

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

**FILED
10/14/2022 4:13 PM
ARDC Clerk**

In the Matter of:)
)
JAMES DOUGLAS COTTRELL,)
) Commission No.2022 PR 00069
Attorney-Respondent,)
)
No. 6184207)

ANSWER

NOW COMES the Attorney-Respondent, JAMES DOUGLAS COTTRELL by and through his counsel Michael J. Costello and for his Answer to the Complaint of the Administrator, respectfully states as follows:

COUNT I

1. The Respondent admits the allegations of Paragraph 1 of Count I of the Complaint. His sole firm was founded in October 2013. His practice as a sole attorney at present consists of a large number of small municipal corporations.

2. The Respondent admits the allegations of Paragraph 2 of Count I of the Complaint. The Respondent later becomes a partner in the firm of Dobbins Franker Tennant Joy and Perlstein. He left this firm in 2014 for Tepper, Mann and Cottrell and was partner.

3. The Respondent admits the allegations of Paragraph 3 of Count I of the Complaint.

4. The Respondent admits the allegations of Paragraph 4 of Count I of the Complaint.

5. The Respondent admits as to the allegations of Paragraph 5 of Count I of the Complaint. He received \$2,977.33 and a note from Sinder with no addresses for the remaining funds due to vendors on behalf of Sinder's former clients for monies and expenses due to them which to Attorney-Respondent's information and belief were not client's funds. Along with his check, Sinder provided Respondent with a copy of a hand written note concerning these outstanding funds. The checks indicate they go back as far back as the mid-1970s and mainly concerned charges from vendors on cases.

6. The Respondent admits the Allegations of Paragraph 6 of Count I of the Complaint but affirmatively states that the monies were not Sidner's clients' trust funds but money due to vendors for expenses of Sidner's former clients. .

7. The Respondent admits the allegations of Paragraph 7 of Count I of the Complaint but Respondent paid the Ludlo Drainage District monies due and owing to it which were not trust funds and another payment to another Sinder's client both from Respondent's business account. Efforts to search Sinder's clients were halted because of Respondent's medical conditions.

8. The Respondent admits the allegations of Paragraph 8 of Count I of the Complaint.

9. It is the Respondent's understanding and recollection that between April 8, 2014 and March 5, 2022, he used \$2,902.34 from Sinder's but the monies were not former client trust funds but expenses due and owing to vendors of Sinder's former clients. The primary outstanding amount was to a real estate agent.

10. The Respondent denies that by using \$2,902.34, he did engage in conversion of those funds because they were not client funds but vendor and business expenses of former clients of Sinder.

11. At the times the Respondent utilized the \$2,902.34, he believed he was not acting dishonestly because these monies were for business and vendor expenses and not funds to be paid back to Sinder's client. He could not pay the vendors because he did not have the address.

12. The Respondent denies allegations of Paragraph 12 of Count I of the Complaint that he dishonestly used \$2,902.34 for funds and denies the allegations of Paragraph b of Count I of the Complaint and requests the panel make finding of fact, conclusions of fact and any recommendations of discipline that are meet and proper.

WHEREFORE, Attorney-Respondent, JAMES DOUGLAS COTTRELL, moves that the Panel find no attorney misconduct occurred.

Respectfully Submitted,

James Douglas Cottrell, Attorney-Respondent

____/s Michael J. Costello _____
MICHAEL J. COSTELLO
Attorney-Respondent

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CERTIFICATE OF SERVICE

I certify that on 14th day of October, 2022 by electronic filed and transmitted the foregoing documents pursuant to 735 ILCS 5/2-619.1 with the Clerk of the Court for the Illinois Attorney Registration Commission of Illinois for the Fourth Judicial Circuit by using the Tyler eFileIL system.

I further certify that the individual named below was served electronically and by enclosing the same in an envelope addressed to such party at his business or residence address, as disclosed by the pleadings of record herein, with postage full prepaid, and by depositing said envelope in the United States Mail in Springfield, Illinois on this 14th day of October, 2022.

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_____/s Michael J. Costello _____

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