

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

In the Matter of:

THOMAS GORDON MAAG,

Attorney-Respondent,

No. 6272640.

Commission No. 2023PR00054

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission (“Commission”), by his attorney, Rachel C. Miller, pursuant to Supreme Court Rule 753(b), complains of Respondent, Thomas Gordon Maag (“Respondent”), who was licensed to practice law in Illinois on November 9, 2000, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 753(b):

COUNT I

*(Neglecting three matters and failing to communicate
with Michael Ambrose and Laura Ambrose)*

1. At all times related to this complaint, Respondent was a partner at Maag Law Firm in Wood River with his brother. Respondent practiced primarily personal injury law.

2. On September 20, 2019, Michael Ambrose (“Michael”) and Laura Ambrose (“Laura”) met with Respondent regarding potential representation in three legal matters: a civil lawsuit related to a cracked hot tub that caused damage, a civil lawsuit related to the purchase of a diamond ring, and a civil lawsuit related to a breach of fiduciary duty by a financial services company.

FILED
8/16/2023 8:13 AM
ARDC Clerk

3. Respondent, Michael and Laura agreed that Respondent would represent Michael and Laura in the three legal matters in exchange for a security retainer of \$1545 for potential filing fees and 33% of any recovery in the cases.

4. On September 21, 2019, Michael paid Respondent \$1,545 via credit card. Respondent deposited the funds into his client trust account.

5. At no time between September 21, 2019, and April 11, 2022, did Respondent file any lawsuits on behalf of Michael and Laura.

6. Between September 21, 2019, and April 11, 2022, Michael made periodic requests for information, via email, about the status of the three matters. Respondent did not respond to Michael's emails.

7. On April 12, 2022, Michael left a message with a member of Respondent's office support staff and requested the complete file for each of the three legal matters Respondent had agreed to handle for Michael and Laura.

8. Respondent did not respond to Michael's April 12, 2022 request described in paragraph seven, above, nor did he provide any documents to Michael or Laura.

9. On April 18, 2022, Michael sent an email to Respondent's email address, tmaag@maaglaw.com, and requested the complete file for each of the three legal matters Respondent had agreed to handle for Michael and Laura.

10. Respondent did not respond to Michael's April 18, 2022 request described in paragraph nine, above, nor did he provide any documents to Michael or Laura.

11. On April 28, 2022, Michael sent a certified letter to Respondent and requested that Respondent provide him the complete file for each of the three legal matters Respondent had agreed to handle by May 11, 2022.

12. Respondent did not respond to Michael's April 28, 2022 request described in paragraph 11, above, nor did he provide any documents to Michael or Laura.

13. On December 8, 2022, Michael sent a second certified letter to Respondent and requested that Respondent prepare for pick up the complete file for each of the three legal matters Respondent had agreed to handle. Michael stated that he would pick up the files at Respondent's office on December 19, 2022.

14. Respondent did not respond to Michael's December 8, 2022 letter described in paragraph 13, above, nor did he provide any documents to Michael or Laura.

15. On January 17, 2023, after the Administrator already docketed an investigation into this matter, Respondent issued a check to Michael for \$1,545, which represented a return of the security retainer provided by Michael and Laura.

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

- a. 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 Respondent's failure to filing any lawsuits on behalf of Michael Ambrose and Laura Ambrose;
- b. failing to keep the client reasonably informed about the status of the matter, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010), by conduct including Respondent's failure to respond to Michael's repeated requests for information regarding his matters and repeated requests for the client files, as well as Respondent's failure to communicate the status of the matters;
- c. failing to comply with reasonable requests for information, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010), by conduct including Respondent's failure to respond to Michael's repeated requests for information regarding the status of his matter and repeated requests for the client files; and

- d. failing to take steps to the extent reasonably practicable to protect the client's interests, such as surrendering papers and property to which the client is entitled, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010), by conduct including failing to surrender the client files to Michael.

COUNT II

*(Making a false document to deliver to a client
and fabricating packaging from the U.S. Postal Service)*

17. The Administrator incorporates and realleges paragraphs one through 15, above.
18. On December 28, 2022, the Administrator docketed a confidential inquiry into Respondent's conduct after receiving a request for investigation from Michael and Laura. The request for investigation stated that Respondent had not filed any lawsuits on their behalf, that Respondent failed to communicate with them, and that Respondent failed to provide their client files to them. The Administrator sent a letter to Respondent requesting that he respond to the allegations within 14 days.
19. On January 14, 2023, Michael and Laura found a manila envelope in their home mailbox with a letter from Respondent, dated December 20, 2022, that stated Respondent had enclosed a compact disc with Michael and Laura's client files saved on it and that he did not retain any copies of the files. The envelope, torn along one end and lacking a compact disc, was enclosed in a clear plastic U.S. Postal Service mail bag.
20. Prior to January 14, 2023, when Michael and Laura found the manila envelope in their mailbox, Respondent fabricated and backdated the letter described in paragraph 19, above, and he caused it to be placed in Michael and Laura's home mailbox in a clear U.S. Postal Service mail bag.

21. On January 17, 2023, Respondent provided a written response to the ARDC in which he stated that he mailed Michael's file to him on December 20, 2022.

22. Respondent's statement in paragraph 21, above, that he mailed Michael's client file to him on December 20, 2022 was false, because Respondent did not mail Michael's file to him at any time.

23. Respondent knew at the time that he provided the January 17, 2023 response described in paragraph 21, above, that the response was false, because he fabricated and backdated the letter Michael and Laura found in their home mailbox.

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

- a. knowingly making a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a) of the Illinois Rules of Professional Conduct (2010), by conduct including falsely stating in a letter to the Administrator that he mailed Michael the three client files on December 20, 2022; and
- b. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010), by conduct including knowingly fabricating and backdating a letter to Michael Ambrose which falsely represented that he sent Michael Ambrose his entire client files and by fabricating packaging to make the letter as if it was delivered by the U.S. Postal Service.

COUNT III

(Failing to cooperate with the ARDC)

25. The Administrator incorporates and realleges paragraphs 17 through 23, above.

26. On March 27, 2023, the Administrator served a subpoena to Respondent at his registered email address, tmaag@maaglaw.com, requiring his appearance at an in-person sworn statement in the Springfield office of the ARDC on April 6, 2023. The subpoena included a rider

requesting production of Michael and Laura’s entire client files on or prior to April 5, 2023. Respondent provided some information, which the Administrator provided to him in order for him to respond to Michael’s request for investigation, but he did not provide the entire client files.

27. On May 12, 2023, the Administrator served a subpoena to Respondent at his registered email address, tmaag@maaglaw.com, requiring production of all computers which Respondent used to do work for Michael and Laura, for the limited purpose of determining whether Respondent engaged in any work on Michael and Laura’s three matters and whether Respondent backdated the December 20, 2022 letter.

28. As of the date of filing of this complaint, Respondent refused to produce the computer equipment.

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

- a. Knowingly failing to respond to a lawful demand for information from a disciplinary authority, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010), by conduct including failing to provide the computer equipment described in the May 12, 2023 subpoena, paragraph 25 above.

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Rachel C. Miller
Rachel C. Miller

Rachel C. Miller
Counsel for Administrator
3161 W. White Oaks Dr., Suite 301
Springfield, IL 62704
Telephone: (217) 546-3523
Email: ARDCeservice@iardc.org
Email: rmiller@iardc.org