

ARDC



ATTORNEY
REGISTRATION
& DISCIPLINARY
COMMISSION

Annual Report of 2012

Attorney Registration & Disciplinary Commission

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ARDC Mission Statement

As an administrative agency of the Supreme Court of Illinois, the ARDC assists the Court in regulating the legal profession through attorney registration, education, investigation, prosecution and remedial action.

Through our annual registration process, we compile a list of lawyers authorized to practice law. We provide ready access to that list so that the public, the profession and courts may access lawyers' credentials and contact information.

We educate lawyers through seminars and publications to help them serve their clients effectively and professionally within the bounds of the rules of conduct adopted by the Court. We provide guidance to lawyers and to the public on ethics issues through our confidential Ethics Inquiry telephone service.

The ARDC handles discipline matters fairly and promptly, balancing the rights of the lawyers involved and the protection of the public, the courts and the legal profession. Grievances are investigated confidentially. Disciplinary prosecutions are adjudicated publicly and result in recommendations to the Court for disposition. Our boards consist of independent, diverse groups of volunteer lawyers and non-lawyers who make recommendations in disciplinary matters.

We advocate for restitution and other remedial action in disciplinary matters. We seek to provide reimbursements through our Client Protection Program to those whose funds have been taken dishonestly by Illinois lawyers who have been disciplined.



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

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Chicago
April 29, 2013

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 2012 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 activities of the Commission for calendar year 2012 and an accounting and audit of the monies received and expended during the twelve-month period that ended December 31, 2012.

Respectfully submitted,

Joan Myers Eagle, Chairperson
James R. Mendillo, Vice-Chairperson
Derrick K. Baker
Karen Hasara
Bernard M. Judge
Stuart R. Lefstein
David F. Rolewick, Commissioners

Jerome Larkin, Administrator
James J. Grogan, Deputy Administrator &
Chief Counsel

A Report of the Activities of the ARDC in 2012

I. Educational and Outreach Programs

The mission of the ARDC is to promote and protect the integrity of the legal profession, at the direction of the Supreme Court, through attorney registration, education, investigation, prosecution and remedial action. A significant part of the ARDC's activities is the education of Illinois lawyers and the public through seminars, publications and outreach on the ethical duties of lawyers. Education and outreach efforts are vital tools in the ARDC's efforts to help lawyers serve their clients effectively and professionally, avoid potential harm to clients and minimize possible grievances later. Those efforts include the following:

A. MCLE Accredited Seminars Sponsored by the Commission

ARDC, as an accredited MCLE provider in Illinois, produces recorded MCLE accredited webcasts, free of charge and available on the ARDC website, to provide professional responsibility training and ethics education to the profession. In 2012, more than 34,000 lawyers were able to earn up to seven hours of ethics and professionalism MCLE credit without charge from these webcasts. There are currently six recorded webcasts on the ARDC website, including two recordings posted in March 2013 - *New Trends in Lawyer Regulation: Illinois (Part I)* and *National (Part II)*. ARDC webcasts can be accessed at: <https://www.iardc.org/CLEseminars.html>.

B. Speaking Engagements

An important part of the ARDC's outreach efforts has been to offer experienced presenters to speak to lawyer and citizen groups. In 2012, ARDC Commissioners and staff members made 220 presentations to bar associations, government agencies, law firms, and other organizations. Presentations were made to more than 30 different county and regional bar associations in every area of the state on a variety of issues related to lawyer regulation and issues faced by practitioners. As a result of these efforts, many lawyers had the opportunity to meet with members of the ARDC to pose questions about the new trust account requirements. Attendees typically earned MCLE professional responsibility/ethics credit.

C. Ethics Inquiry Program

The Commission's Ethics Inquiry Program, a telephone inquiry resource, continues to serve Illinois attorneys each year who are seeking help in resolving ethical dilemmas. The goal of the Program is to help lawyers understand their professional obligations and assist them in resolving important issues in their practice.

In 2012, staff lawyers responded to 4,541 inquiries. Questions about a lawyer's mandatory duty to report lawyer or judicial misconduct under Rule 8.3 of the Illinois Rules of Professional Conduct continues to be the greatest area of inquiry posed to the Commission's Ethics Inquiry Program.

The top ten subjects of inquiry during 2012 included:

<u>Subject of Inquiry</u>	<u># of calls</u>
Duty to report misconduct	388
Confidentiality (present & former clients)	237
Handling client trust accounts	235
Conflicts (former clients)	160
Unauthorized practice of law by an attorney	160
Conflicts (multiple representation)	147
Termination of representation	120
Retention of client files & records.....	110
Communication with represented persons.....	106
Registration	102

Lawyers with inquiries are requested to present their questions in the hypothetical form, and callers may remain anonymous if they so choose. No record is made of the identity of the caller or the substance of the specific inquiry or response. To make an inquiry, please call the Commission offices in Chicago (312-565-2600) or Springfield (217-546-3523). Additional information about the Program can be obtained at: www.iardc.org/ethics.html.

D. Publications

Each year the Commission publishes and distributes free of charge thousands of copies of the rules governing Illinois lawyers as well as *The Client Trust Account Handbook*, which details a lawyer's duties under Rule 1.15. The Commission also annually publishes two booklets containing the new Rules: *Illinois Rules of Professional Conduct of 2010*, a 120-page booklet containing the new Rules, comments and a topical index; and *Rules Governing the Legal Profession and Judiciary in Illinois*, a 200-page booklet containing all the rules regulating the legal profession in Illinois, including the Illinois Code of Judicial Conduct and Illinois Supreme Court Rules on admission and discipline. More than 20,000 printed copies of the new Rules booklets were distributed to lawyers in 2012.

These publications as well two articles published in 2012 - *The Basic Steps to Ethically Closing a Law Practice* (October, 2012) and *Leaving a Law Firm: A Guide to the Ethical Obligations in Law Firm Departure* (October, 2012) - are available on the ARDC website at <https://www.iardc.org/pubs.html>.

E. Commission Website

The ARDC website (www.iardc.org), first launched in October 2001, continues to be a source of information regarding all aspects of the regulation of the legal profession in Illinois and recent developments affecting Illinois lawyers. The site attracts an average of 108,000 visits each month, and in 2012 the number of visits totaled more than 1.3 million.

In addition, the percentage of lawyers who registered on-line has increased significantly from 37% in 2009 to 72% for the 2012 registration year. The most visited feature is the Lawyer Search function. With over 2 million page views last year, this feature enables visitors to search the Master Roll for certain basic public registration information about lawyers, including principal address and public disciplinary information. The site also includes information about the ARDC investigative process and how to request an investigation, a schedule of public hearings and arguments on public disciplinary matters pending before the Hearing and Review Boards, and a searchable database of disciplinary decisions issued by the Supreme Court and reports filed by the disciplinary boards. Also available on the site is information

about the Client Protection Program and claim forms as well as information about the Ethics Inquiry Program, and links to other legal ethics research sites.

The ARDC regularly posts on the ARDC website and sends e-mails to members of the Illinois bar with information on important ethics and professionalism news and topics that impact a lawyer's ethical duties. Recent alerts include warning the profession on loan modification schemes and internet trust account frauds as well as information about a recent IRS regulation that impacts lawyers who accept debit and credit card payments that are deposited in client trust account. ARDC E-News Alerts can be found at: <https://www.iardc.org/E-NewsAlerts.html>.

F. Assistance to Public

In 2012, ARDC staff paralegals provided assistance to over 5,000 people who were seeking information about specific lawyers, ARDC investigations or procedures or were requesting help in preparing a request for an investigation or in making a claim to the Client Protection Program.

II. Registration Report

A. Master Roll Demographics

The 2012 Master Roll of Attorneys for the state of Illinois numbered 89,330 attorneys as of October 31, 2012. After that date, the Commission began the 2013 registration process, so that the total reported as of October 31, 2012 does not include the 2,203 attorneys who first took their oath of office in November or December 2012. The 2012 legal population in Illinois increased by a modest 1.6% over 2011. See Chart 24A, at Page 26. Chart 1 shows the demographics for the lawyer population in 2012

Chart 1: Age, Gender and Years in Practice for Attorneys Registered in 2012

Gender	
Female	36%
Male	64%
Years in Practice	
Fewer than 5 years	14%
Between 5 and 10 years	16%
Between 10 and 20 years	25%
Between 20 and 30 years	23%
30 years or more.....	22%
Age	
21-29 years old	6%
30-49 years old	50%
50-74 years old	41%
75 years old or older	3%

Chart 2 provides the breakdown by the registration categories set forth in Supreme Court Rule 756.

Chart 2: Registration Categories for 2012

Category	Number of Attorneys
Admitted between January 1, 2011, and October 31, 2012	2,908
Admitted between January 1, 2009, and December 31, 2010.....	5,230
Admitted before January 1, 2009.....	66,283
Serving active military duty.....	323
Serving as judge or judicial clerk	1,653
Birthday before December 31, 1936.....	1,411
In-House Counsel under Rule 716.....	398
Foreign Legal Consultant under Rule 713	15
Legal Service Program Counsel under Rule 717	4
Pro Bono Authorization under Rule 756(j).....	28
Inactive status	<u>11,077</u>
Total attorneys currently registered	89,330

Charts 3 and 4 show the distribution by Judicial District, Circuit and County of the 65,235 registered active and inactive attorneys who reported a principal address in Illinois. The distribution of the attorney population did not significantly change in 2012. Of the 102 Counties, 53 experienced a slight increase in the number of attorneys from 2011, 30 experienced a slight decrease and 19 remained the same. All of the Judicial Districts showed a slight increase. The Second Judicial District increased the most in 2012 at 2.0% followed by the Third Judicial District at 1.5%.

Chart 3: Registration by Judicial Districts: 2008-2012

	2008	2009	2010	2011	2012		2008	2009	2010	2011	2012
First District											
Cook County	43,761	43,653	44,668	45,035	45,690	Fourth District					
						5 th Circuit.....	249	252	250	257	260
						6 th Circuit.....	851	857	854	865	877
Second District						7 th Circuit.....	1,240	1,256	1,253	1,266	1,273
15 th Circuit.....	205	200	195	201	198	8 th Circuit.....	197	188	192	189	191
16 th Circuit.....	1,380	1,423	1,426	1,489	1,494	11 th Circuit.....	<u>662</u>	<u>649</u>	<u>659</u>	<u>655</u>	<u>669</u>
17 th Circuit.....	794	807	806	796	808	Total	3,199	3,202	3,208	3,232	3,270
18 th Circuit.....	4,075	4,142	4,185	4,246	4,373						
19 th Circuit.....	2,987	3,014	3,087	3,143	3,200						
22 nd Circuit	577	561	578	583	589						
Total	10,018	10,147	10,277	10,458	10,662	Fifth District					
						1 st Circuit.....	448	453	449	451	455
Third District						2 nd Circuit.....	291	288	296	308	306
9 th Circuit	191	187	189	192	192	3 rd Circuit	703	689	696	711	718
10 th Circuit.....	911	930	911	919	931	4 th Circuit.....	238	241	245	251	251
12 th Circuit.....	913	926	949	952	977	20 th Circuit.....	783	780	779	793	801
13 th Circuit.....	327	323	324	325	324	Total	2,463	2,451	2,465	2,514	2,531
14 th Circuit.....	503	506	495	495	499						
21 st Circuit.....	<u>156</u>	<u>149</u>	<u>152</u>	<u>154</u>	<u>159</u>	Grand Total	62,442	62,474	63,638	64,276	65,235
Total	3,001	3,021	3,020	3,037	3,082						

Another 24,095 attorneys reported an address outside Illinois but registered as either active (65%) and able to practice under the auspices of their Illinois license or inactive (35%). Lawyers reporting an address outside of Illinois account for 27% of all lawyers with an Illinois license. Those 24,095 attorneys with an out-of-state principal address are not included in Charts 3 and 4.

