



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

Chicago
April 30, 1986

COMMISSIONERS:
JAMES H. BANDY, CHAIRMAN
LESTER ASHER
EDWARD J. EGAN
EDWARD G. FINNEGAN
ALFRED E. WOODWARD

ADMINISTRATOR:
CARL H. ROLEWICK

DEPUTY
ADMINISTRATOR:
JOHN C. O'MALLEY

SPECIAL COUNSEL:
JOHN DIXON
PEYTON H. KUNCE

CHIEF COUNSEL:
JEROME LARKIN

SENIOR COUNSEL:
DANIEL A. DRAKE
JAMES J. GROGAN
JOHN A. HOLTAWAY

COUNSEL:
THERESA M. GRONKIEWICZ
THOMAS A. KARALIS
DEBORAH M. KENNEDY
MARY M. KLATT
SAMUEL J. MANELLA
WILLIAM F. MORAN, III
PETER L. O'REILLY
J. SCOTT RENFROE
THOMAS P. SUKOWICZ

To the Honorable, the Chief Justice
and Justices of the Supreme Court
of Illinois:

The annual report of the Attorney Registration and
Disciplinary Commission for 1985 is submitted to the Court,
to the members of the Bar of Illinois, and to the public
in accordance with Supreme Court Rule 751.

The Report is a statement of the activities of the
Commission for calendar year 1985 and an accounting and
audit of the monies received and expended during the
twelve-month period which ended October 31, 1985.

Respectfully,

James H. Bandy, Chairman
Lester Asher
Edward J. Egan
Edward G. Finnegan
Alfred E. Woodward

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THE CASELOAD REPORT

In 1985 the disciplinary caseload continued to increase. The caseloads of the Administrator, the Inquiry, Hearing and Review Boards and the disciplinary matters in the Supreme Court in 1985 are presented in the first four charts that follow. The fifth chart compares certain factors which demonstrate the growth of the disciplinary system.

Comparison with 1976 illustrates the dramatic expansion. In 1976 the Administrator initiated 1,740 investigations. By 1985 that number increased 126% to 3,935. In 1976 the Inquiry Board voted 82 complaints, a record high. In 1985 the Board voted 184 complaints, a 124% increase, again a record high. Similarly, in 1976 the Administrator filed a total of 64 matters in the Supreme Court. By 1985 that number increased 230% to 211 matters. See Chart 5.

In the area of non-disciplinary litigation, in 1976 the staff lawyers represented the Commission and Administrator in seven matters. During 1985 staff lawyers represented the Commission and Administrator in twenty-one non-disciplinary matters in the United States Supreme Court, the United States Circuit Court of Appeals for the Seventh Circuit, the United States District Court for the Northern District of Illinois, the Supreme Court of Illinois, the Appellate Court of Illinois, the Circuit Court and administrative agencies. In addition, in 1985 staff attorneys continued to represent the State Board of Law Examiners in character and fitness proceedings.

Each of the charges docketed in the Administrator's office during 1985 was classified as to the type of legal matter involved (Appendix E, Chart 6) and the type of misconduct charged (Appendix E, Chart 7). The information for the classification as to type of matter and type of misconduct charged is obtained from the charge at the time it is received in the Administrator's office before the truth and accuracy of the charge has been investigated or established.

Chart 1 - Investigations and Inquiry

During 1985 the Administrator received 4,779 communications from the public which resulted in the initiation of 3,935 investigations. During the year 2,671 investigations were terminated. The investigations contained 3,153 charges which were investigated and closed or dismissed. In addition, the Inquiry Board investigated 1,423 charges which resulted in the voting of 184 complaints.

TREND OF INVESTIGATIONS DURING 1985			
PENDING 1-1-85	DOCKETED DURING 1985	TERMINATED DURING 1985	PENDING 12-31-85
1945	3935	2671	3209

CHARGES RECEIVED FROM	
INDIVIDUALS	ADMINISTRATOR
3021	914

ACTION TAKEN		
CLOSED BY ADMINISTRATOR	DISMISSED OR CLOSED BY INQUIRY	COMPLAINT VOTED BY INQUIRY PANEL
1730	1239	184

Chart 2 - Hearing

During 1985 sixty-eight complaints and petitions were filed with the Hearing Board and fifty-two were terminated.

TREND OF MATTERS IN THE HEARING BOARD DURING 1985			
PENDING 1-1-85	FILED DURING 1985	TERMINATED DURING 1985	PENDING 12-31-85
51	68	52	67

Chart 3 - Review

During 1985 twenty-seven matters were filed with the Review Board and twenty-two were terminated. In addition, thirteen matters went directly to the Court from the Hearing Board, no exceptions having been filed by either party.

TREND OF MATTERS IN THE REVIEW BOARD DURING 1985			
PENDING 1-1-85	FILED DURING 1985	TERMINATED DURING 1985	PENDING 12-31-85
11	27	23	15

Chart 4 - Supreme Court

During 1985 the Supreme Court again handled a record number of disciplinary matters. The disciplinary and certain non-disciplinary matters filed with and terminated by the Court are detailed below.

TREND OF DISCIPLINARY MATTERS IN THE SUPREME COURT DURING 1985			
PENDING 1-1-85	FILED DURING 1985	TERMINATED DURING 1985	PENDING 12-31-85
50	211	188	73

DESCRIPTION OF CASES TERMINATED BY SUPREME COURT		
Supreme Court Rule Number	Description	Number
752	Review of decision to close investigation	7
753, 761, 762, 763 & 774	Disciplinary cases	81
754	Failure to comply with subpoena or court order	27
756	Failure to register	9
757 & 770	Transfer to inactive status	14
759 & 767	Reinstatement and restoration	12
772	Probation	1
773	Collection of costs	2
760, 764, 766	Miscellaneous	6
Total		188

ACTION BY SUPREME COURT	
DISCIPLINARY	
Disbarred	36
Suspended	43
Censured	9
Total	88
NON-DISCIPLINARY	
Transferred to Inactive Status	41
Petitions for Reinstatement	
- allowed	1
- not allowed or withdrawn	5
Petitions for Restoration	
- allowed	6
- not allowed	2
Total	55

Chart 5 - A Comparison

Chart 5 presents, in summary fashion, a comparison of certain key factors over the past ten years. It demonstrates the growth of lawyer population, the workload of the boards, the Court and the staff.

