In re Robert Kent Gray, Jr.
Attorney-Respondent

Commission No. 2025PR00035

Synopsis of Hearing Board Report and Recommendation
(April 2026)

The Administrator charged Respondent with knowingly making a false statement of fact to a judge, practicing law while removed from the master roll of attorneys, committing a criminal act that reflects adversely on his fitness as a lawyer, engaging in dishonest conduct, and engaging in conduct prejudicial to the administration of justice, in violation of Rules 3.3(a), 5.5(a), 8.4(b), 8.4(c), and 8.4(d). Based on Respondent's admissions and the evidence, the Hearing Board found that the Administrator proved each of the charges by clear and convincing evidence.

A majority of the Hearing Panel recommended a one-year suspension due to Respondent's serious Rule violations, substantial aggravation including his similar prior misconduct and failure to fully cooperate in the disciplinary proceeding, lack of mitigation, and relevant caselaw. A dissenting member recommended an 18-month suspension, as Respondent's prior one-year suspension proved insufficient to dissuade his recidivism.

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

In the Matter of:

ROBERT KENT GRAY, JR.,

Attorney-Respondent,

No. 6277565.

Commission No. 2025PR00035

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

On December 1, 2024, Respondent was removed from the master roll of attorneys for continuing legal education (CLE) noncompliance, after missing the initial and grace period deadlines earlier that year. Before he was reinstated on January 8, 2025, he engaged in the unauthorized practice of law by causing two subpoenas to be filed, emailing trial exhibits to opposing counsel, and appearing in court. While in court, Respondent knowingly made dishonest statements about his licensure status, which caused the judge to hold an additional hearing and find him guilty of direct criminal contempt. Accordingly, the Hearing Board found that Respondent violated Rules 3.3(a), 5.5(a), 8.4(b), 8.4(c), and 8.4(d).

There were no mitigating factors. In aggravation, Respondent was an experienced attorney who knowingly engaged in an irresponsible pattern of conduct, caused a risk of harm to his clients, failed to recognize the wrongfulness of his acts and expressed no remorse, blamed others, had similar prior misconduct, and failed to fully cooperate in the disciplinary proceeding. Due to the serious misconduct and substantial aggravation, a majority of the Hearing Panel recommended a

one-year suspension. A dissenting member recommended an 18-month suspension, as Respondent's prior one-year suspension proved insufficient to dissuade his recidivism.

INTRODUCTION

The hearing in this matter was held on January 13, 2026, at the Springfield office of the Attorney Registration and Disciplinary Commission (ARDC) before a panel of the Hearing Board consisting of Janaki H. Nair, Chair, Stuart H. Shiffman, and Robbie L. Edmond. Tammy L. Evans and Matthew D. Lango represented the Administrator. Respondent was present and represented himself.

PLEADINGS AND MISCONDUCT ALLEGED

On June 26, 2025, the Administrator filed a one-count Complaint against Respondent, charging him with knowingly making a false statement of fact to a judge, practicing law while removed from the master roll of attorneys, committing a criminal act that reflects adversely on his fitness as a lawyer, engaging in dishonest conduct, and engaging in conduct prejudicial to the administration of justice, in violation of Rules 3.3(a), 5.5(a), 8.4(b), 8.4(c), and 8.4(d) of the Illinois Rules of Professional Conduct (2010), respectively. On August 27, 2025, Respondent filed an Answer in which he admitted some factual allegations, denied some factual allegations, and denied misconduct.

PRE-HEARING PROCEEDINGS

At the pre-hearing conference on October 9, 2025, Administrator's counsel and Respondent agreed to various deadlines, including for discovery completion. The Order entered that day confirmed, "The parties shall complete all discovery on or before December 5, 2025."

Between 10:59 and 11:30 p.m. on December 5, Respondent filed discovery with the Clerk of the Commission. He subpoenaed five witnesses for depositions on December 26 and January 6,

and his Requests for Admissions of Fact and for Production of Documents were returnable within 28 days. On December 8, The Administrator filed a Motion for Protective Order, seeking prohibition of the late discovery, including deposing three witnesses who were not listed on either party's Commission Rule 253 report. On December 10, Respondent filed a Response and Motion for Sanctions and to Disqualify. He alleged that opposing counsel's "argument makes no sense" and that she was "hyperbolic" and "made multiple false and misleading statements." He requested denial of the Administrator's motion, substitute counsel "who shall conduct themselves in a manner free from fear or favor," and investigation of opposing counsel's ethical rule violations.

On December 12, following a pre-hearing conference with the parties, the Chair granted the Administrator's Motion for Protective Order and denied Respondent's Motion for Sanctions and to Disqualify. The Order stated that the agreed discovery completion deadline was clear and unambiguous. Because Respondent provided no valid reason for waiting almost two months to begin discovery, the Chair found his "eleventh-hour effort to seek discovery [to be] untimely and improper." She further found that Respondent "failed to demonstrate any wrongdoing by Administrator's counsel."

On January 2, 2026, the Administrator filed a Motion for Remote Testimony, requesting that two Chicago-based witnesses be allowed to testify by live video conference at the Springfield hearing due to an unexpected issue that came to her counsel's attention on December 29. On January 12, Respondent filed his Response and Motion for Sanctions. He accused opposing counsel of "hypocrisy" for filing this motion six business days before the hearing while "hyperboli[zing] … the perceived short notice of Respondent's discovery well over a MONTH before the scheduled Hearing in this matter." Citing the "ancient legal maxim, 'What's good for

the goose, is good for the gander,'" he requested denial of the motion, substitute counsel, investigation of Administrator's counsel's ethical rule violations, and continuance of the hearing.

On January 12, the Chair entered an Order granting the Administrator's Motion for Remote Testimony due to good cause and the presence of appropriate safeguards, noting that she considered the Response even though it was filed untimely per Commission Rule 235. The Order also denied Respondent's Motion for Sanctions.

EVIDENCE

At the hearing, the Administrator called five witnesses, and Administrator's Exhibits 1-3 were admitted into evidence. (Tr. 32, 115, 202-03). Respondent offered no evidence.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Administrator bears the burden of proving the charges of misconduct by clear and convincing evidence. In re Thomas, 2012 IL 113035, ¶ 56. Clear and convincing evidence constitutes a high level of certainty, which is greater than a preponderance of the evidence but less stringent than proof beyond a reasonable doubt. People v. Williams, 143 Ill. 2d 477, 484-85, 577 N.E.2d 762 (1991). The Hearing Board assesses witness credibility, resolves conflicting testimony, makes factual findings, and determines whether the Administrator met the burden of proof. In re Winthrop, 219 Ill. 2d 526, 542-43, 848 N.E.2d 961 (2006).

