

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

In the Matter of:)
)
GABRIEL PAUL CASEY,)
) Commission No.: 2022PR00071
Attorney-Respondent,)
)
No. 6305599.)

ANSWER

NOW COMES Attorney-Respondent, Gabriel Casey, who Answers Jerome Larkin’s, Administrator of the Attorney Registration and Disciplinary Commission, Complaint as follows:

COUNT I

1. On February 8, 2022, Respondent and Jacob Goodbred (“Goodbred”) entered into an attorney employment agreement (“Agreement”). Pursuant to the Agreement, Goodbred hired Respondent to provide legal services in connection with settlement and litigation against Jeff and Julie Barbee (“the Barbees”) for elder/disabled abuse of Goodbred’s great aunt, Marilyn Worlow (“Worlow”). Goodbred agreed to pay Respondent 10% of any settlement or 33 1/3% of any trial court litigation (excluding real property Goodbred had already received from Worlow’s estate).

ANSWER: Admit.

2. Respondent prepared a letter and sent it to the Barbees on April 4, 2022. The letter informed the Barbees that he had been retained by Goodbred to represent him against them for their actions against the property and real estate of Worlow.

ANSWER: Admit.

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3. The letter alleged that the Barbees had engaged in financial exploitation of Worlow, an elderly person or a person with disabilities, in violation of the Financial Exploitation Act, 720 ILCS 17-56, et seq. (“Act”), asserted that they would be both criminally charged under the Act and would face a civil suit arising from their alleged violation of the Act.

ANSWER: Deny. Respondent admits that the letter alleges the Barbees’ actions constitute violations of the Act. Respondent admits that the Letter asserts that the Barbees would be criminally charged under the Act if Goodbred and other family members reported the Barbees’ conduct to local law enforcement.

4. The letter states, in pertinent part:

Should you be unwilling to settle your actions with Jacob under this demand, He [sic] will immediately report to the most apt law enforcement agency for reporting and prosecution of the crimes you have committed, in addition to civil litigation instituted by my firm. We have several other family members with direct knowledge of your actions that will also join him in the police report. I have already spoken to Julie’s former employer, Stuart [sic] Umholtz, concerning this claim and he is interested in prosecuting. The fact that he is running for judge at this very moment is evidence that he will have no choice but to prosecute you both to the fullest extent of the law or risk his election as an elected official who will let his employees and associates commit crimes without prosecution.

This demand is your ONLY opportunity to resolve what you have done without both civil and criminal prosecution and the losses I have outlined under the Financial Exploitation Act above. Do not take this lightly, thinking it can be ignored, or that you can avoid severe consequences for your wrongful actions. You should immediately consult an attorney.

Jacob is willing to settle this claim, which means that neither he, nor the family members we spoke to, will pursue criminal prosecution or civil litigation against either of you under the Act. In full settlement, Jacob will accept the amount of \$950,000.00 (Nine-Hundred and Fifty-Thousand Dollars). This offer of settlement will be valid for only two-weeks after it is delivered. After that period, without further communication or warning, we will begin the criminal process and pursue civil litigation. If the demand is accepted prior to this deadline, we will postpone pursuit while a settlement contract is drafted and executed. This offer of settlement must be accepted in writing executed by both of you, to be valid. The acceptance may be mailed or sent electronically.

ANSWER: Admit.

5. Respondent's statements in paragraph 4 above, regarding Goodbred making a report to a law enforcement agency regarding the Barbees' alleged crimes and pursuing criminal prosecution unless they settled Goodbred's claim, constituted a threat to present criminal charges to obtain an advantage in a civil matter.

ANSWER: Deny. Respondent's statements were to fully inform the Barbees of the truth as understood by Respondent and Goodbred at the time the letter was drafted. Respondent and Goodbred included the content concerning criminal prosecution in an attempt to avoid having to pursue criminal prosecution as a remedy for Goodbred's recovery, as the Barbees' are not only close family of Goodbred but also of Goodbred's other family, such as grandparents and a cousin, and Goodbred wanted to avoid their criminal prosecution to resolve their wrongful actions if possible.

6. Respondent's statements in paragraph 4 above, regarding Respondent having spoken with Tazewell County State's Attorney Stewart Umholtz ("Umholtz") concerning "this claim" and that Umholtz was "interested in prosecuting" were false, because Respondent had not conveyed details of the alleged crimes to Umholtz, and did not inform Umholtz of the victim's name or that Jeff Barbee and/or Julie Barbee were the alleged perpetrators of the alleged crimes. The statements in paragraph 4, above, were also false because Umholtz never indicated that he was "interested in prosecuting" the criminal case.

