

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

In the Matter of:

BRIAN THOMAS DAILEY,

Attorney-Respondent,

No. 6199883.

Commission No. 2023PR00057

REPORT AND RECOMMENDATION OF THE HEARING BOARD

DEFAULT PROCEEDING

The hearing in this matter was held by videoconference on August 26 and September 3, 2024, before a Hearing Board Panel consisting of Carl E. Poli, Chair, Arlette G. Porter, and John Burns. Scott Renfroe and Kate E. Levine appeared on behalf of the Administrator. Respondent was present and represented himself. The Administrator requested that Respondent be disbarred. We agree with the Administrator's request and recommend that Respondent be disbarred.

Respondent did not file an answer to the Administrator's two-count Complaint. Thus, in finding misconduct, we have considered the Complaint, a copy of which is attached as Exhibit 1, as well as the Order entered on January 19, 2024, deeming the allegations and charges of the Complaint admitted, a copy of which is attached as Exhibit 2. In addition, we have considered the documentary and testimonial evidence presented by the Administrator regarding aggravation. Respondent presented no evidence regarding mitigation.

The allegations deemed admitted establish that Respondent dishonestly misappropriated almost \$738,000 in 29 client matters, and failed to respond to the ARDC's lawful demands for

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information in connection with its investigations regarding his conduct. By that conduct, Respondent violated Illinois Rules of Professional Conduct 1.15(a), 1.15(d), 8.1(b), and 8.4(c).

In aggravation, Respondent engaged in an extensive pattern of misconduct spanning several years and involving 29 separate matters in which he dishonestly misappropriated a staggering amount of client and/or third party funds; he was an experienced practitioner at the time of his misconduct; he harmed his clients by depriving them of funds to which they were entitled; he harmed the legal profession by causing his clients to lose trust in lawyers; rather than acknowledging and accepting responsibility for his wrongdoing, he blamed others, including his clients and former colleagues, for it, and showed no remorse whatsoever for the harm his misconduct caused; and he did not fully participate in or cooperate with the disciplinary process, in that he failed to file his answer to the Complaint and Rule 253 disclosures even after being given three extensions of time to do so.

Accordingly,

1. On September 13, 2023, an investigator with the State of Michigan Attorney Grievance Commission personally served Respondent with the Complaint and accompanying documents. A copy of the Proof of Service is attached as Exhibit 3.

2. The allegations and charges of the Complaint were deemed admitted in an Order entered on January 19, 2024. 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. Based upon Respondent's egregious misconduct, combined with the substantial aggravation and absence of mitigation involved in this matter, we recommend that Respondent be disbarred.

Exhibit 1

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

In the Matter of:

BRIAN THOMAS DAILEY,

Attorney-Respondent,

No. 6199883.

Commission No. 2023PR00057

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Scott Renfroe, pursuant to Supreme Court Rule 753(b), complains of Respondent, Brian Thomas Dailey, who was licensed to practice law in the State of Illinois on April 3, 1989, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Conversion of at least \$737,963.53 in Client Funds –Multiple Client Matters)

1. At all times alleged in this complaint, Respondent was the principal of Dailey Law Firm, PC, which had offices located in Detroit, Chicago, and Indianapolis, and which handled personal injury, medical malpractice, Social Security, class action, mass tort, and criminal defense matters. Respondent was the sole signatory on a US Bank IOLTA trust account ending in the four digits 5739, which was entitled “Dailey Law Firm PC Lawyers Trust Account.” Respondent used the U.S. Bank IOLTA account ending in 5739 (“IOLTA account”) as a depository of funds belonging, presently or potentially, to the firm’s clients, third parties, or to the firm.

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2. As of June 22, 2021, Respondent had drawn the balance in the IOLTA account to \$171,451.56, by drawing checks on that account in payment of his business and personal obligations, or by transferring funds from the IOLTA account to other accounts.

