

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)
Joel Alan Brodsky) No. 18 D 10
An Attorney) (Before the Executive Committee)

ORDER

1. Joel Alan Brodsky was admitted to practice before the general bar of this Court on January 26, 1983 and before the trial bar of this Court on August 6, 1984.
2. On April 5, 2018, the Honorable Virginia Kendall notified the Executive Committee of Mr. Brodsky's actions before the Court while he was representing the defendant in case number 16 C 4182, *Twyman v. S&M Auto Brokers, Inc. et al.* In a March 28, 2018 order in case number 16 C 4182, Judge Kendall imposed sanctions upon Mr. Brodsky.
3. On January 18, 2019, the Seventh Circuit Court of Appeals affirmed the imposition of sanctions against Mr. Brodsky in District Court case number 16 C 4182, *Twyman v. S&M Auto Brokers, Inc. et al.*
4. On February 8, 2019, the Executive Committee stayed any disciplinary decision pending a ruling by the Seventh Circuit Court of Appeals on Mr. Brodsky's motion for rehearing.
5. On February 11, 2019, the Seventh Circuit Court of Appeals entered an order denying Mr. Brodsky's petition for rehearing.
6. On March 13, 2019, the Executive Committee entered an order noting that in order for the Committee to consider the appropriate disciplinary sanction, if any, for Joel Alan Brodsky's violation of Rules 3.1, 4.5(a), and 8.4(d) of the American Bar Association Model Rules of Professional Conduct, which apply to the attorneys of

this Court's bar pursuant to Local Rule 83.50, Mr. Brodsky shall inform the Committee of the status of payment of the monetary sanction ordered by Kendall.

7. On March 27, 2019, Mr. Brodsky responded, and the Executive Committee considered his submission.

8. By clear and convincing evidence, based on the same misconduct found by Judge Kendall in the *Tywman* case, the Executive Committee finds that Joel Alan Brodsky violated the following American Bar Association Model Rules of Professional Conduct:

A. Rule 3.1: A lawyer shall not assert an issue unless there is a basis in law and fact that is not frivolous.

B. Rule 4.5(a): A lawyer shall not use means that have no substantial purpose other than to embarrass or burden a third person (namely, Donald Szczesniak, Plaintiff's expert witness in *Tywman*).

C. Rule 8.4(d): It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

IT IS HEREBY ORDERED that Joel Alan Brodsky is suspended from this Court's general and trial bars for a period of one year, after which he may petition the Executive Committee for reinstatement.

IT IS FURTHER ORDERED that within twenty-one (21) days of the docketing of this order, Joel Alan Brodsky shall notify by certified mail, return receipt requested, all clients to whom Joel Alan Brodsky is responsible for pending matters before this Court of the fact that the attorney cannot continue to represent them.

IT IS FURTHER ORDERED that any password issued to Joel Alan Brodsky for access to the electronic filing system shall be disabled until the attorney is reinstated to active status with this District.

IT IS FURTHER ORDERED that pursuant to Local Rule 83.25(e), the Executive Committee has determined that in the interest of justice, a copy of this order shall be docketed on each pending case in which Joel Alan Brodsky has filed an appearance and shall be shared with the Supreme Court of Illinois Attorney Registration and Disciplinary Commission.

IT IS FURTHER ORDERED that within thirty-five (35) days of the entry of this order, Joel Alan Brodsky shall file with the Assistant to the Clerk of the Court a declaration indicating the address to which subsequent communications may be addressed; and shall keep and maintain records evidencing compliance with this order so that proof of compliance will be available if needed for any subsequent proceeding instituted by or against the attorney.

ENTER:

FOR THE EXECUTIVE COMMITTEE



Chief Judge

DATED: April 11, 2019