In re Javaron Darnell Buckley
Attorney-Respondent

Commission No. 2023PR00037

Synopsis of Hearing Board Report and Recommendation
(July 2024)

The Administrator filed a single-count complaint against Respondent pursuant to Illinois Supreme Court Rule 761(d), alleging that Respondent engaged in misconduct by committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects, in violation of Illinois Rule of Professional Conduct 8.4(b), based upon his conviction of two misdemeanor offenses arising from his providing alcoholic liquor to a person under 21 years of age. The Hearing Board found that the Administrator proved that Respondent violated Rule 8.4(b). Recognizing the seriousness of Respondent's misconduct but also taking into account the extensive mitigation present, it recommended that Respondent be suspended for nine months.

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

FILED

July 17, 2024

ARDC CLERK

In the Matter of:

JAVARON DARNELL BUCKLEY,

Attorney-Respondent,

No. 6326645.

Commission No. 2023PR00037

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

Based upon Respondent's criminal conviction of two misdemeanor offenses arising from his providing alcoholic liquor to a person under 21 years of age, the Hearing Board found that Respondent committed a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer, and recommended that he be suspended for nine months.

INTRODUCTION

The hearing in this matter was held at the Chicago office of the ARDC on January 8, 2024, before a panel of the Hearing Board consisting of Carlo E. Poli, Chair, Melisa Quinones, and Daniel G. Samo. Michael P. Rusch represented the Administrator. Respondent was present and represented by Stephanie L. Stewart.

PLEADINGS AND MISCONDUCT ALLEGED

The Administrator filed a single-count complaint against Respondent pursuant to Illinois Supreme Court Rule 761(d), alleging that Respondent engaged in misconduct by committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects, in violation of Illinois Rule of Professional Conduct 8.4(b), based upon his conviction of

the misdemeanor offenses of providing alcoholic liquor to a person under 21 years of age and renting a hotel room for the purpose of or with the knowledge that the room would be used for the consumption of alcoholic liquor by a person under 21 years of age. In his Answer, Respondent admitted most of the salient factual allegations.

EVIDENCE

The Administrator's Group Exhibit 3 and Exhibit 9 were admitted into evidence. (Tr. 14, 31.) The Administrator called Respondent as an adverse witness, and also presented the testimony of two other witnesses. Respondent's Exhibits 1 through 4 were admitted into evidence. (Tr. 211.) Respondent testified on his own behalf and presented the testimony of four character witnesses.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In attorney disciplinary proceedings, the Administrator has the burden of proving the charges of misconduct by clear and convincing evidence. In re Winthrop, 219 Ill. 2d 526, 542, 848 N.E.2d 961 (2006). Clear and convincing evidence requires a high level of certainty, which is greater than a preponderance of the evidence but less than proof beyond a reasonable doubt. People v. Williams, 143 Ill. 2d 477, 577 N.E.2d 762 (1991); In re Santilli, 2012PR00029, M.R. 26572 (May 16, 2014). The Hearing Board determines whether the Administrator has met that burden. In re Edmonds, 2014 IL 117696, ¶ 35. In doing so, the Hearing Board assesses witness credibility, resolves conflicting testimony, makes factual findings, and determines whether the Administrator met the burden of proof. Winthrop, 219 Ill. 2d at 542-43.

The Administrator charged Respondent with committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer, in violation of Rule 8.4(b).

A. Summary

Respondent committed a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer, in violation of Illinois Rule of Professional Conduct 8.4(b),

based upon his conviction of two misdemeanor offenses arising from his providing alcoholic liquor to a person under 21 years of age.

B. Admitted Facts and Evidence Considered

Background

Respondent was licensed to practice law in 2017. (Tr. 84.) After graduating from law school, he worked for the Lake County State's Attorney's Office for about two and a half years. He then went to work for a law firm in McHenry County, doing criminal defense work. In February 2020, he opened his own firm in Waukegan, where he handles family law, personal injury, criminal defense, and some business transactions. (Tr. 84-87.)

At all times alleged in the Complaint, there was in effect a criminal statute in Illinois, 235 ILCS 5/6-16(a)(iii), which made it a misdemeanor offense to purchase or otherwise obtain alcoholic liquor and sell, give, or deliver the alcoholic liquor to a person under 21 years of age. (Ans. at par. 1.)