PERIOD	NUMBER OF REGISTERED ATTORNEYS	INVESTIGATIONS				MATTERS FILED WITH HEARING BOARD	MATTERS FILED WITH REVIEW BOARD	MATTERS FILED WITH SUPREME COURT	STAFF SIZE	
		DOCKETED	TERMINATED		COMPLAINT VOTED				ATTYS.	INVESTGRS.
			BY ADMINIS-TRATOR	BY INQUIRY						
1976	29,750	1750	884	709	82	55	36	64	5	3
1977	31,936	1650	836	484	73	42	29	85	5	3
1978	33,090	1649	783	890	100	35	30	77	4.5	3
1979	35,509	1765	943	609	62	34	22	55	6	4
1980	37,100	2098	1095	660	130	62	29	58	6	4
1981	39,280	1924	1098	608	130	49	38	104	7	5
1982	41,274	2285	1384	723	116	50	27	90	7	5
1983	43,116	2388	1340	855	134	69	40	150	7.5	5
1984	45,171	2721	1182	1021	179	49	28	139	7.5	5
1985	47,400	3935	1730	1239	184	68	27	211	7.0	6

REPORT ON NON-DISCIPLINARY LITIGATION

Staff attorneys represent the Commission, staff, or members of the various boards in a variety of matters generally resulting from disciplinary prosecutions. Most matters involve the defense of a suit challenging the authority of the Commission or seeking injunctive relief or damages allegedly caused by disciplinary decisions. In addition, the staff continues to provide investigative and legal assistance to the Committee on Character and Fitness of the Supreme Court of Illinois.

Appendix D is a listing of all miscellaneous matters pending during 1985. The following matters are noteworthy.

On March 26, 1984 Constantine J. Gekas filed suit in the United States District Court for the Northern District of Illinois to enjoin the Commission from enforcing Rules 2-101 and 2-103 of the Illinois Code of Professional Responsibility to the extent they prohibited Gekas from mailing communications to prospective clients. On the same date the Supreme Court of Illinois amended Rule 2-103 which rendered the suit moot. The amendment was announced on April 6, 1984. On October 19, 1984 Judge Thomas R. McMillen awarded Gekas attorneys fees in the amount of \$5,000 plus costs and expenses. The Commission has appealed the award. The appeal is pending before the United States Court of Appeals for the Seventh Circuit.

On April 25, 1984 Robert J. Adams, Jr. and other attorneys filed a suit in the United States District Court for the Northern District of Illinois seeking to enjoin the Commission from enforcing Rule 2-103(b)(2) of the Illinois Code of Professional Responsibility to the extent it prohibited the mailing of written communications offering professional services to those known to need those services. On August 15, 1985 Judge James B. Moran issued a preliminary injunction against the Commission. On September 18, 1985 Judge Moran stayed the injunction pending the Commission's appeal. The appeal is pending before the Seventh Circuit.

Social Security Cancellation and Alternate Benefit Program

On March 12, 1985 the Commission elected not to appeal the July 6, 1984 and February 22, 1985 decisions of United States District Court Judge William T. Hart in the case of Attorney Registration and Disciplinary Commission v. Heckler, Northern District of Illinois, No. 80 C 3974. Judge Hart's decision affirmed the decision of the Social Security Administration to cancel the Commission's participation in social security programs.

Following the cancellation of coverage, the Commission in 1985 sought and received refund of employment taxes paid and instituted alternate employee benefit programs to replace social security and medicare benefits lost as the result of the social security cancellation.

The Illinois Auditor General

On July 26, 1982 the Chicago Bar Association filed suit in the Circuit Court of Cook County against the Illinois Auditor General, the State Board of Law Examiners and the Commission seeking a declaratory judgment regarding the authority of the Auditor General to audit the funds of the Board and the Commission, Chicago Bar Association v. Cronson, No. 82 C 50131.

On May 4, 1984 the Commission and Board were realigned as plaintiffs. The matter is pending.

REPORT ON REGISTRATION

On October 31, 1985 the Master Roll of Attorneys contained the names of 47,400 attorneys in the following categories:

Admitted between January 1, 1984 and December 31, 1985	2,785
Admitted between January 1, 1982 and December 31, 1983	4,125
Admitted before January 1, 1982	32,695
On active military duty	163
Born before January 1, 1910	1,848
Admitted more than one year but neither practicing, residing nor employed in Illinois	5,043
1985 registration fee excused for hardship	41
Paid fee and subsequently removed from Master Roll	700
Totals	<u>47,400</u>

The distribution of those attorneys who reside, practice or are employed in Illinois in the state's twenty-one judicial circuits and five judicial districts is contained in Appendix A of this report.

Appendix B of this report reflects the 1985 in-state registered attorney population by county of principal office.

REPORT ON FISCAL 1985

As a result of the caseload explosion, the need to expand staff and office space and to upgrade the computer, the Commission asked the Court for a fee increase. In response, the Court increased the registration fees for 1985 from \$20/\$40 to \$30/\$60. The resulting increase in funding permitted the Commission during 1985 to pay the \$160,000 deficit from fiscal 1984 and to meet the increasing demands in registration, maintenance of the Master Roll, the work of the Hearing and Review Boards and accounting for the Disciplinary Fund.

During 1985 an additional factor had to be considered in determining the funds necessary to meet disciplinary demands for fiscal 1986. As the federal investigation of corruption in the legal community continued, it was the ongoing responsibility of the Commission to review not only those who are brought to trial but also those involved who are not indicted or convicted. While the Commission has cooperated throughout with federal authorities, its primary role in the matter is only beginning.

In order for the Commission to meet expenses and achieve its 1986 goals, the following fee schedule was submitted to the Court during fiscal 1985:

<u>Classification</u>	<u>1986 Registration Fee</u>
Admitted 1 to 3 years	\$42.50
Admitted more than 3 years	\$85.00
Neither resides, nor practices, nor is employed in Illinois	\$25.00

The Court considered the recommendation and on August 1, 1985 amended Rule 756 to conform to the Commission's recommendation. Subsequently, the Commission approved the Fiscal 1986 Budget which is attached as Appendix C of this Report.

