

STATE OF MINNESOTA
IN SUPREME COURT
A22-1486



In re Petition for Disciplinary Action against
Edward S. Rueda, a Minnesota Attorney,
Registration No. 0397834.

O R D E R

The Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action against respondent Edward S. Rueda after the Illinois Supreme Court suspended Rueda for 1 year, stayed after 30 days, with 2 years of probation. Rueda was disciplined in Illinois for negligently misappropriating client funds because of the failure to maintain trust account books and records. Respondent's misconduct violated Ill. R. Prof. Conduct 1.15(a)(1) through 1.15(a)(8).

The parties have filed a stipulation for discipline with the court. In it, respondent waives his procedural rights under Rule 12(d), Rules on Lawyers Professional Responsibility (RLPR), and unconditionally admits the allegations in the petition, including its attachments. The parties jointly recommend that the appropriate discipline is a public reprimand and probation coextensive with respondent's Illinois probation. The parties contend that imposition of identical discipline would not be appropriate here because the discipline imposed by the Illinois Supreme Court is substantially different from the discipline warranted in Minnesota.

The court has independently reviewed the file and approves the jointly recommended disposition. Although we typically impose identical discipline in a reciprocal disciplinary proceeding, identical discipline is not required if it is “substantially different from [the] discipline warranted in Minnesota.” Rule 12(d), RLPR. We have imposed a public reprimand and probation in similar cases involving the negligent misappropriation of client funds. *See, e.g., In re Goetz*, 971 N.W.2d 79, 79–80 (Minn. 2022) (order); *In re Daniels*, 950 N.W.2d 300, 301 (Minn. 2020) (order); *In re Ampe*, 937 N.W.2d 417, 417 (Minn. 2020) (order). We conclude that the discipline imposed by the Illinois Supreme Court is substantially different from the discipline warranted in Minnesota and agree that a public reprimand is appropriate.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Respondent Edward S. Rueda is publicly reprimanded.
2. Respondent shall pay \$900 in costs pursuant to Rule 24(a), RLPR.
3. Respondent is placed on probation for a period coextensive with his Illinois probation, subject to the following terms and conditions:
 - a. Respondent’s probation shall be unsupervised and coextensive with his probation in Illinois, including as to terms and conditions of probation. Respondent’s probation shall conclude when respondent provides the Director with proof of the successful completion of his Illinois probation.
 - b. Respondent shall cooperate fully with the Director’s Office in its efforts to monitor compliance with this probation. Respondent shall promptly respond to the Director’s correspondence by its due date. Respondent shall provide to the Director a current mailing address and shall immediately notify the Director of any change of address. Respondent shall cooperate with the Director’s investigation of any allegations of unprofessional conduct that may come to the Director’s attention. Upon the Director’s request, respondent shall provide

authorization for release of information and documentation to verify compliance with the terms of this probation.

- c. Respondent shall abide by the Minnesota Rules of Professional Conduct.
- d. Respondent shall maintain trust account books and records in compliance with Minn. R. Prof. Conduct 1.15, and Appendix 1 to those rules. These books and records shall include the following: client subsidiary ledgers, checkbook register, monthly trial balance reports, monthly reconciliation reports, bank statements, canceled checks (if they are provided with the bank statements), duplicate deposit slips, bank reports of interest, service charges and interest payments to the Minnesota IOLTA Program, and bank wire, electronic, or telephone transfer confirmations. Such books and records shall be made available to the Director within 30 days of the approval of this stipulation and thereafter shall be made available to the Director at such intervals as the Director deems necessary to determine compliance.

Dated: February 9, 2023

BY THE COURT:

A handwritten signature in black ink that reads "Natalie E. Hudson". The signature is written in a cursive, flowing style.

Natalie E. Hudson
Associate Justice

PETITION

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

FILED

October 19, 2022

**OFFICE OF
APPELLATE COURTS**

In Re Petition for Disciplinary Action
against EDWARD S. RUEDA,
a Minnesota Attorney,
Registration No. 0397834.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility (Director) files this petition seeking reciprocal discipline pursuant to Rule 12(d), Rules on Lawyers Professional Responsibility. The Director alleges:

1. The above-named attorney (respondent) was admitted to practice law in Minnesota on December 21, 2015. Respondent primarily practices law in Illinois and is currently living in Illinois working in medical malpractice, workers' compensation, and personal injury law.

2. On September 23, 2021, respondent was publicly disciplined by the Illinois Supreme Court; the Court's order is attached as Exhibit 1. As set forth in the petition to impose discipline, attached as Exhibit 2, the basis for this discipline was respondent's negligent misappropriation of \$15,471.04 of client funds when he failed to maintain the balance of his IOLTA account at or above the amount he should have been holding in connection with four separate client matters through negligent record-keeping. Respondent's misconduct, as stated in Exhibit 2, violated Rule 1.15(a)(1) and (8), Illinois Rules of Professional Conduct (IRPC), by negligently misappropriating client funds and failing to adequately maintain his IOLTA account (corresponding rule in Minnesota, Rule 1.15(a) and (e), Minnesota Rules of Professional Conduct (MRPC)). Additionally, respondent was found to have several mitigating factors.

3. Pursuant to Rule 12(d), RLPR, unless determined otherwise by the Court, “a final adjudication in another jurisdiction that a lawyer had committed certain misconduct shall establish conclusively the misconduct for purposes of disciplinary proceedings in Minnesota.” Therefore, the misconduct described in Exhibit 2 is conclusive.

4. The Illinois Supreme Court’s disciplinary procedures comport with due process and fundamental fairness, in that respondent was given notice of the proceedings and an opportunity to participate in the process by presenting evidence of good character and/or mitigation.

WHEREFORE, the Director respectfully prays for an order of this Court directing that respondent and the Director inform the Court within 30 days of its order whether either or both believe the imposition of identical discipline by the Minnesota Supreme Court would be unwarranted and the reasons for that claim.



