

Acting as Court-Appointed Receiver Pursuant to Supreme Court Rule 776: A Practical Approach

By John Cesario

This article describes a suggested protocol to manage court-appointed Receiverships. Serving as a receiver is an important service to the public and the court, and I encourage all of you to do so. It is a great reflection on our profession that people serve in such roles.

If you ever serve as receiver, you will appreciate how important it is to have written procedures and directions for the management of your own law practice if you should suffer some untimely mishap. By planning now, you can control the consequences of misfortune and eliminate some of the uncertainty that might burden your loved ones.

Creating the Receivership

Supreme Court Rule 776 permits the Supreme Court, or the Chief Judge of the Circuit Court, to appoint an attorney to serve as a Receiver for lawyers who are unable to discharge their responsibilities to their clients. The Rule serves to protect clients who may be harmed by the disability, disappearance or death of their attorney in circumstances where there is no partner or associate available to discharge the duties of Receiver. Those duties include taking the files of the attorney, notifying the clients of the appointment of a Receiver, attempting to locate and sequester any client funds, and taking other actions that may be necessary to protect the interests of the attorney, the clients, or other third parties.

I have enclosed as Exhibit One a copy of a petition used on one occasion, but since each receivership is unique, you should use the petition as an outline only. The key information to convey to the court is that an attorney has died or is disabled, and no one else is available to return files to the clients, or to perform the other functions described in Supreme Court Rule 776. Remember, most judges are probably unfamiliar with Rule 776, so it is useful to set forth the factual basis of the request and enclose a copy of the Rule as an Exhibit for the convenience of the court.

If you are appointed receiver, be sure to comply with Rule 776(a) by serving a copy of any appointing order upon the Administrator of the Attorney Registration and Disciplinary Commission. This will allow the Administrator to offer suggestions or insights based upon our experience in managing other receiverships.

Managing the Receivership

From the moment the court enters an order creating the Receivership, the Receiver assumes important responsibilities. Those responsibilities are set forth in Rule 776, and include

obtaining financial records, protecting clients with ongoing causes of actions and pursuing some of the special remedies available in Rule 776(c).

The Receiver should make arrangements with the landlord of the building to obtain the files and records from the former office of the attorney. A search for such files and records should include efforts to locate financial records and a master list, or index, of clients' names and addresses. It is very important for the Receiver to conduct interviews of the former landlord, family members, friends or associates of the attorney. From these interviews, the Receiver should inquire about the nature of the attorney's practice, the financial institution the attorney used for business and client trust accounts, and the approximate number of ongoing files in which the attorney was involved as counsel of record.

Also, the Receiver should make an effort to locate the former secretary of the attorney, or any paralegal or other support staff the attorney may have employed as well. The secretary may be a good source of information about the nature of the attorney's practice, the location of any master list of current and former clients, or important records from the computer of the attorney. Each of these sources of information could prove useful in discharging the duties of Receiver.

In addition, you should ask the Clerk of the Circuit Court to provide you with a printout of all files in which the attorney who is the subject of the receivership is attorney of record. If you discover that the attorney may have had some proceedings before the Equal Employment Opportunity Commission, or Illinois Industrial Commission, then you may request such a printout from the clerk of those entities.

Once the Receiver obtains information from the Clerk's Office, the Receiver should try to locate the file of any client with a pending matter, and attempt to return those records promptly. If the list of pending files from the Clerk's office identifies a proceeding for which the lawyer has no record, the Receiver should obtain a copy of the docket sheet, or the court file. Information from the court file would permit the Receiver to notify the former client, opposing counsel and the court of the lawyer's appointment as Receiver. The Receiver may also need to file a motion for direction, noting that the Receiver is unable to locate any files related to that matter, and that the attorney of record is no longer available to represent the client.

Preparing an Inventory

Once the Receiver has the files and records, the task of preparing an inventory begins. The inventory should list the name and last known address of the client, the telephone numbers both for work and home, the title and case number of the proceeding and the nature of the legal proceeding. The inventory should also note whether the file contains an original deed, contract or will. Files that contain original documents require special scrutiny by the Receiver, and extra effort to locate the client. Also, one should review the file to ascertain if there was a promise to file a complaint or initiate some formal proceeding that was not pursued by the attorney in a timely manner, or whether the file may warrant the special remedies of Rule 776(c). I have enclosed a proposed form to use for this purpose as Exhibit Two.