The following report is for fiscal year 1985, the twelve-month period ended October 31, 1985:

REPORT ON RULE CHANGES

REVENUE in fiscal 1985 was derived from three sources:

1985 registration fees including penalties and delinquent fees from prior years	2,080,401.14	
Interest	52,302.70	
Other miscellaneous revenue	28,693.67	
Total Revenues		<u>2,161,397.51</u>

EXPENDITURES for fiscal 1985 were as follows:

Salaries and Related Expenses		
Salaries of administrator and staff	950,162.55	
Federal and state unemployment taxes	11,189.09	
F.I.C.A. taxes	9,622.20	
Pension contributions	144,979.38	
Hospital, medical, life and workers' compensation insurance	117,951.28	1,233,904.50
Travel Expenses of the Commission, Staff, Inquiry, Hearing and Review Boards		
		54,298.00
Library and Continuing Education Expenses		
		19,189.41
General Expenses		
Office Rent	226,764.44	
Telephone	40,618.07	
Insurance (liability, fire, theft, extended coverage and computer)	15,718.90	
Postage	54,476.65	
Equipment rental and maintenance contracts	13,173.44	
Supplies	47,544.58	
Printing	1,506.05	
Duplicating	4,086.50	
Annual Report (printing and postage)	21,738.73	
Commodities	2,250.05	427,877.41
Computer Expenses		
		92,864.92
Depreciation Expense		
		78,915.86
Outside Professional and Investigative Expenses		
Auditing, bookkeeping and payroll	27,072.05	
Administration of pension trust	14,778.04	
Court reporting fees	59,265.71	
Other outside professional services	5,496.95	
Investigation expenses	5,340.58	
Witness fees/travel expenses	3,992.31	
Supreme Court Committee on Professional Responsibility	1,897.09	117,842.73
Total Expenditures		<u>2,024,892.83</u>

EXCESS OF REVENUE OVER EXPENDITURES 136,504.68

REPORT ON STAFF

In August 1985, after the Supreme Court determined to increase the registration fees for 1986, the Commission authorized the Administrator to expand the facilities and increase the staff for 1986.

On October 30, 1985 Marilyn Crossman, C.P.A., joined the Commission's administrative services staff as Comptroller. On November 1, 1985 Senior Investigator John W. Stephenson assumed the responsibilities of Manager, Administrative Services.

Also on November 1, 1985 Senior Secretary Roni M. Cerny became Manager, Secretarial Services.

The legal services staff was expanded on November 1, 1985 by adding two teams in the Chicago office and by providing for a complete team in Springfield. A team consists of two attorneys, two secretaries, one investigator, one lawyer assistant and one part-time law clerk. The Commission has found the team structure to be an effective vehicle for efficient investigation and prosecution of disciplinary matters.

Further, in connection with the establishment of alternative employee benefit programs following cancellation of social security coverage, the Commission upgraded staff salaries and benefits for 1986. The Commission actions followed the findings by the American Bar Association and Illinois State Bar Association evaluators that salaries were insufficient and reflects the Supreme Court's commitment of increased funding to the system.

As of December 31, 1985 the full time staff of the Administrator's office consisted of:

ADMINISTRATOR

DEPUTY ADMINISTRATOR

LEGAL SERVICES

Chief Counsel
 Senior Counsel (3)
 Counsel (9)
 Special Counsel (2)
 Lawyer Assistant (8)
 Senior Investigator (3)
 Investigator (5)
 Manager, Secretarial Services
 Senior Secretary (2)
 Secretary (9)
 Receptionist
 Receptionist-Typist (4)
 Office Aide (3)

ADMINISTRATIVE SERVICES

Manager, Administrative Services
 Administrative Assistant (2)
 Comptroller
 Manager, Computer System
 Registrar
 Deputy Registrar
 Bursar
 Clerk
 Deputy Clerk
 Docket Clerk

During 1985 the Supreme Court amended Rules 753, 756 and 773. During 1985 the Commission amended all of its rules.

Supreme Court Rule 753(a) was amended to clarify the right of the Inquiry Board to close an investigation without dismissing the charge or voting a formal complaint.

Supreme Court Rule 753(e) was amended to clarify the circumstances under which a report of the Hearing Board is reviewed by the Review Board or submitted to the Court as an agreed matter.

Supreme Court Rule 756 was amended to provide for an increase in the attorney registration fee.

Supreme Court Rule 773 was amended on February 21, 1985, effective August 1, 1985, to require that an attorney reimburse the Commission for costs involved in matters which result in discipline or a finding that an attorney violated a disciplinary order.

The Commission undertook a review of its rules with a view toward improving the handling of disciplinary matters and to clarifying certain rules. The rules were renumbered in a manner consistent with the numbering system of the Supreme Court Rules. The revised rules are contained in a booklet published by the Commission and available upon request.

APPENDIX A

REGISTERED ATTORNEYS AS OF OCTOBER 1, 1985
 IN THE
 JUDICIAL DISTRICTS AND CIRCUITS OF ILLINOIS

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
<u>First District</u>					
Cook County	23,542	24,616	25,894	26,240	26,916
<u>Second District</u>					
15th Circuit	168	169	174	179	181
16th Circuit	632	653	683	698	697
17th Circuit	440	464	473	475	479
18th Circuit	1,383	1,476	1,578	1,658	1,697
19th Circuit	<u>1,032</u>	<u>1,080</u>	<u>1,164</u>	<u>1,191</u>	<u>1,227</u>
Total	3,655	3,842	4,072	4,201	4,281
<u>Third District</u>					
9th Circuit	211	208	215	215	206
10th Circuit	611	627	651	665	657
12th Circuit	479	503	531	527	518
13th Circuit	267	275	278	280	275
14th Circuit	<u>436</u>	<u>437</u>	<u>443</u>	<u>430</u>	<u>444</u>
Total	2,004	2,050	2,118	2,117	2,100
<u>Fourth District</u>					
5th Circuit	268	274	281	277	273
6th Circuit	649	664	695	690	671
7th Circuit	789	814	841	903	909
8th Circuit	183	189	193	186	185
11th Circuit	<u>378</u>	<u>396</u>	<u>404</u>	<u>388</u>	<u>389</u>
Total	2,267	2,337	2,414	2,444	2,427
<u>Fifth District</u>					
1st Circuit	272	284	299	279	302
2nd Circuit	260	263	278	287	291
3rd Circuit	348	356	360	365	384
4th Circuit	229	243	250	253	256
20th Circuit	<u>483</u>	<u>504</u>	<u>528</u>	<u>544</u>	<u>563</u>
Total	1,592	1,650	1,715	1,728	1,796