Humiston, Susan
Oct 18 2022 12:41 PM

SUSAN M. HUMISTON
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 0254289
445 Minnesota Street, Suite 2400
St. Paul, MN 55101-2139
(651) 296-3952
Susan.Humiston@courts.state.mn.us

and



Barrie, Krista
Oct 17 2022 11:27 AM

KRISTA D. BARRIE
SENIOR ASSISTANT DIRECTOR
Attorney No. 0333700
Krista.Barrie@courts.state.mn.us



SUPREME COURT OF ILLINOIS

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

CAROLYN TAFT GROSBOLL
Clerk of the Court

(217) 782-2035
TDD: (217) 524-8132

September 23, 2021

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

Matthew Douglas Lango
Attorney Registratin and Disciplinary Commission
One Prudential Plaza, Suite 1500
130 East Randolph Drive
Chicago, IL 62704

In re: In re: Edward Sergio Rueda
M.R.030881

Today the following order was entered in the captioned case:

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent Edward Sergio Rueda is suspended from the practice of law for one (1) year, with the suspension stayed after thirty (30) days by a two (2) year period of probation, subject to the following conditions:

- a. At least thirty (30) days prior to the end of the probation terms, respondent shall attend and successfully complete the ARDC Professionalism Seminar;
- b. Respondent shall establish and utilize a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including the following trust account procedures:

Basic accounting records that must be maintained daily and accurately:

Account Check Register – list sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account;

Account Receipts Journal – list chronologically

all deposits into the trust account. Each deposit will list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit. Maintain a copy of each item deposited;

Account Disbursement Journal – list chronologically all trust account disbursements. Identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check;

Client Ledger Journal – list chronologically for each client matter all receipts, disbursements and remaining balances. Prepare a separate page for each client matter and listing chronologically all receipts and disbursements and remaining balances for each client matter;

Source documents which must be preserved for seven (7) years:

Bank statements;

Deposit slips;

Cancelled checks – all trust account checks must have a named payee (no checks written to “cash”) and the memo portion of the check must contain a reference to a client matter;

Time and billing records;

Copies of records from client files that are necessary for a full understanding of the lawyer’s financial transactions with the client: *e.g.*, retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered;

Reconciliation - there must be a running balance maintained for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Records of each reconciliation must be maintained for seven (7) years;

- c. Respondent shall meet, either virtually or in person, with the Administrator's representative on at least a quarterly basis and shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation and shall provide the Administrator with any and all documentation and records requested in order to verify his compliance with condition (b) above;
- d. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773;
- e. Respondent shall notify the Administrator within fourteen (14) days of any change of address;
- f. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct; and
- g. Probation shall be revoked if respondent is found to have violated any of the terms of probation described in subparagraphs (a) through (f) above, and respondent shall be suspended for the remaining eleven (11) month period commencing on the date his probation is revoked.

Suspension effective October 14, 2021.

Respondent Edward Sergio Rueda shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

Very truly yours,

A handwritten signature in black ink that reads "Carolyn Taft Gusbell". The signature is written in a cursive, flowing style.

Clerk of the Supreme Court

cc: Edward Sergio Rueda
Michelle Thome
Sari Weissman Montgomery

STATE OF ILLINOIS
SUPREME COURT

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the 13th day of September, 2021.

Present: Anne M. Burke, Chief Justice	
Justice Rita B. Garman	Justice Mary Jane Theis
Justice P. Scott Neville, Jr.	Justice Michael J. Burke
Justice David K. Overstreet	Justice Robert L. Carter

On the 23rd day of September, 2021, the Supreme Court entered the following judgment:

M.R.030881

In re:

Edward Sergio Rueda.

Attorney Registration & Disciplinary
Commission

2020PR00042

Petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b). Allowed. Respondent Edward Sergio Rueda is suspended from the practice of law for one (1) year, with the suspension stayed after thirty (30) days by a two (2) year period of probation, subject to the following conditions:

- a. At least thirty (30) days prior to the end of the probation terms, respondent shall attend and successfully complete the ARDC Professionalism Seminar;
- b. Respondent shall establish and utilize a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including the following trust account procedures:

Basic accounting records that must be maintained daily and accurately:

Account Check Register – list sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account;

Account Receipts Journal – list chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit. Maintain a copy of each item deposited;

Account Disbursement Journal – list chronologically all trust account disbursements. Identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check;

Client Ledger Journal – list chronologically for each client matter all receipts, disbursements and remaining balances. Prepare a separate page for each client matter and listing chronologically all receipts and disbursements and remaining balances for each client matter;

Source documents which must be preserved for seven (7) years:

Bank statements;

Deposit slips;

Cancelled checks – all trust account checks must have a named payee (no checks written to “cash”) and the memo portion of the check must contain a reference to a client matter;

Time and billing records;

Copies of records from client files that are necessary for a full understanding of the lawyer’s financial transactions with the client: *e.g.*, retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered;

Reconciliation - there must be a running balance maintained for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Records of each reconciliation must be maintained for seven (7) years;

- c. Respondent shall meet, either virtually or in person, with the Administrator’s representative on at least a quarterly basis and shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation and shall provide the Administrator with any and all documentation and records requested in order to verify his compliance with condition (b) above;
- d. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773;
- e. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

- f. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct; and
- g. Probation shall be revoked if respondent is found to have violated any of the terms of probation described in subparagraphs (a) through (f) above, and respondent shall be suspended for the remaining eleven (11) month period commencing on the date his probation is revoked.

Suspension effective October 14, 2021.

Respondent Edward Sergio Rueda shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

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 TESTIMONY WHEREOF, I have set my hand and affixed the seal of said Supreme Court, in Springfield, in said State, this 23rd day of September, 2021.

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

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:)	
)	
EDWARD SERGIO RUEDA)	M.R.
)	
Attorney-Respondent,)	Commission No. 2020PR00042
)	
No. 6306880.)	

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, Matthew D. Lango, pursuant to Supreme Court Rule 762(b), with the consent of Respondent, Edward Sergio Rueda, and the approval of a panel of the Hearing Board, petitions the Court to enter an order suspending Respondent from the practice of law for one year, with the suspension stayed after thirty days in favor of a two-year period of probation, subject to the conditions set forth in paragraph 13, below. In support of this petition, the Administrator states:

I. BACKGROUND AND SUMMARY OF PETITION

1. Respondent is 54 years old and was admitted to practice law in Illinois in 2011. Between March and May 2018, Respondent converted a total of \$15,471.04 when he failed to maintain the balance in his IOLTA account at or above the amount he should have been holding in connection with four separate client matters. Respondent's misconduct is presented more fully in Section II of this petition.

2. In mitigation, Respondent is remorseful for his conduct and has implemented appropriate bookkeeping practices to ensure that all future clients and third parties promptly receive their funds. Additional details concerning these and other factors are contained in Section II of this petition.

3. Respondent's suspension for one year, stayed after thirty days in favor of a two-year period of probation subject to conditions, would be consistent with this Court's precedent, including the cases of *In re Dynia*, M.R.27239, 2014PR00079 (March 12, 2015) and *In re Olavarria*, M.R. 25821, 2012PR00043 (March 15, 2013). A discussion of the recommendation for discipline and disciplinary precedent involving similar conduct is contained in Section III of this petition.

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

II. FACTUAL BASIS FOR RECOMMENDATION

A. *Respondent's Background and Description of Misconduct*

5. Respondent is 54 years old and was admitted to practice law in Illinois in 2011. Respondent is a solo practitioner and the principal of ESR Law Group LLC in Chicago. Respondent currently concentrates his practice in the area of medical malpractice. At the time of the misconduct, Respondent also had an active workers compensation and personal injury practice. Respondent has been a solo practitioner for his entire career as an attorney.

