

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

In the Matter of:)
)
KEVIN BRIAN DUCKWORTH,) Commission No. 2019PR00048
)
Attorney-Respondent,)
)
No. 6191668.)

NOTICE OF FILING

TO: Chi (Michael) Zhang
Counsel for the Administrator
Illinois Attorney Registration and Disciplinary Commission
130 E. Randolph Drive, Suite 1500
Chicago, Illinois 60601
mzhang@iardc.org

Please take notice that on September 24, 2019, an electronic copy of ***Respondent's Answer to the Administrator's Complaint*** was submitted to the clerk of the Attorney Registration and Disciplinary Commission; and on that same date, a copy was served via email on Counsel for the Administrator at mzhang@iardc.org.

Respectfully Submitted,



Counsel for Petitioner

Allison L. Wood
Legal Ethics Consulting, P.C.
500 North Michigan Avenue
Suite 600
Chicago, Illinois 60611
(773) 595-5623
Dated: September 24, 2019

FILED
9/24/2019 3:21 PM
ARDC Clerk

PROOF OF SERVICE

The undersigned, being first duly sworn on oath deposes and states that she served a copy of this **Notice of Filing and Respondent's Answer to the Administrator's Complaint**, on the individual at the email address listed on the foregoing Notice of Filing; and by regular mail, proper postage paid on September 24, 2019 before 5:00pm.

Allison Wood

Counsel for Respondent

Allison L. Wood
Legal Ethics Consulting, P.C.
500 North Michigan Avenue
Suite 600
Chicago, Illinois 60611
(773) 595-5623
Dated: **September 24, 2019**

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ANSWER TO COMPLAINT

Now Comes Respondent, Kevin B. Duckworth, by and through his attorney, Allison L. Wood, and responds to the Complaint as follows:

COMMISSION RULE 231 STATEMENT

Respondent was licensed to practice law in the State of Illinois on November 7, 1985. Respondent is also admitted to practice before the Northern District of Illinois.

ALLEGATIONS COMMON TO ALL COUNTS

1. Prior to May 7, 2013, Respondent and Rita Henderson ("Rita") agreed that Respondent would represent Rita in a probate matter. Rita's paternal uncle, Wellington Horrace Henderson ("Wellington"), who died on October 26, 2009, had appointed Rita as the executrix of his 2008 will.

Answer: Respondent admits the allegations in paragraph 1.

2. In Article II of his 2008 will, Wellington bequeathed a nine-unit residential property, along with any income it generated to his five surviving nieces and nephews in equal shares. Among the five devisees were Rita and Arnold Henderson IV. The property was

located on South Evans Avenue in Chicago (hereinafter, "the South Evans property").

Answer: Respondent admits the allegations in paragraph 2.

3. From at least May 7, 2013 to the date this complaint was filed, Rita was a resident of Richmond, Virginia.

Answer: Respondent admits the allegations in paragraph 3.

4. On May 7, 2013, Respondent filed on behalf of Rita a petition to probate the will of Wellington Horrace Henderson ("Wellington") in the Circuit Court of Cook County, Probate Division. The clerk of the court docketed the matter as *In re the Estate of Wellington Horrace Henderson*, 13 P 2677 ("the probate matter").

Answer: Respondent admits the allegations in paragraph 4.

5. On May 22, 2013, the court admitted Wellington's 2008 will to probate and issued letters of office to Rita Henderson. On that same date, Rita filed her affidavit of heirship and designated Respondent as attorney for the estate and related matters, as well as her resident agent in Illinois.

Answer: Respondent admits the allegations in paragraph 5.

6. On June 21, 2013, Respondent filed on behalf of Rita a petition to grant possession of the South Evans property. Wellington had previously entered into an Article of Agreement of Deed with Irfan Sheikh ("Sheikh") for the South Evans property in September 2006 with the purchase price of \$410,000. Pursuant to the agreement, Sheikh was to make 60 consecutive monthly payments of \$2,000 to Wellington, with a final lump sum of \$331,718.65 due on December 10, 2011. Wellington, in turn, would pay Sheikh \$700 each month in rent for the unit Wellington resided. The petition alleged that Sheikh had stopped making payments on the South Evans property after Wellington's death in October of 2009, and that Sheikh owed the Wellington estate \$362,718.65.

Answer: Respondent admits the allegations in paragraph 6.

7. On July 8, 2013, Respondent filed on behalf of Rita, as executor of the Estate of Wellington Henderson, a complaint against

Sheikh in the Circuit Court of Cook County, Law Division. The clerk of the court docketed the matter as 13 L 7663 ("the law division matter"). Rita's claims arose out of the facts alleged in paragraph 6, above.

Answer: Respondent admits the allegations in paragraph 7.

8. The law division matter went to trial on September 6, 2016.

Answer: Respondent admits the allegations in paragraph 8.

