

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

In the Matter of:

JAMES E. TAYLOR,

Attorney-Respondent,

No. 6210254.

Commission No. 2025PR00010

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Richard Gleason, pursuant to Supreme Court Rule 753(b), complains of Respondent, James E. Taylor, who was licensed to practice law in Illinois on November 5, 1992, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Neglect and Failure to Communicate in Relation to the Estate of W.D.)

1. On April 18, 1989, W.D. died in Chicago, Illinois. At the time of his death, W.D. did not have a will and at the time of his death, was survived by three of his eight born children and was survived by eight grandchildren, including granddaughters, T.D.B. and N.S.

2. On or about June 22, 2022, T.D.B., on behalf of W.D.'s surviving heirs, and Respondent agreed that Respondent would represent W.D.'s heirs in order to open W.D.'s estate and sell the property located S. Yale Ave., in Chicago, which remained titled in W.D.'s name. As part of their agreement, Respondent and T.D.B. agreed that she would pay Respondent a flat fee of \$2000, which would cover Respondent's expenses and the fees associated with opening W.D.'s estate.

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3. On August 26, 2022, Respondent filed a Petition for Letters of Administration on behalf of W.D.'s heirs in the Probate Division of the Circuit Court of Cook County ("the petition"). The petition nominated N.S. as the independent administrator of the W.D. estate. The petition, if granted by the court, would allow for the probate of W.D.'s estate and for N.S. to act as Independent Administrator on behalf of the estate.

4. As of April 17, 2023, Respondent had yet to file the documents required by the Probate Act to support the petition. On that day, the W.D. probate case appeared on the court's call, but the judge presiding over the matter did not open the estate or grant the petition because Respondent had yet to file all of the supporting documents required by the Probate Act. The presiding judge continued the case to May 22, 2023. Respondent did not appear in court on May 22, 2023, and as a result, the judge presiding over the case removed it from the court call without giving the matter a future court date, without opening W.D.'s estate, and without granting the petition.

5. Between May 22, 2023 and July 7, 2023, Respondent did not inform any of W.D.'s heirs, including N.S. and T.D.B., that he had not appeared in court on May 22, 2023, that there was no future court date scheduled, that the W.D. estate had not been opened, and that the court had not granted the petition. Between March 15, 2023 and July 7, 2023, Respondent received calls and emails from N.S. and T.D.B. seeking information about the status of the W.D. probate case. Respondent did not respond to any of those calls or emails.

6. On June 24, 2023, Respondent received an email from T.D.B. asking for a status update or, in the alternative, that Respondent withdraw as attorney on the W.D. probate case and refund the fees T.D.B. had already paid Respondent. Respondent did not respond to T.D.B.'s email. As a result of Respondent's failure to return N.S.'s and T.D.B.'s calls and messages from

May until July of 2023, N.S. incurred the additional expense of hiring another attorney to complete the work Respondent had agreed to perform. On July 7, 2023, N.S.'s new attorney filed a motion in the W.D. probate case to substitute herself for Respondent, and also an amended petition for independent administration of the W.D. estate. The court granted that motion. On August 29, 2023, N.S.'s new attorney filed all of the supporting documents required by the Probate Act to support the petition. On October 3, 2023, the court appointed N.S. Independent Administrator of the W.D.'s estate.

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

- a. failing to act with reasonable diligence and promptness in representing a client between June of 2022 and July of 2023, by conduct including failing to open the W.D. estate and to obtain letters of independent administration, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep a client reasonably informed about a matter, by conduct including failing to advise N.S. or T.D.B. that Respondent had not appeared in court on May 22, 2023, that there was no future court date scheduled, that the W.D. probate estate had not been opened, that the court had not granted the petition, or that the case had been removed from the probate court's call, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- c. failing to promptly comply with a client's reasonable requests for information, by conduct including failing to respond to Ms. Simmons's emails and phone calls requesting updates as to the status of the Davis estate matter, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Neglect and Failure to Communicate, in relation to E.H.'s Criminal Matter)

8. On April 4, 2020, E.H. was arrested by the Chicago Police Department when, on March 10, 2022, E.H. allegedly entered the home of his ex-girlfriend and discharged a firearm. On May 4, 2022, a Cook County Grand Jury indicted E.H. on four felony counts, charging him with: home invasion while discharging a firearm, a Class X felony punishable by 25 years to life in prison; home invasion while armed with a firearm, a Class X felony punishable by 21-45; and two counts of aggravated discharge of a firearm, Class 1 felonies punishable by four to 12 years in prison. The case was assigned to the court call of the Hon. Michael Clancy. On May 13, 2022, Judge Clancy set E.H.'s bail at \$200,000. E.H. could not post bond, so he remained in the custody of the Cook County Sheriff.

