BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS

IN THE MATTER OF	§	
BYRON L. LANDAU	§	**CAUSE NO.** 57697
STATE BAR CARD NO. 00789970	§	

PETITION FOR RECIPROCAL DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

Petitioner, the Commission for Lawyer Discipline (hereinafter called "Petitioner"), brings this action against Respondent, Byron L. Landau, (hereinafter called "Respondent"), showing as follows:

1. This action is commenced by Petitioner pursuant to Part IX of the Texas Rules of Disciplinary Procedure. Petitioner is also providing Respondent a copy of Section 7 of this Board's Internal Procedural Rules, relating to Reciprocal Discipline Matters.

2. Respondent is a member of the State Bar of Texas and is licensed but not currently authorized to practice law in Texas. Respondent may be served with a true and correct copy of this Petition for Reciprocal Discipline at Byron L. Landau, 9650 Ensworth St., Apt. 211, Las Vegas, Nevada 89123.

3. On or about November 19, 2015, an Order (included in Exhibit 1), was entered by the Supreme Court of Illinois in a matter styled: *In re: Byron Lee Landau,* which states in pertinent part as follows:

> ...Byron Lee Landau is suspended from the practice of law for three (3) years and until further order of the Court.

4. On or about September 21, 2015, a Petition to Impose Discipline on Consent Pursuant to Supreme Court Rule 762(b) (included in Exhibit 1), was filed, which states in pertinent part:

> WHEREFORE, the Administrator, with the consent of Respondent, Byron Lee Landau, and the approval of a panel of the Hearing Board, respectfully requests that the Court enter an order suspending Respondent for three (3) years and until further order of the Court.

5. The Petition to Impose Discipline on Consent Pursuant to Supreme Court Rule 762(b) established that Respondent violated the following Illinois Rules of Professional Conduct: Failing to consult with the client as to the means by which the objectives of representation are to be pursued, in violation of Rule 1.2(a) of the Illinois Rules of Professional Conduct (2010) (IRPC); failing to act with reasonable diligence and promptness in representing a client, in violation of Rule 1.3 of IRPC; failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required, in violation of Rule 1.4(a)(1) of IRPC failing to reasonably consult with the client about the means by which the client's objectives are to be accomplished, in violation of Rule 1.4(a)(2) of IRPC; failing to keep a client reasonably informed about the status of a matter, in violation of Rule 1.4(a)(3) of IRPC; failing to promptly comply with reasonable requests for information from a client, in violation of Rule 1.4(a)(4) of IRPC; failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of Rule 1.4(b) of IRPC; failing to prepare and maintain complete records of a client trust account, in violation of Rules 1.5(a)(1) through l. 5(a)(8) of IRPC; failing to take steps to the extent reasonably practicable to protect a client's interests, in violation of Rule 1.16(d) of IRPC; failing to promptly refund any part of a fee paid in advance that has not been earned, in violation of Rule 1.16(d) of IRPC; failing to make reasonable efforts to ensure that Credence had in effect measures giving reasonable assurance that

the conduct of Credence's non-lawyer employees was compatible with Respondent's professional obligations, in violation of Rule 5.3(a) IRPC; and assisting another in practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, in violation of Rule 5.5(a) of IRPC.

6. A certified copy of Petitioner's Exhibit 1 which includes the Order and the Petition to Impose Discipline on Consent Pursuant to Supreme Court Rule 762(b) is attached hereto and made a part hereof for all intents and purposes as if the same were copied verbatim herein. Petitioner expects to introduce a certified copy of Exhibit 1 at the time of the hearing in this case.

7. Petitioner prays that, pursuant to Rule 9.02, Texas Rules of Disciplinary Procedure, that this Board issue notice to Respondent, containing a copy of this Petition with exhibits, and an order directing Respondent to show cause within thirty (30) days from the date of the mailing of the notice, why the imposition of the identical discipline in this state would be unwarranted. Petitioner further prays that upon trial of this matter that this Board enter a judgment imposing discipline identical with that imposed by the Supreme Court of Illinois and that Petitioner have such other and further relief to which it may be entitled.

Respectfully submitted,

Linda A. Acevedo
Chief Disciplinary Counsel

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Rebecca (Beth) Stevens
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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I certify that upon receipt of the Order to Show Cause from the Board of Disciplinary Appeals, I will serve a copy of this Petition for Reciprocal Discipline and the Order to Show Cause on Byron L. Landau, by personal service.

Byron L. Landau
9650 Ensworth St., Apt. 211
Las Vegas, Nevada 89123

Rebecca (Beth) Stevens

INTERNAL PROCEDURAL RULES

Board of Disciplinary Appeals

Effective February 19, 2015

Contents

SECTION 1: GENERAL PROVISIONS

Rule 1.01 Definitions

(a) "BODA" is the Board of Disciplinary Appeals.

(b) "Chair" is the member elected by BODA to serve as chair or, in the Chair's absence, the member elected by BODA to serve as vice-chair.

(c) "Classification" is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a "complaint" or an "inquiry."

(d) "BODA Clerk" is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.

(e) "CDC" is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.

(f) "Commission" is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.

(g) "Executive Director" is the executive director of BODA.

(h) "Panel" is any three-member grouping of BODA under TRDP 7.05.

(i) "Party" is a Complainant, a Respondent, or the Commission.

(j) "TDRPC" is the Texas Disciplinary Rules of Professional Conduct.

(k) "TRAP" is the Texas Rules of Appellate Procedure.

(l) "TRCP" is the Texas Rules of Civil Procedure.

(m) "TRDP" is the Texas Rules of Disciplinary Procedure.

(n) "TRE" is the Texas Rules of Evidence.

Rule 1.02 General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings. But TRDP 15.01 applies to the enforcement of a judgment of BODA.

Rule 1.03 Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

Rule 1.04 Appointment of Panels

(a) BODA may consider any matter or motion by panel, except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.

(b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

Rule 1.05 Filing of Pleadings, Motions, and Other Papers

(a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.

(1) **Email Address.** The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.

(2) **Timely Filing.** Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA

for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

(3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.

(4) **Exceptions.**

(i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry is not required to be filed electronically.

(ii) The following documents must not be filed electronically:

a) documents that are filed under seal or subject to a pending motion to seal; and

b) documents to which access is otherwise restricted by court order.

(iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

(5) **Format.** An electronically filed document must:

(i) be in text-searchable portable document format (PDF);

(ii) be directly converted to PDF rather than scanned, if possible; and

(iii) not be locked.

(b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).

(c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:

(1) an "/s/" and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or

(2) an electronic image or scanned image of the signature.

(d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.

(e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 1.06 Service of Petition

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition may be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or

her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent's signature.

Rule 1.07 Hearing Setting and Notice

(a) **Original Petitions.** In any kind of case initiated by the CDC's filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23, the hearing date must be at least 30 days from the date that the petition is served on the Respondent.

(b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23, the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.

(c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.

(d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

Rule 1.08 Time to Answer

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.09 Pretrial Procedure

(a) Motions.

(1) **Generally.** To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.

(2) **For Extension of Time.** All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:

(i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;

(ii) if an appeal has been perfected, the date when the appeal was perfected;

(iii) the original deadline for filing the item in question;

(iv) the length of time requested for the extension;

(v) the number of extensions of time that have been granted previously regarding the item in question; and

(vi) the facts relied on to reasonably explain the need for an extension.

(b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.

(c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.

(d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:

(1) marked;

(2) indexed with the title or description of the item offered as an exhibit; and

(3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

Rule 1.10 Decisions

(a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.

(b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:

(1) as required by the TRDP; and

(2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.

(c) **A**bstracts of Classification Appeals. BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

Rule 1.11 Board of Disciplinary Appeals Opinions

(a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.

(b) Only a BODA member who participated in the decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.

(c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

Rule 1.12 BODA Work Product and Drafts

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA's adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

Rule 1.13 Record Retention

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

Rule 1.14 Costs of Reproduction of Records

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

Rule 1.15 Publication of These Rules

These rules will be published as part of the TDRPC and TRDP.

SECTION 2: ETHICAL CONSIDERATIONS

Rule 2.01 Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases

(a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

(b) A current BODA member must not serve as an expert witness on the TDRPC.

(c) A BODA member may represent a party in a legal malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02 Confidentiality

(a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.

(b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.

(c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction.

Rule 2.03 Disqualification and Recusal of BODA Members

(a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.

(b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.

(c) These rules do not disqualify a lawyer who is a member of, or associated with,

the law firm of a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him- or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

SECTION 3: CLASSIFICATION APPEALS

Rule 3.01 Notice of Right to Appeal

(a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule.

(b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. The form must include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

Rule 3.02 Record on Appeal

BODA must only consider documents that were filed with the CDC prior to the classification decision. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

SECTION 4: APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01 Perfecting Appeal

(a) **Appellate Timetable.** The date that the evidentiary judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 consistent with this requirement, the date that the judgment is signed is the "date of notice" under Rule 2.21.

