

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:

STEPHEN ONEIL WILLOUGHBY,

Attorney-Movant,

No. 3030628

Supreme Court No. M.R.

Commission No. 2023PR00048

MOTION PURSUANT TO SUPREME COURT RULE 762(a)

Movant, Stephen Oneil Willoughby, respectfully represents to the Court that:

1. Movant was licensed to practice law in Illinois on November 7, 1973.
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,

/s/

Stephen Oneil Willoughby

Date

Stephen Oneil Willoughby
33 Allen Bend Dr.
Decatur, IL 62521
sowilloughby1@aol.com

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7/24/2023 10:19 AM
CYNTHIA A. GRANT
SUPREME COURT CLERK

FILED

July 24, 2023

ARDC CLERK

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.

/s/ 
Stephen Oneil Willoughby

7/20/2023
Date

Stephen Oneil Willoughby
33 Allen Bend Dr.
Decatur, IL 62521
sowilloughby1@aol.com

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IN THE SUPREME COURT OF ILLINOIS

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In the Matter of:

STEPHEN ONEIL WILLOUGHBY,

Attorney-Movant,

No. 3030628

Supreme Court No. M.R.

Commission No. 2023PR00048

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

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, David B. Collins, pursuant to Supreme Court Rule 762(a), states that on the date Stephen Oneil Willoughby (hereinafter "Movant") filed a motion requesting that his name be stricken from the Roll of Attorneys, the Inquiry Board had voted to file a complaint against Movant charging him with failing to act with competence and diligence in representing several clients, to communicate with or return unearned fees to several clients or to maintain required IOLTA records and with engaging in the unauthorized practice of law. Had Movant's conduct been the subject of a hearing, the Administrator would have introduced the evidence described below, and that evidence would have clearly and convincingly established the misconduct set forth below:

I. FACTUAL BACKGROUND

Movant's admissions, court records, bank records and the testimony of various individuals would establish the following facts:

A. *Movant's Background and His Failure to Act with Competence and Diligence*

1. Movant is 76 years old and was licensed to practice law in Illinois on November 7, 1973. Movant is a sole practitioner with a general practice located in Decatur.

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2. Beginning on June 22, 2022, and continuing to March 27, 2023, Movant failed to appear in court for the following previously scheduled hearings, of which he had actual notice, in several cases where he was counsel of record for one of the parties. Specifically, Movant failed to appear in court on the following dates in the following cases resulting in additional delay and expense for the courts, the parties and their attorneys:

Macon County

- a. Movant represented Joanne Louise Belue, the Respondent in a petition for temporary and permanent guardianship case, and failed to appear in court on June 22, 2022 (hearing on petition for contempt), July 11, 2022 (continued hearing on petition for contempt), September 27, 2022 (status conference) and November 2, 2022 (status conference);
- b. Movant represented Robert Kent Darst, the executor, in a probate case and failed to appear in court on October 11, 2022 (sentencing hearing on contempt citation);
- c. Movant represented Terrie England, the administrator, in a probate case. Movant failed to file a verified accounting of administration as ordered by the Court and failed to appear in court on August 11, 2022 (status conference), September 12, 2022 (status conference) and October 6, 2022 (status conference);
- d. Movant represented Larry Brown, the plaintiff in a civil case, and failed to appear in court on October 18, 2022 (case management conference); and
- e. Movant represented Trenika Cross, the Plaintiff in a civil case, and failed to appear in court on October 13, 2022 (status hearing) and March 27, 2023 (status hearing);

Moultrie County

- a. Movant represented Harold White, the executor in a probate case, and failed to appear in court on October 18, 2022 (status conference), November 16, 2022 (status conference), and December 6, 2022 (status conference); and

Sangamon County

- a. Movant represented Carlos Leyva, the Defendant in a felony criminal case, and failed to appear in court on January 30, 2023 (trial call) and February 14, 2023 (trial call).

B. *Failure to Act with Competence and Diligence; Failure to Communicate; Failure to Return an Unearned Fee—Lynn Eldridge*

3. In November of 2022, Movant agreed to prepare, file and pursue a petition for emergency guardianship for Lynn Eldridge regarding her elderly parents. Ms. Eldridge paid Movant \$2,500 as a security retainer.

