



Nov. 29, 2018

Board of Disciplinary Appeals

BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS

IN THE MATTER OF	§	
DREW RANDOLPH QUITSCHAU	§	CAUSE NO. <u>61330</u>
STATE BAR CARD NO. 24068447	§	

PETITION FOR RECIPROCAL DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

Petitioner, the Commission for Lawyer Discipline (hereinafter called "Petitioner"), brings this action against Respondent, Drew Randolph Quitschau, (hereinafter called "Respondent"), showing as follows:

1. This action is commenced by Petitioner pursuant to Part IX of the Texas Rules of Disciplinary Procedure. Petitioner is also providing Respondent a copy of Section 7 of this Board's Internal Procedural Rules, relating to Reciprocal Discipline Matters.

2. Respondent is a member of the State Bar of Texas and is licensed but not currently authorized to practice law in Texas. Respondent may be served with a true and correct copy of this Petition for Reciprocal Discipline at Drew Randolph Quitschau, 475 Beechwood Court, Normal, Illinois 61761.

3. Attached hereto and made a part hereof for all intents and purposes as if the same were copied verbatim herein, is a true and correct copy of a set of documents in the Quitschau matter consisting of the Complaint filed on August 4, 2017; Report and Recommendation of the Hearing Board filed on June 6, 2018; and the Supreme Court Order and Mandate entered on September 20, 2018, relating to the matter entitled In re: Drew Randolph Quitschau, Supreme Court No. M.R. 29433, Commission No. 2017PR00084, (Exhibit 1). Petitioner expects

to introduce a certified copy of Exhibit 1 at the time of hearing of this cause.

4. On or about August 4, 2017, a Complaint was filed Before the Hearing Board of the Illinois Attorney Registration and Disciplinary Commission in a matter styled, *In the Matter of: Drew Randolph Quitschau, Attorney-Respondent*, No. 6278288, Commission No. 2017PR00084.

5. On or about June 6, 2018, the Report and Recommendation of the Hearing Board was filed Before the Hearing Board of the Illinois Attorney Registration and Disciplinary Commission in a matter styled, *In the Matter of: Drew Randolph Quitschau, Attorney-Respondent*, No. 6278288, Commission No. 2017PR00084, that states in pertinent part as follows:

RECOMMENDATION

... We recommend Respondent be suspended for six months and until further order of the Court.

6. On or about September 20, 2018, a Supreme Court Order and Mandate were entered in the Supreme Court of Illinois in a matter styled, *In re: Drew Randolph Quitschau, M.R. 029433*, that states in pertinent part as follows:

... Respondent Drew Randolph Quitschau is suspended from the practice of law for six (6) months and until further order of this Court.


7. The Report and Recommendation of the Hearing Board found, and the Respondent admitted, that he engaged in acts of dishonesty, fraud, deceit, and misrepresentation as charged in each of the seven counts of the Complaint, when he registered another attorney on five websites, created a false Facebook account and wrote false reviews of the attorney legal abilities on three other websites, thereby violating Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010) - it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

8. Petitioner prays that, pursuant to Rule 9.02, Texas Rules of Disciplinary Procedure, that this Board issue notice to Respondent, containing a copy of this Petition with exhibits, and an order directing Respondent to show cause within thirty (30) days from the date of the mailing of the notice, why the imposition of the identical discipline in this state would be unwarranted. Petitioner further prays that upon trial of this matter that this Board enter a judgment imposing discipline identical with that imposed by the Supreme Court of Illinois and that Petitioner have such other and further relief to which it may be entitled.

Respectfully submitted,

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Amanda M. Kates
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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I certify that upon receipt of the Order to Show Cause from the Board of Disciplinary Appeals, I will serve a copy of this Petition for Reciprocal Discipline and the Order to Show Cause on Drew Randolph Quitschau, by personal service.

Drew Randolph Quitschau
475 Beechwood Court
Normal, Illinois 61761



Amanda M. Kates

INTERNAL PROCEDURAL RULES

BOARD OF DISCIPLINARY APPEALS

Current through June 21, 2018

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INTERNAL PROCEDURAL RULES

Board of Disciplinary Appeals

Current through June 21, 2018

I. GENERAL PROVISIONS

Rule 1.01. Definitions

- (a) “BODA” is the Board of Disciplinary Appeals.
- (b) “Chair” is the member elected by BODA to serve as chair or, in the Chair’s absence, the member elected by BODA to serve as vice-chair.
- (c) “Classification” is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a “complaint” or an “inquiry.”
- (d) “BODA Clerk” is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.
- (e) “CDC” is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.
- (f) “Commission” is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.
- (g) “Executive Director” is the executive director of BODA.
- (h) “Panel” is any three-member grouping of BODA under TRDP 7.05.
- (i) “Party” is a Complainant, a Respondent, or the Commission.
- (j) “TDRPC” is the Texas Disciplinary Rules of Professional Conduct.
- (k) “TRAP” is the Texas Rules of Appellate Procedure.
- (l) “TRCP” is the Texas Rules of Civil Procedure.
- (m) “TRDP” is the Texas Rules of Disciplinary Procedure.
- (n) “TRE” is the Texas Rules of Evidence.

Rule 1.02. General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings. But TRDP 15.01 [17.01] applies to the enforcement of a judgment of BODA.

Rule 1.03. Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

Rule 1.04. Appointment of Panels

- (a) BODA may consider any matter or motion by panel,

except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.

- (b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

Rule 1.05. Filing of Pleadings, Motions, and Other Papers

- (a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.

- (1) Email Address. The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.

- (2) Timely Filing. Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

- (3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.

- (4) Exceptions.

- (i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry is not required to be filed electronically.

- (ii) The following documents must not be filed electronically:

- a) documents that are filed under seal or subject to a pending motion to seal; and

- b) documents to which access is otherwise restricted by court order.

- (iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

- (5) Format. An electronically filed document must:

- (i) be in text-searchable portable document format (PDF);
- (ii) be directly converted to PDF rather than scanned, if possible; and
- (iii) not be locked.

(b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).

(c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:

- (1) an “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or
- (2) an electronic image or scanned image of the signature.

(d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.

(e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 1.06. Service of Petition

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition must be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent’s signature.

Rule 1.07. Hearing Setting and Notice

(a) **Original Petitions.** In any kind of case initiated by the CDC’s filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the hearing date must be at least 30 days from the date that the petition is served on the Respondent.

(b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the

request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.

(c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.

(d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

Rule 1.08. Time to Answer

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.09. Pretrial Procedure

(a) Motions.

(1) Generally. To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.

(2) For Extension of Time. All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:

- (i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;
- (ii) if an appeal has been perfected, the date when the appeal was perfected;
- (iii) the original deadline for filing the item in question;
- (iv) the length of time requested for the extension;
- (v) the number of extensions of time that have been granted previously regarding the item in question; and

(vi) the facts relied on to reasonably explain the need for an extension.

(b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.

(c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.

(d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:

- (1) marked;
- (2) indexed with the title or description of the item offered as an exhibit; and
- (3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

Rule 1.10. Decisions

(a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.

(b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:

- (1) as required by the TRDP; and
- (2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.

(c) **Abstracts of Classification Appeals.** BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

Rule 1.11. Board of Disciplinary Appeals Opinions

(a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.

(b) Only a BODA member who participated in the decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in

the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.

(c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

Rule 1.12. BODA Work Product and Drafts

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA’s adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

Rule 1.13. Record Retention

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

Rule 1.14. Costs of Reproduction of Records

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

Rule 1.15. Publication of These Rules

These rules will be published as part of the TDRPC and TRDP.

II. ETHICAL CONSIDERATIONS

Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases

(a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

(b) A current BODA member must not serve as an expert witness on the TDRPC.

(c) A BODA member may represent a party in a legal malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02. Confidentiality

(a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.

(b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.

(c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction

Rule 2.03. Disqualification and Recusal of BODA Members

(a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.

(b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.

(c) These rules do not disqualify a lawyer who is a member of, or associated with, the law firm of a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

III. CLASSIFICATION APPEALS

Rule 3.01. Notice of Right to Appeal

(a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule.

(b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. The form must include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

Rule 3.02. Record on Appeal

BODA must only consider documents that were filed with the CDC prior to the classification decision. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and

all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

IV. APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01. Perfecting Appeal

(a) **Appellate Timetable.** The date that the evidentiary judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 [2.20] consistent with this requirement, the date that the judgment is signed is the "date of notice" under Rule 2.21 [2.20].

(b) **Notification of the Evidentiary Judgment.** The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21 [2.20].

(1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

(2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

(c) **Filing Notice of Appeal.** An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

(d) **Time to File.** In accordance with TRDP 2.24 [2.23], the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.

(e) **Extension of Time.** A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

Rule 4.02. Record on Appeal

(a) **Contents.** The record on appeal consists of the evidentiary panel clerk's record and, where necessary to the appeal, a reporter's record of the evidentiary panel hearing.

(b) **Stipulation as to Record.** The parties may designate parts of the clerk's record and the reporter's record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.

(c) Responsibility for Filing Record.

(1) Clerk's Record.

(i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk's record.

(ii) Unless the parties stipulate otherwise, the clerk's record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel's charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.

(iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk's record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk's record cannot be timely filed, and give the date by which he or she expects the clerk's record to be filed.

(2) Reporter's Record.

(i) The court reporter for the evidentiary panel is responsible for timely filing the reporter's record if:

- a) a notice of appeal has been filed;
- b) a party has requested that all or part of the reporter's record be prepared; and
- c) the party requesting all or part of the reporter's record has paid the reporter's fee or has made satisfactory arrangements with the reporter.

(ii) If the court reporter is unable for any reason to prepare and transmit the reporter's record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter's record cannot be timely filed, and give the date by which he or she expects the reporter's record to be filed.

(d) Preparation of Clerk's Record.

(1) To prepare the clerk's record, the evidentiary panel clerk must:

- (i) gather the documents designated by the parties'

written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);

(ii) start each document on a new page;

(iii) include the date of filing on each document;

(iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;

(v) number the pages of the clerk's record in the manner required by (d)(2);

(vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and

(vii) certify the clerk's record.

(2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.

(3) The table of contents must:

(i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;

(ii) be double-spaced;

(iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;

(iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and

(v) if the record consists of multiple volumes, indicate the page on which each volume begins.

(e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:

(1) file each computer file in text-searchable Portable Document Format (PDF);

(2) create electronic bookmarks to mark the first page of each document in the clerk's record;

(3) limit the size of each computer file to 100 MB or less, if possible; and

(4) directly convert, rather than scan, the record to PDF, if possible.

(f) **Preparation of the Reporter's Record.**

(1) The appellant, at or before the time prescribed for

perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The reporter's record must be certified by the court reporter for the evidentiary panel.

(2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and 35 and the Uniform Format Manual for Texas Reporters' Records.

(3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.

(4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise

(6¹) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.

(g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.

(h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.

(i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

¹ So in original.

Rule 4.03. Time to File Record

(a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless

a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.

(b) If No Record Filed.

(1) If the clerk's record or reporter's record has not been timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.

(2) If no reporter's record is filed due to appellant's fault, and if the clerk's record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

(i) the appellant failed to request a reporter's record; or

(ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

(c) Extension of Time to File the Reporter's Record.

When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) **Supplemental Record.** If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

Rule 4.04. Copies of the Record

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

Rule 4.05. Requisites of Briefs

(a) **Appellant's Filing Date.** Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.

(b) **Appellee's Filing Date.** Appellee's brief must be filed

within 30 days after the appellant's brief is filed.

(c) Contents. Briefs must contain:

- (1) a complete list of the names and addresses of all parties to the final decision and their counsel;
- (2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;
- (3) an index of authorities arranged alphabetically and indicating the pages where the authorities are cited;
- (4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;
- (5) a statement, without argument, of the basis of BODA's jurisdiction;
- (6) a statement of the issues presented for review or points of error on which the appeal is predicated;
- (7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;
- (8) the argument and authorities;
- (9) conclusion and prayer for relief;
- (10) a certificate of service; and
- (11) an appendix of record excerpts pertinent to the issues presented for review.

(d) Length of Briefs; Contents Included and Excluded.

In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

(e) Amendment or Supplementation. BODA has discretion to grant leave to amend or supplement briefs.

(f) Failure of the Appellant to File a Brief. If the appellant fails to timely file a brief, BODA may:

- (1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's

failure to timely file a brief;

(2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or

(3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

Rule 4.06. Oral Argument

(a) Request. A party desiring oral argument must note the request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.

(b) Right to Oral Argument. A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:

- (1) the appeal is frivolous;
- (2) the dispositive issue or issues have been authoritatively decided;
- (3) the facts and legal arguments are adequately presented in the briefs and record; or
- (4) the decisional process would not be significantly aided by oral argument.

(c) Time Allowed. Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

Rule 4.07. Decision and Judgment

(a) Decision. BODA may do any of the following:

- (1) affirm in whole or in part the decision of the evidentiary panel;
- (2) modify the panel's findings and affirm the findings as modified;
- (3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or
- (4) reverse the panel's findings and remand the cause for further proceedings to be conducted by:
 - (i) the panel that entered the findings; or
 - (ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.