(b) **Notification of the Evidentiary Judgment.** The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21.

(1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

(2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

(c) **Filing Notice of Appeal.** An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

(d) **Time to File.** In accordance with TRDP 2.24, the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.

(e) **Extension of Time.** A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

Rule 4.02 Record on Appeal

(a) **Contents.** The record on appeal consists of the evidentiary panel clerk's record and, where necessary to the appeal, a reporter's record of the evidentiary panel hearing.

(b) **Stipulation as to Record.** The parties may designate parts of the clerk's record and the reporter's record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.

(c) **Responsibility for Filing Record.**

(1) Clerk's Record.

(i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk's record.

(ii) Unless the parties stipulate otherwise, the clerk's record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel's charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.

(iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk's record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk's record cannot be timely filed, and give the date by which he or she expects the clerk's record to be filed.

(2) Reporter's Record.

(i) The court reporter for the evidentiary panel is responsible for timely filing the reporter's record if:

a) a notice of appeal has been filed;

b) a party has requested that all or part of the reporter's record be prepared; and

c) the party requesting all or part of the reporter's record has paid the reporter's fee or has made satisfactory arrangements with the reporter.

(ii) If the court reporter is unable for any reason to prepare and transmit the reporter's record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter's record cannot be timely filed, and give the date by which he or she expects the reporter's record to be filed.

(d) Preparation of Clerk's Record.

(1) To prepare the clerk's record, the

evidentiary panel clerk must:

(i) gather the documents designated by the parties' written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);

(ii) start each document on a new page;

(iii) include the date of filing on each document;

(iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;

(v) number the pages of the clerk's record in the manner required by (d)(2);

(vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and

(vii) certify the clerk's record.

(2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.

(3) The table of contents must:

(i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;

(ii) be double-spaced;

(iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;

(iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and

(v) if the record consists of multiple volumes, indicate the page on which each volume begins.

(e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:

(1) file each computer file in text-searchable Portable Document Format (PDF);

(2) create electronic bookmarks to mark the first page of each document in the clerk's record;

(3) limit the size of each computer file to 100 MB or less, if possible; and

(4) directly convert, rather than scan, the record to PDF, if possible.

(f) Preparation of the Reporter's Record.

(1) The appellant, at or before the time prescribed for perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The

reporter's record must be certified by the court reporter for the evidentiary panel.

(2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and 35 and the Uniform Format Manual for Texas Reporters' Records.

(3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.

(4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise appear.

(5) A court reporter or recorder must not lock any document that is part of the record.

(6) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.

(g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.

(h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.

(i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

Rule 4.03 Time to File Record

(a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.

(b) **If No Record Filed.**

(1) If the clerk's record or reporter's record has not been timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.

(2) If no reporter's record is filed due to appellant's fault, and if the clerk's

record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

(i) the appellant failed to request a reporter's record; or

(ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

(c) **Extension of Time to File the Reporter's Record.** When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) **Supplemental Record.** If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

Rule 4.04 Copies of the Record

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

Rule 4.05 Requisites of Briefs

(a) **Appellant's Filing Date.** Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.

(b) **Appellee's Filing Date.** Appellee's brief must be filed within 30 days after the appellant's brief is filed.

(c) **Contents.** Briefs must contain:

(1) a complete list of the names and addresses of all parties to the final decision and their counsel;

(2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;

(3) an index of authorities arranged alphabetically and indicating the pages where the authorities are cited;

(4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;

(5) a statement, without argument, of the basis of BODA's jurisdiction;

(6) a statement of the issues presented for review or points of error on which the appeal is predicated;

(7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;

(8) the argument and authorities;

(9) conclusion and prayer for relief;

(10) a certificate of service; and

(11) an appendix of record excerpts pertinent to the issues presented for review.

(d) **Length of Briefs; Contents Included and Excluded.** In calculating the length of a document, every word and every part

of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer-generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

(e) **Amendment or Supplementation.** BODA has discretion to grant leave to amend or supplement briefs.

(f) **Failure of the Appellant to File a Brief.** If the appellant fails to timely file a brief, BODA may:

(1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's failure to timely file a brief;

(2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or

(3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

Rule 4.06 Oral Argument

(a) **Request.** A party desiring oral argument must note the request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.

(b) **Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:

(1) the appeal is frivolous;

(2) the dispositive issue or issues have been authoritatively decided;

(3) the facts and legal arguments are adequately presented in the briefs and record; or

(4) the decisional process would not be significantly aided by oral argument.

(c) **Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

Rule 4.07 Decision and Judgment

(a) **Decision.** BODA may do any of the following:

(1) affirm in whole or in part the decision of the evidentiary panel;

(2) modify the panel's findings and affirm the findings as modified;

(3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or

(4) reverse the panel's findings and

remand the cause for further proceedings to be conducted by:

(i) the panel that entered the findings; or

(ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.

(b) **Mandate.** In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

Rule 4.08 Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27. The committee must consist of six members: four attorney members and two public members randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

Rule 4.09 Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

(a) for want of jurisdiction;

(b) for want of prosecution; or

(c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

SECTION 5: PETITIONS TO REVOKE PROBATION

Rule 5.01 Initiation and Service

(a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23.

(b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23, the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

Rule 5.02 Hearing

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

SECTION 6: COMPULSORY DISCIPLINE

Rule 6.01 Initiation of Proceeding

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

Rule 6.02 Interlocutory Suspension

(a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA may suspend the Respondent's license to

practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.

(b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.

(1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.

(2) If the criminal sentence is not fully probated:

(i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or

(ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.

(c) Criminal Conviction Reversed. If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

SECTION 7: RECIPROCAL DISCIPLINE

Rule 7.01 Initiation of Proceeding

The Commission for Lawyer Discipline may initiate an action for reciprocal discipline by filing a petition with BODA under TRDP Part IX and these rules. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

Rule 7.02 Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

Rule 7.03 Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

SECTION 8: DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01 Appointment of District Disability Committee

(a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2),

or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.

(b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

(c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.

(d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.

(e) Should any member of the District Disability Committee become unable to serve, the BODA Chair may appoint a substitute member.

Rule 8.02 Petition and Answer

(a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service may be made in person or by certified mail, return receipt requested. If service is by certified mail, the return receipt with the Respondent's signature must be filed with the BODA Clerk.

(b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.

(c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

Rule 8.03 Discovery

(a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.

(b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam

ordered by the District Disability Committee.

(1) **Motion.** The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(2) **Report.** The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.

(c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

Rule 8.04 Ability to Compel Attendance

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

Rule 8.05 Respondent's Right to Counsel

(a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.

(b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

Rule 8.06 Hearing

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

Rule 8.07 Notice of Decision

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

Rule 8.08 Confidentiality

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

SECTION 9: DISABILITY REINSTATEMENTS

Rule 9.01 Petition for Reinstatement

(a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.

(b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension contained terms

or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

(c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

Rule 9.02 Discovery

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

Rule 9.03 Physical or Mental Examinations

(a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.

(b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.

(d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.

(e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

Rule 9.04 Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

SECTION 10: APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS

Rule 10.01 Appeals to the Supreme Court

(a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.

(b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.

(c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.

ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS
www.iardc.org

One Prudential Plaza
130 East Randolph Drive, Suite 1500
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(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

CERTIFICATION

I, Kenneth G. Jablonski, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certify that the following is a true and correct copy of the Administrator's Petition To Impose Discipline On Consent Pursuant to Supreme Court Rule 762(b), and the Supreme Court Order and Mandate entered on November 17, 2015, relating to the matter entitled, **In re: Byron Lee Landau**, Supreme Court No. M.R. 27635, Commission No. 2014PR00174.

Kenneth G. Jablonski, Clerk
Attorney Registration and
Disciplinary Commission

Subscribed and sworn to before me
this 12th day of May, 2016.

Notary Public

"OFFICIAL SEAL"
MICHELLE THOME
Notary Public, State of Illinois
My Commission Expires 01/22/2017

MAINLIB_#2452_v1

EXHIBIT
1

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:	)	
	)	
BYRON LEE LANDAU,	)	Supreme Court No. M.R.
	)	
Attorney-Respondent,	)	Commission No. 2014PR00174
	)	
No. 3121895.	)	

NOTICE OF FILING

To: Byron Lee Landau
981 Playful Glow St.
Henderson, NV 89052

PLEASE TAKE NOTICE that on September 18, 2015, an electronic copy of the Administrator's PETITION TO IMPOSE DISCIPLINE ON CONSENT PURSUANT TO SUPREME COURT RULE 762(b), was submitted to the Clerk of the Supreme Court for filing. On that same date, copies were served on Counsel for Respondent, by causing said copies to be deposited in the U.S. Mailbox located at One Prudential Plaza, 130 East Randolph Drive, Chicago, Illinois, with first-class postage prepaid, at or before 5:00 p.m.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Ari I. Telisman
Ari I. Telisman

Ari I. Telisman
Counsel for Administrator
One Prudential Plaza
130 East Randolph Drive, #1500
Chicago, Illinois 60601
Telephone: (312) 565-2600

PROOF OF SERVICE

I, Roni M. Martin, on oath state that I served a copy of a Notice of Filing and the Administrator's PETITION TO IMPOSE DISCIPLINE ON CONSENT PURSUANT TO SUPREME COURT RULE 762(b), on the individual at the address shown on the foregoing Notice of Filing, by regular mail, proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox located at One Prudential Plaza, 130 East Randolph Drive, Suite 1500, Chicago, Illinois 60601 on September 18, 2015, at or before 5:00 p.m.