At all times alleged in the Complaint, there was in effect a criminal statute in Illinois, 235 ILCS 5/6-16(d), which made it a misdemeanor offense to rent a hotel or motel room for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by a person under 21 years of age. (Ans. at par. 2.)

In June 2021, the McHenry County State's Attorney's Office filed a complaint against Respondent, and in September 2021, it filed a superseding information, charging him with, among other things, violating 235 ILCS 5/6-16(a)(iii) and 235 ILCS 5/6-16(d), based on his actions that are described in more detail below. In July 2022, Respondent pled guilty to these two misdemeanor offenses. The court sentenced him to a concurrent sentence of one year conditional discharge and 30 days in McHenry County jail, and ordered him to pay a $500 fine and mandatory court costs. (Ans. at pars. 11-16.)

Testimony of M.W.

M.W. was born on January 1, 2002. She met Respondent at the McHenry County Courthouse in December 2019. At that time, M.W. was 17 years old. She was at the courthouse for a pending juvenile domestic violence matter involving her and her mother. As a result of that matter, she was on house arrest and had to wear an electronic monitoring device. She also was required to abstain from using drugs and alcohol. (Tr. 16-19.)

M.W. testified that she had just come out of court and was waiting in the courthouse lobby while her mother was in the restroom. She saw Respondent and they started talking. Respondent said he could help her with her case and gave her his business card. (Tr. 19-20.) M.W.'s mother, S.W., approached them toward the end of the conversation, told Respondent that M.W. was an underage girl and "kind of shoved [M.W.] away," and said "let's go" to M.W. (Tr. 21.)

M.W. testified that, a few weeks later, after she had turned 18, she reached out to Respondent about hanging out. She testified that she gave him her address and invited him to come hang out at her house, and that he came over and they hung out outside the house. She denied that he went inside her house and into her bedroom, and that she was drinking from a bottle of Hennessy when he was there. (Tr. 35-37, 39.)

Shortly thereafter, M.W. reached out to Respondent about hanging out again, and they made plans to meet on January 17, 2020 at the McHenry County courthouse. Respondent paid for M.W. to take an Uber to the courthouse. M.W. testified that she did not have any alcohol at her house before she went to the courthouse, did not have access to alcohol, and did not bring alcohol to the courthouse. She waited for Respondent while he finished matters in court, and when he was done, they left the courthouse and went to a bank and then to a liquor store. Respondent went into the liquor store while M.W. waited in the car, and Respondent came out of the liquor store with a bottle of Hennessy liquor, a bottle of Coca-Cola, and condoms. They were looking for a place to

hang out and decided to get a hotel room at a Best Western. It was Respondent's idea to get a hotel room, and M.W. went along with it. (Tr. 22-26, 35-36, 40-41.)

M.W. testified that, in the hotel room, they listened to music and talked. Respondent rubbed her leg but they did nothing else physical. Both of them were drinking. (Tr. 25-27.) She testified that, while they were at the hotel room, she told Respondent that she was on home detention and had to be home by 6 p.m., and her electronic monitoring device on her ankle was noticeable. (Tr. 26-27.) She also testified that she told Respondent that one of the conditions of her house arrest was that she was not permitted to have any alcohol. (Tr. 45.)

M.W. testified that she does not remember leaving the hotel, and that the last thing she remembers is using the bathroom, taking a few more sips of alcohol, and then waking up in the hospital with a broken ankle and badly bruised arm. She has no idea what happened between passing out at the hotel and waking up in the hospital room. (Tr. 28-29.)

M.W. was released from the hospital that same night. The next morning, officers from the McHenry County Sheriff's Office picked her up and took her to the McHenry County jail for violating the conditions of her house arrest, because she drank alcohol. She was held in custody for three days and then released. (Tr. 31-32.)

Testimony of S.W.

S.W. is M.W.'s mother. S.W. came home on January 17, 2020 to find M.W. unconscious at the bottom of the stairs. M.W.'s ankle was very swollen and purple. S.W. called 911, and M.W. was transported to the hospital. After the incident on January 17, 2020, S.W. noticed that M.W. was "very depressed, and very angry because she didn't know what's going on; what happened to her during that night." (Tr. 47, 50-52.)

