2024, at approximately 10:47 A.M., Affiant received an email from Respondent, acknowledging receipt of the Complaint and accompanying documents via email.

6. Further Affiant sayeth not.

CERTIFICATION

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/ Edgar A. Leon

Edgar A. Leon

Dated: July 30, 2024

4866-6212-7828v1