Chart 4: Registered Active and Inactive Attorneys by County for 2011-2012

<u>Principal Office</u>	<u>Number of Attorneys</u>		<u>Principal Office</u>	<u>Number of Attorneys</u>		<u>Principal Office</u>	<u>Number of Attorneys</u>	
	<u>2011</u>	<u>2012</u>		<u>2011</u>	<u>2012</u>		<u>2011</u>	<u>2012</u>
Adams.....	123.....	119	Hardin	4	6	Morgan	37.....	39
Alexander	8.....	7	Henderson	5	6	Moultrie.....	13.....	12
Bond	11.....	12	Henry	51	55	Ogle	52.....	51
Boone	52.....	52	Iroquois	23	22	Peoria.....	786.....	797
Brown	9.....	9	Jackson.....	200	201	Perry	20.....	23
Bureau	41.....	41	Jasper	8	8	Piatt.....	26.....	26
Calhoun	5.....	5	Jefferson.....	117	114	Pike.....	10.....	13
Carroll.....	14.....	15	Jersey	16	17	Pope.....	6.....	6
Cass	11.....	12	Jo Daviess	33	34	Pulaski	5.....	6
Champaign.....	549.....	554	Johnson	11	10	Putnam.....	9.....	8
Christian	41.....	41	Kane.....	1,197	1,205	Randolph	29.....	31
Clark.....	11.....	12	Kankakee	131	137	Richland.....	23.....	22
Clay	14.....	15	Kendall.....	102	104	Rock Island.....	353.....	351
Clinton.....	25.....	22	Knox	62	60	Saline.....	45.....	44
Coles.....	107.....	110	Lake	3,143	3,200	Sangamon	1,154.....	1,159
Cook	45,035.....	45,690	LaSalle.....	216	216	Schuyler.....	8.....	8
Crawford.....	25.....	25	Lawrence.....	14	14	Scott.....	4.....	4
Cumberland	10.....	11	Lee	38	37	Shelby.....	19.....	18
DeKalb	189.....	185	Livingston.....	44	47	St. Clair.....	690.....	689
DeWitt.....	19.....	19	Logan	30	29	Stark	7.....	6
Douglas.....	22.....	23	Macon	234	243	Stephenson.....	64.....	61
DuPage.....	4,246.....	4,373	Macoupin.....	39	40	Tazewell	108.....	109
Edgar	20.....	18	Madison	701	706	Union.....	29.....	28
Edwards.....	5.....	5	Marion.....	45	46	Vermilion.....	109.....	109
Effingham.....	50.....	48	Marshall.....	9	11	Wabash.....	16.....	16
Fayette	23.....	24	Mason.....	11	11	Warren	21.....	20
Ford	14.....	14	Massac.....	17	17	Washington.....	19.....	23
Franklin	63.....	59	McDonough	45	47	Wayne.....	12.....	13
Fulton	41.....	42	McHenry	583	589	White	13.....	12
Gallatin.....	6.....	7	McLean.....	544	554	Whiteside.....	83.....	84
Greene	17.....	14	Menard.....	12	14	Will.....	952.....	977
Grundy.....	68.....	67	Mercer.....	8	9	Williamson.....	130.....	136
Hamilton.....	10.....	13	Monroe.....	34	35	Winnebago.....	745.....	756
Hancock.....	18.....	17	Montgomery.....	26	29	Woodford.....	23.....	25

B. Mandatory Disclosures in Annual Registration

Since 2007, lawyers must report *pro bono*, trust account and malpractice insurance information during the annual registration process as required by Supreme Court Rule 756. Pursuant to Supreme Court Rule 756(g), a lawyer is not registered if the lawyer fails to provide any of this information. The information reported by individual attorneys concerning voluntary *pro bono* service and trust accounts is confidential under Supreme Court Rule 766 and is not reported as part of a lawyer’s individual listing under “Lawyer Search” on the ARDC website (www.iardc.org). However, malpractice insurance information is shown in the Lawyer Search section of the ARDC website along with each lawyer’s public registration information. The aggregate reports received for the 2012 registration year regarding *pro bono* activities, trust accounts and malpractice insurance are presented below.

1. Report on Pro Bono Activities in 2012 Registration

Under Supreme Court Rule 756(f), Illinois lawyers are required to report voluntary *pro bono* service and monetary contributions on their registration form. While *pro bono* service and contributions are voluntary, the required report serves as an annual reminder to Illinois lawyers that *pro bono* legal service is an integral part of lawyers' professionalism. See IRPC (2010), Preamble, Comment [6A]. 30,320 attorneys reported that they had provided *pro bono* legal services, as defined by Rule 756, or 33.9% of Illinois lawyers, a 0.1% increase over 2011. While those lawyers reported a total of 2,142,527 *pro bono* legal service hours, a decrease of 4.9% as compared to 2011, three out of the last five years saw a steady

increase in the provision of *pro bono* service hours since 2008. 59,010 attorneys reported that they had not provided *pro bono* legal services, 9,073 of whom indicated that they were prohibited from providing *pro bono* legal services because of their employment.

Chart 5A provides a five-year breakdown of the *pro bono* hours reported under Rule 756. The reported information does not include hours that legal service or government lawyers provide as part of their employment.

Chart 5A: Report on Pro Bono Hours (2008-2012)

	2008	2009	2010	2011	2012
Type of Pro Bono Services	Service Hours				
Legal services to persons of limited means	1,102,907	1,113,778	1,238,967	1,207,199	1,130,480
Legal services to enumerated organizations designed to address needs of persons of limited means	301,680	375,260	365,371	365,197	355,062
Legal services to enumerated organizations in furtherance of their purposes	714,308	660,022	673,051	634,164	605,505
Training intended to benefit legal service organizations or lawyers providing <i>pro bono</i> services	73,450	47,981	51,381	48,464	54,480
TOTAL:	2,192,345	2,197,041	2,328,770	2,255,024	2,142,527

Despite a sluggish economy, the percentage of lawyers making monetary contributions in 2012 increased slightly to 18% of all Illinois lawyers as compared to 17.4% in 2011, and the total amount contributed in 2012 increased by about 3% over 2011. Chart 5B provides a breakdown of monetary contributions for the same five-year period. In 2012, 16,120 lawyers reported that they made contributions to organizations that provide legal services to persons of limited means. Not reflected in this chart is the fact that all Illinois lawyers contribute to the funding of legal aid through the \$42 portion of the annual registration fee that is remitted the Lawyers Trust Fund of Illinois as well as the contributions lawyers have made to other charitable and not-for-profit organizations.

Chart 5B: Monetary Contributions to Pro Bono Service Organizations (2008-2012)

	2008	2009	2010	2011	2012
Amount Contributed	\$14,779,088	\$14,901,582	\$15,266,660	\$15,419,130	\$15,919,963
Number of lawyers who made contributions	13,929	14,156	14,985	15,318	16,120

For the 2012 registration year, \$2,826,652 was remitted to the Lawyers Trust Fund. A total of \$26,153,800 has been remitted to the Lawyers Trust Fund since the 2003 registration year, the first year the ARDC began collection and remittance of this fee as provided in Supreme Court Rules 751(e)(6) and 756(a)(1).

2. Report on Trust Accounts in 2012 Registration

Supreme Court Rule 756(d) requires all Illinois lawyers to disclose whether they or their law firm maintained a trust account during the preceding year and to disclose whether the trust account was an IOLTA (Interest on Lawyer Trust Account) trust account, as defined in Rule 1.15(f) of the Rules of Professional Conduct. If a lawyer did not maintain a trust account, the lawyer is required to disclose why no trust account was maintained.

Chart 6A sets forth the responses received from the 89,330 lawyers who were registered for 2012. Approximately 50% of the lawyers reported that they or their law firm maintained a trust account sometime during the preceding 12 months. Of those who reported that they or their law firm did not maintain a trust account, nearly half explained that they were prohibited from an outside practice, because of their full-time employment in a corporation or governmental agency.

Chart 6A: Trust Account Disclosure Reports in 2012 Registration

A. Lawyers with Trust Accounts:	45,223
80.2% with IOLTA trust accounts	
19.8% with non-IOLTA trust accounts	
B. Lawyers without Trust Accounts:	44,107
Full-time employee of corporation or governmental agency (including courts) with no outside practice	21,324
Not engaged in the practice of law	10,971
Engaged in private practice of law (to any extent), but firm handles no client or third party funds	9,282
Other explanation	2,530

3. Report on Malpractice Insurance

Supreme Court Rule 756(e) requires Illinois lawyers to report whether they carry malpractice insurance coverage and, if so, the dates of coverage. Only sitting judges or magistrates who are exempt from paying a registration fee are exempt from this reporting requirement. The Rule does not require Illinois lawyers to carry malpractice insurance in order to practice law based upon their Illinois license. Chart 6B shows the aggregate number and percentage of lawyers who carry malpractice insurance as reported during the registration process. In 2012, 52.4% of all lawyers reported that they have malpractice insurance, representing a 0.1% decrease from 2011.

Chart 6B: Malpractice Disclosure Reports: 2008-2012

Lawyer Malpractice Insurance	2008	2009	2010	2011	2012
Yes	45,278 (53.9%)	45,498 (53.7%)	45,757 (52.8%)	46,107 (52.4%)	46,699 (52.3%)
No	38,630 (46.1%)	39,279 (46.3%)	40,900 (47.2%)	41,836 (47.6%)	42,631 (47.7%)

4. Report on Removals

Chart 7 shows the trend of removals from the Master Roll between 2007 and 2012.

