

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

FILED
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ARDC Clerk

In the Matter of:

MATTHEW RYAN MCCORMICK,

Attorney-Respondent,

No. 6335297.

Commission No. 2021PR00098

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Peter L. Rotskoff, pursuant to Supreme Court Rule 753, complains of Respondent, Matthew Ryan McCormick ("Respondent"), who was licensed to practice law in Illinois on January 14, 2021, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

ALLEGATIONS COMMON TO ALL COUNTS

1. Respondent was admitted to practice law in Missouri in 2017 and admitted to practice law in Alabama in 2018. Respondent was admitted to practice law in the United States District Court, Southern District of Illinois on August 13, 2020. He was admitted to practice law in the United States District Court, Central District of Illinois on August 18, 2020.

2. Respondent was employed as a salaried associate at the Dent Law Offices ("Dent firm") from August 1, 2020 to July 21, 2021. On August 1, 2020, there were two other attorneys at the Dent firm, Kaye Dent and Roy Dent, III. Roy Dent retired from the practice of law on February 26, 2021.

COUNT I

(Lack of communication, lack of diligence and dishonesty – client Christian Schalburg)

3. On or about July 15, 2019, the Dent firm and Christian Schalburg (“Schalburg”) agreed that the Dent firm would represent Schalburg in a Chapter 7 bankruptcy case.

4. On or about March 16, 2021, the Dent firm assigned Schalburg’s matter to Respondent.

5. At no time did Respondent file a bankruptcy petition on behalf of Schalburg.

6. On or about June 23, 2021, Respondent represented to Schalburg and Kaye Dent that Schalburg’s bankruptcy petition had been filed.

7. Respondent’s statements to Schalburg and Kaye Dent described in paragraph 6, above, were false because Respondent never filed a bankruptcy petition on behalf of Schalburg.

8. At the time Respondent made the statements to Schalburg and Kaye Dent described in paragraph 6, above, he knew the statements were false.

9. On various occasions between June 23, 2021 and July 22, 2021, Schalburg called or emailed Respondent to check the status of his bankruptcy case.

10. On many occasions, Respondent did not respond to Schalburg’s telephone and email messages.

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

- a. failure to act with reasonable diligence and promptness in representing a client by conduct including failing to file a bankruptcy petition on behalf of Schalburg in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failure to promptly comply with reasonable requests for information by conduct including failing to return Schalburg’s telephone and email messages in violation of

Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010);

- c. failure to keep the client reasonably informed about the status of the matter by conduct including failing to respond to Schalburg's requests for information about the status of the bankruptcy case in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- d. conduct including dishonesty, fraud, deceit or misrepresentation by conduct including falsely representing to Schalburg and Kaye Dent that he had filed Schalburg's bankruptcy petition, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Lack of diligence and dishonesty – client Angela Crooker)

12. On or about March 4, 2021, the Dent firm and Angela Crooker ("Crooker") agreed that the Dent firm would represent Crooker in filing a Chapter 7 bankruptcy case.

13. On or about March 9, 2021, the Dent firm assigned Crooker's bankruptcy case to Respondent.

14. At no time did Respondent file a bankruptcy petition on behalf of Crooker.

15. Between March 9, 2021 and July 6, 2021, Kaye Dent asked Respondent about the status of Crooker's bankruptcy matter. On more than one occasion, Respondent represented to Kaye Dent that Crooker had disappeared and he was unable to file the bankruptcy petition without Crooker's assistance.

16. Respondent's statements to Kaye Dent described in paragraph 15, above, were false because Crooker had not disappeared and was available to consult with Respondent.

17. At the time Respondent made the statements to Kaye Dent described in paragraph 15, above, he knew the statements were false.

18. In July 2021, Crooker appeared in person at the Dent firm to check on the status of her bankruptcy case and she met with Respondent at that time.

19. During the meeting with Crooker, Respondent represented to Crooker that her bankruptcy petition had been filed in June and he was waiting for a date for the “341” creditors meeting.”

20. Respondent’s statements in paragraph 19, above, were false because Respondent had not filed a bankruptcy petition on behalf of Crooker and no creditor’s meeting could have been scheduled.

21. At the time Respondent made the statements to Crooker described in paragraph 19, above, Respondent knew the statements were false.

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

- a. failure to act with reasonable diligence and promptness in representing a client by conduct including failing to file a bankruptcy petition on behalf of Crooker in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and
- b. conduct including dishonesty, fraud, deceit or misrepresentation by conduct including making false statements to Kaye Dent and Crooker as described in paragraphs 15 and 19, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Lack of diligence and dishonesty – client Larry Harvel)

23. In or about November 2019, the Dent firm and Larry Harvel (“Harvel”) agreed that the Dent firm would represent Harvel in a Chapter 12 bankruptcy case.

24. On December 5, 2019, the Dent firm filed a bankruptcy petition on behalf of Harvel. The case was docketed as *Debtor Harvel Farms Inc.*, case 19-60449, U.S. Bankruptcy Court, Southern District of Illinois.