4. Movant prepared the emergency petition and sent it to Ms. Eldridge, who reviewed, signed and returned the emergency petition. Shortly before Thanksgiving of 2022, Ms. Eldridge spoke by phone with Movant who told her that he had received the emergency petition and would be filing it.

5. In late November or early December 2022, Movant moved out of his office, but he did not notify his clients of the move, has not re-opened his practice and has not had a functioning phone number or functioning email address since moving out.

6. Ms. Eldridge monitored court filings and learned that Movant had not filed the emergency petition. In December 2022 and January 2023, Ms. Eldridge placed several telephone calls to Movant to inquire as to why the emergency petition had not been filed. Movant did not respond to any of her phone calls. On January 10, 2023, Ms. Eldridge sent an email to Movant, in which she advised that she had attempted to reach him by telephone several times but had never had a call answered. She instructed Movant not to file the emergency petition and to refund her retainer. Movant has not had any contact with Ms. Eldridge since that time and has failed to return Ms. Eldridge's \$2,500 security retainer. The work Movant did for Ms. Eldridge, if any, does not justify his retention of the \$2,500 he received from her as his fee.

C. *Failure to Act with Competence and Diligence; Failure to Communicate and Failure to Return an Unearned Fee—Lee and Angela Dawson*

7. On July 6, 2022, Movant agreed to represent Lee and Angela Dawson in a lawsuit to be filed against Christopher Miller and his home-improvement company regarding a renovation project Miller had performed at the Dawsons' house. The Dawsons paid Movant \$3,500 as a security retainer.

8. On July 15, 2022, Ms. Dawson sent Movant an email, inquiring about the status of the matter. Movant did not respond to the email.

9. On September 12, 2022, Movant filed a complaint against Miller.

10. On September 20, 2022, and November 2, 2022, Ms. Dawson called Movant's office. She spoke with Movant's secretary and asked for an update on the case status. The secretary advised that Movant would get back to her. Movant did not respond to Ms. Dawson's messages.

11. Between December 15, 2022, and January 13, 2023, Ms. Dawson telephoned Movant's office an additional 15 times to inquire about the case status. None of the calls were answered, and there was no answering machine for Ms. Dawson to leave a message.

12. On December 29, 2022, and again on January 11, 2023, Ms. Dawson sent an email message to Movant requesting an update on the case. Movant did not respond to either message.

13. On January 13, 2023, Ms. Dawson drove to Movant's office to speak with him about the case. The office was abandoned, and mail was piled up outside the door. Later that day Ms. Dawson attempted to communicate with Movant via Facebook regarding the case. Movant did not respond to this communication.

14. Movant never caused Miller to be served with the summons and complaint in the Dawsons' case, either as an individual defendant or as the representative of his home improvement business.

15. At no time did Movant contact the Dawsons to advise them of the status of their case, or to see if they had questions or concerns regarding their case, nor did he return their \$3,500 security deposit. The work Movant did for the Dawsons, if any, does not justify his retention of the \$3,500 he received from them as his fee.

D. Failure to Act with Competence and Diligence; Failure to Communicate and Failure to Return an Unearned Fee –Billy Singleton

16. On or about August 24, 2021, Movant agreed to represent Willie "Billy" Singleton in filing and pursuing a lawsuit to recover firearms confiscated from Mr. Singleton by law enforcement during the course of a murder investigation. Mr. Singleton paid Movant a flat fee of \$2,500. Movant thereafter did not file a lawsuit, failed to communicate with Mr. Singleton about the matter, failed to return Mr. Singleton's calls seeking information about the matter and failed to return the \$2,500 flat fee despite requests that he do so. The work Movant did for Mr. Singleton, if any, does not justify his retention of the \$2,500 he received from Mr. Singleton as his fee.

17. In approximately December of 2022, after being unable to make contact with Movant, Mr. Singleton went to Movant's office. The office appeared to be "closed" and there was mail piled up outside the front door of the office. Mr. Singleton was unable to locate Movant and has since been unable to reach Movant.

E. Failure to Act with Competence and Diligence; Failure to Communicate and Failure to Return an Unearned Fee –Nicole Horne

18. In July of 2022, Movant agreed to represent Nicole Horne in a child custody matter, for which she paid Movant a security retainer of \$4,000.