After February 1 each year, attorneys are subject to removal from the Master Roll for failure to register. The experience has been that many attorneys later register and pay their fees and accrued penalties, and are therefore restored to the Roll. On February 27, 2012, the ARDC initially removed 2,713 fee paying attorneys who had not registered for the year 2012; however, by the end of the 2012 registration cycle on October 31, 2012, the number of fee paying attorneys who had still not registered dropped to 1,019 as set forth in Chart 7 below. For the 2011 registration year, 2,802 lawyers were initially removed, but ultimately, 1,186 remained removed from the Roll by the end of the 2011 registration year. On March 29, 2013, the ARDC removed from the Master Roll 1,939 fee paying attorneys for failure to register for the year 2013. This group represented those attorneys that had made no attempt to register for the year 2013. On April 5, 2013, the ARDC removed an additional 313 attorneys, representing those attorneys that had provided the required registration data but not the required registration fees. This second group was given an additional week to complete their registration requirements in recognition of the ongoing weak employment and economic environment. Thus, the total removals for 2013 amounted to 2,252 attorneys. As of April 8, 2013, 2,073 of these attorneys are still unregistered.

As for removals from the Master Roll for MCLE non-compliance, the number of lawyers removed continues to decrease each year. This is partly due to the combined efforts of the ARDC and the MCLE Board to educate lawyers regarding their MCLE obligations. As part of a two year cycle, the ARDC removed 210 fee paying attorneys for failure to comply with their MCLE requirements on January 6, 2012. This covered all attorneys with a last name between the letters N through Z. By the end of the 2012 registration cycle on October 31, 2012, 75 of these attorneys had still not complied with their MCLE requirements. The corresponding removal figures for 2011 were 366 and 133 respectively. On January 11, 2013, the ARDC removed 256 fee paying attorneys for failure to comply with their MCLE requirements. This covered all attorneys with a last name between the letters A through M. 45 of those attorneys have reported compliance as of February 25, 2013 and have been returned to the Master Roll.

Chart 7: Attorney Removals from the Master Roll: 2007 – 2012 Registration Years

<i>Reason for Removal</i>	2007	2008	2009	2010	2011	2012
Unregistered	429	961	1,132	1,034	1,186	1,019
Deceased	648	373	322	307	304	318
Retired	847	901	996	970	822	853
Disciplined	60	45	44	77	75	81
MCLE General Non-Compliance			327*	154	133	75
MCLE Basic Skills Non-Compliance		8**	52	26	20	18
Total	1,984	2,288	2,873	2,568	2,540	2,364

* 2008 was the first year for reporting MCLE General Compliance hours

**2007 was the first year for reporting MCLE Basic Skills hours

III. Report on Disciplinary and Non-Disciplinary Matters

A. Investigations Initiated in 2012

During 2012, the Commission docketed 6,397¹ investigations, a 3.9% increase over the prior year. This is the highest number of docketed investigations since 1996, and the second consecutive year increase. Much of the increase can be attributed to the addition of two new categories of investigations - client trust account notifications, which began in September 2011 with the adoption of the automatic overdraft notification rule, ILRPC 1.15(h), and the expansion of the ARDC's authority, beginning in January 2013 under new Supreme Court Rule 779, to investigate unauthorized practice of law allegations against nonlawyers and disbarred lawyers. The types of investigations docketed in 2012 are shown in Chart 8A below.

Chart 8A: Types of Investigations Docketed in 2012

Type of Investigation in 2012	
Disciplinary charge against IL lawyer	5,712
Overdraft of client trust account notification	421
Unauthorized Practice of Law	86
Disciplinary charge against out-of- state lawyer	59
Reciprocal	23
Receivership	9
Reopened investigations	87
TOTAL:	6,397

¹ This number also includes 87 investigations reopened in 2012 for further investigation.

Those 6,397 investigations involved charges against 4,287 different attorneys, representing about 4.8% of all registered attorneys. About 21.7% of these 4,287 attorneys were the subject of more than one investigation docketed in 2012, as shown in Chart 8B.

Chart 8B: Investigations Docketed in 2012

<i>Investigations per Attorney</i>	<i>Number of Attorneys</i>
1	3,358
2	602
3	176
4	66
5 or more	<u>85</u>
	Total: 4,287
<i>Gender</i>	<i>Years in Practice</i>
Female.....	Fewer than 5
Male	Between 5 and 10
	Between 10 and 20
	Between 20 and 30
	30 or more

Charts 9 and 10 report the classification of investigations docketed in 2012, based on an initial assessment of the nature of the misconduct alleged, if any, and the type of legal context in which the facts arose. Chart 9 reflects that more than half of all grievances related to client-attorney relations: neglect of the client’s cause (38%) and failure to communicate with the client (20%).

Chart 9: Classification of Charges Docketed in 2012 by Violation Alleged

<i>Type of Misconduct</i>	<i>Number*</i>	<i>Type of Misconduct</i>	<i>Number*</i>
Neglect.....	2,452	Not abiding by a client’s decision concerning the representation or taking unauthorized action on the client’s behalf	42
Failing to communicate with client, including failing to communicate the basis of a fee	1,248	Improper commercial speech, including inappropriate written or oral solicitation.....	41
Fraudulent or deceptive activity, including lying to clients, knowing use of false evidence or making a misrepresentation to a tribunal or non-client	756	Practicing in a jurisdiction where not authorized	31
Improper management of client or third party funds, including commingling, conversion, failing to promptly pay litigation costs or client creditors or issuing NSF checks	715	Improper practice after failure to register under Rule 756	29
Excessive or improper fees, including failing to refund unearned fees	658	Threatening criminal prosecution or disciplinary proceedings to gain advantage in a civil matter	26
Filing frivolous or non-meritorious claims or pleadings	455	<i>Ex parte</i> or improper communication with judge or juror.....	18
Failing to properly withdraw from representation, including failing to return client files or documents	311	Improper division of legal fees/partnership with nonlawyer.....	17
Conduct prejudicial to the administration of justice, including conduct that is the subject of a contempt finding or court sanction	286	Failing to report misconduct of another lawyer or judge.....	16
Criminal activity, including criminal convictions, counseling illegal conduct or public corruption	254	Failing to comply with Rule 764.....	8
Failing to provide competent representation	208	Failing to cooperate with or false statement to disciplinary authority	7
Conflict of Interest:.....	187	Improper extrajudicial statement.....	6
Rule 1.7: Concurrent conflicts	106	Violation of anti-discrimination statute or ordinance	6
Rule 1.8(a): Improper business transaction with client	15	Failing to maintain an appropriate attorney-client relationship with disabled client.....	5
Rule 1.8(b): Improper use of information	1	Bad faith avoidance of student loan	5
Rule 1.8(c): Improper gift from client.....	2	False statements about a judge, judicial candidate or public official	4
Rule 1.8(d): Financial assistance to client.....	1	Incapacity due to chemical addiction or mental condition.....	4
Rule 1.8(e): Improper financial assistance to client	7	Improper employment where lawyer may become a witness	4
Rule 1.8(f): Improper agreement limiting lawyer’s liability.....	1	Failing to pay child support	2
Rule 1.8(g): Improper settlement of claim against lawyer.....	1	Failing to report criminal conviction.....	1
Rule 1.8(i): Improper propriety interest in client matter.....	3	Investigation of bar applicant.....	1
Rule 1.8(j): Improper sexual relations with client	8	Abuse of public office to obtain advantage for client.....	1
Rule 1.9: Successive conflicts	34	Failing to cease practice in area after sale of practice	1
Rule 1.10: Imputed conflict	7	Judicial candidate’s violation of Judicial Code	1
Rule 1.11: Former public lawyer	1	Failing to preserve information of prospective client.....	1
Rule 1.12: Former judge, arbitrator or mediator	1	No misconduct alleged.....	228
Rule 1.13: Organizational client	1		
Aiding a nonlawyer in the unauthorized practice of law	182		
Failing to supervise subordinates	74		
Prosecutorial misconduct	71		
Failing to preserve client confidences or secrets	55		
Improper communications with a party known to be represented by counsel or with an unrepresented person.....	53		
Improper trial conduct, including using means to embarrass, delay or burden another or suppressing evidence where there is a duty to reveal	46		

*Totals exceed the number of requests for investigations docketed in 2012 because in many requests more than one type of misconduct is alleged.

Consistent with prior years, the top subject areas most likely to lead to a grievance of attorney misconduct are criminal law, domestic relations, tort, and real estate, as shown in Chart 10.

Chart 10: Classification of Charges Docketed in 2012 by Subject Area

<i>Area of Law</i>	<i>Number</i>
Criminal/Quasi-Criminal	1,523
Domestic Relations	844
Tort (Personal Injury/Property Damage)	697
Real Estate/Landlord-Tenant	580
Probate	290
Labor Relations/Workers' Comp	254
Contract.....	224
Bankruptcy.....	200
Debt Collection	166
Immigration	144
Corporate Matters	90
Civil Rights	82
Local Government Problems	60
Tax	28
Patent and Trademark	19
Social Security	18
Adoption	5
No Area of Law Identified:	
Criminal Conduct/Conviction of Attorney ...	136
Personal misconduct	23
Other	34
Undeterminable	186

B. Investigations Concluded in 2012

If an investigation does not reveal sufficiently serious, provable misconduct, the Administrator will close the investigation. If an investigation produces evidence of serious misconduct, the case is referred to the Inquiry Board, unless the matter is filed directly with the Supreme Court under Rules 757, 758, 761, 762(a), or 763. The Inquiry Board operates in panels of three, composed of two attorneys and one nonlawyer, all appointed by the Commission. An Inquiry Board panel has authority to vote a formal complaint if it finds sufficient evidence to support a charge, to close an investigation if it does not so find, or to place an attorney on supervision under the direction of the

panel pursuant to Commission Rule 108. The Administrator cannot pursue formal charges without authorization by an Inquiry Board panel.

About 4.3% of investigations concluded in 2012 resulted in the filing of formal charges. Charts 11 and 12 show the number of investigations docketed and concluded from 2008 to 2012, and the type of actions that terminated the investigations in 2012.

Chart 11: Investigations Docketed: 2008-2012

Year	Pending January 1st	Docketed During Year*	Concluded During Year	Pending December 31st
2008	1,814	5,897	6,127	1,584
2009	1,584	5,834	5,551	1,867
2010	1,867	5,617	5,626	1,858
2011	1,858	6,155	5,977	2,036
2012	2,036	6,397	6,611	1,822

* includes reopened investigations

Chart 12: Investigations Concluded in 2012

Concluded by the Administrator:

Closed after initial review..... 1,649
(No misconduct alleged)

Closed after investigation 4,598

Filed at Supreme Court pursuant to
Supreme Court Rules 757, 758(b), 761,
762(a), 763 and 774 12

Concluded by the Inquiry Board:

Closed after panel review 75

Complaint or impairment petition voted... 273

Closed upon completion of conditions
of Rule 108 supervision 4

Total..... 6,611

1. Timeliness of Investigations Concluded in 2012

Of the 6,611 investigations concluded in 2012, 6,259 were concluded by the Administrator. Charts 13A through C show the average number of days that the 6,259 investigations concluded in 2012 were pending before either being closed or filed in a formal action. In keeping with the Commission’s policy that disciplinary matters be handled expeditiously, codified in Commission Rule 1, Charts 13A through C show the time periods required to conclude investigations. Chart 13A shows that 1,649, or 26.3%, of the 6,259 investigations concluded in 2012 were closed after an initial review of the complainant’s concerns. More than 96% of these 1,649 investigations were concluded within 60 days of the docketing of the grievance. The six staff lawyers who make up the Intake division of the Administrator’s staff review most incoming grievances and perform the initial inquiry into the facts to determine whether the written submissions from complainants, read liberally, describe some misconduct by a lawyer. Generally, closures made after an initial review are completed without asking the lawyer to respond, although the lawyer and complainant are typically apprised of the determination.