Testimony of Respondent

Respondent testified that he was at the McHenry County Courthouse in Woodstock, Illinois on or around December 18, 2019, sitting in the lobby talking with attorneys and court staff, when M.W. heard the conversation and joined in. Her mother was present as well. He eventually gave M.W. his card, and she said she would call him. He denied that M.W.'s mother told him that M.W. was 17. One morning around January 15 or January 16, 2020, M.W. called him, reminded him who she was, and invited him to her house in Woodstock. He went there that same day during his lunch hour. (Tr. 105-107, 159-60.)

He testified that he did not bring alcohol with him to M.W.'s house, because he went straight from court to her house. When he got to the house, M.W.'s mother, S.W., opened the door and let him in, and began asking him questions about various legal issues. M.W. was present while Respondent and S.W. were talking. Then Respondent and M.W. went upstairs to her room, which was in the attic. While they were in the room, M.W. was drinking Hennessy. Because M.W. was drinking, Respondent made an assumption that she was of age to drink. They were in the room for about 15 minutes when S.W. came up and said that M.W.'s step-father was coming home and Respondent had to leave, so he did. (Tr. 108-10, 112.)

Respondent met with M.W. again on January 17, 2020. He testified that M.W. called him that morning and asked if he wanted to hang out. They agreed to meet at the McHenry County Courthouse. M.W. arrived around 3 p.m. and waited in the lobby while Respondent wrapped up a few things. Respondent testified that, as they left the courthouse, M.W. retrieved a bottle of Hennessy that she had stashed next to a bush near the entrance to the courthouse. M.W. told him that she knew she could not bring the Hennessy inside the courthouse, so she hid it outside. M.W. was adamant that they could not go to her house, and he did not want to go to his place because it was a snowy day and he did not want to drive to his home in Lincolnshire and then back to

Woodstock. M.W. suggested going to a park, but Respondent told her he did not want to sit in a park and drink. He was not from the area and did not know the local bars and restaurants. At his suggestion, they went to a nearby Best Western Hotel, checked in at about 3:30 p.m., and went to the room. Respondent continued to work while M.W. sat on the bed with the window open, smoking a cigarette and drinking the Hennessy she had brought. (Tr. 112-117, 162-64, 171, 184.)

Respondent testified that, after M.W. finished the cigarettes and the bottle of Hennessy she had brought, they left the hotel and went to a convenience store, where he bought another bottle of Hennessy, cigarettes, and condoms. When they got back to the hotel, M.W. opened the new bottle of Hennessy and continued to drink and smoke. Respondent also had a drink from the new bottle. He noticed M.W. was intoxicated and told her that she did not have to drink so fast because they had "all day." She then raised her pants leg and told him she was on probation and had to be home at 6 p.m., which was soon. Until that moment, he did not know she was on house arrest. (Tr. 117-18 166-67.)

Respondent testified that, by this time, M.W. was drunk. He put her arm around his neck and walked her through the hotel lobby. Leaving the hotel, they fell, but Respondent picked her up immediately and put her in his car and drove her home. He got her home at 5:53 p.m. Her driveway was set on a steep hill and covered in about five inches of snow, and he did not think he could get her upstairs by himself, so he knocked on the door and rang the doorbell, but no one answered. He walked back to the car and told M.W. that no one was home. She was adamant about Respondent not bringing her inside, but he did not want her to stay outside in the cold, so he carried her inside. He took her upstairs to her room, sat her down on the bed, and asked if she was okay. She said she was fine. After retrieving her phone and pocketbook from his car, he left. (Tr. 118-23, 173, 177-78.)

Respondent testified that he called M.W. the next day to make sure she was okay and spoke with S.W., who told him that M.W. had broken her ankle falling down the stairs. M.W. called him about five days later. He offered to help with her leg and she turned him down. She did, however, say she was having trouble with her mom and asked for some money to take an Uber to a friend's house, so he sent her about $25. That same day, he also sent her some money for food, and the next day, he sent more money so that she could get slip-resistant shoes for a job. He did not hear from her again. (Tr. 133-34.)