Roni M. Martin

Subscribed and sworn to before
me this 18th day of September, 2015.

NOTARY PUBLIC

"OFFICIAL SEAL"
SUSAN RAMOS HERNANDEZ
Notary Public, State of Illinois
My Commission Expires 12/08/2018

***** Electronically Filed *****

M.R. 27635

09/21/2015

Supreme Court Clerk

****

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:	)	
	)	
BYRON LEE LANDAU,	)	Supreme Court No. M.R.
	)	
Attorney-Respondent,	)	Commission No. 2014PR00174
	)	
No. 3121895.	)	

PETITION TO IMPOSE DISCIPLINE ON CONSENT
PURSUANT TO SUPREME COURT RULE 762(b)

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Ari I. Telisman, with the consent of Respondent, Byron Lee Landau, and the approval of a panel of the Hearing Board, pursuant to Supreme Court Rule 762(b), petitions the Court to enter an order suspending Respondent for three (3) years and until further order of the Court. In support, the Administrator states:

I. SUMMARY OF PETITION

1. Respondent is 61 years old and was licensed to practice law in Illinois on November 3, 1978. Between 2012 and 2014, Respondent was the owner of Credence Law Group ("Credence"), a company run by non-lawyers who solicited distressed homeowners and claimed to offer legal assistance in obtaining loan modifications from their mortgage lenders. Respondent allowed non-lawyers to solicit clients, give legal advice, and withdraw money from Respondent's client fund accounts. Respondent failed to monitor or maintain records of the activity in the client fund accounts. The non-lawyers who ran the company, Scott Murakami and Ariyo Mackay, withdrew nearly $6,000,000 in client fees from the client fund accounts while doing little or no work on clients' cases; Respondent received approximately $62,000 of those fees. A more detailed description of Respondent's misconduct is set forth in Section II, below.

2. In mitigation, Respondent has expressed remorse for his misconduct. Also, Respondent suffered from a mental illness at the time he committed the misconduct.

3. Respondent's mental illness presently impacts his ability to practice law and has resulted in Respondent being involuntarily enrolled as an inactive member of the California Bar in July 2014 pursuant to Section 6007(b)(3) of the California Business and Professions Code.

4. In aggravation, Respondent has failed to pay restitution to his former clients. Also, in 2009, Respondent was suspended for two years, with the suspension stayed after 60 days by a term of probation, for borrowing $115,000 and a car from a client. Additional factors in aggravation and mitigation are set forth in Section II, below.

5. The recommended discipline of a suspension for three (3) years and until further order of the Court is consistent with this Court's precedent. *See In re Fleck*, M.R. 26684, 11 PR 54 (May 16, 2014), *In re Aleman and Macey*, M.R. 27212, 12 PR 57 and 12 PR 58 (May 14, 2015), *In re May*, M.R. 11764 & 11457, 93 CH 320 (December 1, 1995), and *In re Alpert*, M.R. 15847, 96 CH 570 (May 25, 1999).

6. Respondent's affidavit is attached as Exhibit One. At the time this petition was prepared, a seven-count complaint was pending against Respondent before the Commission Hearing Board. The members of the panel assigned to consider the complaint have, as required by Rule 762(b)(1)(B), approved the submission of this matter to the Court as an agreed matter. A copy of the Hearing Board's order authorizing the submission of this matter to the Court is attached as Exhibit Two. A copy of the transcript of the Hearing Board proceedings is attached as Exhibit Three.

II. FACTUAL BASIS FOR RECOMMENDATION

A. *Respondent's conduct in the operation of Credence Law Group*

7. Respondent was licensed to practice law on November 3, 1978, and is 61 years old. In December 2012, Respondent agreed with non-lawyers Ariyo Mackay and Scott Murakami to work for Credence Law Group ("Credence"), an existing company located in California that offered distressed homeowners in at least eight states across America assistance in obtaining loan modifications from their mortgage lenders. Credence solicited clients via mail and telephone, claiming to have helped thousands of homeowners. Murakami told Respondent that Credence's prior attorney no longer worked there, and he needed an attorney to keep Credence operational. Respondent became the owner of Credence. He contracted with Regus, PLC, a vendor of virtual office space, to establish a mailing address for Credence at 180 North Stetson Avenue, Suite 3500, Chicago, Illinois ("the North Stetson Avenue address")[1]. Respondent then incorporated Credence in Illinois, listing himself as the registered agent with the North Stetson Avenue address. Respondent resided in Nevada and not Illinois during this time, and neither Respondent nor any Credence employee worked at the North Stetson Avenue address. Respondent also opened four client fund accounts in Credence's name. Credence never obtained a certificate of registration from the Court to engage in the practice of law pursuant to Supreme Court Rule 721(c).

8. Between January 2013 and February 2014, pursuant to Respondent's agreement with Mackay and Murakami, non-lawyer Credence representatives fielded calls from potential clients, explained to potential clients how Credence could help them obtain a loan modification, and had the clients execute complicated, multi-page retainer agreements. The retainer

[1] This address happens to be in the same office plaza as the ARDC's Chicago office.

agreements identified Credence as a "law firm" providing "legal services" and contained language about the attorney-client relationship. The retainer agreements contained language stating that Credence did not accept advance fees, but non-lawyer Credence representatives on at least several occasions demanded up-front fees and advised clients that no further work would be done until fees were paid in advance. Respondent did not personally consult with most of Credence's clients. Credence contracted with other attorneys to review clients' loan modification files. However, Respondent was the only attorney with authority to supervise the operation of Credence and was responsible for ensuring that Credence's policies were followed.

9. Respondent was the only signatory on the Credence client fund accounts. Respondent never monitored or maintained records of the activity in the Credence client fund accounts. Between January 2013 and February 2014, clients from at least eight different states across America, including Illinois, retained Credence. During this time, more than $6,000,000 was deposited into Credence client fund accounts, and all but $30,000 was withdrawn from those accounts. The non-lawyers who ran Credence received most of the $6,000,000. They paid Respondent approximately $62,000. Respondent received no funds from Credence after February 2014.

10. On May 2, 2014, Respondent transferred to inactive status with the ARDC. On June 3, 2014, Credence Law Group, Inc., was involuntarily dissolved by the Illinois Secretary of State. Between May and December 2014, Credence's website contained a message that Credence was no longer accepting new client files, but was continuing to serve existing customers.

B. *Respondent's misconduct regarding clients Omar and Delfina Buenrostro*

11. In January 2013, Omar and Delfina Buenrostro ("the Buenrostros") hired Credence to negotiate a loan modification of the Buenrostros' home mortgage. The Buenrostros

spoke with a non-lawyer Credence representative over the phone, who explained Credence's legal services. The non-lawyer also explained Credence's attorney-client retainer agreement to the Buenrostros and had them sign it. The Buenrostros never spoke to Respondent or any attorney on behalf of Credence. The Buenrostros paid Credence $3,241.

12. Between January and April 2013, the Buenrostros left repeated messages with Credence requesting information about the status of their case, but no one from Credence responded. In May 2013, Respondent or someone on Credence's behalf advised the Buenrostros' mortgage lender that Credence no longer represented the Buenrostros. No one from Credence ever communicated this to the Buenrostros. Credence did not obtain a loan modification for the Buenrostros. The Buenrostros requested a refund from Credence but never received a response.

C. Respondent's misconduct regarding clients Lenora and Tommy Browder

13. In April 2013, Lenora and Tommy Browder ("the Browders") hired Credence to negotiate a loan modification of the Browders' home mortgage. The Browders spoke with a non-lawyer Credence representative over the phone, who explained Credence's legal services. The non-lawyer also explained Credence's attorney-client retainer agreement to the Browders and had them sign it. The Browders never spoke to Respondent or any attorney on behalf of Credence. The Browders paid Credence $3,951.

14. Between June and October 2013, the Browders repeatedly requested to speak directly with Respondent, but Respondent never spoke with them. Credence did not obtain a loan modification for the Browders. The Browders later submitted a grievance with the ARDC; Respondent answered the Administrator's request for information via an email in which he acknowledged that the Browders were owed a $2,634 refund for services. As of the filing of this petition, the Browders have not received a refund.

D. Respondent's misconduct regarding client Gary Diggs

15. In April 2013, Gary Diggs hired Credence to negotiate a loan modification of Diggs' home mortgage. Diggs paid Credence $1,217. The same day, Diggs changed his mind and decided to terminate Credence's representation and seek a refund. Over the next eight days, Diggs repeatedly called and emailed Credence, stating that he wished to terminate Credence's representation and obtain a refund. Diggs never received a refund. At no time did Respondent do sufficient legal work to justify retaining the full amount that Diggs paid.