Respondent is charged with knowingly making a false statement to a judge, practicing law while unauthorized, committing a criminal act that reflects adversely on his fitness as a lawyer, acting dishonestly, and engaging in conduct prejudicial to the administration of justice due to his conduct while removed from the master roll of attorneys, in violation of Rules 3.3(a), 5.5(a), 8.4(b), 8.4(c), and 8.4(d).

A. Summary

We find that the Administrator proved by clear and convincing evidence that Respondent practiced law while removed from the master roll of attorneys and knowingly misrepresented his licensure status to a judge, in direct criminal contempt of court. His dishonest, criminal conduct

reflected adversely on his fitness as a lawyer and prejudiced the administration of justice. Thus, we find that Respondent violated Rules 3.3(a), 5.5(a), 8.4(b), 8.4(c), and 8.4(d).

B. Admitted Facts and Evidence Considered

Minimum Continuing Legal Education (MCLE) Board Director Karen Litscher Johnson and Deputy Director Christina Pusemp testified about the continuing legal education (CLE) requirements for Illinois attorneys. With some exceptions that do not apply here, attorneys must earn a total of 30 CLE hours on certain topics every two years. (Tr. 46-49). When the CLE program began in 2005, attorneys demonstrated compliance by certifying that they had completed the required hours. (Tr. 52, 87-90, 176-77). In April 2023, a Supreme Court rule replaced the certification system with a transcript system. Now CLE course providers notify the MCLE Board when an attorney completes a course, attorneys self-report non-traditional credits such as law school teaching or mock trial judging, and the MCLE Board applies all of the earned hours to an online transcript, which is the attorney's official CLE record. (Tr. 52-53, 87-90, 101-02).

Litscher Johnson and Pusemp testified that attorneys are responsible for ensuring compliance, which means their CLE hours must be both completed by June 30 and reflected on their transcript by July 31 in a reporting year. (Tr. 49-50, 53-54, 187-88). The MCLE Board promotes compliance among the approximately 95,000 Illinois attorneys by offering continuous access to online transcripts, routinely emailing reminders including how to contact course providers about missing credits, and assisting attorneys who reach out for help. (Tr. 52-55, 191). Course providers can report attorneys' credits immediately after they are earned, but the deadline is the fifth day of the following month. (Tr. 79, 81-83, 190). Some of the 2,100 course providers report credits late. They incur a late fee if they report 10 or more days after the deadline. (Tr. 96-97, 165, 173-75, 192-93). Per Court rules, the MCLE Board does not add credits to a transcript at an attorney's request. Attorneys are responsible for asking course providers to submit missing

credits, and then they can ask the MCLE Board to intercede if needed, but that happens "very rarely." (Tr. 53, 64-65, 78-79, 83-84, 86-87, 96-97, 188-89).

CLE course providers have been reporting credits to the MCLE Board since 2019, and attorneys received online access to a list of their completed courses for the reporting periods ending in 2021 and 2022. (Tr. 91-94, 175-76). In April 2023, the MCLE Board notified all Illinois attorneys, including Respondent, about the Court's adoption of the transcript system for the following reporting periods. (Tr. 51, 90-91, 122-25, 133; Adm. Ex. 2 at 5, 9).

Respondent was required to earn 30 CLE hours of credit between July 1, 2022, and June 30, 2024, with all credits reported on his transcript by the end of July 2024. (Tr. 60, 116-17). During this period, he earned only four hours from CLE courses he took in February 2023. (Tr. 137; Adm. Ex. 2 at 27, 71-72). Respondent stipulated that he received eight emails and a postcard from the MCLE Board between January and July 2024 about his reporting period requirements. (Tr. 49-52, 133; Adm. Ex. 2 at 5, 10-26). He paid a $100 late fee for a grace period extension to complete his credits by October 31, 2024. (Ans. at par. 3; Tr. 60-62, 137-39; Adm. Ex. 2 at 28-31). Respondent also stipulated that, between August and November 2024, he received eight more emails with deadline reminders, ways to address missing credits, and warnings that non-compliant attorneys would be removed from the master roll on December 1. (Tr. 50-52, 63-64, 142-43; Adm. Ex. 2 at 5-6, 33-49). Respondent earned no CLE credits during the grace period. (Adm. Ex. 2 at 71-72).

On December 1, 2024, as mandated by Court rule, the MCLE Board notified the ARDC of Respondent's CLE non-compliance, and the ARDC removed Respondent from the master roll of attorneys. (Tr. 62-63, 144-46, 215-16). The next day, the MCLE Board mailed and emailed Respondent a letter stating, "Attorneys who are removed from the roll are not authorized to practice

law pursuant to their Illinois license. You may be subject to disciplinary action and/or penalties if you practice law while removed from the roll." (Tr. 146-48; Adm. Ex. 2 at 51-53). Respondent admitted that he received the removal notice and knew he was no longer authorized to practice as of December 2, 2024. (Ans. at par. 9). The letter listed three reinstatement requirements: the attorney must complete the remaining credits; the transcript must reflect CLE compliance; and the attorney must pay a $400 reinstatement fee after the first two steps are completed. (Tr. 65-69, 103-05; Adm. Ex. 2 at 51-53).

Respondent earned 13 CLE hours between December 29 and 31, 2024, bringing his total to 17 hours. The course providers reported these credits to the MCLE Board between December 31, 2024, and January 8, 2025, including some after the January 5 deadline. Respondent earned another 17.5 CLE hours between January 1 and 3, bringing his total to 34.5 hours. The course providers reported these credits on January 8, nearly a month before the February 5 deadline. (Tr. 107, 164-65, 169, 178-81; Adm. Ex. 2 at 71-72). Litscher Johnson and Pusemp testified that the MCLE Board's electronic system automatically posts credits to an attorney's transcript upon receipt. (Tr. 100, 183). Respondent's credits typically appeared on his transcript within minutes of the course provider's report, with the longest taking just over an hour. (Adm. Ex. 2 at 71-72).

On January 6, 2025, Respondent called the MCLE Board about a missing diversity and inclusion credit from "PMBR courses" he took in 2024. The staff member instructed him to ask the course provider to report his credit to the MCLE Board and gave him the ARDC email address. Respondent agreed to do so and did not contact the MCLE Board again. (Tr. 76-77; Adm. Ex. 2 at 6). That day, the Court's Commission on Professionalism reported his diversity and inclusion credit to the MCLE Board. (Adm. Ex. 2 at 71). Respondent questioned why he was directed to the ARDC instead of the Commission on Professionalism and why the MCLE Board did not call about

his missing credit. Pusemp testified that PMBR courses are exclusively offered by the ARDC, so the staff member directed him to the ARDC because Respondent identified the courses at issue as PMBR. (Tr. 167-73, 186-89). Litscher Johnson testified that Respondent agreed to contact the course provider and did not inform the MCLE Board of any other issues, so they took no further action. (Tr. 86-87).