REGISTERED ATTORNEYS AS OF OCTOBER 1, 1985
IN THE
COUNTIES OF ILLINOIS

County of Principal Office	Number of Attorneys	County of Principal Office	Number of Attorneys
Adams	102	Lee	36
Alexander	11	Livingston	54
Bond	13	Logan	26
Boone	28	Macon	207
Brown	10	Macoupin	41
Bureau	54	Madison	371
Calhoun	4	Marion	57
Carroll	13	Marshall	16
Cass	16	Mason	14
Champaign	381	Massac	18
Christian	41	Mc Donough	43
Clark	17	Mc Henry	247
Clay	17	Mc Lean	269
Clinton	21	Menard	13
Coles	80	Mercer	14
Cook	26,871	Monroe	22
Crawford	22	Montgomery	39
Cumberland	6	Morgan	45
De Kalb	101	Moultrie	16
De Witt	22	Ogle	43
Douglas	20	Peoria	525
Du Page	1,691	Perry	20
Edgar	33	Piatt	24
Edwards	4	Pike	15
Effingham	33	Pope	5
Fayette	17	Pulaski	8
Ford	19	Putnam	8
Franklin	49	Randolph	26
Fulton	46	Richland	26
Gallatin	9	Rock Island	310
Greene	14	Saline	38
Grundy	37	Sangamon	784
Hamilton	12	Schuyler	11
Hancock	22	Scott	8
Hardin	9	Shelby	21
Henderson	7	St. Clair	480
Henry	55	Stark	11
Iroquois	28	Stephenson	65
Jackson	136	Tazewell	94
Jasper	9	Union	14
Jefferson	88	Vermilion	137
Jersey	16	Wabash	22
Jo Daviess	24	Warren	27
Johnson	9	Washington	14
Kane	569	Wayne	17
Kankakee	106	White	16
Kendall	22	Whiteside	63
Knox	61	Will	384
Lake	977	Williamson	62
La Salle	184	Winnebago	450
Lawrence	17	Woodford	21

FISCAL 1986 BUDGET

	Account Number	Amount
<u>I. STAFF</u>		
<u>A. SALARIES AND RELATED EXPENSES</u>		
1. Full Time Staff	5010	1,427,000.00
2. Temporary Help	5170	40,000.00
3. Unemployment Taxes	5590	13,000.00
4. Employee Group Insurance	5410	175,000.00
5. Retirement Plan and Trust	5651	257,000.00
6. Medicare Replacement Reserve Trust	5652	57,000.00
	Sub-total	\$1,969,000.00
<u>B. TRAVEL EXPENSES</u>		
1. Staff	5300	40,000.00
2. Vehicle Rental & Expenses	5330	21,000.00
3. Commission	5305	3,000.00
4. Review Board	5310	5,000.00
5. Hearing Board	5315	4,000.00
6. Inquiry Board	5320	6,000.00
	Sub-total	\$79,000.00
<u>C. CONTINUING EDUCATION EXPENSES</u>		
1. Continuing Education	5575	15,000.00
2. Commission Seminar	5570	7,000.00
3. Library - Volumes	1830-31	4,000.00
4. Library - Periodicals	5350-51	8,000.00
	Sub-total	\$34,000.00
<u>II. OFFICE</u>		
<u>A. GENERAL EXPENSES</u>		
1. Office Rent	5440-41	283,000.00
2. Telephone	5420-21	45,000.00
3. Insurance - General	5560	20,000.00
4. Postage	5430-31	60,000.00
5. Equipment Rental & Maintenance	5200-01	18,000.00
6. Supplies	5250-51	30,000.00
7. Stationery and Forms	5254	40,000.00
8. Printing	5260-61	16,000.00
9. Duplicating	5210	10,000.00
10. Publications	5270	24,000.00
11. Reimbursement of Office Expense	5455	8,000.00
12. Commodities	5255	6,000.00
13. Maintenance and Repairs	5200	3,000.00
	Sub-total	\$563,000.00

B. COMPUTER ASSETS AND EXPENSES

1. Hardware Maintenance	5461	18,000.00
2. Software Maintenance	5462	5,000.00
3. Supplies	5463	6,000.00
4. Outside Services	5464	3,000.00
5. Program Modification & Replacement	5465	50,000.00
6. Purchase of Hardware - Expansion	1800	35,000.00
7. Purchase of Hardware - Ordinary	1800	<u>16,000.00</u>
Sub-total		\$133,000.00

C. OTHER ASSETS

1. Office Furniture & Equipment	1820-21	66,000.00
2. Office Construction Costs	1825	30,000.00
3. Physical Asset Replacement	1325	40,000.00
4. Telephone System Expansion		<u>25,000.00</u>
Sub-total		\$161,000.00

III. OTHER PROFESSIONAL

AND
INVESTIGATIVE EXPENSES

1. Auditing	5450	25,000.00
2. Retirement Plan & Trust Expenses	5655	12,000.00
3. Court Reporting	5550	65,000.00
4. Investigation Expenses	5451	8,000.00
5. Witness Fees	5400	9,000.00
6. Supreme Court Committee on Code of Professional Responsibility	6000	6,000.00
7. Miscellaneous Litigation Expenses	5180	<u>37,000.00</u>
Sub-total	5670	\$162,000.00
Total		<u>\$3,101,000.00</u>