E. Respondent's misconduct regarding client Melinda Gilbert

16. In June 2013, Melinda Gilbert hired Credence to negotiate a modification of Gilbert's home mortgage. Gilbert spoke with a non-lawyer Credence representative over the phone, who explained Credence's legal services. The non-lawyer also explained Credence's attorney-client retainer agreement to Gilbert and had her sign it. Gilbert never spoke to Respondent or any attorney on behalf of Credence. Gilbert paid Credence $1492.50.

17. At no time did Respondent or anyone at Credence ever communicate with Gilbert's lender. A representative from Gilbert's lender later told her that they did not engage in loan modifications. Gilbert later received correspondence from Credence saying that her loan modification had been canceled. Gilbert repeatedly called and emailed Credence requesting a refund but never received one. At no time did Respondent do sufficient legal work to justify retaining the full amount that Gilbert paid.

F. Respondent's misconduct regarding client Jill and Darwin Myers

18. In September 2013, Jill and Darwin Myers ("the Myerses") hired Credence to negotiate a loan modification of the Myerses' home mortgage. The Myerses paid Credence $1,500.

19. Several days after retaining Credence, the Myerses received a letter from the local sheriff advising them that they needed to vacate their home because it had been sold at a public sale. The Myerses contacted Credence and requested immediate assistance. Other than initial response stating, "We will get to work on this right away," no one from Credence responded to the Myerses. Two weeks later, a Credence representative advised the Myerses that she had just been assigned their file and would contact their lender.

20. In November 2013, the Credence representative advised the Myerses that their lender had denied their request, and that the sale of the Myerses' home was official. The Myerses then repeatedly emailed Credence requesting documentation of any work performed on their case. Credence never responded. Sometime after November 2013, the Myerses lost possession of their home.

G. Respondent's failure to monitor activity in or maintain records of client fund accounts results in conversion of funds belonging to clients Diggs and Gilbert

21. In April 2013, at the direction of a representative of Credence, Gary Diggs transferred $1,217 for legal fees into one of Credence's four client fund accounts. Between June and July 2013, Respondent or someone at his direction deposited $1,492.50 paid by Melinda Gilbert for legal fees into one of Credence's four client fund accounts.

22. On January 13, 2014, Credence's four client fund accounts were aggregately overdrawn by a combined $18.10. On January 21, 2014, Credence's four client fund accounts were aggregately overdrawn by a combined $221.48. As a result, the unearned portion of the funds paid by Diggs and Gilbert was converted and Respondent is responsible for that conversion.

H. Conclusions of misconduct

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

a. failing to consult with the client as to the means by which the objectives of representation are to be pursued, in violation of Rule 1.2(a) of the Illinois Rules of Professional Conduct (2010), by conduct including failing to consult with clients about the terms of Credence's engagement;

b. failing to act with reasonable diligence and promptness in representing a client, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010), by conduct including failing to promptly refund the unearned portion of the fees Diggs and Gilbert paid, and failing to communicate directly with the Myerses when they received notice their home was sold;

c. failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required, in violation of Rule 1.4(a)(1) of the Illinois Rules of Professional Conduct (2010), by conduct including failing to notify the Buenrostros that he ceased representing them;

d. failing to reasonably consult with the client about the means by which the client's objectives are to be accomplished, in violation of Rule 1.4(a)(2) of the Illinois Rules of Professional Conduct (2010), by conduct including failing to consult with clients about the terms of Credence's engagement;

e. failing to keep a client reasonably informed about the status of a matter, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010), by conduct including failing to notify the Buenrostros that he ceased representing them and failing to respond to the Buenrostros' and Browders' telephone calls, emails, and faxes requesting information about the status of their matter;

f. failing to promptly comply with reasonable requests for information from a client, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010), by conduct including: (1) failing to respond to the Buenrostros' and Browders' telephone calls, emails, and

faxes requesting information about the status of their matter, and (2) failing to comply with the Myerses' requests for documentation of the work performed on their case;

g. failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of Rule 1.4(b) of the Illinois Rules of Professional Conduct (2010), by conduct including failing to personally explain a matter to the Buenrostros, the Browders, Mr. Diggs, Ms. Gilbert, or the Myerses to the extent reasonably necessary to permit them to make informed decisions regarding Credence's representation;

h. failing to prepare and maintain complete records of a client trust account, in violation of Rules 1.15(a)(1) through 1.15(a)(8) of the Illinois Rules of Professional conduct (2010), by conduct including failing to maintain complete records of any Credence client trust account;

i. failing to take steps to the extent reasonably practicable to protect a client's interests, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010), by conduct including failing to give reasonable notice to the Buenrostros of his withdrawal;

j. failing to promptly refund any part of a fee paid in advance that has not been earned, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010), by conduct including failing to promptly refund any unearned portion of the fees the Buenrostros, Diggs, and Gilbert paid;

k. failing to make reasonable efforts to ensure that Credence had in effect measures giving reasonable assurance that the conduct of Credence's nonlawyer employees was compatible with Respondent's professional obligations, in violation of Rule 5.3(a) of the Illinois Rules of Professional Conduct (2010), by conduct including failing to ensure that Credence had measures in effect to: (1) have an attorney consult with clients as to the means by which the objectives of representation are to be pursued, (2) explain matters to the extent reasonably necessary to permit clients to make informed decisions regarding the representation, (3) supervise the handling and record-keeping of Credence client fund accounts, (4) keep clients reasonably informed

about the status of their matters, and (5) promptly comply with clients' reasonable requests for information; and

l. assisting another in practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct (2010), by conduct including: (1) permitting a nonlawyer Credence employee to discuss with clients the objectives of representation and to consult with the clients as to the means by which the objectives of representation were to be pursued, and (2) permitting nonlawyer Credence representatives to have clients execute complicated, multipage attorney retainer agreements.

I. Description of mitigating and aggravating factors

24. In mitigation, Respondent has expressed remorse for his misconduct and the harm it has caused his clients. Also, at the time of his misconduct Respondent suffered from a mental illness. Respondent is also currently on inactive status with the ARDC and has stated that he no longer wishes to practice law.

25. Respondent's mental illness is currently not in remission, and as a result he was involuntarily enrolled as an inactive member of the California Bar in July 2014 pursuant to Section 6007(b)(3) of the California Business and Professions Code. His status with the California Bar remains "Not Eligible to Practice Law."

26. In aggravation, Credence's clients were vulnerable, since they were all either behind in their mortgage payments or facing foreclosure. Respondent has failed to pay restitution to any of them. Also, Respondent is a very experienced practitioner, having practiced law for 37 years, and at one point serving as lead partner of a firm with offices in several states. Finally, Respondent has previously been disciplined: in 2009, the Court imposed reciprocal discipline pursuant to Rule 763 and suspended Respondent for two years, with the suspension stayed after 60 days by a term of probation, for borrowing $115,000 and a car from a client. *In re Landau*,

M.R. 23291, 09 RC 1510 (Sept. 22, 2009) (reciprocal discipline from the California Bar, Case No. 05-O-02141 (Sept. 26, 2008)).

III. RECOMMENDATION AND DISCUSSION OF PRECEDENT

27. The Administrator respectfully recommends that this Court enter an order suspending Respondent for three years and until further order of the Court. Such a sanction is within the range of discipline imposed by this Court for similar misconduct.

28. For example, in *In re Fleck*, M.R.26684 11 PR 54 (May 16, 2014), the attorney was suspended for one (1) year and until further order of the court for sharing legal fees with a non-lawyer, failing to supervise, assisting in the unauthorized practice of law, neglect, and failing to communicate with clients. Fleck created two separate loan modification companies with non-lawyers. These companies took advance fees from clients. Fleck allowed his clients to meet with non-lawyers, who provided legal advice. Fleck attempted to depart from the company but never obtained his clients' permission to assign their cases to a new attorney. Fleck caused financial harm to "dozens if not hundreds" of clients who were in financial distress. Like the attorney in *Fleck*, Respondent Landau allowed non-lawyers to give legal advice to clients and caused financial harm to clients. However, Fleck had no prior discipline and was found to be unsophisticated, inexperienced, and lacking of any understanding of his professional obligations; Respondent Landau, on the other hand, has been previously disciplined and has substantial professional experience. As a result, a longer suspension is warranted in this case.