(b) Mandate. In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

Rule 4.08. Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27 [2.26]. The committee must consist of six members: four attorney members and two public members randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

Rule 4.09. Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

- (a) for want of jurisdiction;
- (b) for want of prosecution; or
- (c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

V. PETITIONS TO REVOKE PROBATION

Rule 5.01. Initiation and Service

(a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23 [2.22].

(b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23 [2.22], the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

Rule 5.02. Hearing

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

VI. COMPULSORY DISCIPLINE

Rule 6.01. Initiation of Proceeding

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

Rule 6.02. Interlocutory Suspension

(a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA must suspend the Respondent's license to practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.

(b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.

(1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.

(2) If the criminal sentence is not fully probated:

- (i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or
- (ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.

(c) **Criminal Conviction Reversed.** If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

VII. RECIPROCAL DISCIPLINE

Rule 7.01. Initiation of Proceeding

To initiate an action for reciprocal discipline under TRDP Part IX, the CDC must file a petition with BODA and request an Order to Show Cause. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

Rule 7.02. Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

Rule 7.03. Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

VIII. DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01. Appointment of District Disability Committee

(a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2), or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.

(b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

(c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.

(d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.

(e) Should any member of the District Disability Committee become unable to serve, the BODA Chair must appoint a substitute member.

Rule 8.02. Petition and Answer

(a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service must comply with Rule 1.06.

(b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.

(c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

Rule 8.03. Discovery

(a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.

(b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam ordered by the District Disability Committee.

(1) Motion. The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(2) Report. The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.

(c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

Rule 8.04. Ability to Compel Attendance

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

Rule 8.05. Respondent's Right to Counsel

(a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.

(b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

Rule 8.06. Hearing

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

Rule 8.07. Notice of Decision

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

Rule 8.08. Confidentiality

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

IX. DISABILITY REINSTATEMENTS

Rule 9.01. Petition for Reinstatement

(a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.

(b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension

contained terms or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

(c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

Rule 9.02. Discovery

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

Rule 9.03. Physical or Mental Examinations

(a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.

(b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.

(d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.

(e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

Rule 9.04. Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

X. APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS

Rule 10.01. Appeals to the Supreme Court

(a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.

(b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.

(c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.



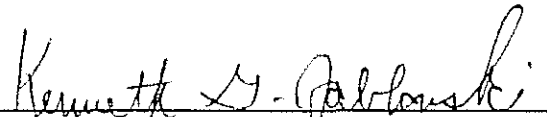
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CERTIFICATION

I, Kenneth G. Jablonski, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certify that the following are true and correct copies of the Complaint filed on August 4, 2017, the Report and Recommendation of the Hearing Board filed on June 6, 2018, and the Supreme Court Order and Mandate entered on September 20, 2018, relating to the matter entitled, **In re: Drew Randolph Quitschau**, Supreme Court No. M.R. 29433, Commission No. 2017PR00084.


Kenneth G. Jablonski, Clerk
Attorney Registration and
Disciplinary Commission

Subscribed and sworn to before me
this 1st day of November, 2018.


Notary Public



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

In the Matter of:

DREW RANDOLPH QUITSCHAU

Attorney-Respondent,

No. 6278288.

Commission No.

2017PR00084

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Tammy L. Evans, pursuant to Supreme Court Rule 753(b), complains of Respondent, Drew Randolph Quitschau, who was licensed to practice law in Illinois on November 7, 2002, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Dishonesty-creation of false Match.com profile)

1. At all times alleged in this Complaint, Respondent practiced law as a partner at Thomson & Weintraub law firm located in Bloomington, Illinois until February 10, 2017 when he was terminated.

2. Jane Doe ("Doe") is a licensed Illinois attorney and partner in a law firm located in Bloomington, Illinois.

3. Respondent and Doe appeared as opposing counsel in 17 proceedings in McLean County. Respondent and Doe appeared as opposing counsel in seven proceedings between June 2016 and February 2017.

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4. In September 2016, Respondent accessed the Match.com online dating website from his office computer ("desktop") at Thomson & Weintraub and created a false online dating profile ("Match.com profile") in Doe's name.

5. In establishing the Match.com profile, Respondent created an online account in Doe's name. Respondent associated a user name, password and email address with the Match.com profile.

6. The Match.com profile included the following false representations:

- a. Doe was separated from her husband;
- b. Doe's children sometimes live with her;
- c. Doe smokes but is trying to quit;
- d. Doe regularly drinks alcohol;
- e. Doe is agnostic;
- f. Doe is 56 years old;
- g. Doe does not exercise and enjoys auto racing and motor cross;
- h. Doe has cats; and
- i. Doe's favorite hot spots are the grocery store, all restaurants, the Pizza Ranch, all buffets and NASCAR.

7. Respondent knew the representations in paragraph 6 above were false at the time he made them.

8. In September 2016, Respondent used his desktop to download several photos of Doe from her firm website and then uploaded those photos to the Match.com profile he created in Doe's name.

9. In September 2016, Respondent uploaded the Match.com profile to the Match.com website so that it could be viewed by the general public.

10. At the time Respondent created and posted/uploaded the Match.com profile in Doe's name, Respondent knew that the profile was false.

11. At no time did Doe authorize Respondent to create and post/upload a Match.com account in Doe's name.

12. At no time did Doe authorize Respondent to create a user name, password and email address that Respondent associated with the Match.com profile.

13. At no time did Doe authorize Respondent to create and post/upload a Match.com profile in Doe's name.

14. At no time did Doe authorize Respondent to upload the Match.com profile to the Match.com website.

15. On or around October 5, 2016, Doe became aware of the Match.com profile Respondent had created.

16. Doe filed an action in the Circuit Court of McLean County under case number 16-MR-1081 asking the court to direct Match.com to provide Doe with the Internet Protocol ("IP") address associated with the Match.com profile.

17. On December 9, 2016, Match.com provided Doe with the IP address associated with the Match.com profile.

18. On January 20, 2017, Comcast, the internet provider for Respondent's firm, provided written notice to the firm that the firm's IP address was used to create the Match.com profile.

19. On or about January 20, 2017, Terrence Kelly (hereinafter "Kelly"), a partner at Thomson & Weintraub informed the firm employees that the firm's IP address was used to create a false Match.com profile for Doe.

20. On or about January 20, 2017, Kelly asked Respondent whether he had created the false profile. Respondent denied creating the false Match.com profile for Doe.

21. Respondent's statement to Kelly was false because, in fact, Respondent had created the false profile.

22. At the time Respondent made this statement to Kelly, he knew that his statement was false.

23. On or about January 20, 2017, Kelly announced that the firm would be hiring a computer expert to examine all of the firm computers. Kelly also asked firm employees to provide their personal devices to the computer experts.

24. On February 10, 2017, a search of the firm's desktop computer assigned to Respondent revealed that a user of the computer had accessed the set-up pages of the Match.com website and had downloaded Doe's photo from her firm's website and uploaded that photo to the Match.com profile.

25. On February 10, 2017, when Kelly confronted Respondent with the findings of the computer expert, Respondent admitted that he created the false Match.com profile for Doe. Respondent was immediately terminated.

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

- a. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by accessing the Match.com online dating website and creating an account and a false online profile in Doe's name that included false representations about Doe's marital status, children, religion, personal habits and interests, uploading the false profile to the Match.com website to be viewed by the general public, and denying that he created the false profile in Doe's name when initially asked by a partner in his firm, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II
(*Dishonesty-registration for the Obesity Action Coalition*)

27. On or about July 2016, Respondent completed an online registration in Doe's name for an organization entitled Obesity Action Coalition ("OAC"), so that Doe would become a member of OAC and receive materials from the organization.

28. The OAC is a non-profit organization dedicated to helping individuals affected by obesity improve their health through education, advocacy and support. Members receive daily emails and a yearly print subscription to OAC's *Your Weight Matters* magazine.

29. In registering Doe for OAC, Respondent provided OAC with Doe's name, email and business address.

30. Respondent's provision of registration in the name of Doe was false in that the registration was not that of Doe as she had not authorized Respondent to complete the registration in her name.

31. At the time Respondent submitted the registration in Doe's name, Respondent knew that the registration was false.

32. As a result of Respondent's actions, Doe began receiving daily emails from the OAC, and emails from Apollo Endo-surgery. Doe also received a lap-band kit in the mail at her business address.

33. At no time did Doe authorize Respondent to complete an online registration in Doe's name for OAC.

34. At no time did Doe authorize Respondent to provide her name and contact information to OAC, its agents or assigns.

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

- a. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by completing an online registration in Doe's name for OAC when Respondent knew that his provision of registration was false in that the registration was not that of Doe and Doe did not authorize Respondent to complete the online registration in her name, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III
(Dishonesty-registration for Pig International)

36. In July or August 2016, Respondent completed an online registration in Doe's name for an organization entitled Pig International so that Doe would be a member of Pig International and receive material from the organization.

37. Pig International is a global nutrition and health publication for pork production. Members of Pig International receive daily emails about pork production.

38. In registering Doe for Pig International, Respondent provided Pig International with Doe's name, email and business address.

39. Respondent's provision of registration in the name of Doe was false in that the registration was not that of Doe as she had not authorized Respondent to complete the registration in her name.

40. At the time Respondent submitted the registration in Doe's name, Respondent knew that the registration was false.

41. As a result of Respondent's actions, Doe began receiving daily emails from Pig International.

42. At no time did Doe authorize Respondent to complete an online registration in Doe's name for Pig International.

43. At no time did Doe authorize Respondent to provide her name and contact information to Pig International, its agents or assigns.

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

- a. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by completing an online registration in Doe's name for Pig International when Respondent knew that his provision of registration was false in that the registration was not that of Doe and Doe did not authorize Respondent to complete the online registration in her name, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT IV

(Dishonesty-registration for Diabetic Living)

45. In or after August 2016, Respondent completed an online registration in Doe's name for an organization entitled Diabetic Living so that Doe would become a subscriber of Diabetic Living and receive material from the organization.

46. Diabetic Living is a monthly magazine devoted to helping individuals with Diabetes to live fuller, healthier lives.

47. In registering Doe for Diabetic Living, Respondent provided Diabetic Living with Doe's name, email and business address.

48. Respondent's provision of registration in the name of Doe was false in that the registration was not that of Doe as she had not authorized Respondent to complete the registration in her name.

49. At the time Respondent submitted the registration in Doe's name, Respondent knew that the registration was false.

50. As a result of Respondent's actions, Doe began receiving material from Diabetic Living and other magazines.

51. At no time did Doe authorize Respondent to complete an online registration in Doe's name for Diabetic Living.

52. At no time did Doe authorize Respondent to provide her name and contact information to Diabetic Living, its agents or assigns.

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

- a. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by completing an online registration in Doe's name for Diabetic Living when Respondent knew that his provision of registration was false in that the registration was not that of Doe and Doe did not authorize Respondent to complete the online registration in her name, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT V
(Dishonesty-registration for Auto Trader)

54. In December 2016, Respondent completed an online registration in Doe's name for an organization entitled Auto Trader so that Doe would become a member/subscriber of Auto Trader and receive material from the organization.

55. Auto Trader is an online marketplace for car shoppers and sellers.

56. In registering Doe for Auto Trader, Respondent provided Auto Trader with Doe's name, email, business address and telephone number.

57. Respondent's provision of registration in the name of Doe was false in that the registration was not that of Doe as she had not authorized Respondent to complete the registration in her name.

58. At the time Respondent submitted the registration in Doe's name, Respondent knew that the registration was false.

59. As a result of Respondent's actions, Doe began receiving emails from Auto Trader and other new and used car dealerships, including numerous telephone calls on Christmas Eve.

60. At no time did Doe authorize Respondent to complete an online registration in Doe's name for Auto Trader.

61. At no time did Doe authorize Respondent to provide her name and contact information to Auto Trader, its agents or assigns.

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

- a. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by completing an online registration in Doe's name for Auto Trader when Respondent knew that his provision of registration was false in that the registration was not that of Doe and Doe did not authorize Respondent to complete the online registration in her name, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VI

(Dishonesty-false reviews of Doe posted to Martindale.com and Lawyers.com)

63. On June 12, 2016, Respondent created a false review of Doe's professional ability and posted the false review on the Martindale.com and/or the Lawyers.com website.

64. Martindale.com and Lawyers.com are websites in which individuals can locate and connect with attorneys and read reviews from attorneys' peers and prior clients.

65. In creating the false review of Doe's professional ability, Respondent listed Doe's name and provided a low rating – a 1.0 out of a possible 5.0 for Doe.

66. On June 14, 2016, Respondent created a false review of Doe's professional ability and posted the false review on the Martindale.com and/or the Lawyers.com website.

67. In creating the false review of Doe's professional ability, Respondent listed Doe's name and provided a low rating – a 1.3 out of a possible rating of 5.0 for Doe.

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

- a. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by knowingly creating false reviews of Doe's professional ability and uploading/posting the reviews on the Martindale.com and Lawyers.com websites for viewing by the general public, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VII

(Dishonesty-creation of a false Facebook profile)

69. Respondent created a false Facebook account on the Facebook.com website in the fictitious name of John Kollengrade for the sole purpose of posting a negative review of Doe's professional ability.