APPENDIX D

MISCELLANEOUS LITIGATION

PENDING IN 1985

<u>Case Caption</u>	<u>ML No./Counsel</u>	<u>Date Filed</u>	<u>Nature/Status</u>
Attorney Registration and Disciplinary Commission v. Harris, et al, 80 C 3974 (United States District Court, Northern District of Illinois)	80 ML 6 O'Malley	07-30-80	Complaint seeking order directing Defendants not to cancel social security coverage for Commission employees, or, in the alternative, for a refund of employment taxes paid/Judgment entered in favor of Defendants on 2-22-85.
Chicago Bar Association v. Cronson, 82 L 40131 (Circuit Court of Cook County)	82 ML 3 O'Malley Kennedy	07-26-82	Complaint for declaratory judgment that Auditor General not be allowed to audit Commission/ Motions for summary judgment pending.
Anthony Intini, III v. Administrator of Attorney Registration and Disciplinary Commission, 84 CH 963 (Circuit Court of Cook County)	84 ML 1 Grogan	02-10-84	Emergency motion to restrain Administrator from obtaining documents pursuant to subpoena regarding investigations number 83 CI 21990 and 83 CI 21992/ Dismissed for want of prosecution on 3-20-85
Gekas v. Attorney Registration and Disciplinary Commission, 84 C 2534 (United States District Court, Northern District of Illinois), Nos. 85-2386 and 85-2445 (United States Court of Appeals for the Seventh Circuit)	84 ML 3 Gronkiewicz	03-26-84	Complaint to enjoin enforcement of Rule 2-103 of the Illinois Code of Professional Responsibility (1983)/Case rendered moot by amendment of Rule 2-103; Commission's appeal of judgment awarding attorney's fees under advisement.
Adams, Korrub, Holstein v. Attorney Registration and Disciplinary Commission, et al, 84 C 3548 (United States District Court, Northern District of Illinois; No. 85-2600 (United States Court of Appeals for the Seventh Circuit)	84 ML 4, 6, 8 Gronkiewicz	04-25-84	Complaint to declare Amended Rule 2-103 of the Illinois Code of Professional Responsibility unconstitutional/Commission's appeal of order enjoining enforcement of Rule 2-103 under advisement.
Administrator and Attorney Registration and Disciplinary Commission v. Adams, et al, No. 60286 (Supreme Court of Illinois)	84 ML 7 O'Malley	06-11-84	Motion for leave to file complaint seeking declaration that Rule 2-103 of the Illinois Code of Professional Responsibility (1983) is constitutional/Removed to federal court on 2-4-84. See above case number 84 ML 4.

In re David Adler (Committee on Character and Fitness of the Supreme Court of Illinois)	84 ML 9 Larkin	05-07-84	Application of Adler for admission to Bar/Applicant certified.
Administrator and Attorney Registration and Disciplinary Commission v. Adams, et al, 84 C 5711	84 ML 10 O'Malley Gronkiewicz	07-07-84	Petition for removal of above case number 84 ML 7 from Supreme Court to federal District Court/ Allowed on 2-4-84. See above consolidated case number 84 ML 4.
Morris Chapman v. Attorney Registration and Disciplinary Commission, 84 C 6159 (United States District Court, Northern District of Illinois)	84 ML 11 & 12 Larkin	07-18-84	Complaint to enjoin Administrator's prosecution of case number 84 CH 35/Dismissed with leave to reinstate.
Michael Ettinger v. Administrator and Attorney Registration and Disciplinary Commission, 84 CH 7374 (Circuit Court of Cook County); No. 84-2607 (Illinois Appellate Court, First District)	84 ML 13 Kennedy	08-27-84	Complaint to enjoin Administrator from use of evidence allegedly obtained in violation of the Illinois Eavesdropping Statute/Plaintiff's petition for leave to appeal from Appellate Court opinion pending in Supreme Court.
In re Kenneth S. Orth, M.R. 3240 (Circuit Court of Cook County)	84 ML 16 Grogan	09-11-84	Hearing to make finding whether Orth was practicing law while disbarred/Finding entered on 1-10-85 that Orth was practicing law.
In re Diane Morefield (Interstate Benefit Office)	84 ML 19 Kennedy	11-13-84	Claim for unemployment insurance/Pending.
In re Robert M. Ozell (Committee on Character and Fitness of the Supreme Court of Illinois)	84 ML 20 Holtaway	12-12-84	Application of Ozell for Admission to Bar/Withdrawn on 1-14-85.
Shaw Brothers v. Willis and Attorney Registration and Disciplinary Commission, 84 M 1177067 (Circuit Court of Cook County)	84 ML 21 Holtaway	12-04-84	Wage deduction proceeding/Dismissed on 1-7-85.
In re Central Office Equipment, et al, No. 384006611 (United States Bankruptcy Court for the Central District of Illinois)	84 ML 22 Drake	07-30-84	Claim filed by Administrator against debtor in bankruptcy case for balance of copy machine service contract/Pending.
Marshall I. Teichner v. Attorney Registration and Disciplinary Commission, No. 84-1201 (Supreme Court of United States)	85 ML 1 Larkin	01-29-85	Petition for Writ of Certiorari filed by attorney to seek review of disbarment decision/Petition denied 3-18-85.
In re: An Attorney, Grand Jury Investigation, (United States District Court, Northern District, Eastern Division)	85 ML 3 Holtaway	03-25-85	Motion for restricted access to grand jury records/Motion allowed 4-3-85.
In re: Foreign Legal Consultants, No. M.R. 3442 (Supreme Court of Illinois)	85 ML 4 O'Malley	03-11-85	Petition requesting the Court to provide for licensing of foreign attorneys to act as legal consultants within the State of Illinois/ Petition denied 6-5-85.
In re: Frederick Francis DeBartolo, No. M.R. 3180 (Supreme Court of Illinois)	84 ML 5 Kennedy	04-30-85	Petitioner's application for admission to the Bar/Petition denied by the Supreme Court on 2-20-86.
In re: Edward Anthony Loss, III (Committee on Character and Fitness of the Supreme Court of Illinois)	85 ML 6 Holtaway	05-14-85	Application of Loss for admission to Bar/Pending.
Fredd and Gregg K. Mandell v. Carl H. Rolewick, Attorney Registration and Disciplinary Commission, 85 CH 09230 (Circuit Court of Cook County)	85 ML 7 Grogan Manella	09-13-85	Complaint for declaration allowing disbarred attorney to work as law clerk/Denied on 1-24-86.
Carl H. Rolewick v. James Thieret, No. M.R. 3739 (Supreme Court of Illinois)	85 CH 114 Grogan	10-01-85	Complaint for Writ of Habeas Corpus Ad Testificandum / Writ issued on 10-3-85.