Respondent logged into his MyMCLE account 23 times between January 3 and 7. (Tr. 127-28; Adm. Ex. 2 at 70). Each time, the dashboard showed his compliance status was "In Progress," his reporting stage was "Removed," and he had earned between 8 and 12 total credits. Some categories such as professional responsibility credits had a green background and a green checkmark to indicate completion. However, "Total Credits Earned" and "Reinstatement Fee Unpaid" had a pink background and a red exclamation mark or stop sign symbol to indicate noncompletion. (Tr. 148-53; Adm. Ex. 2 at 54-55).

Between 10:18 a.m. and 3:40 p.m. on January 8, Respondent logged into his MyMCLE account another 12 times, but the dashboard did not change until more CLE credits were posted after 3:00 p.m. (Tr. 152-55; Adm. Ex. 2 at 55-56, 70). At 3:40 p.m., minutes after his total credits reached 30 hours and turned green on the dashboard, Respondent paid his reinstatement fee and became eligible for reinstatement to the master roll. (Tr. 160-62, 184; Adm. Ex. 2 at 58-61). Pusemp and ARDC Registrar Andrew Oliva testified that, by 4:00 p.m. on January 8, their agencies had communicated about Respondent's compliance, restored him to the master roll, and updated his status to "authorized to practice law" on the public ARDC website. (Tr. 162-63, 217-18).

While Respondent was removed from the master roll, he remained the attorney of record in two litigation matters that were set for hearing or trial in Sangamon County in January 2025. Judge Daniel Wright testified that, on the morning of January 8, another judge and an attorney

informed him that Respondent was not authorized to practice law, which he verified on the ARDC website. (Tr. 198-99, 209). Judge Wright addressed the status of Respondent's law license when Respondent appeared in his courtroom around 10:30 a.m. that day:

> THE COURT: […] Matter is set today for hearing on the defendant's motion to dismiss, that was filed May 1st 2024; appearances please, first on behalf of plaintiffs.
>
> MR. GRAHAM: Ted Graham, Judge, for all the plaintiffs.
>
> MR. GRAY: Kent Gray, for defendants.
>
> THE COURT: Mr. Gray, are you currently authorized to practice law in the State of the Illinois?
>
> MR. GRAY: I believe I am. I finished my CLE credits for the year. I haven't – I don't know if there is something that's a lag on the other stuff, but if there is, it's – it's been done. And I'm just waiting for something to process. If that's the case, maybe we can continue this to a short continuance, to a different date.

(Tr. 196-201; Adm. Ex. 3 at 2). Then Judge Wright removed Respondent as attorney of record and gave the defendants 21 days to obtain new counsel, noting that the corporate defendant must be represented by a licensed Illinois attorney. (Adm. Ex. 3 at 3). The judge continued the motion to dismiss hearing to February 3 and issued a rule to show cause, ordering Respondent to appear on January 22 to explain why he should not be held in direct criminal contempt for appearing on behalf of his clients while not authorized to practice law. (Tr. 202; Adm. Ex. 3 at 3-4).

Respondent admitted that he emailed Judge Wright on January 22, stating that he was not available to attend in person but could appear by telephone. The judge was unable to call Respondent due to a telephone service disruption, so he continued the contempt hearing to February 3. (Ans. at par. 19; Tr. 203-04). Respondent further admitted that, on February 3, he appeared in person and made an oral motion to dismiss the matter. Judge Wright denied his motion, found him guilty of direct criminal contempt, and fined him $200. (Ans. at par. 20; Tr. 204).

Attorney Peggy Ryan testified that she was Respondent's opposing counsel in another case set for trial on January 13, 2025. (Tr. 36). On January 8, her law partner informed her that Respondent may not be authorized to practice law. (Tr. 37-38). Ryan checked Respondent's status on the ARDC website and confirmed that he was not authorized. (Tr. 33). Then she reviewed three subpoenas that were issued on January 7 to compel testimony at the January 13 trial. (Tr. 33-35). Ryan testified that subpoenas can be issued by the clerk or by licensed attorneys. She concluded that Respondent asked the clerk to issue these subpoenas because they had his signature under his client's name and above "1/7/2025 [clerk's signature] Issued by, Clerk." (Tr. 35, 43-45; Adm. Ex. 1 at 3-8). Ryan also reviewed Respondent's January 7 email to her, which contained exhibits for the upcoming trial. (Tr. 36). On January 9, she sent the ARDC a letter reporting Respondent's potential unauthorized practice of law, along with his three subpoenas and email. (Tr. 31-36; Adm. Ex. 1).

C. Analysis and Conclusions

Rule 3.3(a)

Rule 3.3(a) prohibits knowingly making a false statement of fact or law to a tribunal. Ill. R. Prof'l Cond. R. 3.3(a). The Administrator charged Respondent with violating this Rule by knowingly misrepresenting facts in court on January 8, 2025. When Judge Wright asked whether Respondent was currently authorized to practice law in Illinois, he replied, "I believe I am. I finished my CLE credits for the year. I don't know if there is something that's a lag on the other stuff, but if there is, it's – it's been done. And I'm just waiting for something to process." We find that Respondent knew his first, third, and fourth sentences were false when he spoke them.

Respondent admitted receiving the notice of his removal from the master roll of attorneys and knowing that he was not authorized to practice law as of December 2, 2024. The notice outlined three reinstatement requirements, in accordance with Supreme Court Rule 796. His

receipt of that notice and his conduct in the days leading up to the January 8 court appearance demonstrated that he was well aware of those requirements and his failure to meet them.

We find highly credible the MCLE Board and ARDC representatives' testimony, as supported by their documentary records. The uncontroverted evidence showed that Respondent completed his CLE hours for the 2022 to 2024 reporting period by January 3, 2025, which satisfied the first reinstatement requirement. He checked his MyMCLE page 23 times between January 3 and 7. Each time, he saw words, colors, and symbols that communicated his CLE non-compliance due to missing credits on his transcript and an unpaid reinstatement fee – the two other reinstatement requirements. Respondent checked his MyMCLE page minutes before his 10:30 a.m. court appearance on January 8 and another 11 times that day, but nothing changed until that afternoon when the rest of his earned credits were posted to his transcript. Then he was able to pay the fee, becoming eligible for reinstatement at 3:40 p.m. and being reinstated by 4:00 p.m.

