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

In the Matter of:

JEFF TERRONEZ,

Commission No. 2011PR00085

Attorney-Respondent,

No. 6244003.

REPORT AND RECOMMENDATION OF THE HEARING BOARD

INTRODUCTION

The hearing in this matter was held on April 24, 2012 at the Springfield offices of the Attorney Registration and Disciplinary Commission ("ARDC") before a hearing panel consisting of John L. Gilbert, Chair, Julian C. Carey and Richard Corkery. Peter Rotskoff represented the Administrator of the Attorney Registration and Disciplinary Commission. Respondent Jeff Terronez appeared and was represented by Warren Lupel.

PLEADINGS

On July 12, 2011 the Administrator filed a two-count Complaint against Respondent. Count I alleged that Respondent, while serving as the State's Attorney of Rock Island County, Illinois, provided alcohol to two young women who were not old enough to lawfully consume alcohol, sent them text messages that included false representations, and drove them to Champaign, Illinois where they stayed in his hotel room. Further, in April 2011 Respondent pled guilty to one count of unlawful delivery of alcoholic liquor to a person under the age of 21, a class A Misdemeanor. Count I charged Respondent with overreaching, committing a criminal act that reflects adversely on his honesty or fitness as a lawyer, and engaging in conduct

involving dishonesty, fraud, deceit or misrepresentation, conduct prejudicial to the administration of justice, and conduct which tends to defeat the administration of justice or bring the courts or legal profession into disrepute.

Count II alleged that, in the course of the police investigation regarding the conduct which led to Respondent's conviction, he made false statements to the police for the purpose of obstructing the investigation. Count II charged Respondent with engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, conduct prejudicial to the administration of justice, and conduct which tends to defeat the administration of justice or bring the courts or legal profession into disrepute.

In his answer to the Complaint, Respondent admitted some of the factual allegations such as providing alcohol to two women who were under the legal age for consuming alcohol, exchanging text messages with one of them, driving them to another town where they stayed in his suite of rooms, and pleading guilty to a Class A misdemeanor. He denied making false statements to the police for the purpose of obstructing a criminal investigation, and denied engaging in any professional misconduct.

THE EVIDENCE

The Administrator's evidence consisted of two witnesses, Jerome Costliow and Respondent, and seven exhibits which were admitted into evidence. Respondent testified on his own behalf and called six character witnesses.

Count I

Undisputed Facts

Between 2004 and April 26, 2011 Respondent served as the State's Attorney for Rock Island County, Illinois. In 2009 he prosecuted a high school teacher, Jason VanHoutte, on criminal charges of sexual assault against a female student, JW. During the pendency of the case

Respondent met with JW on at least a monthly basis from August 2009 to May 2010. Respondent also met JW's friend, BY.

Following VanHoutte's guilty plea in May 2010, Respondent continued to exchange text messages and phone calls with JW. Beginning in late June 2010, JW began making requests for alcohol. Between July 1, 2010 and August 15, 2010, Respondent provided alcohol to JW and BY even though he knew they were not old enough to lawfully consume alcohol.

On Wednesday, July 14, 2010, Respondent drove to Champaign, Illinois to attend a seminar for prosecutors. JW and BY were passengers in his car and stayed with him at his hotel.

On April 26, 2011, a criminal complaint was filed against Respondent in the Circuit Court of Rock Island County, charging him with one count of Unlawful Delivery Of Alcoholic Liquor To A Person Under The Age of 21, a Class A misdemeanor, in violation of ILCS Ch. 235, § 5/6-16(a)(iii). On that same date, Respondent pled guilty to the charge and was sentenced to two years of probation with conditions, including the payment of court costs and a $2,500 fine. The Court also ordered that Respondent forfeit any future pension from the Illinois Municipal Retirement Fund, and ordered that he not seek public office at any time in the future.

Respondent

Respondent testified he was licensed to practice law in 1997 and worked as an Assistant State's Attorney before becoming the State's Attorney of Rock Island County on December 1, 2004. He resigned that position on April 26, 2011, and recently obtained employment as a cost savings analyst. He stated he will be earning money on a commission basis, but has not received any commissions yet. Respondent's wife is employed as an administrative assistant at an area college. (Tr. 54, 139-40).

While serving as an Assistant State's Attorney, Respondent prosecuted cases involving unlawful delivery of alcohol to a person under the age of twenty-one and cases involving illegal

consumption of alcohol by a person under twenty-one. Typically those cases involved tavern owners who were serving underage individuals. (Tr. 55, 90).

Respondent recalled he first met JW in August 2009 in connection with charges of criminal sexual abuse brought by his office against Jason VanHoutte. JW had turned sixteen years old on July 4, 2009. Respondent initially assigned the VanHoutte matter to a prosecutor who specialized in sexual abuse cases, but took over when he realized the case might attract public scrutiny and media attention. During the course of prosecuting VanHoutte, Respondent met with JW at least once per month until April 2010, and then more frequently as he prepared for trial. Except for one meeting at JW's home, all of the meetings took place at Respondent's office. He stated he needed to meet with JW frequently because he was worried about her cooperation and wanted her to trust him as she went through the process. He noted that counseling and social worker services were offered to JW, but she refused both. Respondent was aware at the time that JW considered him to be her only friend and he saw that circumstance as a red flag signaling the need for a gap. (Tr. 56-60, 95-96; Adm. Ex. 3).

After VanHoutte was sentenced to prison in May 2010, Respondent continued to communicate with JW by phone and text messaging because he felt JW had issues to address and would not open up to anyone else. He recalled the relationship becoming more friendly and casual as time went by. When questioned about the fact he sent JW well over one thousand text messages between May and June 2010, Respondent explained that text message conversations involve hundreds of transmissions, each of which can be one word or multiple words. (Tr. 58-63).

Respondent denied he was attracted to JW or wanted to continue seeing JW. He admitted using JW to try to get close to BY, who was nineteen at the time. He admitted being physically and sexually attracted to BY. (Tr. 76-77, 80, 92, 94).