Carl H. Rolewick v. Michael O'Leary, No. M.R. 3762 (Supreme Court of Illinois)	85 ML 8 Holtaway	10-31-85	Complaint for Writ of Habeas Corpus Ad Testificandum / Writ issued on 11-14-85.
Carl H. Rolewick v. Howard A. Peters, III, No. M.R. 3763 (Supreme Court of Illinois)	85 ML 9 Holtaway	10-31-85	Complaint for Writ of Habeas Corpus Ad Testificandum / Writ issued on 11-14-85.
Carl H. Rolewick v. Alan White, No. M.R. 3764 (Supreme Court of Illinois)	85 ML 10 Holtaway	10-31-85	Complaint for Writ of Habeas Corpus Ad Testificandum / Writ issued on 11-14-85.
In re: Barbara Ann Hohler, No. M.R. 3831 (Supreme Court of Illinois)	85 ML 11 O'Malley	01-06-86	Petition seeking leave to file late application to take February 1986 Illinois Bar exam/Petition allowed 1-16-86.

APPENDIX E

CLASSIFICATION OF CHARGES
RECEIVED BY THE ADMINISTRATOR

Chart 6

<u>Type of Matter</u>	<u>Number</u>
Tort (Personal Injury/ Property Damage	765
Domestic Relations	608
Criminal and Quasi Criminal	476
Other	401
Real Estate/Including Landlord-Tenant	373
No Case	302
Contract	222
Probate	213
Bankruptcy	170
Corporate Matters	87
Tax	81
Labor Relations	79
Civil Rights	72
Undeterminable	23
Immigration	19
Local Government Problems	12
Adoption	9
Mental Health	2
Patent and Trademark	9

Chart 7

<u>Type of Misconduct Charged</u>	<u>Number</u>
Neglect	678
Relationship with Client (Disclosing of Confidential Information/Improper Withdrawal/Abandonment/Failure to Protect Interest of Client)	663
Failure to Communicate with Client	412
Improper Handling of Funds of Others	387
Conduct Involving Dishonesty or Fraud	320
Other	249
Private Communication Submitted Pursuant to Rule 2-103(e)	229
Conduct Which Tends to Bring Legal Profession Into Disrepute	189
Employment Where Interest of Another Client May Impair Judgment;	147
Excessive Fee	112
Greyford Related	81
Solicitation in Person or by Telephone	69
Failure to Withdraw from Employment or Improper Withdrawal	65
Knowing Use of False Evidence	54
Misconduct Related to Subpoena	50
Failure to Treat Others with Courtesy	44
Criminal Conduct	41
Prosecutor's Initiation of Unwarranted Prosecution	33
Improper Public Communication	27

Alexander X. Kuhn & Co.

CERTIFIED PUBLIC ACCOUNTANTS

MEMBERS
ILLINOIS C P A SOCIETY
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS

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TELEPHONE 449-2002
AREA CODE 312

To the Commissioners and Administrator of the
Attorney Registration and Disciplinary Commission
of the Supreme Court of Illinois
203 North Wabash Avenue
Chicago, Illinois 60601

Gentlemen:

We have examined the Financial Statements of the Attorney
Registration and Disciplinary Commission of the Supreme Court of
Illinois for the year ended October 31, 1985.

SCOPE OF EXAMINATION

Our examination was made in accordance with generally ac-
cepted auditing standards, and accordingly, included such tests
of the accounting records and such other auditing procedures as
we considered necessary in the circumstances.

ACCOUNTANTS' OPINION

In our opinion, the accompanying Financial Statements pre-
sent fairly the financial position of the Attorney Registration
and Disciplinary Commission of the Supreme Court of Illinois at
October 31, 1985, and the results of its operations and the changes
in its financial position for the year then ended, in conformity
with generally accepted accounting principles applied on a basis
consistent with that of the preceding year.

Respectfully submitted,


Certified Public Accountants

Dated: March 3, 1986
Hillside, Illinois

ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION

STATEMENT OF CHANGES IN FINANCIAL POSITION

OF THE SUPREME COURT OF ILLINOIS

Year Ended October 31, 1985

REPORT ON EXAMINATION OF ACCOUNTS

Year Ended October 31, 1985

BALANCE SHEET

October 31, 1985

ASSETS

CURRENT ASSETS

Cash in Bank	37,043.07	
Accounts Receivable (Other Than Fees)	4,343.11	
Investments (At Cost)	379,452.42	
Prepaid Expenses	8,073.34	428,911.94

FIXED ASSETS

Office Furniture, Equipment, Library, and Leasehold Improvements	877,909.91	
Less: Accumulated Depreciation	309,776.04	568,133.87
Total Assets		997,045.81

LIABILITIES AND FUND BALANCES

CURRENT LIABILITIES

Accounts Payable	51,959.93	
Deferred Fees	364,007.16	
Reinstatement Deposits	7,000.00	
Undistributed Refunds	187,788.27	
Group Legal Service Registration Fee Fund	19,192.96	629,948.32

FUND BALANCES

Operating Fund	(8,886.80)	
Other Fund Balances	375,984.29	367,097.49

Total Liabilities and Fund Balances 997,045.81

STATEMENT OF FUND BALANCE

October 31, 1985

BALANCE, November 1, 1984 230,592.81

ADD: Excess of Revenue Over Expenditures 136,504.68

BALANCE, October 31, 1985 367,097.49

STATEMENT OF REVENUE AND EXPENDITURES

Year Ended October 31, 1985

REVENUE

Attorney Registration Fees and Charges Collected	2,080,401.14
Interest on Investments	52,302.70
Other Miscellaneous Income	28,693.67
Total Revenues	2,161,397.51