The Receiver should prepare the inventory as soon as possible because the inventory allows the Receiver to discern the type of practice the attorney had, and to anticipate the necessity of pursuing any of the extraordinary remedies available in Rule 776(c). The inventory is also an essential tool for communicating with the former clients.

The Receiver should also make arrangements to receive the business mail delivered to the former law office of the attorney. Often, this correspondence can reveal the financial institution the attorney used, and may also provide important information about pending matters in which the attorney is still counsel of record. I have enclosed a letter I have used to request that the Postmaster forward mail to the former office of the attorney who is the subject of a receivership as Exhibit Three. I suggest that you forward a copy of the court order creating the receivership to the Postmaster, along with Postal Service Form 3575, so that the mail will be forwarded to your attention.

Complying with Rule 776(c)

Rule 776(c) provides that a Receiver may apply for a wide range of relief, including applying for a stay of any applicable statute of limitations or limitation on time for an appeal, or vacating any judgment for a period of sixty days. This extraordinary power places an important duty upon the Receiver.

In order to identify potential matters warranting action pursuant to Rule 776(c), the Receiver should review the Clerk's office records and determine if any of those matters may qualify for the special relief offered by Rule 776(c). Factors to consider are whether an action was dismissed, or whether an adverse judgment was entered against the client of the attorney. The Receiver may also need to review the records of the Equal Employment Opportunity Commission, the Illinois Industrial Commission or other administrative agencies, depending upon the nature of the attorney's practice. The Receiver may have to decide promptly what actions are necessary to discharge the duty pursuant to paragraph (c).

The Receiver must be diligent in evaluating any claim or file in which the attorney may have promised but failed to initiate a cause of action. Any file that may fall into that category should be the subject of a meeting with the client to review the facts and to discuss a course of action. Also, the Receiver may have to notify former clients in a qualified manner of the possible expiration dates of their claims.

Communicating with the clients

Enclosed is a proposed letter to send to former clients informing them of the Receivership. The letter attempts to inform the client about the appointment of a Receiver for the files and records of their attorney. It is important that the client understand the limited role of the Receiver. It is essential that the client recognize that the Receiver is not the attorney for that client.¹ If there is no response to the letter, the Receiver might send a second letter. Also, the Receiver should work carefully to review any correspondence returned from the Post Office

¹ See also Rule 4.3 of the Illinois Rules of Professional Conduct. That rule provides that if an unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall try to correct the misunderstanding.

stating that the letter was undelivered because a forwarding order expired. If so, the receiver should prepare a letter to the Postmaster asking for an updated address. Attached as Exhibit Four is a copy of a letter to the former clients of the attorney.

When a client responds to the receiver's letter and wants the file returned, the Receiver must make careful records of the name of the client and the date the items were returned. The Receiver should ask that each client sign a receipt for that purpose, but files returned by Certified Mail provide sufficient proof of the return. The final report of the Receiver will inform the court of the total number of files returned to the clients.

Reviewing Client Trust Account records of the Attorney

The Receiver should take special care in dealing with a client trust account. Rule 776(b) states that a Receiver may sequester client funds of the attorney if necessary. The Receiver must pursue a diligent search for any client trust account, or business accounts, and ascertain the proper owner of any funds located. Often with attorneys who were the subject of discipline, there are no funds available in the client trust account. However, in a Receivership involving a deceased attorney, there may be funds remaining in the account.

The Receiver should review any records available from the attorney's office about financial records, and prepare a subpoena upon the bank and obtain all records for the client trust account or business account. If the Receiver is able to establish ownership of the funds in the client trust account, the Receiver may want to file a petition with the court asking the court to give the Receiver permission to disburse the funds to the former clients.

Concluding the Receivership

The Receiver must advise the court of the actions taken and request an order of discharge pursuant to Rule 776(f). The report and proposed order should note the actions taken to locate former clients, and to describe the efforts to locate funds or financial records. After the Receiver has identified all assets, disbursed identified funds to the rightful owner, forwarded at least two letters to the last known address of each former client, and contacted Directory Assistance for a last known telephone listing for any former client with an unclaimed file, then the receivership may be concluded. Attached as Exhibits Five and Six are copies of a Final Report and a proposed Order. Usually, the order should provide that the Receiver might destroy files and records after a period of time.