Respondent testified he could not recall exactly when he first supplied alcohol to JW, but believes it was in late June or early July of 2010. The next occasions occurred when he drove to Champaign, Illinois for a professional conference on Wednesday, July 14, 2010. Respondent offered to take BY with him because she had expressed a desire to visit friends in Charleston, which was less than an hour from Champaign. Respondent stated his primary conversations regarding the trip were with BY, but he knew JW would be going also. Respondent intended to drop BY and JW in Charleston and then proceed to Champaign to attend his conference which he thought began the following morning but, in fact, did not begin until Thursday afternoon. Respondent understood JW and BY would find a ride to Champaign on Friday and he would then drive them home. Respondent did not notify JW or BY's parents about the trip, and picked BY up at a time when he knew her parents were not at home. (Tr. 63-65, 91-93).

Respondent acknowledged stating in his answer to the Complaint that he drove JW and BY to Charleston and then continued on alone to Champaign. In fact, they all went to Champaign where Respondent checked into a hotel. JW and BY left their luggage in Respondent's suite which consisted of one bedroom and a living area, separated by a door. On Wednesday evening Respondent drove JW and BY to Charleston for a party and provided them with alcohol at that time. The next night he provided them with alcohol again and, at BY's request, took them to a bar in Champaign. (Tr. 65-68, 94).

With respect to sleeping arrangements during the trip to Champaign, Respondent testified he slept in the bedroom portion of the hotel suite, and JW and BY slept on a hide-a-bed in the living area. On Thursday night, Respondent was alone with JW in his hotel room for about four hours. The following morning Respondent attended his conference and then drove back to Moline, Illinois with JW and BY. (Tr. 66-67, 69, 94).

Respondent testified he provided alcohol to JW and BY on two subsequent occasions, at a restaurant and at a park, and to JW by herself on another occasion. Respondent stated that during the six week period from early July to mid-August 2010, JW and BY made hundreds of requests for alcohol. He recalled BY calling him in August 2010 and asking for alcohol, but denied providing any alcohol to BY when JW was not present. In total he supplied alcohol to JW on six occasions and to BY on five occasions. The last time he delivered alcohol to JW was on August 15, 2010. (Tr. 69-70, 73, 82, 91).

Respondent identified specific text messages from August 2010 between himself and JW in which she made requests for alcohol, and he responded. On some occasions they referred to alcohol as "apples." In one response he told JW he could not deliver alcohol because he was with his little "hottie" and in another response he stated he had to meet "CHB" which, he explained, stood for "crazy hot blonde." Respondent stated he was not referring to actual individuals; rather, they were fictitious persons he fabricated to avoid providing alcohol. He acknowledged he also wanted to appear younger and available, primarily to BY. (Tr. 71-75; Adm. Ex. 1).

With respect to a message from JW on August 15, 2010 stating "Heyn i stil love u!," Respondent denied being concerned by that statement. He noted he and JW had grown close, they joked around with each other, and he never believed she was sincere or that she really loved him. Respondent stated when JW asked for alcohol and told Respondent "ive done a good job!," she was referring to turning her life around and was not referencing her cooperation in the VanHoutte case. (Tr. 73, 75; Adm. Ex. 1).

Respondent acknowledged sending text messages to JW in August 2010 in which he referred to sexual activity between JW and her boyfriend, urged JW to have oral sex with her boyfriend, told JW she was "incredibly cute," stated he could not think straight after seeing

pictures of her in her cheerleading uniform, told her he might be falling in love with her, and told her he loved her. Respondent explained he was teasing JW and joking around with her. He acknowledged he should have been concerned that he was sending inappropriate messages to a young woman who had been a sexual assault victim in a case he prosecuted. Respondent admitted the messages were entirely inappropriate and he regrets sending them. (Tr. 77-81; Adm. Ex. 1).

On April 26, 2011 Respondent pled guilty to a single count of Unlawful Delivery of Alcoholic Liquor to a Person under the age of 21, a Class A Misdemeanor. Specifically, the criminal complaint charged that he knowingly provided Smirnoff Twists to JW, an underaged individual, on August 15, 2010. Respondent denied committing any crimes other than the delivery of alcohol. He was sentenced to two years probation, and fined $2,500 plus court costs in the amount of $4,177. He also agreed to resign his position as State's Attorney, forfeit his pension except for the amount he had contributed, and never run for public office. In addition, the Illinois Supreme Court suspended Respondent's license to practice law on an interim basis until further order of Court. Respondent acknowledged that the matter garnered substantial publicity. (Tr. 104, 140-42; Adm. Exs. 5, 6).

In June 2011, approximately two months after Respondent's conviction, counsel for James VanHoutte filed a petition for post-conviction relief. In November 2011 an amended petition was filed. The amended petition alleged both prosecutorial misconduct on the part of Respondent and sentencing that was not in conformity with Illinois law. The petition was granted on the latter basis, rather than anything related to Respondent's conduct, and thereafter VanHoutte's sentence was modified. (Tr. 58, 63, 91; Adm. Ex. 7).

Count II

Undisputed Facts

On August 20, 2010 Respondent learned that the Illinois State Police were investigating his conduct with respect to providing alcohol to JW and BY. During a conversation with Illinois State Police Sergeant Jerome Costliow on that date, Respondent denied that he ever provided alcohol to JW.

On August 24, 2010 Respondent was interviewed by Sergeant Costliow and Special Agent Sharleen Seas. During the interview Respondent made the following statements:

- he never provided alcohol to JW or BY;
- he had been joking when he sent a text message to JW which indicated that he would buy her alcohol;
- he did not take JW to Champaign on July 14, 2010 and met her there by happenstance;
- he slept in his SUV in Champaign on Thursday night, July 15, 2010 while JW slept in his hotel room;
- JW did not ride home with him from Champaign;
- he went to a party at BY's home to "clear everyone out".

Jerome Costliow

Jerome Costliow is a Master Sergeant Detective with the Illinois State Police. On August 19, 2010 he was assigned to investigate an allegation that Respondent had provided alcohol to an underage person, JW, and had inappropriate contact with her. He noted that JW's date of birth is July 4, 1993 and BY's date of birth is February 13, 1991. The person who made the complaint had reported that Respondent met JW in a public park. Costliow acknowledged that an adult does not engage in criminal behavior by meeting a sixteen or seventeen year old in a park to talk. (Tr. 26, 29, 32, 45; Adm. Ex. 4).

After being assigned to the case, Costliow obtained the call log from Respondent's cell phone for the period of September 2009 to August 2010, and actual text messages from August 13, 2010 to August 20, 2010. He stated the cell phone company only kept the text messages for a set period of time. (Tr. 29-31, 51; Adm. Exs. 1, 2).