19. Since agreeing to represent Ms. Horne, Movant has failed to appear in court on the case. He has failed to communicate with Ms. Horne regarding the matter, including failing to respond to what Ms. Horne estimates to be more than 100 phone calls. Movant has failed to refund any portion of the \$4,000 security retainer. The work Movant did for Ms. Horne, if any, does not justify his retention of the \$4,000 he received from Ms. Horne as his fee.

F. *Unauthorized Practice of Law After Removal From the Master Roll for Failure to Register—2023 --Carlos Leyva*

20. In December of 2022, Movant agreed to represent Carlos Leyva in the defense of charges of Aggravated Battery with a Firearm and Aggravated Fleeing or Attempting to Elude a Peace Officer filed against him in Sangamon County. Mr. Leyva paid Movant an \$8,000 security retainer.

21. On April 20, 2023, the Administrator removed Movant's name from the Roll of Attorneys authorized to practice law in Illinois for failure to complete the annual registration process required by the Court's Rule 756, or to pay the required registration fee. Movant has not taken any action to complete the registration process since that time nor has been restored to the Roll of Attorneys. As a result, from April 20, 2023, to the present day, Movant has not been authorized to practice law in Illinois.

22. Since April 20, 2023, Movant held himself out as a licensed attorney who was authorized to practice law in the State of Illinois and appeared at court hearings on April 24, 2023, and May 9, 2023, representing Mr. Leyva. The court appearance held on April 24, 2023, was a trial call, where Movant moved to continue the trial. The court appearance held on May 9, 2023, was a hearing on the State's Motion for Permission to Consume Forensic Evidence and a trial call. Movant advised the trial court that he had no objection to the motion and an order was entered granting the motion. Movant also orally disclosed a previously unknown witness, providing her

name and address to the State. The State relayed a previous settlement offer. The offer was rejected without a counteroffer. The trial judge set a final pre-trial hearing for June 7, 2023, and a trial date of June 12, 2023, with a back-up trial date of June 26, 2023.

23. At no time after April 20, 2023, did Movant notify Mr. Leyva, opposing counsel or the judge presiding over the *Leyva* case of his removal from the Roll of Attorneys or of the fact that he was not currently authorized to practice law in Illinois.

G. *Failure to Maintain Records of Client Trust Account*

24. On and prior to April 27, 2023, Movant was the sole signatory on an IOLTA account ending in 1203 for “Willoughby & Associates” at Regions Bank.

25. On April 27, 2023, the Administrator began receiving overdraft notices from Regions Bank regarding Movant’s IOLTA and opened a confidential investigation.

26. On June 23, 2023, Movant was personally served with a subpoena by the Administrator’s investigator. The subpoena sought records required to be maintained by Movant pursuant to Illinois Rule of Professional Conduct 1.15(a)(1)-(8). Movant informed the investigator serving the subpoena that he did not have any records to produce. Movant reiterated this to the undersigned during a June 26, 2023, telephone call.

II. CONCLUSIONS OF MISCONDUCT

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

- a. failure to provide competent representation to a client by conduct including failing to appear in court for hearings on cases where he was counsel of record for Belue, Darst, England, Brown, Cross, White and Leyva despite having notice of said hearings, failing to file the emergency petition Eldridge had retained him to file, failing to have Miller served in the case he filed on behalf of the Dawsons, and failing to file the cases Singleton and Horne retained him to

file, all in violation of Rule 1.1 of the Illinois Rules of Professional Conduct (2010);

- b. failure to act with reasonable diligence and promptness in representing a client, by conduct including failing to appear in court for hearings on cases where he was counsel of record for Belue, Darst, England, Brown, Cross, White and Leyva despite having notice of said hearings, failing to file the emergency petition Eldridge had retained him to file, failing to have Miller served in the case he filed on behalf of the Dawsons, and failing to file the cases Singleton and Horne retained him to file, all in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- c. failure to keep the client reasonably informed about the status of the case, by conduct including failing to communicate with clients Eldridge, the Dawsons, Singleton and Horne about the status of their cases, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- d. failure to prepare and maintain complete records of a client trust account in connection with his client trust account, in violation of Rules 1.15(a)(1) through 1.15(a)(8) of the Illinois Rules of Professional Conduct (2010);
- e. failure to refund an unearned fee, by conduct including failing to return \$20,500 in unearned fees Movant received from five clients (Eldridge, the Dawsons, Singleton, Horne and Leyva), in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010); and
- f. practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction, by appearing in court and representing Leyva at hearings held on April 24, 2023 and May 9, 2023, after he had been removed from the Roll of Attorneys, in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct (2010) and Supreme Court Rule 756(h).

