

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

In the Matter of:

JEFFREY BRUCE STEINBACK,

Attorney-Respondent,

No. 2718189.

Commission No. 2022PR00088

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorneys, Matthew Lango and Evette Ocasio, pursuant to Supreme Court Rule 753(b), complains of Respondent, Jeffrey Bruce Steinback, who was licensed to practice law in Illinois on May 9, 1977, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

BACKGROUND

1. At all times related to this complaint, Respondent was a solo practitioner based in Chicago and Roscoe, Illinois, with his practice incorporated under the name Jeffrey B. Steinback, LLC. Respondent was the owner and sole attorney with managerial authority at Jeffrey B. Steinback, LLC. At all times relevant to this complaint, Respondent's practice was focused on the area of federal criminal defense.

2. At all times related to this complaint, Respondent designated his spouse, Patti Steinback, as the legal assistant for Jeffrey B. Steinback, LLC. Patti Steinback ("Patti") is not a lawyer and has never been admitted to practice law in Illinois or any other jurisdiction. At all times related to this complaint, Respondent had direct supervisory authority over Patti and had a duty to

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make reasonable efforts to ensure that Patti's conduct was compatible with Respondent's professional obligations.

COUNT I

(Lack of diligence, failure to expedite litigation, failure to correct a false statement of material fact previously made to the tribunal, failure to take reasonable remedial action to avoid or mitigate the consequences of a nonlawyer's misconduct)

3. On January 8, 2020, a federal grand jury in Cedar Rapids, Iowa returned an indictment against Romel Murphy, ("Murphy") charging him with wire fraud, mail fraud, and aggravated identity theft. The matter was docketed as *United States v. Romel Murphy* in the United States District Court for the Northern District of Iowa as case number 20-CR-00006 and assigned to Judge C.J. Williams.

4. In or about 2019, Murphy and Respondent agreed that Respondent would represent him with regard to any possible federal criminal charges and prior to the Iowa grand jury returning an indictment against him. On January 22, 2020, after the indictment was filed, Respondent moved to appear *pro hac vice* as retained counsel for Murphy. On January 23, 2020, Judge Williams granted Respondent's motion. Respondent did not have local counsel in the matter.

5. In the District Court's initial scheduling order, Judge Williams set the trial for the two-week period beginning April 6, 2020. On March 9, 2020, Respondent filed an unopposed motion to extend deadlines for plea entry and trial, based on "serious family health concerns" which required him to be out of town. Judge Williams granted the motion and continued the trial to June 1, 2020.

6. On May 7, 2020, Respondent filed an unopposed motion to extend deadlines for plea entry and trial, based on COVID-19 restrictions which prevented Respondent from meeting

with Murphy in person to discuss aspects of the plea agreement. Judge Williams granted the motion and continued the trial to August 3, 2020.

7. On July 10, 2020, Respondent filed an unopposed motion to extend deadlines for plea entry and trial, again based on COVID-19 restrictions which prevented Respondent from meeting with Murphy in person to discuss aspects of the plea agreement. Judge Williams granted the motion and continued the trial to October 5, 2020.

8. On September 15, 2020, Respondent filed another unopposed motion to extend deadlines for plea entry and trial, based on COVID-19 restrictions which prevented Respondent from meeting with Murphy in person to discuss aspects of the plea agreement and Respondent's need to assist an ill family member. The District Court granted the motion and continued the trial to January 4, 2021.

9. On December 11, 2020, Respondent filed an unopposed motion to extend deadlines for plea entry and trial, based on COVID-19 restrictions which, again, prevented Respondent from meeting with Murphy in person to discuss aspects of the plea agreement. Respondent also cited to the recent birth of his grandson. On December 14, 2020, the District Court denied the motion.

10. On December 15, 2020, Respondent filed a notice of intent to plead guilty on behalf of Murphy. The District Court scheduled a change of plea hearing for December 21, 2020, which it later rescheduled for January 8, 2021.

11. On January 8, 2021, Murphy entered a guilty plea before the magistrate judge assigned to the case. Respondent personally appeared in court with Murphy on that date. The District Court accepted Murphy's guilty plea on January 26, 2021.

12. On May 21, 2021, the United States Probation Office filed its final presentence investigation report with regard to Murphy. Judge Williams's courtroom staff contacted

Respondent in an attempt to schedule the sentencing hearing for August, but Respondent was unavailable. Judge Williams scheduled the sentencing hearing for September 24, 2021, noting that it would not be continued absent exceptional circumstances.