On August 20, 2010 Costliow received a call from Respondent regarding the investigation. At that time Respondent volunteered to Costliow that he had not delivered alcohol to JW or BY. On August 23, 2010 Costliow interviewed JW and learned she had received alcohol from Respondent. When he spoke to BY that same day, BY denied receiving alcohol from Respondent but admitted knowing JW had received alcohol from him. At a later date, BY admitted receiving alcohol from Respondent. (Tr. 32-34; Adm. Ex. 4).

On August 24, 2010, Costliow interviewed Respondent at Respondent's office. In response to questioning, Respondent stated he and JW became friends as he assisted her through the criminal process. After the conclusion of the criminal matter, he continued to see JW because he believed he was helping her with her life and her problems. He acknowledged he may have become too close to her. Respondent admitted meeting JW at a park on two occasions but denied providing alcohol to JW and BY. With respect to text messages to JW in which he told her he would buy alcohol for her, Respondent told Costliow he was only joking. (Tr. 35-38, 41; Adm. Ex. 3).

During the interview Costliow questioned Respondent about a trip to Champaign in July 2010 and his contact with JW in Champaign. Respondent denied driving JW and BY to Champaign but acknowledged seeing them there and taking JW to his hotel room where he left her while he slept in the backseat of his SUV. Costliow also questioned Respondent as to whether he ever told JW and BY he was divorced. Respondent explained he did not wear a wedding ring, switched his Facebook status from "married" to "single," and had made reference

to an "ex-wife" because he had received threats of harm in the past and wanted to protect his family. (Tr. 39-41; Adm. Ex. 3).

Costliow's team subsequently learned from JW and BY that Respondent had made false statements regarding driving them to Champaign and sleeping in his SUV. When Costliow's partner interviewed BY a second time he also learned she had been in contact with Respondent on August 22, at which time Respondent advised her she would be interviewed by the State Police and she should deny everything because his life was on the line. (Tr. 39-40, 42).

On August 26, 2010 Costliow directed one of his agents to investigate an August 15, 2010 liquor receipt found in JW's car. The agent checked the store's video tape to verify that Respondent purchased the liquor. (Tr. 43).

Costliow testified the investigation into Respondent's conduct involved about eight officers and continued for approximately six months. He stated Respondent's denials did not extend the investigation, which he believed was thorough and comprehensive, as he would have continued with the investigation anyway. Costliow concluded that Respondent delivered alcoholic beverages to one or two underage women on five or six occasions. He found no evidence of any sexual crimes by Respondent and concluded no crimes were committed other than the misdemeanor that was charged. (Tr. 46, 48-50).

Prior to the investigation of Respondent's conduct, Costliow had worked with Respondent, considered him to be professional, and had a high opinion of him. (Tr. 47).

Respondent

Respondent testified that on or about August 20, 2010, he was contacted by VanHoutte's attorney, who had been informed that Respondent was providing alcohol to JW. Respondent then learned he was being investigated by the Illinois State Police. He stated he did not provide any alcohol to JW or BY after that time. (Tr. 70, 83).

Respondent admitted stating to the Illinois State Police on August 24, 2010 that he had not provided alcohol to JW or BY, he did not drive them to Champaign, and he slept in his SUV while JW slept in his hotel room. He knew at the time that those statements were false. With respect to a statement to the police that he was only joking when he sent a text message to JW telling her he would buy her alcohol, Respondent stated sometimes he told JW he would provide alcohol and then did not, so his statement was not entirely false. With respect to his statement that he went to a party at BY's house in June 2010 to "clear everyone out," Respondent denied that statement was false. He explained he learned about the party from JW and knew BY's parents were not home, so he drove to BY's house, parked his vehicle on the street and stayed inside the vehicle because he knew his presence would bring the party to an end. When BY came outside, he told her she needed to clear the party. He admitted the possibility that he also may have gone to BY's house to see BY. (Tr. 86-89).

Respondent testified he knew from the beginning of the investigation that the matter would become public and his career would end. He denied that his "direct and immediate purpose" in making false statements to the police was to avoid prosecution or to prevent further investigation of the matter, although he probably hoped that would happen. He stated his purpose was to keep the information from his wife because he was not ready to admit his despicable conduct to her. He noted his conduct has had an adverse impact on his marriage and on his relationship with his daughter, who was twelve years old at the time. (Tr. 90, 142-44).

Evidence Offered in Mitigation

Respondent

Respondent testified he was a member of the Illinois National Guard from May 1988 until May 1996, when he was honorably discharged. He reenlisted after the September 11, 2001 terrorist attacks but then resigned his commission when he became State's Attorney in 2004.

From 1996 until approximately 2004 he was involved with the Mexican American Veterans Association, a public service and fund-raising organization, and rose to the level of commander. (Tr. 145-47).

During the time Respondent served as State's Attorney, he was a member of various professional organizations, including the county bar association, the National Association of District Attorneys, the Illinois State's Attorneys Association, and the National Association for Drug Corp Prosecutors. He also sat on the Illinois board of directors for the Fight Crime Invest in Kids organization, volunteered as a judge for a peer justice program known as Teen Court, and developed prosecution guidelines for the Rock Island County Mental Health Court. With respect to his role as judge for the Teen Court, he stated that the matters brought before him sometimes included teens or minors using alcohol. (Tr. 146, 149-52, 155-56).

Respondent stated his regret cannot be measured. His actions have devastated his family and will be his "forever lasting shame." (Tr. 153-54).

Larry Hufford

Larry Hufford is a Sergeant of Detectives with the Rock Island, Illinois police force and has worked as a policeman for eighteen years. He testified he and Respondent grew up in the same neighborhood and became friendly in high school. (Tr. 107-109).

Hufford has been the arresting officer in several cases prosecuted by Respondent. He was able to observe Respondent in those cases and considered him to be very sharp, professional, truthful, and a person of integrity. When Respondent ran for State's Attorney, he was endorsed by the local Fraternal Order of Police. Hufford acknowledged Respondent's current reputation for truth and veracity with the general public is "pretty bad." He believes Respondent regrets his mistake and would be surprised if he ever engaged in similar misconduct. (Tr. 110-14).

Jack Brooks

Jack Brooks, an attorney since 1975, testified he has known Respondent for Respondent's entire life and has had some professional contact with him. Brooks has a high regard for Respondent, described him as good, kind and hard-working, and stated that prior to the events in 2010, Respondent had a very good reputation as an attorney and a good reputation for integrity and truth. (Tr. 116-18).