EXPENDITURES

Salaries and Related Expenses	
Salaries	950,162.55
Federal and State Unemployment Taxes	11,189.09
F.I.C.A. Taxes	9,622.20
Pension Contributions	144,979.38
Employee Group Insurance	117,951.28
Travel Expenses	54,298.00
Library and Continuing Education Expenses	19,189.41
General Expenses	
Office Rent	219,564.44
Telephone	40,618.07
Insurance General	15,718.90
Postage	54,476.65
Equipment Rental and Maintenance Contracts	13,173.44
Supplies	47,544.58
Printing	1,506.05
Duplicating	4,086.50
Annual Report-Printing and Postage	21,738.73
Reimbursement of Office Expenses	7,200.00
Commodities	2,250.05
Computer Expenses	427,877.41
Depreciation Expense	92,864.92
Outside Professional and Investigative Expenses	78,915.86
Auditing, Bookkeeping and Payroll Administration of Pension Trust	27,072.05
Court Reporting	14,778.04
Other Outside Professional Services	59,265.71
Investigating Expenses	5,496.95
Witness Fees/Travel Expenses	5,340.58
Committee on Code of Professional Responsibility	3,992.31
Total Expenditures	1,897.09
	<u>117,842.73</u>
	<u>2,024,892.83</u>

EXCESS OF REVENUE OVER EXPENDITURES 136,504.68

SOURCES OF WORKING CAPITAL

Excess of Revenue Over Expenditures, Year Ended October 31, 1985	136,504.68
Expenses Not Requiring Use of Funds: Depreciation of Fixed Assets	78,915.86
Total Funds Provided by Operations	215,420.54

USE OF WORKING CAPITAL

Purchase of Fixed Assets	127,605.11
--------------------------	------------

INCREASE IN WORKING CAPITAL

87,815.43

WORKING CAPITAL

	1984	1985
<u>CURRENT ASSETS</u>	86,867.35	428,911.94
<u>CURRENT LIABILITIES</u>	375,719.16	629,948.32
<u>WORKING CAPITAL</u>	(288,851.81)	(201,036.38)
<u>INCREASE IN WORKING CAPITAL</u>		87,815.43

ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION OF THE SUPREME COURT OF ILLINOIS

NOTES TO THE FINANCIAL STATEMENTS
October 31, 1985

A. GENERAL PURPOSE DESCRIPTION.

The Commission was appointed by the Illinois Supreme Court under Rules 751 through 756 of the Court effective February 1, 1973, and subsequent additional rules and amendments. The purpose of the Commission and the Office of the Administrator is to maintain the Master Roll of Attorneys and to investigate and prosecute complaints against Illinois attorneys whose conduct might tend to defeat the administration of justice or to bring the court or the legal profession into disrepute.

On April 21, 1977, the Illinois Supreme Court adopted Rule 730 effective May 1, 1977. The rule requires the registration of group legal service plans in which an attorney participates. The plans must be registered with the Attorney Registration and Disciplinary Commission on or before July 1 each year.

B. ACCOUNTING POLICIES.

The books and other financial records of the Commission are recorded on an accrued basis. The accounting year of the Commission is October 31, as established by a resolution by the Commissioners dated March 12, 1983.

Fixed assets are carried at cost less accumulated depreciation computed on a straight-line method over an estimated useful life of six to ten years. Leasehold improvements are amortized over the lease period.

C. 1985 UNCOLLECTED FEES.

By October 31, 1985 1,135 attorneys were unregistered and \$14,090.00 in registration fees uncollected. Of the unregistered attorneys, 72 were not residents of Illinois, 698 were removed from the Master Roll, 110 were more than 75 years old, and 255 were unaccounted for by reason of death or a change of address without notification to the Commission. The \$14,090.00 in uncollected registration fees are not carried as receivables since it cannot be determined that the amount is owed. A concerted effort is undertaken by the Administrator to determine the reasons for failure to register. Several registration applications were sent to each attorney. Telephone calls and personal visits are made throughout the state to determine whether the unregistered attorneys are engaged in the practice of law.

D. INVESTMENTS.

All investment transactions are handled by the Trust Department of the Illinois National Bank of Springfield and are held in safekeeping at the bank.

E. COLLECTION OF FEES.

The Commission is funded by an annual registration fee assessed against Illinois attorneys. The annual fee is sent directly to a lock box located at the Springfield, Illinois, U.S. Post Office. The box is under the sole supervision of the Illinois National Bank of Springfield. The contents of the box are accounted for solely by the bank and all monies are deposited to the Commission's account. An accounting for these funds is sent regularly to the Commission's computer department for processing and comparison to the registration and billing records. The system is test checked by our audit and the lock box system is also checked by the Internal Auditors of the bank and the National Bank Examiners.

F. LEASE AND MAINTENANCE COMMITMENTS.

The Commission has the following major lease commitments existing at October 31,

1. Chicago Office - April 1, 1983 through March 31, 1988 (floors 19 and 20), October 1, 1984 through September 30, 1989 (18th floor) present value of lease commitment \$637,639.00. The Commission is also leasing on a month to month basis, storage space @ \$477.50 per month.
2. Springfield Office - February 1, 1983 through January 31, 1986, (Suite 330). Present value of lease commitment \$4,290.27 plus possible escalations based on all operating expenses of building.
3. Automobile lease April 12, 1984 through April 12, 1987 @ \$257.50 per month plus garage space @ \$80.00 per month.
4. Various rental and maintenance agreements on computer software and hardware and office equipment amounts to approximately \$36,000.00 annually.

