

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

In the Matter of:	)	
	)	
ANDREW JOSEPH HOLTON,	)	
	)	Commission No. 2026PR00055
Attorney-Respondent,	)	
	)	
No. 6319246.	)	

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission (“ARDC”), by her attorney, Tammy L. Evans, pursuant to Supreme Court Rule 753(b), complains of Respondent, Andrew Joseph Holton, who was licensed to practice law in Illinois on May 7, 2015, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Dishonesty, Lack of Diligence, Failure to Expedite Litigation, and Failure to Refund an Unearned Fee – H.H.)

1. On April 18, 2021, Illinois State Police Trooper Seth Dauber observed a 2016 Dodge sedan speeding and crossing the right fog line on Interstate 80 in Bureau County. Trooper Dauber conducted a traffic stop and cited a man with the initials “H.H.” for driving under the influence of alcohol (“DUI”) and transportation or possession of open alcohol by a driver. At the time of his arrest, H.H. resided in Colorado.

2. On or about May 10, 2021, H.H. conducted a Google search of attorneys in or around Bureau County that defended DUI matters and saw Respondent, who has a law office in his home in Shorewood, and contacted him. Respondent and H.H. agreed that Respondent would represent H.H. in defense of the Bureau County charges and that H.H. would pay Respondent a

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\$3,500 flat fee. Shortly thereafter, H.H. transferred \$3,500 to Respondent via Venmo, an online payment application.

3. On June 18, 2021, Respondent filed his appearance, entered a not guilty plea and jury trial demand, and filed a petition to rescind statutory summary suspension on behalf of H.H. in the Bureau County case. The trial court entered an order continuing the matter for a hearing on Respondent's petition to July 16, 2021, and setting the matter for a jury pre-trial hearing for September 8, 2021, and a jury trial for September 20, 2021. Respondent received a copy of the trial court's June 18, 2021 order.

4. On July 16, 2021, Respondent did not appear in court for the hearing on his petition to rescind statutory summary suspension and the matter was continued to the previously scheduled jury pre-trial conference date of September 8, 2021.

5. On September 8, 2021, Respondent appeared in court for the jury pre-trial conference and requested that the case be continued. The trial court granted the request and entered an order continuing the jury pre-trial conference to November 16, 2021, at 1:00 p.m., and rescheduling the jury trial to November 29, 2021, at 1:00 p.m., and ordering Respondent to contact the court clerk within one week to set a hearing date for the petition to rescind H.H.'s statutory summary suspension that Respondent filed on June 18, 2021, and never set for hearing. Respondent received a copy of the trial court's September 8, 2021 order but did not contact the court clerk within one week to set a hearing on his petition to rescind H.H.'s statutory summary suspension.

6. On or before November 16, 2021, Respondent contacted the court and stated that he could not appear in court for the scheduled jury pre-trial conference because he was "incapacitated with a back injury." On November 16, 2021, the trial court entered an order

continuing the matter for a jury pre-trial hearing to January 26, 2022, and a jury trial to February 7, 2022. Notice of the trial court's November 17, 2021 order was mailed to Respondent.

7. On January 25, 2022, Respondent sent a text message to H.H. in which he claimed to have spoken to the prosecutor in H.H.'s case and that she seemed amenable to reducing the driving under the influence charge to a lesser charge of reckless driving with court supervision.

8. Respondent's statements to H.H. described in paragraph seven, above, were false because Respondent never spoke to the prosecutor regarding reducing the charges filed against H.H.

9. At the time Respondent made the statements to H.H., described in paragraph seven, above, he knew the statements were false because he knew that he did not speak to the prosecutor regarding reducing the charges filed against H.H.

10. On January 26, 2022, H.H. sent a text message to Respondent asking if he would get his license back if he pled guilty to the lesser charge of reckless driving and asked Respondent to let him know when he was free to talk about the case. Respondent did not respond to H.H.'s text.

