

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

In the Matter of:

MICHAEL JOSEPH ORTYL,

Attorney-Respondent,

No. 3124940.

Commission No. 2026PR00040

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, Michael Joseph Ortyl, who was licensed to practice law in Illinois on November 5, 1979, 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, and Conduct Involving
Dishonesty, Fraud, Deceit, or Misrepresentation)*

1. At all times alleged in this complaint, Respondent operated a law practice in Chicago styled as the Law Office of Michael J. Ortyl.
2. On April 23, 2023, Respondent agreed with an individual with the initials "D.N." that Respondent would represent D.N. in matters relating to an incident that took place on July 22, 2021, in which D.N. was arrested at a Menards store for allegedly returning two paint containers which were filled with water instead of paint. Respondent and D.N. agreed that Respondent's receipt of a fee would be contingent upon D.N. receiving an award or settlement, and that

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Respondent would receive 40% of any recovery from the responsible party or their insurer as his fee, plus reimbursement of any reasonable costs or expenses he incurred.

3. On August 17, 2023, Respondent filed a two-count complaint in the Circuit Court of Cook County on behalf of D.N. alleging that various individuals and entities had maliciously prosecuted and falsely arrested D.N. on July 22, 2021 (“the malicious prosecution case”). That complaint asserted claims against Menard, Inc., a loss prevention company named O’Brien & Associates, which Menard, Inc. had employed at the time alleged in the complaint, and an employee of O’Brien & Associates. The Clerk of the Circuit Court docketed the malicious prosecution case and assigned it to the Honorable Thomas Cushing.

4. On October 24, 2023, defendant Menard, Inc. served written interrogatories and requests to produce documents on Respondent as counsel for D.N. in the malicious prosecution case. Pursuant to Supreme Court Rules 213 and 214, Respondent’s answers to the interrogatories and responses to the requests to produce documents were due on November 21, 2023.

5. As of October 25, 2023, Respondent had yet to serve all of the named defendants with the complaint and summons. On that date, the parties appeared before Judge Cushing for a case management conference. Judge Cushing entered a case management order setting certain deadlines, including that no later than November 17, 2023, Respondent was to complete service of process on all defendants, provide to defense counsel a list of names and addresses of any physicians who had provided medical or psychological treatment to D.N., provide a HIPAA waiver to defense counsel so that defense counsel could obtain medical records relating to D.N.’s treatment, and issue discovery relating to witness disclosures and production of documents under Supreme Court Rules 213(f)(1)-(3) and 214. Judge Cushing further granted Respondent leave to

file an amended complaint on or before November 8, 2023, and set a further status hearing for December 14, 2023.

6. As of November 17, 2023, Respondent had not caused service of process to be made on the remaining defendant in D.N.'s case, had not provided to defense counsel a HIPAA waiver or a list of the names and addresses of D.N.'s medical providers, had not issued any written discovery under Supreme Court Rules 213(f)(1)-(3) or 214, and had not filed an amended complaint.

7. Respondent did not appear in court for the previously scheduled status hearing in the malicious prosecution case on December 14, 2023, and on that date Judge Cushing dismissed D.N.'s case for want of prosecution. Respondent received notice of the dismissal. On January 12, 2024, Respondent filed a motion to vacate the dismissal, stating that his failure to appear on December 14, 2023 had been due to a "docketing error and inadvertence," and that he was ready to file discovery responses upon reinstatement of the case. On February 20, 2024, Judge Cushing entered an order that granted Respondent's request, vacated the December 14, 2023 dismissal, and ordered Respondent to file an amended complaint by February 26, 2024 and to answer written discovery by March 5, 2024. Judge Cushing also reinstated the dates for completion of written discovery, depositions, and motions set out in the case management order of October 25, 2023.

8. As of March 6, 2024, Respondent had not filed an amended complaint, had not answered defendants' interrogatories, and had not responded to their requests to produce documents. On that day, defendants Menard, Inc. and O'Brien & Associates filed a motion to dismiss D.N.'s case for want of prosecution.

9. On March 12, 2024, without seeking leave of the Court, Respondent filed a first amended complaint in the malicious prosecution case. On March 13, 2024, Judge Cushing granted

Respondent leave to file the first amended complaint and denied the defendants' motion to dismiss the case for want of prosecution.

10. On April 11, 2024, Judge Patrick J. Heneghan presided over the matter, and referred the case to the Law Division's non-binding Mandatory Arbitration Program. Respondent represented D.N. at the arbitration hearing, which took place on September 30, 2024. In a Notice of Award dated September 10, 2024, the arbitrator in the case found in favor of the defendants and against D.N., awarded costs to defendant Menard, Inc. in the amount of \$16,894.70, awarded costs to defendant O'Brien & Associates in the amount of \$35,551.83, and returned the malicious prosecution case to the trial call for a status hearing on September 30, 2024.

