

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:

CHARLES ROBERT SCANLON,

Attorney-Movant,

No. 6200483

Supreme Court No. M.R.

Commission No. 2023PR00005

MOTION PURSUANT TO SUPREME COURT RULE 762(a)

Movant, Charles Robert Scanlon, respectfully represents to the Court that:

1. Movant was licensed to practice law in Illinois on May 12, 1989.
2. Movant desires to have his name stricken from the Roll of Attorneys pursuant to

Rule 762(a), effective immediately.

3. Filed contemporaneously with this motion are a statement of charges prepared by the Administrator and Movant's affidavit in support of this motion.

WHEREFORE, Movant respectfully requests that the Court enter an order striking his name from the Roll of Attorneys.

Respectfully submitted,



Charles Robert Scanlon

5-5-23

Date

Charles Robert Scanlon
 P.O. Box #7591
 Chesterfield, MO 63006-7591
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May 09, 2023

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VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

5-5-23

Date



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STATEMENT OF CHARGES PURSUANT TO
SUPREME COURT RULE 762(a)

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission (“ARDC”), by his attorney David B. Collins, pursuant to Supreme Court Rule 762(a), states that on the date Charles Robert Scanlon (“Movant”) filed a motion requesting that his name be stricken from the Roll of Attorneys, a one count complaint was pending before the ARDC’s Hearing Board charging Movant with converting more than \$88,000 in funds from a client, Victor M. Betancourt (“Betancourt”) and a lienholder, the State of Illinois (“State”). Had that complaint been the subject of a hearing, the Administrator would have introduced the evidence described below, and the evidence would have clearly and convincingly established the following conclusions of misconduct:

I. FACTUAL BACKGROUND

Movant’s admissions, the ARDC’s registration records, documents in the Administrator’s possession and the anticipated testimony of Betancourt and others would have established the following facts:

(Conversion of \$88,088.82–Betancourt and the State)

1. Movant is 61 years old. He was licensed to practice law in Missouri on October 14, 1988 and in Illinois on May 12, 1989. He is currently suspended from the practice of law in

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Missouri and is currently registered to practice law in Illinois. He is a sole practitioner with a practice located in St. Louis that concentrates in the representation of claimants in Illinois workers' compensation and personal injury matters.

2. In operating his practice, Movant maintained and was the sole signatory on a client trust account at Jefferson Bank & Trust Company/First Mid Bank & Trust ("Jefferson/First Mid"), ending in the four digits of 5120, which was entitled "Charles R. Scanlon, Attorney at Law, Trust Account" ("trust account 5120"). Movant used trust account 5120 as the depository of funds belonging presently or potentially to the firm's clients, to third parties (including lienholders), and/or to himself.

3. On October 26, 2013, Betancourt was seriously injured when he fell from a structure he was working on at premises owned by Michael Pederson ("Pederson") located in O'Fallon. Movant and Betancourt later agreed that Movant would represent Betancourt in pursuing a personal injury claim against Pederson and Menard Incorporated, and that Movant would receive one-third of any proceeds recovered as a result of his representation, plus reimbursement of his costs. On October 26, 2015, Movant filed a lawsuit on behalf of Betancourt in the Circuit Court of St. Clair County.

4. On November 7, 2018, Movant voluntarily dismissed, without prejudice, all counts against defendant Menard, Incorporated, leaving Pederson as the sole defendant. The parties subsequently agreed to try to resolve the case through mediation.

5. As Betancourt's medical expenses had been paid by the State, the State had a lien upon any proceeds recovered as a result of the lawsuit. According to Movant, in preparation for the mediation, he attempted to ascertain from the State the amount it would accept in satisfaction

of its lien. However, Movant did not receive the amount the State would accept in satisfaction of its lien and proceeded to mediation without that information.

6. The mediation was held in September of 2019. As a result of the mediation, the parties agreed that Pederson's insurance carrier, United States Automobile Association ("USAA"), would pay Betancourt a total of \$150,000 in exchange for his execution of a release of his claims against Pederson and a dismissal, with prejudice, of Pederson from the lawsuit.

7. On October 2, 2019, Movant met with Betancourt and obtained his signature on a release of all claims supplied to him by counsel representing Pederson. Movant forwarded the executed release to counsel representing Pederson, and stated that he would send an executed stipulation for dismissal of the lawsuit upon receipt of USAA's settlement checks.