6. Respondent maintained an IOLTA account ending in the four digits 0901 at JPMorgan Chase Bank, into which he deposited funds he recovered on behalf of his personal injury or workers compensation clients. Some of that money was due the clients, some was to be paid to lienholders or other third parties, and some was due Respondent as his fee or as reimbursement of

expenses. At that time, Respondent did not timely withdraw fees to which he was entitled and would often leave all or a portion of his fees in his IOLTA account. On March 23, 2018, Respondent transferred \$90,000 from the IOLTA account to his business savings account that he believed he was due as fees in connection with the resolution of various client matters.

7. At the time of the transfer, Respondent should have been holding at least \$11,907 in his IOLTA account on behalf of his client, Judith Barrera, as her share of the settlement of her workers compensation claim. Respondent had issued a check to Barrera on February 2, 2018 in payment of the amount due her, but Barrera had not negotiated that check and Respondent was not aware of that fact when he transferred funds from the IOLTA account on March 23, 2018. Respondent was also holding a total of \$10,423.61 in the IOLTA account for other workers compensation clients on March 23, 2018, including Gilsar Villatoro and Rumalda Arreola. For those clients, Respondent was holding funds that were meant to be paid to medical providers, as well as funds payable to the client, as part of the workers compensation settlements.

8. As a result of the March 23, 2018 transfer, the balance in Respondent's IOLTA account dropped to \$4,265.16, and Respondent had transferred \$9,535.18 of funds belonging to Barrera and to Villatoro and to Arreola's medical providers out of his IOLTA account, without their authority to do so. Respondent's use of those funds constitutes conversion.

9. On May 7, 2018, Respondent transferred \$22,000 from his savings account back to his IOLTA account.

10. In addition, on May 16, 2018, before making a disbursement of a portion of another client's workers compensation settlement funds to Oasis Financial (a litigation lender), Respondent drew the balance of the IOLTA account to \$1,253.11 by drawing checks in the account or making transfers for his own business or personal purposes, without the authority to do so.

Although he maintained adequate funds in his savings account, on that date, Respondent should have been holding \$7,188.97 to pay Oasis on his client's behalf in his IOLTA account, thus resulting in a conversion of \$5,935.86.

11. On May 17, 2018, Respondent transferred an additional \$15,000 from his savings account back to his IOLTA account as final reconciliation of amounts owed to clients and third-party providers.

12. Respondent did not promptly discover the specific errors referred to above because he did not maintain client ledgers, regularly reconcile the account, or regularly review his bank statements prior to receiving notice of an overdraft related to Judith Barrera from the ARDC in May 2018. Respondent's mishandling of those funds was discovered during the Administrator's review of the IOLTA account following receipt of a notice that the account had been overdrawn.

B. Conclusions of Misconduct

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

- a. failure to hold workers compensation settlement funds of clients or third persons in four different matters that were in his possession in connection with a representation separate from his own property, by drawing the balance in his client trust account below the amount owed to clients or third persons in connection with the representation of those four clients and transferring those funds to his personal savings account, thereby converting that property for his own use, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010); and
- b. failing to prepare and maintain complete records of client trust accounts in connection with his client fund and operating accounts, in violation of Rules 1.15(a)(1) through 1.15(a)(8) of the Illinois Rules of Professional Conduct.

C. Description of Mitigating and Aggravating Evidence

14. In mitigation, Respondent has not been previously disciplined, has cooperated with the Administrator during the course of the disciplinary proceedings, and has expressed remorse for his misconduct. Further, Respondent has implemented appropriate bookkeeping practices, including maintaining receipt, disbursement and client ledgers, and reviewing and reconciling the account and the ledgers on a monthly basis. Moreover, no clients complained to the Administrator about Respondent's misconduct and all parties eventually received the funds that Respondent was holding on his clients' behalf. In aggravation, Respondent's transfer of a significant amount of money out of his IOLTA account without being certain that he was entitled to those funds as attorney's fees placed those funds and his clients at risk.

III. RECOMMENDATION FOR DISCIPLINE AND DISCUSSION OF PRECEDENT

15. The Administrator respectfully requests that this Court enter an order suspending Respondent from the practice of law for one year, with all but the first thirty days stayed by a two-year period of probation, subject to the following conditions:

- a. At least thirty (30) days prior to the end of the probation term, Respondent shall attend and successfully complete the ARDC Professionalism Seminar;
- b. Respondent shall establish and utilize a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to Respondent by the Administrator, including:

Trust Account Procedures

Basic accounting records that must be maintained daily and accurately:

Account Check Register – List sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account.

Account Receipts Journal – List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit. Maintain a copy of each item deposited.

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Client Ledger Journal – List chronologically for each client matter all receipts, disbursements and remaining balances. Prepare a separate page for each client matter and list chronologically all receipts and disbursements and remaining balances for each client matter.

Source documents, which must be preserved for seven years:

Bank statements

Deposit slips

Cancelled checks – All trust account checks must have a named payee (no checks written to “cash”) and the memo portion of the check must contain a reference to a client matter.

Time and billing records

Copies of records from client files that are necessary for a full understanding of the lawyer’s financial transactions with the client: e.g., retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered.

Reconciliation

There must be a running balance maintained for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Records of each reconciliation must be maintained for seven years.

- c. Respondent shall meet, either virtually or in person, with the Administrator's representative on at least a quarterly basis and shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation and shall provide the Administrator with any and all documentation and records requested in order to verify his compliance with Condition (b);
- d. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773;
- e. Respondent shall notify the Administrator within fourteen days of any change of address;
- f. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;
- g. Probation shall be revoked if Respondent is found to have violated any of the terms of probation described in subparagraphs (a) through (f), above, and Respondent shall be suspended for the remaining eleven-month period, commencing on the date his probation is revoked.

16. This Court has imposed suspensions stayed by probation in cases involving the conversion of client funds, such as the instant case, in which the evidence shows that the period of probation will serve to protect the public and have a remedial effect on the lawyer's practice. For example, in *In re Dynia*, M.R.27239, 2014PR00079 (March 12, 2015) the respondent admitted to converting \$41,509.72 in funds that he should have been holding for clients with regard to eleven separate real estate transactions. In that case, as here, the respondent's misconduct was attributed to poor bookkeeping and failure to track the amount of funds attributed to each client. No clients

lost any money and the respondent eventually reconciled his IOLTA account. In *Dynia*, the respondent was suspended from the practice of law for five months, with the suspension stayed after 30 days in favor of a one-year period of probation, with conditions similar to those set forth in paragraph 13 above.