3. As set forth in more detail below, prior to June 22, 2021, Respondent had received funds on behalf of the following clients and deposited those funds into his IOLTA account. As of June 22, 2021, based on the amounts Respondent received and the payments, if any, he made to or on behalf of his clients or their lienholders, Respondent should have been holding at least the following outstanding amounts (totaling \$909,415.09 in aggregate) on behalf of the following clients, their lienholders or other third parties:

- a. Prior to June 22, 2021, Respondent received and deposited into his IOLTA account client funds on behalf of a client named Amira Henry. As of June 22, 2021, Respondent should have been holding at least \$15,226.68 in his IOLTA account on behalf of Amira Henry, or her lienholders.
- b. On behalf of his client Hashim Henry, Respondent received and deposited the following settlement payments into his IOLTA account: Erie Insurance check number 0002304474, which was dated March 1, 2019 and made payable to Hashim Henry and the Dailey Law Firm PC in the amount of \$7,431.71, and deposited on March 5, 2019; Erie Insurance check number 0003180209, which was dated November 12, 2019 and made payable to Hashim Henry and the Dailey Law Firm PC in the amount of \$2,568.29, and deposited on November 18, 2019; and ESIS check number FA70694250, which was dated October 13, 2020 and made payable to Hashim Henry and Dailey Law Firm PC in the amount of \$25,000, and deposited on October 21, 2020. As of June 22, 2021, Respondent had made no disbursements to or on behalf of Henry and should have been holding at least \$22,268.72 on behalf of Henry, his lienholders or other third parties.
- c. On behalf of a client named Sundim Dervishi, Respondent received and deposited the following settlement payments into his IOLTA account: Geico Insurance check number 204606718, which was dated April 3, 2019 and made payable to Sundim Dervishi and Dailey Law Firm in the amount of \$1,566, and deposited on April 9, 2019; and Century National Insurance check number 0407971715, which was dated August 28, 2020 and made payable to Sundim Dervishi and the Dailey Law Firm PC in the amount of \$8,500, and deposited on September 11, 2020. As of June 22, 2021, Respondent had made no disbursements to or on behalf of Dervishi and should have been holding at least

\$5,820.60 from the total of \$10,066 he had deposited on behalf of Dervishi, his lienholders or other third parties.

- d. On behalf of David Daniels, on or about October 3, 2019, Respondent received, and deposited into his IOLTA account, State Farm check number 101789682J, which was dated October 1, 2019 and made payable to David Daniels and Dailey Law Firm in the amount of \$10,850.10. As of June 22, 2021, Respondent had not informed Daniels of his receipt of Daniels' settlement funds, had not made any disbursement to or on behalf of Daniels, and had not received Daniels' authority to take any fee from that recovery. As a result, Respondent should have been holding the entire \$10,850.10 he had received on Daniels' behalf.
- e. On behalf of Titilayo Odunuga and minor Adaeze Obina, Respondent received State Farm Insurance check number 101836188J, which was dated October 23, 2019 and made payable to Titilayo Odunga & Dailey Law Firm in the amount of \$34,000, and deposited that check into his IOLTA account on November 4, 2019; and State Farm Insurance check number 101836193J, which was dated October 23, 2019 and made payable to Titilayo Odunga as Parent and Legal Guardian of Adaeze Obina, a Minor & Dailey Law Firm in the amount of \$9,500, and deposited that check into his IOLTA account on November 18, 2019. From those settlement funds, on or about August 28, 2020, Respondent paid only lienholder Anton Rittling DC a total of \$4,000. As of June 22, 2021, Respondent should have been holding at least \$19,122.73 on behalf of Odunuga, Obina, their lienholders or other third parties.
- f. On behalf of Arulmani Manivannon, on January 24, 2020, Respondent deposited into his IOLTA account PMA Companies check number 1260204Z, which was dated January 21, 2020 and made payable to Arulmani Manivannon and Dailey Law Firm PC in the amount of \$485,000. As of June 22, 2021, Respondent should have been holding at least \$322,596.57 on behalf of Manivannon, his lienholders or other third parties.
- g. On behalf of Jeremias Lopez, on March 5, 2020, Respondent deposited into his IOLTA account American Freedom Insurance Company check number 786603, which was dated March 4, 2020 and made payable to Lopez and Dailey Law Firm P.C. in the amount of \$19,000. As of June 22, 2021, Respondent had not made any disbursements to or on behalf of Lopez and should have been holding at least \$12,126.16 on behalf of Lopez, his lienholders or other third parties.
- h. On behalf of Jedediah and Malissa Shultz, Respondent received and deposited into his IOLTA account the following settlement payments: Progressive Insurance check number 22778349973, which was dated May 6, 2020 and payable to Jedediah Shultz and Malissa Shultz and Dailey Law Firm PC in the amount of \$25,000, and deposited on May 12, 2020; and Country Financial