13. On September 16, 2021, Respondent filed an unopposed motion to extend the deadline for filing the sentencing memorandum on behalf of Murphy due on September 17, 2021. Judge Williams granted the motion, and extended the filing deadline to September 20, 2021.

14. On September 23, 2021, Patti emailed Judge Williams's staff to advise that "Mr. Steinback is on his way to the emergency room due to violent back spasms and nerve pain." Respondent did not go to an emergency room on September 23, 2021.

15. On the morning of September 24, 2021, Patti emailed Judge Williams's staff to advise that Respondent "was given pain medication and anti-inflammatories/muscle relaxers last night and was instructed to limit any travel or physical activity for the next 4-7 days." This statement by Patti was false as Respondent was not given pain medication or muscle relaxers the previous evening, was not treated by any medical professional, and was not instructed to limit travel or physical activity for the next four to seven days. Patti knew that the statements in her email were false at the time she made them.

16. On the morning of September 24, 2021, Patti, on Respondent's behalf, filed an unopposed motion to continue the sentencing hearing. The motion, which contained Respondent's electronic signature, stated, in part:

Defendant's attorney, the undersigned, experienced debilitating back spasms and nerve pain last night, and needed to seek medical attention.

Mr. Steinback taken [sic] to the emergency room and was treated there. He was advised not to travel or participate in any strenuous physical activity for the next 4-7 days and was given medication for the spasms.

Cedar Rapids is approximately 3 ½ hours drive from Mr. Steinback's home. It would require him to drive or to fly, both activities being against doctor's instructions at this time.

17. The statements in the September 24, 2021 motion that Respondent had gone to and received treatment at an emergency room, including medication, in the preceding day and that he was advised not to travel for the next four to seven days, were false because he had not gone to an emergency room, received any treatment, or been advised not to travel on September 23, 2021.

18. Respondent knew or should have known that the statements in the September 24, 2021 motion filed on his behalf, as described in paragraph 17, above, were false at the time Patti made them on his behalf.

19. On September 24, 2021, Judge Williams granted Respondent's motion and continued the sentencing hearing to October 6, 2021.

20. On the afternoon of October 5, 2021, Patti called the District Court and spoke with a member of Judge Williams's staff, informing her that Respondent met with a client who "seems to be positive" for COVID-19, that Respondent spoke with a doctor who advised him to self-quarantine, and asked for a continuance of the sentencing hearing. At Judge Williams's direction, the judicial assistant emailed Patti and advised that the sentencing hearing would not be continued, absent Respondent testing positive for COVID-19.

21. On October 5, 2021, at 5:01 p.m., Respondent, or someone at his direction, filed an emergency motion to continue the sentencing hearing with a letter from Respondent's doctor that stated he "had a possible exposure to COVID."

22. On the morning of October 6, 2021, Judge Williams denied the emergency motion to continue the sentencing hearing. Shortly thereafter, Respondent emailed Judge Williams,

expressing his regret at having been ordered by his doctor not to travel because of his possible exposure to COVID-19, and asking the District Court to continue the sentencing hearing.

23. Respondent's statements as described in paragraphs 21-22, above, that he had been ordered by his doctor not to travel were false because Respondent's doctor only confirmed that Respondent reported a potential exposure to COVID-19, but had not expressly ordered Respondent not to travel.

24. Respondent knew that the statement that his doctor ordered him not to travel, as described in paragraphs 21-23, above, was false at the time he made it.

25. On October 6, 2021, Respondent did not appear at Murphy's sentencing hearing. Judge Williams rescheduled the sentencing hearing for October 20, 2021.

26. On October 14, 2021, Judge Williams issued a show cause order to Respondent and scheduled the show cause hearing for October 20, 2021, immediately following the sentencing hearing. The order required Respondent to produce, among other things, the following items:

All correspondence with defendant about defense counsel's attempt to continue and defendant's need to appear at the sentencing hearing set for October 6, 2021;

All medical records pertaining to defense counsel's "back spasms" that required a last-minute continuance of the sentencing hearing scheduled for September 24, 2021.

27. Respondent appeared in court with Murphy on October 20, 2021. On that date, Judge Williams sentenced Murphy to 77 months imprisonment and ordered Murphy to make \$414,433.23 in restitution to the victims of his offense.