11. On January 26, 2022, Respondent appeared in court for a jury pre-trial hearing and requested a continuance in the Bureau County case. The trial court entered an order continuing the case for a jury pre-trial hearing to April 12, 2022, at 1:00 p.m., and a jury trial to April 18, 2022 at 9:00 a.m., and ordered Respondent to provide a jury waiver by April 12, 2022 if the parties did not have an agreed disposition on that date. Respondent received a copy of the trial court's January 26, 2022 court order but did not provide a copy of the order to H.H.

12. At no time between January 26, 2022 and March 14, 2022, did Respondent communicate with H.H. about the status of the Bureau County case.

13. On March 14, 2022, H.H. sent a text message to Respondent that said he had an appointment to get a new driver's license the following day and wanted to know if he would still be able to get a license. Respondent did not respond to H.H.'s text.

14. On March 24, 2022, H.H. sent Respondent a text message asking if he had heard back from the prosecutor. Respondent did not respond to H.H.'s text.

15. On or about April 12, 2022, Respondent notified the Bureau County State's Attorney's Office that he was in a trial and requested that the jury pre-trial hearing and jury trial in H.H.'s case that had been scheduled for April 12, 2022 and April 18, 2022, respectively, be rescheduled. On April 12, 2022, the trial court entered an order allowing the previously set jury trial to be rescheduled to July 11, 2022, setting the matter for a final jury pre-trial hearing on June 28, 2022, and continuing the case to April 26, 2022, at 10:30 a.m., for a special jury pretrial hearing. The trial court also directed both Respondent and H.H. to appear in person in court on April 26, 2022, and stated that, if H.H. failed to appear in court on April 26, 2022, a warrant may issue for his arrest. Notice of the trial court's April 12, 2022 order was mailed to Respondent and H.H. on April 13, 2022. H.H. did not receive a copy of the trial court's April 12, 2022 order because at or around that time H.H. moved from Colorado to Michigan.

16. On April 14, 2022, H.H. sent a text to Respondent asking if the Bureau County case had been set for trial. In response, Respondent sent a text to H.H. that said a jury pre-trial hearing date had been scheduled for April 26, 2022, and asked H.H. if he was in town or if he would need to travel to court on that date. H.H. responded that he was in Michigan and thought the plan was for him to appear remotely via Zoom but stated that he could drive down for the

hearing if necessary. Respondent stated that he would call H.H. after he was finished in court that day, but he never did.

17. On April 15, 2022, H.H. sent a text to Respondent that said he would have to appear remotely via Zoom for the April 26, 2022 hearing and asked Respondent if he was available to talk that day. Respondent did not respond to H.H.'s April 15, 2022 text.

18. At no time between April 13, 2022 and April 26, 2022, did Respondent inform H.H. that the trial court had entered an order requiring his in-person appearance in court on April 26, 2022.

19. On April 26, 2022, neither H.H. nor Respondent appeared in court and the matter was continued to the previously scheduled final jury pre-trial hearing date of June 28, 2022.

20. On May 2, 2022, Respondent and H.H. exchanged the following text messages:

Respondent: "I appeared in person and got us a lengthy trial date for July 11[.] Prosecutor mentioned in person that she might be open to reducing the charge between now and then. Also had set [*sic*] that you can appear via Zoom to save you the money on airfare/driving altogether."

H.H.: "Thank you so much! I appreciate being able to [Z]oom in. So I guess we wait till July 11th."

Respondent: "It ends[.] That day[.] Lol[.] One way[.] Or the other[.] I made the 140 mile drive round trip to try and set you up for the best possible chance[.] Would you mind sending a payment for my time/travel? Essentially its just 250/250 a total of 500[.]"

21. Respondent's statements in the text messages that he sent to H.H. on May 2, 2022, and described in paragraph 20, above, were false because Respondent had not travelled to Bureau County or appeared in court on April 26, 2022.