9. On May 20, 2022, Judge Clancy appointed an Assistant Public Defender to represent E.H. in the case. E.H. subsequently engaged a private attorney to represent him in the case. That attorney filed his substitute appearance on behalf of E.H. on June 8, 2022.

10. On or about September 1, 2022, while E.H. remained in custody, Respondent and E.H. spoke on the phone about the facts of E.H.'s pending criminal case and discussed the possibility of Respondent representing E.H. in the matter. During that conversation, Respondent and E.H. agreed that Respondent would represent E.H. in the pending criminal case and that E.H. would pay Respondent a flat fee of \$1,500. On September 1, 2022, Respondent filed his appearance in the case on behalf of E.H. As a result of his conversations with E.H. Respondent knew that E.H. remained in custody and that he wanted the criminal trial resolved as quickly as possible either by way of trial or a negotiated plea.

11. On November 6, 2022, Respondent appeared in court on E.H.'s behalf and filed a motion to reduce E.H.'s bond. Judge Clancy heard the motion on November 14, 2022 and denied

it. At that time, Respondent knew that E.H. would remain in custody at least as long as the case remained pending.

12. Between January 3, 2023 and November 20, 2023, E.H. remained in custody, and his case was continued 16 times. On at least seven of those court dates, Respondent did not appear in court despite having knowledge of the scheduled dates, and on those occasions, did not notify E.H. that he would not be present in court, did not provide E.H. with an explanation as to why he would not be present in court, and did not return E.H.'s phone calls in which E.H. sought updates as to the status of the case, although he was aware of his client's attempts to contact him.

13. On September 15, 2023, as a result of Respondent's repeated failure to appear in court, and as a result of Respondent's failure to communicate with E.H., Judge Clancy appointed an Assistant Public Defender to represent E.H. On November 20, 2023, Respondent appeared in court and requested Judge Clancy's leave to withdraw his appearance on E.H.'s case. Judge Clancy granted Respondent's request.

14. Between May 19, 2023, when discovery in E.H.'s case had been completed, and November 20, 2023, when Respondent was granted leave to withdraw as E.H.'s attorney, Respondent did not file any substantive motions on E.H.'s behalf, took no action to negotiate a plea on E.H.'s behalf, and took no action to prepare for a trial on E.H.'s case.

15. On April 21, 2024, the Assistant Public Defender representing E.H. negotiated a plea agreement with prosecutors. As part of that plea agreement, the State dismissed counts one and two (home invasion), and reduced counts three and four from aggravated discharge of a firearm, which is a Class X felony, to attempt aggravated discharge of a firearm, which is a Class 1 felony. As part of the agreement, E.H. pled guilty to the amended counts three and four and Judge Clancy sentenced E.H. to four years in the Illinois Department of Corrections and one year

of supervised release. In addition, Judge Clancy granted E.H. credit for 728 days of time E.H. had already served in custody.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct failing to appear in court on E.H.'s behalf, and failing to take action to advance E.H.'s case, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep a client reasonably informed about a matter, by conduct including failing to explain the status of the case to E.H. and failing to explain the cause of his absences from court, in violation Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- c. failing to promptly comply with a client's reasonable requests for information, by conduct including failing to respond to E.H.'s requests for explanations from Respondent for his repeated failure to attend court in E.H.'s matter, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010); and

COUNT III

(Neglect and Failure to Communicate, in P.P. Dispute with Caretaker)

17. In or about August 2022, Respondent and P.P. agreed that Respondent would represent P.P. in a dispute with his then live-in caretaker, who P.P. alleged had fraudulently induced P.P. to transfer the title to P.P.'s 2019 Jeep Cherokee to the caretaker. As part of the agreement, Respondent and P.P. agreed that P.P. would pay Respondent an up-front flat fee of \$2,000 for Respondent's work on P.P.'s matter. P.P. later paid Respondent the agreed-upon fee.