Documents necessary for a typical Receivership

The following is a list of documents created to manage a Receivership. The list is a general one and the Receiver may be called upon to craft a specific pleading as necessary:

1. A list from Clerks of the Circuit Courts, Federal Courts or administrative agencies listing all matters in which the subject of the Receivership is listed as attorney of record. Also, obtain information from any administrative agency where the attorney may have had a practice before;

2. Notes from the interviews of the former partners, associates, family members, friends and former landlord of the attorney about the nature of the attorney's practice. Information should focus upon whether the attorney concentrated in worker's compensation, employment discrimination, criminal appeals, or other matters;
3. Letter to clients advising them of the appointment, suggesting that they contact the Receiver to obtain return of their files, and suggesting that they consult with an attorney about any civil remedies;
4. Second notification letter to the clients, if they have not responded to the first letter;
5. Letter to Postmaster requesting to update any forwarding order that may have expired for a former client;
6. Inventory list prepared after reviewing all the files and records obtained from the attorney;
7. Status Report to the Court about the Receivership;
8. Final Report and Proposed Order.

Checklist of tasks to perform as Receiver of the files and records of an attorney

The following is a proposed checklist of actions necessary to preside over a Receivership. The list does not exhaust all possible issues, but serves only to highlight key tasks to perform in a Receivership. The Receiver must recognize the need to adapt to any special circumstances and problems that may arise.

- a. Gather information about the deceased, disabled or unavailable attorney, and prepare a petition appointing the lawyer Receiver of that attorney's files and records.
- b. After receiving an order of appointment, the Receiver should schedule a time to enter the attorney's former law office and remove files and records.
- c. Interview the friends, family members, the former landlord, partners and associates of the attorney to gather information about the nature of the attorney's practice, to determine where the attorney maintained a client trust account, and to ascertain the size of the attorney's practice.
- d. Prepare an inventory of the files and records removed from the former law office of the attorney. The inventory should note the name, home address, business address and telephone number of the client. Include a brief description of the nature of the proceeding, the status of the proceeding, and make a special recording if the file contains an original will, deed or contract.
- e. Prepare an investigative assignment to obtain a printout of all files in which the attorney is counsel of record. This print out of pending matters should come from the circuit court of each county where the attorney had a practice, any appellate courts and any administrative bodies where the attorney had a practice. A careful interview of friends of the attorney could prove useful in directing our search in these matters.

- f. Forward a letter to each client informing them of the court's action in appointing the Receiver, requesting that the clients contact the Receiver to receive their file and suggesting to the client that they may wish to consult with an attorney promptly.
- g. Place an advertisement in a local newspaper informing readers about the Receivership, and advising them about how to obtain information about the files.
- h. Distribute files to the former clients, making a careful record of the return.
- i. Gather information about the financial records of the attorney. Identify the bank utilized for business and client trust accounts. Once identified, serve a subpoena for financial records about the accounts and proceed with great caution if funds remain in the client trust account. Attempt to reconcile any client trust account to ascertain the owner of any funds remaining in the account.
- j. Prepare a petition asking the court to disburse money from the client trust account to the correct owner, if necessary.
- k. Prepare a final report and proposed order to the court discharging the Receiver.
- l. Diary the file to review any final actions regarding the remaining files and records of the attorney. Usually, the final order notes that the Receiver may destroy the files and records after a period of time.

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Exhibit 1

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CHICAGO

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION

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CIRCUIT COURT OF
COOK COUNTY, ILLINOIS
CHANCERY DIVISION
CLERK DOROTHY BROWN

In Re: the Receivership of the
Law Practice of Frank A. Santilli,

Circuit Court No. 16 CH

Commission No. ~~16 CH~~

2016PR00129

**PETITION TO APPOINT THE ADMINISTRATOR OF THE ATTORNEY
REGISTRATION AND DISCIPLINARY COMMISSION THE RECEIVER OF THE
LAW PRACTICE OF DISBARRED ATTORNEY FRANK A. SANTILLI PURSUANT
TO SUPREME COURT RULE 776**

