

Kendall prosecutor's lack of license gets felony case tossed

- Paperwork problem: Kendall attorney tried case during 10-day suspension

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There was one hitch in the resisting-arrest case against Araceli Solis-Haro: During the trial in Kendall County court, one of the prosecutors wasn't actually a lawyer.

As a result, the 2nd District Appellate Court has overturned the felony conviction against Solis-Haro, a Plainfield resident. The appellate court reversed the decision because Kendall prosecutor Julie Trevarthen's law license had been suspended before the trial started, due to a paperwork problem.

The case began in October 2006, when a Joliet officer found Solis-Haro and another juvenile in violation of curfew. When the officer tried to arrest Solis-Haro, she resisted being handcuffed, then fought against being put in the squad car, police said.

At some point, Solis-Haro knocked heads with the police officer, causing pain but no injuries. In March 2007, a Kendall County jury found Solis-Haro guilty of felony resisting, not guilty of aggravated battery.

While filing Solis-Haro's appeal, her attorney wanted to check the spelling of Trevarthen's name. He went to the Illinois Attorney Registration and Disciplinary Commission Web site and discovered that Trevarthen's law license was suspended.

According to the court records, Trevarthen failed to answer a question about malpractice insurance on her attorney registration form.

Because of that, her law license was suspended on March 7, 2007.

The trial for Solis-Haro started six days later, and Trevarthen worked as co-counsel on the case, cross-examining witnesses. Trevarthen's license was re-instated after she went to the ARDC office March 17 to correct the omission.

"We deem that any person who appears as an attorney in court, knowing that he or she is not on the roll, implicitly deceives the court," the appellate court wrote.

(The court also ruled that Solis-Haro should not have been charged with a felony since the alleged "head butt" did not injure the officer.)

Now, a Kendall County judge will have to determine whether Kendall State's Attorney Eric Weis knew about Trevarthen's status. If he did, Solis-Haro would receive a new trial on misdemeanor resisting charges.

On Thursday, Weis said he had no idea Trevarthen's license had been suspended at the time of the trial and would have never let her participate had he known. Still, Weis does not believe Trevarthen tried to be deceptive.

Each year, as part of their registration, attorneys must list whether they have malpractice insurance and whether they did pro bono work. Prosecutors do neither, but some attorneys misinterpret how to mark the boxes.

"She either checked the wrong box or it was interpreted wrong by the ARDC," Weis said. "It was not anything intentional."

Weis said he took "appropriate disciplinary action" against Trevarthen -- who now works for the Kane County state's attorney's office -- but declined to specify what that punishment was.