Insurance check number 9894822, which was dated July 16, 2020 and made payable to Jedediah Shultz and the Dailey Law Firm PC in the amount of \$50,000, and deposited on July 23, 2020. As of June 22, 2021, Respondent had made no disbursements to or on behalf of Jedediah or Malissa Shultz and should have been holding at least \$49,917.40 on behalf of the Shultzes, their lienholders or other third parties.

- i. On behalf of Rocio Garcia, on June 9, 2020, Respondent deposited into his IOLTA account State Farm Insurance checks numbered 101203993J and 101212493J, both of which were dated May 27, 2020, and made payable to Rocio Garcia and Dailey Law Firm in the amounts of \$3,895 and \$51.06, respectively. As of June 22, 2021, Respondent had not informed Garcia of his receipt of Garcia's settlement funds, had not made any disbursements to or on behalf of Garcia, and had not received Garcia's authority to pay himself a fee from these recoveries. As a result, Respondent should have been holding the entire \$3,946.06 he had received on Garcia's behalf.
- j. On behalf of Michel Lord, Respondent received and on June 9, 2020 deposited into his IOLTA account, Allstate Insurance check number 602350545, which was dated May 21, 2020 and made payable to Lord and Dailey Law Firm in the amount of \$1,733.75; and on April 23, 2021, Respondent deposited ten additional Allstate checks totaling \$2,601.90, numbers 602483874, 60248120, 602483877, 602481281, 602484195, 602484196, 602484197, 602484198, 602483875 and 602483876, each of which was payable to Lord and Dailey Law Firm. As of June 22, 2021, Respondent had not informed Lord of his receipt of Lord's settlement funds, had not made any disbursements to or on behalf of Lord, and had not received Lord's authority to pay himself a fee from these recoveries. As a result, Respondent should have been holding the entire \$4,335.65 he had received on Lord's behalf.
- k. On behalf of Michelle Anais Diazleal, Respondent received and on June 9, 2020 deposited into his IOLTA account State Farm Insurance check number 101200322J, which was dated May 19, 2020 and made payable to Diazleal and Dailey Law Firm in the amount of \$5,000. As of June 22, 2021, Respondent had not informed Diazleal of his receipt of her settlement funds, had not made any disbursements to or on behalf of Diazleal, and had not received Diazleal's authority to pay himself a fee from that recovery. As a result, Respondent should have been holding the entire \$5,000 he had received on Diazleal's behalf.
- l. On behalf of the Estate of Ignacio Mata-Martinez, Respondent received and on June 19, 2020 deposited into his IOLTA account United Equitable Insurance Company check number 00021825, which was dated April 17, 2020 and made payable to the Estate of Ignacio Mata-Martinez and Dailey Law Firm in the amount of \$16,666.67, from which the Estate was entitled to the entire amount.

As of June 22, 2021, Respondent should have been holding the entire \$16,666.67 on behalf of the Estate of Ignacio Mata-Martinez.

