

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

**FILED**

May 23, 2023

**ARDC CLERK**

In the Matter of:

**JASON RUSSEL CARAWAY,**

Attorney-Respondent,

No. 6291446.

Commission No. 2022PR00046

**REPORT AND RECOMMENDATION OF THE HEARING BOARD**

**DEFAULT PROCEEDING**

The hearing in this matter was held by videoconference on May 19, 2023, before a Hearing Board Panel consisting of John L. Gilbert, Chair, Charles J. Swartwout, and Sherri Miller. Tammy L. Evans appeared on behalf of the Administrator. James A. Doppke appeared on behalf of Respondent, who was not present. At the conclusion of the Administrator's presentation, counsel for the Administrator recommended that Respondent be suspended for at least one year and until further order of the Court. We agree with the Administrator's recommendation and therefore also recommend that Respondent be suspended for one year and until further order of the Court.

We have considered the Administrator's single-count Complaint, a copy of which is attached as Exhibit 1, as well as the Order entered on March 31, 2023, deeming the allegations and charges of the Complaint admitted, a copy of which is attached as Exhibit 2.<sup>1</sup> The allegations deemed admitted establish as follows:

Respondent represented a client in an uninsured motorist claim. The matter settled for \$25,000, including \$10,000 designated for payments to medical lienholders. On June 22, 2017,

Respondent received the settlement proceeds and deposited them into his IOLTA account. After disbursing funds to his client and his firm, Respondent should have been holding \$10,000 in his IOLTA account for payment to the lienholders. However, on March 22, 2019, before he had paid any of the lienholders, the balance of the IOLTA account fell to \$5,365.06. Respondent thus used for his own personal or business purposes and without his client's authorization at least \$4,634.94 that he should have been holding for the lienholders. In addition, in August 2020, after his client learned that one of the lienholders was referring her unpaid bill to a collection agency, Respondent falsely told her that he had paid the lien when he knew that he had not done so. Finally, between June 2017 and July 2021, Respondent failed to prepare and maintain receipt and disbursement journals or contemporaneous ledger records for his IOLTA account. By this conduct, Respondent violated Illinois Rules of Professional Conduct 1.3, 1.15(a), and 8.4(c).

In mitigation, Respondent has no prior misconduct. In aggravation, Respondent failed to appear for his hearing, after also failing to appear for his deposition. Also, at no time between June 2017 and November 2020 did Respondent contact the lienholders or negotiate the amounts due to them, resulting in one of them referring his client's unpaid bill to a collection agency.

The Administrator recommended that Respondent be suspended for at least one year and until further order of the Court. We agree.

Accordingly,

1. On May 17, 2022, James A. Doppke filed an appearance on behalf of Respondent. A copy of the Appearance is attached as Exhibit 3.<sup>2</sup>
2. The allegations and charges of the Complaint were deemed admitted in an Order filed on March 31, 2023. A copy of that Order is attached as Exhibit 2.

3. In consideration of the Order deeming the allegations and charges of the Complaint admitted, this Panel finds that Respondent committed the misconduct charged in the Complaint.
4. Given Respondent's misconduct, the aggravating factors present, and relevant case law, we recommend that Respondent be suspended for one year and until further order of the Court.
5. The Panel has concluded that this report format will adequately and appropriately communicate its recommendation to the Court.

Respectfully submitted,

John L. Gilbert  
Charles J. Swartwout  
Sherri Miller

### **CERTIFICATION**

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on May 23, 2023.

/s/ Michelle M. Thome  
\_\_\_\_\_  
Michelle M. Thome, Clerk of the  
Attorney Registration and Disciplinary  
Commission of the Supreme Court of Illinois

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<sup>1</sup> Respondent filed an Answer to the Complaint, but later withdrew it. He filed no response to the Administrator's Motion to Deem the Allegations of the Administrator's Complaint Admitted Pursuant to Commission Rule 236.

<sup>2</sup> Commission Rule 214 provides: "When an appearance is entered by, or on behalf of, a respondent before service has been otherwise effectuated, the action shall proceed as if a complaint had been served at the time of the entry of appearance, and no proof of service shall be required."