18. On November 1, 2022, Respondent, on behalf of P.P., filed a seven-count complaint in the Chancery Division of the Circuit Court of Cook County against P.P.'s caretaker, the grandmother of the caretaker's children, and the Illinois Secretary of State. In the complaint,

Respondent alleged that the caretaker procured title to P.P.'s vehicle by fraud. The complaint further alleged that the grandmother of the caretaker's children was complicit in the fraud. The complaint named the Illinois Secretary of State as a defendant because Respondent believed the office had to be named as a party for jurisdictional reasons. The Clerk of the Circuit Court of Cook County assigned the chancery case to the Hon. Eve Reilly.

19. On April 11, 2023, counsel for the caretaker and the grandmother of the caretaker's children filed their appearances and filed a motion to dismiss the case. On April 17, 2023, Respondent and the defendants appeared in court. Judge Reilly ordered Respondent to file a response to the defendant's motion to dismiss by May 15, 2023, and further ordered the defendants to reply to that response by May 30, 2023. Judge Reilly continued the case to May 30, 2023 for briefing status.

20. Although he was aware of the briefing schedule imposed by Judge Reilly, Respondent did not file a response to the defendants' motion to dismiss by May 15, 2023, the deadline Judge Reilly had imposed in her April 17, 2023 briefing schedule. On May 30, 2023, Respondent appeared in court. Judge Reilly ordered Respondent to file his response to the defendants' motion to dismiss by June 2, 2023, and ordered the defendants to file a reply to any response by June 16, 2023. Judge Reilly continued the matter to June 30, 2023 for briefing status. Respondent knew of the June 30, 2023 date because he was present in court when Judge Reilly set the date.

21. As of June 30, 2023, Respondent had not filed his response to the defendants' motion to dismiss, and he did not appear in court that date when the case was called. In Respondent's absence, Judge Reilly continued the case to July 3, 2023. On that day, citing the

fact that Respondent had filed no response or objection to the defendants' motion to dismiss, Judge Reilly granted the defendants' motion and dismissed P.P.'s claims with prejudice.

22. On July 3, 2023, P.P. contacted Respondent and asked him what had happened in court. Respondent admitted that the case had been dismissed but promised P.P. that he would file the motions necessary to vacate the dismissal. Respondent, however, did not file any motion in the case, or a motion asking for more time to do so, or a notice of appeal of the dismissal order. After 30 days from Judge Reilly's July 3, 2023 dismissal order, P.P. lost any ability to appeal it and his claims against the defendants became barred. Respondent did not notify P.P. of the appeal deadline, or of the fact that the appeal deadline had passed, or that he failed to file any motion to vacate the dismissal. Between July 3, 2023 and January 31, 2024, P.P. repeatedly called Respondent and left messages for Respondent seeking an update on his case. Respondent received those messages, but did not respond to any of them.

23. The value of the services Mr. Pratt received from Respondent during Respondent's representation did not warrant Respondent's retention of the \$2,000 he received from P.P. As of the date of the filing of this complaint, Respondent has not refunded any portion of his fee.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to file necessary pleadings and motions in P.P.'s matter, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep a client reasonably informed about the status of a matter, by conduct including failing to advise P.P. that Respondent had failed to file a motion to vacate the dismissal order, failed to advise P.P. of an appeal deadline,

and failed to advise P.P. that he had not filed an appeal, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);

- c. failing to promptly comply with a client's reasonable requests for information, by conduct including failing to respond to P.P.'s messages seeking status updates on his case, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010); and
- d. failing to refund any advanced payment of a fee that has not been earned, by conduct including failing to refund to P.P. any portion of the \$2000 he paid to Respondent, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

COUNT IV

(Neglect and Failure to Communicate, in Relation to B.A.'s Criminal Matter)

25. On January 1, 2022, B.A. was arrested by officers of the Chicago Police Department after he was involved in an altercation during which he was alleged to have been holding a gun. On March 8, 2022, a grand jury in Cook County charged B.A. with one count of aggravated unlawful use of a weapon, a class 4 felony. The Clerk of the Circuit Court of Cook County docketed the matter, and the case was assigned to the Hon. Mary Margaret Brosnahan.