9. On September 7, 2016, the court entered judgment for Rita in the amount of \$95,767.61 in the law division matter. Those funds belonged to the Wellington estate.

Answer: Respondent admits the allegations in paragraph 9.

10. On November 29, 2016, the court granted Respondent's petition for attorney's fees and costs in the amount of \$60,075.00 for a total amount of \$155,842.61 against Sheikh.

Answer: Respondent admits the allegations in paragraph 10.

11. On January 5, 2017, Sheikh, through one of his attorneys, filed a motion to satisfy the judgment in the law division matter. Sheikh attached with his motion a certified check, payable to the clerk of the court, in the amount of \$157,505.10, which included interest that had accrued in the 43 days since the judgment was first entered.

Answer: Respondent admits the allegations in paragraph 11.

12. On January 11, 2017, the court granted Sheikh's motion to satisfy judgment and allowed the check to be deposited with the clerk of the court.

Answer: Respondent admits the allegations in paragraph 12.

13. On January 20, 2017, the court entered an order and released Sheikh of the judgment that had been entered against him in the law division matter.

Answer: Respondent admits the allegations in paragraph 13.

14. From at least May of 2013 to the date this complaint was filed, Respondent maintained three accounts with JPMorgan Chase; a Chase Premier Checking account entitled "KEVIN B. DUCKWORTH, ATTORNEY AT LAW, account number ending in 6165, which Respondent used for personal purposes (hereafter "personal checking account"); a Chase BusinessSelect Checking account entitled, "DUCKWORTH LAW GROUP LLC", account number ending in 1639 (hereinafter "business account"; and a CHASE IOLTA account entitled "DUCKWORTH LAW GROUP LLC, IOLTA TRUST ACCOUNT", account number ending in 9042 (hereinafter "IOLTA account"). Respondent is the sole signatory for all three accounts.

Answer: Respondent admits the allegations in paragraph 14.

15. On or about August 6, 2013, Rita established two checking accounts at Bank of America, both entitled "ESTATE OF WELLINGTON H. HENDERSON RITA HENDERSON ADM, EXE OR PER REP". One account number ending in 3292, and the second ending in 2115. Rita is the sole signatory for both accounts.

Answer: Respondent admits the allegations in paragraph 15.

COUNT I

(Misappropriation of estate proceeds)

16. On January 31, 2017, Respondent deposited into his IOLTA account a check from the Clerk of the Circuit Court of Cook County in the amount of \$157,997.39. That amount represented the proceeds

plus attorney's fees from the law division matter, interest included.

Answer: Respondent admits the allegations in paragraph 16.

17. Because \$97,922.39 of the \$157,997.39 (after subtracting attorney's fee in the amount of \$60,075.00) were proceeds that belonged to the Wellington estate, Respondent was required to deposit those proceeds into one of the estate accounts at Bank of America.

Answer: Respondent denies the allegations in paragraph 17.

18. Prior to his January 31, 2017 deposit, Respondents IOLTA account carried a zero balance.

Answer: Respondent admits the allegations in paragraph 18 to the extent said allegations are consistent with the information on his bank statement for the period indicated. Any allegation in paragraph 18 that is not consistent with the information on his bank statement is denied.

19. Between January 31, 2017, the date on which Respondent deposited the proceeds from the law division matter into his IOLTA account, and October 31, 2017, Respondent made 21 withdrawals from his IOLTA account, detailed below:

	DATE	AMOUNT	DESCRIPTION
1.	2/1/2017	\$45,000	Check number 9990 payable to Duckworth Law Group, and deposited into Respondent's business account ending in 1639
2.	5/11/2017	\$10,000	Electronic transfer to personal account ending in 6165
3.	5/31/2017	\$7,000	Cash withdrawal
4.	6/5/2017	\$7,500	Cash withdrawal
5.	6/12/2017	\$9,315	Cash withdrawal

6.	6/19/2017	\$3,000	Electronic transfer to personal account ending in 6165
7.	6/29/2017	\$2,000	Cash withdrawal
8.	7/13/2017	\$4,000	Cash withdrawal
9.	7/27/2017	\$3,000	Cash withdrawal
10.	8/4/2017	\$6,000	Electronic transfer to personal account ending in 6165
11.	8/8/2017	\$1,443.94	Electronic transfer to personal account ending in 6165
12.	8/14/2017	\$5,000	Cash withdrawal
13.	8/28/2017	\$4,000	Cash withdrawal
14.	9/5/2017	\$3,000	Electronic transfer to personal account ending in 6165
15.	9/18/2017	\$3,000	Cash withdrawal
16.	9/19/2017	\$4,000	Electronic transfer to personal account ending in 6165
17.	9/25/2017	\$1,000	Electronic transfer to personal account ending in 6165
18.	10/2/2017	\$3,000	Cash withdrawal
19.	10/11/2017	\$5,523.40	Electronic transfer to personal account ending in 6165
20.	10/25/2017	\$3,000	Cash withdrawal
21.	10/31/2017	\$5,000	Electronic transfer to personal account ending in 6165

Answer: Respondent admits the transactions alleged in paragraph 19 to the extent they are consistent with the transactions that appear on his bank statement for the same period. Any transaction alleged in paragraph 19 that is not consistent with the transaction listed on his bank statement for the same period is denied.