22. At the time Respondent made the statements to H.H. on May 2, 2022, described in paragraph 20, above, he knew the statements were false because he knew that he had not travelled to Bureau County or appeared in court on April 26, 2022.

23. On May 23, 2022, H.H. sent a text message to Respondent that stated, “Hi Drew, sorry just getting back to you. Thank you for doing that. Can I pay \$250 now and \$250 after the 14th of June?” Respondent did not respond to H.H.’s text message. Between May 23, 2022 and June 14, 2022, H.H. sent an additional \$500 to Respondent via Venmo.

24. On June 28, 2022, neither Respondent nor H.H. appeared in court for the final jury pre-trial hearing and the trial court issued a warrant for H.H.’s arrest.

25. At no time did Respondent inform H.H. that the trial court had issued a warrant for his arrest on June 28, 2022.

26. Between May 23, 2022 and September 5, 2022, H.H. called Respondent’s cell phone and sent text messages to him requesting the status of the Bureau County case, but Respondent did not return H.H.’s calls or respond to his text messages.

27. On or about September 5, 2022, H.H. learned the trial court had issued a warrant for his arrest on June 28, 2022.

28. On September 5, 2022, H.H. sent a text message to Respondent asking Respondent to contact him and whether H.H. should find another lawyer. The following day, Respondent sent a text message to H.H. that stated Respondent’s brother had been in an accident the previous week, that Respondent was now back to work, and that he had just recently seen H.H.’s calls and text messages.

29. At no time between September 5, 2022 and September 13, 2022, did Respondent contact H.H. and provide him with an update on his case, return his telephone calls, respond to

his text messages, or file a motion to quash the warrant for H.H.'s arrest that had been issued on June 28, 2022.

30. On September 14, 2022, Respondent and H.H. exchanged the following text messages:

Respondent: "I am in court[.] Out at 11[.] 11:30[.]"

H.H.: "Are you out of court[?] Why can't you give update over text[?] Another week is going to pass and I still don't have a trial date[.]"

Respondent: "I had my assistant overnight my motion and sheriff[']s fee w[ith] [UPS], clerk will be receiving tomorrow w[ith] signature."

H.H. "When can I expect proof of tracking on this?"

Respondent did not respond to H.H.'s text message asking when he could expect a tracking number for the motion and fee that Respondent's assistant purportedly had sent to the circuit clerk via United Parcel Service.

31. Respondent's statement that his assistant had sent a motion to quash the warrant that had been issued for H.H.'s arrest and sheriff's fee to the circuit clerk via overnight delivery described in paragraph 30, above, was false because he never prepared a motion to quash the warrant that had been issued for H.H.'s arrest, he never gave his assistant the nonexistent motion and sheriff's fee to send via UPS overnight delivery to the circuit clerk, and the assistant never caused the nonexistent motion and sheriff's fee to be given to UPS for overnight delivery to the circuit clerk.

32. At the time Respondent made the statement that his assistant had sent a motion to quash the warrant that had been issued for H.H.'s arrest and sheriff's fee to the circuit clerk via UPS overnight delivery, he knew the statement was false because he knew he had neither

prepared a motion to quash the warrant that had been issued for H.H.'s arrest nor directed his assistant to send the nonexistent motion and sheriff's fee to the circuit clerk via UPS overnight delivery.

33. On September 21, 2022, H.H. sent a text message to Respondent asking why a trial date had not been set for his Bureau County case. Respondent did not respond to H.H.'s September 21, 2022 text message.

34. On September 27, 2022, H.H. and Respondent exchanged the following text messages:

H.H.: "Hello Drew, I need to know what needs to be done with my case. Because I have an appointment today with a new lawyer[.] I don't trust you to get my case moving."

Respondent: "That's not necessary, you have my word that we are going to have your date for this month. I was in a jury trial all of last week, and had minor surgery on Thursday morning relating to my accident. I will send the motion by 4:30."