Respondent testified that he did not know M.W. was under 21 years of age when he gave her alcohol but, afterward, learned that she was under 21. He pled guilty to the two misdemeanor offenses to hold himself accountable and "for the sake of judicial convenience." (Tr. 186-87.)

C. Analysis and Conclusions

The Complaint in this matter was filed pursuant to Illinois Supreme Court Rule 761, which provides that, when an attorney has been convicted of a crime involving fraud or moral turpitude, a hearing shall be conducted before the Hearing Board to determine whether the crime warrants discipline and, if so, the extent thereof. Ill. S. Ct. R. 761(d). In a hearing conducted pursuant to Rule 761, proof of conviction is conclusive of the attorney's guilt of the crime. Ill. S. Ct. R. 761(f.)

Illinois Rule of Professional Conduct 8.4(b) provides that it is misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects. Ill. R. Prof'l Cond. 8.4(b.) The Administrator submitted proof of Respondent's criminal conviction of two misdemeanor offenses related to his providing alcoholic liquor to M.W. when she was under 21 years of age. Thus, under Supreme Court Rule 761(f), the Administrator has conclusively established Respondent's guilt of those crimes.

We note that Respondent's testimony differed from M.W.'s as to some details, such as whether he went into her house or just met her outside her house on their first meeting; whether or

not she was drinking Hennessy in her room during their first meeting; whether or not she hid a bottle of Hennessy outside the courthouse on the day of their next meeting; and whether or not she told him she was on house arrest. We need not resolve these conflicts as they do not impact our misconduct finding, which is based solely on Respondent's conviction.

Similarly, we did not consider Respondent's testimony that he was unaware M.W. was under 21 when providing her alcohol, as it does not affect our misconduct finding or, as discussed below, our sanction recommendation. Respondent pled guilty to providing alcohol to a person under 21 years of age. While he may present evidence about the nature of his conduct for sanction purposes, he cannot challenge or impeach the conviction or its factual basis. See In re Wanninger, 2011PR00036, M.R. 25621 (Jan. 18, 2013) (Hearing Bd. at 17-18).

Respondent's guilty plea is conclusive proof that he provided alcohol to a person under 21 years of age, and rented a hotel room for the purpose of or with the knowledge that the room would be used for the consumption of alcohol by a person under 21 years of age. We find that Respondent's conduct reflects negatively on his fitness as a lawyer. See In re Terronez, 2011PR00085, M.R. 26213 (Nov. 20, 2013) (Hearing Bd. at 15) (citations omitted) (attorney's criminal act of providing alcoholic liquor to a person under the age of 21 in violation of 235 ILCS 5/6-16(a)(iii) "evidence[d] an indifference to his legal obligations and therefore reflect[ed] negatively on his fitness as a lawyer"). Accordingly, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 8.4(b).

EVIDENCE IN MITIGATION AND AGGRAVATION

Mitigation

When he was in law school, Respondent spent many hours tutoring his fellow law students, and received an award acknowledging his service. (Tr. 83-84.) He has provided *pro bono* legal services every year since becoming a lawyer, and devotes about 150 hours per year to *pro bono*

work. Some of the *pro bono* services he provides include expungements, DUIs, gun cases, and domestic battery cases. He has had multiple clients for whom he has provided over 100 hours of free legal services per client. (Tr. 87-97; Resp. Ex. 2.) He also provided *pro bono* legal representation to about 50 people who were arrested during Black Lives Matter protests. His efforts "went viral" and he received monetary donations for his work, but he did not keep any of it; he gave it all away. (Tr. 101-103; Resp. Ex. 3.) In August 2021, he received an award from Chicago 300, a women's empowerment organization, for providing *pro bono* legal services to members of the organization. (Tr. 104; Resp. Ex. 4.)