20. Respondent's withdrawals from his IOLTA account, detailed in paragraph 19, above, totaled in the amount of \$134,782.34. Respondent made no additional deposits to his IOLTA account during that time and, by October 31, 2017, only \$23,215.05 of the \$157,997.39 remained in the IOLTA account.

Answer: Respondent admits the allegations in paragraph 20 to the extent they are consistent with the information that appears on his bank statements for the same period. Any transaction or allegation in paragraph 20 that is not consistent with the information that appears on his bank statements for the same period is denied.

21. On October 16, 2017, the court entered an order in the probate matter and removed Rita as executor of the Wellington Estate. In that order, the court also appointed Arnold Henderson IV, one of the Wellington's surviving nephews and a beneficiary of the estate, as successor independent administrator.

Answer: Respondent admits the allegations in paragraph 21 to the extent they are consistent with the order entered by the court on October 16, 2017. Any allegation in paragraph 21 that is not consistent with the order entered on October 16, 2017 is denied.

22. On November 30, 2017, the court issued against JPMorgan Chase Bank a citation to recover assets. In that citation, the court directed Chase to freeze the sum of \$157,997.39 in Respondent's IOLTA account and appear in court on December 11, 2017 with a check for that amount made payable to "The Estate of Wellington Henderson".

Answer: Respondent admits the allegations in paragraph 22 to the extent they are consistent with the order entered by the court on November 20, 2017. Any allegation in paragraph 22 that is not consistent with the order entered on November 30, 2017 is denied.

23. On December 8, 2017, Chase turned over the remaining \$23,215.05 from Respondent's IOLTA account to Grant Blumenthal, attorney for the independent successor administrator of the Wellington estate.

Answer: Respondent admits the allegations in paragraph 23.

24. On January 4, 2018, the court held Respondent in indirect civil contempt for his failures to comply with previous court orders. On that day, the court also found that Respondent did not secure permission to withdraw the proceeds of the law division matter, and entered judgment on the pending citation, referenced

paragraph 22, above, against Respondent in the amount of \$134,782.34.

Answer: Respondent admits the allegations in paragraph 24 to the extent they are consistent with orders and findings made by the court on the referenced dates. Any allegations in paragraph 24 that are inconsistent with orders and findings made by the court on the referenced dates are denied. Further answering, Respondent states that due to a serious medical illness and time needed for recovery, he was unable to comply with the court orders; and he was unable to timely present evidence that he had been given authorization by Rita Henderson, Administrator of the Wellington Estate to use the proceeds of the law division matter to maintain the property of the estate (i.e. monthly gas, electric, landscaping and administrative fees); and to pay for outstanding legal fees incurred for legal work he had provided to the estate from 2013 through 2017 in relation to three cases: *Estate of Henderson* 13P002677; *Henderson v. Rawi Properties, LLC*, 13L7763; and *Henderson v. Rawi*, 14CH 06306.

25. At no time did Respondent have authority to use any unearned portion of the proceeds from the law division matter for his own personal or business use.

Answer: Respondent denies the allegations in paragraph 25. Further answering, Respondent states that he had been given authorization by Rita Henderson, Administrator of the Wellington Estate to use the proceeds of the law division matter to maintain the property of the estate (i.e. monthly gas, electric, landscaping and administrative fees); and to pay for outstanding legal fees incurred for legal work he had provided to the estate from 2013 through 2017 in relation to three cases: *Estate of Henderson* 13P002677; *Henderson v. Rawi Properties, LLC*, 13L7763; and *Henderson v. Rawi*, 14CH 06306.

26. As of October 31, 2017, Respondent had used at least \$74,707.34 of the proceeds belonging to the Wellington estate for his own business purposes.

Answer: Respondent denies the allegations in paragraph 26. Further answering, Respondent states that he had been given authorization by Rita Henderson, Administrator of the Wellington Estate to use the proceeds of the law division matter to maintain the property

of the estate (i.e. monthly gas, electric, landscaping and administrative fees);and to pay for outstanding legal fees incurred for legal work he had provided to the estate from 2013 through 2017 in relation to three cases: *Estate of Henderson* 13P002677; *Henderson v. Rawi Properties, LLC*, 13L7763; and *Henderson v. Rawi*, 14CH 06306.