Respondent did not send a motion to quash to H.H. by 4:30 p.m. on September 27, 2022.

35. On October 18, 2022, H.H. and Respondent exchanged the following text messages:

H.H.: "Another month gone and no trail [*sic*] date?"

Respondent: "I will have for you, call you by 3[.]"

H.H.: "Okay[.]"

36. At no time after October 18, 2022, did Respondent contact the court or obtain a trial date for H.H.'s Bureau County case.

37. On October 24, 2022, H.H. sent two text messages to Respondent asking what was happening with his case and stating that he was tired of Respondent saying that he would call H.H. but never doing so.

38. On October 27, 2022, Respondent and H.H. exchanged the following text messages:

Respondent: “I apologize for not getting to you sooner. My father was put into hospice last week and I had been dealing [with] it and my family. I’m driving out to [B]ureau [C]ounty to get my motion in. You will see it on the docket online tomorrow[.]”

H.H.: “I’m sorry to hear about your father. Okay thank you for getting that on today. I hope to hear from you tomorrow.”

39. Respondent’s statements that he was driving out to Bureau County to get his motion in and that H.H. would see it on the docket online the following day were false because Respondent was not then driving to Bureau County, had no intention of driving out to Bureau County that day, and had not prepared a motion to quash that was ready to be filed with the circuit clerk’s office.

40. At the time Respondent made the statements described in paragraph 38, above, he knew the statements were false because he knew he had not prepared a motion to quash and was not driving to Bureau County, and had no intention of driving to Bureau County that day.

41. On November 4, 2022, H.H. and Respondent exchanged the following text messages:

H.H.: “Good morning [D]rew. I lost my drivers and security [sic]of state won’t let me get a new driver[’]s license until my [DUI] case is finished. Can you please tell me a[n] update on my case.”

Respondent: “Will be in touch at noon[.]”

H.H.: “I called the court and you haven’t filed your motion yet[.]”

Respondent: “Still in my hearing[,], I will get back to you soon as I’m out[.]”

H.H.: “Hello? Are you out yet?”

Respondent: “I am wrapping up in the next half hour.”

Between November 4, 2022 and November 13, 2022, Respondent did not return H.H.’s calls or respond to his text messages.

42. On November 14, 2022, Respondent sent a text message to H.H. that said he would call H.H. that morning and would have the trial date when he spoke to H.H., and mentioned his father’s medical situation. In response, H.H. sent a text message to Respondent that said he was sorry to hear about Respondent’s father and that he looked forward to speaking with him. Respondent did not call H.H. on November 14, 2022, or anytime thereafter, to provide H.H. with a trial date.

43. On November 17, 2022, H.H. sent a text to Respondent asking him to return the \$4,000 that he had paid to Respondent because he needed the money to hire another lawyer. Respondent never responded to H.H.’s November 17, 2022 text message.

44. On November 30, 2022, H.H. sent a text message to Respondent asking him to provide him with the trial date and stating that he was “losing his mind over this case and just wanted it to get over with already.” Respondent never responded to H.H.’s November 30, 2022 text message.

45. Between December 5, 2022 and January 16, 2023, H.H. repeatedly called Respondent’s cell phone and sent text messages to him but Respondent did not return H.H.’s calls or respond to his text messages.

46. At no time between June 28, 2022 and March 1, 2023, did Respondent file a motion to quash the warrant for H.H.'s arrest or contact the court clerk to request dates for a jury pre-trial hearing and jury trial for H.H.'s Bureau County case.

47. On or about March 1, 2023, H.H. hired another attorney to file a motion to quash the warrant for his arrest that had been issued by the trial court on June 28, 2022, and to help him resolve the Bureau County case. On March 17, 2023, H.H.'s attorney filed a substitution of counsel form in the Bureau County matter. On June 20, 2023, the Honorable James A. Andreoni discharged Respondent from the case.