The Hearing Board may make reasonable inferences from circumstantial evidence when determining whether misconduct occurred. In re Discipio, 163 Ill. 2d 515, 524, 645 N.E.2d 906 (1994). We find that Respondent's frequent checking of his MyMCLE account in the days after he completed his CLE hours showed that he knew his reinstatement required a fully reported transcript and a paid fee – neither which had happened by 10:30 a.m. on January 8. If he truly believed that completing his CLE hours reauthorized him to practice law, he would not have repeatedly checked his transcript until the other two requirements were met.

Moreover, Respondent did not dispute that he called the MCLE Board on January 6 about his transcript missing credit from courses he took in December 2024. We find that Respondent's call further demonstrated that he knew his eligibility for reinstatement required the hours to be reported to the transcript, not just completed by him.

Overall, Respondent's receipt of the December 2024 removal notice and his conduct in the days before the January 8 court appearance belie his claims to Judge Wright that day. We find that Respondent knew he was not authorized to practice law as of 10:30 a.m. on January 8. He also knew he was not "just waiting for something to process" while "the other stuff" had already "been done." Even if we interpret Respondent's statements to mean that he was waiting for the CLE credits to post to his transcript, he was well aware that he could not be reinstated until the credits were posted and he paid the reinstatement fee, which had not occurred. For these reasons, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 3.3(a) when he knowingly made false statements of fact to Judge Wright.

Rule 5.5(a)

Rule 5.5(a) says, "A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction." Ill. R. Prof'l Cond. R. 5.5(a). The Court has delegated the ARDC to maintain a master roll of attorneys who are authorized to practice law in Illinois. Ill. S.Ct. R. 756(b). An attorney may be removed from the master roll for non-compliance with the Court's CLE requirements, which are administered by the MCLE Board. Id. at R. 796(e). "Any person whose name is not on the master roll and who practices law or who holds himself or herself out as being authorized to practice law pursuant to the attorney's Illinois law license is engaged in the unauthorized practice of law." Id. at R. 756(h).

The Administrator charged Respondent with violating Rule 5.5(a) by practicing law while removed from the master roll in January 2025. Specifically, she alleged that he practiced law by causing subpoenas to be filed and emailing trial exhibits to opposing counsel on January 7 and by appearing before Judge Wright on January 8. Respondent admitted knowing he was removed from the master roll for CLE non-compliance since December 2, 2024. However, he claimed that he had completed all of the CLE hours required for his reinstatement by January 3, so he should have

been authorized to practice on January 7 and 8. Additionally, he claimed that his court appearance was merely a request for a continuance, which did not constitute the practice of law. We reject both of Respondent's arguments and find that he engaged in the unauthorized practice of law.

We are not persuaded by Respondent's attempt to blame his CLE course providers, the MCLE Board, and the ARDC for delaying his reinstatement to the master roll. As discussed in the Rule 3.3(a) analysis above, Respondent was not eligible for reinstatement until he completed his CLE hours for the 2022 to 2024 reporting period, those hours were reported on his transcript, and he paid the reinstatement fee. He did not complete his hours until January 3, 2025, which meant the CLE providers had until February 5 to report timely to the MCLE Board. By reporting on January 8, the CLE providers allowed Respondent to return to practice nearly a month earlier than he should have reasonably expected. We find it irrelevant that some CLE providers reported his late-December courses up to three days after the January 5 deadline. Even if they had reported on time, Respondent's transcript would have remained 13 hours short, as he earned only 17 of the 30 required hours by the end of December.

We further find that the MCLE Board and the ARDC caused no delay in Respondent's reinstatement. The undisputed evidence showed that the MCLE Board posted Respondent's credits to his transcript within about an hour after receiving each course provider's report. Once Respondent paid his reinstatement fee, the MCLE Board and ARDC worked together to reinstate him to the master roll and update his status on the ARDC website within 20 minutes. We find the agencies' response times to be more than reasonable, resulting in Respondent's reauthorization to practice law by 4:00 p.m. on January 8, 2025.

Even if Respondent had met all the reinstatement requirements and was just awaiting processing by January 7, which was not the case here, Rule 5.5(a) prohibited practicing law while

he remained unauthorized. The Court has held that it is the attorney's obligation to ensure he is licensed before practicing law, and Rule 5.5(a) creates strict liability for unauthorized practice, regardless of the attorney's intent or knowledge. Thomas, 2012 IL 113035, ¶¶ 77-79.

Now that we have concluded that Respondent had no valid reason to believe his license had been reinstated prior to 4:00 p.m. on January 8 and that Respondent would have been strictly liable for any unauthorized practice regardless of his subjective belief, we must determine whether his conduct on January 7 and the morning of January 8 constituted the practice of law.

The Court has explained, "There is no mechanistic formula to define what is and what is not the practice of law. [Citation.] Rather, we examine the character of the acts themselves to determine if the conduct is the practice of law [citation] and each case is largely controlled by its own peculiar facts [citation]." Downtown Disposal Servs. v. City of Chicago, 2012 IL 112040, ¶ 15. Respondent also cited a case in which the Court defined the practice of law to include "the rendering of any services requiring the use of legal skill or knowledge." People ex rel. Ill. State Bar Ass'n v. Schafer, 404 Ill. 45, 50, 87 N.E.2d 773 (1949).

First, we consider the January 7 subpoenas and email. The three subpoenas were signed by both Respondent and the court clerk, accompanied by the words "Issued by, Clerk." Trial witness subpoenas can be issued by the clerk at a party's request or by an attorney. 735 ILCS 5/2-1101. These subpoenas appear to have been issued by the clerk, but the addition of Respondent's signature leads us to conclude that he requested or otherwise caused the clerk to issue them, particularly when the record before us contains no evidence to the contrary. Also on January 7, Respondent emailed his opposing counsel exhibits for the January 13 trial in the same case.

We find that Respondent's conduct on January 7 demonstrated that he was actively preparing for his upcoming trial. Deciding which witnesses to subpoena and which documents to

use as exhibits constitutes the practice of law because it requires the use of legal skill or knowledge. Thus, when Respondent acted on his trial strategy decisions while removed from the master roll of attorneys, he engaged in the unauthorized practice of law.