25. On February 26, 2021, the Dent firm assigned Harvel's case to Respondent.

26. On May 12, 2021, the court in case 19-60449 ordered Respondent to file an accounting on or before June 11, 2021.

27. At no time between May 12, 2021 and July 14, 2021 did Respondent file an accounting in case 19-60449.

28. On or about June 11, 2021, Respondent represented to Kaye Dent that he had filed the accounting in case 19-60449.

29. Respondent's statement to Kaye Dent described in paragraph 28, above, was false because Respondent never filed an accounting in case 19-60449 following the court's order on May 12, 2021.

30. At the time Respondent made the statement described in paragraph 28, above, he knew the statement was false.

31. On July 14, 2021, the court in case 19-60449 ordered Respondent to file an accounting by August 13, 2021 or face possible sanctions.

32. On or about July 21, 2021, Respondent represented to Kaye Dent that he was working with Harvel on the accounting and he had "much of it finished."

33. Respondent's statements described in paragraph 32, above, were false because Respondent had not worked with Harvel on the accounting and he had not completed much of the work on the accounting.

34. Respondent knew that his statements described in paragraph 32, above, were false at the time he made them.

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

- a. failure to act with reasonable diligence and promptness in representing a client by conduct including failing to file an accounting in case 19-60449 on behalf of Harvel in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and
- b. conduct including dishonesty, fraud, deceit or misrepresentation by conduct including making false statements to Kaye Dent as described in paragraphs 28 and 32, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT IV

(Lack of diligence and dishonesty – clients John and Alexis Tutza)

36. On or about March 25, 2021, the Dent firm and John and Alexis Tutza (“Tutzas”) agreed that the Dent firm would represent them in a Chapter 7 bankruptcy.

37. On March 22, 2021, the Dent firm assigned Tutzas’ matter to Respondent.

38. On June 7, 2021, the Tutzas met with Respondent and signed the bankruptcy schedules that are filed with the bankruptcy petition.

39. At no time on or after June 7, 2021, did Respondent file a bankruptcy petition on behalf of the Tutzas.

40. On or about June 11, 2021, Respondent entered a calendar event on the Dent firm’s electronic calendar showing that a “341” creditors’ meeting had been scheduled for June 25, 2021, in Tutzas’ bankruptcy case.

41. The calendar event described in paragraph 40, above, was false because no bankruptcy petition had been filed on behalf of the Tutzas and no creditors meeting had been scheduled.

42. At the time Respondent made the calendar event described in paragraph 40, above, he knew it was false.

43. Respondent made the calendar entry in order to mislead Kaye Dent into believing that the Tutzas' bankruptcy had been filed.

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

- a. failure to act with reasonable diligence and promptness in representing a client by conduct including failing to file a bankruptcy petition on behalf of the Tutzas, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and
- b. conduct including dishonesty, fraud, deceit or misrepresentation by conduct including making a false calendar entry purportedly showing that a creditors meeting had been scheduled in the Tutzas' bankruptcy case, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct. (2010).

COUNT V

(Lack of diligence and dishonesty – clients Mark and Leann Sarchet)

45. On or about April 13, 2021, the Dent firm and Mark and Leann Sarchet ("Sarchets") agreed that the Dent firm would represent the Sarchets in a Chapter 7 bankruptcy case.

46. On or about March 2, 2021, the Dent firm assigned the Sarchets' matter to Respondent.

47. On or about April 13, 2021, the Sarchets met with Respondent at the Dent firm and Respondent assured them that their bankruptcy petition would be filed shortly after their meeting.

48. At no time on or after April 13, 2021, did Respondent file a bankruptcy petition on behalf of the Sarchets.

49. On or about April 13, 2021, Respondent represented to Kaye Dent that the Sarchets' bankruptcy petition and schedules had been filed.

50. Respondent's statement in paragraph 49, above, was false because Respondent had not filed a bankruptcy petition on behalf of the Sarchets.

51. At the time Respondent made the statement in paragraph 49, above, he knew the statement was false.

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

- a. failure to act with reasonable diligence and promptness in representing a client by conduct including failing to file a bankruptcy petition on behalf of the Sarchets, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and
- b. conduct including dishonesty, fraud, deceit or misrepresentation by conduct including falsely representing to Kaye Dent that he had filed a bankruptcy petition on behalf of the Sarchets, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VI

(Dishonesty – client Melissa Nunamaker)

53. On or about June 28, 2021, the Dent firm and Melissa Nunamaker ("Nunamaker") agreed that the Dent firm would represent Nunamaker in a Chapter 7 bankruptcy case, and the Dent firm assigned the matter to Respondent at that time.

54. At no time did Respondent file a bankruptcy petition on behalf of Nunamaker.

55. On or about June 28, 2021, Respondent represented to Nunamaker that her bankruptcy petition had been filed.

56. Respondent's statement in paragraph 55, above, was false because he never filed a bankruptcy petition on Nunamaker's behalf.