ANSWER: Deny. Respondent spoke to Umholtz regarding Goodbred's case/claim after discussing with Umholtz whether he would run for judge or not and that Respondent would not run against him in the judicial race, but would instead support him and consider running in 6 years at the expiration of the term. After that portion of the conversation, Respondent stated, "I have a case..." to Umholtz and went on to tell Umholtz that the case involved the Act, that the actions of the case took place in Tazewell County and would be in Umholtz jurisdiction, and that the dollar value of the case was several million dollars such that it would be on the highest end of penalties should it be prosecuted. Respondent then ask Umholtz if he would prosecute the case and how Respondent or his client could initiate

said prosecution. Umholtz responded that he could not give an official decision without having all the facts, which Respondent acknowledged he understood and was not looking for at the time, just whether Umholtz/his office would be interested in prosecuting based on the facts of the case provided. Umholtz answered in the affirmative. Respondent has offered to take a polygraph examination concerning this conversation and any other with Umholtz. Respondent admits that he did not specifically mention the names of the Barbees as he was attempted to shield them from investigation and possible criminal charges being brought it possible. Respondent had no idea that Julie Barbee was Umholtz former employee for many years as of this conversation.

7. Respondent knew or should have known that his statements in paragraph 4 above, that he had spoken with Umholtz concerning “this claim” and that Umholtz was “interested in prosecuting”, were false when he made them.

ANSWER: Deny. Respondent still believes in the truth of these statements and is willing to take a polygraph examination to assert their truth.

8. Pursuant to the Agreement, a \$950,000 settlement would have resulted in a \$95,000 attorney’s fee to Respondent.

ANSWER: Deny. Respondent admits that based on math and the Agreement as written, that \$95,000.00 is 10% of the amount demanded, but denies that it was possible to receive acceptance of the demand or even an amount close thereto in settlement of the case. Respondent and Goodbred discussed various demand amounts and the likelihood of what an offer of settlement from the Barbees would actually be, never did Respondent or Goodbred believe it was possible to receive a \$950,000.00 settlement from the Barbees.

9. As of April 4, 2022, the Barbees' alleged crimes had not been reported to any law enforcement agency.

ANSWER: Admit. After Respondent was summoned to Umholtz office to be berated and indirectly threatened by Umholtz, Respondent informed Goodbred that he should not report the Barbees crimes as Respondent believed it was not just possible, but likely, that the allegations would not only not be pursued by Umholtz and his office, but that some action of Umholtz or the office would prevent charges from ever being brought against the Barbees. Respondent and Goodbred will testify that until the actions of Umholtz after the Letter was sent, it was both of their intentions to follow through on reporting the actions of the Barbees to law enforcement as it represented Goodbred's best chance to preserve the monies from being hidden and Goodbred's best chance of recovery.

10. 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 stating "I have already spoken to Julie's former employer, Stuart [sic] Umholtz, concerning this claim and he is interested in prosecuting" in the letter when Respondent knew that he had not spoken to Umholtz concerning "this claim" and Umholtz had not advised that he was "interested in prosecuting" the claim, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010);

ANSWER: Deny.

b. making a false statement of material fact or law to a third person, by stating in his letter to the Barbees "I have already spoken to Julie's former employer, Stuart [sic] Umholtz, concerning this claim and he is interested in prosecuting" when Respondent knew that he

had not spoken to Umholtz concerning “this claim” and Umholtz had not advised that he was “interested in prosecuting” the claim, in violation of Rule 4.1(a) of the Illinois Rules of Professional Conduct (2010); and

ANSWER: Deny.

c. presenting, participate in presenting, or threaten to present criminal or professional disciplinary charges to obtain an advantage in a civil matter by threatening to report the Barbees’ alleged crimes to a law enforcement agency unless they settled Goodbred’s claim, in violation of Rule 8.4(g) of the Illinois Rules of Professional Conduct (2010).

ANSWER: Deny.

Respectfully Submitted,

Gabriel Casey, Attorney-Respondent

BY: 

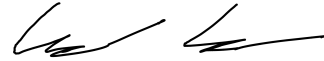
Gabriel Casey

Gabriel Casey #6305599
320 S. Main St.
Morton, Illinois 61550
Telephone: 309-210-8274
Email: casey@CLOpeoria.com

PROOF OF SERVICE

The undersigned certifies under §1-109 of the Illinois Rules of Civil Procedure that on October 27, 2022, a copy of this document was served upon all parties of record, or their attorneys, by electronic mail to the address of record or otherwise as indicated below, in compliance with Illinois Supreme Court Rule 11 (eff. July 1, 2017).

David B. Collins
Counsel for the Administrator
Attorney Registration and Disciplinary Commission
3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
Sent Via Email: dcollins@iadc.org



Gabriel Casey