26. At some time prior to July 19, 2022, an acquaintance of B.A.'s recommended that B.A. hire Respondent to represent him in his pending criminal case. At some time prior to July 19, 2022, B.A. contacted Respondent, and they discussed the possibility of Respondent's representation. As a result of that conversation, Respondent and B.A. agreed that Respondent would represent B.A. in B.A.'s felony case for a flat fee of \$5,000. Based on his conversations with B.A., Respondent knew that B.A. wanted his case to be resolved as quickly as possible either by trial or by a negotiated plea.

27. On July 19, 2022, Respondent filed his appearance on behalf of B.A. in B.A.'s felony case. Between July 15, 2023 and April 15, 2024, while Respondent was B.A.'s attorney of

record in B.A.'s felony case, Judge Brosnahan continued B.A.'s case 13 times. Respondent failed to appear on all but one of those court dates, although he knew or should have known that his client's case was scheduled to be heard on those dates. During this period of time, B.A. repeatedly called Respondent to ask him why he was not appearing in court and when his case would be resolved. On some occasions, Respondent told B.A. that he had not been in court because of illness or scheduling issues, but on the remaining occasions Respondent did not respond to B.A.'s calls or messages at all. At no between July 15, 2023 and April 15, 2024 did Respondent answer any of B.A.'s questions about the status of his case, file any motions, review discovery with B.A., or attempt to negotiate a disposition of the case.

28. On April 15, 2024, Judge Brosnahan appointed the Public Defender to represent B.A. On June 3, 2024, the Public Defender negotiated a plea agreement with the State on B.A.'s behalf. As part of that plea agreement, B.A. pled guilty to aggravated unlawful use of a weapon, a class 4 felony. In exchange for his guilty plea, Judge Brosnahan sentenced B.A. to two years of probation.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including repeatedly failing to appear in court on B.A.'s behalf, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep a client reasonably informed about a matter, by conduct including Respondent's failure to explain to B.A. the reasons for his absences from court or the status of B.A.'s case, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- c. failing to promptly comply with a client's reasonable requests for information, by conduct including failing to respond to B.A.'s phone calls seeking information about the status of his

case, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010).

COUNT V

(Neglect and Failure to Communicate, in Relation to the Foreclosure Matter)

30. On November 7, 2022, Mortgage Assets Management, LLC (“the plaintiff”) a debt collection firm, initiated a mortgage foreclosure action in the Circuit Court of Cook County, Chancery Division against S.D. and her real property located in Chicago (the foreclosure).

31. On November 8, 2022, S.D. was served with the foreclosure complaint described in paragraph 30, above. On or about November 22, 2022, S.D. contacted Respondent to discuss the possibility of Respondent representing S.D. in the foreclosure case. During the conversation, S.D. and Respondent agreed that Respondent would represent S.D. in the foreclosure case and that S.D. would pay Respondent \$155 per hour for his services. S.D. and Respondent further agreed that S.D. would make a down payment to Respondent of \$480 and then a monthly payment of \$200 on the balance of fees until the fees were paid in full.

32. On January 30, 2023, Respondent appeared in court in the foreclosure matter on S.D.’s behalf, but had yet to file his appearance. The Hon. Joel Chupack ordered Respondent to file his appearance by February 6, 2023, and to answer or otherwise plead on S.D.’s behalf by February 27, 2023. Respondent filed his appearance on February 6, 2023, but as of February 28, 2023, Respondent had not filed his answer or any responsive pleading in the foreclosure. On February 28, 2023, the plaintiff filed and served Respondent with a motion for a default judgment based on Respondent’s failure to answer or otherwise plead.