Respondent also engages in community service work. He volunteers at an annual Thanks Gathering Event organized by his friend, where several law firms collaborate to provide Thanksgiving meals for families. In addition to helping out at the event, he also has contributed financially to it. (Tr. 99.) Following George Floyd's murder, Respondent flew to Minneapolis and bought and cooked hot dogs and hamburgers for about 400 people who were protesting at the murder site. (Tr. 100-101.) He also volunteers with an Illinois not-for-profit called Shower Up, which provides showers, toiletries, and clothing for people in need. (Tr. 103.) Finally, when he was in law school, he bought and donated hundreds of bottles of water to victims of the Flint, Michigan water crisis. (Tr. 105.)

Respondent testified that, following the incident that led to his criminal conviction, he spoke to law students about the incident and how it has impacted his life, so that they could learn from his mistakes. He testified that this case has shown him that "what you do in your private life will also impact your law license," and he wanted the students to know that "every little thing that you do matters." (Tr. 98-99.)

Respondent testified that he committed a crime, and that he accepts full responsibility for what he did. He acknowledged that the hotel room was his idea, and that he purchased the bottle

of Hennessy that M.W. drank. He testified that he is extremely remorseful for what he did. He apologized to M.W. and to her mother for what they had to go through because of his actions, and to the legal system for the embarrassment he caused. He testified that he learned on the day of his disciplinary hearing that M.W. was five months pregnant, and that "[s]he shouldn't be here dealing with this" but that, because of his actions, "she's here, and had to relive it. And that's not fair to them at all." (Tr. 136-37.)

Aggravation

M.W. testified that, because of her interactions with Respondent, she does not trust lawyers anymore. She also has arthritis in her ankle, which hurts constantly, and has suffered mentally because of the "scary feeling of just not knowing what happened to [her]." It "messes with [her] head, and makes [her] upset." (Tr. 33.) After her home detention ended, M.W. ran away from home. For about a year, she was homeless and using drugs. (Tr. 34.) However, she also acknowledged that she had run away from home and used drugs and alcohol before she met Respondent. (Tr. 42-43.)

S.W. testified that, after the incident on January 17, 2020, M.W. was "very depressed, and very angry because she didn't know what's going on; what happened to her during that night." S.W. further testified that it is hard for her to trust attorneys now. (Tr. 52.)

Character Witnesses

Dominique Ware testified that Respondent represented him *pro bono* on a DUI charge at a time when he could not afford an attorney, and was able to help him resolve the matter without jail time. Respondent represented Ware in another criminal matter in which Ware was given probation instead of jail time. Respondent also helped Ware with personal and family expenses, such as paying for infant formula for Ware's baby and buying Ware a suit to wear to a job interview, when Ware could not afford to pay the expenses himself. (Tr. 63-67.)

L. Renea Rose Amen is an Illinois attorney who practices in the area of criminal defense. She has known Respondent since about 2018; they met when he worked as an assistant state's attorney in the Lake County State's Attorney's Office, and she represented criminal defendants in cases against him. With respect to Respondent's *pro bono* work, Amen testified that Respondent is "always doing something where he's not charging." He also donates to and volunteers at an annual community event Amen holds at Thanksgiving, which provides several hundred families with full turkey dinners. Amen believes Respondent to be honest. She testified that she and Respondent have had multiple conversations about his conduct underlying this disciplinary matter, and that he has repeatedly expressed remorse for his actions. She believes that Respondent knows what he did was wrong. (Tr. 146-48, 150-51.)

Luis Albarran is an Illinois attorney who practices primarily in the area of traffic-related criminal defense. He first met Respondent about six or seven years ago, when Respondent was an assistant state's attorney and Albarran represented criminal defendants in cases against Respondent. Albarran estimated that he had over 100 cases with Respondent, and that Respondent was always fair to defendants and "very honest, as honest as they come" in his dealings with Albarran. Albarran testified that, in the Lake County legal community, Respondent has an excellent reputation for truthfulness and veracity. He further testified that Respondent has expressed remorse for his criminal conduct. (Tr. 191, 193-197, 200.)

Traci Biondi testified that she first met Respondent a few years ago when he represented her for free in a traffic court case, which ultimately was dismissed. Since then, he has represented her for free in other legal matters. She believes he is a "genuinely very caring, kind-hearted person." (Tr. 206-209.)

Prior Discipline

Respondent has no prior discipline.