Brooks testified Respondent has accepted responsibility for his misconduct and is very remorseful. He does not believe Respondent would engage in similar misconduct in the future. (Tr. 117).

Stella Schneekloth

Stella Schneekloth testified she has known Respondent since 2004 through her involvement in providing assistance to low income neighborhoods. She recalled that Respondent often helped out in a high crime neighborhood by speaking to parents about consequences and preventive measures. Respondent had a reputation in that community for fairness, and for being honest and straightforward with the families. (Tr. 121-23).

Schneekloth believes Respondent is a person of good moral character and integrity. She is aware of the allegations of the Complaint that Respondent lied to the police and purchased alcohol for a minor. (Tr. 120, 124-25).

Joanne Reynolds

Joanne Reynolds testified she has known Respondent since 2005 when he prosecuted three individuals accused of murdering Reynolds' niece. Reynolds visited Respondent in his office on numerous occasions when she was severely distraught and he helped her through the emotional trauma. After the defendants were convicted, she maintained contact with Respondent and sought his assistance for family problems. (Tr. 127-30).

Reynolds believes Respondent is a good and honest man who has learned from his mistakes. (Tr. 132).

Steven Terronez

Steven Terronez, Respondent's brother, has not lived in Illinois since 2002 but maintains close contact with Respondent by telephone and periodic visits. Steven has known his brother to be caring, compassionate, fun-loving and ambitious. He believes Respondent has been well regarded as an attorney, and was aware Respondent had the support of law enforcement agencies when he ran for State's Attorney. Steven described Respondent as being broken and very regretful about his 2010 misconduct. (Tr. 133-35, 137).

Walter Braud

Walter Braud, a judge of the Circuit Court of Rock Island County, testified he took over the criminal court call in 2005 and has known Respondent since that time. He rescheduled a jury trial so he could drive to Springfield to testify on Respondent's behalf. (Tr. 157).

Judge Braud stated that, as State's Attorney, Respondent was efficient, fair, compassionate, tough, and served the people of the County well. As a result of Respondent's misconduct and the media coverage of his fall from grace, his current reputation for truth and veracity in the community is poor. (Tr. 161, 163).

Prior Discipline

The Administrator stipulated on the record that Respondent has not been previously disciplined. (Tr. 175)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In attorney disciplinary proceedings the Administrator has the burden of proving the charges of misconduct by clear and convincing evidence. In re Ingersoll, 186 Ill. 2d 163, 710 N.E.2d 390 (1999). Clear and convincing evidence constitutes a high level of certainty, which is

greater than a preponderance of the evidence but less than proof beyond a reasonable doubt. People v. Williams, 143 Ill. 2d 477, 577 N.E.2d 762 (1991). Suspicious circumstances, standing alone, are not sufficient to warrant discipline. In re Winthrop, 219 Ill. 2d 526, 848 N.E.2d 961 (2006).

Count I

The allegations of Count I involve Respondent's interactions with two young women, known in these proceedings as JW and BY, during the summer of 2010. JW turned seventeen on July 4, 2010, and BY was nineteen years old at the time.

Respondent admitted that during an approximately six-week period extending from the beginning of July 2010 to mid-August 2010, he provided alcohol to JW and BY on five separate occasions and to JW individually on another occasion. After Respondent's actions came to light, he pled guilty to a single charge of Unlawful Delivery of Alcoholic Liquor to a Person Under the Age of 21, a Class A misdemeanor, pursuant to ILCS Ch. 235, § 5/6-16(a)(iii).

The Administrator has charged Respondent with violating Professional Rule 8.4(b) which states that a lawyer engages in misconduct by committing "a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects." Respondent's conviction of a single instance of providing alcohol to an underaged person, along with his admissions that he provided alcohol to JW and BY on several other occasions, is conclusive evidence that he committed a criminal act. See Supreme Court Rule 761(f) (proof of conviction is conclusive of the attorney's guilt of the crime). Respondent's criminal act, especially while serving as State's Attorney and entrusted to enforce the very offense he committed, evidences an indifference to his legal obligations and therefore reflects negatively on his fitness as a lawyer. See In re Scarnavak, 108 Ill. 2d 456, 460, 485 N.E.2d 1(1985) ("every lawyer owes a solemn duty to obey the law"); In re Dempsey, 94 CH 454, M.R. 11064 (May 26, 1995) (DUI conviction

demonstrated attorney's disrespect for the law and adversely reflected upon his fitness as a lawyer). We therefore find Respondent violated Rule 8.4(b).

Respondent was also charged with overreaching his position of trust and authority as a prosecutor. The Court has stated that an attorney "commits overreaching when he takes advantage of a position of influence he holds vis-à-vis a client." In re Rinella, 175 Ill. 2d 504, 516, 677 N.E.2d 909 (1996); In re Stillo, 68 Ill. 2d 49, 368 N.E.2d 897 (1977). The Administrator theorized Respondent provided alcohol to JW and exchanged hundreds of text messages with her because he was interested in a relationship with her, or possibly with her friends.

We were not convinced that Respondent held a position of influence with respect to JW from which he could extract any advantage. No attorney-client relationship existed and by the summer of 2010 his professional relationship with JW in connection with the VanHoutte matter had ended. We saw no indication in JW's text messages that she felt coerced to maintain contact with Respondent -- either because of his role in prosecuting the VanHoutte matter or his position as State's Attorney -- or that she was emotionally dependent on him. Similarly, we saw no indication in Respondent's text messages that he was using his position to coerce JW to communicate with him.

Even if Respondent did enjoy a position of power, we do not believe the evidence supports a finding that he exploited either JW or BY, or that he derived any personal or professional advantage from his interaction with them. Respondent denied any attraction to JW and, other than providing alcohol, we received no evidence that he engaged in any criminal activity with respect to her. Likewise, his use of JW as an intermediary to gain access to her friends was not clearly established by the evidence.