48. As of July 7, 2026, the date that the Administrator's investigation relating to Respondent's representation of H.H. was referred to the Inquiry Board, Respondent had not refunded any portion of the \$4,000 fee that he received from H.H. The services Respondent provided H.H., if any, do not justify his retention of the entire \$4,000 fee.

49. 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 appear or prepare a motion to quash the warrant for H.H.'s arrest that the trial court issued on June 28, 2022, 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 respond to H.H.'s telephone calls and text messages regarding the status of his matter, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- c. failing to promptly comply with reasonable requests for information by conduct including failing to respond to H.H.'s telephone calls and text messages regarding the status of his matter, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010);

- d. failing to return an unearned fee by conduct including failing to refund any unearned portion of the \$4,000 fee that H.H. had paid to him, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010);
- e. failing to make reasonable efforts to expedite litigation consistent with the interests of the client, by conduct including failing to file a motion to quash the warrant that was issued for his client's arrest and failing to request a jury trial date for his client's case, in violation of Rule 3.2 of the Illinois Rules of Professional Conduct (2010); and
- f. engaging in dishonesty, fraud, deceit, or misrepresentation by conduct including making the false statements to H.H. described in paragraphs 7, 20, 30, and 38, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Failure to Cooperate with a Disciplinary Investigation – 2024IN03737 and 2025IN00426)

50. The Administrator realleges and incorporates paragraphs one through 48, above.

51. Prior to June 13, 2025, the Administrator had docketed two separate investigations, numbers 2024IN03737 and 2025IN00426, into Respondent's alleged conduct based on complaints submitted to the ARDC by former clients of Respondent, including H.H. Counsel in the Intake Division of the ARDC had attempted to obtain information about those complaints from Respondent by sending him letters and requesting responses to the complaints and personally serving him with a subpoena to appear for a sworn statement, but as of June 13, 2025, Respondent had not responded to those requests. On that date, counsel for the Administrator sent a letter to Respondent via email informing him that the investigations had been transferred to the ARDC's Litigation Division, and asking him to contact her. Respondent received counsel's June 13, 2025 letter at or about the time it was sent.

52. As of September 9, 2025, Respondent had not responded to counsel's June 13, 2025 letter. On September 9, 2025, counsel sent Respondent a letter and subpoena via email,

which Respondent received at or about the time it was sent. The subpoena required Respondent's appearance via the Zoom video conference platform for a sworn statement on September 30, 2025, at 2:00 p.m., and directed Respondent to produce copies of his client files relating to the two former clients.

53. On September 30, 2025, Respondent appeared for the sworn statement via Zoom. At no time on or before September 30, 2025, did Respondent provide counsel with copies of his client files relating to the two former clients. After providing testimony for approximately one hour, Respondent told counsel that he did not feel well, and counsel agreed to go off the record and take a 20-minute break. When the statement resumed, Respondent stated that he became ill during the break and asked that the statement be continued. The parties agreed to resume the statement on October 14, 2025. On October 14, 2025, the parties reconvened for a sworn statement via Zoom. At no time between September 30, 2025 and October 14, 2025, did Respondent provide counsel with copies of his client files relating to the two former clients.

54. On January 26, 2026, counsel sent a letter to Respondent requesting that he provide copies of his client files relating to the two former clients, including H.H., by February 5, 2026. Respondent received counsel's letter at or about the time it was sent.

55. As of July 7, 2026, the date that the Administrator's investigations relating to Respondent's representation of his two former clients, including H.H., were referred to the Inquiry Board, Respondent had not provided the requested files. Respondent's production of the client files has never been waived or excused.

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

- a. failing to respond to a lawful demand for information from a disciplinary authority, by conduct including failing to

produce copies of his client files for his two former clients including H.H., pursuant to the Administrator's September 9, 2025 subpoena and January 26, 2026 letter, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010).

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

Respectfully submitted,
Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Tammy L. Evans
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