27. By using the proceeds belonging to the Wellington estate without authority, Respondent engaged in the conversion of those funds.

Answer: Respondent denies the allegations in paragraph 27. Further answering, Respondent states he had been given authorization by Rita Henderson, Administrator of the Wellington Estate to use the proceeds of the law division matter to maintain the property of the estate (i.e. monthly gas, electric, landscaping and administrative fees);and to pay for outstanding legal fees incurred for legal work he had provided to the estate from 2013 through 2017 in relation to three cases: *Estate of Henderson* 13P002677; *Henderson v. Rawi Properties, LLC*, 13L7763; and *Henderson v. Rawi*, 14CH 06306.

28. At the time Respondent engaged in the conversion of the Wellington estate funds, he knew that he was doing so without authority, and, in doing so, he acted dishonestly.

Answer: Respondent denies the allegations in paragraph 28. Further answering, Respondent states that he had been given authorization by Rita Henderson, Administrator of the Wellington Estate to use the proceeds of the law division matter to maintain the property of the estate (i.e. monthly gas, electric, landscaping and administrative fees);and to pay for outstanding legal fees incurred for legal work he had provided to the estate from 2013 through 2017 in relation to three cases: *Estate of Henderson* 13P002677; *Henderson v. Rawi Properties, LLC*, 13L7763; and *Henderson v. Rawi*, 14CH 06306.

29. As of this date this complaint was filed, the Wellington estate had not recovered any portion of the law division proceeds apart from the \$23,215.05 that was recovered from Respondent's IOLTA account.

Answer: Respondent denies the allegations in paragraph 29. Further answering, Respondent states that he had been given authorization

by Rita Henderson, Administrator of the Wellington Estate to use the proceeds of the law division matter to maintain the property of the estate (i.e. monthly gas, electric, landscaping and administrative fees; and to pay for outstanding legal fees incurred for legal work he had provided to the estate from 2013 through 2017 in relation to three cases: *Estate of Henderson* 13P002677; *Henderson v. Rawi Properties, LLC*, 13L7763; and *Henderson v. Rawi*, 14CH 06306.

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

- a. Failure to hold property of a client of third person that is in a lawyer's possession in connection with a representation separate from the lawyer's own property, by conduct including causing the balance in his IOLTA account to fall to \$23,215.05, thereby converting at least \$74,707.34 in funds belong to the Wellington estate for his own personal or business purposes, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010); and
- b. Conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly using at least \$74,707.34 in funds belonging to the Wellington estate for his personal and business use, without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

Answer: Respondent neither admits nor denies the allegations in paragraph 30 as said allegations are not factual, but state conclusions of law. To the extent an answer is deemed required, the allegations are denied.

COUNT II

(Failure to abide by court orders)

31. On September 30, 2016, Illinois attorney Grant Blumenthal ("Blumenthal") filed his appearance on behalf of Arnold Henderson IV ("Arnold") in the probate matter. Arnold is one of Wellington's surviving nephews and a beneficiary under Wellington's will. Arnold had previously requested from Rita an accounting of the estate on several occasions but did not receive a response.

Answer: Respondent admits that attorney Grant Blumenthal filed his appearance on behalf of Arnold Henderson IV; and admits that Arnold is one of Wellington's nephews and a beneficiary under his will. Respondent denies all remaining allegations in paragraph 31.

32. On December 14, 2016, Blumenthal filed on behalf of Arnold a petition for inventory and accounting in the probate matter.

Answer: Respondent admits the allegations in paragraph 32.

33. On January 11, 2017, the court entered an order in the probate matter requiring Rita to file an inventory and accounting by February 17, 2017.

Answer: Respondent admits the allegations in paragraph 33 to the extent the allegations are consistent with the order entered by the court on the referenced date. Any allegations in paragraph 33 that are inconsistent with the order entered by the court on the referenced date are denied.

34. Neither Rita nor anyone on her behalf filed an inventory or accounting for the Wellington estate by February 17, 2017.

Answer: Respondent admits only that neither he nor Rita filed an inventory or accounting for the Wellington estate on February 17, 2017. Further answering, Respondent states that he sent a copy of the inventory to Blumenthal and to the court on February 20, 2017; and that he planned to present the inventory when he was scheduled to appear in court on February 21, 2017.

35. On February 21, 2017, the court entered another order directing Rita to file an inventory and accounting by March 7, 2017.

Answer: Respondent admits the allegations in paragraph 35 to the extent the allegations are consistent with the order entered by the court on the referenced date. Any allegations in paragraph 35 that are inconsistent with the order entered by the court on the referenced date are denied. Further answering, Respondent states that on February 21, 2017, he was admitted to the hospital due to

a serious illness; and that Blumenthal and the court were advised of this fact.