70. After Respondent created the false Facebook account, Respondent created a negative review of Doe's professional ability and uploaded/posted the negative review to the Facebook page of Doe's law firm so that the negative review could be viewed by individuals who accessed the Facebook page of Doe's law firm.

71. At the time Respondent created the Facebook account for "John Kollengrade" and created the negative review of Doe's professional ability, Respondent knew the account and review was false.

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

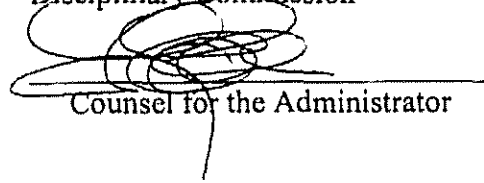
- a. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by knowingly creating a false Facebook Account in the fictitious name of John Kollengrade for the sole purpose of creating a false review of Doe's professional ability, and uploading/posting the false review on the Facebook page of Doe's law firm so that it may be viewed by all who viewed the firm's webpage, in violation of Rule 8.4(c) 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,

Jerome Larkin, Administrator
Illinois Attorney Registration and
Disciplinary Commission

By:



Counsel for the Administrator

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In re Drew Randolph Quitschau
Attorney-Respondent

Commission No. 2017PR00084

Synopsis of Hearing Board Report and Recommendation
(June 2018)

The Administrator filed a seven-count Complaint against Respondent. Count I charged that Respondent engaged in dishonesty by creating a false profile on Match.com in the name of another attorney, without the other attorney's permission, and making several false representations in that profile. Count I also charged that Respondent made a false statement to a partner at his law firm by denying any responsibility for the foregoing false profile. Counts II through V charged that Respondent engaged in dishonesty by using the Internet to register with organizations or subscribe to materials in the name of the same other attorney, without the other attorney's permission. Counts VI and VII charged that Respondent engaged in dishonesty by posting on the Internet false and negative reviews of the professional ability of the same other attorney.

The Respondent admitted in his Answer all of the charges of misconduct.

The Hearing Board found that all of the charges of misconduct were proved. The Hearing Board discussed the seriousness of the misconduct, the aggravating and mitigating factors, and concluded that a fixed term of a suspension, even a lengthy one, will not adequately maintain the integrity of the legal profession or protect the administration of justice from reproach. The Hearing Board recommended Respondent be suspended from the practice of law for six months and until further order of the Court.

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

In the Matter of:

DREW RANDOLPH QUITSCHAU,

Attorney-Respondent,

No. 6278288.

Commission No. 2017PR00084

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

The Respondent admitted, and we find, that Respondent engaged in acts of dishonesty, fraud, deceit, and misrepresentation as charged in each of the seven counts of the Complaint, when he registered another attorney on five websites, created a false Facebook account and wrote false reviews of the attorney legal abilities on three other websites.

We recommend that Respondent be suspended for six months and until further order of the Court.

INTRODUCTION

The hearing in this matter was held on February 6 and March 2, 2018, at the Springfield offices of the Attorney Registration and Disciplinary Commission, before a Panel of the Hearing Board consisting of John L. Gilbert, Chair, Mark T. Peters, and Drinda L. OConnor. Tammy Evans appeared on behalf of the Administrator. The Respondent appeared in person and was represented by Carl Draper.

FILED

June 06, 2018

ARDC CLERK

PLEADINGS

The Administrator filed a seven-count Complaint against the Respondent on August 4, 2017. Count I alleges that Respondent created an account and a false profile on the website of Match.com in the name of “Jane Doe” knowing that she had not authorized him to do so. (At the hearing in this matter “Jane Doe” was identified as attorney Michelle Mosby-Scott). Count I also charges that Respondent denied that he created the false profile in Doe’s name when he was initially asked about it by a partner at his law firm. Count II alleges that Respondent knowingly completed a false online registration to the Obesity Action Coalition in the name of Jane Doe while knowing she had not authorized him to do so. Count III alleges that Respondent knowingly completed an online registration to Pig International in the name of Jane Doe while knowing she had not authorized him to do so. Count IV alleges that Respondent knowingly completed an online registration to Diabetic Living in the name of Jane Doe while knowing she had not authorized him to do so. Count V alleges that Respondent intentionally completed a false online registration in the name of Jane Doe for the organization entitled Auto Trader so that Doe would be a subscriber of and receive materials from that organization. Count VI alleges that Respondent knowingly created false reviews of Jane Doe’s professional ability and posted the false reviews on Martindale.com and Lawyers.com. Count VII alleges that Respondent knowingly created false Facebook account in the fictitious name of John Kollengrade, created a false review of Jane Doe’s professional ability in the name of Kollengrade, and posted the false review on the Facebook page of Doe’s law firm.

The Respondent filed an Answer in which he admitted all of the factual allegations and the charges of misconduct.

ALLEGED MISCONDUCT

The Complaint alleged that Respondent engaged in dishonesty, fraud, deceit, or misrepresentation (Counts I through VII) in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

EVIDENCE

The Administrator presented the testimony of Michelle Mosby-Scott, Michael Scott, Matthew Majernik and Terence Kelly. The Administrator's Exhibits 1 and 2 were received into evidence. (Tr. 6). The Respondent testified on his own behalf and presented the testimony of Terence Kelly, Kathleen Kraft, Lance Cagle, Alice Smalley, Charles Reynard, and Michael Evans. Respondent's Exhibits 1 through 3 were received into evidence. (Tr. 7).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In attorney disciplinary proceedings, the Administrator has the burden of proving the charges of misconduct by clear and convincing evidence. See Supreme Court Rule 753(c)(6); In re Edmonds, 2014 IL 117696, ¶ 35. This standard of proof requires a high level of certainty, which is greater than a preponderance of the evidence (i.e., more probably true than not true) but not as great as proof beyond a reasonable doubt. In re D.T., 212 Ill. 2d 347, 362, 818 N.E.2d 1214 (2004); Bangaly v. Baggiani, 2014 IL App (1st), ¶ 206. In determining whether the burden of proof has been satisfied, the Hearing Panel is to assess the credibility and believability of the witnesses, weigh conflicting testimony, draw reasonable inferences from the evidence, and make factual findings based upon all of the evidence. In re Howard, 188 Ill. 2d 423, 435, 721 N.E.2d 1126 (1999); In re Timpone, 208 Ill. 2d 371, 380, 804 N.E.2d 560 (2004).

An admission of fact in a pleading is a formal judicial admission that is binding on the party making it and dispenses with the need for any proof of that fact. Thus, when a respondent

in a disciplinary matter admits in his or her answer some or all of the allegations in a complaint it is unnecessary for the Administrator to present evidence to prove the allegations so admitted. .

See In re Walker, 2014PR00132, M.R. 28453 (Mar. 20, 2017) (Hearing Bd. at 3); In re Davidson, 2014PR0016, M.R. 28694 (Sept. 22, 2017) (Hearing Bd. at 3).

I. Respondent is charged in Count I with engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

A. Summary of Count I

We find that Respondent engaged in dishonesty and deceit by intentionally creating an account and a false profile on the website of Match.com in the name of Michelle Mosby-Scott, identified as “Jane Doe” in the Complaint, knowing that she had not authorized him to do so. We also find that Respondent engaged in dishonesty and deceit by denying that he created the false profile in Mosby-Scott’s name when he was asked about it by a partner in his law firm.

B. Admitted Facts and Evidence Considered

We considered the following facts that were admitted in the Respondent’s Answer.

At all times pertinent to the charges in the Complaint, Respondent was a partner in the law firm of Thomson & Weintraub, located in Bloomington, Illinois. He was terminated from the law firm on February 10, 2017. Michelle Mosby-Scott, who is identified as “Jane Doe” in the Complaint, is an attorney and a partner in a law firm located in Bloomington, Illinois. Respondent and Mosby-Scott appeared as opposing counsel in more than 17 proceedings in McLean County in 2016 or earlier and 7 proceedings between June 2016 and 2017.

In September 2016, Respondent accessed the online dating website of Match.com from his office computer and created a false dating profile in the name of Michelle Mosby-Scott. Respondent created an online account in Mosby-Scott’s name, a user name, a password, and an email address with the Match.com profile.

The Match.com profile created by Respondent included the following representations that Respondent knew were false: Mosby-Scott was separated from her husband; her children sometimes live with her; she smokes but is trying to quit; she regularly drinks alcohol; she is an agnostic; she is 56 years of age; she does not exercise and enjoys auto racing and motor cross; she has cats; and her favorite hot spots are the grocery store, all restaurants, the Pizza Ranch, all buffets, and NASCAR.

Also in September 2016, Respondent downloaded several photos of Mosby-Scott from her law firm website. He then uploaded those photos to the Match.com profile he created so that the photos could be viewed by the general public. Respondent knew the profile he created in Mosby-Scott's name was false and knew she had not authorized him to create the profile, user name, password, or email address.

In early October 2016, Mosby-Scott became aware of the Match.com profile in her name. She filed a lawsuit requesting the court to provide her with the Internet Protocol (IP) address associated with the Match.com profile. On December 9, 2016, Match.com provided to Mosby-Scott that IP address. On January 20, 2017, Comcast, the Internet provider for the Thomson & Weintraub law firm gave written notice that the law firm's IP address was used to create the false Match.com profile for Mosby-Scott. On the same date, Terrence Kelly, a partner at Thomson & Weintraub informed employees that the firm's IP address was used to create the false profile. He also announced that the firm would be hiring a computer expert to examine all of the firm's computers. On about the same date, Kelly asked Respondent whether he had created the false profile, and Respondent denied doing so. Respondent knew his statement to Kelly denying that Respondent created the profile in Mosby-Scott's name was false.

On February 10, 2017, a computer expert's search of the desktop computer assigned to Respondent revealed that that computer had accessed the set up page of the Match.com website and had downloaded Mosby-Scott's photos and uploaded those photos to the Match.com profile. Also on February 10, 2017, Kelly confronted Respondent with the foregoing findings and Respondent admitted that he created the false Match.com profile for Mosby-Scott. Respondent was immediately terminated from his position at the law firm. (Ans. at pars. 1-26).

Respondent's Exhibit 1

Respondent's Exhibit 1 is a document entitled "SELF-DISCLOSURE" signed by Respondent. In that document Respondent admits that he accessed the Match.com online dating website and created a fake online dating profile in Ms. Mosby-Scott's name. (Resp. Ex. 1 at 4)

We also considered the following testimony.

Respondent

Respondent testified that his practice at the Thomson & Weintraub law firm involved mostly divorce work, and in the last couple of years divorce cases were about 90 percent of his practice. Many of his divorce cases were contested matters, and he found such work to be very stressful. (Tr. 190-93). In his family law practice in McLean County he had a lot of cases against Michelle Mosby-Scott. He said he dealt with her on a weekly basis, and sometimes a daily basis during trials of contested cases. Respondent said he and Mosby-Scott were always civil to each other. There was no "bickering, or name calling, or nasty letters that went back and forth or anything like that." (Tr. 195-96).

Over time, however, Respondent became frustrated with having cases against Mosby-Scott. He explained that he thought their objectives as to how to practice law and how to get people through divorce cases were far apart. He said he tried "to get people through the process as efficiently and quickly and painlessly as possible." On the other hand, he thought that "one of

[Mosby-Scott's] goals was always to maximize the benefit to her client in any case." In other words, Respondent had a conflict in his attitude about how he practiced law and how he perceived Mosby-Scott practiced law. Respondent said he never confronted Mosby-Scott regarding the frustrations he had towards her with these cases. (Tr. 196-97).

Respondent acknowledged that he should have talked to someone about his frustrations, such as another partner, someone at church, his wife, or his parents. But he did not do so and internalized a lot of that frustration. (Tr. 198).

Respondent testified that he put a false profile of Mosby-Scott on Match.com without her knowledge. To do so, he used a fake email address. He put on the site a photo of Mosby-Scott and false information about her. Respondent said he knew at the time that the misstatements about her marriage and children were going to hurt her and have an impact on her, but he did not anticipate how effective it was going to be. He said he was frustrated and angry with her, was trying to be mean, and trying to make fun of her. He added that he was coming up with basically the meanest things. (Tr. 207-208, 211, 237-39, 241).

He acknowledged that he used a fake email address when he posted the profile of on Match.com. He also acknowledged that people, including Mosby-Scott's co-workers, friends, and parents of her children's friends could have viewed the profile. Respondent knew at the time he posted the misstatements about Mosby-Scott's marriage and children that it "would affect her." (Tr. 237-39).

In January 2017, Terrence Kelly, a partner at Respondent's law firm, began investigating to find out if anyone at the firm was responsible for the on line posting regarding Mosby-Scott. Respondent acknowledged that Kelly asked him whether he was responsible for the Match.com posting, and that Respondent denied any responsibility for it. Subsequently, Kelly confronted

Respondent with the results of the forensic review of computers, showing that the posting on Match.com regarding Mosby-Scott had come from the computer on Respondent's desk and that Respondent was in the office at that time. Upon being confronted with the foregoing information, Respondent admitted he was responsible for the posting. After his admission, Respondent was grateful and felt guilt and shame. When asked why he did not admit his misconduct sooner, he said he was scared, upset, and in panicked." (Tr. 213-15, 242).