- m. On behalf of Stacie Simone-Pace, between June 30, 2020 and March 21, 2021, Respondent received, and deposited into his IOLTA account, USAA Insurance checks totaling \$30,000 and numbered 0028733947, 0028887034, 0028948883, 0030352220 and 0030615027, each of which had been made payable to Simone-Pace and Dailey Law Firm PC. As of June 22, 2021, Respondent should have been holding at least \$16,643.87 on behalf of Simone-Pace, her lienholders or other third parties.
- n. On behalf of Gabriela Rodriguez, Respondent received, and on July 23, 2020 deposited into his IOLTA account, American Alliance Casualty check number 0000089571, which was dated July 13, 2020, and made payable to Rodriguez and Dailey Law Firm P.C. in the amount of \$3,500. As of June 22, 2021, Respondent had not informed Rodriguez of his receipt of her settlement funds, had not made any disbursements to or on her behalf, and had not received Rodriguez's authority to pay himself a fee from these recoveries. As a result, Respondent should have been holding the entire \$3,500 he had received on Rodriguez's behalf.
- o. On behalf of Corey Johnson, prior to June 22, 2021, Respondent had received and deposited into his IOLTA account a total of at least \$129,500 in settlement funds. As June 22, 2021, Respondent had not made any disbursements to or on behalf of Johnson and should have been holding at least \$85,018.44 on behalf of Johnson, his lienholders or other third parties.
- p. On behalf of Regina Padovano, Respondent received, and on October 6, 2020 deposited into his IOLTA account, Allstate Insurance check number 149128079, which was dated September 3, 2020 and made payable to Padovano and Dailey Law Firm in the amount of \$6,140.21. As of June 22, 2021, Respondent had not informed Padovano of his receipt of her settlement funds, had not made any disbursements to or on her behalf, and had not received Padovano's authority to pay himself a fee from these recoveries. As a result, Respondent should have been holding the entire \$6,140.21 he had received on Padovano's behalf.
- q. On behalf of Shannon Fortune, Respondent received, and on November 6, 2020 deposited into his IOLTA account, State Farm Insurance check number 101498301J, which was dated October 22, 2020 and made payable to Fortune and Dailey Law Firm in the amount of \$4,732.80. As of June 22, 2021, Respondent had not informed Fortune of his receipt of her settlement funds, had not made any disbursement to or on her behalf, and had not received Fortune's authority to pay himself a fee from these recoveries. As a result, Respondent should have been holding the entire \$4,732.80 he had received on Fortune's behalf.

- r. On behalf of Gary Bohn, between November 2020 and June 2021, Respondent received and deposited into his IOLTA account State Farm Insurance checks totaling \$3,282.10 and numbered 101518639J, 101520392J, 101603429J and 101746036J, and Progressive Insurance check number 2781854898 in the amount of \$40,500, each of which was made payable to Bohn and Dailey Law Firm. As of August 14, 2023, the date several investigations relating to Respondent's mishandling of client funds were referred to the members of Panel C of the Commission's Inquiry Board, Respondent had not informed Bohn of his receipt of his settlement funds, had not made any disbursements to Bohn or on his behalf, and had not received Bohn's authority to pay himself a fee from these recoveries. As a result, Respondent should have been holding the entire \$43,782.10 he had received on Bohn's behalf.

- s. On behalf of Yurithzy Garay, between November 2020 and June 2, 2021, Respondent received and deposited into his IOLTA account American Family Insurance checks totaling \$2,106.23 and numbered 0003115495, 0003132040, and 0003503843, each of which were made payable to Dailey Law and Garay; and State Farm check number 101552013, which was made payable to Dailey Law Firm and Garay in the amount of \$10,500. As of June 22, 2021, Respondent should have been holding at least \$5,007.36 on behalf of Garay, her lienholders or other third parties.

