



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS
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Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

Chicago
September 6, 2024

Re: William Randal Baudin, II
in relation to
Paul Dulberg
No. 2023IN03897

Dear Mr. Dulberg:

We have completed our review of our file in this matter and have determined that no further action by this agency is warranted.

You told us that you hired attorney William Baudin, II, to pursue a personal injury case. You complained that Mr. Baudin failed to adequately represent you. You also believed that he did not earn the fees he received, and that he coerced you to agree to mediation and a cap on your award.

Mr. Baudin advised that the trustee in your bankruptcy case filed a motion to appoint Mr. Baudin as Special Counsel to pursue your personal injury claim, as well as a motion to enter binding mediation. Both motions were approved by the bankruptcy court. He pointed out that although your bankruptcy placed a stay on your creditors from pursuing payment of debts against you, it did not prevent you or the estate from pursuing a potential estate asset, such as the proceeds from any court claim. Further, as the representative of the estate, the trustee has the capacity to sue and be sued and, thus, has standing to resolve the personal injury claim. Mr. Baudin told us that the parties agreed that the best way to handle your matter was through binding mediation.

According to Mr. Baudin, you were present when the matter went before the mediator, who found you to be partially at fault for your injuries, and ultimately entered an award in your favor. Because of the high-low agreement in place, the award was further reduced. The funds received became an asset of your bankruptcy estate. According to Mr. Baudin, the bankruptcy court ordered his fees be paid, and the rest of the award was applied to your debts.

The duties of this agency relate primarily to the investigation and prosecution of allegations of professional misconduct against lawyers. When we have sufficient evidence of

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misconduct by a lawyer, we can initiate proceedings that may seek the lawyer's disbarment or suspension from the practice of law. Absent evidence of unreasonableness, duplicate billings, intentional overcharges, or other types of fraud, the Commission generally does not act on disagreements concerning the value of an attorney's services. That appears to be the case here. We note that any objection to Mr. Baudin's fee should have been made in the bankruptcy proceedings.

Mr. Baudin stated that he advised you as to the consequences of agreeing to binding mediation, as well as to the high-low caps. He claimed that after discussing your legal rights and options, you agreed to binding mediation. Mr. Baudin pointed out, however, your consent to participate in binding mediation was not required. He also pointed out that because you filed for bankruptcy, it was up to the trustee to determine how to proceed with the lawsuit as a potential asset of the estate. The decisions in this regard did not require your consent, but did require court approval, which was obtained.

As you may know, Supreme Court Rules require that this Commission establish all elements of a violation of the Rules of Professional Conduct by clear and convincing evidence. Based on the information and the documentation we reviewed, we have determined that we would not be able to prove that Mr. Baudin failed to provide you with material information about your case in a timely manner, that he pursued action which required your consent without your authorization, or that he otherwise committed professional misconduct. Thus, a formal disciplinary prosecution of Mr. Baudin would fail. Accordingly, we are closing our file in this matter.

Thank you for bringing your concerns to our attention.

Very truly yours,

Myrrha B. Guzman

Myrrha B. Guzman
Senior Counsel
ARDC Intake Division

MBG:kof

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