Michelle Mosby-Scott

Ms. Mosby-Scott testified that she married Michael Scott in 1995, and they have three children, ages 18, 13, and 11. She has always resided with her husband since their marriage, and their children have also resided with them. She has been an attorney since 1995, and a partner in the law firm of Allison and Mosby-Scott since 2008 or 2009. The law firm handles a variety of cases, but Mosby-Scott primarily handles family law cases. (Tr. 24-26). (Tr. 26).

She first met Respondent when he started working at the Thomson & Weintraub law firm. She had cases with Respondent on a regular basis, and they were in court together more than once a week. Respondent's demeanor towards her was always professional and pleasant. He never acted in an inappropriate manner towards her. Also, he never mentioned to her any conflict with her or that he disapproved of anything she did. (Tr. 26-27, 70-71).

While on vacation in October 2016, Mosby-Scott received a text from a client informing her that he had seen a Match.com account in her name. She identified Administrator's Exhibit 1 as a copy of her profile that someone had placed on Match.com. The profile contained false information regarding her marriage, her children, her age, her smoking and consumption of alcohol, her being an agnostic, her favorite pastimes, and her favorite hot spots. When she saw the profile, she was extremely angry. She was concerned about explaining the matter to her

children; about how long it had been posted, about whether clients of hers had seen it, and whether parents of other children at the schools had seen it. (Tr. 33-38).

As a result of the lawsuit filed against March.com in November, 2016, Mosby-Scott obtained the IP address from which the posting about her originated, and learned the IP address was issued to the Thomson & Weintraub law firm. On February 10, 2017, Terry Kelly called Mosby-Scott and told her Respondent created the posting. (Tr. 48-55, 75-76).

Shortly after finding out that Respondent was responsible, Mosby-Scott met with Respondent's attorney, Scott Kording. She told Kording that she wanted to know everything Respondent had done so that all the false matters pertaining to her could be removed from the Internet. She explained "we kept getting calls to the office from clients, or clients' spouses, or clients' girlfriends in regard to the Match.com and the reviews." Kording told her he was working on such a list with Respondent. (Tr. 55-58).

Subsequent to her meeting with Kording, Mosby-Scott obtained a No Contact Order against the Respondent. Respondent agreed to the order. The order not only pertained to no contact with Mosby-Scott, but also with her husband, their children, and their home, and the schools of their children. Mosby-Scott added that she never had any romantic or other personal relationship with Respondent, but only had a professional relationship with him. (Tr. 59-60, 77-78).

Mosby-Scott planned to sue Respondent, but decided to settle the matter. (Resp. Ex. 2). One of the reasons she decided to settle was because she wanted to know all of the false postings by Respondent so that all of them could be removed. She signed the agreement and received \$100,000 from Respondent and a document entitled "Self-Disclosure" (Resp. Ex. 1) that listed

the actions Respondent had taken against her. She believes Respondent has done everything the settlement agreement required him to do. (Tr. 60-63, 78, 80-83).

Matthew Majernik

Matthew Majernik testified that he is an attorney and has worked at the Allison and Mosby-Scott law firm since August 2013. (Tr. 105,120).

Majernik represented Michelle Mosby-Scott in regard to Respondent's Internet postings toward her. In November 2016, he prepared a complaint and filed a lawsuit on behalf of Mosby-Scott against Match.com to find out the owner of the IP address associated with the person who created the false profile of Mosby-Scott. In December 2016, as a result, Match.com provided the IP address, which was owned by Comcast. However, before receiving further information from Comcast, he received a call on behalf of the Thomson & Weintraub law firm. (Tr. 106-108).

On February 8, 2017, Majernik met with Wood and Terry Kelly. They informed him that the IP address was that of the Thomson & Weintraub law firm. They also told him that an internal search of the staff and attorneys indicated that no one at Thomson & Weintraub was responsible for the profile. Majernik informed them of two other Internet postings of false information regarding Mosby-Scott that came from the same IP address. He also provided them with the date and time of the Match.com and the other two postings. (Tr. 108-11).

On February 9, 2017, Majernik, Mosby-Scott, and Michael Scott met with Wood and Kelly. The meeting ended with Wood and Kelly being told that if the person responsible for the postings regarding Mosby-Scott was not identified by the following day, Majernik was instructed to amend the pending complaint to add the Thomson & Weintraub law firm and its partners. On February 10, 2017, Mosby-Scott received a call from Kelly, who told her the Respondent was responsible for the postings. (Tr. 111-12).

On February 13, 2017, Majernik was contacted by Scott Kording, who identified himself as the attorney for Respondent. Majernik, Mosby-Scott, and Michael Scott met with Kording on the evening of the same day. Kording was asked if Respondent would provide a list of all the actions he had taken against Mosby-Scott. Subsequently, an agreed No Contact Order was entered against Respondent on behalf of Mosby-Scott and her family. (Tr. 112-15, 123).

Majernik met with Kording again on February 24, 2017. At the meeting Kording disclosed that Respondent had posted two reviews of Mosby-Scott on Martindale.com and Lawyers.com in June 2016. He subsequently contacted both sites and the reviews were ultimately removed. Kording indicated that he would not provide any other information about the action taken by Respondent until the matter was settled. (Tr. 115-19, 124).

A settlement was reached in March 2017. After the settlement was signed, Respondent provided the list of all the actions he had taken to the detriment of Mosby-Scott. (Tr. 119-20; 123, 126; 128, 131; Resp. Ex. 1).

Terence B. Kelly

Mr. Kelly testified that he is an attorney and the principal partner in the law firm of Thomson & Weintraub. He has known the Respondent since 2003, when Respondent was hired by that law firm. Respondent became a partner. On February 10, 2017, Respondent was not formally terminated, but was excluded from the firm. (Tr. 133-34, 173-74).

Kelly first learned about the false Match.com profile from a January 19, 2017, newspaper article. On the following day, the Thomson & Weintraub firm received a letter from Comcast stating that the foregoing false Match.com profile was created from the firm's IP address. Kelly said an investigation was started immediately to find out who was responsible. (Tr. 134-44, 159-60, 171-72).

The letter from Comcast informed Thomson & Weintraub that it had 21 days to inform Mosby-Scott that its IP number was used to create her profile or to file an objection in court. On February 7, 2017, Mosby-Scott's office was contacted and a meeting was requested regarding the Match.com matter. On the following day, Kelly and attorney George Wood, who was hired by Thomson & Weintraub in the matter, met with Matt Majernik. At the meeting they informed Majernik that the IP number of Thomson & Weintraub was used to create the false Match.com profile. Majernik provided information about other inappropriate Internet conduct from the same IP number, which included specific dates. (Tr. 145-47, 160-61).

Another meeting was held on February 9, 2017, at which Mosby-Scott and her husband were present. Kelly described the meeting as "very uncomfortable" and "very heated." On the evening following this meeting or the next morning his IT people discovered that only Respondent's computer had accessed the Internet on the dates when the false information regarding Mosby-Scott had been posted. It was also learned that Respondent had obtained a new cell phone or wiped his old phone clean by January 27, 2017. Finally, it was determined that Respondent's computer had accessed the Match.com site on certain dates and that his computer had downloaded a photograph of Mosby-Scott. (Tr. 147-52, 161-64).

On the afternoon of February 10, 2017, the other partners met with Respondent and discussed the improper conduct towards Mosby-Scott. Initially Respondent would not admit it was him, but then he "broke down and cried and admitted it." Respondent was encouraged to own up to everything he did and he agreed to do so. Respondent expressed remorse and apologized to the other partners. He subsequently compensated the law firm for the expense of the investigation in the matter. (Tr. 152-55, 164-69).

Immediately after Respondent was expelled from the firm, Kelly contacted Mosby-Scott and informed her that Respondent was responsible for the Internet postings regarding her. Kelly described Mosby-Scott's reaction to the news as "very emotional." (Tr. 155, 172).

C. Analysis and Conclusions

The Administrator charges that Respondent engaged in dishonesty, fraud, deceit or misrepresentation: (1) by intentionally creating an account and a false profile on the website of Match.com in the name of Michelle Mosby-Scott, knowing that she had not authorized him to do so; and (2) by denying that he created the false profile in Doe's name when he was initially asked about it by Terence Kelly.

Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. It is well established that dishonesty, fraud, deceit or misrepresentation by an attorney includes "anything calculated to deceive, including the suppression of truth and the suggestion of falsity." In re Edmonds, 2014 IL 117696, ¶ 53. See also In re Gerard, 132 Ill. 2d 507, 528, 548 N.E.2d 1051 (1989); In re Kessinger, 2014PR00083, M.R. 28530 (Mar. 20, 2017) (Hearing Bd. at 20-21).

1. Based on the admissions of Respondent in his Answer and the evidence presented at the hearing, we find it clearly and convincingly established that Respondent knowingly created a false profile of attorney Michelle Mosby-Scott on the Match.com web site without Mosby-Scott's permission or knowledge.

In his Answer to the Complaint Respondent admitted that he created a false online dating profile in Michelle Mosby-Scott's name without her authority to do so in September 2016. (Ans. at pars. 4, 11, 12, 13). He also admitted that the profile he created contained at least nine false representations about Mosby-Scott and that he knew such representations were false. (Ans. at

pars. 6, 7, 10, 25). Further, Respondent admitted that he engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. (Ans. at par. 20).

At the hearing Respondent also admitted that he placed a false profile of Mosby-Scott on Match.com without her knowledge. He further testified that he used a false email address to create the profile and that he knew he was placing false information in the profile of Mosby-Scott.

Mosby-Scott testified that she first learned of the profile in her name on Match.com was when a client informed her of it. She identified Administrator's Exhibit 1 as a copy of her profile on Match.com and pointed out that it contained false information regarding her marriage, her children, her age, her smoking and consumption of alcohol, her being an agnostic, her favorite pastimes, and her favorite hot spots. When she saw the profile, she was extremely angry. She further testified that, following a settlement with Respondent, she received a document from Respondent entitled Self-Disclosure. In that document Respondent admitted that he created a fake online dating profile in Mosby-Scott's name. (Resp. Ex. 1 at 4).

Terence Kelly, a partner at the Thomson & Weintraub law firm, testified that following an investigation at the law firm it was discovered that Respondent was responsible for posting the profile of Mosby-Scott on Match.com. Kelly further testified that, after being informed that Kelly and other partners knew he was responsible, Respondent admitted posting the profile of Mosby-Scott on Match.com.

Based upon the above, we find the Administrator proved by clear and convincing evidence that the Respondent engaged in dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

2. Based on the admissions of Respondent in his Answer and the evidence presented at the hearing, we find it clearly and convincingly established that Respondent knowingly made a false statement to Terence Kelly by denying that he created the false profile of Mosby-Scott on Match.com

Respondent admitted in his Answer that on or about January 20, 2017, Terence Kelly, a partner at the Thomson & Weintraub law firm, asked Respondent whether he had created the false profile. In response, Respondent denied creating the false Match.com profile. Respondent's statement to Kelly was false and Respondent knew it was false when he made the statement to Kelly. (Ans. at pars. 19-22). Further, Respondent admitted that he engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. (Ans. at par. 20).

Kelly testified that, after learning that the false Match.com profile in Mosby-Scott's name was created from the law firm's IP address, each partner in the firm, including Respondent, was asked if he or she was responsible for creating the profile. Kelly said that, upon being asked, Respondent denied responsibility for creating the Match.com profile in Mosby-Scott's name.

Respondent testified that in January 2017, Kelly began investigating to find out if anyone at the law firm was responsible for posting the profile in Mosby-Scott's name on Match.com. Respondent acknowledged that Kelly asked him whether he had any responsibility for the Match.com posting regarding Mosby-Scott, and that Respondent denied any responsibility for it.

As discussed in section I. above, Respondent did in fact knowingly create the false Match.com profile in the name of Mosby-Scott in September 2016. Thus, in January 2017, when Respondent was asked about and denied being responsible for creating that profile he knew his denial was false. Clearly, Respondent intentionally and purposefully sought to deceive Kelly into believe Respondent was not responsible for creating the profile.

Based upon the above, we find the Administrator proved by clear and convincing evidence that the Respondent engaged in dishonesty, fraud, deceit or misrepresentation, in violation of f Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

II. Respondent is charged in Count II with engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

A. Summary

We find Respondent engaged in dishonesty and deceit in that, without the knowledge or permission of Michelle Mosby-Scott, he intentionally completed an online registration in the name of Mosby-Scott for the organization entitled Obesity Action Coalition so that Mosby-Scott would be a member of and receive materials from that organization.

