

June 23, 2014

The Honorable Richard Durbin  
United States Senator  
711 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Mark Kirk  
United States Senator  
524 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Bobby L. Rush  
United States Congressman  
2268 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Patrick Quinn  
Governor, State of Illinois  
Office of the Governor  
207 State House  
Springfield, Illinois 62706

The Honorable Barbara F[lynn] Currie  
Majority Leader, Illinois House of Representatives  
300 State House  
Springfield, Illinois 62706

The Honorable Kwame Raoul  
Senator, Illinois State Senate  
105B State Capital  
Springfield, Illinois 62706

Dear Lady and Gentlemen:

I write to you today to bring to your attention a disturbing problem in the State of Illinois. The ARDC (Attorney Registration and Disciplinary Commission), which is an agency of the Illinois Supreme Court, is failing to do its job of protecting the public from incompetent and deceitful lawyers.

Each year almost 7,000 people in Illinois file complaints against lawyers with the ARDC. Only a very tiny percentage of those individuals ever prevail and even fewer receive compensation for their losses.

I filed a complaint with the ARDC against a lawyer. I demonstrated gross malpractice and deceit on the part of this lawyer. He even lied to the ARDC during the investigation. The ARDC kept my complaint for one year and a half passing my complaint around to four lawyers before the fourth lawyer dismissed it quickly after receiving it. I lost \$68,000 due to the lawyer I hired.

The ARDC represents itself as an organization that protects the public from incompetent and deceitful lawyers but in reality this is a masquerade. It's an agency that protects lawyers instead of being an agency that protects the public *from* lawyers. Why? Of what value to the legal profession and the public are these incompetent and deceitful lawyers? They don't honor the legal profession by their

conduct. By protecting these lawyers, the ARDC only furthers in the public's mind that the legal profession is a gutter profession, if indeed it can be called a profession.

A source of mine (a lawyer) was at a conference of lawyers in Chicago a few months ago. One of the speakers was an ARDC attorney. At the microphone, she declared: "Don't worry we (the ARDC) have your back." What kind of message does that send to lawyers? It speaks volumes about the mindset of the ARDC.

If lawyers, as in my complaint, are allowed to engage in gross malpractice and deceit and receive no penalty and are not required to pay compensation, then the public is truly in danger. Lawyers in Illinois know that short of engaging in criminal activity the ARDC will not discipline them or compel compensation even for gross malpractice and deceit. Low income and disadvantaged people are particularly vulnerable to unscrupulous lawyers.

A sinister aspect of this problem in Illinois is that the ARDC was created to falsely give the public confidence that they are being protected from incompetent and deceitful lawyers. By creating such an organization other organizations are prevented from entering this space. (The Better Business Bureau, for example, does not handle legal services complaints, likely because they believe the ARDC is handling such matters.)

In addition, to further confuse the public about the quality of lawyers in Illinois, the ARDC tells the public on its website that lawyers who have "red marks" in their ARDC profiles have been sanctioned or are under investigation by the ARDC. This suggests to the public that the rest of the lawyers on their website (which of course means all the rest of the lawyers in Illinois) are upstanding individuals. Nothing could be further from the truth. Since only a tiny percentage of lawyers who are complained about by the public are ever found "guilty," many incompetent and deceitful lawyers are never brought to the attention of the public.

To make matters worse, the ARDC is often the only relief people have in Illinois against unscrupulous lawyers since it is cost prohibitive to bring a legal action in these matters. Lawyers know that and use it to their advantage when dealing with clients.

The ARDC process for a finding of "guilty" is so skewed in favor of lawyers that it is virtually impossible for those bringing a complaint to win. There are four levels to go through. Mine didn't even make it through the first level even though I provided compelling evidence.

Public money for the ARDC's disciplinary role should be cut off since the ARDC isn't really providing that service.

To remedy this problem a new public agency needs to arise replacing the ARDC's disciplinary role. Such an agency could be composed of distinguished individuals who are not lawyers. Lawyers could be called to testify as to issues of malpractice and the legal ethics of the lawyers being complained against but they should play no role in passing judgment on lawyers. Has the ARDC ever heard of "Conflict of Interest" (lawyers investigating lawyers)? What's next, having Al Capone investigate organized crime in Chicago?

I realize the lawyer lobby in Illinois is powerful but this reform is needed. I think you'll find the public strongly in favor of this new agency I propose. You could conduct a public opinion poll and find

out. I know the 7,000 people who complain against lawyers every year would agree. How many others have given up complaining because they know the process is biased?

I ask that you put together a task force to look into this matter. Thank you for taking time to read my letter.

Sincerely yours,

Glenn Dempsey

cc: John Kass, Chicago Tribune