29. Similarly, in *In re Aleman and Macey*, M.R. 27212, 12 PR 57 and 12 PR 58 (May 14, 2015), the attorneys were suspended for two (2) years for failing to reasonably consult with or communicate with clients, failing to supervise, and assisting in the unauthorized practice of law. Aleman and Macey created a debt settlement law firm, which was designed to take

advantage of an exemption in the debt settlement industry allowing attorneys to collect upfront fees. The firm entered into "reciprocal referral strategic alliance agreements" with nine debt settlement companies. The firm utilized a system of scripts, DVD presentations, non-attorney meetings, and "reviews" to allow their attorneys to "consult" with their clients. However, in many cases non-attorneys provided legal advice to clients. Like the attorneys *Aleman and Macey*, Respondent Landau failed to consult with or communicate with clients, and he failed to supervise non-lawyers. However, Macey and Aleman refunded money to many of their aggrieved clients, while Respondent Landau has not provided any restitution. Additionally, unlike Landau, neither Macey nor Aleman had any prior discipline. Consequently, a lengthier period of suspension is appropriate for Respondent Landau.

30. In *In re May*, M.R. 11764 & 11457, 93 CH 320 (December 1, 1995), the attorney was suspended for four (4) years and until further order of the Court for entering into a business arrangement with a non-lawyer where the non-lawyer, in essence, practiced law using the attorney's name. The non-lawyer, without May's supervision but while working under the May's auspices, negotiated settlements in ten personal injury claims and endorsed settlement drafts. May received ten percent (10%) of the settlement proceeds, and the non-lawyer kept the remainder of the proceeds without giving anything to the clients. May also converted a client's funds arising from an unrelated real estate transaction. Like the attorney in *May*, Respondent Landau entered into a business venture with non-lawyers where he allowed the non-lawyers to engage in the practice of law and keep most of the fees collected while giving Respondent a small portion. Also like May, Respondent Landau mishandled client funds as well. However, the scope of Respondent Landau's operation was much larger than May's, which only involved ten clients and $72,950. And unlike Respondent Landau, there was no evidence that May suffered

from an unresolved mental illness. On the other hand, May gave false testimony to both the Administrator and to an Inquiry Panel in attempting to conceal his relationship with the non-lawyer, while Respondent Landau is not accused of engaging in dishonest behavior. Consequently, a similar suspension to May's is warranted here.

31. Finally, in *In re Alpert*, M.R. 15847, 96 CH 570 (May 25, 1999), the attorney was disbarred for assisting a non-lawyer in the unauthorized practice of law, sharing legal fees with a non-lawyer, submitting fraudulent insurance claims on behalf of clients, improperly soliciting clients, and improperly advancing fees to clients. Alpert joined his personal injury law practice with the business of a non-lawyer and permitted the non-lawyer to solicit clients, prepare and explain to clients the attorney-client contract for Alpert's services, answer clients' questions, and discuss legal strategy with them. The non-lawyer also arranged for fraudulent insurance claims to be submitted from criminally staged accidents. The hearing board in *Alpert* noted that the attorney's violations of sharing legal fees with the non-lawyer, assisting in the unauthorized practice of law, and paying the non-lawyer to obtain clients alone were sufficient to justify disbarment, without considering Alpert's dishonest conduct and other violations. As in *Alpert*, Respondent Landau engaged in a business where he permitted non-lawyers to explain attorney retainer agreements to clients, engage in most communications with clients and engage in the unauthorized practice of law, which resulted in harm to clients. However, unlike in *Alpert*, Respondent Landau is not alleged to have engaged in dishonest or fraudulent conduct or to have improperly solicited or advanced fees to clients. As a result, discipline short of disbarment is appropriate in this case.

32. Here, Respondent has engaged in serious misconduct which caused harm to clients. Under the circumstances, a suspension of three (3) years and until further order of the Court is within the applicable precedent and will serve to protect the public.

WHEREFORE, the Administrator, with the consent of Respondent, Byron Lee Landau, and the approval of a panel of the Hearing Board, respectfully requests that the Court enter an order suspending Respondent for three (3) years and until further order of the Court.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Ari I. Telisman
Ari I. Telisman

Ari I. Telisman
Counsel for Administrator
One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601
Telephone: (312) 565-2600

ADMINISTRATOR'S EXHIBIT 1

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:	)	
	)	
BYRON LEE LANDAU,	)	Supreme Court No. M.R.
	)	
Attorney-Respondent,	)	Commission No. 2014PR00174
	)	
No. 3121895.	)	

AFFIDAVIT

Byron Lee Landau, Attorney-Respondent in this matter, being first duly sworn, does on oath state as follows:

1. I have read the Administrator's Petition to Impose Discipline on Consent (the "Petition") to which this affidavit is attached.
2. The assertions in the Petition are true and complete.
3. I join in the Petition freely and voluntarily.
4. I understand the nature and consequences of the Petition.

Byron Lee Landau

Subscribed and sworn to before me this 17th day of August, 2015.

NOTARY PUBLIC

NOTARY PUBLIC
CYNTHIA L. PLASKOFF
STATE OF NEVADA - COUNTY OF CLARK
No: 94-4795-1

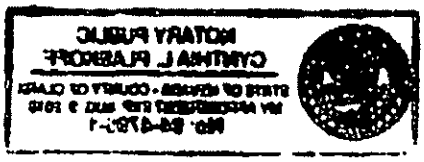
***** Electronically Filed *****

M.R. 27635

09/21/2015

Supreme Court Clerk

****



ADMINISTRATOR'S EXHIBIT 2

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

In the Matter of:	
BYRON LEE LANDAU,	
Attorney-Respondent,	Commission No. 2014PR00174
No. 3121895.	

ORDER

Upon the joint motion to approve the submission of this matter to the Court as an agreed matter by way of petition to impose discipline on consent:

IT IS ORDERED THAT the motion is allowed, and the panel approves the submission of this matter to the Court as an agreed matter, pursuant to Supreme Court Rule 762(b)(1)(b), by way of the attached petition to impose discipline on consent.

Respectfully submitted,

Rebecca J. McDade
Andrea D. Rice
David A. Dattilo

CERTIFICATION

I, Kenneth G. Jablonski, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, certify that the foregoing is a true copy of the order, approved by each Panel member of the Hearing Board, entered in the above entitled cause of record filed in my office on September 8, 2015.

Kenneth G. Jablonski,
Clerk of the Attorney Registration and
Disciplinary Commission of the
Supreme Court of Illinois

ADMINISTRATOR'S EXHIBIT 3

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

IN THE MATTER OF:	)	
	)	
BYRON LEE LANDAU	)	No. 2014PR00174
	)	
Attorney-Respondent	)	
No. 3121895	)	

REPORT OF PROCEEDINGS had in the above-entitled matter, before the Hearing Board of the Attorney Registration and Disciplinary Commission, before ANNETTE WASHINGTON, Certified Shorthand Reporter and Notary Public, within and for the County of Cook and State of Illinois, at 130 East Randolph Drive, Chicago, Illinois, on the 8th day of September 2015 at 9:30 a.m.

PANEL MEMBERS PRESENT:

MS. REBECCA J. McDADE

MS. ANDREA D. RICE

MR. DAVID A. DATTILO

APPEARANCES:

MR. JEROME LARKIN,

Administrator,

BY: MR. ARI TELISMAN

130 East Randolph Drive

Chicago, Illinois 60601

(312) 565-2600

Appeared on behalf of the Administrator;

MR. BYRON LEE LANDAU

Appeared as the Attorney-Respondent pro se.

I N D E X

E X H I B I T S

(No Exhibits Marked)

CHAIRMAN McDADE: Good morning.

MR. TELISMAN: Good morning.

CHAIRMAN McDADE: Good morning. We're here on Byron Lee Landau, 2014PR00174.

We're here on the joint motion for approval to file a petition to impose discipline on consent.

Are there any matters that we need to talk about?

First, why don't the parties introduce themselves, please?

MR. TELISMAN: Good morning. On behalf of the Administrator, Ari Telisman.

CHAIRMAN McDADE: Please introduce yourself.

MR. LANDAU: Good morning. My name is Byron Landau.

MR. TELISMAN: Also for the record, present with Mr. Landau is a notary public who is certified in the State of Nevada where Mr. Landau is appearing remotely. His name is Robert Silverman.

MR. SILVERMAN: Good morning.

MR. TELISMAN: And we had procured

Mr. Silverman's services for the purposes of swearing in Mr. Landau in case the panel had any questions for Mr. Landau, or if the panel wishes that I conduct any examination of Mr. Landau as a part of this consent proceeding.

So he's present. Mr. Silverman is present for that with the understanding that if the panel has no objection, that he could be excused once Mr. Landau is sworn. And also, for the purpose of ensuring the identity of Mr. Landau since he is appearing remotely.

CHAIRMAN McDADE: Why don't you go ahead and swear him in, that way he can be dismissed now.

MR. TELISMAN: Okay.

(Respondent sworn)

MR. TELISMAN: Mr. Silverman, if we could just have clarification. This is not a deposition. This is actually an appearance at a disciplinary hearing, so could you please re-administer the oath with that amendment?

MR. SILVERMAN: Yeah. Absolutely.

(Respondent sworn.)

CHAIRMAN McDADE: Okay. Thank you very much.

MR. SILVERMAN: You're welcome.

MR. TELISMAN: Thank you, Mr. Silverman.

CHAIRMAN McDADE: Mr. Telisman?

MR. TELISMAN: Just by way of background if I may, would the panel like me to proceed with an opening statement first?