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission (ARDC), by his attorney, John R. Cesario, moves this court to appoint the Administrator Receiver of the law practice of disbarred attorney Frank A. Santilli pursuant to Illinois Supreme Court Rule 776. In support, the Administrator states:

1. Frank A. Santilli was admitted to practice law in Illinois on May 12, 1989, and most recently maintained a law office at 111 West Washington Street, Suite 1240, Chicago, Illinois (the Santilli law office).
2. On April 18, 2012, the Administrator filed a three-count Complaint against Mr. Santilli alleging conversion, neglect and misrepresentation in the matter entitled *In Re Frank Anthony Santilli*, Commission No. 2012PR00029. On December 13, 2013, the ARDC's Hearing Board issued a Report and Recommendation finding that Mr. Santilli engaged in misconduct and recommending a suspension of six months stayed after 30 days by a two-year period of probation with conditions.
3. On November 6, 2015, the Administrator filed a Verified Report and Petition for Rule to Show Cause based upon Mr. Santilli's failure to submit to an independent audit of his client trust account within one month after the commencement of probation, as required by the terms of

his probation. On January 20, 2016, the Illinois Supreme Court entered an Order suspending Mr. Santilli from the practice of law for the remaining five month period of suspension.

4. On December 22, 2015, the Administrator filed a five-count Complaint against Mr. Santilli alleging conversion, misuse of client funds and other offenses in the matter entitled *In Re Frank Anthony Santilli*, Commission No. 2015PR00115.

5. On June 15, 2016, Mr. Santilli filed a motion Pursuant to Supreme Court Rule 762(a) to strike his name from the roll of attorneys authorized to practice law in Illinois. On September 22, 2016, the Illinois Supreme Court allowed this motion. Accordingly, Mr. Santilli is now disbarred and ineligible to practice law in Illinois.

6. The Administrator has received information from attorney Deborah Ebner relating to the state of Mr. Santilli's law practice. On April 29, 2016, Mr. Santilli filed a voluntary Chapter 7 Bankruptcy petition and Ms. Ebner was appointed the Trustee for Mr. Santilli's bankruptcy. In the course of discharging her duties as Trustee, Ms. Ebner visited the Santilli law office and observed a large quantity of what appeared to be abandoned client files and accumulated mail. Ms. Ebner also received telephone calls from clients of Mr. Santilli seeking information about their legal matters. Attached as Exhibit One is a copy of a letter from Ms. Ebner regarding her observations and concerns.

7. On October 18, 2016, ARDC Investigator Cheryl Bauer, visited Mr. Santilli's former office with Ms. Ebner. Ms. Bauer observed documents and records regarding client matters all about the office space. Ms. Bauer observed approximately 160 regular copy boxes filled with files and approximately 40 banker boxes filled with files. Ms. Bauer observed many files for recent client matters. Ms. Ebner reiterated to Ms. Bauer that she had been receiving phone calls from Mr. Santilli's former clients on a regular basis. Ms. Ebner also advised Ms. Bauer that she

had Mr. Santilli's mail forwarded to her and had been receiving everything from magazines to malpractice lawsuits against Mr. Santilli. Attached as Exhibit Two is a copy of an affidavit executed by Ms. Bauer.

8. Counsel for the Administrator requested from the Clerk of the Circuit Court of Cook County a list of all pending cases in that court in which Mr. Santilli is attorney of record. The Clerk responded with a report reflecting that, as of October 25, 2016, Mr. Santilli remained attorney of record in 69 lawsuits listed as pending in the Circuit Court of Cook County. Attached as Exhibit Three is a copy of a portion of the list of matters in which Mr. Santilli appears as attorney of record in the Circuit Court of Cook County.

9. Counsel for the Administrator spoke to Mr. Santilli by telephone on September 29, 2016, and asked for his cooperation in winding-up his law practice. On October 6, 2016, Mr. Santilli sent Counsel a handwritten list of client matters that he represented were pending in the Circuit Court of Cook County. That list consists of 223 client names and addresses.

10. Supreme Court Rule 776(a) provides, in relevant part, as follows:

Where it comes to the attention of the circuit court in any judicial circuit from any source that a lawyer in the circuit is unable properly to discharge his responsibilities to his clients due to disability, disappearance or death, and that no partner, associate, executor or other responsible party capable of conducting the lawyer's affairs is known to exist, then, upon such showing, the presiding judge in the judicial circuit in which the lawyer maintained his practice may appoint an attorney from the same judicial circuit to serve as a receiver to perform certain duties hereinafter enumerated.