Having reviewed the evidence, we conclude that Respondent's text messages to JW (particularly the ones in which he commented on her sexual activity and cheerleading prowess), and his actions in taking JW and BY to Champaign and sleeping in the same hotel suite with them were inappropriate and demonstrated exceedingly poor judgment on his part. We do not conclude, however, that the Administrator proved by clear and convincing evidence that Respondent engaged in overreaching. We distinguish this case from those cited by the Administrator in which attorneys clearly derived a personal advantage from the position they held with respect to their clients and were found to have engaged in overreaching. See Rinella, 175 Ill. 2d at 516 (attorney gained sexual favors from three clients by using his superior position as their legal representative and causing them to believe their legal interests would be harmed if they refused his sexual advances); In re Crane, 96 Ill. 2d 40, 449 N.E.2d 94 (1983) (attorney requested and received large sums of cash from young and impressionable clients who placed extraordinary degree of trust and confidence in him, without providing them with billing statements or explaining basis for additional fees).

We also do not find that Respondent engaged in dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c). With respect to the criminal act of supplying alcoholic beverages to underaged persons, those acts did not involve any deceptions or false representations. Further, we note that disciplinary cases involving criminal acts do not always include a charge or finding of dishonesty. See In re Sims, 144 Ill. 2d 323, 324-25, 579 N.E.2d 865 (1991); (no charge of dishonesty where attorney purchased and used cocaine and cannabis and failed to take any action to bring criminal charges against those who sold and possessed the drugs in his presence); In re Edwards, 07 CH 109, M.R. 22619 (Nov. 18, 2008), (no charge of dishonesty where attorney convicted of possession of methamphetamine); In In re Finney, 04 SH 6, M.R. 20365 (Nov. 22, 2005) (no charge of dishonesty where attorney convicted of four counts

of reckless conduct); In re Arnold, 93 SH 436, M.R. 10462 (Nov. 30, 1994) (no finding of dishonesty where attorney convicted of possession of marijuana). With respect to the Administrator's allegations that Respondent made false statements to JW and BY regarding his marital status and personal life, Respondent admitted texting JW about his activities with fictitious females and stated he invented those liaisons to appear younger to BY and, at times, to provide an excuse as to why he could not provide alcohol. We do not regard those statements, which could fall into the category of personal puffery or exaggeration, as rising to the level of an ethical violation. Further, we accept Respondent's statement that, because of his position as a prosecutor of criminals, he made a habit of avoiding any references to his wife and daughter.

The Administrator also charged Respondent with engaging in conduct prejudicial to the administration of justice in violation of Rule 8.4(d). To prove a violation of that rule, there must be clear and convincing evidence that the administration of justice was, indeed, prejudiced; a bare assertion of prejudice is insufficient to sustain the charge. In re Vrdolyak, 137 Ill. 2d 407, 425, 560 N.E.2d 840 (1990) (analyzing predecessor Rule DR 1-102(a)(5)). The Administrator points to a post-conviction petition filed by Jason VanHoutte in which VanHoutte requested that he be allowed to withdraw his guilty plea because Respondent's relationship with JW during the pendency of his proceedings was prejudicial to him. We were advised that the trial judge did allow VanHoutte to withdraw his plea, but the decision was based on a separate argument unrelated to Respondent's conduct. Having reviewed VanHoutte's petition and the evidence in this case, we did not see any proof of inappropriate behavior between Respondent and JW prior to VanHoutte's conviction, and therefore we cannot conclude that the mere assertion of an argument by VanHoutte clearly and convincingly established conduct prejudicial to the administration of justice.

We do find, however, that Respondent's conduct was prejudicial to the administration of justice in other ways. In particular, in his role as ranking law enforcement officer of Rock Island County, Respondent was required to be fair and impartial in the execution of his duties. By failing to curtail his own criminal conduct while at the same time directing the prosecution of other individuals, Respondent failed to ensure that the laws were enforced with an even hand, thus causing the administration of justice to be prejudiced. Similarly, Respondent knew of JW and BY's possession of alcohol and failed to report their illegal activity or take any other action against them. As State's Attorney, he acted improperly in closing his eyes to their criminal activity. In Sims, 144 Ill. 2d 323, a State's Attorney used marijuana and cannabis with other individuals. The Court found the attorney's action of using controlled substances and failing to take any action in bringing criminal charges against those who sold and used controlled substances in his presence violated several professional rules, including engaging in conduct prejudicial to the administration of justice. See also In re Peek, 93 SH 457 and 94 SH 369, M.R. 9461 (Mar. 26, 1996) (Assistant State's Attorney who conspired to possess, with intent to distribute, cocaine and cannabis engaged in conduct prejudicial to the administration of justice); In re Mills, 07 SH 2, M.R. 23070 (May 18, 2009) (on consent, Assistant State's Attorney who possessed cannabis and cocaine engaged in conduct prejudicial to the administration of justice).

Finally, Respondent was charged with engaging in conduct "which tends to defeat the administration of justice or bring the courts or legal profession into disrepute, in violation of Supreme Court Rule 770." At hearing, counsel for the Administrator moved to strike the phrase "in violation of Supreme Court Rule 770" from the charging paragraph in light of recent comments by the Supreme Court in In re Thomas, 2012 IL 113035, ¶ 92. In that case the Court observed that Rule 770 is not one of the Rules of Professional Conduct contained in Article VIII of the Supreme Court Rules, but is part of Article VII which governs the registration and

discipline of attorneys. Thus, the Court determined that "one does not 'violate' Rule 770. Rather, one becomes subject to discipline under Rule 770 upon proof of certain misconduct."[1]

We granted the Administrator's motion to strike the reference to Rule 770, but allowed the remaining language of the charge to stand. We do not believe our decision runs afoul of the Court's conclusions in Thomas, as the Court's focus in that case was on the purpose of Rule 770 and its distinction from the disciplinary rules. Indeed, Rule 770 itself recognizes that discipline can be imposed for conduct which violates the professional rules "or" conduct which tends to defeat the administration of justice or to bring the courts or the legal profession into disrepute. By using the alternative "or," we assume the promulgators of Rule 770 (previously numbered Rule 771) intended to include an additional category of conduct which was not encompassed by any specific disciplinary rule.[2]

We also note that charging attorneys with conduct which "tends to defeat the administration of justice or bring the courts or the legal profession into disrepute" has been a long-standing practice. See e.g. In re Fisher, 15 Ill. 2d 139, 141, 153 N.E.2d 832 (1958); In re Huff, 371 Ill. 98, 20 N.E.2d 101 (1939). Because judicial decisions have traditionally evaluated conduct according to that standard, and because Rule 770 recognizes the misconduct as a ground for discipline separate and distinct from the misconduct set forth in the disciplinary rules, we conclude that the charge is still viable and therefore we will consider it based upon common law principles, just as we have considered the charge of "overreaching" in this case, or charges such as "conversion" or "breach of fiduciary duty" in other cases. Thus, we are interpreting Thomas as an instruction on the proper application of Rule 770 itself, and not as a prohibition against asserting misconduct referenced in the Rule.