B. Admitted Facts and Evidence Considered

In about July 2016, Respondent completed an online registration in Michelle Mosby-Scott's name for an organization entitled Obesity Action Coalition (OAC) so that Mosby-Scott would be a member of and receive materials from that organization. The Obesity Action Coalition is a non-profit organization dedicated to helping individuals affected by obesity to improve their health through education, advocacy and support. Members receive daily emails and a yearly subscription to the organization's magazine, Your Weight Matters. In registering Mosby-Scott, Respondent provided Mosby-Scott's name, email and business address to the Obesity Action Coalition

Respondent's registration in Mosby-Scott's name was false in that it was not submitted by her, and she never authorized Respondent to complete or submit a registration for the Obesity Action Coalition in her name. Also, Mosby-Scott never authorized Respondent to provide her name and contact information to the Obesity Action Coalition. At the time he submitted the registration in Mosby-Scott's name, he knew Mosby-Scott had not authorized him to complete

an online registration in her name for the Obesity Action Coalition and that the registration was false.

As a result of Respondent's actions, Mosby-Scott received emails from the Obesity Action Coalition and from Apollo-Endo-surgery. She also received a lap-band kit by U.S. Mail at her law office. (Ans. at pars. 27-35; Tr. 200-202, 204-2005, 237; Resp. Ex. 1).

Mosby-Scott testified that she never subscribed to the Obesity Action Coalition and never authorized anyone to subscribe in her name. Even though she had not subscribed, she began receiving correspondence from Obesity Action Coalition in about June 2016. She also received magazines related to obese people. She received the materials by both email and regular mail. She described the amount she received by late summer 2016 as "voluminous" and "overwhelming." (Tr. 27-29, 31, 73).

C. Analysis and Conclusions

The Administrator charges that Respondent engaged in dishonesty, fraud, deceit or misrepresentation by intentionally completing an online registration in the name of Michelle Mosby-Scott for the Obesity Action Coalition, knowing that she had not authorized him to do so and that the registration was false.

As we stated in our Analysis and Conclusions for Count I, a lawyer commits the professional misconduct of engaging in dishonesty, fraud, deceit, or misrepresentation by conduct calculated to deceive, including the suppression of truth and the suggestion of falsity.

Based on the admissions of Respondent in his Answer and the evidence presented at the hearing, we find it clearly and convincingly established that Respondent intentionally registered Michelle Mosby-Scott with the Obesity Action Coalition while knowing that he had no authority to do so and he was making it falsely appear that Mosby-Scott was registering with that

organization. Clearly, his purpose for doing so was to annoy, harass, and hurt another member of the legal profession.

Based upon the above, we find the Administrator proved by clear and convincing evidence that the Respondent engaged in dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

III. Respondent is charged in Count III with engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

A. Summary

We find Respondent engaged in dishonesty and deceit in that, without the knowledge or permission of Mosby-Scott, he intentionally completed a false online registration in the name of Mosby-Scott for the organization entitled Pig International so that Mosby-Scott would be a member of and receive materials from that organization.

B. Admitted Facts and Evidence Considered

In July or August 2016, Respondent completed an online registration in Michelle Mosby-Scott's name for an organization entitled Pig International so that Mosby-Scott would be a member of and receive materials from that organization. Pig International has a global nutrition and health publication for pork production. Members of Pig International receive daily emails about pork production. In registering Mosby-Scott, Respondent provided Mosby-Scott's name, email and business address to Pig International

Respondent's registration in Mosby-Scott's name was false in that it was not submitted by her, and she never authorized Respondent to complete or submit a registration for Pig International in her name. At the time he submitted the registration in Mosby-Scott's name, he knew that Mosby-Scott had not authorized him to do so and that the registration was false. Also,

Mosby-Scott never authorized Respondent to provide her name and contact information to Pig International.

As a result of Respondent's actions, Mosby-Scott received daily emails from Pig International. (Ans. at pars. 36-44; Tr. 200-202, 204-205, 237; Resp. Ex. 1).

Mosby-Scott testified that she never subscribed to Pig International and never authorized anyone to subscribe in her name. She received a magazine from Pig International and other hog magazines by regular mail delivered to her office. She also received a "substantial amount" of electronic information related to pigs. (Tr. 29- 31).

C. Analysis and Conclusions

The Administrator charges that Respondent engaged in dishonesty, fraud, deceit or misrepresentation by intentionally completing an online registration in the name of Michelle Mosby-Scott for Pig International, knowing that she had not authorized him to do so and that the registration was false.

Based on the admissions of Respondent in his Answer and the evidence presented at the hearing, we find it clearly and convincingly established that Respondent intentionally registered Michelle Mosby-Scott with Pig International while knowing that he had no authority to do so and making it falsely appear that Mosby-Scott was registering with that organization. Clearly, his purpose for doing so was to annoy, harass, and hurt another member of the legal profession.

As we stated in our Analysis and Conclusions for Count I, a lawyer commits the professional misconduct of engaging in dishonesty, fraud, deceit, or misrepresentation by intentional conduct calculated to deceive, including the suppression of truth and the suggestion of falsity.

Based upon the above, we find the Administrator proved by clear and convincing evidence that the Respondent engaged in dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

IV. Respondent is charged in Count IV with engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

A. Summary

We find Respondent engaged in dishonesty and deceit in that, without the knowledge or permission of Mosby-Scott, he intentionally completed a false online registration in the name of Mosby-Scott for the organization entitled Diabetic Living so that Mosby-Scott would be a subscriber of and receive materials from that organization.

B. Admitted Facts and Evidence Considered

In about August 2016, Respondent completed an online registration in Michelle Mosby-Scott's name for an organization entitled Diabetic Living so that Mosby-Scott would be a subscriber of and receive materials from that organization. Diabetic Living is a monthly magazine devoted to helping individuals with diabetes to live fuller, healthier lives. In registering Mosby-Scott, Respondent provided Mosby-Scott's name, email and business address to Diabetic Living.

Respondent's registration in Mosby-Scott's name was false in that it was not submitted by her, and she never authorized Respondent to complete or submit a registration for Diabetic Living in her name. At the time he submitted the registration in Mosby-Scott's name, he knew that Mosby-Scott had not authorized him to do so and that the registration was false. Also, Mosby-Scott never authorized Respondent to provide her name and contact information to Diabetic Living.

As a result of Respondent's actions, Mosby-Scott received materials from Diabetic Living and other magazines. (Ans. at pars. 45-53; Tr. 200-201, 237; Resp. Ex. 1).

Mosby-Scott testified that she neither subscribed nor provided any medical history to Diabetic Living. Nevertheless, she began receiving "lots and lots of emails" from Diabetic Living. She also received some written correspondence from Diabetic Living and materials from providers who offered medical services to people with diabetes. (Tr. 31-32).

C. Analysis and Conclusions

The Administrator charges that Respondent engaged in dishonesty, fraud, deceit or misrepresentation by intentionally completing an online registration in the name of Michelle Mosby-Scott for Diabetic Living, knowing that she had not authorized him to do so and that the registration was false.

Based on the admissions of Respondent in his Answer and the evidence presented at the hearing, we find it clearly and convincingly established that Respondent intentionally registered Michelle Mosby-Scott with Diabetic Living while knowing that he had no authority to do so and that he was making it falsely appear that Mosby-Scott was registering with that organization. Clearly, his purpose for doing so was to annoy, harass, and hurt another member of the legal profession.

As we stated in our Analysis and Conclusions for Count I, a lawyer commits the professional misconduct of engaging in dishonesty, fraud, deceit, or misrepresentation by intentional conduct calculated to deceive, including the suppression of truth and the suggestion of falsity.

Based upon the above, we find the Administrator proved by clear and convincing evidence that the Respondent engaged in dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

V. Respondent is charged in Count V with engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

A. Summary

We find that Respondent engaged in dishonesty and deceit in that, without the knowledge or permission of Mosby-Scott, he intentionally completed a false online registration in the name of Mosby-Scott for the organization entitled Auto Trader so that Mosby-Scott would be a subscriber of and receive materials from that organization.

B. Admitted Facts and Evidence Considered

In December 2016, Respondent completed an online registration in Michelle Mosby-Scott's name for an organization entitled Auto Trader so that Mosby-Scott would be a subscriber of and receive materials from that organization. Auto Trader is an online marketplace for car shoppers and sellers. In registering Mosby-Scott, Respondent provided Mosby-Scott's name, email, business address, and telephone number to Auto Trader.

Respondent's registration in Mosby-Scott's name was false in that it was not submitted by her, and she never authorized Respondent to complete or submit a registration for Auto Trader in her name. At the time he submitted the registration in Mosby-Scott's name, he knew that Mosby-Scott had not authorized him to do so and that the registration was false. Also, Mosby-Scott never authorized Respondent to provide her name and contact information to Auto Trader. (Ans. at pars. 54-62; Tr. 200-202, 204-205, 237; Resp. Ex. 1).

Mosby-Scott testified that on a Friday afternoon in December 2016, an employee, Cindy, in Mosby-Scott's office informed her that she received three calls from "a variety of [car] dealerships who say you have gone online and applied to purchase a vehicle before Christmas." Mosby-Scott said that she did not go online or apply to purchase any vehicle. Mosby-Scott then received a half a dozen similar calls on her cell phone and 20 or 30 emails. Mosby-Scott said it

was “unnerving” to her that the person who made the false posting stated that she had an interest in purchasing certain types of vehicles and most of them were, in fact, the types of vehicle she had driven. She added that it “kind of freaked me out because I knew this person had known me for an extended period of time because three of the four vehicles were vehicles that I had driven. (Tr. 45-47).

C. Analysis and Conclusions

The Administrator charges that Respondent engaged in dishonesty, fraud, deceit or misrepresentation by intentionally completing an online registration in the name of Mosby-Scott for Auto Trader, knowing that she had not authorized him to do so and that the registration was false.

Based on the admissions of Respondent in his Answer and the evidence presented at the hearing, we find it clearly and convincingly established that Respondent intentionally registered Mosby-Scott with Auto Trader while knowing that he had no authority to do so and that he was making it falsely appear that Mosby-Scott was registering with that organization. Clearly, his purpose for doing so was to annoy, harass, and hurt another member of the legal profession.

As stated in our Analysis and Conclusions for Count I, a lawyer commits the professional misconduct of dishonesty, fraud, deceit, or misrepresentation by intentionally engaging in conduct calculated to deceive, including the suppression of truth and the suggestion of falsity. In subscribing to Auto Trader in Mosby-Scott’s name, Respondent purposefully deceived Auto trader into believing the subscription was completed by Mosby-Scott and that Mosby-Scott wanted to receive information from Auto Trader. He also purposefully hid the fact that he was responsible for the false subscription.

Based upon the above, we find the Administrator proved by clear and convincing evidence that the Respondent engaged in dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

VI. Respondent is charged in Count VI with engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

A. Summary

We find that Respondent engaged in dishonesty and deceit in that he intentionally created a false review of Mosby-Scott's legal ability and posted the false review on the Martindale.com website and on the Lawyers.com website.

B. Admitted Facts and Evidence Considered

On June 12, 2016, Respondent created a false review of Mosby-Scott's legal ability and posted the false review on the Martindale.com and/or the Lawyers.com website. Martindale.com and the Lawyers.com are websites in which individuals can locate and connect with attorneys and read reviews from attorneys' peers and clients. In creating the false reviews Respondent listed Mosby-Scott's name and provided a low rating of 1.0 out of a possible 5.0 for her.

On June 14, 2016, Respondent created another false review of Mosby-Scott's legal ability and posted the false review on the Martindale.com and/or the Lawyers.com website. In this review, Respondent listed Mosby-Scott's name and provided a low rating of 1.3 out of a possible 5.0 for her. (Resp. Ex. 1).

Respondent sent an apology to Mosby-Scott and her family. In his apology Respondent stated "I think my actions were directed toward you because you were more effective in court than I was." (Resp. Ex. 3 at 3).

Respondent testified that he posted a false review of Mosby-Scott's law firm on the Martindale-Hubbell and the Lawyers.com websites, by giving her "a 1 out of a 5" rating. He

knew at the time that the rating was false and that “it was the wrong thing to do.” But, he felt “anger and frustration towards Michelle,” and thought “this was a way that I could get back at her to some degree.” He added that “I could hurt her to some degree and make myself feel a little bit better for all of the angst that I had internalized.” Respondent did not have to identify himself in posting the review and he “thought it was something I could get away with.” (Tr. 198-200, 236-37).

He knew when he posted the reviews for Mosby –Scott’s law firm that they were false and that he was not a client of Mosby-Scott. (Tr. 236-37)

Mosby-Scott testified that she was not aware of the Respondent’s false reviews of her on Martindale-Hubbell until she received Respondent’s Self Disclosure (Resp. Ex. 1). She received the Self Disclosure shortly after the settlement with Respondent was signed, which was in May 2017. (Resp. Ex. 2 at 8-10). She noted that the false reviews had been posted months earlier and had not yet been removed. After the Self Disclosure was received, attorney Matt Majernik contacted Martindale-Hubbell and had them removed. (Tr. 86-87).

C. Analysis and Conclusions

The Administrator charges that Respondent engaged in dishonesty, fraud, deceit or misrepresentation by knowingly creating false reviews of Mosby-Scott’s professional ability and posting the reviews on the Martindale.com and Lawyers.com websites for viewing by the general public.