- t. On behalf of Angel Orihuela, between November 2020 and December 2020, Respondent received and deposited into his IOLTA account three American Family Insurance checks totaling \$4,562 that were made payable to Dailey Law Firm and Orihuela; and State Farm check number 101552012, which was made payable to Dailey Law Firm and Orihuela in the amount of \$10,000. As of June 22, 2021, Respondent should have been holding at least \$9,528.29 on behalf of Orihuela, her lienholders or other third parties.

- u. On behalf of Arthurine Walker, on or about December 1, 2020, Respondent received and deposited into his IOLTA account Progressive insurance Company check number 2034532688, which was dated November 13, 2020 and made payable to Walker and Dailey Law Firm P.C. in the amount of \$5,000. As of June 22, 2021, Respondent had not made any disbursements on behalf of Walker and had not received Walker's authority to pay himself a fee from the recovery. As a result, Respondent should have been holding the entire \$5,000 he had received on Walker's behalf.

- v. On behalf of Joseph Hoffarth, between December 4, 2020 and December 30, 2020, Respondent received and deposited into his IOLTA account State Farm checks numbered 101554548J and 101600676J, which had been made payable to Hoffarth and Dailey Law Firm in the total amount of \$1,605.31. As of June 22, 2021, Respondent had not made any disbursements to or on behalf of

Hoffarth and had not received Hoffarth's authority to pay himself a fee from these recoveries. As a result, Respondent should have been holding the entire \$1,605.31 he had received on Hoffarth's behalf.

- w. On behalf of Jacey Strohecker, between December 4, 2020 and December 30, 2020, Respondent received and deposited into his IOLTA account State Farm checks numbered 101554118J and 101600674J, which had been made payable to Strohecker and Dailey Law Firm in the total amount of \$20,700. As of June 22, 2021, Respondent had not made any disbursements on Strohecker's behalf, and had not received her authority to pay himself a fee from these recoveries. As a result, Respondent should have been holding the entire \$20,700 he had received on Strohecker's behalf.
- x. On behalf of Monice Adams and Rashawn Guess, Respondent received, and on December 4, 2020 deposited into his IOLTA account, Wright Specialty Insurance Agency check number 0000001266, which was dated November 24, 2020 and made payable to Monice Adams as Parent/Legal Guardian of Rashawn Guess, A Minor, in the amount of \$150,000. On or about June 7, 2021, Respondent drew, and Adams negotiated, Respondent's check number 25184, which was made payable to Monice Adams with the notation "emergency advance of client proceeds" in the amount of \$2,000. Pursuant to a court order entered on October 23, 2021 in Circuit Court of Cook County case number 17 L 10124, entitled *Rashawn Guess v. Foundations College Preparatory School et. al*, Respondent had no authority to distribute funds, including payment of his fees and costs, until an order had been issued by a probate court authorizing administration of settlement and distribution. No such order has been entered as of June 22, 2021, and Respondent should have been holding at least \$148,000 on behalf of Adams/Guess, their lienholders or other third parties.
- y. On behalf of Marcia Robinson, on or about December 11, 2020, Respondent received and deposited into his IOLTA account Progressive Insurance checks numbered 2034780200 and 2034780201, which had been made payable to Robinson and Dailey Law Firm in the total amount of \$208.99. As of June 22, 2021, Respondent had not made any disbursements on Robinson's behalf and had not received Robinson's authority to pay himself a fee from these recoveries. As a result, Respondent should have been holding the entire \$208.99 he had received on Robinson's behalf.
- z. Prior to June 22, 2021, Respondent received and deposited into his IOLTA account client funds on behalf of Denislav Raytchev. As of June 22, 2021, Respondent should have been holding at least \$16,666.66 on behalf of Raytchev, his lienholders or other third parties.
- aa. On behalf of Alejandra Mora, between January 7, 2021, and February 12, 2021, Respondent received and deposited into his IOLTA account Geico Insurance checks numbered 220615689 and 221337365, which had been made payable to

Mora and Dailey Law Firm in the total amount of \$25,763. As of June 22, 2021, Respondent had not made any disbursements on behalf of Mora, and Respondent should have been holding at least \$12,213.78 on behalf of Mora, her lienholders or other third parties.