CHAIRMAN McDADE: Please.

MR. TELISMAN: Sure.

OPENING STATEMENT

BY MR. TELISMAN:

By way of background, first off, I want to thank the panel. I know this has been a little bit of a long winding process to get to this point where we are today here for this consent hearing.

Initially there was an understanding -- we thought we had an agreement between the parties. And I don't know whether Miss Rice and Mr. Dattilo, whether you were the panel members at the time, but initially we had the matter set for a consent hearing. I know

Miss McDade was definitely the Chairperson.

Things ended up falling through at the last minute. Frankly, it was something that could have been avoided. And I want to give my apology both personally and on behalf of the Administrator for the inconvenience that it caused the panel, and that it caused the entire proceeding.

So with that happening, we were able to, after further investigation and discovery in this matter and communications with Mr. Landau directly after he had discharged his attorney, we were able to reach a consent, a joint motion for consent and have Mr. Landau sign the motion for -- to have this matter submitted for consent, as well as an affidavit, which I will be presenting to the panel and Mr. Landau. That Mr. Landau has executed that we plan on filing with the Supreme Court if the hearing panel here gives us permission to do so.

So what's this case about? On December 26th, 2014 the Administrator filed a seven-count complaint charging the Respondent,

Byron Landau, with multiple violations of the Rules of Professional Conduct, all from 2010, meaning the 2010 version of the Rules.

They included neglect, failing to communicate with clients, failure to supervise, and assisting in the unauthorized practice of law.

They all involved the Respondent, Mr. Landau's, involvement with a law firm by the name of Credence Law Group. This is a very interesting and unusual set of circumstances, so I want to go through it in a little bit of detail. And you'll see that the way the complaint was structured, the -- I'm going to go through it in three different parts.

The first part deals with Mr. Landau's general involvement with Credence Law Group, and that's Count 1 of the complaint. Then we have Counts II through VI, which involves specific clients of Credence's Law Group. You'll hear names like the Buenrostros, the Browders, the Diggs -- pardon me. Gary Diggs, people like that. And we'll talk about that and their personal involvement with

Credence Law Group and the Respondent's misconduct with respect to what happened to them.

Then finally with respect to Count VII of the complaint, we have the Respondent's misconduct regarding funds that were paid by clients, and the Credence Law Group's client trust accounts. And Mr. Landau's failure to oversee them and monitor them.

So with respect to Count 1, Mr. Landau's general involvement with Credence Law Group, in December of 2012 the Respondent agreed with two lawyers, their names are Ariyo, A-r-i-o-y, Mackay, M-a-c-k-a-y, and Scott Murikami, M-u-r-i-k-a-m-i, to work for a law firm called "Credence Law Group." I'm going to refer to it as Credence here on out because I'm going to be mentioning it a lot.

Credence was a company that was located in California that offered distressed homeowners assistance when they were either facing foreclosure or were seeking a loan modification.

And Credence had marketed itself

to homeowners in at least eight different states across America. This was a large operation.

And Mr. Murikami, one of those nonlawyers, told the Respondent that this business structure was already in place. That there were representatives and phone agents and a whole marketing system set up, and that they just needed a lawyer to step in to handle certain things.

Ultimately, Mr. Landau, after meeting with Mr. Murikami and seeing some of these phone agents at work and things like that, he -- and then going to a bank out in California, Mr. Landau ultimately ended up agreeing to actually not only just serve as attorney, but actually be the owner of Credence Law Group, and incorporate this company here in Illinois and open up client fund accounts in California for this law firm.

He not only did that, but he also contracted with Regus, R-e-g-u-s, which is a vendor of virtual office space, to establish a mailing address, which coincidentally happens

to be in the same office plaza, 180 North Stetson Avenue in the Prudential II building. And so that was the actual official business address for Credence Law Group.

Between January 2013 and February 2014, this Credence Law Group was up and running and operational, and nonlawyer phone agents for Credence would field calls from potential clients.

And these nonlawyers would explain to the potential clients the services that Credence Law Group could offer, and then had clients execute these retainer agreements, which were complicated multipage and multi-sectioned retainer agreements. These were nonlawyers that were explaining these things to clients of the law firm.

Now, the Respondent did not personally consult with most of Credence's clients. And Credence did, in fact, contract with other attorneys to review files before -- and review documents before loan modification packets were submitted to the lenders to see if a loan modification could be worked out.

But the Respondent was the only attorney with the authority to supervise the operation of Credence. And the responsible -- pardon me. The Respondent was responsible for ensuring that all of Credence's policies were, in fact, followed.

Now, with respect to the client fund accounts, the Respondent was the only signatory on any of Credence's client fund accounts. And from what we were able to determine throughout discovery, is that we found four of them.

And between January of 2013 and February 2014, more than $6 million was deposited into these client fund accounts. And as of February of 2014, all but $35,000 of that money was taken out.

Now, you may ask yourselves where did the money go, because you're going to find out that there were some clients -- there were more than a few clients that did not receive the services that they had paid for.

From what we could tell, and not only us, but also the New Mexico Attorney

General's Office currently has civil proceedings pending against Mr. Landau and the nonattorneys, Mr. Murikami and Mr. Mackay.

And from what we could tell and based upon our investigation from obtaining information from the New Mexico Attorney General's Office and other investigative agencies, we were able to determine that Mr. Landau was paid by the nonlawyers approximately $62,000 during Mr. Landau's involvement with Credence. The other roughly $6 million from what we could tell went to Mr. Murikami, Mr. Mackay and companies owned by Mr. Murikami and Mr. Mackay.

Importantly, Mr. Landau never monitored or maintained records of the activity in those trust accounts, so the money was coming and going without Mr. Landau exercising supervision and/or oversight over those client fund accounts.

So with respect to Count 1 -- oh, and also I want it to be clear as well, as we stated in the consent petition, and I know that Mr. Landau wanted this to be made clear as part

of the record, that Mr. Landau did not receive funds from the Credence operation after February of 2014. And this was based upon our investigation. We saw no evidence of that. And Mr. Landau, I know that's a fact that's important to him, so I wanted that spread of record.

So with respect to Count 1, Mr. Landau is alleged to have violated the following Rules of Professional Conduct from the 2010 Rules: Rules 1.2(a) and 1.4(a)(2), both by conduct, including failing to consult with clients about the terms of Credence's engagement.

Rule 1.5(a)(1) through (a)(8), by failing to maintain complete records of any of Credence's client fund accounts. Rule 5.3(a), by failing to ensure that Credence had measures in effect to -- and this is the failure to supervise count -- pardon me. Failure to supervise rule.

That they -- that Credence had measures in effect to either have an attorney consult with clients as the means by which the

objectives of representation would be pursued, to explain matters to the extent reasonably necessary for clients to make informed decisions about the representation. And supervising the handling and record keeping of Credence's client fund accounts.

And finally, a violation of Rule 5.5(a), by permitting nonlawyer Credence representatives to discuss with clients the objectives of representation and the means by which those objectives would be pursued. And this involved the fact that nonlawyer phone agents were fielding the client calls, signing the clients up, going through these complicated retainer agreements with the clients. And not -- and not ensuring that an attorney was speaking with a client or explaining these things to a client. Now, that's Count 1.

With respect to Counts II through Count VI, we have specific Credence clients. With respect to Count II, we have Omar and Delfina Buenrostro, D-e-l-f-i-n-a, last name B-u-e-n-r-o-s-t-r-o.

In January of 2013 the Buenrostros

hired Credence to negotiate a loan modification for an existing home mortgage that they had. They spoke with a nonlawyer Credence representative over the phone, who explained Credence's legal services. And also explained the attorney-client retainer agreement to the Buenrostros, and had the Buenrostros execute it over the phone.

They never spoke to the Respondent. They never spoke to any attorney on behalf of Credence. They paid Credence $3,241. And between January and April of 2013, the Buenrostros left multiple messages for Credence. They were asking for information about the status of their case, but they never got any response.

Ultimately they discovered that someone on behalf of Credence had notified their mortgage lender that Credence no longer represented them, but no one ever notified the Buenrostros that Credence no longer represented them. Ultimately Credence never obtained a loan modification for the Buenrostros. They requested a refund, but they received no

response.

With respect to Count III, this involves Lenora, L-e-n-o-r-a and Tommy Browder, B-r-o-w-d-e-r. In April of 2013 the Browders hired Credence to negotiate a loan modification of their existing home mortgage. Again, they spoke with a nonlawyer Credence representative, who explained Credence's services and had them execute a retainer agreement. Again, the same multi-sectioned, multipage attorney retainer agreement.

The Browders never spoke to the Respondent or any attorney on behalf of Credence. They ultimately paid Credence nearly $4,000. And over the course of the next -- between June and October of 2013, they repeatedly requested to speak with the Respondent, but the Respondent never spoke with them. And I believe Mr. Landau will tell you that, in fact, he never received a message that they were attempting to contact him.

