SUPREME COURT OF ILLINOIS

In re Nemoy

217 Ill. 2d 647 (Ill. 2005) · Decided November 15, 2005

SUMMARY

The Illinois Supreme Court allowed the Administrator of the Attorney Registration and Disciplinary Commission to file exceptions and suspended Paul Ira Nemoy from practicing law for one year. The suspension was stayed after six months subject to probation conditions concerning trust-account recordkeeping, cooperation with the Administrator, address notification, reimbursement of costs, and compliance with professional-conduct rules.

CASE DETAILS

COURT	Supreme Court of Illinois
JURISDICTION	Illinois
DECIDED	November 15, 2005
DISPOSITION	other
PROCEDURAL POSTURE	The Administrator of the Attorney Registration and Disciplinary Commission petitioned for leave to file exceptions to the Review Board's report and recommendation in an attorney-discipline proceeding.
PRECEDENTIAL VALUE	Published Illinois Supreme Court disciplinary order; precedential status is not otherwise characterized in the opinion text.
PARTIES	Administrator of the Attorney Registration and Disciplinary Commission v. Paul Ira Nemoy

TOPICS

administrative law · agency adjudication · appellate procedure

PRACTICE AREAS

legal ethics · attorney discipline · professional responsibility

QUESTIONS PRESENTED

1. Whether the Administrator should be permitted to file exceptions to the Review Board's report and recommendation.

2. What disciplinary sanction and probationary conditions should be imposed on respondent.

HOLDINGS

1. The petition for leave to file exceptions was allowed.
2. Respondent was suspended from the practice of law for one year, with the suspension stayed after six months and respondent placed on probation subject to specified trust-account, address-notification, professional-conduct, cooperation, and cost-reimbursement conditions. The probationary suspension could be revoked upon violation of a probation term.

KEY QUOTATIONS

> *"Respondent Paul Ira Nemoy is suspended from the practice of law for one year, with the suspension stayed after the first six months and respondent placed on probation subject to the following conditions:"* (217 Ill. 2d at 647)

FACTUAL BACKGROUND

The opinion concerns disciplinary proceedings against attorney Paul Ira Nemoy. The text does not describe the underlying misconduct in detail, but it imposes conditions addressing client-fund handling, trust-account records, cooperation with the Administrator, and reimbursement of Commission costs. The suspension was made effective December 13, 2005.

PROCEDURAL HISTORY

The Review Board issued a report and recommendation. The Administrator sought leave to file exceptions, and the Supreme Court of Illinois allowed the petition and imposed discipline on respondent Paul Ira Nemoy.

DISPOSITION

other

OPINION

PER CURIAM.

Order of the Court: The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is allowed. Respondent Paul Ira Nemoy is suspended from the practice of law for one year, with the suspension stayed after the first six months and respondent placed on probation subject to the following conditions: 1.

Respondent shall implement and maintain a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including: Trust Account Procedures Basic accounting records that must be maintained daily and accurately; Account Check Register — List sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account.

Account Receipts Journal — List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of the deposit, the client matter, the deposit number, and the amount of the deposit. Maintain a copy of each item deposited. Account Disbursement Journal — List chronologically all trust account disbursements, identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter, and the amount of the disbursement check.

Client Ledger Journal- — List chronologically for each client matter all receipts, disbursements, and remaining balances. Prepare a separate page for each client matter and list chronologically all receipts and disbursements and remaining balances for each client matter. Source documents which must be preserved for seven years: Bank Statements Deposit slips Cancelled checks — All trust account checks must have a named payee (no checks written to “cash”) and the memo portion of the check must contain a reference to a client matter.

Time and billing records Copies of records from client files that are necessary for a full understanding of the lawyer’s financial transactions with the client: e.g., retainer and engagement agreements, settlement statements to clients showing the disbursement of the settlement proceeds, bills sent to clients and records of payments to other lawyers or nonemployees for services rendered.

Reconciliations There must be a running balance maintained for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register, and the bank statements. Records of these reconciliations must be maintained for seven years. 2.

Respondent shall notify the Administrator within 14 days of any change of address. 3. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct. 4. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation.

5. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining period of suspension shall commence from the date of the determination that any term of probation has been violated. Suspension effective December 13, 2005. Respondent Paul Ira Nemoy shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.