

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

In the Matter of:

DAVID WALTER MOORE,

Attorney-Respondent,

No. 6183355.

Commission No. 2022PR00072

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Rachel C. Miller, pursuant to Supreme Court Rule 753(b), complains of Respondent, David Walter Moore ("Respondent"), who was licensed to practice law in Illinois on November 1, 1982, 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. At all times alleged in this complaint, Respondent was the sole owner of David W. Moore, Esq. in Downers Grove, and he was the sole attorney operating and providing legal services in that practice. Respondent practices in the areas of personal injury and criminal defense.
2. At all times alleged in this complaint, Respondent maintained and was the sole signatory on an IOLTA client trust account ending in 3354 and held at Bank Financial ("trust account 3354"). The account was titled "David W Moore Client Trust Account."

COUNT I

*(Conversion of at least \$8,803.05 in client funds
entrusted to Respondent by a client)*

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3. On January 21, 2017, Jason Cook (“Jason”) was involved in a motorcycle collision. Jason sustained injuries and, as a result, incurred medical bills from Carle Physician’s Group and Carle Foundation Hospital. Jason also incurred claims for reimbursement from third-party insurance companies, Dairyland Insurance Company and Conduent.

4. On November 20, 2017, Respondent and Jason agreed that Respondent would represent Jason and his wife, Yulia Cook (“Yulia”) in a personal injury matter against the driver of the other vehicle involved in the collision. Respondent and the Cooks agreed that Respondent would receive attorney fees equal to one-third of any settlement monies received if the parties reached a settlement prior to the filing of a lawsuit.

5. Prior to March 1, 2019, medical liens and claims for reimbursement were filed against any settlement the Cooks received from Geico Casualty Group (“Geico”), the insurer of the other driver, in the amounts described below:

PROVIDER/INSURANCE	LIEN/CLAIM AMOUNT
Carle Foundation Hospital	\$8,144.34
Carle Physician’s Group	\$1,036
Dairyland Insurance Company	\$5,000
Conduent	\$5,732.80
	Total: \$19,913.14

6. On March 1, 2019, Respondent and the Cooks agreed to settle the claim to Geico for \$42,500. Thereafter, Geico sent check number 204066440, dated March 19, 2019, in the amount of \$42,500, which Respondent deposited into trust account 3354 (“Cook settlement proceeds”).

7. Between April 9, 2019 and May 28, 2020, Respondent withdrew the following amounts from the Cook settlement proceeds and he made payments as set forth below:

SETTLEMENT AMOUNT	\$42,500
- CARLE PHYSICIAN'S GROUP IN FULL PAYMENT OF ITS LIEN	\$1,036
- CARLE FOUNDATION HOSPITAL IN FULL PAYMENT OF ITS LIEN	\$8,144.34
- ATTORNEY'S FEES PAID TO RESPONDENT	\$22,381
- CLIENT'S PORTION	\$10,000
TOTAL	\$41,561.34

8. As of May 28, 2020, Respondent should have been holding \$9153.66 in trust account 3354 for payment to the other lienholders described in paragraph five, above.

9. On May 28, 2020, the balance in trust account 3354 fell to \$350.61.

10. Between April 16, 2019 and November 4, 2019, Respondent used at least \$8,803.05 of funds belonging to the Cooks and/or the lienholders for his own personal or business purposes.

11. At no time did the Cooks or any lienholder authorize Respondent to use the funds described in paragraph 10, above, for his own business or personal purposes.

12. By using the \$8,803.05 without authority, Respondent engaged in conversion of those funds.

13. At the time Respondent converted the \$8,803.05, he knew he was using these funds without authority, and in doing so, he acted dishonestly.

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

- a. failure to hold property of clients or third persons that is in the lawyer's possession in connection with a representation separate from the lawyer's own personal property, by conduct including, causing the balance of trust account 3354 to fall to \$350.61, thereby converting at least \$8,803.05 in funds entrusted to him by the Cooks and/or lienholders, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct including dishonest, fraud, deceit, or misrepresentation, by conduct including knowingly using at least \$8,803.05 of funds belonging to the Cooks and/or lienholders for his own business and personal purposes, without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II
(Unauthorized practice of law)

15. At all times alleged in this complaint, Supreme Court Rule 794 required that every Illinois attorney shall complete 30 hours of continuing legal education ("CLE") courses during a two-year reporting period. The reporting period for attorneys with last names beginning with the letters A through M begins on July 1 of even-numbered years and runs through June 30 for the subsequent even-numbered year. Attorneys with last names beginning with the letters N through Z have reporting periods beginning on July 1 of odd-numbered years and running through June 30 of the subsequent odd-numbered year.

16. At all times alleged in this complaint, Supreme Court Rule 796 required that Illinois attorneys submit a certification within 31 days after the end of the attorneys reporting period to the Minimum Continuing Legal Education Board ("MCLE certification") stating whether the attorney complied with the CLE rules.

17. Based on the requirements of Rule 794, Respondent's reporting period begins on July 1 of even-numbered years.

18. Based on the requirements of Rule 796, Respondent is required to report MCLE certification by July 31 of his even-numbered reporting year.

19. For the reporting period running from July 1, 2018 through June 30, 2020, Respondent was required to complete 30 CLE hours and submit his MCLE certification by July 31, 2020.

20. Respondent did not complete 30 CLE hours, nor did he report his lack of compliance by July 31, 2020.

21. Respondent was removed from the Master Roll of Attorneys on April 22, 2021 for failure to comply with the MCLE requirement hours pursuant to Rule 794 and Rule 796.

22. Prior to April 21, 2022, Respondent completed his outstanding MCLE requirements and paid his past due registration fees.

23. On April 21, 2022, Respondent was reinstated to the Master Roll of Attorneys.

24. Between April 22, 2021 and April 21, 2022, Respondent continued to operate his law practice, appeared in court on behalf of clients and engaged in the practice of law, despite being removed from the Master Roll of Attorneys.

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

- a. practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, by continuing to appear in cases and engaged in the practice of law, and holding himself out as an attorney after his name was removed from the Master Roll of Attorneys authorized to practice in Illinois, in violation of Rule 5.5(a) 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 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/ Rachel C. Miller
Rachel C. Miller

Rachel C. Miller
Counsel for Administrator
3161 W. White Oaks Dr., Suite 301
Springfield, IL 62704
Telephone: (217) 546-3523
Email: ARDCeservice@iadc.org
Email: rmiller@iadc.org
MAINLIB-#1506892