Based on the admissions of Respondent in his Answer and the evidence presented at the hearing, we find it clearly and convincingly established that Respondent knowingly created false reviews of Mosby-Scott’s professional ability and posted the false reviews on Internet sites where the reviews could be viewed by the general public. Specifically, Respondent’s reviews were false in that he gave Mosby-Scott the lowest rating number of 1.0 out of a possible 5.0 in

one review and an extremely low rating of 1.3 out of a possible 5.0 in another review. Clearly, his purpose for doing so was to annoy, harass, and hurt another member of the legal profession. Further, Respondent knew or should have known that such low ratings could have caused a loss of clients and income for Mosby-Scott.

As stated in our Analysis and Conclusions for Count I, a lawyer commits the professional misconduct of dishonesty, fraud, deceit, or misrepresentation by intentionally engaging in conduct calculated to deceive, including the suppression of truth or the suggestion of falsity. In posting the reviews, Respondent purposefully deceived anyone reading the reviews into believing that some client or peer of Mosby-Scott actually believed there was a basis for such a low rating. He also purposefully hid the fact that he was responsible for the false reviews.

Based upon the above, we find the Administrator proved by clear and convincing evidence that the Respondent engaged in dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

VII. Respondent is charged in Count VII with engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

A. Summary

We find that Respondent engaged in dishonesty and deceit in that he knowingly created an account on Facebook.com in the fictitious name of John Kollengrade and used that account to post a false and negative review of Mosby-Scott's professional ability on the Facebook page of Mosby-Scott's law firm.

B. Admitted Facts and Evidence Considered

Respondent created a false account on the Facebook.com website in the fictitious name of John Kollengrade for the sole purpose of posting a negative review of Michelle Mosby-Scott's professional ability. Respondent created a negative review of Mosby-Scott's professional ability

and then posted the negative review on the Facebook page of Mosby-Scott's law firm so that the negative review could be viewed by individuals who accessed the Facebook page of Mosby-Scott's law firm. Specifically, Respondent gave Mosby-Scott a one-star rating, which is a low negative rating. Respondent knew the account and the review were false. (Tr. 203-204, 236; Resp. Ex. 1 at 8).

Mosby-Scott testified that the first time she learned someone had posted false information about her on the Internet was in July 2015. At that time, a person in her office informed her that there was a Facebook review of her by someone named John Kollengrade. The fake review gave Mosby-Scott's firm a 1.0 out of a possible 5.0 rating. An alleged photo of Kollengrade was also posted. A search was conducted to find out if Kollengrade had ever been a client, an opposing party, or otherwise showed up in her contact system. They found nothing in regard to Kollengrade. Later the same day, Mosby-Scott's husband searched the photo and found that the photo had been used in a news story about a person with a different name. She and her husband then realized that it was not a real review. They were successful in having the review removed that same evening. (Tr. 39-40, 67-68, 88).

Michael Scott testified that in July 2015 he became aware that a negative review had been posted on the Facebook page of his wife's law firm. The name on the review was John Kollengrade, and included an alleged photo of him. Mosby-Scott and her staff looked to see if there was any client with that name, but no such person was found. Scott explained how he discovered that there was no such person with that name and how he learned that the alleged photo of Kollengrade came from a news article about a person with a different name. He notified Facebook and the review was removed several hours later. (Tr. 94-96).

C. Analysis and Conclusions

The Administrator charges that Respondent engaged in dishonesty, fraud, deceit or misrepresentation by knowingly creating Facebook account in the fictitious name of John Kollengrade for purpose of making a false review of Michelle Mosby-Scott's professional ability and by knowingly posting, in the name of the John Kollengrade, the false review on the Facebook page of her law firm.

Based on the admissions of Respondent in his Answer and the evidence presented at the hearing, we find it clearly and convincingly established that Respondent knowingly and purposefully created a false and negative review of Michelle Mosby-Scott's professional ability by a fictitious person and posted that false review on the Facebook page of Michelle Mosby-Scott's law firm where the review could be viewed by anyone who viewed that Facebook page. Respondent's review was false in that the review gave Mosby-Scott the lowest rating number possible. Clearly, his purpose for doing so was to annoy, harass, and hurt another member of the legal profession. Further, Respondent certainly knew or should have known that such low ratings could have caused a loss of clients and income for Mosby-Scott.

As stated in our Analysis and Conclusions for Count I, a lawyer commits the professional misconduct of dishonesty, fraud, deceit, or misrepresentation by intentionally engaging in conduct calculated to deceive, including the suppression of truth or the suggestion of falsity. In posting the review on the Facebook page of Mosby-Scott's law firm, Respondent purposefully deceived anyone reading the review into believing that an actual person posted the review. He also purposefully hid the fact that he was responsible for the false review.

Based upon the above, we find the Administrator proved by clear and convincing evidence that the Respondent engaged in dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

EVIDENCE IN AGGRAVATION AND MITIGATION

The Respondent was admitted to the practice of law in 2002, and he has not been previously disciplined. (Tr. 23-24).

Respondent

Respondent testified that he graduated from law school in 2002 and then worked at a law firm in Normal, Illinois for about one year. He was hired by the Thomson & Weintraub law firm in 2003. He was an associate until he became a partner in about 2011. (Tr. 188-89).

Respondent said he was a former Chair of the McLean County Bar Association Family Law Division. He became a fellow of the American Academy of Matrimonial Attorneys several years ago. He has received "several awards and accolades." (Tr. 194-95). He said he also has participated in pro bono activities. Since he has been practicing in Peoria, he has contacted the Legal Assistance Foundation in Peoria, has taken "a number of cases," and has completed two or three pro bono cases. (Tr. 229-30)

Respondent testified that his practice at the Thomson & Weintraub law firm involved mostly divorce work, and divorce cases were about 90 percent of his practice. Many of his divorce cases were contested matters, and he found such work to be very stressful. (Tr. 190-93).

When asked why he singled out Mosby-Scott for harassment, Respondent explained that the "amount of frustration that I felt after dealing with Michelle for a period of 15 years was more frustration that I had ever felt in my life." (Tr. 232).

He also replied that there was not a simple answer, but that it was a combination of a lot of different things. He was very unhappy and dissatisfied with being a divorce lawyer. He added that "I wish I had never gone down that road. (Tr. 209).

He also pointed out the stress and pressure he was under. He kept taking more cases, started speaking at CLE courses, and started doing appeals. He was having panic attacks, waking up during the night, and felt as though he was having heart attacks. He said the “stress was piling on, and then there was this conflict with Michelle that I was internalizing obviously.” And the “frustration with it was just getting to me.” He went on to explain that he was just trying to get these people through these divorces, but felt as though her ultimate goal in these divorce cases was to end up making them take longer and to cost more. He added that his perception could be completely wrong and that Mosby-Scott was trying to do what she thought was best for her client. (Tr. 210-11).

Respondent said there was always some degree of frustration any time you have a full day of trial [in] divorce court” and he would have “some frustration in a case like that with another attorney.” However, he never had such a “conflict, or anger, or frustration like [he] took out on Ms. Mosby-Scott with any other attorney. Respondent never did anything like what he did to Mosby-Scott to any other attorney. (Tr. 202).

Respondent acknowledged Mosby-Scott did not do anything that justified any kind of retaliatory harassing behavior by him and he said he accepted full responsibility for his misconduct. Respondent denied having any difficulty in regard to excessive drinking, taking prescribed medication, or taking medication that was not properly prescribed. He also said he is not blaming his actions on “any medical condition or something else that somehow mitigates against what [he] did.” (Tr. 211-12, 245).

Respondent was asked why he did not admit his misconduct when he was first asked about it by in January 2017 by Terrence Kelly. Respondent replied “I was extremely scared, very upset, and in total panic.” He added that “I was a coward.” (Tr. 213-14, 242).

After he was fired and locked out of the law firm, Respondent realized he had done something really horrible and knew there was not going to be any easy permanent fix to it. Within two or three days, Respondent hired an attorney, Scott Kording. He said he told his attorney that he wanted to "fix this to the degree I can fix it" and wanted to try to settle this as quickly and amicably as possible. He prepared a full disclosure of everything he did regarding Mosby-Scott and gave it to his attorney. Respondent did not attend any settlement discussions between his attorney and the attorney for Mosby-Scott. (Tr. 215-19, 233-34, 243-44).

Mosby-Scott sought a no contact order against Respondent. Respondent said he instructed his attorney to agree to the order. The attorney did so, and the order was entered. (Tr. 219, 221, 233) Also, Respondent was charged with and pleaded guilty to the Class C misdemeanor offense of disorderly conduct arising out of his actions toward Mosby-Scott. He was placed on court supervision for six months. Respondent also sent an apology to Mosby-Scott. (Resp. Ex. 3). Further a settlement agreement was reached in the civil suit filed against him by Mosby-Scott. (Tr. 220)

Respondent acknowledged that he hurt a lot of people by his misconduct. He said he hurt Mosby-Scott and her family, his partners at the law firm, his wife, and other members of his family. (Tr. 221).

For about six months following losing his position at the law firm, Respondent did not work. He then sought non-legal employment in Peoria as a closing agent at a title company. However, the owner of the title company, Mike Evans, is a lawyer and has a law in Peoria. Evans decided to hire Respondent as an attorney in his firm, and Respondent has been practicing law since September 1, 2017. Respondent said he fully disclosed to Evans the disciplinary matter and the nature of what he did. He said he also told Evans that "I can't be a divorce lawyer anymore."

Respondent said that “I do currently have a couple of family law cases, but it’s a tiny amount of my current caseload that I’m handling.” Respondent said he and Evans have spent a lot of time talking about what motivated Respondent to engage in the misconduct and about “stress, conflict, and internal feelings.” (Tr. 221-25)

Respondent said he expects that this disciplinary case will end with a suspension of some kind. After he completed the suspension, Respondent would like to return to work for Evans. They have discussed the matter, and Respondent understands that Evans will help him regardless of the disposition. (Tr. 225).

Respondent was asked what assurance he can give that he will conform his conduct to the Rules of Professional Responsibility if he is restored to practice after a suspension. He replied that he has learned a lot of lessons and learned a lot about himself. He said he is never going to intentionally cause any kind of harm to anyone. He said he learned that he is not immune to stress, pressure, frustration, and anger. He said “I can’t spend 15 years doing something I don’t like doing;” “I can’t internalize all my frustrations;” “I can’t take on unlimited amounts of obligations;” and “I have to find a productive way to deal with [stress].” (Tr. 226-27).

Respondent said that after the termination of his partnership, he saw Dr. Neil Jepson, a psychologist 3 to 4 times. He also saw his primary care physician. Neither the counselor nor the primary care physician recommended any testing, evaluation, or medication. He also said he has complied with what the counselor and the primary care physician recommended for him. (Tr. 227-29, 239-40, 246-47). Also, Respondent said he is accepting full responsibility for his misconduct and is not attempting to place blame on anyone else. (Tr. 245).

Michelle Mosby-Scott

Mosby-Scott testified that in the summer of 2016, she went to the hospital for ulcers. Additionally, she tried various medications to help her sleep at night. At some point, she and her husband became worried about safety for their family. For about six or eight months they would not let their 13 year old son stay home alone. Their younger children were not allowed to be outside unless the oldest brother or parent was with them. She also found it necessary to explain to her children what was going on, and to talk with their school principal to make sure no stranger tried to pick them up. (Tr. 41-44, 66).

When she saw the profile on Match.com, she was extremely angry. She was concerned about explaining the matter to her children; about how long it had been posted, about whether clients of hers had seen it, and whether parents of other at the schools had seen it. (Tr. 33-38).

When she initially began to receive the unrequested correspondence, she and her husband took no action to find out who was responsible for it thinking it would be "short-lived." (Tr. 32-33). However, after the Match.com profile was posted, the matter "was becoming a major interference in regard to functioning," and they decided to find out the source of the unauthorized postings. (Tr. 38-39). In November 2016 she and her husband decided to file a law suit to obtain the IP address of the person who was responsible. Attorney Matt Majernik, who worked in Mosby-Scott's firm, assisted her in preparing the law suit, which was filed in November 2016. (Tr. 44-45, 48, 75).

In December 2016, Mosby-Scott learned someone had falsely posted on the Internet that she was interested in purchasing a vehicle before Christmas. She said it was "unnerving" to her that the person who made the false posting listed certain types of vehicles, and most of them were, in fact, the types of vehicle she had driven. She added that it "kind of freaked me out

because I knew this person had known me for an extended period of time because three of the four vehicles were vehicles that I had driven. (Tr. 45-47).

Mosby-Scott said that as a result of the false Internet postings her family grew closer together. On the other hand, it has not enhanced her relationship with the Thomson & Weintraub law firm. Also, people were on the Internet “making accusations that [she] was having an extramarital relationship with [Respondent] because nobody could understand why anybody would engage in this behavior.” Her 13 year old son would not stay home alone for “a number of months.” Also, her children now have a different perception of lawyers. (Tr. 63-65).

Mosby-Scott was asked about her additional expense and loss of revenue due to Respondent’s actions toward her. She said from July 2015, until she learned of the Match.com account in October 2016, she did not keep track of costs. However, she did know that she and her six paralegals spent “hours over months and months” searching files for someone who might be responding negatively after a hearing. From the time she decided to file the lawsuit to obtain the IP address, she did keep track of time and said her cost was “probably in excess of \$30,000. (Tr. 88-89).