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

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

David B. Collins
Counsel for the Administrator
3161 West White Oaks Drive, Suite 301
Springfield, Illinois 62704
Telephone: (217) 546-3523
Email: ARDCeService@iadc.org
Email: dcollins@iadc.org
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IN THE SUPREME COURT OF ILLINOIS

July 24, 2023

In the Matter of:

STEPHEN ONEIL WILLOUGHBY,

Attorney-Movant,

No. 3030628

Supreme Court No. M.R.

Commission No. 2023PR00048

ARDC CLERK

AFFIDAVIT

Affiant, Stephen Oneil Willoughby, 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 would be incorporated into a complaint filed before the Commission's Hearing Board. 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: 7/26/2023

/s/


Stephen Oneil Willoughby

Stephen Oneil Willoughby
33 Allen Bend Dr.
Decatur, IL 62521
sowilloughby1@aol.com

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7/24/2023 10:19 AM
CYNTHIA A. GRANT
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IN THE SUPREME COURT OF ILLINOIS

In the Matter of:

STEPHEN ONEIL WILLOUGHBY

Attorney-Respondent,

No. 3030628.

Supreme Court No. M.R.

Commission No. 2023PR00048

AFFIDAVIT OF SERVICE
PURSUANT TO SUPREME COURT RULE 762(a)

I, Mark J. Pointer, ("Affiant") being duly sworn, hereby state:

1. Affiant possesses firsthand knowledge of the facts presented in this Affidavit and, if called as a witness, Affiant will testify to the truth of the facts as presented in this Affidavit.

2. Affiant is an Investigator for the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois ("The Commission") and, as such, is authorized to serve process.

3. On Thursday, July 20th, 2023, at approximately 1220 PM, Affiant made in-person contact with the Respondent at 33 Allen Bend Drive, Decatur, IL.

4. The Affiant presented the Movant, Stephen Oneil Willoughby, the Motion Pursuant to Supreme Court Rule 762(a), Administrator's Statement of Charges Pursuant to Supreme Court Rule 762(a); and Movant's Affidavit.

5. The Movant acknowledged having reviewed the documents and signed the documents and in the presence of the Affiant.

6. Further Affiant sayeth not.

/s/ Mark J. Pointer

Mark J. Pointer, Investigator

Dated: July 21, 2023

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/ Mark J. Pointer

Mark J. Pointer, Investigator Dated: July 21, 2023

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In the Matter of:

STEPHEN ONEIL WILLOUGHBY,

Attorney-Movant,

No. 3030628.

Supreme Court No. M.R.

Commission No. 2023PR 00048

NOTICE OF FILING

TO: Stephen Oneil Willoughby
Attorney-Movant
33 Allen Bend Dr.
Decatur, IL 62521
sowilloughby1@aol.com

PLEASE TAKE NOTICE that on July 24, 2023, an electronic copy of the Movant's MOTION PURSUANT TO SUPREME COURT RULE 762(a), VERIFICATION, STATEMENT OF CHARGES PURSUANT TO SUPREME COURT RULE 762(a), MOVANT'S AFFIDAVIT and MARK POINTER'S AFFIDAVIT was submitted to the Clerk of the Supreme Court for filing. On that same date, one copy was served on Movant via email at sowilloughby1@aol.com at or before 5:00 p.m.

Respectfully submitted,
Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

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

David B. Collins
Counsel for Administrator
3161 W. White Oaks Dr., Suite 301
Springfield, IL 62704
Telephone: (217) 546-3523
Email: dcollins@iadc.org

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CYNTHIA A. GRANT
SUPREME COURT CLERK

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies, pursuant to Illinois Code of Civil Procedure, 735-ILCS-5/109, that the Administrator served copies of the Administrator's Notice of Filing and Movant's MOTION PURSUANT TO SUPREME COURT RULE 762(a), VERIFICATION, STATEMENT OF CHARGES PURSUANT TO SUPREME COURT RULE 762(a), MOVANT'S AFFIDAVIT and MARK POINTER'S AFFIDAVIT, on the individual on the forgoing Notice of Filing, sent via email at sowilloughby1@aol.com on July 24, 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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