Credence did not obtain a loan modification for the Browders. Ultimately in response to the ARDC's Request for

Investigation, Mr. Landau acknowledged that the Browders were entitled to a refund of $2,600, but the Browders never received that refund.

Then we also have a client by the name of Gary Diggs, D-i-g-g-s. Mr. Diggs also hired Credence to negotiate a loan modification of his home mortgage, and he paid Credence $1,217.

The same day that he hired them he had second thoughts and he called back or emailed back and advised that he was no longer interested in having them represent him, that he was terminating the representation. Over the next eight days, he repeatedly called and emailed requesting a refund. And ultimately, he never received a refund and there -- there was no evidence that Credence did any work to justify retaining any of that fee.

We have client, Melinda Gilbert. In June of 2013 Miss Gilbert hired Credence, again, to negotiate a modification of her home mortgage. She spoke with a nonlawyer Credence representative, who had her execute another multipage, multi-sectioned, attorney client

retainer agreement and explained it to her.

She paid Credence $1,492. And at no time did Respondent or anyone at Credence ever communicate with her lender. A representative from her lender later told her they, in fact, did not even engage in loan modifications. Her lender was the U.S Department of Agriculture and they do not do that.

Miss Gilbert, after receiving this information and learning that Credence had no contact with her lender whatsoever, she repeatedly called and emailed Credence requesting a refund. She never received one. At no time did Respondent or Credence do sufficient work to justify retaining any of that fee.

And finally, we have Jill and Darwin Myers, M-y-e-r-s. In December of -- pardon me. In September of 2013, the Myerses hired Credence to negotiate a loan modification of their home mortgage and they paid Credence $1,500.

Now, a few days after they

retained Credence they received notice that their home had been sold by a public sale. They received this notice from the sheriff's office. I believe that they reside in Ohio, and they received a notice from the county sheriff in the county they reside in.

They contacted Credence and the representative, which was not a Credence employee, but worked for some other company that was contracted out by Credence to field phone calls. They called and desperately requested help, immediate help given the fact it appeared they were losing their home.

They received an initial email saying, we'll get to work on this right away, but they never received any contact from Credence afterwards.

They had contact with this individual, this individual from this other company that was contracted out by Credence saying he was trying to get in touch with someone from Credence, but they went, actually I believe it was several weeks without receiving any -- it was not until late October

or early November that they received any response from someone from Credence.

In November of 2013 a Credence representative did advise the Myerses that the lender had denied their request to delay or cancel the sale of their home, and that there was nothing they could do. That the sale of the home was official.

The Myerses at that point repeatedly emailed Credence requesting documentation of the work Credence had done, a log of phone calls that Credence had made. Any sort of document of any work done on their case, and no one from Credence, including Respondent, ever responded to their request to find out what Credence had done to help them save their home. And ultimately sometime after November 2013, the Myerses did lose possession of their home.

Now, with respect to these counts that involve these specific clients of Credence, Counts II through VI, the Respondent is alleged to have violated the following Rules of Professional Conduct: Rule 1.2(a), by

conduct including failing to consult with these clients about the terms of Credence's engagement.

Rule 1.3, which involves diligence or lack of diligence by failing to promptly refund the unearned portion of the fees that Mr. Diggs and Miss Gilbert had paid. And failing to communicate directly with the Myerses when they received notice that their home was being sold.

Rule 1.4(a)(1), by conduct including failing to notify the Buenrostros that he ceased representing them.

Rule 1.4(a)(2), by conduct, including failing to consult with any of these clients about the terms of Credence's engagement.

Rule 1.4(a)(3), by failing to notify the Buenrostros again, that he ceased representing them, or failing to respond to the Buenrostros' and the Browders' calls, emails, requesting information about the status of their matter.

Also, Rule 1.4(a)(4), by failing

to respond to the Buenrostros' and Browders' request for information about the status of their matter, and failing to comply with the Myers' request for documentation of the work that they had performed on their case.

Also 1.4(b), Rule 1.4(b), for failing to personally explain any matter to any of these specific clients to the extent reasonably necessary for them to be able to make informed decisions about Credence's representation.

Also, Rule 5.3 -- pardon me. And that's it with respect to Counts II through VI.

Finally, we have the Respondent -- the misconduct alleged in Count VII regarding the Respondent's handling of client funds and the management of the client fund account.

And with respect to that, we have the fact that as stated before, that Mr. Diggs transferred $1,217 for legal fees into one of Credence's client fund accounts. And also that the money from -- that Melinda Gilbert had paid also went -- it was just under $1,500. That was also deposited into a Credence client fund

accounts.

And that the balances on the four Credence client fund accounts in aggregate fell below the amount that these two folks had paid Credence before any work was done on their case because in fact, there was not any work done on their case. And in light of that, that money was converted because it was used before it was earned.

As a result of that, and as a result of the fact that Mr. Landau did not prepare and maintain the client fund accounts records that are required by Rule 1.15(a), the complaint alleges that Mr. Landau violated Rule 1.15(a) and -- both by failing to prepare and maintain those records and by causing the conversion of the client funds of Mr. Diggs and Miss Gilbert.

So that's what we have as far as the allegations of misconduct here in this petition.

So that the panel understands, there was extensive discovery and investigation conducted here, literally thousands upon

thousands of pages.

We interviewed clients of Credence Law Group. Many clients, in addition to these that are listed here in the complaint. We spoke with and interviewed attorneys that were contracted by Credence Law Group to do work for Credence. And we also spoke with regulatory agencies that had other information about Credence's conduct.

We gathered and reviewed many, many records, pages of records, not only from the Credence client and banks, but also from these investigative agencies, which included internal Credence communications.

We subpoenaed the bank records. And again, they were -- I'm not exaggerating when I say thousands of pages of bank records alone.

We also conducted a lengthy discovery deposition of Mr. Landau. It was done remotely. And that also provided a great deal of information about Mr. Landau's involvement with Credence and the -- and how Credence operated.

We also reviewed the applicable precedence, which we cited in the joint motion for submission of this petition on consent. And based upon all that information, and the aggravating and mitigating factors that we cite in the motion, we believe that a suspension of three years and until further order of court is warranted under these circumstances. And that is what Mr. Landau is going to -- that is also what he is agreeing to as well.

We'd ask that you sign an order approving this submission to the Supreme Court as an agreed matter pursuant to Supreme Court Rule 762(b)(1)(b). Thank you.

CHAIRMAN McDADE: One second. Questions?

MS. RICE: Oh, no. I just thought this was an opening statement.

MR. TELISMAN: Yes, it is.

CHAIRMAN McDADE: Okay. Yes, go ahead.

MR. TELISMAN: That's the end of my opening statement. I'd be happy to field any questions from the panel if they have any

at this point.

CHAIRMAN McDADE: No, that's fine.

MR. TELISMAN: Okay. Thank you.

CHAIRMAN McDADE: Mr. Landau, do you have an opening statement?

MR. LANDAU: No, ma'am.

CHAIRMAN McDADE: Okay. Do you have any questions?

MS. RICE: Okay. Since we are now in that phase of the hearing, I don't know if this question is directed towards the Administrator or the Respondent, but I have a question regarding the complaint.

Paragraph 14 states that the Respondent was the only signator of the IOLTA accounts?

MR. TELISMAN: That is correct.

MS. RICE: Were the signatures on the checks like, preprinted? Because I'm -- I have a question as to whether or not he signed the checks as they came in, or whether or not they were preprinted and the two nonattorneys actually disbursed? How was that done?

MR. TELISMAN: Would you like me

to address the panel from here or from the table or from the podium, whatever you prefer?

CHAIRMAN McDADE: Mr. Landau probably can't see -- can he see you from there?

MR. TELISMAN: He cannot. The Webcam is trained on the panel. I could move it.

CHAIRMAN McDADE: No, from there is fine.

MR. TELISMAN: All right. Mr. Landau, I'm sure, could verify this as well, but it is based upon the investigation that we saw.

There was -- from what I understand, there was actually a signature stamp of Mr. Landau's signature that was made, that I don't even know if Mr. Landau had knowledge of. I believe during his deposition he testified that he did not even have knowledge of and that Mr. Murikami had this. That is my understanding.

We actually obtained an affidavit that was executed by a bookkeeper for Credence

that Mr. Landau did not even know of, and that the bookkeeper knew Mr. Landau's name, but had never met him. This bookkeeper worked for Mr. Murikami.

And so again, this is -- there was a lot of information that we received during our investigation that led us to believe that there was a great deal of failure to supervise certain aspects of Credence's operation, including where money was going. Money was coming in and money coming out. And again, we did not see the evidence. And frankly, we have every reason to believe that Mr. Landau, other than that $62,000, did not profit from this operation.

And we have reason to believe that Mr. Landau was not the first attorney that was put in this situation as a result of the conduct of these nonlawyers.

But that said, we still believe that the misconduct that we allege would certainly be proved at a hearing because the misconduct that we allege, these violations of the Rules of Professional Conduct, deal

specifically with matters that Mr. Landau, that he as owner of Credence, he failed to do. And so that is the misconduct that we have here.