- bb. On behalf of Samantha Brzezinski, on April 6, 2021, Respondent received and deposited into his IOLTA account Greater New York Insurance Company check number 576611, which was made payable to Brzezinski and Dailey Law Firm in the amount of \$40,000. As of June 22, 2021, Respondent had not made any disbursements on behalf of Brzezinski and had not received Brzezinski's authority to pay himself a fee from the recovery. As a result, Respondent should have been holding the entire \$40,000 he had received on Brzezinski's behalf.
- cc. On behalf of Merrill Amos, on or about May 19, 2021, Respondent received and deposited into his IOLTA account Mercury Insurance Company check number 2000109304, which was made payable to Amos and Dailey Law Firm PC in the amount of \$2,790. As of June 22, 2021, Respondent had not made any disbursement on behalf of Amos and had not received Amos's authority to pay himself a fee from the recovery. As a result, Respondent should have been holding all of the \$2,790 he had received on Amos's behalf.

4. As of June 22, 2021, by drawing checks on the IOLTA account or making transfers to other accounts in payment of his own business or personal obligations, Respondent had used for his own purposes at least \$737,963.53 of the above clients' funds, which he should have been holding for their benefit or the benefit of their lienholders or other third parties.

5. At no time did Respondent have authority from the clients listed in paragraph three, above, to use for his own business or personal purposes any portion of the settlement proceeds due to those clients, to their lienholders, or to other third parties.

6. Respondent's use of the \$737,963.53 as set forth in paragraph three, above constitutes conversion of the funds due to his clients, their lienholders, or to other third parties.

7. At the time Respondent used the funds due to the clients set forth in paragraph three, above, to their lienholders, or to other third parties, Respondent acted dishonestly, as he knew that he was using those funds for his own business or personal purposes.

8. By reason of the conduct described above, Respondent 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 the clients listed in paragraph three, above, to their lienholders, or to other third parties, separate from Respondent's own property, and (2) converting at least \$737,963.53 of client settlement funds relating to the clients listed in paragraph three, above, to Respondent's own use and causing the balance in his IOLTA account to fall below the amount then belonging to the clients, to their lienholders, or to other third parties, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010);
- b. failure to promptly deliver to the client or third person any funds that the client or third person is entitled to receive, by conduct including failing to promptly deliver the \$737,963.53 of settlement funds that the clients listed in paragraph three, above, and their lienholders were entitled to receive, in violation of Rule 1.15(d) of the Illinois Rules of Professional Conduct (2010); and
- c. conduct involving dishonesty, fraud, deceit or misrepresentation, by knowingly converting at least \$737,963.53 of settlement funds relating to the clients listed in paragraph three, above, to Respondent's own use without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Failure to Respond to a Lawful Demand for Information)

9. The Administrator realleges paragraphs one through seven in Count I, above.

10. As of March 1, 2023, the Administrator had docketed five investigations into Respondent's alleged mishandling of client funds, based on the receipt of requests for investigation from by Jeremias Lopez, Carol Williams (on behalf of Corey Johnson), Michael Kern (on behalf

of Arulmani Manivannon), Stephanie Sexauer (on behalf of the Estate of Mata-Martinez), Joseph Hoffarth and Jacie Strohecker.

11. On March 1, 2023, counsel for the Administrator's Intake Division served Respondent by email and Federal Express with a subpoena compelling his appearance for a sworn statement on March 23, 2023 via the online video platform Microsoft Teams, together with production of his file materials related to his representation of the clients or former clients listed in paragraph 10, above.

