

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

In the Matter of:

SALENA RACHELLE YOUNG,

Attorney-Respondent,

No. 6279523.

Commission No. 2024PR00037

FIRST AMENDED COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission (“Commission”), by her attorney, Rachel C. Miller, pursuant to Supreme Court Rule 753(b), complains of Respondent, Salena Rachelle Young (“Respondent”), who was licensed to practice law in Illinois on May 8, 2003, and alleges that Respondent has engaged in the following conduct which subjects her to discipline pursuant to Supreme Court Rule 753(b):

COUNT I

(Dishonesty in Employment at the Illinois Attorney General’s Office)

1. Prior to November 16, 2021, Respondent operated Young Law Office as a sole practitioner. Beginning in December 2017 and continuing through August 2023, she served as a part-time Sangamon County Assistant Public Defender handling juvenile abuse and neglect cases.

2. On November 16, 2021, Respondent began working in a full-time position as an Assistant Attorney General in the General Law Bureau in Springfield.

3. At all times related to this complaint, the Illinois Attorney General policy and procedures manual, section 8.1.7, stated that, “Assistant Attorneys General shall not engage in

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the private practice of law.” Section 4.1.10(b)(2)(D) of the Illinois Attorney General policy and procedures manual further stated that, “An employee may not engage in any paid or non-paid employment outside the office which may create an actual conflict of interest or an appearance of conflict of interest. An employee may not use office time, equipment, resources, or personnel in any outside paid or non-paid employment.”

4. Between November 16, 2021, and June 13, 2023, Respondent appeared on Wednesdays and Thursdays in Sangamon County for her juvenile abuse and neglect cases in her role as a Sangamon County Assistant Public Defender.

5. At no time when appearing in Sangamon County as a Sangamon County Assistant Public Defender between November 16, 2021, and June 13, 2023, did Respondent use benefit time or reflect on her timekeeping log that she was not engaged in work for the Illinois Attorney General.

6. On at least 36 occasions, Respondent submitted timekeeping records which showed she clocked in and worked on Wednesdays and Thursdays for the Illinois Attorney General’s Office.

7. Respondent’s timekeeping logs reflecting that she worked full days for the Illinois Attorney General’s office on Wednesdays and Thursdays was false, because she worked as a Sangamon County Assistant Public Defender at least part of the day on Wednesdays and Thursdays.

8. Respondent knew at the time that she submitted the timekeeping logs to the Illinois Attorney General’s office reflecting that she was clocked in and working for the Illinois Attorney General, as described in paragraph 6, above, that the timekeeping logs were false.

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

- a. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly submitting false timesheets to the Illinois Attorney General's office, as described in paragraphs four and five, above, in violation of Rule 8.4© of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Conflict of Interest by Simultaneously working as an Assistant Attorney General and Sangamon County Assistant Public Defender)

10. The Administrator realleges and incorporates paragraphs one through eight, above.

11. As part of Respondent's duties as an Assistant Attorney General, she represented employees of the Department of Children and Family Services (DCFS).

12. In at least six separate matters between November 2021 and November 2022, Respondent represented DCFS as an agency or DCFS employees in various matters, including domestic relations matters, a probate matter, a guardianship matter, an administrative review of an indicated finding, and a civil lawsuit.

13. In Respondent's juvenile abuse and neglect matters in Sangamon County, DCFS routinely served as a witness in the cases.

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

- a. representing a client when there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer, by conduct including representing clients in Sangamon County while employed by, and using office time for, the Illinois Attorney General, in violation of the Illinois Attorney General

policy and procedures manual and Rule 1.7(a)(2) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Disclosure of Confidential Client Information – City of Springfield Fly Ash Case)

15. The Administrator realleges and incorporates paragraphs 10 through 13, above.

16. On October 12, 2023, the Illinois Attorney General’s Office filed a lawsuit against the City, Water, Light and Power (“CWLP”), the municipal utility company for Springfield. The lawsuit alleged that CWLP released 700 tons of coal byproduct, called fly ash, into the environment and that the fly ash contaminated ground water. The lawsuit was docketed as *People of the State of Illinois, ex. rel. Kwame Raoul, Attorney General of the State of Illinois v. City Water, Light, and Power*, 2023 CH 39 (Sangamon County Circuit Court).

17. On October 16, 2023, Respondent started working for the City of Springfield Corporation Counsel as an Assistant Corporation Counsel.

18. Prior to November 16, 2023, Respondent’s supervisor, G.M., requested that Respondent work on the fly ash case, and Respondent entered her appearance on behalf of CWLP that day.

19. Between November 15, 2023, and November 16, 2023, Respondent exchanged emails with G.M., as well as D.W., a CWLP employee. The emails discussed the answer Respondent wanted to file on behalf of CWLP.

