

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

In the Matter of:

NICHOLE ELIZABETH TULISZEWSKI.

Attorney-Respondent,

No. 6294605.

Commission No. 2023PR00049

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission (“ARDC”), by his attorney, Peter L. Rotskoff, pursuant to Supreme Court Rule 753(b), complains of Respondent, Nichole Elizabeth Tuliszewski, who was licensed to practice law in Illinois on November 8, 2007, and alleges that Respondent has engaged in the following conduct which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(False statements to Dorothy Lawrence)*

1. On January 6, 2012, Respondent was removed from the roll of attorneys licensed to practice law in Illinois for failing to comply with the Minimum Continuing Legal Education (“MCLE”) requirements set forth in Supreme Court Rule 794. Respondent has not attempted to register in Illinois since 2013.

2. At no time since January 6, 2012, has Respondent been restored to the roll of attorneys in Illinois.

3. In 2018, Respondent resided in the state of Texas and used the name “Nichole E. Humes.” In August 2018, Respondent was hired and went to work as an attorney for the Dorothy Butler Law Firm in Dripping, Texas. At the time, Respondent was only authorized to practice law in the state of Pennsylvania.

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ARDC Clerk

4. On March 13, 2019, (effective April 13, 2019) Respondent was administratively suspended in Pennsylvania due to her failure to comply with her CLE requirement in that state. As of August 7, 2023, the date of this complaint was voted by the Inquiry Board, Respondent remained suspended in Pennsylvania.

5. At the time Respondent was hired by the Butler firm, she represented to Dorothy Lawrence (“Lawrence”, f/k/a Dorothy Butler), the principal attorney and owner of the firm, that she was authorized to practice law in Illinois, and she intended to gain admission to practice in the state of Texas, through reciprocity.

6. Respondent’s representation to Lawrence that she was authorized to practice law in Illinois was false because Respondent had been removed from the roll of attorneys in Illinois in 2012 and has not been authorized to practice law in Illinois since that time.

7. Respondent knew, at the time she made the representation to Lawrence set forth in paragraph 5, above, that her representation to Lawrence was false.

8. In connection with her employment at the Butler firm, Respondent provided Lawrence with biographical information purportedly showing that she had an active license in Illinois. Lawrence posted some of the biographical information on the Butler firm website.

9. On June 7, 2022, Lawrence filed a “Motion of Non-Resident Attorney for Admission *Pro Hac Vice*” in case number 21-15056N, entitled *In the Matter of the Marriage of Betty Bentley and Russell Bentley*, in the District Court, 3226 Judicial District, Taylor County, Texas (“*In the Marriage of Bentley*”).

10. In Lawrence’s motion, described in paragraph 9, above, she represented that Respondent was authorized to practice law in Illinois and Pennsylvania and wait awaiting licensing

in Texas through reciprocity. Lawrence's statements in the motion were based on representations Respondent made to Lawrence.

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

- a. conduct involving dishonesty, fraud, deceit, or misrepresentation by falsely representing to Dorothy Lawrence that she was authorized to practice law in Illinois, as set forth in paragraphs 5, 8, and 10, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II  
*(False Declaration)*

12. The Administrator realleges and incorporates paragraphs 1 through 10 in Count I, above.

13. On or about December 2, 2022, Respondent prepared and signed (under penalty of perjury) a document entitled "Declaration of Nichole Humes" ("Declaration").

14. Respondent provided the Declaration to Lawrence to use in connection with an inquiry made by the State Bar of Texas into Lawrence's conduct with respect to Respondent.

15. In the Declaration, Respondent stated:

In 2013, I registered indefinitely as an out-of-state practicing attorney with the Illinois bar. I understood this registration to mean that I was still licensed in Illinois, and that if I wanted to go back and practice there, I could do so by paying some fees and confirming certain CLE hours.

16. Respondent's statements set forth in paragraph 15, above, were false because she was removed from the roll of attorneys on January 6, 2012, for failing to comply with the MCLE requirements and was not registered in Illinois after 2012. In addition, the Supreme Court Rules have no provision for "registering indefinitely" and yearly registration is required for those on active or inactive status.

17. Respondent knew her statements in paragraph 15, above, were false at the time she made them.

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

- a. conduct involving dishonesty, fraud, deceit or misrepresentation by making false statements in the Declaration as set forth in paragraph 15, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

### COUNT III

*(Failure to cooperate with a disciplinary investigation)*

19. The Administrator realleges and incorporates paragraphs 1 through 17 in Count I and II above.

20. On October 19, 2022, the Administrator sent Respondent a letter via email to the email address Respondent registered with the ARDC. The letter requested a response within 14 days to allegations raised by attorney Kristin Postell (“Postell”), the opposing counsel in *In the Marriage of Bentley*.

21. At no time did Respondent submit a written response to Administrator’s October 19, 2022, correspondence.

22. On December 2, 2022, the Administrator sent a second letter via email to the business email address Respondent used in Texas. The letter again requested a response within 14 days to the allegations raised by Postell. Additionally, the letter referred Respondent to her obligations under Commission Rule 53 and Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010), to respond to the Administrator’s request for information. Respondent received the email on or about December 2, 2022.

23. At no time did Respondent submit a written response to Administrator's December 2, 2022 email.

24. On December 19, 2022, the Administrator sent a letter via regular mail to Respondent's home address in Dripping Springs, Texas. The letter consisted of the same request as the letter emailed to Respondent on October 19, 2022, as described in paragraph 20, above. Respondent received the letter on or about December 23, 2022.

25. At no time did Respondent submit a written response to Administrator's December 19, 2022, letter.

26. On January 10, 2023, the Administrator sent a second letter via regular mail to Respondent's residence in Dripping Springs, Texas. The letter consisted of the same request and reminder of her obligations as the letter emailed to Respondent on December 2, 2022, as described in paragraph 20, above. Respondent received the letter on or about January 13, 2023.

27. On February 8, 2023, the Administrator served Respondent with a subpoena to appear for a sworn statement via remote video conferencing, at 10:00 A.M. on February 28, 2023. The Administrator served the subpoena via regular mail and by FedEx to her home address in Dripping Springs, Texas and to her personal email address at gmail.com. Respondent received the subpoena on or about February 8, 2023.

28. At no time did Respondent respond in any manner to the subpoena, nor did she appear remotely on February 28, 2023, at 10:00 A.M.

29. On numerous occasions between February 28, 2023, and August 7<sup>th</sup>, 2023, Commission staff sent emails and called Respondent's home and cellular numbers in an effort to get Respondent to participate and respond to the ARDC investigation. At no time did Respondent respond to the emails or telephone messages.

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

- a. knowingly failing to respond to lawful demands for information from a disciplinary authority, by conduct including failing to respond to the Administrator's letters dated October 19, 2022, December 2, 2022, December 19, 2022, and January 10, 2023; and failing to appear for a sworn statement on February 28, 2023, after being served with a subpoena, in violation of Rule 8.1(b) 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 and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator  
Attorney Registration and  
Disciplinary Commission

By: /s/ Peter L. Rotskoff  
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