RECOMMENDATION

A. Summary

Based upon the serious nature of Respondent's misconduct, and taking into account the mitigating and aggravating factors, the Hearing Board recommends that Respondent be suspended for nine months.

B. Analysis and Conclusions

The Administrator urged us to recommend that Respondent be disbarred for his misconduct. Respondent, in turn, asked that we recommend a suspension instead of disbarment, and suggested that a 60-day suspension would be appropriate.

In determining appropriate discipline, we are mindful that the purpose of these proceedings is not to punish, but to safeguard the public, maintain the integrity of the profession, and protect the administration of justice from reproach. In re Edmonds, 2014 IL 117696, ¶ 90. While we strive for consistency and predictability, we recognize that each case is unique and must be decided on its own facts. In re Mulroe, 2011 IL 111378, ¶ 25.

In arriving at our recommendation, we consider those circumstances that may mitigate or aggravate the misconduct. In re Gorecki, 208 Ill. 2d 350, 802 N.E.2d 1194 (2003). In mitigation, we find that Respondent understands the wrongfulness of his conduct, and has acknowledged and expressed sincere remorse for his misconduct. Upon observing and hearing his testimony, we found his remorse to be genuine. We also find that he fully cooperated in the disciplinary proceedings against him.

We find significantly mitigating the extensive amount of community service and *pro bono* work in which Respondent has engaged. The evidence established that Respondent has provided hundreds of hours of *pro bono* legal services, primarily to an underserved community, and that, since law school, Respondent has regularly engaged in community service and contributed

financially to community service organizations. We accept as credible the testimony of Ware and Biondi regarding the *pro bono* legal services he provided them and the positive impact he has had on their lives. We also accept as credible the testimony of Amen and Albarran about Respondent's honesty, commitment to service, and other positive character traits.

In addition, the evidence established that Respondent's misconduct was an isolated incident that occurred on one afternoon. We believe he made a serious but singular error in judgment that will not happen again. Thus, while his conduct was inexcusable, we find that it was an aberration and that he is unlikely to repeat it.

As noted above, we did not consider in mitigation Respondent's testimony that he did not know that M.W. was under 21 years of age when he provided alcohol to her. Even if we were to credit his testimony, which conflicts with M.W.'s and S.W.'s testimony on the subject,[*] his testimony directly contradicts the charges to which he pled guilty, and therefore impeaches the conviction and the factual basis of it. See In re Pennock, 06 SH 06, M.R. 21442 (Mar. 22, 2007) (Hearing Bd. at 16) (quoting In re Ciardelli, 118 Ill. 2d 233, 239-40, 514 N.E.2d 1006 (1987); In re Williams, 111 Ill. 2d 105, 113, 488 N.E.2d 1017 (1980)) (an attorney "may not relitigate the issue of guilt at a disciplinary proceeding, but may, for the purpose of mitigation, present evidence of the circumstances surrounding the crime ***as long as such evidence does not impeach the conviction or 'the factual allegation of the charges to which he pleaded guilty***'") (emphasis added).

Finally, we note that Respondent has no prior discipline, though we do not consider that fact significantly mitigating, given the relatively short amount of time Respondent has been practicing law.

In aggravation, we find that the illegal supplying of alcohol to an underaged individual creates an inherent risk of harm to that individual. In re Terronez, 2011PR00085, M.R. 26213

(Nov. 20, 2013) (Hearing Bd. at 24) (considering in aggravation that attorney's supplying of alcohol to underaged individuals "not only carried the potential for injury to the well-being of those individuals, but subjected them to the risk of criminal penalties"). But significantly more aggravating than the risk of harm – and bearing out the concern of the hearing panel in Terronez – is that Respondent's actions caused actual harm to M.W. Because of Respondent's conduct, M.W. suffered injuries, including a broken ankle, the night Respondent provided her with alcohol; she continues to have pain in her ankle from arthritis; and this incident has negatively impacted her mental health. Moreover, she spent three nights in jail because she violated the terms of her house arrest by consuming alcohol.

Under the circumstances of this matter, we find the 60-day suspension requested by Respondent to be insufficient, given the seriousness of his conduct and the harm he caused to M.W. However, we also find the disbarment requested by the Administrator to be excessive and unsupported by relevant authority. The cases cited by the Administrator involve much more egregious misconduct occurring over longer time periods and other circumstances that are not present in this matter.