# **Exhibit 1**

BEFORE THE HEARING BOARD  
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In the Matter of:

JASON RUSSEL CARAWAY,  
  
Attorney-Respondent,  
  
No. 6291446.

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COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Tammy L. Evans, pursuant to Supreme Court Rule 753(b), complains of Respondent, Jason Russel Caraway, who was licensed to practice law in Illinois on May 10, 2007, 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 related to this complaint, Respondent was a partner at Caraway, Fisher & Broombaugh, P.C., a personal injury law firm in Belleville, Illinois.
2. At all times related to this complaint, Respondent maintained and was a signatory on an IOLTA client trust account ending in 6029 and held at Associated Bank (“trust account 6029”). The account was titled “Caraway, Fisher and Broombaugh, P.C. Client Trust Fund.”

COUNT I

*(Conversion of \$4,634.94 of client funds, misrepresentation to a client,  
and lack of diligence -Yolanda Harris)*

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5/13/2022 11:55 AM  
ARDC Clerk

3. On August 16, 2016, Yolanda Harris (“Harris”) was involved in an automobile accident. Harris suffered injuries and incurred medical bills as a result of the accident. The other motorist who was involved in the accident with Harris did not have insurance.

4. Shortly after the accident, Harris contacted Judith Wilson (“Wilson”), an attorney in Belleville, for legal assistance. Wilson referred Harris to Respondent. In September 2016, Harris met with Respondent, and Respondent and Harris agreed that Respondent would represent Harris in an uninsured motorist claim against Government Employees Insurance Company (“GEICO”), Harris’ insurer. Respondent and Harris agreed that Respondent would receive attorney fees equal to one-third of any settlement monies received, and that Respondent would pay Wilson a referral fee from the fees that he received. Harris provided Respondent with all of the bills that she had received from the medical providers that treated her injuries.

5. On or before June 19, 2017, Respondent and Harris agreed to settle the uninsured motorist claim against GEICO for \$25,000, including \$10,000 in payments to nine lienholders that Respondent agreed to resolve and compromise.

6. On or about June 19, 2017, GEICO sent a letter to Respondent with a release and trust agreement. In their letter, GEICO informed Respondent that a settlement check in the amount of \$25,000 would be mailed to Respondent under separate cover.

7. On or before June 22, 2017, Respondent received check number 189048775 in the amount of \$25,000 from GEICO, which represented the settlement of Harris’ uninsured motorist claim against GEICO.

8. On or about June 22, 2017, Harris met with Respondent in his office. Respondent presented Harris with a settlement statement and the release and trust agreement that GEICO had sent to Respondent. The settlement statement indicated that the total settlement was \$25,000, and

listed total attorney fees in the amount of \$7,000 (\$4,669 to Respondent’s firm and \$2,331 to Wilson), total attorney costs in the amount of \$206.18, and a total medical provider payback amount of \$10,000 to be distributed among the following nine medical providers:

<b>MEDICAL PROVIDER</b>	<b>DATE(S) OF SERVICE</b>	<b>LIEN AMOUNT</b>
Dr. Matthew Gornet	8/31/16-4/20/17	\$251.96
MRI Partners	8/31/16	\$747.21
Washington University Physicians	8/16/16-8/17/16	\$669.36
Barnes Jewish Hospital	8/16/16-8/17/16	\$5,175.79
Abbott Ambulance	8/16/16	\$356.07
Clinical Radiologists	8/16/16	\$188.54
CEP America (ER)	8/16/16	\$220.69
Memorial Hospital	8/16/16	\$5,625.64
MedStar Ambulance	8/16/16	\$1,252.17
		<b>TOTAL = \$14,487.43</b>

The settlement statement also indicated that the total amount that was due to Harris after attorney fees and costs, and the payment of all liens, was \$7,793.82. On June 22, 2017, Harris signed the release and trust agreement.