Next, we consider Respondent's January 8 court appearance, which he described as a request for a continuance. He argued that this did not require legal skill or knowledge and was not the practice of law because laypeople frequently appear in court to request continuances. Respondent's reasoning is flawed, as "it is … well-established that the fact that a function can be performed by a non-lawyer, such as a paralegal or law clerk, does not mean that it can be legitimately performed by a suspended attorney during the period of discipline." In re Ogoke, 2022PR00073, M.R. 032424 (Jan. 23, 2025) (Hearing Bd. at 13) (citing In re Kuta, 86 Ill. 2d 154, 161-62, 427 N.E.2d 136 (1981)). It would lessen the public's regard for the regulatory system if the public were to see an attorney performing legal work while suspended. Id. The same reasoning applies to an attorney who appears in court on behalf of clients while removed from the master roll, as in this case.

We find that Respondent practiced law on January 8, 2025, when he identified himself on the record as counsel for the defendants, including a corporation. In re Howard, 188 Ill. 2d 423, 438, 721 N.E.2d 1126 (1999) (the practice of law encompasses court appearances). Corporations must be represented in legal proceedings by a duly licensed attorney. Downtown Disposal Servs., 2012 IL 112040, ¶ 17. When Respondent appeared on the corporation's behalf, he held himself out being authorized to practice law. Doing so while removed from the master roll constitutes the unauthorized practice of law, according to Supreme Court Rule 756(h).

For these reasons, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 5.5(a) when he caused subpoenas to be issued, emailed trial exhibits to opposing counsel, and represented clients in court while removed from the master roll.

Rule 8.4(b)

Rule 8.4(b) prohibits committing 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. R. 8.4(b). The Administrator charged Respondent with violating this Rule by committing and being found guilty of direct criminal contempt. Respondent admitted that, on February 3, 2025, Judge Wright found him guilty of direct criminal contempt and fined him $200 for appearing in court on January 8, 2025, on behalf of his clients while he was not authorized to practice law. "[A]n admission in a pleading is a formal judicial admission that is conclusively binding on the party making it … and dispenses of the need for any proof of that fact." In re Mills, 07 SH 2, M.R. 23070 (May 18, 2009) (Hearing Bd. at 14). Moreover, a criminal contempt judgment is conclusive evidence that an attorney has committed a criminal act that reflects adversely on his fitness as a lawyer. In re Jackson, 2021PR00102, M.R. 031932 (Jan. 17, 2024) (Hearing Bd. at 17). Based on Respondent's admission that he was found guilty of direct criminal contempt, which is conclusive evidence of a Rule 8.4(b) violation, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 8.4(b).

Rule 8.4(c)

Rule 8.4(c) prohibits engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Ill. R. Prof'l Cond. R. 8.4(c). This includes any conduct that is calculated to deceive, including the suppression of truth and the suggestion of what is false. In re Gerard, 132 Ill. 2d 507, 528, 548 N.E.2d 1051 (1989). The Administrator charged Respondent with violating

this Rule by "knowingly holding himself out as being able to practice law although unauthorized to do so" and making false statements to Judge Wright in court on January 8, 2025.

Making a knowingly false statement to a tribunal, in violation of Rule 3.3(a), also constitutes a violation of Rule 8.4(c). In re Hernandez, 2017PR00121, M.R. 029954 (Sept. 16, 2019) (Hearing Bd. at 11). Because we found that Respondent's knowingly false statements to Judge Wright violated Rule 3.3(a), we further find that Respondent engaged in dishonest conduct in violation of Rule 8.4(c).

The Administrator generally argued that Respondent falsely held himself out to his clients, his opposing counsel, and the courts as being able to practice law when he was removed from the master roll. However, the record contains no evidence that Respondent explicitly misrepresented the status of his law license to anyone other than Judge Wright. We decline to find that any other conduct in this case violated Rule 8.4(c), as the Administrator did not present any evidence on Respondent's interactions with clients, nor is it evident how Respondent's trial exhibit email or subpoenas misrepresented his licensure status.

Nonetheless, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 8.4(c) when he made knowingly false statements to Judge Wright during his court appearance on January 8.

Rule 8.4(d)

Rule 8.4(d) prohibits engaging in conduct that is prejudicial to the administration of justice. Ill. R. Prof'l Cond. R. 8.4(d). The Administrator charged Respondent with violating this Rule "by conduct including holding himself out as authorized to practice law to clients, opposing counsel, and the court when he was not so authorized." We find that Respondent prejudiced the administration of justice when his improper court appearance on January 8, 2025, delayed his client's case and caused needless extra work for Judge Wright.

The unauthorized practice of law does not, by itself, prejudice the administration of justice. In re Wiley, 2016PR00062, M.R. 029417 (Sept. 20, 2018) (Hearing Bd. at 12); In re James, 2009PR00040, M.R. 25222 (May 18, 2012) (Review Bd. at 10). However, if that conduct "has an impact on the representation of a client or the outcome of a case, undermines the judicial process or jeopardizes a client's interests," then there is actual prejudice to the administration of justice. Wiley, 2016PR00062 (Hearing Bd. at 12). It is undisputed that Judge Wright continued the hearing on Respondent's clients' motion to dismiss from January 8 to February 3 after he discovered that Respondent was not authorized to practice law. We find that Respondent's January 8 appearance prejudiced the administration of justice because it delayed the resolution of his clients' potentially dispositive motion by nearly a month.

Moreover, causing a court to expend needless time and resources addressing an attorney's improper conduct also violates Rule 8.4(d). Jackson, 2021PR00102 (Hearing Bd. at 18). Respondent admitted that Judge Wright held an additional rule to show cause hearing and found him guilty of direct criminal contempt because of his court appearance on January 8. We further find that Respondent prejudiced the administration of justice by causing the judge to expend needless time and resources determining the consequences of Respondent's improper conduct.

In addition, the Administrator generally argued that Respondent violated Rule 8.4(d) by holding himself out to clients and opposing counsel as authorized to practice law when he was not. We decline to make this finding when the Administrator did not specifically explain, nor is it evident from the record, how his conduct with clients and opposing counsel caused actual prejudice.

Overall, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 8.4(d) because of his improper court appearance before Judge Wright.

EVIDENCE OFFERED IN MITIGATION AND AGGRAVATION

Mitigation

Although Respondent did not testify, he asserted during his opening and closing statements that he was "extremely diligent" in satisfying the CLE requirements "after a suitable time had passed following his father's death" in fall 2024. (Tr. 243). He explained that he planned to complete his CLE hours instead of working in December 2024, so, in November 2024, he scheduled matters for January 2025 when he expected to return to practice. (Tr. 21, 242-43).

