

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

In the Matter of:

SCOTT IAN JACOBSON,

Attorney-Respondent,

No. 6301751.

)
)
)
)
)
)
)

Commission No. 2022PR00038

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Jonathan M. Wier, pursuant to Supreme Court Rule 753(b), complains of Respondent Scott Ian Jacobson, who was licensed to practice law in Illinois on May 6, 2010, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(False Statements in a Judicial Application)

1. In July 2010, Respondent began working as an attorney for the State's Attorney's Appellate Prosecutor. He left that position in January 2015 and served as a judicial clerk for Justice Susan F. Hutchinson of the Illinois Appellate Court until July 2018. In July 2018, Respondent accepted and began employment with the McHenry County State's Attorney's Office ("MCSAO"), where he worked in the Civil Division until May 2019.

2. On or about December 9, 2016, Respondent submitted an application for appointment to the office of associate justice in the 22nd Judicial Circuit.

FILED
4/28/2022 1:05 PM
ARDC Clerk

3. The judicial application requested information regarding the applicant's jury trial experience. Question 4(B) of the judicial application asked the applicant to "[l]ist the last two jury cases tried to verdict, during the past five years, including names of other attorneys and Judge."

4. In response to question 4(B) of the application, Respondent listed *People v. Castillo*, Case No. 10-CF-2035, in Winnebago County. He stated that Judge McGraw presided over the matter, Larsen represented the State, and Green was the public defender.

5. As part of the judicial application, Respondent signed and certified that all statements in the application were true, complete, and correct to the best of his knowledge and belief and were made in good faith.

6. Respondent's representation on his application that his jury trial experience included the *Castillo* case was false because he had no involvement with the trial of that case.

7. Respondent knew that his representation regarding his involvement with the trial of the *Castillo* case was false when he included it in his judicial application.

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

- a. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by making the false statement that his jury trial experience included the *Castillo* case in his judicial application, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(False Statements in the Course of Interviewing with the State's Attorney's Office)

9. The Administrator realleges the facts set forth in paragraphs 1 through 7 of Count I above.

10. In April 2019, while working in MCSAO's Civil Division, Respondent applied for the position of first chair of a felony courtroom with the MCSAO. On April 23, 2019, Respondent

had an interview for that position with the McHenry County State's Attorney, Patrick Kenneally, and Assistant McHenry County State's Attorneys, Michael Combs, Randi Freeze, Rita Gara, and Daniel Wilbrandt. The interview took place in the law library of the MCSAO.

11. In the course of the interview, Respondent stated that he had tried twelve to fifteen cases while employed by the Illinois Appellate Prosecutor's Office between 2010 and 2015.

12. Respondent's statement that he had tried twelve to fifteen cases between 2010 and 2015 was false because he had never tried a case while working for the Illinois Appellate Prosecutor's Office.

13. When Respondent made the statement regarding the cases he had tried while working for the Illinois Appellate Prosecutor's Office, he knew it was false because he had not tried any cases while working in that position.

14. In the course of the April 23, 2019 interview, Respondent stated that he had been specially assigned to work in the Champaign County State's Attorney's Office in a drug unit while working for the Appellate Prosecutor.

15. Respondent's statement that he had worked for the Champaign County State's Attorney's Office and in one of its drug units was false.

16. Respondent knew that his statement regarding his assignment was false when he made it because he had never been assigned to the Champaign County State's Attorney's Office, nor had he ever worked in a drug unit.

17. In the course of the April 23, 2019 interview, Respondent told the State's Attorney and Assistant State's Attorneys that he had tried cases with Chuck Colburn of the Appellate Prosecutor's Office.

18. Respondent's statement that he had tried cases with Chuck Colburn was false because they had never tried a case together.

19. When Respondent claimed to have tried cases with Chuck Colburn, he knew that this was a false statement because Respondent had never tried a case with him.

20. In the course of the April 23, 2019 interview, Respondent stated that he had tried a five person DUI death case in Kendall County. He told the interviewers that the case was *People v. Sandra Vasquez*, and that Judge Clint Hull presided over the trial.

21. Respondent's statement regarding trying the *Vasquez* case was false because while Respondent worked on the appeal in that matter, he did not try the case.

22. When Respondent stated that he had tried the *Vasquez* case, he knew his statement was false because he had not been involved in the trial of that matter before Judge Hull.

23. In the course of the April 23, 2019 interview, Respondent stated that he had trial experience in Winnebago County. Specifically, he claimed that he had tried two termination of parental rights cases with Pam Wells in Winnebago County.

24. Respondent's statements regarding his trial experience in Winnebago County were false because he had never appeared in the trial court of Winnebago County or tried a parental rights case or any other case with Pam Wells in that county.

25. When Respondent stated that he had tried cases in Winnebago County with Pam Wells, he knew his statements were false.

26. On May 3, 2019, Respondent met with Patrick Kenneally and Rita Gara regarding some of the statements that he made in his April interview. Mr. Kenneally and Ms. Gara requested information from Respondent to corroborate some of the claims that he had made in the course of the interview, but Respondent did not provide them with that information.

27. On May 6, 2019, Respondent met with Michael Combs and discussed the April interview.

28. On May 8, 2019, Respondent met with Randi Freese, the Chief of the Criminal Division at the McHenry County State's Attorney's Office. Ms. Gara joined the meeting. At the meeting, Respondent initially claimed that he had worked as an Assistant State's Attorney for the Cook County State's Attorney's Office. Later during the meeting, Respondent admitted that he was never hired as an Assistant State's Attorney, but rather he was an intern while attending law school. Respondent told Ms. Freese that he had tried about twenty felony jury trials over the course of three months while employed as an intern with the Cook County State's Attorney's Office.

29. Respondent's initial statement that he had been hired as a Cook County State's Attorney and his statement regarding trying about twenty felony jury trials as an intern with that office were false.

30. Respondent knew that his statements relating to his work at the Cook County State's Attorney's Office were false because he had never been hired as a Cook County Assistant State's Attorney nor had he tried twenty felony jury trials as an intern.

31. On May 9, 2019, the McHenry County State's Attorney's Office terminated Respondent's employment.

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

- a. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by making false statements regarding his employment and work experience in the course of his interview with the McHenry County State's Attorney's Office, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be referred to a panel of the Hearing Board of the Commission, that a hearing be conducted, and that the Hearing 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/ Jonathan M. Wier
Jonathan M. Wier

Jonathan M. Wier
Counsel for Administrator
One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219
Telephone: (312) 565-2600
E-mail: ARDCeService@iadc.org
E-mail: jwier@iadc.org
MAINLIB_#1479488-v1