9. On June 22, 2017, Respondent deposited check number 189048775 into trust account 6029. On June 23, 2017, Respondent drew check number 7698 on trust account 6029 in the amount of \$4,875.18 that was made payable to Respondent’s firm. Respondent wrote Harris’

name on the face of the check and listed fees in the amount of \$4,669 and costs in the amount of \$206.18.

10. On or about June 23, 2017, Respondent drew check number 7699 on trust account 6029 in the amount of \$2,331 that was made payable to Wilson. Respondent wrote “Yolanda Harris referral fee” on the face of the check.

11. On June 27, 2017, Respondent drew check number 7707 on trust account 6029 in the amount of \$7,793.82 that was made payable to Harris. On or about June 29, 2017, Harris negotiated check number 7707.

12. As of June 27, 2017, Respondent should have been maintaining \$10,000 in trust account 6029 for payment to the lienholders set out in paragraph eight, above.

13. At no time between June 27, 2017 and March 22, 2019, did Respondent pay any of the \$10,000 in funds he was holding for the lienholders to any lienholder listed in paragraph eight, above.

14. On March 22, 2019, the balance of trust account 6029 fell below \$10,000 to \$5,365.06.

15. Respondent used at least \$4,634.94 of the funds that Harris entrusted to Respondent for payment to the nine lienholders listed in paragraph eight, above, for his own personal and business purposes.

16. At no time did Harris authorize Respondent to use any portion of the \$10,000 that she entrusted to him for payment to the nine lienholders listed in paragraph eight, above, for Respondent’s own personal and business purposes.

17. Respondent’s use of the funds that Harris entrusted to him for payment to the nine lienholders listed in paragraph eight, above, without authority and for his own personal and



business purposes, constitutes the conversion of funds received in connection with the representation of a client. As a result, as of March 22, 2019, Respondent converted \$4,634.94 of the funds that he should have been holding on behalf of Harris for payment to the nine lienholders listed in paragraph eight, above.

18. At no time between June 22, 2017 and November 24, 2020, did Respondent attempt to contact the lienholders listed in paragraph eight, above, or negotiate the amounts due to them.

19. In August 2020, Harris contacted Respondent after she received a notice that Abbott Ambulance (“Abbott”), one of the lienholders listed in paragraph 8, above, was referring her outstanding bill to a collection agency for non-payment. At that time, Respondent represented to Harris that he had paid the Abbott lien.

20. Respondent’s statement to Harris that he had paid the Abbott lien was false because he had not made a payment to Abbott at the time that he made the representation to her described in paragraph 19, above.

21. At the time Respondent made the statement to Harris that he had paid the Abbott lien, he knew the statement was false.

22. On October 15, 2020, Respondent drew check number 8475 on trust account 6029 in the amount of \$1,024.56 that was made payable to Abbott and forwarded the check to the collection agency retained by Abbott.

23. At no time between June 22, 2017 and July 15, 2021, did Respondent prepare and maintain receipt and disbursement journals or contemporaneous ledger records for trust account 6029.

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

- a. conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly using \$4,634.94 of the \$10,000 that Harris entrusted to Respondent for payment to the nine lienholders listed in paragraph eight, above, for his own personal and business purposes, without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010);
- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including making the false statement to Harris that he paid the Abbott lien, when Respondent knew that, at the time he made the statement to Harris, he had not attempted to contact Abbott, negotiate the amount of Abbott's lien, and had not made a payment to Abbott, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010);
- c. failing 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 in trust account 6029 to fall to \$5,365.06, below the \$10,000 that Harris entrusted to Respondent for payment to the nine lienholders listed in paragraph eight above, and using those funds for his own purposes, thereby converting \$4,634.94 of those funds, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010);
- d. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to contact or negotiate with any of the nine lienholders listed in paragraph eight, above, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- e. failing to maintain complete records of client trust accounts, by conduct including failing to prepare and maintain receipt and disbursement journals for Harris, in violation of Rule 1.15(a)(1) of the Illinois Rules of Professional Conduct (2010); and
- f. failing to maintain complete records of client trust accounts, by conduct including failing to prepare and maintain contemporaneous ledger records for Harris, in violation of Rule 1.15(a)(2) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully 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/ Tammy L. Evans  
Tammy L. Evans

Tammy L. Evans  
Counsel for the Administrator  
3161 W. White Oaks Dr., Suite 301  
Springfield, Illinois 62704  
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Email: [tevans@iadc.org](mailto:tevans@iadc.org)  
MAINLIB-#1392468

# **Exhibit 2**

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

In the Matter of:

**JASON RUSSEL CARAWAY,**

Attorney-Respondent,

No. 6291446.