28. On October 20, 2021, immediately following Murphy's sentencing hearing, Judge Williams held a hearing on his show cause order. At the show cause hearing, Respondent provided Judge Williams with typed documents reflecting communications between Patti and Murphy, but

such communications were not original documents or screenshots of text messages or emails. Respondent also provided Judge Williams with an October 19, 2021 letter from Respondent's doctor which stated: "Patient reports missing a work appointment on, 9/24/21, due to back spasms."

29. During the hearing, Judge Williams noted the documents Respondent provided in response to the show cause order were insufficient. As to Respondent's failure to produce medical records supporting his claimed visit to and treatment at an emergency room for back spasms, Judge Williams stated:

Mr. Steinback, what that tells me regarding the September 24th is that—I'm highly skeptical that you went to the emergency room and had any instructions from any doctor not to appear—or not to travel. I find it absolutely unbelievable that you could not produce documents to demonstrate those medical treatments that you allege and that you told me in a court filing happened on those dates. I don't have any idea how you could not produce those documents when I gave you plenty of time to do so, if, in fact, they occurred. So I'm very troubled by that, and it makes me highly suspicious that you misrepresented a fact to this Court.

...

What I want, and what you have represented to this Court in a pleading that you filed with this Court, is that you went to the emergency room on September 24th and got instructions from your doctor that you weren't to travel. That's what I want. It may be the case that that happened, and if so, you can produce those records to me. . .

30. In response to Judge Williams's statements concerning Respondent's alleged medical treatment on September 24, 2021, Respondent stated:

It was an urgent care facility rather than an ER. We went to the ER. It was backed up to the point where anybody who wasn't bleeding out of an artery wasn't going to be seen for about five hours, so we went to the urgent care center that was open, and I will be able to get whatever it is that is necessary. The problem is, they are backed up for all sorts of reasons, and nobody there owes me anything. I owe you, but they don't owe me. I – I pleaded with them. My wife went over there and begged them and ultimately reached out to Dr.

Hansen because his office is in the same complex as that urgent care center to see if he could get those records.

31. The statements made by Respondent as set forth in paragraph 30, above, were false and misleading, because Respondent was not admitted to, nor did he receive treatment at, an emergency room or urgent care clinic on September 23, 2021, and therefore, Respondent knew the urgent care clinic had no medical records to produce related to his alleged treatment for back spasms.

32. Respondent knew the statements set forth in paragraph 30, above, were false and misleading at the time he made them.

33. On October 20, 2021, Judge Williams granted Respondent an additional 30 days to produce the records pursuant to the show cause order. Respondent did not produce any additional documents in response to the show cause order.

34. On November 3, 2021, Respondent's client, Murphy, filed a *pro se* motion asking the District Court for appointment of new counsel. In the motion, he stated: "I have three pertinent issues concerning my case and my previous attorney is busy with other cases and said he cannot handle them as well as me being unsatisfied with services rendered and I am unable to hire an attorney." On that same date, Judge Williams appointed new counsel to represent Murphy.

35. On November 24, 2021, Judge Williams entered an order for a further show cause hearing, again directing Respondent to produce the original communications with Murphy and medical records related to his purported September 23, 2021, treatment for back spasms. Judge Williams scheduled the show cause hearing for December 8, 2021, and stated he would "not consider any motions to continue or motions for extension of time."

36. On December 7, 2021, Patti emailed the District Court requesting a continuance of the show cause hearing. In the email, Patti claimed she failed to inform Respondent of the hearing

until a few days prior and explained that Respondent's brother was experiencing grave medical issues at the time. The District Court had the email filed as a sealed motion, granted the motion, and continued the hearing to December 15, 2021.

37. On December 14, 2021, Patti emailed the District Court requesting a continuance of the show cause hearing and attaching a letter from Respondent addressed to the District Court which related his history of health problems. In explaining the events of September 23, 2021, Respondent's letter stated, in part:

The decision was then made to proceed to one of several urgent care clinics in the general vicinity of our home. A triage doctor, possibly an NP or a PA, conducted an evaluation, advising (that which I already knew), to avoid physical activity and travel, offering a script for pain medication. I declined the prescription, already having pain medication, thereafter returning home.

This care clinic, as I have come to learn, is a part of a much larger chain. Repeated calls for the doctor or medical provider present that evening revealed that the providers at this clinic rotate and some only work part time, while others work for a number of unaffiliated clinics. No one able to find the name of the triage provider, nor did anyone seem particularly motivated to go out of their way to undertake the effort to do so.

38. Respondent statements contained in the letter to Judge Williams as described in paragraph 37, above, were false, because Respondent had not been admitted to an urgent care clinic, nor had he been evaluated by any medical professional, nor had he been offered any prescription for pain medication.