Attached as Exhibit Four is a complete copy of Supreme Court Rule 776 for the convenience of the court.

11. Supreme Court Rule 776(b) authorizes the appointment of the Administrator of the ARDC to act as Receiver when other members of the bar are not available to serve. According

to the rule, the duties of the Receiver include taking custody of and making an inventory of the lawyer's files, notifying the lawyer's clients in all pending legal cases of the lawyer's inability to provide further representation, and taking whatever other action is indicated to protect the interests of the attorney, his clients, or other affected parties.

12. The Administrator is prepared to act as Receiver of Mr. Santilli's law practice, to retrieve the files and records of the Santilli law office, and to attempt to contact and return files to the clients. The Administrator is unaware of any other person willing and able to serve as Receiver, and the Administrator believes that Mr. Santilli's former clients may suffer harm if no one steps in to close the practice.

13. Illinois Supreme Court Rule 776(b) defines the duties of the Receiver of a law practice. This rule provides, in part:

"As expeditiously as possible, the Receiver shall take custody of and make an inventory of the lawyer's files, notify the lawyer's clients in all *pending* cases as to the lawyer's disability, or inability to continue legal representation, and recommend prompt substitution of attorneys..." (emphasis supplied).

14. Illinois Supreme Court Rule 776(b) does not require Receivers to contact clients regarding receiverships unless the client's matter is pending. Additionally, the Supreme Court rules do not require lawyers to maintain client files for any particular period of time after the termination of representation, although Supreme Court Rule 769 and Rule 1.15(a) of the Illinois Rules of Professional Conduct require lawyers to maintain certain financial records related to their practices for seven years.

15. If appointed Receiver, the Administrator will complete an inventory of, Mr. Santilli's pending files and files for legal matters handled during the last seven years and will attempt to contact clients identified in those files. With respect to files more than seven years old for terminated legal matters, the Administrator proposes to perform spot checks to determine the

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nature of the file contents. If the files contain or appear likely to contain important original documents, such as wills or deeds, the Administrator will complete an inventory of those files and attempt to contact clients identified therein. If closed files are more than seven years old do not appear to contain important original documents, the Administrator asks leave of the Court to arrange for destruction of these files without performing a full inventory or attempting to contact clients.

16. A proposed order is attached.

WHEREFORE, the Administrator respectfully requests that the Court, pursuant to Supreme Court Rule 776, appoint the Administrator Receiver of the law practice of Frank A. Santilli, with authority to take custody of Mr. Santilli's files, to sequester client funds, to destroy files that have been closed for seven years or more, to take whatever other action may be warranted to protect the interests of Mr. Santilli, his former clients or other affected parties pursuant to Rule 776(b), and to file a final Report with the Court when the duties of the Receiver are concluded.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

BY: _____
John R. Cesario

John R. Cesario
Counsel for Administrator
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130 East Randolph Drive, #1500
Chicago, Illinois 60601
Telephone: (312) 565-2600
Attorney Identification Number – 91502
Email jcesario@iadc.org

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION

In Re: the Receivership of the
Law Practice of Frank A. Santilli:

Circuit Court No. 16 CH

Commission No. 16 PR

PROPOSED ORDER

Upon the Petition to appoint the Administrator of the Attorney Registration and Disciplinary Commission the Receiver of the files and records of attorney Frank A. Santilli pursuant to Supreme Court Rule 776;

It is ordered that the Administrator's Petition to Appoint the Administrator Receiver of the files of Attorney Frank A. Santilli Pursuant to Supreme Court Rule 776 is allowed. The Administrator of the Attorney Registration and Disciplinary Commission is hereby appointed Receiver of the files and records of Frank A. Santilli with authority to take possession of the files, records, and any financial records relating to the law practice of Frank A. Santilli. The Receiver is permitted to destroy files that have been closed for seven years or more and may also destroy legal research and administrative materials unrelated to any specific client matters at his discretion. The Administrator will prepare a final report at the conclusion of the Receivership.