Although she believes she has had all of the postings by Respondent removed, she still has her staff do a “twice a week check [of] the Internet to see if anything is coming up.” (Tr. 91-92).

Michael Scott

Scott testified that during the summer of 2016, after his wife Michelle Mosby-Scott had been receiving harassing e-mails and publications that were demeaning, he and Michelle were concerned about the safety of their children. The children were not allowed to stay at home alone

and not allowed to play outside unless supervised. The schools of the children were contacted about people trying to pick the children up. (Tr. 97-98, 104).

In October 2016, he learned that a false profile with Michelle's name had been created on Match.com. Scott said he spent a "lot of hours" trying to find the source of the false information about Michelle on the Internet. While staying at hotels on business trips he would search the Internet in an effort to get things removed. Also, while traveling, he was concerned that something might happen to his family while he was away. His 17 year old son took on more responsibility while Scott was traveling. (Tr. 96-97, 100-101).

As a result of Respondent's actions, both Scott and Michelle were upset and found it very frustrating. Michelle was losing sleep and had some issues with her ulcer. The matter was also stressful to their children. (Tr. 97, 103-104).

Terence B. Kelly

Kelly testified that while Respondent worked at the Thomson & Weintraub law firm he met all of Kelly's expectations until the events in the Michelle Mosby-Scott matter. Respondent became a partner in about 2011-12. Kelly said that Respondent had a very strong work ethic; did good legal work; and there were no client complaints or other attorney complaints. Kelly also said that Respondent had a very good reputation within the legal community in the Bloomington area. Additionally, before this matter, there was never any concern with how Respondent interacted with other attorneys, clients, our partners, or with staff. (Tr. 174-81).

Kelly further testified that he was "incredibly surprised" when he learned that Respondent was responsible for the actions against Mosby-Scott. He described Respondent's misconduct as a "very huge lapse in judgment" and "aberrant behavior." (Tr. 173, 182).

Michael Evans

Evans testified that he has been practicing law for 32 years. He now has a small law firm in Peoria. He has mostly a general practice with a tilt toward business law. (Tr. 339-40).

In August 2017, Respondent applied for a closing agent position at Evans' title company. During their initial telephone conversation, Respondent told Evans about the disciplinary complaint pending against him. Respondent then brought a copy of the disciplinary complaint with him to the interview. Respondent admitted his mistake regarding the misconduct. Evans found Respondent to be genuinely contrite and ashamed for this misconduct. Evans thought that Respondent wanted to practice law. After Evans spoke with various people in Bloomington, he hired Respondent to an attorney position, rather than as a closing agent. (Tr. 343-4, 354-55).

Evans' law firm consists of himself, Respondent, and one other lawyer. He also has six staff people. Before hiring Respondent, Evans had Respondent meet with all the other members of the firm. A person named Nina runs the office and is a licensed clinical practitioner, that is, essentially a social worker. Evans has relied on Nina to continue to make certain Respondent does not have another lapse as he did in regard to his misconduct. Evans also explained that if somebody in his firm is stressed, everybody else in the firm is aware of it. He said there is a great support system because they then talk about the situation to "make sure everybody's focused and handling it appropriately." (Tr. 348-49, 352-53, 359-60).

Respondent has been working with Evans for about six months and is doing "exceptionally well." Evans also said Respondent is handling family law cases. Evans was asked what percentage of Respondent's caseload consisted of family law cases, and he replied "perhaps 50 percent, maybe a little less, something like that." Evans was then asked if he was concerned because Respondent's prior handling of family law cases created some of the issues that led to

his misconduct. Evans replied that the intake of cases goes through Nina and his firm is selective about the kinds of family law cases it accepts. Further, Evans told Respondent that if a case becomes difficult Evans will take it over. Finally, Evans said he plans to employ Respondent "in the long run." (Tr. 350, 354, 356-57).

Kathleen Kraft

Kraft testified that she became a licensed attorney in 1992 and has worked at the law firm of Thomson & Weintraub thereafter. She is a partner in that firm. The bulk of her work is in family law, but she does handle some other cases as well. (Tr. 251-52).

She has known Respondent since he was hired at Thomson & Weintraub in 2003. She and Respondent have handled cases together and they have discussed issues on a regular basis. She described Respondent as a hard worker who did quality work. She said that Respondent had a reputation in the legal community for doing high quality work, being a capable attorney, being very truthful, and being very forthright. Also his clients were satisfied with his work. (Tr. 253-54, 258).

Kraft is aware of the proven disciplinary allegations against Respondent. She said she was shocked when she learned Respondent was responsible for the unwanted subscriptions, false ratings on websites, and false dating profile. She explained that he was always so level headed and showed such common sense. She acknowledged that what he did was inappropriate, but views it as an aberration. (Tr. 254-55, 261).

At the time Respondent admitted his misconduct to the partners, his composure melted, he was sobbing, and he was very contrite. He also compensated the firm for the expense of investigating to find what computer was used to post the materials on the Internet. (Tr. 258-59).

Lance Cagle

Cagle testified that he became a licensed attorney in 2005. From 2005 to 2009, he worked at the Thomson & Weintraub law firm, where he met Respondent. Cagle is currently a solo practitioner in Paxton, Illinois. (Tr. 263-64).

While at Thomson & Weintraub, the bulk of Cagle's practice was in family cases and criminal defense. He worked with Respondent on a daily basis. Cagle described Respondent as a very good attorney. Also, Respondent had a good reputation in the legal community for truthfulness and honesty. (Tr. 264-667).

Cagle further testified that he believes Respondent is remorseful and understands his mistake, and he has no reservation about Respondent's ability to practice law ethically in the future. He added that "I would have never suspected or expected that what did happen would have happened." (Tr. 271).

Alice Faye Smalley

Smalley testified that she has been an attorney for 29 years and is a solo practitioner in Bloomington. About 75% of her practice is in family law. She has known Respondent for many years and has been counsel in quite a few cases in which Respondent was counsel on the other side. She found Respondent to be always prepared, professional, and a good advocate. Also, he never treated her in any manner that she thought inappropriate. She never heard anyone in the legal community say anything bad about Respondent. (Tr. 273-75).

Smalley was "totally shocked" upon learning about Respondent's misconduct. She added "I never expected him to do something like this" and it was "totally out of character." (Tr. 278-79).

Charles Grandel Reynard

Judge Reynard testified that he is a retired judge. He was State's Attorney in McLean County from 1987 to 2002. In 2002 he was elected Circuit Court Judge. He retired from the bench at the end of 2015. During the last five years as judge, he was in the family division. Respondent practiced before him regularly. (Tr. 322-24).

Judge Reynard described Respondent as being a very well prepared attorney and in the "top tier of practitioners that appeared before me during my five years in the Family Law Division." Respondent also had a good reputation among the other judges. (Tr. 324 -29).

Respondent and Michelle Mosby-Scott were frequently opposing counsel in cases before Judge Reynard. He described both of them as very high level practitioners. Respondent did not exhibit any form of misconduct or unprofessional treatment of the court, counsel or witnesses. He ranks contested family law cases as the most emotionally stressful experience imaginable in litigation. (Tr. 325 329-31).

Judge Reynard was shocked and very disappointed when he learned Respondent engaged in the misconduct. He said it was entirely out of character for him. At some point, Respondent telephoned and asked him to be a character witness. During their conversation Respondent said he was totally mortified at what he had done. Judge Reynard said he believes Respondent has the ability to resume the practice of law in an ethical manner. He added that it would be a loss to the profession if Respondent is unable to resume the practice of law. (Tr. 332-36).

RECOMMENDATION

A. Summary

We recommend Respondent be suspended for six months and until further order of the Court.

B. Analysis

The purpose of the attorney disciplinary system is not to punish the attorney for the misconduct. Rather, the goal is “to protect the public, maintain the integrity of the legal profession, and protect the administration of justice from reproach.” In re Edmonds, 2014 IL 117696, ¶ 90. In determining the appropriate sanction, we must consider the nature and seriousness of the misconduct, and any aggravating and mitigating circumstances shown by the evidence. In re Gorecki, 208 Ill. 2d 350, 360-61, 802 N.E.2d 1194 (2003). In addition, we may consider the deterrent value of the sanction, the “need to impress upon others the seriousness of the misconduct at issue,” and whether the sanction will “help preserve public confidence in the legal profession.” In re Twohey, 191 Ill. 2d 75, 85, 727 N.E.2d 1028 (2000); Gorecki, 208 Ill. 2d at 361. Although each disciplinary case “is unique and must be resolved in light of its own facts and circumstances,” the sanction imposed should be “consistent with those imposed in other cases involving comparable misconduct.” In re Chandler, 161 Ill. 2d 459, 472, 641 N.E.2d 473 (1994).

In this case, the Administrator requested a suspension for two years and until further order of the Court. (Tr. 374-75). Respondent requested a suspension of less than six months. (Tr. 396).

We first consider the nature and seriousness of Respondent’s misconduct. The Respondent’s misconduct was of the most egregious nature. On nine separate occasions from July 2015 to February 2017 he knowingly and purposefully engaged in acts of dishonesty and deceit. His acts of dishonesty included accessing the Internet and falsely registering or subscribing in the name of another attorney, Michelle Mosby-Scott, to such organizations as Obesity Action Coalition, Pig International, and Diabetic Living. He also created a false profile

on the dating service Match.com in Mosby-Scott's name and made several false representations about her personal life. Further, on three occasions, he used the Internet to post false, negative reviews of Mosby-Scott's professional ability.

The Supreme Court has consistently pointed out the seriousness of an attorney engaging in dishonesty. For example, in In re Crisel, 101 Ill. 2d 332, 342, 461 N.E.2d 994 (1984), the Court said that "purposeful misrepresentations" are "contrary to the basic commitment to honesty intrinsic in the lawyer's oath of office." In In re Lamberis, 93 Ill. 2d 222, 228, 443 N.E.2d 549 (1982), the Court stated that honesty is "fundamental to the functioning of the legal profession." In In re Armentrout, 99 Ill. 2d 242, 252, 457 N.E.2d 1262 (1983), the Court described misconduct involving dishonesty and deceit as "contrary to the bar's fundamental obligation of honesty." In the reinstatement case of In re Polito, 132 Ill. 2d 294, 303, 547 N.E.2d 465 (1989), the Court stated that "[o]ne important element of good moral character and general fitness to practice law is honesty." Finally, in Chandler, 161 Ill. 2d at 473, the Court stated that the fraudulent act of an attorney acting in his own behalf in which he seeks personal gain, directly or indirectly, to the detriment of honesty, is no less reprehensible than when he acts on behalf of his client."

The Respondent's dishonesty was not limited to an isolated incident and did not involve a "single, quick and unreasoned failure of judgment." In re Thebeau, 111 Ill. 2d 251, 256, 489 N.E.2d 877 (1986). See also In re Cahnman, 2009PR00118, M.R. 26517 (May 16, 2014) (Hearing Bd. at 35). Rather, his misconduct is aggravated because it involved a pattern of misconduct over a lengthy period of time. See In re Feldman, 89 Ill. 2d 7, 13, 431 N.E.2d 388 (1982); In re Rinella, 175 Ill. 2d 504, 518, 677 N.E.2d 909 (1997). Clearly, the Respondent had

ample time to reflect on what he was doing to another attorney, exercise sound judgment, and cease his misconduct, but he failed to do so until he was caught.

Also in aggravation, the testimony of Mosby-Scott and her husband clearly established that the Respondent's misconduct was extremely harmful to them and their children. For example, Mosby-Scott suffered from ulcers and was hospitalized in the summer of 2016. She was unable to sleep at night and tried various medications to do so. Both Mosby-Scott and her husband became worried about the safety of their family because they did not know who was responsible for the false postings and subscriptions in her name. For about six or eight months they would not let their 13-year old son stay home alone. Their younger children were not allowed to be outside unless the oldest brother or parent was with them. They also found it necessary to talk with the school principal to make sure no stranger tried to pick up their children. Additionally, Mosby-Scott, and the staff at her law office spent numerous hours trying find out who was responsible for the false postings and to have them removed.

Additionally, not only did Respondent's misconduct cause harm, but he intended it to do so. Respondent's testimony showed that he wanted to hurt Mosby-Scott; wanted to make fun of her; harass her.

Further in aggravation, we consider that Respondent testified falsely in an attempt to mislead the Panel regarding his family law caseload in his current position at the law firm of Evans. Respondent testified that a combination of a lot of different things caused his misconduct and one of them was that he was very unhappy and dissatisfied with being a divorce lawyer. He added that "I wish I had never gone down that road" and "I don't know why anyone is a divorce lawyer." (Tr. 209). In his apology letter to Mosby-Scott, Respondent said "I am done practicing family law." (Resp. Ex. 3 at 4). Respondent said he told Evans that "I can't be a divorce lawyer

anymore.” (Tr. 221-25). Respondent then testified that “I do currently have a couple of family law cases, but it’s a tiny amount of my current caseload that I’m handling.” (Tr. 223). However, Mr. Evans was asked what percentage of Respondent’s caseload consists of family law cases, and he replied “perhaps 50 percent, maybe a little less, something like that.” (Tr. 356). We find the testimony regarding Respondent’s current caseload of family law cases is material; that Mr. Evans’ testimony in this regard was very credible; and that Respondent’s testimony in this regard was false. See Gorecki, 208 Ill. 2d at 366.