20. On November 21, 2023, at 2:19 p.m. T.E., an Illinois-licensed attorney and friend of Respondent’s, sent an email to Respondent that stated, without explanation:

“The facts establishing an affirmative defense must be pleaded with the same degree of specificity required by a plaintiff to establish a cause of action. (*Kermeen v. City of Peoria*, (1978), 65 Ill. App. 3d 969, 973, 382 N.E.2d 1374, 22 Ill. Dec. 619 (“facts constituting an affirmative defense must be plainly set forth in the answer”).) A motion to dismiss is an affirmative [**854]

[***320] defense pursuant to section 2 – 615, as with all section 2 – 615 motions, admits all well-pleaded facts constituting the defense and attacks only the legal sufficiency of those facts. (*Raprager v. Allstate Insurance Co.*, [*631] (1989), 183 Ill. App. 3d 847, 539 N.E.2d 787, 132 Ill. Dec. 224.) Where the well-pleaded facts of an affirmative [***37] defense raise the possibility that the party asserting them will prevail, the defense should not be stricken. *Raprager v. Allstate Insurance Co.*, 183 Ill. App. 3d 847, 539 N.E.2d 787, 132 Ill. Dec. 224; *Farmer City State Bank v. Guingrich* (1985), 139 Ill. App. 3d 416, 487 N.E.2d 758, 94 Ill. Dec. 1.

International Ins. Co. v. Sargent & Lundy, 242 Ill. App. 3d 614, 630-631”

21. On November 21, 2023, at 2:28, Respondent sent an email to G.M. and D.W. that stated:

[G.M. and D.W.]:

“Rather than re-pleading the Answer and affirmative defenses, I would let her file a Motion to Strike and Memorandum of Law in support thereof and let the Court decide. If the Court did strike any of our affirmative defenses, the Court would allow us time to file an Amended Answer with more specific facts included.

Case law cited below:

“The facts establishing an affirmative defense must be pleaded with the same degree of specificity required by a plaintiff to establish a cause of action. (*Kermeen v. City of Peoria*, (1978), 65 Ill. App. 3d 969, 973, 382 N.E.2d 1374, 22 Ill. Dec. 619 (“facts constituting an affirmative defense must be plainly set forth in the answer”).) A motion to dismiss is an affirmative [**854] [***320] defense pursuant to section 2 – 615, as with all section 2 – 615 motions, admits all well-pleaded facts constituting the defense and attacks only the legal sufficiency of those facts. (*Raprager v. Allstate Insurance Co.*, [*631] (1989), 183 Ill. App. 3d 847, 539 N.E.2d 787, 132 Ill. Dec. 224.) Where the well-pleaded facts of an affirmative [***37] defense raise the possibility that the party asserting them will prevail, the defense should not be stricken. *Raprager v. Allstate Insurance Co.*, 183 Ill. App. 3d 847, 539 N.E.2d 787, 132 Ill. Dec. 224; *Farmer City State Bank v. Guingrich* (1985), 139 Ill. App. 3d 416, 487 N.E.2d 758, 94 Ill. Dec. 1.

International Ins. Co. v. Sargent & Lundy, 242 Ill. App. 3d 614, 630-631”

22. On December 19, 2023, Respondent emailed D.W., and asked if she could “let [Respondent] know if there are any additional facts that [D.W.] could share...”

23. On December 20, 2023, at 10:30 a.m., D.W. emailed Respondent back, and she provided more information as Respondent requested.

24. On December 20, 2023, at 11:17 a.m., Respondent forwarded D.W.’s email to T.E.

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

- a. revealing information related to the representation of a client with the client providing informed consent, the disclosure being impliedly authorized in order to carry out the representation, or otherwise permitted, by conduct including sending emails between Respondent and a CWLP employee to a third party, T.E., without CWLP’s consent or the disclosure being otherwise authorized, in violation of Rule 1.6(a) of the Illinois Rules of Professional Conduct (2010).

COUNT IV

(Disclosure of Confidential Client Information – Curran Gardner Water District Case)

26. The Administrator realleges and incorporates paragraphs 15 through 24, above.

27. On August 7, 2023, the Curran-Gardner Townships Public Water District (“Curran-Gardner”) filed a lawsuit against the City of Springfield alleging that the City of Springfield provided “water service and/or threatened to provide public water supply services” in an area that Curran-Gardner provided water services. The lawsuit was docketed as *Curran-Gardner Townships Public Water District v. City of Springfield*, 2023-cv-03250 (Central District of Illinois).

28. Prior to November 25, 2023, Respondent's supervisor, G.M., requested that Respondent work on the Curran-Gardner case, and Respondent entered her appearance on behalf of the City of Springfield that day.

29. On December 5, 2023, at 3:04 p.m., M.C., a CWLP employee, emailed Respondent and D.W. that she made a log of Curran-Gardner's discovery. M.C.'s email stated, in part, that "many of the plats are for locations nowhere near [Curran-Gardner's] jurisdiction..." M.C. also included images of specific PDF file names.

30. On December 7, 2023, at 9:35 a.m., Respondent emailed M.C. and D.W. and asked if M.C. could "compile a list of all names (with title, whether they are with CWLP or not) of anyone having information about issues contained within the Complaint?" Respondent explained that the "names are required for our Initial Disclosures."

31. On December 7, 2023, at 9:46 a.m., D.W. replied to Respondent that she and M.C. "should be getting the list to [Respondent] soon." She also asked if Respondent needed other items.

32. On December 7, 2023, at 10:22 a.m., Respondent forwarded D.W.'s email and thread, which contained the discussion of land plats, to T.E.

33. On February 6, 2024, at 11:03 a.m., D.W. emailed Respondent edits to CWLP's discovery responses.

34. On February 6, 2024, at 1:45 p.m., Respondent forwarded D.W.'s email described in paragraph 33, above, to T.E.

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

- a. revealing information related to the representation of a client with the client providing informed consent, the disclosure

