

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

In the Matter of:

ANTHONY ROBERT BURCH,

Attorney-Respondent,

No. 6281093.

Commission No. 2025PR00071

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, M. Katherine Boychuk, pursuant to Supreme Court Rule 753(b), complains of Respondent, Anthony Robert Burch, who was licensed to practice law in Illinois on November 6, 2003, and alleges Respondent has engaged in the following conduct, which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Lack of Diligence, Failure to Communicate, Failure to Refund Unearned Fee)

1. At all times alleged in this complaint, Respondent operated a law practice in Chicago named Burch & Associates.

2. On October 29, 2021, an individual with the initials "L.P." hired Respondent to prepare estate planning documents for L.P.'s father, who at the time was 72 years old and did not have an estate plan. Respondent and L.P. entered into a written engagement agreement which provided that L.P. would pay a security retainer of \$7,500 to Respondent, and that Respondent and his staff would bill their time against the security retainer according to hourly rates set forth in the engagement agreement. L.P. paid the security retainer in two credit card payments, on October 29, 2021, and on November 23, 2021, in the amounts of \$3,500 and \$4,000 respectively.

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ARDC Clerk

3. Between October 29, 2021 and February 3, 2025, Respondent did not provide estate planning documents to L.P. or issue any invoices to L.P. for work he purportedly performed on L.P.'s father's behalf.

4. On January 15, 2025, L.P.'s father died. On February 3, 2025, L.P. called Respondent's law office to terminate the representation. L.P. informed the person who answered the phone that L.P.'s father had died and that estate planning documents were no longer needed. L.P. requested that any unearned fees be refunded. L.P. called Respondent's law office again on February 4, 2025, and conveyed substantially the same information. Respondent did not respond to either message.

5. On February 5, 2025, L.P. emailed Respondent, stating again that L.P. was terminating the representation and requested the refund of unearned fees. L.P. sent a letter by USPS Certified Mail to Respondent's law office the same day, but it was not delivered. On February 10, 2025, L.P. sent a letter by USPS Priority Mail to Respondent's law office, stating again that L.P. was terminating the representation and requested the refund of unearned fees. The letter was delivered on February 12, 2025. Respondent did not respond to the letter.

6. On February 11, 2025, L.P. emailed Respondent, stating again that L.P. was terminating the representation and requested the refund of unearned fees. Respondent did not respond to the email.

7. On May 13, 2025, following L.P.'s filing of a charge with the ARDC, Respondent emailed L.P. with a "proposed resolution" which consisted of a \$1,500 fee refund. The same day, L.P. responded to the email and requested that Respondent return his file and provide a description of the work performed and the amounts charged. Respondent did not respond to the email, return the file, provide a description of the work performed and amounts charged, or provide any refund.

8. The value of the services L.P. received from Respondent and his firm during the course of Respondent's representation, if any, did not warrant Respondent's retention of the \$7,500 he received from L.P.

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

- a. failing to act with reasonable diligence in representing a client, by conduct including failing to prepare estate planning documents for L.P.'s father after being retained to do so, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to communicate with a client, by conduct including failing to respond to L.P.'s reasonable requests for information by phone calls on February 3, 2025 and February 4, 2025, by emails on February 5, 2025 and February 11, 2025, and by U.S. Postal Service letters sent on February 5, 2025 and February 10, 2025, in violation of Rule 1.4(a) of the Illinois Rules of Professional Conduct (2010);
- c. charging or collecting an unreasonable fee, by conduct including collecting \$7,500 in legal fees from L.P. without performing the estate planning work he was retained to perform, in violation of Rule 1.5(a) of the Illinois Rules of Professional Conduct (2010); and
- d. failing to refund an unearned fee, by conduct including failing to refund the \$7,500 in legal fees Respondent received from L.P., in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Failure to Respond to ARDC's Requests for Information)

10. On May 29, 2025, counsel for the Administrator sent Respondent a request for information relating to the allegations described in Count I. In the request, counsel for the Administrator asked Respondent to respond in writing and produce responsive documents within

14 days. The request was sent via email to the email address Respondent provided to the Commission as part of his annual registration.

11. As of June 30, 2025, Respondent had not provided a response to the request for information. On that day, counsel for the Administrator sent Respondent another request for information, seeking the same information and documents originally requested on May 29, 2025, within seven days. The request was sent via email to the email address Respondent provided to the Commission as part of his annual registration.

12. As of July 7, 2025, Respondent had not provided a response to the request for information. On that day, a Commission paralegal called Respondent's office regarding Respondent's failure to respond. The paralegal spoke to Respondent's assistant, who said that she would convey the message to Respondent.

13. As of July 25, 2025, Respondent had not returned the phone call or provided a response to the request for information. On that day, a Commission paralegal called Respondent's office again regarding Respondent's failure to respond. The paralegal left a message with an assistant stating that Respondent should return the call.

14. As of August 21, 2025, Respondent had not returned the phone calls or provided a response to the May 29, 2025 request for information. On that day, the Administrator issued a subpoena to Respondent by email at the address Respondent provided via his annual registration with the Commission requiring him to appear on August 29, 2025, to provide a sworn statement and to produce documents relating to the allegations described in Count I.

15. On August 29, 2025, Respondent did not appear for the sworn statement, nor did he produce documents pursuant to the subpoena served on him on August 21, 2025. As of August 29, 2025, Respondent had not provided the information and documents requested on May 29,

2025, had not sought any extensions of time to do so, had not communicated with counsel for the Administrator, and had not appeared for his sworn statement. The Administrator has never waived or excused Respondent's appearance and production of documents in response to the August 21, 2025 subpoena.

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

- a. knowingly failing to respond to a lawful demand for information from an admissions or disciplinary authority, by conduct including failing to respond to the ARDC's repeated requests for information relating to his representation of L.P., 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 that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

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