12. By email dated March 2, 2023, Respondent requested an extension of time to comply with the subpoena in order to retain counsel to represent him in connection with those investigations. By email on that same date, counsel for the Administrator told Respondent that several of the ARDC investigations had been pending since May of 2022, that no extension for the production of documents and his appearance for the statement on March 23, 2023 would be granted, and to ask Respondent's attorney to contact her should Respondent retain counsel.

13. By email dated March 17, 2023, counsel for the Administrator requested Respondent's confirmation of his upcoming appearance, stating "I have not received any messages from a lawyer on your behalf so I am assuming you will be appearing *pro se*." On that same date, Respondent replied "I am still seeking Counsel. My intention is to comply and appear as directed."

14. By email dated March 22, 2023, Illinois attorney Kathryn Hayes notified counsel for the Administrator that Respondent had hired her to represent him in connection with the pending ARDC investigations, and, at Ms. Hayes' request, counsel for the Administrator agreed to reschedule the sworn statement to April 19, 2023 at the ARDC Chicago offices.

15. By email dated April 17, 2023, Ms. Hayes informed counsel for the Administrator that Respondent had a medical issue requiring him to reschedule the sworn statement. Counsel for the Administrator agreed to reschedule the sworn statement to May 18, 2023.

16. By email dated May 17, 2023, Ms. Hayes informed counsel for the Administrator that Respondent had an ongoing medical issue requiring him to again request to reschedule the sworn statement. Ms. Hayes spoke to counsel for the Administrator by telephone that same day and offered to reschedule the sworn statement to the third week in June. Counsel for the Administrator agreed to continue Respondent's appearance for the statement generally and informed her that the investigative files would be referred to the ARDC's litigation division, and that lawyer would contact Ms. Hayes to reschedule the sworn statement.

17. On May 18, 2023, the Administrator received a request for investigation regarding Respondent from Denislav Raytchev, initiated investigation number 2023IN01708, and by letter dated May 24, 2023, notified Ms. Hayes of Mr. Raytchev's communication and requested that Respondent submit a written response to Mr. Raytchev's allegations within 14 days.

18. By email dated May 22, 2023, ARDC litigation counsel for the Administrator informed Ms. Hayes that Respondent's matters had been reassigned to him and requested that Ms. Hayes communicate with him regarding rescheduling Respondent's sworn statement.

19. By email dated May 31, 2023, Ms. Hayes sent counsel for the Administrator a note from a Michigan physician stating the physician's opinion that Respondent had injured his vocal cords and should not participate in trials, depositions or hearings until August 12, 2023. Ms. Hayes and counsel for the Administrator then spoke by telephone on that same date and they agreed that Respondent's sworn statement would be rescheduled to some date in the future pending receipt of updated information from a physician about Respondent's purported medical condition.

20. By letter to Ms. Hayes dated June 1, 2023, counsel for the Administrator confirmed that he had agreed to continue Respondent's personal appearance *sine die*, but also requested that updated information regarding Respondent's health to be produced by July 5, 2023, at which time a new date for the sworn statement would be scheduled. Counsel for the Administrator also informed Ms. Hayes that Respondent's purported medical condition as described by his physician did not appear to preclude Respondent from producing documents or submitting written information concerning the matters then under investigation. Counsel for the Administrator attached to the letter a copy of the original subpoena sent to Respondent on March 1, 2023, and requested that, in addition to the records sought by that subpoena, Respondent also produce his receipts and disbursements journals, client ledgers, reconciliation reports and other financial documentation regarding Respondent's handling of client funds and use of his IOLTA account, and information regarding Respondent's efforts to continue matters or obtain substitute counsel for any trials, depositions or hearings in which his appearance was required until August 12, 2023.

21. On July 21, 2023, the Administrator received a request for investigation of Respondent from Bart Robinette and initiated investigation number 2023IN02454 into those allegations.