Commission No. 2022PR00046

**ORDER**

The Chair having considered the Administrator’s Motion to Deem all Allegations and Disciplinary Charges of the Complaint Admitted Pursuant to Commission 253 (“Motion”) and Respondent having filed no response to the Motion;

**IT IS ORDERED:**

The Administrator’s Motion is granted. No further proof of the allegations of the Complaint is required. The evidence presented at the hearing in this matter shall be limited to evidence of matters in aggravation and mitigation.

**CERTIFICATION**

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, certify that the foregoing is a true copy of the order, approved by the Hearing Board Chair, entered in the above entitled cause of record filed in my office on March 31, 2023.

/s/ Michelle M. Thome

\_\_\_\_\_  
Michelle M. Thome,  
Clerk of the Attorney Registration and  
Disciplinary Commission of the  
Supreme Court of Illinois

**FILED**

March 31, 2023

**ARDC CLERK**

**PROOF OF SERVICE**

I, Cynthia Cerino, hereby certify that I served a copy of this Order on Counsel for Respondent listed at the e-mail address shown below on March 31, 2023, at or before 5:00 p.m. At the same time, a copy of this Order was sent to Counsel for the Administrator by e-mail service.

James A. Doppke  
Counsel for Respondent  
jdoppke@rsmdlaw.com

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 she verily believes the same to be true.

\_\_\_\_\_  
/s/ Cynthia Cerino  
Cynthia Cerino

# **Exhibit 3**

BEFORE THE HEARING BOARD  
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AND  
DISCIPLINARY COMMISSION

In the Matter of:

JASON RUSSEL CARAWAY,

Attorney-Respondent,

No. 6291446..

Comm. No. 2022PR00046

APPEARANCE

The undersigned hereby enters his appearance on behalf of Respondent Jason Russel Caraway in the above captioned matter.

Respectfully submitted,

/s/ James A. Doppke, Jr.

BY: James A. Doppke, Jr.

Counsel for Respondent

James A. Doppke, Jr.  
Robinson, Stewart, Montgomery & Doppke LLC  
33 North Dearborn Street, Suite 1420  
Chicago, IL 60602  
(312) 676-9878  
[jdoppke@rsmdlaw.com](mailto:jdoppke@rsmdlaw.com)

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5/17/2022 7:39 PM  
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BEFORE THE HEARING BOARD  
OF THE  
ILLINOIS ATTORNEY REGISTRATION  
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DISCIPLINARY COMMISSION

In the Matter of:

JASON RUSSEL CARAWAY,

Attorney-Respondent,

No. 6291446..

Comm. No. 2022PR00046

NOTICE OF FILING

TO: Tammy Evans  
Counsel for the Administrator  
[tevens@iadc.org](mailto:tevens@iadc.org)  
[ARDCeService@iadc.org](mailto:ARDCeService@iadc.org)

PLEASE TAKE NOTICE that on May 17, 2022, I filed the attached Appearance with the Clerk of the Attorney Registration and Disciplinary Commission in Chicago, Illinois, a copy of which is hereby served upon you.

/s/ James A. Doppke, Jr.

BY: James A. Doppke, Jr.

Counsel for Respondent

PROOF OF SERVICE

The undersigned attorney hereby certifies that he served the above Notice of Filing and attached Appearance to the addresses listed above by emailing them to the email addresses listed above on May 17, 2022, before 11:59 p.m.

/s/ James A. Doppke, Jr.

BY: James A. Doppke, Jr.

Counsel for Respondent

James A. Doppke, Jr.  
Robinson, Stewart, Montgomery & Doppke LLC  
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