In arguing that disbarment is warranted, the Administrator relied primarily on Terronez, where the Court disbarred an attorney who, like Respondent, was convicted of the misdemeanor offense of providing alcohol to a person under 21 years of age. It is true that, in Terronez as well as in this matter, the attorneys were charged with and pled guilty to violating the same criminal statute. However, the specific factual context of Terronez's misconduct renders it considerably more egregious than Respondent's.

Terronez was the State's Attorney of Rock Island County at the time of his misconduct. In the course of prosecuting a high school teacher charged with sexually assaulting a female student, J.W., Terronez met often with J.W. and maintained contact with her after the case ended, including

sending over 1,000 texts in May and June 2010, some of which related to sex and drinking alcohol. Over the course of a few months in the summer of 2010, he provided alcohol to J.W., who was about to turn or just had turned 17 years old, on six occasions, and to J.W.'s 19-year-old friend B.Y. on five occasions. In addition, in July 2010, he attended a prosecutor's conference in Champaign, Illinois, and took J.W. and B.Y. with him. He shared a hotel suite with them; provided them with alcohol on both nights they spent there; and drove them to a college party and a bar.

Moreover, after the Illinois State Police began investigating Terronez's conduct, he lied to them and denied providing alcohol to J.W. and B.Y. or driving them to Champaign. He also told B.Y. that the police were going to interview her and that she should deny everything.

Terronez pled guilty to one count of unlawful delivery of alcohol to a person under the age of 21. He was sentenced to two years of probation and fined $2,500 plus costs of $4,177.

In Terronez's subsequent disciplinary matter, the Hearing Board found, in aggravation, that he had engaged in a "pattern of misdeeds rather than an isolated act of misconduct." Terronez, 2011PR00085 (Hearing Bd. at 23.) It further found that his "repeated acts of misconduct … ceased only when he learned he was being investigated, and even then he compounded his wrongdoing by giving false information to the police." (Id. at 24.) Finally, it found that his misconduct occurred while he was the State's Attorney and therefore that he was unquestionably aware of the laws regarding the delivery of alcohol to underaged minors. (Id.)

On appeal, the Review Board found it "particularly significant" that, at the time he committed his misconduct, Terronez was the "head law enforcement officer of Rock Island County, elected by the citizens of that county to uphold and enforce the law." It noted that he "should have been a role model to the community but instead he intentionally violated the same laws that he enforced against others." Terronez, 2011PR00085 (Review Bd. at 8.) It agreed with the Hearing Board that Respondent's misconduct was not an isolated incident but an ongoing

pattern, noting that he provided alcohol to a minor on at least eleven occasions. (Id.) Finally, it found it "particularly troubling" that Terronez gave false information to the police on more than one occasion and instructed B.Y. to do the same. (Id. at 9.)

Citing cases where the Court imposed "substantial sanctions on State's Attorneys who 'flaunt the law,'" the Review Board found that Terronez's criminal acts, coupled with his false statements to the police, warranted a lengthy suspension. (Id. at 9-11 (quoting In re Sims, 144 Ill. 2d 323, 324-25, 579 N.E.2d 865 (1991).) It also considered "the inappropriate and exploitative nature" of Terronez's contacts with J.W., noting that he was "well aware" that J.W. was a minor and a sexual assault victim, and yet, in addition to providing her with alcohol, he also "engaged in sexually explicit conversations with her that included encouraging her to perform sex acts on her boyfriend and commenting on her appearance in her cheerleading uniform." (Id. at 11.)

The Administrator also cited to In re Reppy, 2010PR00040, M.R. 24237 (Jan. 19, 2011), in which Reppy consented to a suspension of six months and until further order for sexually propositioning four clients and improperly touching one of them. His misconduct occurred over a period spanning almost two years, and continued even after his supervisor learned of the misconduct as to one of the clients and admonished him that such conduct was inappropriate. A suspension until further order was necessary to protect the public, because there was no assurance that Reppy was willing or able to stop engaging in that type of misconduct.