17. In addition, in *In re Olavarria*, M.R. 25821, 2012PR00043 (March 15, 2013), the respondent engaged in two instances of conversion of client funds, totaling over \$50,000, in connection with unrelated personal injury cases, at a time when he did not maintain appropriate records relating to the monies held in his client trust account. This Court suspended the respondent from the practice of law for five months, with the suspension fully stayed by a one-year period of probation subject to conditions, similar to those recommended in the instant matter, that required the attorney to establish and utilize a system for the handling of funds belonging to clients and third parties, and the maintenance of records that conformed to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct. As in *Olavarria*, Respondent here has mitigating factors including the absence of prior discipline, taking interim action to correct his bookkeeping deficiencies, and making restitution. However, Respondent here had four clients whose money he mishandled, and his misconduct occurred when he moved a larger amount of money out of his IOLTA account (\$90,000) without being certain that he was entitled to that amount. As a result, a period of actual suspension would be appropriate.

WHEREFORE, the Administrator, with the consent of Respondent, Edward Sergio Rueda, and the approval of the Hearing Board, respectfully requests that the Court enter an order suspending Respondent for one year, with the suspension stayed after thirty days in favor of a two-year period of probation subject to the following conditions:

- a. At least thirty (30) days prior to the end of the probation term, Respondent shall attend and successfully complete the ARDC Professionalism Seminar;
- b. Respondent shall establish and utilize a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to Respondent by the Administrator, including:

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Source documents, which must be preserved for seven years:

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Time and billing records

Copies of records from client files that are necessary for a full understanding of the lawyer’s financial transactions with the client: e.g., retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered.

Reconciliation

There must be a running balance maintained for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Records of each reconciliation must be maintained for seven years.

- c. Respondent shall meet with the Administrator’s representative virtually or in person on at least a quarterly basis and shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation and shall provide the Administrator with any and all documentation and records requested in order to verify his compliance with Condition (b);
- d. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773;
- e. Respondent shall notify the Administrator within fourteen days of any change of address;
- f. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;
- g. Probation shall be revoked if Respondent is found to have violated any of the terms of probation described in subparagraphs (a) through (f), above, and Respondent shall

be suspended for the remaining eleven-month period,
commencing on the date his probation is revoked.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/Matthew D. Lango
Matthew D. Lango

Matthew D. Lango
Counsel for Administrator
One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601
Telephone: (312) 565-2600
Email: mlango@iadc.org

EXHIBIT 1

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:

EDWARD SERGIO RUEDA,

Attorney-Respondent,

No. 6306880.

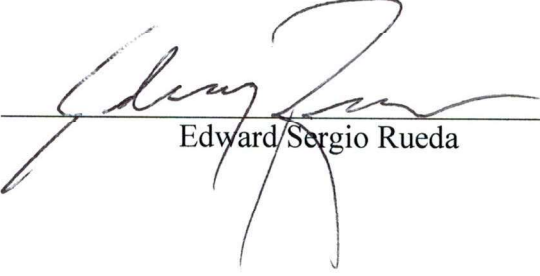
Supreme Court No. M.R.

Commission No. 2020PR00042

RESPONDENT'S AFFIDAVIT AS TO DISCIPLINE ON CONSENT

Edward Sergio Rueda, being first duly sworn, does state as follows:

1. That I have read the Administrator's Petition to Impose Discipline on Consent (the "Petition"), to which this affidavit is attached.
2. That the assertions in the Petition are true and are complete.
3. That I join in the Petition freely and voluntarily.
4. That I understand the nature and consequences of the Petition.
5. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


Edward Sergio Rueda

Dated: 8 June, 2021

EXHIBIT 2

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

In the Matter of:

EDWARD SERGIO RUEDA,

Attorney-Respondent,

No. 6306880.

Commission No. 2020PR00042

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,

Carol A. Hogan
Michael V. Casey
Peter B. Kupferberg

CERTIFICATION

I, Michelle M. Thome, 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 June 10, 2021.

/s/ Michelle M. Thome
Michelle M. Thome,
Clerk of the Attorney Registration and
Disciplinary Commission of the
Supreme Court of Illinois

PROOF OF SERVICE

I, Andrea L. Watson, hereby certify that I served a copy of this Order on Counsel for Respondent listed at the e-mail address shown below on June 10, 2021, at or before 5:00 p.m. At the same time, a copy of this Order was sent to Counsel for the Administrator by e-mail service.

Sari W. Montgomery
Counsel for Respondent
smontgomery@rsmdlaw.com

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/ Andrea L. Watson

Andrea L. Watson

EXHIBIT 3

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

IN THE MATTER OF:)
EDWARD SERGIO RUEDA,)
Attorney-Respondent,) Commission No. 2020PR00042
No. 6306880.)

REPORT OF PROCEEDINGS had in the
above-entitled matter before a Panel of the Hearing
Board of the Attorney Disciplinary Commission, on the
10th day of June, 2021, commencing at the hour of
10:30 o'clock a.m.

Members of Hearing Panel:

Ms. Carol A. Hogan, Chairperson
Mr. Michael V. Casey
Mr. Peter B. Kupferberg

1 APPEARANCES:

2 ATTORNEY REGISTRATION AND DISCIPLINARY
3 COMMISSION, by
4 MR. MATTHEW D. LANGO
5 One Prudential Plaza
6 130 East Randolph Drive
7 Chicago, Illinois 60601

8 appeared on behalf of the Administrator;

9 ROBINSON STEWART MONTGOMERY & DOPPKE, LLC, by
10 MS. SARI W. MONTGOMERY,
11 321 South Plymouth Court
12 14th Floor
13 Chicago, Illinois 60604

14 appeared on behalf of the Attorney-Respondent.

15 Also Present:

16 Ms. Blair Barbour,
17 Counsel For Adjudication.

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I N D E XWITNESSPAGE

Edward Sergio Rueda
Examination - Mr. Lango

20

1 CHAIRPERSON HOGAN: Good morning, everybody. My
2 name is Carol Hogan. I am the Chair this morning.

3 We're here this morning on the
4 matter of Edward Sergio Rueda. Is it Rueda? Am I
5 saying that correctly?

6 ATTORNEY-RESPONDENT RUEDA: Yes, it's Rueda.

7 CHAIRPERSON HOGAN: Rueda. Terrific.

8 Commission No. 2020PR00042.

9 Could counsel please identify
10 themselves for the record?

11 MR. LANGO: Good morning. Matthew Lango on behalf
12 of the Administrator.

13 CHAIRPERSON HOGAN: Good morning.

14 MS. MONTGOMERY: Good morning. Sari Montgomery on
15 behalf of Mr. Rueda.

16 CHAIRPERSON HOGAN: Good morning. A few -- before
17 we get started, I just want to read a few quick
18 reminders of how we have to be. We have to be
19 sensitive to a couple of things because of the
20 circumstances we find ourselves in today.

21 Again, this hearing is being
22 conducted by video teleconference pursuant to the
23 Commission's administrative order dated June 10th,
24 2020.

1 The court reporter is in
2 attendance, and the transcript of this proceeding is
3 the official record.

4 Please be advised this hearing is
5 also being video and audio recorded. Any further
6 audio or video recording by observers or participants
7 is prohibited.