36. Neither Rita nor anyone on her behalf filed an inventory or accounting for the Wellington estate by March 7, 2017.

Answer: Respondent admits only that neither he nor Rita filed an inventory or accounting for the Wellington estate on March 7, 2017; as the inventory had been provided to Blumenthal and to the court on February 20, 2017. Further answering, Respondent states that he was dealing with a serious illness during this date and that Blumenthal and the court were aware of this fact.

37. On March 14, 2017, the court entered an order directing Rita to appear in person at the next court date on April 13, 2017 and issued a rule to show cause why Rita should not be removed as executor of the Wellington estate.

Answer: Respondent admits the allegations in paragraph 37 to the extent they are consistent with the order entered by the court on the referenced date. Any allegation that is not consistent with the order entered by the court on the referenced date is denied. Further answering, Respondent states that he was dealing with a serious illness at this date and that Blumenthal and the court were aware of this fact.

38. Neither Rita nor anyone on her behalf appeared in court on April 13, 2017. On that date, the court entered an order directing her to comply with its January 11, 2017 and February 21, 2017 orders.

Answer: Respondent admits the allegations in paragraph 38 to the extent they are consistent with the orders entered on the referenced dates. Further answering, Respondent states that the inventory had been provided to Blumenthal and to the court on February 20, 2017. Respondent also states that he was still dealing with a serious illness during this date and that Blumenthal and the court were aware of this fact.

39. On June 5, 2017, Blumenthal filed on behalf of Arnold a motion for sanctions pursuant to Supreme Court Rule 219(c). Blumenthal's motion sought, inter alia, to remove Rita Henderson as executor of the Wellington Estate for her repeated failures to provide an inventory and accounting.

Answer: Respondent admits the allegations in paragraph 39 to the extent they are consistent with the referenced motion filed on June 5, 2017. Any allegations in paragraph 39 that are not consistent with the motion are denied. Further answering, Respondent states that the inventory had been provided to Blumenthal and to the court on February 20, 2017. Respondent further states that he was dealing with a serious illness during this date and that Blumenthal and the court were aware of this fact.

40. On June 21, 2017, the court in the probate matter granted Rita a final opportunity to comply with the court's previous orders directing her to file an inventory and accounting. In that same order, the court also directed Respondent to file documents to show why the proceeds from the law division matter should not be deposited into the Wellington's estate accounts at Bank of America.

Answer: Respondent admits the allegations in paragraph 40 to the extent they are consistent with the order entered by the court on the referenced date. Any allegations in paragraph 40 that are inconsistent with the order entered by the court on the referenced date are denied. Further answering, Respondent states that the inventory had been provided to Blumenthal and to the court on February 20, 2017. Respondent further states that he was dealing with a serious illness during this date and that Blumenthal and the court were aware of this fact.

41. On August 11, 2017, the court issued a citation for removal against Rita directing her to show cause why she should not be removed as the representative of the Wellington estate for her repeated failures to provide an inventory and accounting. A copy of that citation was hand-delivered to Respondent in court on August 21, 2017.

Answer: Respondent admits the allegations in paragraph 41 to the extent they are consistent with the order entered by the court on the referenced date. Any allegations in paragraph 41 that are inconsistent with the order entered by the court on the referenced date are denied. Further answering, Respondent states that the inventory had been provided to Blumenthal and to the court on February 20, 2017. Respondent further states that he was dealing with a serious illness during this date and that Blumenthal and the court were aware of this fact.

42. On September 14, 2017, the court issued an alias citation for removal of Rita as representative of the Wellington estate and directed Rita to appear in court on October 16, 2017.

Answer: Respondent admits the allegations in paragraph 42 to the extent that the allegations are consistent with the action taken by the court on the referenced date. Any allegation in paragraph 42 that is inconsistent with the actions taken by the court on the referenced date are denied.

43. Rita did not appear on October 16, 2017. On that date, the court entered an order directing Respondent and Rita Henderson to turn over the \$155,842.61 in proceeds from the law division matter. On that day, the court removed Rita as executor of the Wellington Estate and appointed Arnold as the successor independent administrator. The court set a hearing on Blumenthal's 219(c) sanctions motion for indirect civil contempt, referenced in paragraph 39, above, for October 31, 2017.

Answer: Respondent admits the allegations in paragraph 43 to the extent that the allegations are consistent with the order entered by the court on the referenced date. Any allegations in paragraph 43 that is inconsistent with the order entered by the court on the referenced date are denied. Further answering, Respondent states that he was dealing with a serious illness during this date and that Blumenthal and the court were aware of this fact.

44. On October 31, 2017, the court held Rita in indirect civil contempt and issued a body attachment. On that date, the court again ordered Respondent to turn over the proceeds from the law division matter by November 1, 2017.