We find that Respondent's conduct did tend to defeat the administration of justice and did bring the legal profession into disrepute. As stated previously, Respondent's failure to carry out

his duties as State's Attorney in an even-handed manner was detrimental to the administration of justice. Of equal concern to us is the impact of his misconduct on the legal profession. Attorneys who engage in criminal behavior send a message to the public that adherence to the law is not critical, that lawyers cannot be trusted to place their professional obligations above their own self interests, and, in the case of government attorneys, that the public's interests may not be adequately served and protected. In In re Guy, 99 SH 91, M.R. 17401 (Mar. 23, 2001) (conviction for deceptive practices) and Dempsey, 94 CH 454 (DUI conviction) the Hearing Boards, in opinions approved by the Supreme Court, found that criminal conduct by an attorney diminishes the public confidence in the entire legal profession and therefore tends to bring the legal profession into disrepute. In this case the damage to the legal profession was magnified because, as Respondent acknowledged, the news of his conduct was widely disseminated by the media.

Count II

Count II involved allegations that Respondent made false statements to police officers during an investigation into his conduct. Sergeant Costliow testified to a conversation with Respondent on August 20, 2010 during which Respondent denied providing alcohol to JW. Four days later when Sergeant Costliow and another officer interviewed Respondent, Respondent again denied providing alcohol to JW or BY. At that time Respondent also denied taking JW to Champaign on July 14, 2010, claimed he slept in his SUV on the night of Thursday night while JW slept in the hotel, and denied giving JW a ride home from Champaign. A transcript of the August 24, 2010 interview confirms Respondent's statements to the police.

Respondent did not dispute that the foregoing statements made on August 20 and August 24 were false or that he knew his statements were false at the time he made them. His purported reason for lying to the police was to buy himself some time to break the news to his family. That

explanation, however, did not ring true to us. Even if Respondent were initially surprised by the investigation on August 20, which does not justify his dishonest statements even at that time, he then had several days to apprise his family of the situation. His failure to do so and his continued litany of lies on August 24 point to the fact he was trying to protect himself. We find that he clearly engaged in dishonest conduct in violation of Rule 8.4(c).[3]

We further find that Respondent's false statements were prejudicial to the administration of justice in violation of Rule 8.4(d). Although Sergeant Costliow testified that Respondent's denials did not prolong the investigation (as Costliow would have continued pursuing the matter anyway), the transcript of the August 24 interview reflects that the questioning at that time was lengthened because of Respondent's denials. In particular, throughout the interview Sergeant Costliow repeatedly asked Respondent if he supplied alcohol to JW, and each time Respondent answered in the negative. Those questions and denials occurred after Respondent had already denied that conduct on August 20. Thus it is clear to us that Respondent's false statements, at the very least, extended the police interrogation on August 24.

Finally, as with Count I, we find Respondent engaged in conduct which tends to prejudice the administration of justice and bring the legal profession into disrepute.[4] When an attorney fails to cooperate with a police investigation and overtly attempts to conceal his conduct with lies and false scenarios, the reputation of the legal profession is clearly jeopardized. When that attorney is an elected official entrusted to prosecute dishonest behavior, the damage is even greater. In In re Crisel, 101 Ill. 2d 332, 343, 461 N.E.2d 994 (1984) the Court stated, in reference to false statements made by a State's Attorney, "Respondent's intentional misrepresentations were closely related to, and in complete contravention of, his responsibility as a State's Attorney, to enforce the law. These acts were evidence of his lack of professional and

personal honesty, threatening the integrity of the legal profession and the administration of justice."

RECOMMENDATION

Having found that Respondent engaged in misconduct, we must determine the appropriate discipline warranted by his wrongdoing. In so doing we consider the goal of these proceedings, which is not to punish but rather to safeguard the public, maintain the integrity of the profession and protect the administration of justice from reproach. In re Timpone, 157 Ill. 2d 178, 623 N.E.2d 300 (1993). Attorney discipline also has a deterrent value in that it impresses upon others the repercussions of errors such as those committed by Respondent in the present case. In re Discipio, 163 Ill. 2d 515, 645 N.E.2d 906 (1994).

In arriving at the appropriate discipline, we consider those circumstances which may mitigate and/or aggravate the misconduct. In re Witt, 145 Ill. 2d 380, 583 N.E.2d 526 (1991). In mitigation we consider Respondent's lack of prior discipline, his involvement in community activities, and the fact he fully cooperated in the proceedings. See In re Clayter, 78 Ill. 2d 276, 399 N.E.2d 1318 (1980). With respect to character evidence, we heard testimony that although Respondent's current reputation in his community is poor, he previously was regarded as a person of honesty and integrity. Several witnesses also testified that he has learned from his mistakes and is not likely to repeat his misconduct.

An attorney's acknowledgement of his misconduct and expressions of regret, or lack thereof, are also factors that we can consider. In re Gorecki, 208 Ill. 2d 350, 802 N.E.2d 1194 (2003). Respondent acknowledged he committed a criminal act and made false statements to the police. He also spoke convincingly of his immeasurable regret and eternal shame.

In aggravation, we consider the fact that Respondent engaged in a pattern of misdeeds rather than an isolated act of misconduct. See In re Lewis, 138 Ill. 2d 310, 562 N.E.2d 198

(1990); In re Smith, 168 Ill. 2d 269, 659 N.E.2d 896 (1995). Indeed, Respondent's repeated acts of misconduct with respect to JW ceased only when he learned he was being investigated, and even then he compounded his wrongdoing by giving false information to the police.

We also may consider in aggravation any harm or risk of harm that was caused by Respondent's conduct. See In re Saladino, 71 Ill. 2d 263, 375 N.E.2d 102 (1978) (discipline should be "closely linked to the harm caused or the unreasonable risk created by the [attorney's] lack of care"). Several elements of harm or risk of harm are identifiable in this case. Respondent's supplying of alcohol to underaged individuals not only carried the potential for injury to the well-being of those individuals, but subjected them to the risk of criminal penalties. His subsequent attempt to conceal his activities by providing false information, although only minimally damaging in this case, had the potential for completely derailing the investigation if other participants had not come forward with the truth. Finally, his wrongdoing led to the filing of a criminal complaint and at least one appearance before a judge, thereby consuming valuable law enforcement and judicial resources.