8. In early October of 2019, Movant received two checks: one check was USAA check number 0026578021, in the amount of \$145,000 and the other check was USAA check number 0026561896, in the amount of \$5,000. Both checks were made payable to "Charles R. Scanlon Attorney at Law and Victor M. Betancourt." Shortly after receiving the checks, Movant met with Betancourt to have him endorse the two settlement checks. Betancourt endorsed the checks, as did Movant. On October 8, 2019, Movant deposited USAA check number 0026561896, in the amount of \$5,000, into trust account 5120. On October 9, 2019, Movant deposited USAA check number 0026578021, in the amount of \$145,000, into trust account 5120. Following those deposits, the balance of trust account 5120 was \$150,016.73. Of the \$150,000 settlement proceeds, Movant had a contractual claim to his attorney's fee of \$50,000, plus reimbursement of his costs. The remainder of the settlement proceeds were due Betancourt and the State.

9. By letter dated October 17, 2019, the State notified Movant that the amount of its claimed lien against Betancourt's recovery was \$176,443.

10. As of the filing of this statement of charges, Respondent has not paid either Betancourt or the State any of the proceeds from the settlement. Between October 9, 2019 and October 31, 2022, Movant engaged in over 100 transactions involving trust account 5120. One check, No. 3081 dated January 21, 2021, was a payment for Betancourt's share of the mediation fee (\$1,141.00) to United States Arbitration and Mediation. The remaining checks consisted of checks Movant wrote to himself, checks written to Jefferson/First Mid for cash and/or cashier's checks, and checks payable to others. These transactions were for Movant's own personal and business purposes. On October 31, 2022, the balance of trust account 5120 was \$10,770.18. Movant used \$88,088.82 of the settlement funds without authority. Movant's use of those funds constitutes conversion.

11. At the time Movant used the funds due Betancourt and the State, Movant acted dishonestly, because he knew that he was using those funds for his own personal and business purposes without authority.

II. CONCLUSIONS OF MISCONDUCT

12. By reason of the conduct described above, Movant has engaged in the following misconduct:

- a. failure to hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property, by conduct including: (1) failing to hold funds belonging to Betancourt and the State, separate from Respondent's own property, and (2) converting \$88,088.82 of settlement funds belonging to Betancourt and the State, to Movant's own personal and business purposes causing the balance in his client trust account to fall below the amount then belonging to Betancourt and the State, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010); and

- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by knowingly converting \$88,088.82 of settlement funds belonging to Betancourt and the State, to Movant's own personal and business purposes without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

Respectfully submitted,
Jerome Larkin, Administrator
Attorney Registration Disciplinary Commission

By: /s/ David B. Collins
David B. Collins

David B. Collins
Counsel for the Administrator
Attorney Registration and Disciplinary Commission
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AFFIDAVIT

Affiant, Charles Robert Scanlon, being first duly sworn, states:

1. Affiant has filed with this Court a motion to strike his name from the Roll of Attorneys licensed to practice law in Illinois ("motion"), pursuant to Rule 762(a).

2. Affiant has received and reviewed a copy of the Administrator's statement of the charges that were pending against Affiant as of the filing of the motion. If the case proceeded to a hearing, the Administrator would present the evidence described in the statement of charges, and that evidence would clearly and convincingly establish the facts and conclusions of misconduct set forth in the statement of charges.

3. Affiant's motion is freely and voluntarily made.

4. Affiant understands the nature and consequences of this motion.

5. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

DATED: 5-9-23

[Signature]
/s/ _____
Charles Robert Scanlon

Charles Robert Scanlon
P.O. Box #7591
Chesterfield, MO 63006-7591
(314) 954-7429
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NOTICE OF FILING

TO: Charles Robert Scanlon
crscanlon001@aol.com

PLEASE TAKE NOTICE that on May 9, 2023, electronic copies of Charles Robert Scanlon's MOTION PURSUANT TO ILLINOIS SUPREME COURT RULE 762(a) and AFFIDAVIT, together with the ADMINISTRATOR'S STATEMENT OF CHARGES, were submitted to the Clerk of the Supreme Court for filing. On that same date, a copy was served on Attorney-Movant, by causing said copy to be emailed to the address listed above, at or before 5:00 p.m.

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

/s/ David B. Collins
Counsel for the Administrator

David B. Collins
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PROOF OF SERVICE

The undersigned, an attorney, hereby certifies, pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/109, that the Administrator served a copy of the Notice of Filing and MOTION PURSUANT TO ILLINOIS SUPREME COURT RULE 762(a) and AFFIDAVIT, together with the ADMINISTRATOR'S STATEMENT OF CHARGES, via email crscanlon001@aol.com on May 9, 2023, at or before 5:00 p.m.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/David B. Collins
David B. Collins

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