So it's a situation where if we believed that Mr. Landau was receiving the bulk of these funds that were taken from these homeowners, then our position with respect to sanction in this matter would be drastically different.

MS. RICE: I have a follow-up question. And I guess part of it is answered now that we know that there was a preprinted signature stamp.

MR. TELISMAN: And again, just so it's clear, Miss Rice, and I apologize for interrupting.

I want it to be clear this is -- we received an affidavit from a bookkeeper that stated that. I never -- you know, we never personally obtained the signature stamp or anything like that, but that's our understanding. That's what we believe.

In addition to that, the internal communications regarding Credence's operations

lead us and also confirms our suspicions that Mr. Landau was not involved in the handling of Credence's funds other than what was paid, disbursed to him by the nonlawyers.

MS. RICE: Okay. If I may ask, you mentioned that the retainer agreement with the individual clients was a multipage complex type document?

MR. TELISMAN: Yes, it was.

MS. RICE: Was Mr. Landau's signature preprinted on these retainer agreements and -- or was it his original signature?

MR. TELISMAN: Mr. Landau's signature was not on the agreements at all.

MS. RICE: So the agreement was just signed by the actual client?

MR. TELISMAN: It was an online form that would then be printed out, signed and faxed in or emailed in to Credence. And so this was a form that simply had the clients' signatures on them.

MS. RICE: So it did not have any signatures on it of Mr. Landau or any other

representative of Credence?

MR. TELISMAN: That is correct.

MS. RICE: But it's an agreement?

MR. TELISMAN: Yes, it is.

MS. RICE: Okay.

MR. TELISMAN: And it certainly -- and that's how it was presented to the clients as well. It actually states on it, "Confidential Attorney-Client Agreement."

MS. RICE: Okay.

MR. TELISMAN: And there is a -- and it talks about Credence being a law firm, and this is a privileged attorney-client communication. It was fashioned that way and presented to the client that way.

MS. RICE: Okay. Those are my only two issues.

MR. DATTILO: Just a couple of questions for clarification.

MR. TELISMAN: Yes, sir.

MR. DATTILO: Good morning.

MR. TELISMAN: Good morning.

MR. DATTILO: My understanding from what you've told us, the Respondent was

responsible for the eight-state areas that the company covered?

MR. TELISMAN: No. Mr. Landau was the owner of Credence Law Group. He incorporated it in Illinois. He opened up the client fund account.

As far as what he was responsible for, I mean, he was the -- also he was the only attorney that actually was with the law firm. The Credence Law Group actually contracted out and gave an executed independent contract agreement with other attorneys in the individual states for the purpose of having these attorneys review loan modification submissions by consumers in those individual states.

MR. DATTILO: The status of the company today?

MR. TELISMAN: As of -- certainly as of the day we filed our complaint, and I believe as of a few months ago, if you go on the Credence Web site it -- it would say Credence is no longer accepting new clients; however, they are still serving existing

clients.

Mr. Landau's testimony during his discovery is that he had no further involvement with Credence Law Group after February of 2014 other than fielding complaints from clients.

And we do have emails from Mr. Landau to the clients stating something like, I don't have any money. You need to contact the nonlawyers, they can get you your money back, things like that.

But Mr. Landau's involvement with the operation of Credence ended as of February 2014.

MR. DATTILO: My final question. Counts II through VI are for the individuals who filed a complaint with the ARDC?

MR. TELISMAN: In response, Mr. Dattilo, and I hope you can appreciate the nuance of this.

MR. DATTILO: Okay.

MR. TELISMAN: Those individuals did file Requests for Investigation or complaints that ultimately were received by the ARDC. Some of them were filed with other --

MR. DATTILO: You've answered my question.

MR. TELISMAN: No problem.

CHAIRMAN McDADE: So did Mr. Landau -- you state he never monitored or maintained bank records. Did the bank records go to him --

MR. TELISMAN: I --

CHAIRMAN McDADE: -- or the statement?

MR. TELISMAN: The mailing address -- yeah, the bank statements all went to 180 North Stetson Avenue, the Regus, the virtual office, that was the mailing address for Credence. And then from there they were forwarded somewhere.

We actually subpoenaed the records for Regus, but off the top of my head I don't remember exactly where they went. But the bottom line is and as we allege, Mr. Landau was the only signatory on the accounts.

He -- from what we can tell, there was no effort made to supervise. In fact, he admitted that he never looked at a bank

statement.

Had this gone to hearing I would have argued to the panel that going online, a simple phone call to the bank, anything. He was the only person who had the authority to do anything with those accounts.

CHAIRMAN McDADE: And then, I'm sorry, I must have missed it before.

So Credence subcontracted to other attorneys; is that correct? So it had contract attorneys on staff?

MR. TELISMAN: It had attorneys that were -- it had attorneys in -- it had attorneys in states where Mr. Landau was not licensed. And it's my understanding they did so to ensure there was an attorney who was authorized to practice law in a state where they were servicing a client's mortgage home loan modification.

So we did obtain the sum of those contracts between the attorneys in these individual states and Credence and Mr. Landau. Actually it was his signature on the agreements.

CHAIRMAN McDADE: Original signature?

MR. TELISMAN: Yes. We obtained faxes of them. But yes, it appeared to be Mr. Landau's signature consistent with the handwriting that we have from Mr. Landau in his motions and things like that in these proceedings.

CHAIRMAN McDADE: Okay. Any other questions?

MR. DATTILO: No.

CHAIRMAN McDADE: Do you want final statements or --

MR. TELISMAN: No. I -- unless the panel has any sort of questions or concerns. I know that this is a little bit of a unusual complaint, not your classic neglect or conversion, slightly different.

But I believe that we laid out our position pretty succinctly and the justification for the sanction in the joint motion.

So that's -- so I would simply rest on that unless the panel has any other

questions or concerns.

CHAIRMAN McDADE: Mr. Landau, do you have anything you want to say at this time?

MR. LANDAU: No, ma'am.

CHAIRMAN McDADE: Okay. All right. Why don't we take a few minutes. If you guys can wait for the --

MR. TELISMAN: And I apologize. There is just one other thing I wanted to spread of record that I apologize I did not do before.

I simply want the record to reflect that Mr. Landau is appearing remotely by video conference. And he is at -- appearing remotely at a Regus location. Actually R-e-g-u-s, at 3960 Howard Hughes Parkway, Suite 500 in Las Vegas, Nevada. I just wanted to make sure that was made part of the record.

CHAIRMAN McDADE: Thank you.

MR. TELISMAN: Thank you.

CHAIRMAN McDADE: Mr. Landau, are you fine waiting for a little bit so that we can deliberate?

MR. LANDAU: Okay. Thank you.

Yes, ma'am. Thank you for your consideration.

CHAIRMAN McDADE: All right.

(Whereupon a recess was had.)

CHAIRMAN McDADE: On the joint motion for approval to file petition to impose discipline on consent, we are granting the motion with some reservation, in that given the nature of Mr. Landau's conduct or lack thereof, we do not feel that this is necessarily a strong enough sanction, but recognize that as part of the negotiation process, the effect is somewhat similar to being disbarred. And so we are inclined to grant the motion.

MR. TELISMAN: Thank you.

CHAIRMAN McDADE: So we are adjourned.

(Which was and is all the proceedings had in the above-entitled cause on this date.)

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, ANNETTE W. WASHINGTON, Certified Shorthand Reporter in the City of Chicago, County of Cook, and State of Illinois, state that I reported in machine shorthand the matters presented at the hearing in the above-entitled matter on the 8th day of September 2015, and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid, and contains all the matters presented at said hearing to the best of my knowledge and ability.

Annette W. Washington

CSR Lic. No. 084-001004

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

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Clerk of the Court

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November 17, 2015

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TODAY THE COURT ENTERED THE FOLLOWING ORDER:

M.R.27635 - In re: Byron Lee Landau. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Byron Lee Landau is suspended from the practice of law for three (3) years and until further order of the Court.

Order entered by the Court.

cc: Mr. Kenneth G. Jablonski, One Prudential Plaza
Byron Lee Landau

STATE OF ILLINOIS
SUPREME COURT

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the ninth day of November, 2015.

Present: Rita B. Garman, Chief Justice

Justice Charles E. Freeman
Justice Thomas L. Kilbride
Justice Anne M. Burke
Justice Robert R. Thomas
Justice Lloyd A. Karmeier
Justice Mary Jane Theis

On the seventeenth day of November, 2015, the Supreme Court entered the following judgment:

In re:

M.R.27635

Byron Lee Landau
981 Playful Glow St.
Henderson, NV 89052

Attorney
Registration and
Disciplinary
Commission
2014PR00174

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Byron Lee Landau is suspended from the practice of law for three (3) years and until further order of the Court.

Order entered by the Court.

As Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, I certify that the foregoing is a true copy of the final order entered in this case.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court, this seventeenth day of November, 2015.

Carolyn Taft Grosboll
Clerk,
Supreme Court of the State of Illinois