We are also concerned that Respondent's misconduct occurred while he was the State's Attorney of Rock Island County. His position is significant because, as a government prosecutor, he was unquestionably aware of the laws regarding delivery of alcohol to underaged minors. The Court has typically viewed this circumstance as an aggravating factor. See In re Lunardi, 127 Ill.413, 537 N.E.2d 767 (1989) (in suspending an attorney for cocaine use, the Court considered the fact that in his former position as Assistant State's Attorney the attorney had handled drug possession cases and was well acquainted with the laws of the state concerning possession of controlled substances); In re Sims, 144 Ill. 2d 323, 324-25, 579 N.E.2d 865 (1991) (where State's Attorney purchased and used cannabis, Court imposed suspension rather than censure or reprimand because case involved a prosecuting attorney who flaunted the law).

The Administrator has urged us to recommend Respondent be disbarred. That suggestion was premised on the assumption we would find all of the charges in the Complaint proved, which we have not done. The misconduct that we have found, however, is of a very serious nature.

We have reviewed a number of cases involving criminal conduct by government prosecutors. Those cases, many of which involve the purchase or possession of illegal drugs, reflect a range of discipline depending upon the particular facts and the mitigating and aggravating circumstances. No Illinois cases were cited, nor have we found any, in which an attorney was disciplined for supplying alcohol to a minor.

In Sims, 144 Ill. 2d at 324-25 State's Attorney purchased and used cocaine and cannabis, and failed to take any action to bring criminal charges against those who sold and possessed the drugs in his presence. In exchange for resigning his position, federal prosecutors agreed not to indict him on criminal charges. The Court suspended Sims for two years, noting that the case involved “the flaunting of the law by a prosecuting attorney over a several year period" and that "any sanction less that the two-year suspension recommended by the hearing board would denigrate the seriousness of his conduct and would erode public trust in the accountability of elected officials.” In mitigation, character witnesses indicated Sims’ problems were behind him, and he had not engaged in misconduct for six years.

Suspensions were also imposed in the following cases. In In re Edwards, 07 CH 109, M.R. 22619 (Nov. 18, 2008), an Assistant State’s Attorney engaged in a criminal act in violation of Rule 8.4(a)(3) by virtue of his conviction for possession of methamphetamine, a class 3 felony. In mitigation, the attorney had not been previously disciplined, cooperated with the ARDC, accepted responsibility for his actions, and was in recovery for his drug addiction. Edwards was suspended, on consent, for two years and until further order of Court, with the

second year stayed by probation. In In re Mills, 07 SH 2, M.R. 23070 (May 18, 2009) an Assistant State's Attorney was suspended, on consent, for two years and until further order of Court for purchasing and using cocaine and cannabis on multiple occasions. In aggravation, the attorney was guilty of three additional class A misdemeanors, was not candid and forthright in his dealings with the ARDC, and did not understand the serious nature of his misconduct. The condition of "until further order" was imposed because he did not provide sufficient evidence that he was being treated for his substance abuse. In In re Finney, 04 SH 6, M.R. 20365 (Nov. 22, 2005) an Assistant State's Attorney was convicted of four counts of reckless conduct for backing his automobile into the individual who was attempting to repossess it. The evidence showed that the attorney violated the conditions of his probation, was not remorseful, and had been previously disciplined. A suspension of one year until further order of the Court was imposed.[5]

Harsher discipline was imposed in the following cases. In In re Peek, 93 SH 457 and 94 SH 369, M.R. 9461 (Mar. 26, 1996) an Assistant State's Attorney was disbarred for committing the criminal act of conspiracy to possess with intent to distribute cocaine and cannabis. Criminal charges were filed and then dismissed with leave to reinstate. Although Peek was active in community groups, expressed remorse for his misconduct, cooperated with the ARDC and presented evidence of a good reputation, he was not candid in his testimony before the hearing board. Specifically, his denials of any illegal activity and his claim that he merely posed as a large scale drug dealer at the request of another individual, were incredible and inconsistent with other evidence. See also In re Stewart, M.R. 15437, 98 SH 97 (Feb. 1, 1999) (Assistant State's Attorney disbarred on consent for purchasing and delivering cocaine on multiple occasions; no mitigating or aggravating circumstances noted); In re Baba, 07 SH 74, M.R. 22324 (2008) (Assistant State's Attorney disbarred on consent for theft and conversion for representing to

evidence custodian he was taking three bags of cannabis for court use when no case was pending and then not returning the cannabis; only mitigating factor was lack of prior discipline).[6] The lack of candor displayed by Peek and the paucity of mitigating circumstances in Stewart and Baba distinguish those cases from the present one.

In making our recommendation, we also consider Respondent's dishonest conduct in making false statements to the police investigators. The Administrator directed our attention to two cases involving such conduct but, because of additional serious misconduct in both cases, we cannot determine what role the false statements played in the determination of discipline. See In re Tyer, 04 CH 90, M.R. 20266 (Sept. 26, 2005) (attorney who failed to participate in his disciplinary proceedings was disbarred for intentional conversion of escrow funds on two separate occasions, engaging in battery and sexual harassment of an employee, making false statements to a police officer and making false statements to a tribunal); In re O'Shaughnessy-Marcanti, 96 CH 001, M.R. 14249 (Jan. 29, 1998) (attorney suspended three years and until further order of the Court for engaging in criminal acts of solicitation of a sexual act and impersonation of a government official, falsely identifying himself to police officers as a judge, and stating or implying the ability to influence a tribunal).

We also have reviewed In re Crisel, 101 Ill. 2d 332, 461 N.E.2d 994 (1984) in which a State's Attorney falsely reported to police officers that he had been the victim of an assault. The "purposeful and extended pattern of misrepresentation" in that case was far more extensive than in the present one, as the attorney's baseless claims continued over a four month period and caused a completely needless investigation by State and local officials. After pleading guilty to disorderly conduct, the attorney was suspended for three years but the suspension was stayed on condition he continue treatment for his depressive neurosis.