Answer: Respondent admits the allegations in paragraph 44 to the extent that the allegations are consistent with the order entered by the court on the referenced date. Any allegations in paragraph 44 that is inconsistent with the order entered by the court on the referenced date are denied. Further answering, Respondent states that he was dealing with a serious illness during this date and that Blumenthal and the court were aware of this fact.

45. Respondent did not turn over the proceeds from the law division matter by November 1, 2017.

Answer: Respondent admits that he did not turn over the proceeds from the law division matter. Further answering, Respondent states that he was dealing with a serious illness during this time and that this fact was known by Blumenthal and the court. Respondent also states that he had been given authorization by Rita Henderson, Administrator of the Wellington Estate to use the proceeds of the law division matter to maintain the property of the estate (i.e. monthly gas, electric, landscaping and administrative fees); and to pay for outstanding legal fees incurred for legal work he had provided to the estate from 2013 through 2017 in relation to three cases: *Estate of Henderson* 13P002677; *Henderson v. Rawi Properties, LLC*, 13L7763; and *Henderson v. Rawi*, 14CH 06306.

46. On November 7, 2017, Blumenthal, on behalf of Arnold, filed with the court in the probate matter an emergency motion for sanctions under Illinois Supreme Court Rule 219(c).

Answer: Respondent admits the allegations in paragraph 46 to the extent it is consistent with the motion that was filed by Blumenthal on that date. Any allegations in paragraph 46 that are not consistent with the Further answering, Respondent states that he was dealing with a serious illness during this date and that Blumenthal and the court were aware of this fact.

47. On November 9, 2017, the court in the probate matter granted Arnold leave to file a petition for rule to show cause and issue a citation to recover against Rita and Respondent, both of which Blumenthal filed on the same day.

Answer: Respondent admits the allegations in paragraph 47 to the extent they are consistent with the action taken by the court on the referenced date. Any allegations in paragraph 47 that are inconsistent with the action taken by the court on the referenced date are denied. Further answering, Respondent states that he was dealing with a serious illness during this date and that Blumenthal and the court were aware of this fact.

48. On November 20, 2017, the court entered an order in the probate matter which found that both Respondent and Rita had failed to comply with the court's orders of October 16, 2017 and October 31, 2017. The court ordered Respondent to turn over the proceeds from the law division matter and to comply with the court's previous orders by 5:00pm. Respondent did not do so.

Answer: Respondent admits the allegations in paragraph 48 to the extent they are consistent with the orders and actions taken by the court on the referenced date. Any allegations in paragraph 48 that are inconsistent with the orders and actions taken by the court on the referenced date are denied. Further answering, Respondent states that he was dealing with a serious illness during this date and that Blumenthal and the court were aware of this fact.

49. On December 11, 2017, the court ordered the sheriff's deputies to remove Respondent from the courtroom as a result of his disrespectful behavior, after Respondent accused the court of "playing games." On that same day, the court entered an order of default on the citation issued against Rita and Respondent.

Answer: Respondent admits the allegations in paragraph 49 to the extent it is consistent with the orders and actions taken by the court on the date referenced. Any allegations in paragraph 49 that are inconsistent with the orders and actions taken by the court on the date referenced are denied. Further answering, it was not Respondent's intention to disrespect the court. Respondent was troubled by the fact that so many orders and actions were taken by Blumenthal and the court when it was known that he was dealing with a serious illness; and because in that time period, his client had been removed as the Administrator and all of his financial accounts had been frozen even though he had authorization to use the proceeds from the law division matter.

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

- a. Failing to provide competent representation to a client, by conduct including failing to respond to multiple court orders directing him to file an inventory and accounting, failing to comply with the court's October 16, 2017 and October 31, 2017 orders to turn over the proceeds from the law division matter, leading the court to hold his client in indirect civil contempt and removing her as executor of the Wellington Estate, in violation of Rule 1.1 of the Illinois Rules of Professional Conduct (2010); and

- b. Conduct prejudicial to the administration of justice, by repeatedly failing to abide by the court's orders in the probate matter and accusing the court of playing games, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

Answer: Respondent neither admits nor denies the allegations in paragraph 50 as said allegations are not factual, but state conclusions of law. To the extent an answer is deemed required, the allegations are denied.

COUNT III

(Assault, harassment, and threats)

51. The Administrator realleges and incorporates paragraphs 16 through 50, above.

Answer: Respondent realleges his responses to paragraphs 16-50, above.

52. During the events described in this count of the complaint, there was a statute in effect in Illinois, 720 ILCS 5/26.5-2(a)(2) ("Harassment by telephone") that made it a crime to make a telephone call, whether or not a conversation ensued, with the intent to abuse, threaten or harass the person at the called number.