Aggravation

Respondent claimed that he "followed all of the procedural rules of the MCLE and the ARDC really from 2023 through 2024 through the fall of 2024 and then got all of his stuff done for 2025, exceeded the number of hours, did all the specific requirements in the MCLE and paid his $400." (Tr. 239). He argued that he should have been reinstated by January 6, 2025, but "the system that the MCLE has created, along with the ARDC, is seriously flawed," as it does not allow attorneys to ensure their transcript is reported correctly or to pay the reinstatement fee "until somebody actually does their job – and we have testimony that many people didn't do their job." (Tr. 234-35, 238-39). He claimed that the CLE providers "sat on these credit hours for almost a week," "the MCLE and ARDC completely dropped the ball," and "[t]here is no mechanism to fix these issues at MCLE or ARDC." (Tr. 25, 239, 242-43).

As for the court appearance on January 8, Respondent stated that he did not know how else to "keep the judicial process rolling" when he had cases scheduled and could not contact anyone. (Tr. 243). He surmised that he could have hired another attorney to update the judge on the status of his license. (Tr. 240-41). Instead, Respondent went to court and informed Judge Wright of "pretty much all the salient details … and asked for a short continuance." (Tr. 244).

Respondent called it "an odd and strange coincidence" that he was reinstated within hours of his court appearance on January 8, but stated, "it is what it is and life sometimes throws those things at people." He argued that it would be "unfair" to "enforc[e] a very technical rule so strictly that we're talking about a matter of hours" while ignoring the rest of the facts. (Tr. 245). He stated that any technical violation found in this case "is the minimis in the de minimis standard in my opinion." (Tr. 26).

Prior Discipline

Respondent has been licensed to practice law in Illinois since 2002. He was previously suspended for one year, effective December 6, 2018. In re Gray, 2016PR00045, M.R. 029543 (Nov. 15, 2018).

Respondent violated Rules 3.3(a), 3.4(c), 8.4(c), and 8.4(d) in his own divorce case by knowingly failing to comply with discovery orders, testifying falsely and making false statements in pleadings to conceal his failure to file tax returns, and prejudicing the administration of justice. Id. (Hearing Bd. at 7-17). He repeatedly blamed the IRS's computer system failures for delaying delivery of his tax transcripts, but he had never requested those records because he knew they did not exist. Id. at 10-12.

Additionally, Respondent engaged in the unauthorized practice of law in violation of Rule 5.5(a) by representing two villages while removed from the master roll of attorneys. Id. at 20-23. He failed to register and pay the annual registration fee for 2015 despite numerous notices, was removed from the master roll in March 2015, and was reinstated after completing the registration process over a month later. Id. at 18.

In mitigation, Respondent had not been previously disciplined, the misconduct in his divorce did not involve any clients, and his unauthorized practice of law did not harm any clients.

Id. (Review Bd. at 6). There was significant aggravation, including Respondent's failure to acknowledge or show remorse for his misconduct, deliberate course of dishonest conduct, and failure to register timely for 2017. Id. Additionally, the Chair sanctioned him twice for failing to comply with discovery orders, resulting in the deemed admission of one count's allegations and charges and the barring of his testimony on the other count. Id. (Hearing Bd. at 33-36). He also filed meritless pleadings, made unsubstantiated charges of misconduct against the Administrator and his counsel, and repeatedly maligned the integrity of the disciplinary process. Id. (Review Bd. at 6). The Review Board found most significant Respondent's "total failure to take the slightest responsibility for, or even acknowledge, his wrongdoing, and even worse, to blame his current situation primarily on the Administrator and his counsel." Id. at 14.

RECOMMENDATION

A. Summary

Based on the proven misconduct, lack of mitigation, and substantial aggravation, a majority of the Hearing Panel recommends that Respondent be suspended for one year.

B. Analysis

The purpose of the disciplinary process is not to punish attorneys, but to protect the public, maintain the integrity of the legal profession, and safeguard the administration of justice from reproach. In re Edmonds, 2014 IL 117696, ¶ 90. When recommending discipline, we consider the nature of the misconduct and any factors in mitigation and aggravation. In re Gorecki, 208 Ill. 2d 350, 360-61, 802 N.E.2d 1194 (2003). We seek to recommend similar sanctions for similar types of misconduct, but we must decide each case on its own unique facts. Edmonds, 2014 IL 117696, ¶ 90.

We find no mitigating factors in this matter. Respondent asserted in his opening and closing statements that he had personal difficulties due to the death of his father in fall 2024 and that he planned to return to work in January 2025 after diligently completing his CLE hours in December 2024. He did not testify under oath, so these allegations are not evidence. But even if he had testified, these facts would not have been mitigating. By fall 2024, Respondent had already failed to complete his 2022 to 2024 CLE hours, earning only 4 of the required 30 credits by the initial deadline in June 2024 and making no effort to comply with the grace period deadline in October 2024. He did not earn another CLE credit until December 28, 2024, and did not complete his required hours until January 2025 – more than six months overdue.

We find significantly aggravating that Respondent was an experienced attorney who knowingly engaged in an "irresponsible course of conduct." In re Witt, 2010PR00165, M.R. 24642 (Sept. 26, 2013) (Hearing Bd. at 8). He had been subject to CLE requirements for nearly 20 years at the time of his misconduct. In re Fox, 122 Ill. 2d 402, 409, 522 N.E.2d 1229 (1988) (experience is an aggravating factor). He stipulated that he received at least 16 notices from the MCLE Board between January and November 2024 about these requirements. Yet he repeatedly ignored CLE compliance deadlines and chose to engage in multiple instances of unauthorized practice of law. Respondent's misconduct was "not the result of carelessness or a momentary lapse of judgment" but rather arose from a knowing disregard for the Court's licensure rules. In re Howard, 69 Ill. 2d 343, 354, 372 N.E.2d 371 (1977).

Respondent's actions also caused a risk of harm to his clients by delaying the hearing on their potentially dispositive motion by nearly a month. We find this unnecessary risk of harm to be aggravating. In re Saladino, 71 Ill. 2d 263, 276, 375 N.E.2d 102 (1978).

We find most aggravating that Respondent has been disciplined for strikingly similar conduct. In re Timpone, 208 Ill. 2d 371, 385-86, 804 N.E.2d 560 (2004) (recidivism warrants a greater degree of discipline); In re Banks, 2020PR00068, M.R. 031115 (Mar. 25, 2022) (Hearing Bd. at 12) (similar prior misconduct weighs significantly in aggravation). Respondent should have had "a heightened awareness of the necessity to conform strictly to all of the requirements of the Rules of Professional Conduct," but he violated several of the same Rules again. In re Storment, 203 Ill. 2d 378, 401, 786 N.E.2d 963 (2002). In both cases, he made false statements to a tribunal to conceal his wrongdoing, acted dishonestly, prejudiced the administration of justice, and engaged in the unauthorized practice of law while removed from the master roll of attorneys, in violation of Rules 3.3(a), 8.4(c), 8.4(d), and 5.5(a).