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John R. Cesario
Counsel for the Administrator
130 East Randolph Dr. Suite 1500
Chicago, IL 60601
312/565-2600
Attorney Identification number 91502
Email jcesario@iadc.org

Exhibit 2

James Richard Hisaw

Receivership No. 2018 PR 00017

File Information Sheet

Box No. _____

Client Name _____

Organization _____

Address _____

Address 2 _____

City _____ State _____ Zip _____

Tel. No. _____

Fax No. _____

Alternate No. _____

Original Documents: Yes No

Will/Trust	Bankruptcy
Criminal	Divorce
Probate	Workman's Comp
Real Estate	Other

Notes _____

Box No. _____

Client Name _____

Organization _____

Address _____

Address 2 _____

City _____ State _____ Zip _____

Tel. No. _____

Fax No. _____

Alternate No. _____

Original Documents: Yes No

Will/Trust	Bankruptcy
Criminal	Divorce
Probate	Workman's Comp
Real Estate	Other

Notes _____

Exhibit 3



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Tesha Evans

Chicago, IL 606

Chicago
April 6, 2017

Re: Frank A. Santilli
No. 2016PR00129

Dear Ms. Evans:

On December 30, 2016, the Circuit Court of Cook County appointed the Administrator of the ARDC the Receiver of the files of attorney Frank A. Santilli because Mr. Santilli abandoned his law practice and no one was available to return files to the clients. As Receiver, the Administrator is responsible for obtaining the files and returning those items to the clients.

Pursuant to the Court's order, the Administrator obtained documents from Mr. Santilli's office and discovered some documents that concerned a legal matter in which he may have represented you. So that we may return these items to you, please contact Commission Paralegal Kimberly Hammond-Butler at (312)540-5212. Ms. Hammond-Butler will be available Monday through Friday, between the hours of 8:00 a.m. until 4:00 p.m.

While we are unable to provide you with legal advice, you may wish to discuss the matter with the attorney of your choice regarding any civil remedies available to you. In addition, please note that the Administrator is not your attorney, but only acts as Receiver pursuant to a Court Order. To protect any rights you may have, you may need to confer with an attorney.

Thank you for your cooperation.

Very truly yours,

John R. Cesario
Senior Counsel

JRC:lk

Exhibit 4

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CIRCUIT COURT OF
COOK COUNTY, ILLINOIS
CHANCERY DIVISION
CLERK DOROTHY BROWN

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION

In Re: the Receivership of the
Law Practice of Frank Santilli
Pursuant to Supreme Court Rule 776:

Circuit Court No. 2016 CH 14719

Commission No. 2016 PR 00129

**Final Report of the Administrator of the Attorney Registration and Disciplinary Commission
as the Receiver of the Law Practice of Disbarred Attorney Frank Santilli and Motion to
Terminate the Receivership Pursuant to Supreme Court Rule 776(f)**

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission (ARDC) and Receiver of the law practice of disbarred attorney Frank Santilli, by his attorney, John R. Cesario, pursuant to Supreme Court Rule 776(f), reports on the Receivership of Mr. Santilli's former law practice. In support, the Administrator states:

Summary

The Administrator was appointed Receiver of Mr. Santilli's law practice following Mr. Santilli's disbarment and abandonment of his law practice. The Receiver retrieved and inventoried files found at Mr. Santilli's former law office, notified Mr. Santilli's former clients of his disbarment, advised clients to seek other counsel, referred clients to the Client Protection Program and made files available to former clients. The Receiver took other steps to wind up Mr. Santilli's law practice, as described in the Receiver's prior reports to this Court. The Receiver has determined that this proceeding can now be closed and seeks the Court's authorization to arrange for the destruction of unclaimed client files from Mr. Santilli's practice one year after the entry of the Order concluding the Receivership. The Receiver has completed his duties under Illinois Supreme Court Rule 776 and requests that the Court enter an order

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June 7, 2018

ARDC CLERK

discharging the Administrator as Receiver, and closing the Receivership. In support, the Receiver further states:

A. Report and Background

1. On November 9, 2016, the Administrator filed a *Petition to Appoint the Administrator of the ARDC Receiver of the Law Practice of Disbarred Attorney Frank Santilli Pursuant to Supreme Court Rule 776*. Frank Santilli was admitted to practice law in Illinois on May 12, 1989, and most recently practiced as the principal attorney at the law firm of Santilli Law Group Ltd., 111 West Washington Street, Suite 1240, Chicago, Illinois.
2. Mr. Santilli was disbarred from the practice law in Illinois on September 22, 2016.
3. On December 30, 2016, this Court entered an Order appointing the Administrator Receiver of Mr. Santilli's law practice.
4. The Receiver continues to be in contact with Deborah Ebner, the Trustee in Mr. Santilli's personal bankruptcy. In the course of discharging her duties as Trustee, Ms. Ebner received telephone calls from clients of Mr. Santilli seeking information about their legal matters. The Receiver asked Ms. Ebner to inform former clients of the Receivership and to direct those callers to contact the Receiver for additional information.
5. On February 2, 2017, the Receiver removed approximately 220 boxes of files from the Mr. Santilli's former office. The Receiver has completed an inventory of the files recovered from Mr. Santilli's office. The Receiver has sent 844 letters to former clients to inform them of the Receivership. These letters invite the clients to make arrangements for the return of their files, and suggest that the clients speak with other counsel about their legal proceedings. As of May 29, 2018, the Receiver has returned 105 files to clients.

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6. The Receiver has made arrangements for the United States Postal Service to forward all mail addressed to Mr. Santilli's office to the ARDC's office. The Receiver monitors mail addressed to Mr. Santilli to ensure that former clients, opposing parties and opposing counsel are aware of the Receivership.

7. The Receiver is prepared to continue storing the files for an additional year in an effort to accommodate any former clients who may come forward seeking file materials during such time period. The Receiver asks this Court to authorize the destruction of the closed files one year after the date of the Order concluding the Receivership. The Receiver will pay for the cost of shredding the files after the year elapses in order to safeguard the confidentiality of Mr. Santilli's former clients.

B. Client Trust Account Issues

8. The Receiver learned that Mr. Santilli maintained an account at BMO Harris Bank entitled *Santilli Law Group, LTD Client Funds Account*, ending in the four digits 8559. The Receiver subpoenaed records for the account from BMO Harris Bank and learned that there had been no activity in the account since December 2016, and that the account had a balance of \$30.53 as of March 1, 2017. The Receiver concluded that this account balance was too small to warrant efforts to ascertain the owner(s) of the funds.

9. The ARDC's Client Protection Program (CPP)¹ has received several claims arising out of the actions of Mr. Santilli. The CPP investigated and approved 20 claims related to losses caused by Mr. Santilli. Those claims totaled \$403,949.25.

¹ The CPP was established by the Illinois Supreme Court in 1994 through the adoption of Supreme Court Rule 780. The purpose of the CPP is to provide reimbursement to clients who have lost money or property due to conduct by Illinois lawyers who have been disciplined for professional misconduct or who are deceased under certain circumstances. The CPP reimburses clients who cannot get reimbursement from the lawyers who caused their losses, or from other sources, such as insurance. To be eligible for reimbursement, the claimant's loss must have arisen out of or during the course of an attorney-client relationship, or some other fiduciary relationship, between the

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10. The Receiver has determined that this proceeding can now be concluded. The Receiver is prepared to dispose of all unclaimed closed files from Mr. Santilli's practice a year from now.

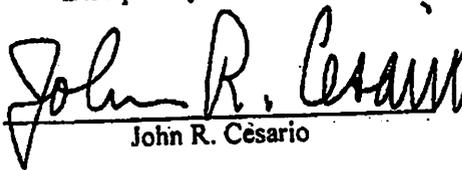
11. A proposed Order is attached.