There is also considerable mitigation in this case. Respondent has been practicing law since 2002 and has not been previously disciplined.

Two former partners of Respondent at the Thomson & Weintraub law firm testified that Respondent was a very competent attorney; he did high quality legal work; there were no client or attorney complaints about him; and he had a good reputation for being truthful and forthright.

An attorney who worked with Respondent on virtually a daily basis at Thomson & Weintraub from 2005 to 2009 described Respondent as a very good and very competent attorney who was well prepared. He also said Respondent had a good reputation in the legal community for truthfulness and honesty.

An attorney who handled many cases in which Respondent was the opposing counsel described Respondent as a good advocate who was always prepared and always acted in a professional manner.

A retired judge, who Respondent appeared before on a regular basis from about 2010 to 2015, said that Respondent was always well prepared and described him as being in the “top tier of practitioners that appeared before me during my five years in the Family Law Division.”

All of the above five witnesses indicated that they were shocked or surprised when they learned Respondent had committed the misconduct in this case.

Respondent's employer for the past six months described Respondent as a good lawyer who is doing exceptionally well.

In regard to his misconduct, Respondent was asked to explain why it occurred. He indicated that the misconduct was caused by a combination of things, including the stress and pressure he was under and the frustration in my life. He also specifically noted that he was very unhappy and dissatisfied with being a divorce lawyer. He added that he was internalizing the conflict he had with Mosby-Scott while handling divorce cases. (Tr. 209-11; 232). When asked what assurance he could give that he would practice law ethically in the future, he replied that he learned he is not immune to stress, pressure, frustration, and anger. (Tr. 226-27).

We recognize that the practice of law is a stressful professional. However, attorneys do not routinely snap and engage in a lengthy revenge attack on another attorney or anyone else, such as Respondent did. As we mentioned above, Respondent did not have a sudden burst of anger or a short-term lapse of sound judgment because some adverse incident occurred. Respondent's anger and serious lapse of sound judgment lasted over a lengthy period of time against someone who he acknowledged did nothing that "justified any kind of retaliatory harassing behavior."

We find in the record no credible explanation as to why the stress and pressure of handling divorce cases, among other things, caused Respondent to make his dishonest attacks on another attorney. There was a lack of any evidence from a clinical perspective as to why the Respondent was so affected to engage in the egregious misconduct.

We are also troubled by the fact that even though Respondent believes his handling of family law cases was a factor in causing his misconduct he continues to handle such cases. He is doing so after expressly telling Mosby-Scott that he was done practicing family law and after asserting that he told his current employer, Evans, that could not be a divorce lawyer anymore.” (Tr. 221-25). As we mentioned above, Respondent attempted to minimize his family law cases by testifying “I do currently have a couple of family law cases, but it’s a tiny amount of my current caseload that I’m handling.” (Tr. 223). We also point out that Judge Reynard testified that he ranks contested family law cases as “the most emotionally stressful experience imaginable in litigation.” (Tr. 331).

We find that the evidence shows Respondent is a very competent attorney and is well respected in the legal profession. Nevertheless, he engaged in egregious misconduct directed at another attorney that continued over a lengthy period of time and caused significant harm. In fact, his acts of dishonesty continued until he was caught.

We find no basis in the record for concluding that Respondent would not again engage in misconduct when confronted by the stress, pressure, and frustration of practicing law. We note that the character witnesses indicated they believe Respondent would practice law ethically in the future. However, those same witnesses also believed that to be true before learning of Respondent’s misconduct in this case, and were shocked or surprised that he did so. We do not doubt the good faith of the character witnesses, but we do not find their testimony in this regard persuasive under the circumstances.

We have not found any disciplinary case that involved overall facts and circumstances similar to those in this case. However, we have considered the following cases in determining the appropriate sanction in this case.

In Chandler, 161 Ill. 2d 459, the respondent was found to have engaged in dishonesty by providing false information regarding her income, employment history and social security number on a residential loan application and submitting the false documents in connection with the application. Additionally, respondent provided false information regarding her social security number and her name at birth on her application for admission to the bar. The respondent admitted the foregoing acts of dishonesty. Chandler, 161 Ill. 2d at 462. In mitigation, respondent had no prior discipline, fully cooperated, and expressed remorse. Also, she presented 4 character witnesses, including two circuit court judges, and a college assistant dean. The Court noted, however, that the character witnesses were not aware of the full extent of her misconduct. Id. at 467, 476. The Court imposed a suspension for 3 years and until further order of the Court. Id. at 478).

In In re Little, 2014PR00043, M.R. 26738 (Sept. 12, 2014), cited by the Administrator, the facts were set out in the Amended Petition for Reciprocal Discipline before the Supreme Court of Illinois. The respondent was licensed in both California and Illinois. While working in California as a deputy district attorney he worked with another deputy referred to as Denise Y. In July 2009, respondent assumed the identity of Y and created false profiles in her name on two social media websites and posted a link to a newspaper article that described allegations about the District Attorney engaging in sexual affairs with several women in his office. The article further alleged women in that office, including Y, were promoted in exchange for the sexual conduct with the District Attorney. In April or May 2010, respondent posted comments on two Internet blogs about purported extramarital affairs by the District Attorney. The respondent pled no contest to a misdemeanor charge of identity theft. In aggravation, the misconduct caused harm to the administration of justice and to Denise Y. In mitigation, Y suffered from depression and

anxiety that were directly responsible for the misconduct. The Supreme Court of California suspended respondent for 3 years and placed him on probation after 2 years subject to conditions. In Illinois, respondent was suspended for 2 years and until he is reinstated in California. We note that the California Supreme Court's order mentioned the respondent's good character as being attested to by a wide range of references. However, we do not know the extent of such references or whether they are similar to the testimony of the character witnesses in this case.

In In re Greanias, 01 SH 117, M.R. 19079 (Jan. 20, 2004), cited by the Administrator, the respondent filed 5 lawsuits against the Commissioners of the Industrial Commission, other lawyers, and lay persons, alleging conspiracy, bribery, fraudulent schemes that impugned their honesty. All of the lawsuits were groundless and were filed with reckless disregard for the truth. The respondent, however, continued to believe such lawsuits were properly filed. The Hearing Board was concerned that the respondent did not understand her wrongdoing and would not change her ways. The Hearing Board concluded that the respondent "should not be permitted to practice law until she proves to the satisfaction of the Supreme Court that she will not engage in similar misconduct in the future." Greanias, 01 SH 117 (Hearing Bd. at 35, 37). A suspension for 2 years and until further order of the Court was imposed.

We believe the sanction imposed in Greanias is consistent with the accepted principle that a suspension until further order of the Court is appropriate to ensure that a respondent is sufficiently fit and able to meet professional standards before being permitted to resume the practice of law. See In re Houdek, 113 Ill. 2d 323, 327, 497 N.E.2d 1169 (1986); In re Redell, 03 CH 66 & 05CH 100, cons., M.R. 23075 (Nov. 12, 2010) (Review Bd. at 11); In re Broyles, 2010PR00035, M.R. 25239 (May 18, 2012) (Hearing Bd. at 39).

Suffice it to say that we find the facts and circumstances in the cases of In re McBride, 95 SH 877, M.R. 14540 (Jun. 30, 1998) and In re Leitter, 05 CH 117, M.R.21148 (Nov. 17, 2006), cited by the Administrator, in which disbarment was imposed, to be significantly more egregious than in the case before us.

We also find the facts and circumstances in the cases of In re Gerstein, 99 SH 1, M.R. 18377 (Jun. 30, 1998) and In re Pollock, 09 CH 60, M.R. 23808 (May 18, 2010), cited by Respondent, in which suspensions of 60 days and 30 days, respectively, were imposed to be significantly less egregious than in the case before us.

In Gorecki, 208 Ill. 2d 350, cited by the Respondent, the respondent was contacted by the sister (Morrison) of a long-time friend about obtaining her boyfriend a job with the county. The respondent agreed to make some calls and get back to Morrison. Thereafter, the respondent left three messages on Morrison's answering machine and had a telephone conversation with her. Summarily stated, the respondent falsely told Morrison that her boyfriend could get a county job by paying \$4,000 to \$6,000 to the campaign fund of the county board chairman. The respondent also falsely claimed she had talked with the county board chairman about the matter and that "he's on board." The respondent ultimately admitted making the foregoing false statements to Morrison. The Supreme Court stated that the "facts of this case are unique" and described the Respondent's false statements as being the type that "undermine public confidence in the integrity of the government and, in conjunction with the aggravating factors . . . merit a suspension." Gorecki, 208 Ill. 2d at 353-55, 370.

The aggravating factors in Gorecki included: the respondent made a deceptive response to the ARDC's initial request for information; her false statements harmed the county board chairman by creating a genuine risk to his reputation and by causing him to "endure the

inconvenience and stress of [a] special prosecutor's investigation; and she demonstrated a lack of candor by testifying that she couldn't remember why she left the messages on Morrison's answering machine." Id. at 363-64, 366. In mitigation, the Court noted: respondent had practiced law for more than 10 years without prior discipline; she had an "impressive [10-year] history of charitable and community activities" and "devoted a tremendous amount of time;" several character witnesses, including a judge and an attorney, testified about her good reputation for honesty and integrity; and the attorney accepted responsibility for her misconduct expressed remorse, and apologized to the county board chairman and to the ARDC. The attorney was suspended for 4 months. Id. at 359, 369-70.

We first point out that there was no mention in Gorecki of any concern about the respondent being unable to comply with ethical standards in the future. As discussed above, there is considerable concern in the case before us. In fact, in Gorecki the Administrator did not request a suspension until further order of the Court See Id. at 361, but does request a suspension until further order of the Court in this case. The Supreme Court has stated that the recommendation of the Administrator is important in regard to the sanction. See Armentrout, 99 Ill. 2d at 254. We also find that the number of acts and the pattern of dishonesty in this case are significantly greater than in Gorecki, as is the harm intended and inflicted.

Based upon the nature and seriousness of the multiple acts of misconduct, the aggravating factors, the mitigating factors, and consideration of the above cases, we believe that a relatively short suspension and until further order of the Court is appropriate to serve the purposes of a disciplinary sanction in this case. This will allow Respondent to present evidence, if he has such evidence, to support his reinstatement in a relatively short period of time. Based upon the evidence, we find no basis to conclude that a fixed term of a suspension, even a lengthy one, will

adequately maintain the integrity of the legal profession or protect the administration of justice from reproach. Rather, we conclude that the Respondent should be required to prove to the satisfaction of the Supreme Court that he is not likely to engage in such misconduct again and that he is able to practice law in an ethical manner.

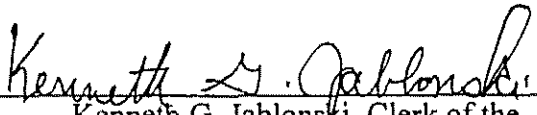
Therefore, we recommend that the Respondent, Drew Randolph Quitschau, be suspended from the practice of law for six (6) months and until further order of the Court.

Respectfully submitted,

John L. Gilbert
Mark T. Peters
Drinda L. OConnor

CERTIFICATION

I, Kenneth G. Jablonski, 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 June 6, 2018.



Kenneth G. Jablonski, Clerk of the
Attorney Registration and Disciplinary
Commission of the Supreme Court of Illinois

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SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
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September 20, 2018

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In re: In re: Drew Randolph Quitschau
M.R.029433

Today the following order was entered in the captioned case:

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board. Allowed. Respondent Drew Randolph Quitschau is suspended from the practice of law for six (6) months and until further order of this Court.

Order entered by the Court.

Very truly yours,

Carolyn Taft Grosboll

Clerk of the Supreme Court

cc: Carl R. Draper
Drew Randolph Quitschau
Kenneth G. Jablonski

FILED

September 20, 2018

ARDC CLERK

STATE OF ILLINOIS
SUPREME COURT

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the 10th day of September, 2018.

Present: Lloyd A. Karmeier, Chief Justice
Justice Robert R. Thomas
Justice Rita B. Garman
Justice Mary Jane Theis
Justice Thomas L. Kilbride
Justice Anne M. Burke
Justice P. Scott Neville, Jr.

On the 20th day of September, 2018, the Supreme Court entered the following judgment:

M.R.029433

In re:

Drew Randolph Quitschau

Attorney Registration & Disciplinary
Commission

2017PR00084

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board. Allowed. Respondent Drew Randolph Quitschau is suspended from the practice of law for six (6) months and until further order of this Court.

As Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, I certify that the foregoing is a true copy of the final order entered in this case.



IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said Supreme Court, in Springfield, in said State, this 20th day of September, 2018.

Carolyn Taft Gussbell Clerk,
Supreme Court of the State of Illinois

FILED

September 20, 2018

ARDC CLERK