8 We have multiple participants in
9 this hearing. If you are not speaking, I would really
10 appreciate it if you would mute yourself. If you go
11 down at the very bottom of the screen, you should see
12 a little green microphone that says mute. If you
13 click that, you'll be muted, and then it will turn to
14 unmute. And then when it's your turn to talk, if you
15 click it again, you will be unmuted. Pretty simple.

16 If you start talking and you're
17 muted, we'll let you know because that's my
18 speciality. I do that all the time. It's great if
19 you mute because sometimes background noise creates a
20 problem for the court reporter and the rest of us to
21 hear what's going on.

22 Each time you unmute and speak, it
23 would be great if you could identify yourself. I know
24 this is a short hearing this morning. It's a bigger

1 issue when we have contested hearings, but it helps
2 the court reporter to know who's speaking.

3 When you do speak, please stay
4 close to your microphone and look towards the
5 microphone. When you're speaking, if you turn when
6 you're speaking, it tends to create a problem for the
7 court reporter and for the panel members.

8 If there's a recess -- this is the
9 most important rule. If there's a recess, turn your
10 camera and your microphone off because if you don't,
11 I'm going to hear everything you say about me and
12 anyone else, and we're going to know everything you're
13 doing. You would be surprised how many lawyers and
14 other participants do not do that so I'll try to
15 remind you guys. I don't expect we're going to have a
16 recess because it should be short, but it's just a
17 good rule to live by.

18 Speak slowly, please, and just
19 pause briefly before you answer a question. With this
20 artificial sort of environment, there's a slight
21 delay. Even if it's only a millisecond, there is a
22 slight delay. I know, Sari, there's going to be even
23 a little bit more of a delay so we'll be sensitive to
24 that.

1 Just like in person, you have to
2 answer verbally. Don't shake your head. Don't say
3 um-hum. That will be very difficult for the court
4 reporter to pick up.

5 Also, just like in person, probably
6 more so, it's important that we don't interrupt each
7 other or speak over each other. It makes it almost
8 impossible in the virtual setting for the court
9 reporter to get down what people are saying so if we
10 just are careful not to do that, that would be
11 terrific.

12 If you need a private conversation,
13 just raise your right. You can literally just raise
14 your hand, and we can take a break, and you can have
15 that conversation.

16 If anybody drops off, which I don't
17 expect -- it's very rare on Web-Ex to have anyone
18 drop, but if you do, we'll be able to know because
19 you'll disappear, and we'll stop the proceedings until
20 you rejoin. Rejoin just means just click again and
21 come back in.

22 Again, lastly, although it
23 sometimes may not feel like it, this is a formal
24 proceeding so we have to move forward and treat this

1 just like we're in a courtroom.

2 With that, we can begin. I do have
3 one, I guess, housekeeping matter, and that is we
4 noticed -- Mr. Lango and Miss Montgomery, we noticed
5 this yesterday that it appears a charge has been
6 dropped from the offending complaint which I think is
7 no problem, but we also noticed that a charge has been
8 added under Section 1.15(a) regarding the duty to keep
9 records.

10 If you look at your complaint, that
11 is not a charge of offending conduct so do you guys
12 want to address a motion to amend the complaint so
13 that we go forward on a clean record here?

14 MR. LANGO: Yes. I was planning on doing that.

15 Can I just confirm there is a court
16 reporter on the call? Is Mr. Doran the court
17 reporter?

18 MS. BARBOUR: No, we actually don't use court
19 reporters for consent hearings. We're recording it,
20 and then we send it on to the court reporter for
21 transcription later.

22 MR. LANGO: Just wanted to make sure because we
23 once started a hearing, and it turned out the court
24 reporter wasn't on, and we had to go back and sort of

1 recreate the first five minutes of it so apologies.

2 CHAIRPERSON HOGAN: I have to change my script
3 that says the court reporter is in attendance. I'm
4 going to strike that right now. All right. Done.

5 Let's turn it over to you,
6 Mr. Lango.

7 MR. LANGO: Thank you.

8 I was planning on addressing those
9 very points in my opening remarks and making an oral
10 motion with respect to certain counts of the
11 complaint. With that, I will launch into it.

12 Good morning, members of the panel.
13 My name is Matthew Lango. I represent the
14 Administrator in this matter, and we are here today
15 before you on a joint consent motion requesting this
16 Board's approval to file a petition for discipline on
17 consent with the Illinois Supreme Court pursuant to
18 Rule 762(b).

19 The joint motion for approval to
20 file the petition for discipline on consent as well as
21 a copy of Mr. Rueda's affidavit with his signature
22 were filed before the Board on Tuesday of this week so
23 before I get into sort of the factual basis for the
24 petition and why we believe the recommended discipline

1 is appropriate in this case, I would like to address
2 the issues that the Chair just brought up.

3 As the Chair noted, the petition
4 does not include the admission of dishonesty by
5 Mr. Rueda. In addition, while the petition included
6 violations of Rule 1.15(a), it did not specifically
7 include 1.15(a)(1) through (8) which are the
8 recordkeeping provisions of that rule.

9 At this time I would make an oral
10 motion first to voluntarily dismiss Counts V and VI of
11 the complaint. Next, the Administrator would move to
12 strike charging Paragraphs b of Counts I through IV of
13 the complaint. Those are the charging paragraphs that
14 allege dishonesty with respect to Mr. Rueda's conduct
15 in this matter, and we would make an oral motion then
16 to replace those paragraphs with the charge of failure
17 to maintain the proper trust account records as
18 required by Rule 1.15(a)(1) through (8).

19 Finally, I would orally move to
20 amend the amount of the conversion charge in Count IV.
21 That should be listed as \$1,358.34. That's an amount
22 that appears in the consent petition but I realize
23 differs from the amount listed in the complaint. This
24 was discussed yesterday with Miss Montgomery, and I

1 believe there is no objection to the Administrator's
2 oral motion in that regard.

3 Your muted. Can't hear you.

4 MS. MONTGOMERY: How's that?

5 CHAIRPERSON HOGAN: Better.

6 MS. MONTGOMERY: I agree with everything that you
7 said except the last part about amending the amount.
8 I'm sorry. I don't think we talked about that. Could
9 you just -- I don't have the -- let me pull up the
10 petition in front of me. I don't remember talking
11 about that.

12 MR. LANGO: Sorry.

13 MS. MONTGOMERY: Is that just to match what's in
14 the petition?

15 MR. LANGO: Exactly.

16 MS. MONTGOMERY: So you're amending the complaint
17 to match what's in the petition? Is that what you're
18 saying?

19 MR. LANGO: Correct.

20 MS. MONTGOMERY: Okay. I'm fine with -- as long
21 as that's what's in the petition, that's fine.

22 CHAIRPERSON HOGAN: Hearing no objection, I will
23 grant the oral motion to amend the complaint. I would
24 try to read it back, Mr. Lango, but I will probably

1 confuse it, but I will say I believe you are moving to
2 dismiss Counts V and VI. You are amending Counts I
3 through IV which charge dishonesty, and you are adding
4 additional paragraphs involving failure to maintain
5 appropriate trust account records, and, finally,
6 you're amending Count IV to change the amount in the
7 complaint to reflect and conform with the amount
8 reflected in the joint motion filed; is that correct?