WHEREFORE, the Receiver requests that the Court enter an order terminating the Receivership, authorizing the Administrator to destroy client files and documents recovered from Mr. Santilli's law office one year after the entry of this Order.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

BY:


John R. Cesario

ELECTRONICALLY FILED
5/30/2018 9:51 AM
2016-CH-14719
PAGE 4 of 5

John R. Cesario
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One Prudential Plaza
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Chicago, Illinois 60601
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Attorney Identification Number – 91502

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lawyer and the claimant. The CPP is funded by an annual assessment paid by Illinois lawyers into the Client Protection Program Trust Fund and is administered by the ARDC.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION

In Re: the Receivership of the
Law Practice of Frank Santilli
Pursuant to Supreme Court Rule 776:

Circuit Court No. 2016 CH 14719

Commission No. 2016 PR 00129

FINAL ORDER AND TERMINATION OF RECEIVERSHIP

Upon the Administrator of the Attorney Registration and Disciplinary Commission presenting the *Final Report of the Administrator of the Attorney Registration and Disciplinary Commission as the Receiver of the Law Practice of Disbarred Attorney Frank Santilli and Motion to Terminate Receivership Pursuant to Supreme Court Rule 776(f)*, and the Court having been fully advised;

It is ordered that the *Final Report of the Administrator of the Attorney Registration and Disciplinary Commission as the Receiver of the Law Practice of Disbarred Attorney Frank Santilli and Motion to Terminate Receivership Pursuant to Supreme Court Rule 776(f)*, is accepted and it is ordered that the Receivership of the law practice of Frank Santilli is hereby terminated. The Administrator shall destroy any remaining files and records recovered from Mr. Santilli's law office that remain unclaimed one year after entry of this Order. Case 2016 CH 14719 is closed.

ELECTRONICALLY FILED
5/30/2018 9:51 AM
2016-CH-14719
PAGE 5 of 5

Enter _____

Sophia Hall
Circuit Court Judge

John R. Cesario
Counsel for the Administrator
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Chicago, IL 60601
Telephone: 312/565-2600
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Email jcesario@iadc.org

Exhibit 5

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION

In Re: the Receivership of the
Law Practice of Frank Santilli
Pursuant to Supreme Court Rule 776:

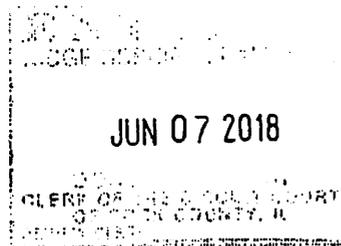
Circuit Court No. 2016 CH 14719

Commission No. 2016 PR 00129

FINAL ORDER AND TERMINATION OF RECEIVERSHIP

Upon the Administrator of the Attorney Registration and Disciplinary Commission presenting the *Final Report of the Administrator of the Attorney Registration and Disciplinary Commission as the Receiver of the Law Practice of Disbarred Attorney Frank Santilli and Motion to Terminate Receivership Pursuant to Supreme Court Rule 776(f)*, and the Court having been fully advised;

It is ordered that the *Final Report of the Administrator of the Attorney Registration and Disciplinary Commission as the Receiver of the Law Practice of Disbarred Attorney Frank Santilli and Motion to Terminate Receivership Pursuant to Supreme Court Rule 776(f)*, is accepted and it is ordered that the Receivership of the law practice of Frank Santilli is hereby terminated. The Administrator shall destroy any remaining files and records recovered from Mr. Santilli's law office that remain unclaimed one year after entry of this Order. Case 2016 CH 14719 is closed.



Enter _____

Sophia Hall
Circuit Court Judge

John R. Cesario
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FILED

June 7, 2018

ARDC CLERK

Exhibit 6



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, IL 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

One North Old Capitol Plaza, Suite 333
Springfield, IL 62701
(217) 522-6838 (800) 252-8048
Fax (217) 522-2417

Postmaster
Chicago, IL 60601

Chicago
August 16, 2005

Re: Marc David Berlin
No. 05 RV 4502

Dear Postmaster:

Enclosed please find a copy of a court order entered on August 15, 2005 by the Circuit Court of Cook County appointing the Administrator of the Attorney Registration and Disciplinary Commission as the receiver of the files and records of Mr. Marc David Berlin. The Circuit Court appointed the Administrator the receiver of the files and records of Mr. Berlin because he has abandoned his practice and left neither a partner nor an associate to communicate with his clients or others.

Could you please forward mail addressed to the law offices of Marc David Berlin to the Attorney Registration and Disciplinary Commission, 130 East Randolph Drive, Suite 1500, Chicago, IL 60601-6219. I have also enclosed an official mail forwarding change of address form (PS 3575).

Thank you for your cooperation and please call if you have any questions.

Very truly yours,
COPY
John R. Cesario
Senior Counsel

JRC:bml
Enclosure