39. Respondent knew the statements described in paragraphs 37-38, above, were false at the time he made them.

40. On December 15, 2021, Judge Williams granted Respondent's request for a continuance and rescheduled the show cause hearing to January 10, 2022.

41. On January 10, 2022, at the continued show cause hearing, Respondent asked to testify on his own behalf. During his testimony, Respondent stated, in part regarding the events of September 23 and 24, 2021:

I took—I had an old scrip for Flexeril. I had previously taken ibuprofen. That didn't work. The Flexeril made me very sleepy, but I was still in pain. Although I was tired, I was—it was a—a pain that I cannot describe in words. Crippling doesn't quite get to it. I ultimately took a half a pain pill, a—something called Vicoprofen. That knocked me out. I was out. I don't know if that was midnight, 1:00 in the morning. I don't remember when that was. I—I tried to rack my brain about that.

At some point, Patti reached out to Your Honor's deputy clerk; Patti reached out to Kyndra [the prosecutor]; apparently sent e-mails. Somewhere along the line there was a motion that was put together. I do not let motions go out unless I have read them, even simple ones, even straightforward ones. I neither wrote, read, nor signed that document.

...

When I awakened the next morning, Patti said, "The case has been continued." I—I—I said a little prayer to myself, and I fell back to sleep, and did not know that this motion was written or of any kind of an issue at all until after the fact.

42. At the January 10, 2022 hearing, following Respondent's statement, Judge Williams asked Respondent a number of questions, including the following:

Court: Did you actually step foot inside that urgent care facility?

Respondent: Yes.

Court: Did you see a medical provider there?

Respondent: I saw a lady who at least takes in – I call it – I think I called it a triage, because it's like – if you are hurting as badly as I was, they motioned me up, and I sat down next to her. First thing that was – that came up from my wife is "I'm worried he's having a kidney stone," and that was – I wanted out of there. . . .And I just said, "Patti, we're out of here, I'm sorry."

Court: So did you provide that person with your name or any identifying information?

Respondent: I didn't. Patti may have. I didn't. I know that I went back and tried to get ahold of people, just to see if anybody – because we never got a bill – if anybody remembered me coming in. . . I couldn't get a hold of anybody. I tried. I was thinking, maybe if someone would remember that we came in that night, maybe I could get a statement from them. That's the best I could do. But I didn't say that I had been treated. . .

Court: You were aware of this motion to continue at the time that we had the contempt hearing on October 20, '21, correct?

Respondent: Yes.

Court: So you were aware that it says that “Mr. Steinback taken to the emergency room and was treated there?” You were aware that that's what it said when we had the contempt hearing on October 20th of 2021?

Respondent: I—I looked at that motion. I didn't pay much attention to it. I thought Your Honor was going to take me to task over COVID, and that's what I was prepared to address.

Court: I gave you fair notice that the continuance of the September 24 hearing was part of what we were going to discuss.

Respondent: Yes, Your Honor. I didn't focus on that motion.

Court: It also says you were given medication for the spasms. You were aware of that at the time we had the October 20, 2021, hearing, correct?

Respondent: My wife said that, yes.

Court: All right.

Respondent: I never said that.

Court: Well, it's bearing your signature, Mr. Steinback. It bears your signature.

Respondent: It bears—it bears a name with my name on it. Not my signature.

Court: Then your wife is practicing law without a license, isn't she?

Respondent: Not—she put a motion together, because that's what she was suggested she should do.

Court: Well, when we got to the October 20th hearing, you didn't tell me any of this at that hearing, did you, Mr. Steinback?

Respondent: No, sir, I did not.

...

Court: You did not tell me that you were not treated at the urgent care center. You suggested, did you not, that you were treated at an urgent care facility.

Respondent: I said I went there, Your Honor.

...

Court: You would agree with me, Mr. Steinback, that you had ample opportunity at that hearing on the 20th to explain to me that you went into an urgent care facility and walked out and was not treated, you were not treated, and you did not get medication, and you did not get a directive from any doctor to limit your physical activity the next four to seven days? You would agree you had an opportunity to explain all that to me on October 20th, didn't you?

Respondent: Yes, Your Honor, I agree, I had the opportunity. . .

43. At no time between September 24, 2021 and January 9, 2022, did Respondent take reasonable remedial action to correct the false statements in the September 24, 2021 motion to continue regarding Respondent's purported treatment at the emergency room.