9 MR. LANGO: That is correct.

10 CHAIRPERSON HOGAN: Okay, terrific. That motion
11 is granted in all respects.

12 MR. LANGO: Thank you. I appreciate that, and I
13 apologize for any confusion that that may have caused.

14 This was a matter of, as you might
15 imagine, negotiations between both sides and the
16 Administrator evaluating what could and could not be
17 proved by clear and convincing evidence at the
18 hearing, and the facts and evidence set forth in the
19 petition are what we believe could be proved by clear
20 and convincing evidence.

21 That is the reason for the oral
22 motion so thank you in that regard.

23 As our petition reflects, Mr. Rueda
24 was admitted to practice law in Illinois on

1 November 10th, 2011. He's been a solo practitioner
2 throughout his career and has focused his practice on
3 representing individuals in personal injury, worker's
4 compensation, and medical malpractice cases.

5 The misconduct in this case
6 concerns Mr. Rueda's conversion of just over \$15,000
7 in four separate client matters. The conversions all
8 took place between about March and May, 2018, when
9 Mr. Rueda caused the balance in his IOLTA account to
10 fall below the amount he should have been holding on
11 behalf of his clients.

12 As set forth in the petition, in
13 March, 2018, Mr. Rueda had the practice of leaving
14 large amounts of fees that he was due on worker's
15 compensation cases in his IOLTA account for a long
16 period of time without transferring those fees into
17 his operating account or savings account.

18 In addition, Mr. Rueda was not
19 keeping the proper records with regard to his IOLTA
20 account and was not regularly reconciling the amounts
21 that he should have been holding on behalf of his
22 clients against the amount of fees that he was owed in
23 settlements from his cases.

24 I should add that at the time

1 Mr. Rueda was primarily handling worker's compensation
2 matters and was doing a fairly high volume of cases.
3 He has since switched his practice to focus on
4 plaintiffs' medical malpractice work which has allowed
5 him to maintain his practice while taking on fewer
6 cases.

7 In March, 2018, as set forth in the
8 petition, Mr. Rueda moved a sizeable amount of money
9 out of his IOLTA account that he estimated to be fees
10 that were owed to him. In particular, on March 23rd
11 of that year, he moved \$90,000 from his IOLTA account
12 into a business savings account.

13 As set forth in the petition,
14 Mr. Rueda was not entitled to that full amount. That
15 did not become clear until problems started occurring
16 with his account, namely his receiving an overdraft
17 notification with regard to the settlement check for
18 one of his clients, Judith Barrera.

19 When Mr. Rueda moved that money out
20 of the IOLTA account, he, in effect, changed the
21 nature of those funds. In other words, he converted
22 them, but thankfully he did not spend those funds.
23 Rather, as the records obtained by the Administrator
24 in the course of discovery showed, he held those funds

1 in a savings account, and fortunately after figuring
2 out there was a problem with his IOLTA account, moved
3 funds back into it. This covered the amounts that he
4 should have been holding in the Barrera case as well
5 as in three other client matters which are set forth
6 in the petition.

7 It took until about the end of May,
8 2018, before Mr. Rueda was able to correct the issues
9 with his IOLTA account and ensure that it had
10 sufficient funds that he should have been holding for
11 all the client matters.

12 If this matter were to proceed to a
13 hearing, as I had mentioned earlier, the total amount
14 of conversion that the Administrator could prove by
15 clear and convincing evidence is \$15,471, and that
16 amount is set forth in the petition.

17 As such, we're asking this panel to
18 agree to the recommended discipline where we will ask
19 the Supreme Court to enter an order suspending
20 Mr. Rueda from the practice of law for one year with
21 the suspension stayed after 30 days in favor of a
22 two-year period of probation subject to the conditions
23 set forth in the petition.

24 In mitigation, I will say that

1 Mr. Rueda has not been previously disciplined. He has
2 cooperated with the Administrator throughout the
3 course of these disciplinary proceedings, and he has
4 expressed remorse for his misconduct.

5 Further, Mr. Rueda has implemented
6 appropriate bookkeeping measures. He has hired a
7 bookkeeper to help manage his firm's finances, and he
8 is now keeping the appropriate records, including the
9 appropriate ledgers, and is regularly reviewing and
10 reconciling his IOLTA account with those ledgers.

11 In addition, no clients complained
12 to the Administrator about Mr. Rueda's misconduct, and
13 all of the parties eventually received the funds that
14 Mr. Rueda was holding on behalf of his clients.

15 In aggravation, Mr. Rueda's
16 transfer of a significant amount of money out of his
17 IOLTA account without being certain that he was
18 entitled to those funds as attorney's fees placed
19 those funds and his clients at risk.

20 That is all I have with respect to
21 opening remarks, and I would call Mr. Rueda as a
22 witness unless Miss Montgomery has opening remarks she
23 would like to make.

24 CHAIRPERSON HOGAN: Miss Montgomery?

1 MS. MONTGOMERY: Mr. Lango stole most of my
2 thunder, but I would just, you know, reiterate a
3 couple of points and point out one additional thing.

4 As Mr. Lango indicated, Mr. Rueda
5 withdrew the funds from the IOLTA account in March of
6 2018 believing that he was entitled to those as fees.
7 Unfortunately, his method of calculating that at the
8 time was to keep track in his head of what he was owed
9 so that's what caused the discrepancy.

10 I would also note that the
11 overdraft, and I use that term loosely because the
12 bank records don't actually show an overdraft nor did
13 the bank notify Mr. Rueda of the overdraft. They did
14 notify the ARDC of the overdraft in May of 2018 of the
15 Judith Barrera check.

16 Mr. Rueda had actually issued that
17 check to Miss Barrera back in February when the
18 balance in that account was more than sufficient to
19 cover the check that he issued to her, and he had
20 simply assumed that the check had already cleared when
21 he withdrew the funds two months later in March.

22 I just want to make it clear that
23 at the time that he withdrew the funds, he believed
24 that Miss Barrera had already received her funds.

1 Obviously the failure to keep proper records and to
2 reconcile his trust account led to that
3 misunderstanding, and I would also note that once this
4 came to his attention in early May of 2018, within
5 approximately a month after that time period, he had
6 moved all the money back that needed to be moved back,
7 and he had instituted proper record-keeping procedures
8 which he has maintained since May of 2018. For almost
9 three years now, he has been keeping the proper
10 records so I believe that it's appropriate for the
11 panel to take note that there's a relatively low risk
12 at this point that anything like this would occur
13 again.

14 He has hired a very competent
15 office manager who takes care of most of the
16 day-to-day that he oversees, and we don't anticipate
17 this being a problem again.