Many of the aggravating factors from Respondent's previous disciplinary matter apply here too. First, Respondent failed to recognize the wrongfulness of his acts and expressed no remorse. In re Lewis, 138 Ill. 2d 310, 347-48, 562 N.E.2d 198 (1990). While respondents are entitled to defend themselves, making baseless arguments to deflect responsibility is aggravating. In re Casey, 2022PR00071, M.R. 031928 (Jan. 17, 2024) (Hearing Bd. at 13). In this case, Respondent claimed that he acted diligently in completing his CLE hours when, in actuality, he missed both the initial and grace period deadlines and waited until shortly before a scheduled hearing and trial to even begin his unfinished CLE courses. As for the January 8 court appearance, he claimed he did not know what else to do, yet he acknowledged that he could have had another attorney appear on his behalf. And he continued to wrongly insist that he told Judge Wright "pretty much all the salient details," despite the benefit of hindsight and a transcript of his misstatements.

Respondent tried to minimize his misconduct by characterizing it as a "very technical" rule violation. However, the undisputed evidence showed that the MCLE Board regularly oversees

95,000 attorneys' compliance with the Court's CLE rules with few difficulties by providing abundant information and support, which Respondent received. He also knew from his prior discipline the serious consequences of failing to comply with the Court's licensure rules, yet he continued to downplay the importance of following those rules.

Next, Respondent blamed his CLE providers, the MCLE Board, and the ARDC for delaying his reinstatement, and he maligned their systems and staff. However, they could not report and post his final CLE credits until he completed them, nor could they process his reinstatement until he paid the fee. Once Respondent satisfied those remaining requirements in January 2025, the entities responded promptly. This timing was not coincidental, as Respondent claimed, but rather a direct result of his choice to finish his required CLE hours more than six months after the original two-year reporting period. Respondent's attempt to blame others for a situation of his own making is entirely misplaced.

Likewise, Respondent's prior misconduct included repeatedly claiming that the IRS's computer system failures delayed delivery of his tax transcripts, when he knew he had never requested transcripts or even filed tax returns for those years. During that disciplinary proceeding, Respondent "blame[d] his current situation primarily on the Administrator and his counsel," which the Review Board found to be significantly aggravating. In re Gray, 2016PR00045, M.R. 029543 (Nov. 15, 2018) (Review Bd. at 14). The persistence of Respondent's blame-shifting attitude in the present matter, despite prior discipline for similar behavior, raises concerns about his willingness to take the ethical rules seriously in the future. In re Samuels, 126 Ill. 2d 509, 531, 535 N.E.2d 808 (1989).

Finally, Respondent did not fully cooperate in either of his disciplinary proceedings. In both cases, he filed meritless pleadings, made unsubstantiated charges of misconduct against

Administrator's counsel, and failed to comply with the Chair's orders. This conduct warrants substantial discipline. Id.

As for the recommended sanction, the Administrator requested a suspension for six months and until further order of the Court (UFO). In support, she cited cases resulting in suspensions for six months, with or without UFO, for attorneys who engaged in the unauthorized practice of law and related dishonesty. In re Wiley, 2016PR00062, M.R. 029417 (Sept. 20, 2018); Witt, 2010PR00165; In re James, 2009PR00040, M.R. 25222 (May 18, 2012). On the other hand, Respondent argued that he committed no misconduct, but, if any Rule violations were found, they were *de minimis* and merited no discipline. He cited no cases regarding sanction.

We find cause for discipline, as Respondent committed all of the charged misconduct, which is "serious because of its dishonest nature. Honesty is an important element of good moral character and general fitness to practice law." In re Jacobson, 2022PR00038, M.R. 032292 (Sept. 20, 2024) (Hearing Bd. at 19) (citing In re Polito, 132 Ill. 2d 294, 303, 547 N.E.2d 465 (1989)); see also In re Thomas, 2012 IL 113035, ¶ 77 (dishonest intent aggravates a Rule 5.5(a) violation). Moreover, knowingly representing clients when not authorized to practice law is serious misconduct because it "demonstrate[s] a disregard for the Supreme Court, the rules governing the legal profession, and [the attorney's] clients." Witt, 2010PR00165 (Hearing Bd. at 7-8). The Administrator's three cited cases bear some factual similarities to the present matter, but significant differences support a longer suspension and no UFO here. Considering the proven misconduct, lack of mitigation, and substantial aggravation, we recommend that Respondent be suspended for one year.

James was suspended for six months and until he completed the ARDC Professionalism Seminar. James, 2009PR00040. During the approximately four months that he was removed from

the master roll for CLE and registration non-compliance, he continued to handle a caseload of 100 matters, took on new work, and filed appearance forms that misrepresented his licensure status twice to the U.S. Immigration Court and 22 times to a federal immigration agency. Id. (Hearing Bd. at 28). Like James, Respondent engaged in the unauthorized practice of law, acted dishonestly toward a tribunal, risked harm to his clients by representing them while unauthorized to practice, failed to accept responsibility for his misconduct, and showed no genuine remorse. Id. (Review Bd. at 8-11). Although James' misconduct affected more matters, Respondent's was more egregious because he also committed a criminal act and prejudiced the administration of justice. Id. at 10. Additionally, James had no other discipline in 29 years of practice, whereas Respondent had similar prior misconduct and engaged in a pattern of failing to fully cooperate in both of his disciplinary proceedings. Id. (Hearing Bd. at 39); Gray, 2016PR00045 (Review Bd. at 6). For these reasons, we find that Respondent should be suspended for more than six months.

Witt was suspended for six months and until further order of the Court, repayment of unearned fees to a client, and completion of CLE requirements. Witt, 2010PR00165. He represented two clients in court over approximately three months while he was removed from the master roll for CLE and registration non-compliance, resulting in delays and additional proceedings for his clients, which prejudiced the administration of justice. Id. (Hearing Bd. at 5-7). However, Respondent's misconduct was more egregious because he expressly misrepresented his status to a judge, as opposed to Witt's omission, and because Respondent engaged in additional serious misconduct, including committing a criminal act. Id. at 6. In aggravation, both pursued an irresponsible course of conduct by knowingly failing to comply with licensure requirements, acted dishonestly, wasted court resources, and caused harm or risk of harm to their clients. Id. at 8-10. Yet, unlike Respondent, Witt's lack of prior discipline was a mitigating factor. Id. at 8.