Chart 13A

1,649 Investigations Closed After Initial Review in 2012			
<i>Average Number of Days Pending Prior to Closure:</i>			
Fewer than 10 days	10 - 20 days	21 - 60 days	More than 60 days
1,238 (75.1%)	71 (4.3%)	281 (17.0%)	59 (3.6%)

In the remaining 4,610 investigations closed in 2012 by the Administrator, the staff determined that an investigation was warranted, and, in most cases, these investigations began with a letter from Intake counsel to the lawyer named in the grievance, enclosing a copy of the complainant’s submission and asking the lawyer to submit a written response. The lawyer’s written response was usually forwarded for comment to the complainant, and the file was reviewed by Intake counsel after the complainant’s reply was received or past due. If, at that stage, the submissions and any back-up documentation obtained demonstrated that the lawyer did not violate professional conduct rules, or at least that a violation could not be proved, Intake counsel closed the file. If counsel determined that further investigation was warranted, the file was reassigned to Litigation counsel who primarily handles investigations that require more extensive investigation or are likely to lead to formal proceedings.

Chart 13B shows that for the 4,610 investigations closed after a determination to conduct an investigation was made, 3,161, or 69%, were closed by Intake counsel, with 81% of those investigations closed within 90 days of receipt. Chart 13C indicates that 1,449, or 31%, were closed by Litigation counsel and over 40% of the files referred to Litigation counsel were closed within six months. Investigations referred to Litigation counsel are more extensive and time consuming, in order to determine if the filing of formal action is warranted.

Chart 13B

3,161 Investigations Concluded in 2012 by the Intake Staff After Investigation			
<i>Average Number of Days Pending Prior to Closure:</i>			
Fewer than 90 days	Between 90 – 180 days	Between 180 - 365 days	More than 365 days
2,561 (81.0%)	484 (15.3%)	90 (2.9%)	26 (0.8%)

Chart 13C

1,449 Investigations Concluded in 2012 by the Litigation Staff After Investigation			
<i>Average Number of Days Pending Prior to Closure:</i>			
Fewer than 90 days	Between 90 - 180 days	Between 180 - 365 days	More than 365 days
282 (19.5%)	309 (21.3%)	373 (25.7%)	485 (33.5%)

How long it takes before an investigation is resolved is influenced by whether the lawyer has addressed all concerns raised during the investigation, whether other sources are cooperating with the ARDC’s requests for information, the complexity of the issues, and the amount of information and documents that ARDC counsel must review. The Commission implemented in 2012 a number of measures to ensure the timely resolution of investigations assigned to staff counsel. Litigation Chiefs meet regularly with litigation counsel and group managers in order to promote more thorough and timely investigations and conduct consultations with respect to investigations that exceed the one-year benchmark. Consultations also are required in advance of any referral of an investigation to the Inquiry Board and after the answer is filed before the Hearing Board and discovery is complete.

2. Oversight Review of Investigations Closed

Pursuant to Supreme Court Rule 751(e)(3), the Commission conducts a review of a representative sample of investigative matters concluded by the Administrator without reference to the Inquiry Board. The Commissioners have delegated the initial review to its Oversight Committee, which consists of 106 Inquiry and Hearing Board members as well as three former Board members (*see* back page). The Oversight Committee typically reviews about 5% of the investigations closed by the Administrator’s staff each year. The representative sample are of closed investigations selected by computer from two types of investigative closures: those closure decisions that the complaining witness has challenged (20%); and

those where no such challenge was received (80%). The Oversight review is a quality assurance analysis, not an appeal of the closure decision. The analysis provided by the Oversight Committee members is helpful to the Commission and Administrator in formulating approaches to the pending caseload. In 2012, the Oversight Committee reviewed 335 closed investigations, disagreeing with the decision to close in five investigations.

C. Disciplinary Prosecutions: Hearing Board Matters

Once an Inquiry Board panel authorizes the filing of charges, a formal complaint setting forth all allegations of misconduct pending against the attorney is filed, and the matter proceeds before a panel of the Hearing Board. The Hearing Board functions much like a trial court in a civil case, and each panel is comprised of three members, two lawyers and one nonlawyer, appointed by the Commission.

The Commission adopted in 2012 several changes to its rules and policies in order to facilitate fair and expeditious resolution of contested proceedings before the Hearing Board. *See* Pages 30-31. Upon filing of a complaint before the Hearing Board, staff counsel offers to produce on a voluntary basis all non-privileged file materials, including witness interview summaries prepared by Commission investigators (Com.R. 251). Motions to dismiss are no longer permitted in formal cases (Com.R. 235). A Hearing Board scheduling order is required (Com.R. 260) and efforts are made to schedule trials within six months from the filing of the complaint. Trial dates may not be continued upon motion of a party except upon extraordinary circumstances (Com.R. 272). If the allegations of a complaint are deemed admitted against a respondent-lawyer because of that lawyer's failure to answer the complaint and the lawyer then fails to appear at hearing, panels are beginning to take advantage of the option to use a short form default report as a cost-saving measure.

The Commission has hired an adjudication staff separate from the Administrator's office to provide legal assistance to the Hearing Board. Upon filing and service of the complaint, the case becomes public. The panel chair presides over pre-hearing matters. In addition to complaints alleging misconduct filed pursuant to Supreme Court Rule 753, and complaints alleging conviction of a criminal offense under Rule 761, the Hearing Board also entertains petitions for reinstatement pursuant to Rule 767, petitions for transfer to inactive status because of impairment pursuant to Rule 758, and petitions for restoration to active status pursuant to Rule 759.

Chart 14 shows the activity before the Hearing Board in 2012. There were 120 cases added to the Hearing Board's docket in 2012. Of those, 112 were initiated by the filing of a new disciplinary complaint, a 17% increase over the 96 disciplinary complaints filed in 2011. Chart 15 shows the demographics of the 112 lawyers who were the subject of a formal complaint in 2012.

Chart 14: Matters Before the Hearing Board in 2012

Cases Pending on January 1, 2012	138
Cases Filed or Reassigned in 2012:	
<i>Disciplinary Complaints Filed:*</i>	
➤ Rules 753, 761(d)	112
<i>Reinstatement Petitions Filed:</i>	
➤ Rule 767	7
<i>Remanded by Supreme Court for add'l. hearing on recommended sanction</i>	1
Total New Cases Filed or Reassigned	120
Cases Concluded During 2012	113
Cases Pending December 31, 2012	145

* The number of cases filed at Hearing is significantly lower than the number of matters voted by Inquiry, because multiple investigations against a particular attorney in which the Inquiry Board has voted a complaint are consolidated into a single complaint for purposes of filing at the Hearing Board.

Chart 15: Profile of Lawyers Charged in Disciplinary Complaints Filed in 2012

	# of Complaints Filed	% of Complaints Filed	% of Lawyer Population
Years in Practice			
Fewer than 5	2	2%	14%
Between 5 and 10	11	10%	16%
Between 10 and 20	33	29%	25%
Between 20 and 30	31	28%	23%
30 or more	35	31%	22%
Age:			
21-29 years old	0	0%	6%
30-49 years old	49	44%	50%
50-74 years old	57	51%	41%
75 or more years old	6	5%	3%
Gender:			
Female	16	14%	36%
Male	96	86%	64%

Chart 16 shows the types of misconduct alleged in the 112 disciplinary complaints filed during 2012, and Chart 17 indicates the areas of practice in which the alleged misconduct arose. The allegations of fraudulent or deceptive activity, failure to communicate and neglect of a client’s case, most frequently seen in initial charges as reported in Charts 9 and 10, are also among the most frequently charged in formal complaints.

Chart 16: Types of Misconduct Alleged in Complaints Filed Before Hearing Board in 2012

<i>Type of Misconduct</i>	<i>Number of Cases*</i>	<i>% of Cases Filed*</i>	<i>Type of Misconduct</i>	<i>Number of Cases*</i>	<i>% of Cases Filed*</i>
Fraudulent or deceptive activity	97	87%	Failure to report criminal conviction	5	5%
Failure to communicate with client	46	41%	Failure to supervise employees	5	5%
Improper handling of trust funds	40	36%	Improper commercial speech, including		
Neglect.....	33	29%	improper direct solicitation	5	5%
Criminal conduct/conviction of lawyer.....	27	24%	Inducing/assisting another to violate rules	4	4%
False statement or failure to respond			Breach of client confidences	3	3%
in bar admission or disciplinary matter	23	21%	False statements about judge's integrity.....	3	3%
Conflict of interest	18	16%	Improper partnership or division of fees		
Rule 1.7: concurrent conflicts	10		with non-lawyer	3	3%
Rule 1.8(a): improper business			Assisting nonlawyers in the		
transaction with client	4		unauthorized practice of law	3	3%
Rule 1.8: improper agreement limiting			Unauthorized practice after suspension.....	2	2%
or settling lawyer's liability	3		Practicing in a jurisdiction without authority ..	2	2%
Rule 1.9: successive conflicts	1		Breach of duties following discipline		
Offering false evidence or			under Rule 764	2	2%
making false statements to tribunal.....	18	16%	Improper withdrawal from employment.....	2	2%
Pursuing/filing frivolous or			Conduct intended to disrupt a tribunal	1	1%
non-meritorious claims or pleadings	15	13%	Furthering application of		
Excessive or unauthorized legal fees	14	13%	unqualified bar applicant	1	1%
Not abiding by client's decision or taking			Improper communication with		
unauthorized action on client's behalf	14	13%	represented person.....	1	1%
Misrepresentation to third persons or			Failure to maintain records required by		
using means to embarrass or delay.....	13	12%	Rule 769	1	1%
Failure to provide competent representation...	7	6%	Aiding judicial misconduct	1	1%
Assisting client in criminal or fraudulent					
conduct.....	6	5%			

* Totals exceed 112 disciplinary cases and 100% because most complaints allege more than one type of misconduct.

Chart 17: Subject Area Involved in Complaints Filed Before Hearing Board in 2012

<i>Subject Area</i>	<i>Number of Cases*</i>	<i>% of Cases Filed*</i>	<i>Subject Area</i>	<i>Number of Cases*</i>	<i>% of Cases Filed*</i>
Real Estate	29	26%	Criminal	6	5%
Deceptive, threatening or offensive conduct not			Debt Collection	6	5%
arising out of a legal representation	21	19%	Bankruptcy.....	5	5%
Tort	20	18%	Patent/Trademark.....	4	4%
Contract	14	13%	Workers' Comp/Labor Relations	4	4%
Probate.....	13	12%	Corporate Matters	3	3%
Domestic Relations	11	10%	Civil Rights.....	2	2%
Criminal Conduct/Conviction.....	10	9%	Immigration	2	2%
Professional Misconduct.....	9	8%	Tax	2	2%
			Local Government	1	1%

*Totals exceed 112 disciplinary complaints and 100% because many complaints allege several counts of misconduct arising in different areas of practice.