18 We agree with the recommendation
19 that Mr. Rueda be suspended for one year with all but
20 30 days stayed by a two-year period of probation, and
21 we would ask that you approve that recommendation.

22 Thank you.

23 CHAIRPERSON HOGAN: Thank you, Miss Montgomery.

24 Okay, Mr. Lango.

1 MR. LANGO: I would call Mr. Rueda as a witness.

2 Is there someone here who is a
3 notary who can swear him in? Oh, Andi, you're here.

4 THE CLERK: I can swear him in.

5 MR. LANGO: Okay. Thank you.

6 THE CLERK: Mr. Rueda, could you please hold up
7 your State ID?

8 Okay, great. Thank you. I can see
9 it. Thanks.

10 Raise your right hand, please.

11 (The oath was duly administered to the
12 witness by the Clerk.)

13 MR. LANGO: You're muted, Mr. Rueda.

14 CHAIRPERSON HOGAN: We can't hear you.

15 ATTORNEY-RESPONDENT RUEDA: I affirm everything
16 you've stated.

17 THE CLERK: Thank you.

18 MR. LANGO: Sorry. Again, the lack of court
19 reporter was throwing me off.

20

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1 EDWARD SERGIO RUEDA,
2 called as a witness by the Administrator herein,
3 having been first duly sworn, was examined and
4 testified as follows:

5 E X A M I N A T I O N

6 By Mr. Lango

7 Q. Good morning, Mr. Rueda. You're kind of
8 freezing on us. Can you say something else?

9 A. Good morning. How's everybody doing?

10 Q. Good. Thank you.

11 Mr. Rueda, I just have a few
12 questions for you.

13 You are in fact the Respondent in
14 this case, correct?

15 A. Correct.

16 Q. And you were licensed to practice law in
17 Illinois on November 10th, 2011, correct?

18 A. Correct.

19 Q. Have you reviewed the petition for discipline
20 on consent in this matter and discussed it with your
21 attorney, Miss Montgomery?

22 A. Yes, I have.

23 Q. And do you agree with the assertions in
24 the -- do you agree that the assertions in the

1 petition are true and correct?

2 A. Yes, I do.

3 Q. Do you join in this petition freely and
4 voluntarily?

5 A. Yes, I do.

6 Q. Okay. And do you understand the consequences
7 of this petition?

8 A. Yes, I do.

9 MR. LANGO: Those are all of the questions that I
10 have for Mr. Rueda. I will just say, Mr. Rueda, I
11 wish you good luck, and thank you for your cooperation
12 in these proceedings.

13 THE WITNESS: Thank you.

14 CHAIRPERSON HOGAN: Miss Montgomery, anything
15 further?

16 MS. MONTGOMERY: I don't have anything further.
17 Thank you.

18 CHAIRPERSON HOGAN: You're very welcome.

19 Mr. Lango, does that complete your
20 presentation?

21 MR. LANGO: That would conclude our presentation.
22 We just respectfully request this morning that you
23 approve this matter to the Supreme Court for
24 imposition of the discipline recommended in the

1 petition, and we thank you and the other members of
2 the panel for your time and for your service to the
3 profession.

4 CHAIRPERSON HOGAN: Any time. We will be issuing
5 a ruling hopefully this afternoon. The way it's
6 working now is where normally we might confer and come
7 back out, that's a little harder, but we will get
8 together, the panel, after you drop off, and we will
9 be issuing a ruling shortly.

10 I just want to make sure before we
11 hang up while we're still on the record that all of
12 you have had no problem hearing the presentation. You
13 could all hear each other, and nobody has any concerns
14 about sort of the procedure that took place here this
15 morning; is that correct?

16 MR. LANGO: Correct.

17 MS. MONTGOMERY: That's correct.

18 CHAIRPERSON HOGAN: Wonderful. I think that's it.

19 ATTORNEY-RESPONDENT RUEDA: Do I just close the
20 Web-Ex and wait for notification from my attorney, or
21 do I have to stay on or how does that work?

22 CHAIRPERSON HOGAN: No, I believe everyone can get
23 off the Web-Ex.

24 Blair, did you want the panel

1 members to stay on this Web-Ex or get on a different
2 one.

3 MS. BARBOUR: If the panel members could stay put,
4 that would be great, and if everyone else can exit,
5 then you can deliberate once everyone has left.

6 CHAIRPERSON HOGAN: And then, Mr. Rueda, you will
7 hear from your lawyer. It shouldn't be very long.

8 ATTORNEY-RESPONDENT RUEDA: Thank you very much,
9 everyone.

10 CHAIRPERSON HOGAN: Thanks, everybody.

11 MS. MONTGOMERY: Thank you. Have a nice day.

12 (Which were all of the proceedings had
13 and testimony taken at the hearing of
14 the above-entitled cause, this date.)
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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF DU PAGE)
3

4 I, Deborah J. Roberts, do hereby
5 certify that I transcribed the proceedings had at the
6 hearing of the above-entitled cause and that the
7 foregoing Report of Proceedings, Pages 3 through 23,
8 inclusive, is a true, correct, and complete transcript
9 transcribed to the best of my ability at the time and
10 place aforesaid.

11 I further certify that I am not
12 counsel for nor in any way related to any of the
13 parties to this suit, nor am I in any way, directly or
14 indirectly interested in the outcome thereof.

15 This certification applies only to
16 those transcripts, original and copies, produced under
17 my direction and control; and I assume no
18 responsibility for the accuracy of any copies which
19 are not so produced.

20 IN WITNESS WHEREOF I have hereunto
21 set my hand this 14th day of June, 2021.
22

23 Deborah J. Roberts
24 Certified Shorthand Reporter

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:)	
)	
EDWARD SERGIO RUEDA)	M.R.
)	
Attorney-Respondent,)	Commission No. 2020PR00042
)	
No. 6306880.)	

NOTICE OF FILING

TO: Sari W. Montgomery
Counsel for Respondent
Robinson Stewart Montgomery & Doppke LLC
321 S. Plymouth Court, 14th Floor
Chicago, IL 60604
Via Email: smontgomery@rsmdlaw.com

PLEASE TAKE NOTICE that on June 24, 2021, electronic copies of the Petition to Impose Discipline on Consent Pursuant to Supreme Court Rule 762(b), were submitted to the Clerk of the Supreme Court for filing. On that same date, copies were served on Counsel for Respondent by e-mail at smontgomery@rsmdlaw.com at or before 4:00 p.m.