57. At the time Respondent made the statement in paragraph 55, above, he knew his statement to Nunamaker was false.

58. After June 28, 2021, Respondent represented to Kaye Dent that Nunamaker's bankruptcy petition had been filed.

59. Respondent's statement in paragraph 58, above, was false because Respondent never filed a bankruptcy petition on behalf of Nunamaker.

60. At the time Respondent made the statement in paragraph 58, above, he knew his statement to Kaye Dent was false

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

- a. conduct including dishonesty, fraud, deceit or misrepresentation by conduct including making the false statements to Nunamaker and Kaye Dent described in paragraphs 55 and 58, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VII

(Lack of diligence and dishonesty – client Brian Marley)

62. On or about September 20, 2019, the Dent firm and Brian Marley ("Marley") agreed that the Dent firm would represent Marley in a Chapter 13 bankruptcy.

63. On or about February 26, 2021, the Dent firm assigned Marley's matter to Respondent.

64. On or before March 23, 2021, Marley and Respondent discussed a pending settlement in a workers' compensation case previously filed by Marley. At that time, Respondent

agreed to file the necessary documents in the Chapter 13 bankruptcy to alert the trustee and the court of the pending workers' compensation settlement.

65. At no time did Respondent file any documents related to Marley's workers' compensation settlement in his bankruptcy case.

66. On or about June 3, 2021, Respondent emailed Marley and represented to him that he had filed the necessary documents in the bankruptcy case with regard to the workers' compensation settlement.

67. Respondent's statement in the email described in paragraph 66, above, was false because Respondent had not filed documents in the bankruptcy case related to the workers' compensation settlement.

68. At the time Respondent sent the email to Marley described in paragraph 66, above, he knew the statement in the email was false.

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

- a. failure to act with reasonable diligence and promptness in representing a client by conduct including failing to file documents in the bankruptcy court related to Marley's workers' compensation settlement, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and
- b. conduct involving dishonesty, fraud, deceit or misrepresentation by conduct including sending a false email to Marley as described in paragraph 66, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VIII

(Failure to communicate and dishonesty – client Rebecca Hopgood)

70. On or about May 24, 2021, the Dent firm and Rebecca Hopgood (“Hopgood”) agreed that the Dent firm would represent her as the debtor in an IRS collection matter and Respondent agreed to represent Hopgood on behalf of the firm.

71. At no time did Respondent communicate with the IRS about Hopgood’s matter or take any steps to follow-up on the payment plan Hopgood had previously submitted to the IRS.

72. On various occasions between June 2, 2021 and July 21, 2021, Hopgood emailed Respondent about the IRS matter and requested status concerning a possible payment plan.

73. On many occasions, Respondent did not respond to Hopgood’s emails.

74. On or about July 21, 2021, Respondent represented to Hopgood that he had spoken to an IRS agent about her debt and her proposed payment plan and the agent said they were reviewing the matter and they would get back to Respondent within 30 days.

75. Respondent’s statements to Hopgood set forth in paragraph 74, above, were false because Respondent never spoke to an IRS agent about Hopgood’s case.

76. At the time Respondent made the statements to Hopgood described in paragraph 74, above, he knew the statements were false.

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

- a. failure to act with reasonable diligence and promptness in representing a client by conduct including failing to contact the IRS about the Hopgood matter, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failure to promptly comply with reasonable requests for information by conduct including failing to respond to Hopgood’s emails requesting the status of her matter with

the IRS, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010); and

- c. conduct including dishonesty, fraud, deceit, or misrepresentation by conduct including sending a false email to Hopgood as described in paragraph 74, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT IX

(Failure to adequately communicate – clients J.C. and Beverly Marshall)

78. In or about August 2019, the Dent firm and J.C. and Beverly Marshall (“Marshalls”) agreed that the Dent firm would represent the Marshalls in defending three collection suits filed against them.

79. On December 7, 2020, the Dent firm assigned the Marshalls cases to Respondent.

80. In one of the collection cases, *Citibank NA vs. Beverly E. Marshall*, case number 2018LM25, filed in Effingham County, the court had scheduled a bench trial for August 5, 2021.

81. At no time did Respondent inform the Marshalls or Kaye Dent of the August 5, 2021 court date in case number 2018LM25.

82. On various occasions between April 28, 2021 and August 1, 2021, the Marshalls called Respondent and left messages requesting the status of the collection cases.

83. At no time did Respondent return the Marshalls’ messages or provide them with an update as to the status of the collection cases.

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

- a. failure to promptly comply with reasonable requests for information by conduct including failing to return phone messages left by the Marshalls, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010); and

- b. failure to keep the client reasonably informed about the status of the matter by conduct including failing to notify the Marshalls about the bench trial scheduled in case number 2018LM25, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to the 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/ Peter L. Rotskoff
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