For matters that went to hearing before the Hearing Board in 2012, there were 107 hearings conducted over the course of 132 days. 39 cases or 36.8% were closed by the filing in the Supreme Court of a pleading as an agreed matter for discipline on consent, 52 cases or 48.6% proceeded as contested hearings and 16 cases or 15% were conducted as default hearings because the lawyer-respondent did not appear and was not represented by counsel. In default matters, the Hearing Board has started to use a short form default report, which issues within a day or two, after the hearing, and allows for the efficient disposition of these matters.

Chart 18 shows the type of action by which the Hearing Board concluded 113 matters, including 105 disciplinary cases during 2012.

Chart 18: Actions Taken by Hearing Board in Matters Terminated in 2012

A. Disciplinary Cases: Rules 753 & 761(d)	
Recommendation of discipline after contested hearing	40
Case closed by filing of petition for discipline on consent other than disbarment.....	36
Recommendation of discipline after default hearing	12
Case closed by filing of motion for disbarment on consent.....	7
Case closed by administration of a reprimand to respondent.....	3
Recommendation of dismissal after hearing	3
Complaint dismissed without prejudice	2
Case closed by death of respondent	2
Total Disciplinary Cases	105
B. Disability Inactive Status Petition: Rule 758	
Petition dismissed without prejudice	1
C. Restoration Petition: Rule 759	
Petition withdrawn.....	1
D. Reinstatement Petitions: Rule 767	
Recommendation of petition allowed	3
Recommendation of petition denied	2
Petition withdrawn.....	1
Total Matters Terminated.....	113

D. Review Board Matters

Once the Hearing Board files its report in a case, either party may file a notice of exceptions to the Review Board, which serves as an appellate tribunal. The Review Board is assisted by a legal staff hired by the Commission that is separate from the Administrator's office and the Hearing Board's adjudication staff. Chart 19 shows activity at the Review Board during 2012.

Chart 19: Actions Taken by Review Board in 2012

Cases pending on January 1, 2012	28
Cases filed during 2012:	
Exceptions filed by Respondent	15
Exceptions filed by Administrator.....	11
Exceptions filed by both.....	10
Total.....	36
Cases concluded in 2012:	
Hearing Board reversed on findings and/or sanction	21
Hearing Board affirmed.....	7
Notice of exceptions stricken	2
Notice of exceptions withdrawn	2
Total.....	32
Cases pending December 31, 2012	32

E. Supreme Court Matters

1. Disciplinary Cases

The Supreme Court has sole authority to sanction attorneys for misconduct, except for a reprimand, which can be imposed in a disciplinary case without order of the Court by either the Hearing or Review Board. In 2012, the Court entered 103 sanctions against 102 lawyers (one lawyer was disciplined twice in 2012). Chart 20 reflects the nature of the orders entered.

Chart 20: Disciplinary Sanctions Ordered by the Supreme Court in 2012

Disbarment.....	30
Suspension until further order of Court.....	12
Suspensions (2 to 4 years).....	5
Suspensions (6 months to 2 years).....	8
Suspension less than 6 months.....	13
Probation.....	17
Censure.....	15
Reprimand.....	3
Total	103*

*In addition to the 38 suspensions, the Court also ordered 7 interim suspensions, as reported in Chart 22 at (F) and (J).

Charts 21A and 21B provide demographic information on the 102 lawyers disciplined by the Court and three lawyers reprimanded by the Hearing Board in 2012. See Chart 18 on Page 20. Other than Board reprimands, the Hearing and Review Board issue reports that include recommendations to the Supreme Court for disposition.

Chart 21A: County of Practice of Lawyers Disciplined in 2012

County	Number Disciplined	County	Number Disciplined
Cook.....	44	Adams.....	1
Out-of-State.....	26	Christian.....	1
DuPage.....	8	Clark.....	1
Lake.....	7	DeKalb.....	1
Kane.....	2	Lee.....	1
Peoria.....	2	Madison.....	1
Sangamon.....	2	McHenry.....	1
Will.....	2	McLean.....	1
Winnebago.....	2	Saint Clair.....	1
		Tazewell.....	1

Chart 21B: Years in Practice, Age and Gender of Lawyers Disciplined in 2012

Years in Practice	# of Lawyers Disciplined	% of Lawyers Disciplined	% of Lawyer Population
Fewer than 5	0	0%	14%
Between 5 and 10	8	7%	16%
Between 10 and 20	29	28%	25%
Between 20 and 30	29	28%	23%
30 or more	39	37%	22%
Age:			
21-29 years old	0	0%	6%
30-49 years old	31	29%	50%
50-74 years old	68	65%	41%
75 or more years old	6	6%	3%
Gender:			
Female	16	15%	36%
Male	89	85%	64%

Chart 21C shows the practice setting around the time of the misconduct. 88% of the 105 lawyers disciplined in 2012 were sole practitioners or practiced in a firm of 2-10 lawyers at the time of the misconduct.

Chart 21C: Practice Setting of Lawyers Disciplined in 2012

Practice Setting	Solo	Firm 2-10	Firm 11-25	Firm 26+	Gov't/ Judicial	In-House	No Practice
105 Lawyers Sanctioned:	75	17	1	4	3	0	5

It is frequently seen in discipline cases that an attorney-respondent is impaired by addiction to alcohol or other substance or suffers some mental illness or disorder. Chart 21D reflects only those cases in which one or more impairments were raised either by the lawyer or otherwise known by staff counsel. 23 out of the 105 lawyers disciplined in 2012, or 22% had one or more substance abuse or mental impairment issues. In addition, 70% of impaired lawyers were sole practitioners or practiced in a small firm at the time of the misconduct. It is likely that many cases involving impaired lawyers are never so identified.

Chart 21D: Impairments Identified for Lawyers Disciplined in 2012, By Practice Setting

<i>Practice Setting</i>	<i>Solo</i>	<i>Firm 2-10</i>	<i>Firm 11-25</i>	<i>Firm 26+</i>	<i>Gov't/ Judicial</i>	<i>In-House</i>	<i>No Practice</i>
23 Lawyers w/Impairments	16	4	0	2	0	0	1
<i>Impairment</i>							
Substances:							
Alcohol	7	2	0	1	0	0	0
Cocaine	1	0	0	0	0	0	0
Cannabis	1	1	0	0	0	0	0
Other drugs	0	0	0	0	0	0	0
Mental Illness:							
Depression	7	1	0	2	0	0	1
Bipolar	1	1	0	0	0	0	0
Schizophrenia	0	0	0	0	0	0	1
Other	1	0	0	0	0	0	0
Gambling	0	1	0	0	0	0	0
Sexual Disorder	2	0	0	0	0	0	0
Cognitive Decline	2	0	0	0	0	0	0
Total % per Group	70%	17%	0%	9%	0%	0%	0.4%

Disciplinary cases reach the Court in several ways. Chart 22 reflects the disciplinary actions taken by the Supreme Court in the varying procedural contexts in which those matters are presented. There were a total of 17 lawyers disciplined on a reciprocal basis, as provided in Supreme Court Rule 763, because they had been disciplined in another jurisdiction where they also held a license in addition to their Illinois license. In those cases, the lawyer is subject to the same or comparable discipline in Illinois. The matters are presented directly to the Court upon petition, typically without Hearing Board involvement.

In addition, the Court allowed 16 consent disbarments on motions, nine of which were filed directly in the Court. The remainder of final disciplinary orders (94) arose from matters initiated by the filing of an action before the Hearing Board. 46.6% of the Court's orders in these original disciplinary actions involved consent petitions approved by the Hearing Board (27) or an agreed submission of the report of the Hearing Board (21). In addition to activity in disciplinary cases, the Supreme Court entertains pleadings in non-disciplinary matters that affect an attorney's status. In 2012, the Court allowed four motions for transfer to disability inactive status on consent.

Chart 22: Orders Entered by Supreme Court in Disciplinary Cases in 2012

<p>A. <u>Motions for disbarment on consent: Rule 762(a)</u> Allowed..... 16 Withdrawn without prejudice..... <u>1</u> Total 17</p>	<p>D. <u>Motions to approve and confirm report of Review Board: Rule 753(e)(6)</u> Allowed 8 Denied <u>0</u> Total 8</p>
<p>B. <u>Petitions for discipline on consent: Rule 762(b)</u> Allowed: Suspension 12 Suspension stayed in part, probation ordered 7 Suspension stayed in its entirety, probation ordered 2 Censure <u>5</u> Total 26 Denied 0 Total 26</p>	<p>E. <u>Motions to approve and confirm report of Hearing Board: Rule 753(d)(2)</u> Allowed 22 Denied <u>0</u> Total 22</p>
<p>C. <u>Petitions for leave to file exceptions to report and recommendation of Review Board: Rules 753(e)(1) and 761</u> Allowed and more discipline imposed than recommended by Review Board 4 Denied; dismissal as recommended by Review Board 2 Denied and same discipline imposed as recommended by Review Board 15 Allowed and same discipline imposed as recommended by Review Board 0 Allowed and less discipline imposed as recommended by Review Board <u>0</u> Total 21</p>	<p>F. <u>Petitions for interim suspension due to conviction of a crime: Rule 761(b)</u> Rule enforced and lawyer suspended 4 Rule discharged <u>1</u> Total 5</p>
	<p>G. <u>Petitions for reciprocal discipline: Rule 763</u> Allowed 17 Denied <u>0</u> Total 17</p>
	<p>H. <u>Petitions for reinstatement: Rule 767</u> Allowed with conditions 1 Denied 1 Petition withdrawn or stricken <u>2</u> Total 4</p>
	<p>I. <u>Motions to revoke probation: Rule 772</u> Allowed, probation revoked and respondent suspended 2 Denied <u>0</u> Total 2</p>
	<p>J. <u>Petitions for interim suspension: Rule 774</u> Rule enforced and lawyer suspended 3 Rule enforced and lawyer transferred to inactive status on interim basis <u>0</u> Total 3</p>

Chart 23 tracks the type of misconduct that led to the 106 sanctions entered in 2012, 103 by the Court and three Hearing Board reprimands administered in 2012.