Respectfully submitted,
Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Matthew D. Lango
Matthew D. Lango

Matthew D. Lango
Counsel for Administrator
One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601
Telephone: (312) 565-2600
Email: mlango@iadc.org

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies, pursuant to Illinois Code of Civil Procedure, 735-ILCS-5/109, that the Administrator served a copy of the Notice of Filing and the Motion Pursuant To Supreme Court Rule 762(b) and Notice of Filing, on the individual on the forgoing Notice of Filing, sent via e-mail at smontgomery@rsmdlaw.com on June 24, 2021, at or before 4:00 p.m.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

By: /s/ Matthew D. Lango
Matthew D. Lango

STIPULATION

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

FILED

October 19, 2022

**OFFICE OF
APPELLATE COURTS**

In Re Petition for Disciplinary Action
against EDWARD S. RUEDA,
a Minnesota Attorney,
Registration No. 0397834.

**STIPULATION FOR
RECIPROCAL DISCIPLINE**

THIS STIPULATION is entered into by and between Susan M. Humiston,
Director of the Office of Lawyers Professional Responsibility (Director), and Edward S.
Rueda, attorney (respondent).

WHEREAS, respondent has concluded it is in respondent's best interest to enter
into this stipulation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and
between the undersigned as follows:

1. Respondent understands this stipulation, when filed, will be of public
record.
2. It is understood that respondent has certain rights pursuant to Rule 12(d),
Rules on Lawyers Professional Responsibility (RLPR). Respondent waives these rights,
which include the opportunity to present arguments to the Court as to why the
imposition of reciprocal discipline is unwarranted, and agrees to the Court's immediate
issuance of an order for reciprocal discipline.
3. Respondent admits service of the petition for disciplinary action (petition)
seeking reciprocal discipline.
4. Respondent unconditionally admits the allegations of the petition and its
attachments, which establish that respondent was disciplined by the Illinois Supreme

Court on September 23, 2021. Pursuant to Rules 12(d) and 19(b)(3), RLPR, the Illinois Supreme Court's order and findings therein are conclusive evidence that respondent committed the misconduct.

5. Respondent understands that based upon these admissions and Rule 12(d), RLPR, this Court may impose any of the sanctions set forth in Rule 15(a)(1)-(9), RLPR, including making any disposition it deems appropriate. Respondent further understands that by entering into this stipulation, the Director is not making any representations as to the sanctions the Court will impose.

6. The Director and respondent agree that reciprocal discipline is appropriate, but for reasons described in the attached memorandum, the discipline imposed in Illinois is substantially different from the discipline that would be imposed in Minnesota for similar conduct. The Director and respondent agree and join in recommending that:

- a. The appropriate discipline pursuant to Rule 15, RLPR, is a public reprimand;
- b. Respondent pay \$900 in costs pursuant to Rule 24(a), RLPR;
- c. Respondent shall be placed on probation for a period of up to two years. The conditions of respondent's probation are as follows:
 - i. Respondent's probation shall be unsupervised and coextensive with his probation in Illinois, including as to terms and conditions of probation. Respondent's probation shall conclude upon proof of the successful completion of his probation in Illinois.
 - ii. Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation and promptly respond to the Director's correspondence by the due date. Respondent shall provide to the Director a current mailing address and shall immediately notify the Director of any change of address. Respondent

shall cooperate with the Director's investigation of any allegations of unprofessional conduct which may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of this probation.

iii. Respondent shall abide by the Minnesota Rules of Professional Conduct.

iv. Respondent shall maintain trust account books and records in compliance with Rule 1.15, MRPC, and Appendix 1 to the MRPC. These books and records shall include the following: client subsidiary ledgers, checkbook register, monthly trial balance reports, monthly reconciliation reports, bank statements, canceled checks (if they are provided with the bank statements), duplicate deposit slips, bank reports of interest, service charges and interest payments to the Minnesota IOLTA Program, and bank wire, electronic, or telephone transfer confirmations. Such books and records shall be made available to the Director within 30 days of the approval of this stipulation and thereafter shall be made available to the Director at such intervals as the Director deems necessary to determine compliance.

7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

8. Respondent acknowledges receipt of a copy of this stipulation.

9. Respondent has been advised of the right to be represented by an attorney but has freely chosen to appear *pro se*.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Susan M. Humiston

Humiston, Susan
Oct 18 2022 12:40 PM

SUSAN M. HUMISTON
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 0254289
445 Minnesota Street, Suite 2400
St. Paul, MN 55101-2139
(651) 296-3952
Susan.Humiston@courts.state.mn.us

Krista Barrie

Barrie, Krista
Oct 17 2022 11:28 AM

KRISTA D. BARRIE
SENIOR ASSISTANT DIRECTOR
Attorney No. 0333700
Krista.Barrie@courts.state.mn.us

Dated: October 19, 2022.

Edward S. Rueda

EDWARD S. RUEDA
RESPONDENT
Attorney No. 0397834
1212 North LaSalle, Suite 100
Chicago, IL 60610
(321) 263-7758
Ed@esrlawgroup.com

MEMORANDUM

The Illinois Supreme Court suspended respondent for one year, with the suspension stayed after the first 30 days in favor of two years of probation. The misconduct relates to negligently misappropriating client funds from his IOLTA account through failure to maintain the required books and records.¹ The discipline imposed by the Illinois Supreme Court is substantially different from the discipline imposed in Minnesota for similar misconduct.

Respondent's misconduct most likely would have resulted in a public reprimand had it occurred in Minnesota. *See, e.g., In re Carlson*, 917 N.W.2d 774 (Minn. 2018) (ordering a public reprimand and probation where respondent attorney negligently misappropriated client funds and commingled earned fees in trust); *In re Hackert*, 915 N.W.2d 755, 755-56 (Minn. 2018) (ordering a public reprimand and probation for failure to maintain books and records for attorney trust account and negligently misappropriating client funds).

A public reprimand in this case is also supported by cases approving joint recommendations in similar cases. *See, e.g., In re Goetz*, 971 N.W.2d 79 (Minn. 2022) (approving joint recommendation and issuing public reprimand where attorney negligently misappropriated client funds, failed to maintain required books and records, and failed to perform monthly reconciliations of her trust account).

The Illinois Court found no aggravating factors. The Illinois Court found several mitigating factors, including that respondent was remorseful for his misconduct, that he

¹ Respondent failed to maintain the required books and records for his IOLTA account, resulting in the total balance falling below the individual client's funds that should have been held in trust, meaning that one client's funds were used for obligations of other clients; respondent was not aware of this. According to the Illinois Rules of Professional Conduct, respondent's described use of the funds constitutes conversion of funds received in connection with the representation of a client. Under this Court's case law, this use of client funds is considered negligent misappropriation.

had implemented appropriate accounting practices in order to avoid negligently misappropriating client funds again, and that he cooperated with the investigation. The difference between a public reprimand and a short suspension has generally been viewed as material in Minnesota because it requires notice to all parties and tribunals and, where applicable, withdrawal as counsel and successful completion of the MPRE. Additionally, the Court generally does not impose a lengthy year-long suspension while staying a portion of it.

For these reasons, the discipline imposed by the Illinois Supreme Court, including a period of suspension, is substantially different from the public reprimand that has been imposed in Minnesota for similar misconduct.