

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

In the Matter of:

MARY KLORIS TARADASH,

Attorney-Respondent,

No. 3126202.

Commission No. 04 CH 40

FILED May 27, 2004

COMPLAINT

Mary Robinson, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Meriel Coleman, pursuant to Supreme Court Rule 753(b), complains of Respondent, Mary Kloris Taradash, who was licensed to practice law in the State of Illinois on May 1, 1980, and alleges that Respondent has engaged in the following conduct which tends to defeat the administration of justice or to bring the courts or the legal profession into disrepute:

COUNT I

(Neglect and misrepresentation relating to Horak's Social Security Administration matter)

1. Sometime between February 21, 2003, and February 26, 2003, Mitchell A. Horak ("Horak") received notice from the Social Security Administration ("SSA") that it had denied Horak's claim for disability insurance benefits. The notice further informed Horak that if he wanted a hearing before an administrative law judge of the SSA's Office of Hearings and Appeals, Horak would have to request the hearing no later than 60 days from the date he received the SSA's notice.
2. On February 26, 2003, Respondent agreed to represent Horak in his claim for benefits before the SSA. Respondent and Horak agreed that Respondent's fee would be contingent upon recovery by Horak, and that the fee would be the lesser of \$5,000 or 25% of the gross amount of recovery.
3. On April 16, 2003, Respondent told Horak that the SSA had yet to inform her of the hearing date.
4. Respondent's statements to Horak, referred to in paragraph 3 was intended to make Horak believe that Respondent had provided legal services in furtherance of Horak's request to the SSA for hearing.
5. At no time prior June 13, 2003, about 75 days after Horak received the SSA's notice, did Respondent notify the SSA of Horak's request for hearing.
6. On or about July 8, 2003, Horak discharged Respondent from representing him before the SSA. As a result of his own efforts, Horak was granted a hearing date by the SSA.

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

- a. failure to act with reasonable diligence and promptness in representing a client, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct;
- b. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(a)(4) of the Illinois Rules of Professional Conduct;
- c. engaging in conduct that is prejudicial to the administration of justice, in violation of Rule 8.4(a)(5) of the Illinois Rules of Professional Conduct;
- d. engaging in conduct which tends to defeat the administration of justice or to bring the courts or the legal profession into disrepute, in violation of Illinois Supreme Court Rule 770.

COUNT II

(Failure to respond to requests for information by ARDC)

8. The Administrator realleges paragraphs one through six of Count I, above.

9. On September 19, 2003, the Administrator received a request from Mr. Horak to investigate Respondent's conduct relating to Horak's SSA matter. The Administrator docketed the matter as Administrator's number 03-CI-4557.

10. On September 25, 2003, Administrator sent a letter to Respondent requesting Respondent's response to Horak's charges.

11. Respondent received the Administrator's September 25, 2003, letter shortly after it was sent, but failed to respond to it.

12. On October 17, 2003, the Administrator sent a letter to Respondent advising Respondent that a subpoena would issue compelling her appearance unless Administrator received her response within seven days. Respondent received the Administrator's October 17, 2003, letter shortly after it was sent.

13. On December 18, 2003, the Administrator received via facsimile transmission Respondent's response to Horak's charges.

14. On January 14, 2004, and February 5, 2004, Administrator sent Respondent letters requesting additional information. Respondent received the letters shortly after each was sent.

15. On March 15, 2004, the Administrator received via facsimile transmission a correspondence from Respondent in response to the Administrator's letters referred to in paragraph 14.

16. On March 24, 2004, the Administrator served a subpoena *duces tecum* on Respondent compelling Respondent to give a sworn statement before the Administrator on April 5, 2004. Shortly after, Respondent reported to Administrator's counsel by means of telephonic voicemail message that she would be out of town on April 5, 2004.

17. On April 9, 2004, Administrator sent a letter to Respondent requesting that Respondent contact Administrator within seven days to reschedule her appearance. Respondent received the letter shortly after it had been sent. Respondent failed to respond to Administrator's letter of April 9, 2004.

18. On April 23, 2004, Administrator served a subpoena *duces tecum* on Respondent compelling Respondent to give a sworn statement before the Administrator on May 6, 2004. Respondent failed to appear before the Administrator on May 6, 2004. Respondent had not requested a continuance of the sworn statement, nor did she offer an explanation for her failure to appear on May 6, 2004.

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

- a. failure to respond to a lawful demand for information from a disciplinary authority, in violation of Rule 8.1(a)(2) of the Illinois Rules of Professional Conduct;
- b. engaging in conduct that is prejudicial to the administration of justice, in violation of Rule 8.4(a)(5) of the Illinois Rules of Professional Conduct;
- c. engaging in conduct which tends to defeat the administration of justice or to bring the courts or the legal profession into disrepute, in violation of Illinois Supreme Court Rule 770.

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,

Mary Robinson, Administrator
Attorney Registration and
Disciplinary Commission

By: Meriel Coleman

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