Chart 23: Misconduct Committed in the 106 Disciplinary Cases Decided in 2012¹

Types of Misconduct	Number of Cases in Which Sanctions Were Imposed				
	Disbarment	Suspension ²	Probation ³	Censure	Reprimand ⁴
Total Number of Cases:	30	38	17	15	6
Fraudulent or deceptive activity	22	19	5	5	2
Neglect/lack of diligence	4	16	9	5	2
Criminal conduct/conviction of the lawyer	12	7	4	3	1
Failure to communicate with client, including					
failure to communicate basis of a fee	5	19	8	6	2
Improper management of client or third party					
funds, including commingling and conversion	7	6	4	1	0
Misrepresentation to clients to cover up neglect	2	9	5	1	0
Excessive or unauthorized legal fees,					
including failure to refund unearned fees	5	5	3	2	1
False statement or failure to respond in					
bar admission or disciplinary matter	6	5	2	1	0
Failure to provide competent representation	1	3	2	1	0
Offering false evidence, making false					
statements to a tribunal or improper trial conduct	1	5	1	4	1
Pursuing/filing frivolous or					
non-meritorious claims or pleadings	1	3	0	1	0
Not abiding by a client's decision concerning					
the representation or taking unauthorized					
action on the client's behalf	1	3	0	0	0
Improper withdrawal, including					
failure to return file	3	2	3	1	1
Conflict of interest (1.7: concurrent clients)	2	5	0	1	1
Conflict of interest (1.8(a): improper business					
transaction with client)	3	0	0	0	1
Conflict of interest (1.8(c): improper gift from client)	0	2	0	1	0
Conflict of interest (1.8(d): improper financial					
assistance to client	0	0	2	1	0
Conflict of interest (1.8(h)-(g) & 8.4(h):					
improperly limiting lawyer's liability	0	4	2	0	0
Counseling/assisting a client in criminal or					
fraudulent conduct	0	2	0	1	0
Failure to supervise subordinates	2	1	0	2	0
Failure to report conviction	1	1	0	0	1
Failure to report discipline in another jurisdiction	1	0	0	0	0
Misrepresentation to third persons	1	1	0	1	0
Improper commercial speech, including inappropriate					
written or oral solicitation	0	1	1	1	0
Breach of client confidences	0	0	1	0	0
Unauthorized practice in jurisdiction not admitted	1	0	0	0	0
Judicial candidate's violation of Judicial Code	0	1	0	0	0
False statement about a judge or public official	0	1	0	0	0
Assisting nonlawyer in the unauthorized practice					
of law or improper division of fees/partnership	3	2	0	2	0
Practice after failure to register	0	1	0	1	1
Practice after removal for noncompliance w/MCLE	0	1	0	0	0
Practice during period of suspension	1	2	0	1	0
Practice after retirement	0	0	0	1	0
Improper solicitation or advertising	1	0	0	0	0
Failure to maintain records under Rule 769	0	1	0	0	0
Prosecutorial misconduct	0	0	0	1	0
<i>Ex parte</i> or improper communication with					
judge or juror	0	0	0	2	0
Bad faith avoidance of student loan	0	0	1	0	0

1 Totals exceed 106 cases because in most cases more than one type of misconduct was found.
2 Includes 30 suspensions for a specified period or until further order of the Court and 8 suspensions with conditions.
3 Includes 9 suspensions stayed entirely by probation and 8 suspensions stayed in part by probation.
4 Includes 3 Hearing Board reprimands.

2. Registration and Caseload Trends (1998-2012)

Charts 24A and 24B show the registration and caseload trends for the past fifteen years.

Chart 24A: Registration Growth and Disciplinary Investigations (1998-2012)

	Number of Registered Attorneys	% of Growth Over Prior Year	Investigations Docketed	Closure By Administrator No Misconduct Alleged	Closure By Administrator After Investigation	Closure By Inquiry Board After Investigation	Complaint Voted By Inquiry Board*
1998	72,149	2.5%	6,048	1,352	4,414	58	272
1999	73,514	1.9%	5,877	1,131	4,268	69	231
2000	73,661	0.2%	5,716	1,146	4,319	87	224
2001	74,311	0.9%	5,811	1,077	4,318	55	273
2002	75,421	1.5%	6,182	1,350	4,360	96	334
2003	76,671	1.7%	6,325	1,396	4,332	61	353
2004	78,101	1.9%	6,070	1,303	4,539	90	320
2005	80,041	2.5%	6,082	1,460	4,239	102	317
2006	81,146	1.4%	5,801	1,319	4,076	76	215
2007	82,380	1.5%	5,988	1,508	4,117	125	279
2008	83,908	1.9%	5,897	1,441	4,305	104	228
2009	84,777	1.0%	5,834	1,322	3,891	79	226
2010	86,777	2.2%	5,617	1,354	3,914	50	271
2011	87,943	1.3%	6,155	1,405	4,293	83	156
2012	89,330	1.6%	6,397	1,649	4,598	75	273

*Totals are higher than number of complaints filed because a complaint may be based on more than one investigation.

Chart 24B: Disciplinary Proceedings (1998-2012)

	Matters Filed With Hearing Board	Matters Concluded at Hearing Board	Matters Filed With Review Board	Matters Concluded at Review Board	Sanctions Ordered By Court
1998	141	139	31	28	138
1999	123	112	28	24	116
2000	119	116	29	32	120
2001	137	129	28	28	123
2002	131	122	36	30	126
2003	141	125	35	30	137
2004	156	170	45	41	149
2005	144	134	28	47	167
2006	108	132	25	23	144
2007	144	121	32	29	120
2008	134	137	31	26	135
2009	137	135	30	31	130
2010	122	115	27	32	148
2011	106	147	35	31	156
2012	120	113	36	32	103

F. Duty to Report Lawyer Misconduct: Lawyer Reports: 2003-2012

The Illinois Supreme Court's opinion in *In re Himmel*, 125 Ill.2d 531, 533 N.E.2d 790 (1988), established that an attorney's failure to report his unprivileged knowledge of another attorney's serious wrongdoing warranted a suspension from the practice of law. Since the *Himmel* decision, the Illinois ARDC has received more than 12,000 reports filed by lawyers and judges against members of the Illinois bar. (See *2007 Annual Report of the ARDC*, pages 25-27, for a twenty-year history of *Himmel* reporting statistics.) In 2012, there were 651 reports made, the most since 1990. Although investigations opened as a result of attorney reporting are usually concluded without the filing of formal disciplinary charges, an average of 22.1% of the formal disciplinary caseload between 2003 and 2012 included charges generated as a result of a lawyer or judge filing an attorney report. Since 2007, the number of attorney reports resulting in formal complaints has increased significantly and in 2012, 31.5% of all formal complaints voted in 2012, the most ever, were the result of attorney reports.

Chart 25 tracks attorney report filings for the past ten years from 2003 through 2012.

Chart 25: Attorney Reports: 2003-2012

Year	Number of Grievances	Numbers of Attorney Reports	Percent of Attorney Reports to Grievances	Number of Complaints Voted	Number of Complaints Voted Involving Attorney Reports	Percent of Attorney Reports to Formal Complaints
2003	6,325	510	8.1%	353	44	12.5%
2004	6,070	503	8.3%	320	42	13.1%
2005	6,082	505	8.3%	317	47	14.8%
2006	5,800	435	7.5%	217	35	16.1%
2007	5,988	525	8.8%	284	82	28.9%
2008	5,897	542	9.1%	228	69	30.2%
2009	5,837	489	7.7%	226	60	26.5%
2010	5,617	497	8.8%	271	73	26.9%
2011	6,155	536	8.7%	156	33	21.2%
2012	6,397	651	10.2%	273	86	31.5%
Totals for 2003-2012	60,168	5,193	8.6%	2,645	571	22.1%
Average For 2003-2012	6,017	519	8.6%	265	57	22.2%

G. Overdraft Trust Account Notification Investigations

Chart 26 shows the first full year of activity for investigations resulting from client trust account overdraft notifications after the rule took effect in September 2011. 421 investigations were opened in 2012, 311 were closed as of December 31, 2012, and 110 were pending on January 1, 2013. Two formal complaints were filed as a result of overdraft notification. On average 35 files are docketed each month and most are closed after the ARDC is satisfied that the lawyer understands what is required under Rule 1.15 and that the lawyer has implemented the recordkeeping requirements of Rule 1.15. The ARDC

directs lawyers to review the ARDC publication, *Client Trust Account Handbook*, as well as view a recorded, one-hour webcast on the requirements of Rule 1.15. Lawyers are also referred to sample recordkeeping forms on the ARDC website.

Chart 26: Overdraft Notification Investigations

<i>Overdraft Notification Investigations in 2012</i>	
Opened	421
Closed	311
Pending on 1/1/13	110
Formal Complaints Filed in 2012	2

The top ten causes for an overdraft in the client trust account are:

1. Trust account check issued against uncollected funds;
2. Deposited item is returned;
3. Failure to timely make deposits;
4. Failure to account for bank fees;
5. On-line computer banking errors;
6. Telephone banking errors;
7. Using the trust account for personal, not client trust, purposes;
8. Lawyer math errors;
9. Using the wrong check book; and
10. Bank error.

H. Unauthorized Practice of Law Investigations

As of December 2011, the ARDC has the authority under Supreme Court Rule 779 to investigate and bring complaints against disbarred lawyers and unlicensed persons for the unauthorized practice of law (UPL). Supreme Court Rule 779(a) provides that the ARDC shall commence UPL proceedings against a suspended Illinois lawyer or a lawyer from another U.S. jurisdiction by filing a disciplinary complaint before the Hearing Board and proceeding as Supreme Court Rule 753 directs. Supreme Court Rule 779(b) provides that proceedings against disbarred Illinois lawyers and unlicensed persons shall take place in the circuit court in which venue is proper under the Code of Civil Procedure or other applicable statute. It empowers the ARDC to begin those proceedings as civil or contempt actions pursuant to the Supreme Court's rules, its inherent authority over the practice of law, or other laws of the state related to the unauthorized practice of law.

In 2012, there were 86 investigations opened involving UPL charges against 81 individuals or entities - 55 involved nonlawyers, 20 involved out-of-state lawyers and 2 involved disbarred or suspended Illinois lawyers. Six complaints were filed in circuit court in 2012, 5 against unlicensed persons and one against a disbarred Illinois lawyer. Chart 27 shows the areas of law out of which the allegations arose.

Chart 27: Area of Law Involved in UPL Investigations in 2012

<i>Subject Area</i>	<i>Number of Investigations*</i>	<i>Subject Area</i>	<i>Number of Investigations*</i>
Real Estate.....	20..... 23%	Tax.....	4 5%
Immigration.....	11..... 13%	Debt Collection.....	4 5%
Criminal.....	11..... 13%	Bankruptcy.....	3 3%
Domestic Relations.....	10..... 12%	Corporate	2 2%
Contract.....	6..... 7%	Workers' Comp.....	2 2%
Probate.....	6 7%	Local Government	1 1%
Tort.....	6..... 7%		

IV. New or Amended Rules for the Legal Profession in 2012

A. Supreme Court Rules

1. *New Supreme Court Rule 718 Provision of Legal Services Following Determination of Major Disaster* (Adopted April 4, 2012, eff. immediately).