Overall, we find that Witt supports a suspension of greater than six months but no UFO in the present matter. Respondent's misconduct was more egregious and significantly more aggravated by his prior discipline, so his suspension should be longer. We find Witt's other sanctions to be inapposite, especially the UFO, which was based on Witt's refusal to participate in his entire disciplinary proceeding. This demonstrated a lack of respect for the disciplinary process and prevented the Hearing Board from assessing his fitness to practice law. Id. at 10-12. In contrast, we had the opportunity to observe Respondent, and our lengthy suspension recommendation considers in aggravation what we observed, including his failure to fully cooperate during the pre-hearing proceedings and his avoidance of responsibility.

Wiley was also suspended for six months UFO. Wiley, 2016PR00062. He was removed from the master roll for registration non-compliance for about eight months. Id. (Hearing Bd. at 8). Meanwhile, he represented three clients in court and engaged in dishonest conduct by failing to inform judges and opposing counsel that he was no longer authorized to practice. Id. (Review Bd. at 3-4, 6). Although Wiley's misconduct lasted longer and affected one more client matter, Respondent's was more egregious because of his express dishonesty to a judge and his additional serious misconduct, including committing a criminal act and prejudicing the administration of justice. In aggravation, both attorneys had prior discipline, engaged in a pattern of misconduct, failed to acknowledge wrongdoing or indicate remorse, and failed to fully participate in the disciplinary proceeding. Id. (Hearing Bd. at 20). Neither had any mitigating factors. Id. at 19.

Wiley merited a suspension UFO because of his incomplete participation in the disciplinary process and his failure to acknowledge his wrongdoing or indicate remorse, which raised serious doubts about his willingness or ability to meet professional standards of conduct in the future. Id. (Hearing Bd. at 20-21; Review Bd. at 15-16) (citing In re Houdek, 113 Ill. 2d 323, 326-27, 497

N.E.2d 1169 (1986)). The Hearing Board primarily focused on Wiley's failure to attend his deposition and hearing. Id. (Hearing Bd. at 21). However, the Court confirmed the Review Board, which found that Wiley's attitude was the main reason for a UFO. He had been removed from the master roll for CLE or registration non-compliance in 8 out of 13 years. When the Review Board asked what he had learned from the disciplinary proceeding, he replied, "'it's no big deal to not pay your attorney fees and continue practicing law.'" Id. (Review Bd. at 15-16).

We find that Wiley supports a suspension of more than six months for Respondent, as Respondent's misconduct was more egregious, but the reasons for imposing a UFO on Wiley do not apply to the same degree here. Wiley blatantly disrespected the disciplinary process by failing to appear at his deposition and hearing and by flippantly responding to the Review Board about what he had learned. For the protection of the public and the profession, Wiley had to be suspended until he proved that he was willing and able to change his unethical ways.

Unlike Wiley, Respondent attended his disciplinary hearing, which is a significant difference. We are concerned that Respondent has repeated some of his prior misconduct and aggravating behaviors. However, he was comparatively more cooperative this time around. In the present matter, he tempered his obstructionism and was not sanctioned, as opposed to his recurrent failure to follow the Chair's discovery orders in the previous case, which resulted in the deemed admission of one count's allegations and charges and his barred testimony on the other count. Respondent's improved pre-hearing behavior shows us that, unlike Wiley, he is willing and able to change. For this reason, we are not recommending a suspension UFO.

We recognize that the proven misconduct, standing alone, would not merit a one-year suspension, but we must also consider the lack of mitigation and the substantial aggravation, especially Respondent's similar prior misconduct. The Court has applied this principle when

addressing recidivism as an aggravating factor. In one case, the Court acknowledged that precedent would support a two-year suspension, but the attorney's repeat offenses caused the Court to nearly double the suspension to 42 months and add a UFO provision. Timpone, 208 Ill. 2d at 387. We do not find that a UFO is necessary here, for the reasons discussed above. Moreover, Respondent is facing his second disciplinary proceeding whereas Timpone still had not "grasped the importance of his ethical obligations" despite two prior disciplinary sanctions. Id. at 378, 385-86. In another case, the Court imposed a two-year suspension after a previous five-month suspension, finding that the attorney's "present sanction should be sufficiently meaningful to 'impress upon [him] the shortcomings in the manner he has conducted his practice, and to allow him to take additional steps to insure that such events will not occur again.'" In re Howard, 188 Ill. 2d 423, 442, 721 N.E.2d 1126 (1999) (quoting In re Levin, 101 Ill. 2d 535, 542, 463 N.E.2d 715 (1984)). Timpone and Howard demonstrate that the Court does not take recidivism lightly, and repeat offenders may face greater consequences. Accordingly, we recommend doubling the suspension imposed for similar misconduct in James, Witt, and Wiley in order to account for Respondent's recidivism and other aggravating factors.

In summary, considering the serious nature of Respondent's misconduct, the lack of mitigation, the extensive aggravation, and relevant caselaw, we recommend that Respondent, Robert Kent Gray, Jr., be suspended for one year.

Respectfully submitted,

Janaki H. Nair
Robbie L. Edmond

Stuart H. Shiffman, concurring in part and dissenting in part:

While I concur with the majority's findings as to misconduct, I do not agree with the sanction recommended by my two fellow Hearing Panel members. I believe a suspension of at least 18 months is justified for Respondent based upon his repeated and continued behavior that shows he does not believe the Rules of Professional Conduct are applicable to him.

Representing clients is only a portion of what a lawyer does. "A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials." Ill. R. Prof'l Cond. Preamble ¶ 5. Throughout this proceeding and in his previous proceeding before the ARDC, Respondent has shown a lack of respect for the Illinois disciplinary process. His previous one-year suspension appears to have failed to impress upon him the need to conform his conduct as an attorney to the rules governing the legal profession. See In re Ogoke, 2022PR00073, M.R. 032424 (Jan. 23, 2025) (Hearing Bd. at 18) (finding substantial aggravation when "Respondent's prior discipline did not have the desired effect of preventing further violations of the ethical rules"). Given the repeated egregious behavior by Respondent, I believe a suspension longer than the previous one-year suspension is both justified and appropriate in this case.

I agree with my colleagues in finding all of the charged misconduct to be proven. I also agree that Respondent's misconduct is serious and warrants suspension. However, a one-year suspension has proven insufficient to deter Respondent's recidivism. Therefore, in accordance with the principles in Timpone and Howard, I would recommend that Respondent be suspended for 18 months.

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 April 16, 2026.

/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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