11. On September 23, 2024, Respondent filed a rejection of the arbitration award with the court.

12. On September 30, 2024, Judge Barbara Nubia Flores presided over the status hearing in the malicious prosecution case. Respondent did not appear for the status hearing, and in his absence counsel for the defendants made an oral motion to dismiss the case for want of prosecution. Judge Flores granted the motion, dismissing the case for want of prosecution for a second time.

13. On October 29, 2024, Respondent filed a motion to vacate the dismissal for want of prosecution, stating that he did not appear at the status hearing on September 30, 2024 due to a "docketing error and inadvertence." On November 19, 2024, in open court with Respondent present, Judge Flores denied Respondent's motion to vacate the dismissal.

14. In May 2025, Respondent met in person with D.N. at Respondent's office to discuss the status of D.N.'s malicious prosecution case. During their meeting, Respondent told D.N. that

his case was on track to proceed toward trial, and did not inform D.N. that the case had been dismissed.

15. Respondent's May 2025 statement to D.N. that D.N.'s case was on track to proceed toward trial was false, because Judge Flores had dismissed D.N.'s case for want of prosecution on September 30, 2024, and on November 19, 2024, Judge Flores had denied Respondent's motion to vacate the dismissal.

16. Respondent knew his May 2025 statement to D.N. was false at the time he made it because he had received the September 30, 2024 and November 19, 2024 orders, and had not taken any action since November 19, 2024 to vacate the dismissal and reinstate the case.

17. On October 15, 2025 and November 15, 2025, D.N. emailed Respondent requesting information and documents from his case. Respondent did not respond to the emails or provide any documents.

18. 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 appear in court and failing to comply with court orders, resulting in the dismissal of D.N.'s case for want of prosecution, 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 keep D.N. reasonably informed about the status of the matter and failing to promptly comply with D.N.'s reasonable requests for information, in violation of Rule 1.4(a) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including falsely stating to D.N. that his case was on track to proceed toward trial, when he knew that statement to be false, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

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

19. On November 24, 2025, D.N. submitted a request for investigation to the Commission relating to Respondent's handling of the malicious prosecution case, described in Count I, above. On December 2, 2025, counsel for the Administrator notified Respondent by letter that D.N. had submitted a request for investigation regarding Respondent's conduct and asked for Respondent's written response to D.N.'s allegations within 14 days. Counsel for the Administrator sent the December 2, 2025 letter to Respondent via email to the email address Respondent provided to the Commission as part of his annual registration as required by Supreme Court Rule 756.

20. As of January 16, 2026, Respondent had not provided a response to the request for investigation. On that day, counsel for the Administrator sent Respondent another letter via email to Respondent's same email address, requesting Respondent's written response to D.N.'s allegations within seven days and advising him that a subpoena would be issued commanding his appearance for a sworn statement if he did not respond.

21. As of January 27, 2026, Respondent had not provided a response to the Administrator's December 2, 2025 and January 16, 2026 requests for information. On that day, a Commission paralegal called the phone number Respondent provided to the Commission as part of the annual registration process and left a message, asking that Respondent return the call. As of January 28, 2026, Respondent had not returned the call and on that date the paralegal called Respondent and left another message asking Respondent to call her.

22. As of February 4, 2026, Respondent had not returned the phone calls or provided a response to D.N.'s request for investigation. On that day, counsel for the Administrator sent Respondent an email notifying him that this was the final attempt to reach him, and that

disciplinary action might be taken if he did not respond. Respondent replied to the email on the same day, stating that he would provide a response by February 6, 2026.

23. As of February 26, 2026, Respondent had not provided a response to the Administrator's various requests for information. On that day, the Administrator served a subpoena on Respondent by email at the address Respondent provided via his annual registration with the Commission, requiring him to appear on March 20, 2026, to provide a sworn statement and to produce documents relating to his representation of D.N. in the malicious prosecution case.

24. On March 20, 2026, Respondent did not appear for the sworn statement or produce documents pursuant to the subpoena served on him on February 26, 2026.

25. As of May 5, 2026, the date this matter was referred to the Commission's Inquiry Panel, Respondent had not provided the response to the request for investigation or the documents called for by the subpoena served on him on February 26, 2026, and had not contacted counsel for the Administrator since February 4, 2026. The Administrator has never waived or excused Respondent's appearance and production of documents in response to the February 26, 2026 subpoena.

26. 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 request for investigation, failing to produce documents, and failing to appear for a sworn statement, 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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