On April 4, 2012, the Illinois Supreme Court adopted new Supreme Court Rule 718 *Provision of Legal Services Following Determination of Major Disaster*, effective immediately, to facilitate the delivery of legal services in an emergency resulting from a major disaster, such as earthquakes, floods, tornadoes, public health emergencies, and acts of terrorism or war. In the case of an Illinois disaster, new Supreme Court Rule 718 would allow attorneys who are licensed in another state to provide *pro bono* legal services to residents of Illinois. In the event of a disaster in another state, the rule would allow attorneys licensed outside of Illinois to provide *pro bono* legal services to residents of the stricken state who have been displaced to Illinois because of the disaster. The rule also would allow attorneys licensed in a stricken state to provide legal services in Illinois as long as those legal services arise out of and are reasonably related to the lawyers' practice of law where the major disaster occurred.

Known as the "Katrina Rule," the rule is triggered when the Illinois Supreme Court determines that an emergency or other major disaster affecting the justice system has occurred. Attorneys practicing in Illinois pursuant to the new rule would not be allowed to make court appearances in Illinois unless that permission was generally granted by the Illinois Supreme Court in the aftermath of the disaster or *pro hac vice* admission was obtained in an individual lawsuit. *Pro bono* legal services under the rule must be provided without compensation or the expectation of compensation and assigned or supervised through an established not-for-profit legal services organization, bar association, or *pro bono* program.

2. *Amended Supreme Court Rule 756 Registration and Fees* (Amended Nov. 28, 2012, eff. immediately).

On November 28, 2012, the Illinois Supreme Court amended Supreme Court Rule 756(a)(1) to increase the registration fee from \$289 to \$342. The fee increase is to be remitted to the Lawyers Trust Fund to fund civil legal services for the poor. Supreme Court Rule 756(a)(4) was also amended to clarify the exemption to the registration fee rule as including lawyers employed with any office included within the Supreme Court budget that assists the Supreme Court in its adjudicative responsibilities, provided that the attorney is prohibited from actively engaged in the practice of law.

3. ***Amended Supreme Court Rule 756(a)(9): Permanent Retirement Status*** (Amended June 5, 2012, eff. immediately).

On June 5, 2012, Supreme Court Rule 756(a)(6) was amended, effective immediately, to allow lawyers facing minor misconduct charges to petition the Court for permanent retirement status — with no possibility of reinstatement. The rule change is in response to the challenges presented by an increasing population of aging lawyers and provides a reasonable and dignified option for senior lawyers who should retire from the practice of law while preserving their dignity and hard-earned reputations. Permanent retirement status cannot be used for serious violations that would ordinarily result in a suspension, but is available to lawyers whose conduct does not require a disciplinary sanction. The ARDC Administrator must agree to the petition. An attorney is not permitted to assume permanent retirement status if there is a formal disciplinary proceeding pending against the lawyer or if there are any open investigations involving certain issues outlined in Rule 756(9)(B)(2). If permanent retirement status is granted, any pending investigations shall be closed; however, a closed investigation or a new investigation can be opened if circumstances warrant.

B. ARDC Commission Rules and Policies

1. ***Amended Commission Rules on Practice Before the Hearing Board*** (Amended, eff. Sept. 1, 2012).

The Commission formed the ARDC Practices and Procedures Committee to review and make recommendations for changes to Commission rules, policies and practices as they relate to contested matters before the Hearing Board. The goal is to ensure fair, thorough and speedy dispositions of formal disciplinary matters. The Commission adopted in 2012 the following changes to the Commission Rules, which apply to cases filed on or after September 1, 2012.

- ***Amended Commission Rule 235 Motions*** - To facilitate the development of a full evidentiary record in matters other than default proceedings, dispositive motions such as those seeking summary judgment or dismissal prior to completion of the evidentiary record on charges shall not be permitted.
- ***Amended Commission Rule 251 Discovery*** - The Administrator and the respondent shall be entitled to a work product privilege for materials prepared by their respective counsel or counsel's agents; however, the privilege does not extend to those portions of memoranda of investigators and paralegals that provide the investigator's or paralegal's summary of the statements of those interviewed and other factual information. The disclosure or production of information or materials to a respondent, petitioner, or the Administrator during an investigation or proceeding does not constitute subject matter waiver of the party's work product privilege.
- ***Amended Commission Rule 260 Prehearing Conferences*** - For complaints filed pursuant to Supreme Court Rules 753 or 761, the Chair shall enter a scheduling order, as soon as practicable, establishing dates including a discovery cut-off date and a hearing date.
- ***Amended Commission Rule 272 Continuances*** - No hearing shall be continued at the request of a party except under extraordinary circumstances. Engagement of counsel shall not be deemed an extraordinary circumstance.

2. *New Commission Rule 4 Terms Limits for the Appointment of Board Member* (Adopted January 2, 2013, eff. February 28, 2013).

On January 2, 2013, the Commission adopted new Rule 4 limiting the appointment of members by the Commission to the Inquiry Board, Hearing Board, Oversight Committee and Client Protection Review Panel to nine consecutive annual terms. Hearing Board members appointed to serve as a chair of a Hearing Board panel are not subject to term limits. Rule 4 is intended to foster greater member participation while retaining experienced members in the process. Rule 4 will be implemented over a five-year period, beginning with appointments for 2013.

3. *New Commission Policy on Recusal by Administrator's Counsel during Investigations and Related Proceedings* (Adopted September 16, 2011, published December 16, 2011; amended Oct. 26, 2012, eff. January 1, 2013).

The Commission adopted a policy that when a familial or close personal or professional relationship exists between Administrator's counsel and a respondent or complainant in a pending matter, staff counsel shall bring this to the attention of the Administrator or Deputy Administrator, who will review the disclosure and all relevant circumstances. If the Administrator or the Deputy Administrator agrees that the policy is implicated by the disclosure, the Commission Chair will be apprised. In no event shall the staff lawyer with the relationship have any involvement in or access to the investigation or any related proceeding. In determining whether a relationship is of sufficient closeness to implicate this policy, staff lawyers must comply with applicable conflict provisions of the Illinois Rules of Professional Conduct (e.g., Rule 1.7(a)(2) and Rule 1.11(d)), and should also be guided by the judicial disqualification factors listed in Supreme Court Rule 63(C)(1)(c through e), to the extent that the judicial rule is more stringent and/or detailed than the conflict provisions of the Illinois Rules of Professional Conduct.

The ARDC determined to adopt this recusal policy to dispel the unfounded perception that certain investigations may not be handled evenhandedly in light of relationships between staff counsel and others involved in investigations. The recusal policy does not create any rights in a respondent or complainant to seek disqualification of the Administrator or the Administrator's counsel or to communicate with the Commission Chair about the investigation or this policy. The Commission Recusal Policy can be found on the ARDC website at <https://www.iardc.org/policiesandorders.html>.

4. *New Commission Policy on the Appointment of Special Counsel* (Adopted September 16, 2011, published December 16, 2011; amended Oct. 26, 2012, eff. January 1, 2013).

The ARDC Commission appointed five former Hearing Board pursuant to Supreme Court Rule 751(e)(5) to serve as special counsel in matters involving allegations against attorneys associated with the ARDC, including counsel for the Administrator, Adjudication counsel, Commissioners and members of ARDC boards. The Commission Policy on the Appointment of Special Counsel can be found on the ARDC website at <https://www.iardc.org/policiesandorders.html>.

V. Client Protection Program Report

The Supreme Court of Illinois created the Client Protection Program in 1994 to reimburse clients who lost money as the result of the dishonest conduct of an Illinois lawyer who has been disciplined or is deceased. The Program does not cover losses resulting from professional negligence or malpractice and does not consider claims involving fee or contract disputes. Commission Rules 501 through 512 govern the administration of the Program.

The purpose of the Client Protection Program is to promote public confidence in the administration of justice and the integrity of the legal profession. The Program was originally part of the Disciplinary Fund

budget, but, since 2007, the Program has been funded by an annual assessment paid by each lawyer and remitted to the Client Protection Program Trust Fund. Rule 756 sets the assessment amount at \$25 per lawyer. The per-award limit is \$75,000 and the per-lawyer limit is \$750,000.

In 2012 the Program collected \$1,972,008 (\$1,682,400 in assessments, \$276,608 in reimbursement, and \$13,000 in interest). The Program approved 70 claims against 34 lawyers and paid \$986,771 to claimants as shown in the chart below. Six approvals were for the \$75,000 maximum, and 31 were for \$2,500 or less. As an example, the Program paid four claims in 2012 totaling \$221,380 against one lawyer involving unauthorized settlement and conversion of proceeds in a personal injury case, conversion of worker’s comp settlement proceeds, conversion of divorce settlement proceeds, and fraudulently obtaining loans from a client. The lawyer committed suicide in 2011 while awaiting sentencing on federal mail fraud charges and while disciplinary charges were pending. On another claim that was approved, the claimant who was reimbursed by the Program wrote, “This award sure did strengthen my confidence in the legal profession ...I say a great big ‘Thank You’ for everything that was done for me.” The “Claims Denied” figure for 2012 includes claims that were closed as ineligible under the Rules (involved lawyer neither disciplined nor deceased) or withdrawn, and claims that were closed after the involved lawyer reimbursed the claimant’s loss.

The Client Protection Program Trust Fund reimbursed the Disciplinary Fund in the amount of \$250,000 for the administrative costs of the Program, including salaries, office overhead and investigative expenses necessary to the adjudication of Client Protection Program claims. The claims concluded in a given year, as shown in the chart below, may include claims filed in prior years and carried over.

Chart 28A: Client Protection Program Claims: 2002-2012

Year	Claims filed	# Claims Approved	# Claims Denied	For Claims Approved, # Respondent Attys	Total Amounts Paid
2002	187	57	86	31	\$215,564
2003	208	68	83	31	\$477,595
2004	357	153	113	40	\$617,772
2005	242	179	132	46	\$951,173
2006	222	111	69	38	\$843,054
2007	217	90	138	44	\$697,358
2008	224	102	122	56	\$1,029,220
2009	188	81	125	35	\$1,091,473
2010	207	89	108	30	\$705,168
2011	184	89	96	38	\$1,006,013
2012	350	70	124	34	\$986,771

Chart 28B below provides a summary of the claims approved in 2012, by type of misconduct and area of law. For the type of misconduct involved in the 70 approved claims, unearned fee claims were 50% of approvals and 5% of payouts, and conversion claims accounted for 49% of approvals and 91% of payouts.