33. On March 24, 2023, Respondent appeared in court and, at Respondent’s request, the judge presiding over the case granted Respondent until April 7, 2023, to answer the or otherwise plead to the complaint. On April 12, 2023, Respondent filed a motion to dismiss the

complaint, arguing that the plaintiff should be prohibited from proceeding on the foreclosure and should instead be held to an earlier agreement it had allegedly entered into with S.D. to modify the terms of the mortgage. On May 8, 2023, the Hon. Lloyd Brooks ordered the plaintiff to respond to Respondent's motion by June 5, 2023, and Respondent to reply by June 19, 2023. Judge Brooks continued the matter to July 10, 2023.

34. On June 5, 2023, the plaintiff filed its response in opposition to S.D.'s motion to dismiss. Between June 5, 2023 and July 10, 2023, Respondent did not file a reply to the plaintiff's response. On July 10, 2023, Respondent appeared in court and requested until July 17, 2023 to file his reply. Judge Brooks granted Respondent's request and scheduled the hearing on S.D.'s motion for July 31, 2023.

35. Between July 10, 2023 and July 31, 2023, Respondent did not file a reply to the plaintiff's response. On July 31, 2023, Respondent appeared in court on behalf of S.D. Judge Brooks denied S.D.'s motion without prejudice and provided Respondent until August 28, 2023 to answer or otherwise plead to the plaintiff's complaint.

36. Between July 31, 2023 and March 1, 2024, Respondent filed no pleadings or motions and took no other action to defend S.D. in the foreclosure case or to attempt to negotiate a settlement of the matter for her. On March 1, 2024, the plaintiff filed a motion seeking a default judgment against S.D. citing Respondent's failure to file an answer to the complaint as the basis for the motion. The plaintiff scheduled the motion for April 8, 2024, and sent notice of the motion and the hearing date to Respondent on March 5, 2024. Respondent received a copy of the motion and notice of the April 8, 2024 court date shortly thereafter.

37. On April 8, 2024, Respondent had not filed an answer or any motion with respect to the complaint, and Respondent failed to appear in court when the foreclosure case was called

on that date. In Respondent's absence, Judge Lloyd granted the plaintiff's motion for a default judgment and entered a judgment of foreclosure and sale against S.D. Judge Brooks's order permitted the plaintiff to sell S.D.'s home. Respondent did not notify S.D. that he had not appeared in court, or that Judge Brooks had entered a default judgment against S.D.

38. Between July 31, 2023 and April 8, 2024, S.D. and S.D.'s son repeatedly called and texted Respondent seeking information and updates regarding the foreclosure case. Respondent received those messages, but did not return any of their calls and texts. At some time between April 8, 2024 and May 13, 2024, S.D. reviewed the docket report for the foreclosure case maintained by the Cook County Clerk of the Court and learned of the default judgment.

39. On May 13, 2024, S.D. hired a new attorney at additional expense to represent her in the foreclosure case. S.D.'s new attorney filed his appearance on May 24, 2024. On June 11, 2024, S.D.'s new attorney filed a motion to vacate the default judgment, described in paragraph 37, above. In the motion, S.D.'s new attorney argued that Judge Brooks should vacate the order because the default was caused by Respondent's failure to file an answer or other responsive pleadings to the plaintiff's complaint, failure to appear in court, and failure to communicate with S.D., including that he failed to notify her of the entry of judgment against her. On June 11, 2024, Judge Brooks granted the motion to vacate the default judgment and accepted an answer to the complaint which S.D.'s attorney sought leave to file.

40. S.D. paid Respondent a total of \$1,800 over the course of his representation. The value of the services S.D. received from Respondent during Respondent's representation did not warrant Respondent's retention of the \$1,800 he collected from her. As of the date of the filing of this complaint, Respondent has failed to refund any portion of his fee to S.D.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to file a response to the foreclosure complaint in the S.D. foreclosure matter, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep a client reasonably informed about the status of the matter, by conduct including failing to notify S.D. that judgment had been entered against her, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- c. failing to promptly comply with a client's reasonable requests for information, by conduct including failing to respond to S.D.'s and her son's calls and messages seeking an update on the foreclosure matter, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010); and
- d. failing to refund an advanced payment of a fee that has not been earned, by conduct including failing to return any portion of the \$1,800 paid by S.D., in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be referred to a panel of the Hearing Board of the Commission, that a hearing be conducted, and that the Hearing 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
Attorney Registration and
Disciplinary Commission

By: /s/ Richard Gleason
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