Answer: Respondent neither admits nor denies the allegations in paragraph 52 as said allegations are not factual, but state conclusions of law. To the extent an answer is deemed required, the allegation that 720 ILCS 5/26.5-2(a)(2) is an Illinois statute that prohibits harassment by telephone is admitted.

53. During the events described in this count of the complaint, there was a statute in effect in Illinois, 720 ILCS 5/12-6 ("Intimidation") that made it a crime for a person to communicate to another a threat to inflict physical harm on the person being threatened.

Answer: Respondent neither admits nor denies the allegations in paragraph 53 as said allegations are not factual, but state conclusions of law. To the extent an answer is deemed required,

the allegation that 720 ILCS 5/12-6 is an Illinois statute that prohibits intimidation is admitted.

54. During the events described in this count of the complaint, there was a statute in effect in Illinois, 720 ILCS 5/12-1 ("Assault") that made it a crime for an individual to engage in conduct which places another in reasonable apprehension of receiving a battery.

Answer: Respondent neither admits nor denies the allegations in paragraph 54 as said allegations are not factual, but state conclusions of law. To the extent an answer is deemed required, the allegation that 720 ILCS 5/26.5-2(a)(2) is an Illinois statute that prohibits harassment by telephone is admitted.

55. During the events described in this count of the complaint, there was a statute in effect in Illinois, 720 ILCS 5/12-3 ("Battery") that made it a crime for a person to knowingly without legal justification make physical contact of an insulting or provoking nature with an individual.

Answer: Respondent neither admits nor denies the allegations in paragraph 55 as said allegations are not factual, but state conclusions of law. To the extent an answer is deemed required, the allegation that 720 ILCS 5/26.5-2(a)(2) is an Illinois statute that prohibits battery upon another individual is admitted.

56. On May 9, 2018, upset that his IOLTA account had been frozen and the \$23,215.05 in remaining proceeds turned over to the estate, Respondent called Grant Blumenthal, counsel for the independent successor administrator's cellphone and left the following voicemail:

Grant, this is Kevin Duckworth. You have one hour, one Hour. If you don't uh ...[unintelligible] emails and key At Bank of America. And, um, Bank of America. You will Have one hour. One Hour. Bank of America ...[unintelligible] plus interest.

Answer: Respondent admits that he called Grant Blumenthal on May 9, 2018 and that he demanded that Grant Blumenthal return funds

that he had improperly frozen during the time he was dealing with a serious illness. Further answering, Respondent states that all his financial accounts had been improperly frozen which resulted in great financial harm to him. Any allegations inconsistent with the actual voicemail that he left Grant Blumenthal on that date are denied.

57. Also on May 9, 2018, Respondent appeared at the office of Alan Rhine, counsel for defendant Irfan Sheikh in the law division matter. Upon being greeted by Rhine in the waiting room, Respondent grabbed Rhine by his tie and demanded that Rhine give Respondent his money. Rhine, who had no involvement in the probate court's freezing of Respondent's IOLTA account and the removal of the account's remaining funds, was able to free himself and call the police, but did not press charges.

Answer: Respondent admits that he went to Alan Rhine's office to confront him about improperly freezing all Respondent's financial accounts; and that he was advised that Alan Rhine had not been responsible. Respondent admits that Alan Rhine did not press charges against him. Respondent denies all the remaining allegations.

58. On May 10, 2018, Respondent, with the intent to abuse, threaten and harass Blumenthal, called a number he knew belonged to Blumenthal and left the following voicemail:

Grant, you're playing games. I called you yesterday,
And I told you if I don't get my money today by noon,
I'm gonna kill you. You're full of shit. Call me back.

Answer: Respondent admits only that he left an angry voicemail for Blumenthal on May 10, 2018 and that he asked Blumenthal to call him back to discuss how his funds that had been improperly frozen would be returned. Respondent denies all the remaining allegations in paragraph 58.

59. On May 14, 2018, in response to the threats he received from Respondent, Blumenthal, filed a petition for stalking no contact order in the Circuit Court of Cook County, Domestic Relations Division. The Clerk of the Court docketed that matter as *Blumenthal v. Duckworth*, 18 OP 73557. Judge Judith Rice presided over that matter.

Answer: Respondent admits only that on May 14, 2018, Blumenthal filed a petition for a restraining order in the Circuit Court of Cook County, Domestic Relations Division, in a matter that was docketed as *Blumenthal v. Duckworth*, 18 OP 73557; and that the matter was assigned to Judge Judith Rice. All remaining allegations are denied.

60. On June 25, 2018, during a hearing for Blumenthal's petition for sanctions and fee petitions in the Henderson probate matter, 13P 2677, Respondent appeared purportedly on behalf of the estate. During that hearing, the following exchanges took place between the Court, Blumenthal, and Respondent:

THE COURT: Let's wait for the other attorney. Could I have everybody state their name for the record.