The following cases also provide us with guidance. In In re Swiney, 05 CH 107, M.R. 20954 (Sept. 20, 2006) the attorney was suspended for thirty days, on consent, for making misrepresentations to the police officer investigating a vehicular accident in which he was involved. The attorney was found guilty of obstructing a peace officer, a Class A misdemeanor, as well as three charged traffic offenses. In aggravation, the attorney acknowledged he was driving under the influence at the time of the accident and further acknowledged his responses to the police officer were motivated by his concern over how the accident would affect his candidacy for State's Attorney. In re Milos, 2010PR00069, M.R. 24760 (Sept. 26, 2011) an attorney was suspended for ninety days for using his real estate broker's license to gain access to a condo owned by his client's opponent in a litigation matter, obtaining evidence to use in the litigation, and then making false statements to investigating officers regarding the reason he entered the condo and how he came into possession of the evidence

The Court has stated on numerous occasions that although it endeavors to achieve uniformity in imposing discipline, it also considers each case on its own merits. In re Imming, 131 Ill. 2d 239, 545 N.E.2d 715 (1989). Further, "it would be an impossible task to assign a label to each disciplinary case which would precisely rank the severity of the conduct involved." Crisel, 101 Ill. 2d at 342. We consider the afore-mentioned cases, therefore, as a general guide in helping us assess Respondent's conduct. We also keep in mind the purposes of the disciplinary process, which are to safeguard the public, maintain the integrity of the profession and protect the administration of justice from reproach. In that regard we are most concerned with protecting the integrity of our profession, since we believe it has sustained considerable damage by reason of Respondent's conduct. We are less concerned with safeguarding the public because, in our opinion, Respondent does not pose any threat of future harm to the public. We believe his expressions of remorse, his acknowledgement of mistakes, and the public humiliation

he suffered as a result of his actions will keep him from straying from the path of propriety in the future. We also agree with Judge Braud's assessment that Respondent's rapid rise to a position of power at a fairly young age most likely played a role in his reckless decisions. His fall from that position, therefore, will constantly remind him of the need to consider the ethical implications of his actions and to proceed with caution and forethought.

Having considered the circumstances of this case, the relevant case law and the purposes of the disciplinary process, we believe a suspension of two years is appropriate. In recommending a suspension, we note that where attorneys have been suspended on an interim basis due to a criminal conviction, it is not uncommon for the Court to specify that the final order of discipline be given retroactive effect to the date of the interim suspension. See In re Scott, 98 Ill. 2d 9, 455 N.E.2d 81 (1983); In re Cetwinski, 143 Ill. 2d 396, 407, 574 N.E.2d 645 (1991); In re Reagan, 112 Ill. 2d 511, 516-17, 493 N.E.2d 1080 (1986); In re Tucker, 97 CH 119, M.R. 16747 (June 30, 2000). An attorney is thus given credit for the time he or she has been out of practice. In accordance with our determination that a two year suspension is appropriate in this case and the fact Respondent has been suspended since October 12, 2011, we recommend his final suspension take effect as of that date.

Accordingly, and for the reasons stated, we recommend that Respondent Jeff Terronez be suspended from the practice of law for a period of two years, retroactive to October 12, 2011.

Respectfully submitted,

John L. Gilbert
Julian C. Carey
Richard Corkery

CERTIFICATION

I, Kenneth G. Jablonski, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on August 17, 2012.

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

MAINLIB_#425088_v1

[1] Rule 770, which is entitled "Types of Discipline," states, in relevant part:

> Conduct of attorneys which violates the Rules of Professional Conduct contained in article VIII of these rules or which tends to defeat the administration of justice or to bring the courts or the legal profession into disrepute shall be grounds for discipline by the court.

The rule then proceeds to list the various types of discipline, ranging in severity from disbarment to reprimand.

[2] Engaging in conduct which "tends" to defeat the administration of justice is distinct from Rule 8.4(d) which prohibits conduct "prejudicial to the administration of justice." Likewise, the professional rules do not specifically address or prohibit conduct that is detrimental to the reputation of the courts or the legal profession.

[3] The Administrator also alleged that Respondent's statements to the police that he was joking when he told JW in a text message that he would buy her alcohol, and that he went to a party at BY's home to "clear everyone out" were false. At hearing Respondent maintained those statements were accurate. We do not believe the Administrator proved the falsity of those statements by clear and convincing evidence and therefore our finding of misconduct is not based upon those statements.

[4] As with Count I, we allowed the Administrator to strike the reference to Supreme Court Rule 770 and we consider this charge independent of that Rule.

[5] Respondent cited to a recent Hearing Board decision, In re James, 08 SH 105 (Hearing Bd. Rpt. Feb. 3, 2012), involving a State's Attorney who was convicted of aggravated assault for pointing a loaded handgun at a process server attempting to serve him. The hearing panel recommended a suspension of 60 days. As the case is currently pending before the Review Board, we do not accord the decision precedential weight.

[6] Our attention was directed to a number of cases from other jurisdictions involving attorneys who offered or provided alcohol to minors in connection with engaging or attempting to engage in some type of sexual activity with them. While we appreciate the similarity of the charges

relating to alcohol, we also note the attorneys in those cases were not government prosecutors. The Courts imposed mild to moderate suspensions. See Disciplinary Counsel vs. Freeman, 126 Ohio St.3d 334, 835 N.E.2d 26 (2005) (6 month suspension for taking photos of 18 year old client in various stages of undress and after representation ceased, offering her alcohol and soliciting her to perform sex acts); In re Conduct of Wolfe, 312 Or. 655, 826 P.2d 628 (1992) (18 month suspension for engaging in sexual intercourse and serving wine to 18 year old client); Matter of Bergren, 455 N.W.2d 856 (S.Dak. 1990) (one year suspension for providing alcohol to minor girl, kissing her, and engaging in sex with two clients); People v. Graham, 933 P.2d 1321 (Colo. 1997) (6 months suspension for serving alcohol to 17 year old and then sexually assaulting her).

We also note two out-of-state cases in which harsher sanctions were imposed upon attorneys who provided marijuana to minors, smoked the substance with them, and were convicted of contributing to the delinquency of a minor. See Matter of Rabideau, 102 Wis.2d 16, 306 N.W.2d (1981) (3 year suspension for possession of marijuana and providing marijuana to 16 year old boy; in determination of discipline, attorney had history of taking indecent liberties with children); Alabama State Bar v. Quinn, 926 So.2d 1018 (Ala. 2005) (attorney disbarred for providing marijuana to minors and using it with them; in aggravation, he denied responsibility and gave false testimony).