44. On May 18, 2022, Respondent wrote Judge Williams a letter in which he stated, among other things, that he never saw or approved the filing of the September 24, 2021 motion to continue Murphy's sentencing hearing, which contained the false statements that he was treated at an emergency room for back spasms, prescribed medications, and instructed not to travel. In the letter, Respondent claimed that Patti filed the motion without his knowledge or permission. Patti did not provide a sworn affidavit, nor did she testify in Respondent's contempt proceedings before Judge Williams.

45. On June 10, 2022, Judge Williams entered an order finding Respondent in contempt of court. Among other things, Judge Williams found that Respondent repeatedly disobeyed court orders, misled the court, and was not candid with the court. In particular, Judge Williams found that Respondent disobeyed the District Court's order by failing to appear for Murphy's sentencing hearing on October 6, 2021, and that Respondent repeatedly failed to produce documents as ordered by the District Court that could have substantiated his need for continuances.

46. In addition, in his June 10, 2022 order, Judge Williams found that Respondent:

“could not ultimately produce medical records showing he was treated for back spasms on September 24, 2021, because that was a lie from the beginning. He still claims to have visited an urgent care facility and was seen by a person there, yet he has failed to produce documents showing that to be true. The Court finds that it is not. Had Steinback talked to a care provider as he claimed, the first step the facility would have taken would have been to get identification from Steinback and enter him into their system, if for no other reason than to collect insurance. The fact that Steinback has produced no records, no witness, no evidence whatsoever to support his evolving story of treatment for his alleged back spasms on September 24, 2021, leads the Court to the inescapable conclusion that he never went to see anyone that day about his back spasms, even assuming he had them.”

47. In his June 10, 2022 order, Judge Williams found that Respondent's conduct substantially interfered with the District Court's schedule. Judge Williams found that when

Respondent repeatedly filed motions to continue hearings at the last minute, for what he found to be false or frivolous pretenses, that Respondent disrupted Judge Williams's schedule and prevented him from hearing other matters.

48. On June 10, 2022, Judge Williams ordered that Respondent be publicly reprimanded, that Respondent be barred from practicing in the United States District Court for the Northern District of Iowa, and that Respondent be fined \$5,000.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by failing to appear at the October 6, 2021, sentencing hearing in *United States v. Murphy*, and by failing to produce records as ordered by the District Court on October 20, 2021, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct;
- b. knowingly making a false statement and failing to correct a false statement of material fact previously made to the tribunal by the lawyer, by failing to inform the District Court that statements, contained in the September 24, 2021 motion to continue, the December 14, 2021 letter to the District Court, and in Respondent's testimony on October 20, 2021 and January 10, 2022 regarding Respondent's treatment or evaluation at an emergency room and urgent care clinic were false and misleading, in violation of Rule 3.3(a)(1) of the Illinois Rules of Professional Conduct (2010);
- c. failing to take reasonable remedial action regarding the conduct by a person over whom Respondent had direct supervisory authority, by conduct including failing to take reasonable remedial action to notify the District Court that Patti filed the September 24, 2021 motion to continue and that said motion contained false statements regarding Respondent's treatment for back spasms, when the consequences of Patti's conduct could have been avoided or mitigated, in violation of Rule 5.3(c)(2) of the Illinois Rules of Professional Conduct (2010);

- d. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by conduct including telling the District Court in the September 24, 2021 motion to continue, the December 14, 2021 letter to the District Court, and in Respondent's testimony on October 20, 2021 and January 10, 2022 that Respondent was treated at an emergency room or urgent care clinic on September 23, 2021, was advised by a medical professional not to travel or engage in strenuous physical activity, and stating to the District Court that medical records for his treatment may exist, knowing that those statements were false and knowing that no such treatment records existed, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and
- e. engaging in conduct prejudicial to the administration of justice by conduct including requesting continuances for Murphy's sentencing hearing on September 24, 2021 and October 6, 2021 and making knowingly false statements to the District Court about the reasons for those continuances, which necessitated a contempt proceeding, in violation of Rule 8.4(d) 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 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/ Matthew D. Lango
Matthew D. Lango

Matthew D. Lango
Evette L. Ocasio
Attorney Registration and Disciplinary Commission
130 East Randolph Drive, Ste. 1500
Chicago, IL 60601
Telephone: (312) 565-2600
Email: mlango@iadc.org
Email: eocasio@iadc.org
Email: ARDCeservice@iadc.org
#1564991