We find that neither Terronez nor Reppy involved circumstances analogous to those involved here. Terronez's conduct, in particular, is orders of magnitude worse than Respondent's. Terronez knowingly provided alcohol to a 17-year-old – an actual minor – and her 19-year-old friend on at least eleven occasions over the course of a few months. He took both with him to a conference for state's attorneys, shared a hotel suite with them, and took them to a bar and college party. He also engaged in months of text communications with the 17-year-old, many of a sexual

nature, despite knowing that she was in a vulnerable position as the victim of a sexual assault. He then repeatedly lied to police about his conduct, and encouraged the 19-year-old to lie to the police in order to protect himself. And Reppy engaged in sexual misconduct with four clients over a two-year time frame, and posed a risk to the public that he would continue to engage in the same type of misconduct.

In this matter, in contrast, Respondent provided alcohol to an underaged person on one occasion. Rather than spanning months or years as in Terronez and Reppy, his conduct spanned a few hours on a single day. As we have already noted, while we find his conduct inexcusable, we also find it to be an aberration caused by an isolated lapse in judgment. We have no concern that he will continue to engage in the same type of conduct, and therefore find no basis to remove him from the practice of law until he can prove he should be reinstated. That, to us, would be an unjustly harsh punishment for serious but isolated misconduct.

Weighing the nature of Respondent's misconduct with the mitigation and aggravation present in this matter, we conclude that a nine-month suspension is appropriate and supported by precedent. Recognizing that no two cases are identical, we find that the following cases provide guidance as to an appropriate sanction in this matter.

In In re Watt, 97 CH 0010, M.R. 13693, (May 30, 1997), the attorney consented to a six-month suspension after pleading guilty to one count of misdemeanor prostitution. During the Administrator's investigation of her conduct, she made misrepresentations while under oath and fabricated documents to impede the investigation.

In In re Eason, 2017PR00060, M.R. 028824 (Sept. 22, 2017), the attorney was convicted in Missouri of third-degree assault after he pushed an opposing party during a deposition. The Illinois Supreme Court disciplined him on a reciprocal basis, imposing a suspension of six months and until further order, stayed in its entirety by a one-year period of probation.

In In re McCloskey, 2022PR00052, M.R. 031336 (Sept. 21, 2022), the attorney pled guilty in Missouri to misdemeanor harassment for pointing a gun at a group of people in front of her home. The Illinois Supreme Court disciplined him on a reciprocal basis, imposing a suspension of six months and until further order, stayed in its entirety by one year of probation.

In In re Allen, 96 CH 643, M.R. 16100 (Nov. 19, 1999), the attorney drove his car while intoxicated, collided with another car, and caused serious injury to two individuals in the other car. He was convicted of two felony counts of aggravated driving under the influence of alcohol resulting in great bodily harm. He was suspended for nine months, with the suspension fully stayed by probation.

In In re Seltzer, 05 CH 113, M.R. 22583 (Nov. 18, 2008), the attorney pled no contest to felony aggravated assault with a deadly weapon without intent to kill, after he veered his car toward a sidewalk where people were standing. He had untreated mental health issues, which contributed to his misconduct. He was suspended for one year and until further order, stayed after 90 days by a two-year period of probation.

The foregoing cases are analogous to the present matter in that each of them involves a single incident that resulted in a felony or misdemeanor conviction for which the attorney was subsequently disciplined. Although some of the cases involve suspensions stayed in whole or in part by probation based on circumstances not present here, we nonetheless find instructive the total suspension imposed by the Court in each of those matters.

After reviewing the foregoing cases and considering the relevant circumstances of this matter, particularly the actual harm Respondent's conduct caused M.W., we find that a suspension of nine months is commensurate with Respondent's misconduct, consistent with discipline that has been imposed for comparable misconduct, and sufficient to serve the goals of attorney discipline and deter others from committing similar misconduct.

Accordingly, we recommend that Respondent, Javaron Darnell Buckley, be suspended for nine months.

Respectfully submitted,

Carl E. Poli
Melisa Quinones
Daniel G. Samo

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 July 17, 2024.

/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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[*] Again, we need not resolve this conflict as it does not impact our misconduct finding or sanction recommendation.