G. INSURANCE COVERAGE.

Our examination of the policies indicates the following coverage:

Workmen's Compensation.....	STATUTORY
Employees' Dishonesty Bond.....	\$ 100,000
Business Owners Policy	
Personal Property 80% co-insurance.....	315,000
Chicago.....	25,000
Springfield.....	
Money and Securities	
On premises.....	10,000
Off premises.....	2,000
Comprehensive Business Protection.....	500,000
Fire Legal Liability.....	50,000
Premises Medical Payments.....	1,000/ 25,000
Data Processing - 100% co-insurance	
Chicago.....	456,087
Springfield.....	15,000
Umbrella Liability.....	5,000,000
Professional Liability.....	1,000,000
Deductible.....	5,000
Business Automobile	
Liability - Bodily Injury and	
Property Damage.....	500,000
Uninsured Motorist.....	500,000
Comprehensive and Collision - Deductible	100
Fiduciary Responsibility	
Employees Retirement Plan and Trust.....	500,000
Employer Group Coverage	
Life and Disability.....	10/ 60,000
Hospitalization Medical and Dental.....	- - - -

H. TAXABLE STATUS.

On January 29, 1976, the Internal Revenue Service officially recognized the Commission as a tax exempt organization under Section 501(c)(6) of the Internal Revenue Code. Under the Letter of Determination the Commission is exempt from Federal income tax. However, it is required to annually file Form 990 (an information return) with the Internal Revenue Service. The Internal Revenue Service has examined the return for the year ended December 31, 1978, and made no changes.

I. SOCIAL SECURITY COVERAGE.

During 1985 the Commission negotiated with the Internal Revenue Service regarding the refund of employment taxes paid prior to the cancellation of employee social security coverage. An agreement was reached whereby the Internal Revenue Service refunded the employment taxes with interest for the years 1981 through 1985. The refunds are accounted for as follows:

Tax Refunds Received.	\$ 370,726.95
Government Interest.	\$ 109,559.03
Interest Earned During Distribution.	\$ 9,047.57
To Be Accounted For.	\$ 489,333.55
Distributed as follows:	
Employees.	\$ 286,583.25
Medicare Reserve Fund and Trust.	13,722.83
Internal Revenue Service - Refund.	1,239.20
Accounted For.	\$ 301,545.28
Undistributed at October 31, 1985	\$ 187,788.27

The distribution to employees was completed by November 8, 1985.

J. EMPLOYEES' RETIREMENT PLAN AND TRUST.

On October 15, 1977, the Commission established a Retirement Plan and Trust for the benefit of all qualified employees. The Plan and Trust was effective January 1, 1977 and required employees and Commission contributions.

Effective January 1, 1985 the Plan was amended and restated to improve retirement benefits in light of the decision of the Social Security Administration that employees of the Commission are not covered by Social Security benefits.

The amended and restated Retirement Plan has been filed with the Internal Revenue Service and the Commission has requested a Letter of Determination. The Internal Revenue Service had fully qualified the original Plan and has examined and approved returns for the period ended December 31, 1980.

K. MEDICARE REPLACEMENT RESERVE TRUST.

On August 9, 1985 the Commission formed a Trust to replace the Medicare coverage lost by its employees when the Social Security Administration ruled the Commission was ineligible for benefits. The Federal Unemployment Insurance refunds were used to fund the trust and the Commission has determined to contribute additional funds.

L. LITIGATION

Periodically the Commission, staff, or members of the various boards are involved in lawsuits. Most suits challenge the authority of the Commission or seek injunctive relief or damages allegedly caused by disciplinary decisions. These cases have been handled by staff counsel.

The following cases are noteworthy.

On July 30, 1980 the Commission filed suit in the United States District Court against the Internal Revenue Service and the Department of Health and Human Services seeking judicial review of the Social Security Administration's revocation of employee social security coverage. On February 22, 1985 the matter was concluded. As a result, the employees of the Commission have obtained refunds of the social security payments made and the Commission has established a benefit program to replace social security.

On July 26, 1982 the Chicago Bar Association filed suit in the Circuit Court of Cook County against the Commission, the State Board of Law Examiners and the Auditor General of the State of Illinois seeking declaratory review of the nature of the Commission and the State Board and the authority of the Auditor General to audit the funds of those agencies. On March 4, 1984 the Commission was realigned as a party plaintiff. The suit is pending in the Circuit Court.

On March 26, 1984 Constantine J. Gekas filed suit in the United States District Court for the Northern District of Illinois to enjoin the Commission from enforcing Rules 2-101 and 2-103 of the Illinois Code of Professional Responsibility to the extent they prohibited Gekas from mailing communications to prospective clients. On April 6, 1984 the Supreme Court of Illinois announced its adoption of an amended Rule 2-103 which rendered the suit moot. On October 19, 1984 Judge Thomas R. McMillen awarded Gekas attorneys fees in the amount of \$5,000 plus costs and expenses. The Commission has appealed the award. The appeal is pending before the United States Court of Appeals for the Seventh Circuit.

On April 25, 1984 Robert J. Adams, Jr. and other attorneys filed a suit in the United States District Court for the Northern District of Illinois seeking to enjoin the Commission from enforcing Rule 2-103(b)(2) of the Illinois Code of Professional Responsibility to the extent it prohibited the mailing of written communications offering professional services to those known to need those services. On August 15, 1985 Judge James B. Moran issued a preliminary injunction against the Commission. On September 18, 1985 Judge Moran stayed the injunction pending the Commission's appeal which is pending before the Seventh Circuit.

M. GROUP LEGAL SERVICE REGISTRATION FEE FUND.

All registration fees received for group legal service plans have been segregated from all other funds of the Commission. Presently these monies are invested in a trust account at the Illinois National Bank, Springfield, Illinois.

N. DEFERRED FEES.

The annual registration fee covers a period from January 1, to December 31. Since the Commission's fiscal year ends October 31, two months' fees are deferred at that date.

LAP Can Help

Alcoholism and drug addiction are recognized illnesses. They are progressive diseases that only get WORSE — NEVER BETTER — without treatment.

It is estimated that at least one out of 10 lawyers suffers from alcoholism alone. Characteristically, the lawyer who suffers from these diseases denies the problem. You don't help by covering up for your friend.

You can help by calling the Lawyers' Assistance Program, Inc. (LAP) and discussing the situation with one of LAP's trained volunteers who are all lawyers and judges themselves. LAP is the organization formed by the Illinois State and Chicago Bar Associations to aid lawyers.

LAP's activity is *wholly voluntary, wholly confidential*. The decision of the lawyer who chooses or does not choose to accept offered help will be held in strict privacy.

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NOTE: Enclosed with this mailing is an informational leaflet about the **Lawyer's Assistance Program**.