

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

In the Matter of:

REBECCA SUZANNE MURRAY,

Attorney-Respondent,

No. 6311937.

Commission No. 2021PR00077

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Richard Gleason, pursuant to Supreme Court Rule 753(b), complains of Respondent, Rebecca Suzanne Murray (“Respondent”), who was licensed to practice law in Illinois on October 1, 2013, and alleges that Respondent has engaged in the following conduct, which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Lack of diligence, failure to communicate, and failure to return unearned fee – Todd Kalas)

1. At all times alleged in this complaint, Respondent was the sole owner of The Law Offices of Rebecca Murray in Oak Park, Illinois, and was the sole attorney operating and providing services as part of that entity. Respondent’s practice focused on family law.

2. On or about December 9, 2020, Respondent consulted with Todd Kalas (“Mr. Kalas”), who was seeking an attorney to represent him in McHenry County case number of 19DV000865 (“the McHenry County case”). As part of the McHenry County case, there was pending a petition for rule to show cause against Mr. Kalas. The petition sought that the court hold Mr. Kalas in contempt of court.

3. Following the consultation described in paragraph two, above, Respondent and Mr.

Kalas agreed that Respondent would represent Mr. Kalas in the McHenry County case. Respondent and Mr. Kalas further agreed that Mr. Kalas would pay Respondent a retainer fee of \$2,500, which would be deposited in Respondent's client trust account, and against which Respondent would bill Mr. Kalas for legal fees at an hourly rate of \$200.

4. On or about December 9, 2020, Mr. Kalas paid Respondent the entire \$2,500 advance fee described in paragraph three, above. On December 21, 2020, Respondent filed her appearance as counsel for Mr. Kalas in the McHenry County case.

5. On December 22, 2020, Respondent appeared in court with Mr. Kalas. On the same date, the court issued the rule to show cause against Mr. Kalas and set a hearing on the rule to show cause for January 21, 2021.

6. On January 21, 2021, Mr. Kalas appeared in court, but Respondent did not. The Court continued the case to January 28, 2021. At no point did Respondent inform Mr. Kalas that she would not be appearing in court on January 21, 2021. After the court appearance, Mr. Kalas left telephone messages for Respondent, but Respondent did not respond to any of the messages.

7. On January 28, 2021, Mr. Kalas appeared in court, but Respondent again did not. The court continued the case to February 11, 2021, and entered an order requiring Respondent to appear and explain why she should not be held in contempt of court for her failure to appear in court on January 21, 2021 and January 28, 2021. At no point did Respondent inform Mr. Kalas that she would not be appearing in court on January 28, 2021. After the court appearance, Mr. Kalas left telephone messages for Respondent, but Respondent did not respond to any of the messages.

8. On February 11, 2021, Mr. Kalas appeared in court, but Respondent did not. The Court entered an order sanctioning Respondent \$750 for opposing counsel's attorney fees and

requiring Respondent to appear on the next court date, March 4, 2021. At no point did Respondent inform Mr. Kalas that she would not be appearing in court on February 11, 2021. After the court appearance, Mr. Kalas left telephone messages for Respondent, but Respondent did not respond to any of the messages.

9. On March 2, 2021, Mr. Kalas filed his own *pro se* appearance in the case. On March 3, 2021, Respondent filed a motion to withdraw as attorney.

10. On March 4, 2021, opposing counsel confirmed that Respondent had paid the \$750 sanction, described in paragraph eight, above. The court then granted Respondent's motion to withdraw as attorney for Mr. Kalas.

11. Mr. Kalas requested that Respondent refund the retainer fee he paid Respondent. Respondent never refunded any portion of Mr. Kalas's advance fee payment described in paragraphs three and four, above. The services Respondent provided Mr. Kalas do not justify her retention of that entire fee.

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

- a. Failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to appear in court on three consecutive court dates, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. Failing to take steps to the extent reasonably practicable to protect a client's interests upon termination of representation, by conduct including failing to return any unused funds to Mr. Kalas, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II
(Failure to cooperate with ARDC investigations)

13. On or about February 2, 2021, the Administrator received a request for an investigation of Respondent from Mr. Kalas related to Respondent's handling of the McHenry County case described in paragraph two through 13, above. After reviewing the correspondence, the Administrator docketed investigation number 2021IN00305. On February 3, 2021, counsel for the Administrator sent a letter via email to the email address Respondent had previously provided the registration department at the ARDC, requesting that Respondent submit a written response and documentation regarding the allegations contained in the request for investigation. Respondent did not provide a written response or any documentation.

14. As of February 11, 2021, Respondent had not replied to the Administrator's request for information in investigation number 2021IN00305.

15. On February 11, 2021, counsel for the Administrator issued a subpoena that required Respondent to provide documentation relating to her representation of Mr. Kalas, and to appear for a sworn statement on March 25, 2021.

16. The subpoena was sent via email to the email address Respondent had previously provided the registration department at the ARDC. Respondent received the subpoena but did not appear for the sworn statement.

17. As of August 24, 2021, the date the Administrator referred investigation number 2021IN00305 to Panel C of the Inquiry Board, she had not provided any of the documentation requested in the subpoena or requested additional time in which to do so. Respondent's appearance has never been waived or excused.

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

- a. failing to respond to a lawful demand for information from a disciplinary authority, by conduct including failing to respond to the Administrator's requests for a written response to the Kalas investigation, as well as for failing to provide documents and appear for a sworn statement on March 25, 2021, pursuant to the Administrator's subpoena, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully Submitted

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Richard Gleason
Richard Gleason

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