

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

In the Matter of:

PAUL DAVID KATZ,

Attorney-Respondent,

No. 1413848.

Commission No. 2024PR00055

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Matthew D. Lango, pursuant to Supreme Court Rule 753(b), complains of Respondent Paul David Katz, who was licensed to practice law in Illinois on October 31, 1973, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Charging Unreasonable Fees, Filing False Fee Petitions with the Tribunal,
and Engaging in Dishonest Conduct)*

1. At all times related to this complaint, Respondent worked as a sole practitioner, with the majority of his practice focused on representing individuals in juvenile court and in criminal matters. Since the late 1970s, Respondent has been appointed to represent individuals in the Circuit Court of Cook County Juvenile Court (hereinafter "Circuit Court").

2. Respondent participated in the Circuit Court's juvenile court conflict bar attorneys' program. As a participant in the program, Respondent represented indigent minors and adults in the Juvenile Justice and Child Protection Divisions.

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3. At all times related to this complaint, Illinois Supreme Court Rule 299(b) provided that, unless modified by local rule, the minimum a court-appointed attorney may be compensated for representing an indigent party is no less than \$75 for time expended in court and \$50 per hour for time reasonably expended out of court.

4. The Circuit Court did not have a local rule modifying Supreme Court Rule 299, and court-appointed attorneys were paid the minimum rates pursuant to Supreme Court Rule 299.

5. As a court-appointed attorney, Respondent filed petitions for attorney's fees (hereinafter "fee petitions") requesting that the court compensate him for the work performed on a particular case. Respondent's fee petitions included the date he purportedly performed work, a description of the purportedly performed work, and the hours he purportedly spent performing the work. Respondent's fee petitions would differentiate whether the work he purportedly performed was done in court or out of court.

6. Respondent signed each fee petition and certified that, pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the statements set forth in his fee petition were true and correct. Once submitted, the judge presiding over the appointed matter reviewed Respondent's fee petition and entered an order approving payments of the fees and expenses to Respondent. After the fee petitions were approved, Respondent's fees and expenses were paid by the Circuit Court.

7. In or about August 2021, the Circuit Court implemented new procedures for collecting data and reviewing fee petitions and corresponding court orders for payment to court-appointed attorneys in juvenile and criminal court cases. This allowed the Circuit Court's

Finance Staff to review approximately 346 fee petitions submitted by Respondent as well as the court orders providing for payment of fees and expenses to him.

8. During a 12-month period beginning on April 1, 2021, and continuing through March 31, 2022, Respondent filed fee petitions billing the Circuit Court for over 4,400 hours as a court-appointed attorney in the Circuit Court of Cook County.

9. Respondent billed an average of 84.63 hours per week during the twelve-month period from April 1, 2022, through March 31, 2022. During that time period, the Circuit Court's finance staff's review revealed that Respondent submitted certified fee petitions in which Respondent claimed that he had worked more than 20 hours on at least 17 dates.

10. Respondent claimed in his fee petitions that on December 6, 2021, he worked a total of 23.75 hours. Respondent billed for 10.25 hours as "in court" time. Of the 10.25 hours of "in court" time that Respondent billed for that day, four hours were billed for the presentation of fee petitions. Respondent also billed the Circuit Court for four hours for appearing in court, via Zoom, on two separate matters where he included in his description an entry entitled "awaiting other cases."

11. Respondent claimed in his fee petitions that on December 14, 2021, he worked a total of 23.75 hours. Respondent billed for 10 hours as "in court" time. Of the 10 hours that Respondent billed, five hours was solely for the presentation of his fee petitions.

12. Respondent submitted certified fee petitions in which Respondent asserted that between April 1, 2021, and March 31, 2022, he worked between 15 and 20 hours on 113 dates.

13. For the days of Sunday, October 17, 2021, through Wednesday October 20, 2021, Respondent consecutively billed 20.25 hours, 20.25 hours, 17.00 hours, and 20.25 hours, for a total of 77.75 hours during a 96-hour period.

14. Between Sunday, November 14, 2021, and Friday, November 18, 2021, Respondent consecutively billed 19.00 hours, 15.50 hours, 19.75 hours, 16.00 hours, and 18.00 hours, for a total of 88.25 hours in a 120-hour period.

15. Between Tuesday, December 14, 2021, and Friday December 17, 2021, Respondent consecutively billed 23.75 hours, 18.00 hours, 15.75 hours, and 16.25 hours, for a total of 73.75 hours in a 96-hour period.

16. Between Sunday, January 30, 2022, and Friday, February 4, 2022, Respondent consecutively billed 23.25 hours, 14.25 hours, 15.00 hours, 19.50 hours, 17.00 hours, and 18.75 hours for a total of 107.75 hours in a 144-hour period.

17. During the 12-month period from April 1, 2021, to March 31, 2022, Respondent falsely represented his hours worked in the fee petitions described above. Respondent consistently over-stated his hours worked. Respondent did not perform over 4,400 hours of billable work in the 12-month time period from April 1, 2021, through March 31, 2022. Respondent knew that his fees petitions overstated the number of hours worked at the time he submitted them. When Respondent submitted to the Circuit Court fee petitions totaling over 4,400 hours he did so dishonestly.

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

- a. charging an unreasonable fee for the work he performed as a court-appointed attorney in the Circuit Court of Cook County by overstating the amount of time he spent working as described in paragraphs 8, 9, 10, 11, 12, 13, 14, 15, and 16 above, in violation of Rule 1.5(a) of the Illinois Rules of Professional Conduct (2010);
- b. making false statements of fact or law to the Circuit Court of Cook County by submitting fee petitions that overstated the hours that Respondent spent working on the court-appointed

matters as described in paragraphs 8, 9, 10, 11, 12, 13, 14, 15, and 16 above, in violation of Rule 3.3(a)(1) of the Illinois Rules of Professional Conduct (2010); and

- c. engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation by submitting fee petitions that overstated the hours that Respondent spent working on court-appointed matters as described in paragraphs 8, 9, 10, 11, 12, 13, 14, 15, and 16 above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the Panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Illinois Attorney Registration and
Disciplinary Commission

By: /s/ Matthew D. Lango
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