22. On July 25, 2023, counsel for the Administrator forwarded Mr. Robinette's request for investigation to Ms. Hayes and requested a written response within 14 days. Counsel for the Administrator asked Ms. Hayes to send Respondent a copy of his letter and Mr. Bartinette's communication, and to notify counsel for the Administrator if she would not be representing Respondent in connection with Mr. Bartinette's inquiry.

23. By email dated July 28, 2023, Ms. Hayes notified counsel for the Administrator that her firm was withdrawing as Respondent's counsel in all matters then being investigated by the Administrator.

24. On July 31, 2023, by letter sent to Respondent by regular mail and by email, counsel for the Administrator requested Respondent to contact him as soon as possible about the ARDC's outstanding requests for information and documents and to reschedule his sworn statement in response to the subpoena first sent to Respondent on March 1, 2023. Counsel for the Administrator enclosed additional copies of the requests for investigations submitted to the ARDC by Denislav Raytchev and Bart Robinette in his communication to Respondent.

25. At no time did Respondent reply to counsel for the Administrator's July 31, 2023 correspondence, submit any of the requested documents, or submit written responses to any of the outstanding requests for investigation.

26. As of August 29, 2023, the date that the members of Panel C of the Inquiry Board voted that a complaint be filed against Respondent in this matter, Respondent had not provided any of the client records, financial records, responses to requests for investigations where responses were then outstanding, nor had Respondent communicated with counsel for the Administrator about any of those investigation or provided dates when he was available to reschedule his sworn statement. Counsel for the Administrator has never waived Respondent's appearance in response to the Administrator's March 1, 2023, subpoena or his production of documents in response to the subpoena.

27. 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

Exhibit 2

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

In the Matter of:

BRIAN THOMAS DAILEY,

Attorney-Respondent,

No. 6199883.

Commission No. 2023PR00057

ORDER

The Chair having considered the Respondent’s Motion for Fourth Extension of Time to File Answer to Complaint (“Motion for Extension of Time”) and the Administrator’s Response to Respondent’s Motion for Extension of Time; and the Administrator’s Motion to Deem the Allegations of the Complaint Admitted Pursuant to Commission Rule 236 (“Motion to Deem”), and Respondent’s Response to the Administrator’s Motion to Deem;

IT IS ORDERED:

1. Respondent’s Motion for Extension of Time is denied; and
2. The Administrator’s Motion to Deem 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.

FILED

January 19, 2024

ARDC CLERK

PROOF OF SERVICE

I, Andrea L. Watson, hereby certify that I served a copy of this Order on the Attorney-Respondent listed at the e-mail address shown below on January 19, 2024, 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.

Brian Thomas Dailey
Attorney-Respondent
brian@daileytriallawyers.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/ Andrea L. Watson
Andrea L. Watson

MAINLIB_#1704540_v1

Exhibit 3

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

In the Matter of:)
)
BRIAN THOMAS DAILEY,)
) Commission No. 2023PR00057
Attorney-Respondent,)
)
No. 6199883.)

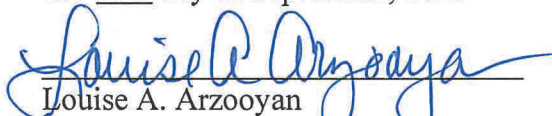
PROOF OF SERVICE

I, Investigator Diane Salter, upon oath state that I personally served a copy of a Complaint, Notice of Complaint, Order assigning Chairperson of Hearing Panel, Rules of the Attorney Registration and Disciplinary Commission and Pre-hearing Conference Procedures Memorandum on Respondent, Brian Thomas Dailey, at 77 Oxford Rd, Grosse Pointe Shores, MI 48326 (Backyard), on September 13, 2023, at or about 1:45 p.m.



Investigator Diane Salter
State of Michigan Attorney Grievance Commission

Subscribed and sworn to before me
this 13th day of September, 2023


Louise A. Arzooyan
Notary Public, State of Michigan
County of Wayne
My Commission Expires: 3/4/2025

FILED
9/14/2023 7:09 AM
ARDC Clerk