Chart 28B: Classification of Approved Client Protection Claims in 2012

<i>Type of Misconduct:</i>	
Failure to refund unearned fees.....	35
Conversion.....	34
Improper Loan	1
<i>Area of Law</i>	
Tort	15
Bankruptcy/Debt Negotiation	15
Domestic Relations	8
Criminal/Quasi-Criminal	8
Probate/Trusts	5
Immigration	5
Real Estate	4
Labor/Workers' Comp.....	3
Investment	3
Debt Collection.....	2
Patent	1
Contract	1

VI. Commission Appointments

A. ARDC Commissioners

1. *Appointment of Joan M. Eagle as Chairperson of the Commission*

The Illinois Supreme Court appointed Chicago attorney Joan M. Eagle as Chairperson of the Commission, effective January 1, 2013. Since early 2011, Ms. Eagle served as the Commission's Vice-Chairperson and was first appointed to the Commission in 2006. She previously served for nearly a decade on various ARDC panels, including the Hearing and Inquiry Boards. Ms. Eagle is of counsel at *Klein, Dub & Holleb Ltd.*, and concentrates in labor and employment law on the management side. She obtained her J.D. with high honors from the IIT Chicago-Kent College of Law and a Bachelor of Music degree (with distinction) and a Master of Music degree (with great distinction) from the University of Michigan. Ms. Eagle replaces R. Michael Henderson who concluded his term of service as Chair of the Commission on December 31, 2012.

2. *Appointment of James R. Mendillo as Vice-Chairperson of the Commission*

The Illinois Supreme Court appointed Belleville attorney James R. Mendillo to serve as the Commission's Vice-Chairperson, effective January 1, 2013. A Commissioner since 2010, Mr. Mendillo previously served as a member of the Hearing Board for three years. A partner with the firm of *Freeark, Harvey & Mendillo, P.C.*, he is a trial attorney with substantial experience in employment discrimination, construction accidents, insurance and bad faith, products liability, Fair Credit Reporting Act, medical and legal malpractice, federal tort claims and domestic relations. Mr. Mendillo earned his undergraduate degree from the University of New Haven (Conn.) and obtained his J.D. from the Washington University School of Law.

3. *Appointment of Stuart R. Lefstein as Commissioner*

On January 7, 2013, the Illinois Supreme Court appointed Rock Island attorney Stuart R. Lefstein as a Commissioner for a term to expire December 31, 2015. Mr. Lefstein previously served on the Review Board from 2003 to 2010. He is senior counsel at *Pappas, Hubbard, O'Connor, Fildes, Secaras, P.C.*, with offices in Chicago and Rock Island. He received his J.D. from the University of Michigan Law School and was admitted to practice law in Illinois. He is a Fellow of the American College of Trial Lawyers.

B. Review Board

1. *Appointment of R. Michael Henderson*

On January 7, 2013, the Illinois Supreme Court appointed R. Michael Henderson to the Review Board for a term to expire on December 31, 2014. Mr. Henderson was Chairperson of the Commission (2011-12) and served as a Commissioner since 2003. Mr. Henderson is of counsel to the firm of *Quinn, Johnston, Henderson, Pretorius & Cerulo*, located in Peoria. A trial and appellate lawyer, Mr. Henderson is a Past President of the Peoria County Bar Association, a Past-President of the Illinois Association of Defense Trial Counsel, a past member of the Illinois State Bar Association Board of Governors, a former Secretary of the Illinois State Bar Association, a member of the Illinois Bar Foundation Board of Directors for several years, and the President of the Lawyers Trust Fund of Illinois (1997-1999). He received his undergraduate degree from the University of Illinois and earned his J.D. from the Loyola University School of Law in Chicago.

2. *Appointment of Johnny A. Fairman, II*

On January 1, 2013, the Supreme Court appointed Johnny A. Fairman, II, to the Review Board for a term to expire on December 31, 2015. Mr. Fairman previously served on the Hearing Board (2008-2012). He founded the

South suburban law firm of *Lee & Fairman, LLP*, concentrating in the area of criminal law defense. Mr. Fairman has spent years in public service in Chicago, Illinois and Washington, D.C., with both the state and federal government. As a former prosecutor, he served as a Cook County Assistant State's Attorney and in 2006 was responsible for prosecuting all 5th District Municipal jury trial court cases. Mr. Fairman is President of the Cook County Bar Association (2012-13).

3. *Daniel P. Duffy Concludes Term on Review Board*

On December 31, 2012, Daniel P. Duffy concluded his term on the Review Board. A member of the Review Board since 2004, Mr. Duffy is a partner in the Chicago office of *Peterson Johnson Murray*. He received his J.D. and undergraduate degrees from the University of Notre Dame School of Law.

4. *Chrystel L. Gavlin Concludes Term on Review Board*

On December 31, 2012, Chrystel L. Gavlin concluded her term on the Review Board. Ms. Gavlin was appointed to the Review Board in 2010 and is a sole practitioner in the firm of *Chrystel L. Gavlin, P.C.*, in Joliet, concentrating in the areas of family, juvenile and criminal law. She received her J.D. from Northern Illinois University College of Law.

VII. Relocation of ARDC Offices

Springfield Office

In October 2012, the Commission relocated its Springfield office to better serve the residents and lawyers in central and southern Illinois. The new address is 3161 West White Oaks Drive, Suite 301, Springfield, IL 62704; Telephone: (217) 546-3523; Facsimile: (217) 546-3785.

Chicago Office

In late March 2013, the Commission moved its Adjudication, Registration and MIS Departments from the 11th to the 8th floor of the Prudential Plaza, which allowed the Commission to update its technology and provide for more courtroom space.

VIII. Financial Report

The Commission engaged the services of Legacy Professionals LLP to conduct an independent financial audit as required by Supreme Court Rule 751(e)(6). The audited financial statements for the year ended December 31, 2012, including comparative data from the 2011 audited statements, are attached. In addition, a five-year summary of revenues and expenditures as reported in the audited statements appears after the text in this section.

The Commission continues to recognize its responsibility to prudently administer the Disciplinary Fund. At the time that the Commission sought the present registration fee structure, which became effective for the 2007 registration year, it was projected that the requested fee structure would support Commission operations through at least 2010. Current projections suggest that the present fee structure may support Commission operations through 2015 or 2016. The change from 2010 to 2015 or 2016 is due to reduced cost trends and other factors. This favorable change has occurred in spite of the reduction in the Commission's share of the full registration fee from \$205 to \$200 effective with the 2012 registration year. (Note: The full registration fee applies to active attorneys licensed to practice law for 3 years or more. Effective with the 2012 registration year, \$5 per full fee paying attorney was transferred from the ARDC to the Illinois Supreme Court Commission on Professionalism.)

While recent economic conditions have been very challenging, the number of fee paying

attorneys increased by approximately 1.8% from 2011 to 2012. (The number of fee paying attorneys actually billed increased by 1.6% year over year.) Total registration receipts were roughly unchanged from 2011 to 2012 due to the above referenced transfer of \$5 per full fee paying attorney from the ARDC to the Commission on Professionalism. This transfer reduced ARDC's 2012 receipts by approximately \$333,000.

Year to date registration compliance for the year 2013 compares very favorably to the 2012 experience. 2,252 fee-paying attorneys were recently removed from the Master Roll for failure to register for the year 2013, compared to 2,713 removals a year ago. *See* Chart 7 on Page 11 for more details.

Since the adoption of the current fee structure effective in 2007, funding for the Client Protection Program (CPP) comes from the dedicated \$25 portion of the annual registration fee paid by active status attorneys who have been registered for 3 years or more. During 2009, the Commission determined that CPP expenses should be paid from that separate Client Protection Fund instead of the ARDC Disciplinary Fund. For 2012 and 2011, the Client Protection Fund reimbursed the Disciplinary Fund \$275,656 and \$265,968 respectively for the administrative costs of the Program.

Effective with the 2013 registration year, the full registration fee was increased by \$53, from \$289 to \$342. This \$53 fee increase was allocated to the Lawyers Trust Fund of Illinois.

The Commission leases its Chicago and Springfield offices under operating lease agreements. The Chicago office lease was set to expire in May 2015. However, in February 2011, the Chicago office lease was extended through May 2027. The Commission is receiving an allowance for leasehold improvements and other rent concessions between January 2012 and December 2017. Effective November 1, 2012, the Commission entered into a 15-year agreement for office space in Springfield, Illinois. This agreement also includes an allowance for leasehold improvements. The Commission believes that it was able to take advantage of favorable rental market conditions in both lease negotiations.

[ARDC Financial Statements \(December 31, 2012\).](#)



of the Supreme Court of Illinois

**ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ILLINOIS**

FIVE YEAR SUMMARY OF OPERATIONS

	<u>2012</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>
REVENUE					
Investment income					
Interest	\$ 192,312	\$ 237,324	\$ 317,367	\$ 404,491	\$ 802,501
Net appreciation (depreciation) in fair value of investments	(39,294)	8,090	(24,373)	(88,650)	(23,251)
Registration and program fees and delinquent charges	17,150,269	17,121,917	16,937,490	16,595,386	16,290,057
Costs reimbursements collected	65,825	95,436	97,548	81,735	103,721
Administrative expense reimbursement from Client Protection Program	275,656	265,968	263,364	249,996	238,970
Client Protection Program reimbursements	276,367	8,145	56,623	142,350	51,706
Total revenue	<u>17,921,135</u>	<u>17,736,880</u>	<u>17,648,019</u>	<u>17,385,308</u>	<u>17,463,704</u>
EXPENSES					
Salaries and related expenses	11,278,544	10,985,943	10,693,313	10,092,645	9,583,868
Travel expenses	156,608	125,743	135,371	112,305	119,617
Library and continuing education	199,846	242,598	256,472	238,515	258,008
General expenses and office support	1,871,128	2,359,722	1,975,721	1,741,152	1,988,682
Computer expenses	452,254	226,560	326,091	237,875	225,154
Other professional and case-related expenses	690,232	640,378	735,188	789,303	899,202
Client Protection Program direct expenses	993,212	1,010,605	710,496	1,106,343	1,033,592
Administrative expense reimbursement to Registration and Discipline	275,656	265,968	263,364	249,996	238,970
Depreciation and amortization expense	475,650	466,075	405,025	186,105	170,149
Total expenses	<u>16,393,130</u>	<u>16,323,592</u>	<u>15,501,041</u>	<u>14,754,239</u>	<u>14,517,242</u>
CHANGE IN NET ASSETS BEFORE EFFECT OF PRIOR PERIOD ADJUSTMENT	1,528,005	1,413,288	2,146,978	2,631,069	2,946,462
EFFECT OF PRIOR PERIOD ADJUSTMENT	-	-	-	1,718,100	-
CHANGE IN NET ASSETS	1,528,005	1,413,288	2,146,978	4,349,169	2,946,462
UNRESTRICTED NET ASSETS					
Beginning of year	<u>19,497,040</u>	<u>18,083,752</u>	<u>15,936,774</u>	<u>11,587,605</u>	<u>8,641,143</u>
End of year	<u>\$ 21,025,045</u>	<u>\$ 19,497,040</u>	<u>\$ 18,083,752</u>	<u>\$ 15,936,774</u>	<u>\$ 11,587,605</u>
OTHER INFORMATION AT YEAR END					
Number of active and registered attorneys	89,927	88,517	87,216	84,771	83,881
Registration fees					
More than one year and less than three years	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105
More than three years	\$ 200	\$ 205	\$ 205	\$ 205	\$ 205
Inactive/out of state	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105

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