MR. DUCKWORTH: Kevin Duckworth.

MR. BLUMENTHAL: Representing?

THE COURT: Who do you represent in this case?

MR. DUCKWORTH: Kevin Duckworth.

THE COURT: Who do you represent in this case?

MR. DUCKWORTH: The estate, Wellington - Wellington Henderson.

THE COURT: Okay. You are the former attorney for Rita Henderson.

MR. DUCKWORTH: Well, that's -let me- you -I don't know it. You - you have -you have an opinion is [sic] different. Your opinion is different.

THE COURT: Okay, Well, my orders are different.

...

MR. DUCKWORTH: Judge, I disagree. And I'm a little pissed.

THE COURT: You can't use that language here in this courtroom. You're a professional.

MR. DUCKWORTH: Yes, I know.

...

MR. DUCKWORTH: We already - we already got court - we already got court on the -we're going to be in court already on the 12th.

...

MR. BLUMENTHAL: All right. I would rather get it done -

MR. DUCKWORTH: Let's go to August.

MR. BLUMENTHAL: --get it done even earlier, Judge. It will take me seven days.

MR. DUCKWORTH: I'm going to kill him. I'm going to kill him. So August - August fine with me. I got the - I got the papers. I got the papers.

THE COURT: That conduct is unacceptable.

MR. DUCKWORTH: Okay, I know.

Answer: Respondent admits that there was a hearing on June 25, 2018, in relation to Blumenthal's petition for sanctions and fee petitions in the Henderson probate matter, 13P 2677. Respondent admits that he appeared in court on that date; and that his conduct at certain points was deemed unacceptable by the court. Further answering, Respondent admits this his conduct was unacceptable and he obeyed the court's admonishment to stop. Any allegations in paragraph 60 that are inconsistent with the transcript of the hearing are denied.

61. On July 12, 2018, Judge Rice entered an interim no contact order against Respondent in matter number 18 OP 73557, prohibiting Respondent from stalking or otherwise having any contact with Blumenthal.

Answer: Respondent admits the allegations in paragraph 61 to the extent they are consistent with the order entered by the court on the referenced date. Any allegations that are not consistent with the order entered by the court on the referenced date are denied. Further answering, Respondent states that he never stalked Blumenthal.

62. On November 2, 2018, Judge Rice entered a plenary no contact order against Respondent in matter number 18 OP 73557, prohibiting Respondent from stalking or otherwise having any contact with Blumenthal for a period of two years.

Answer: Respondent admits the allegations in paragraph 62 to the extent they are consistent with the order entered by the court on the referenced date. Any allegations that are not consistent with the order entered by the court on the referenced date are denied. Further answering, Respondent states that he never stalked Blumenthal.

63. On November 30, 2018, attorney Anthony Schumann ("Schumann") filed on behalf of Respondent a motion to vacate the court's November 2, 2018 no contact order in matter number 18 OP 73557.

Answer: Respondent admits the allegations in paragraph 63.

64. On December 20, 2018, the court vacated its November 2, 2018 plenary order and reinstated the July 12, 2018 interim order in matter number 18 OP73557.

Answer: Respondent admits the allegations of paragraph 64 to the extent they are consistent with the courts actions on the date referenced. Any allegations that are not consistent with the actions taken by the court on the referenced date are denied.

65. Matter number 18 OP 73557 is still pending at the time this complaint was filed.

Answer: Respondent admits the allegations of paragraph 65.

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

- a. Committing multiple criminal acts that reflect adversely on his fitness to practice law, by virtue of his violations of sections 720 ILCS 5/12-6, 720 ILCS 5/12-1, and 720 ILCS 5/12-3 of the Illinois Criminal Code, by making the telephone calls to Blumenthal with the intent to abuse, threaten or harass the person at the called number, engaging in conduct which placed Rhine in reasonable

apprehension of receiving a battery, making physical contact of an insulting or provoking nature with Rhine without legal justification, and by threatening to inflict physical harm against Blumenthal in open court, in violation of Rule 8.4 (b) of the Illinois Rules of Professional Conduct (2010); and

- b. Engaging in conduct that is prejudicial to the administration of justice, by threatening to kill Blumenthal, which initiated additional proceedings, in violations of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

Answer: Respondent neither admits nor denies the allegations in paragraph 66 as said allegations are not factual, but state conclusions of law. To the extent an answer is deemed required, the allegations are denied.

WHEREFORE, Respondent respectfully requests that this cause be considered and that the Hearing Board make a just recommendation as is warranted by the facts.

Respectfully Submitted,



Counsel for Respondent

Allison L. Wood
Legal Ethics Consulting, P.C.
500 North Michigan Avenue
Suite 600
Chicago, Illinois 60611
(773) 595-5623

Dated: September 24, 2019