



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Paul Dulberg
Via Email: paul_dulberg@comcast.net

Chicago
September 24, 2024

Re: Brad James Balke
in relation to
Paul Dulberg
No. 2023IN03894

Dear Mr. Dulberg:

Attached is a copy of Brad Balke's response to your complaint, submitted by the attorney's counsel, Bernard Henry.

If you believe the response is inaccurate or if you wish to comment or provide additional information, please write to me within fourteen days. You may submit comments or additional information to me by email through ARDC paralegal Theresa Bulatovic at tbulatovic@iadc.org. If you send more information by regular mail, please do not staple or bind your correspondence and do not use exhibit tabs.

We will evaluate the matter and advise you of our decision. Again, thank you for your cooperation.

Very truly yours,

Myrrha B. Guzman

Myrrha B. Guzman
Senior Counsel
ARDC Intake Division

MBG:kof
Attachment

RIECK AND CROTTY, P.C.

A Professional Corporation

Attorneys at Law

**Thomas W. Rieck
(Of Counsel)
Jerome F. Crotty
Ronald P. Duplack
Kevin P. Brown
Bernard A. Henry**

**161 North Clark Street
Suite 2500
Chicago, Illinois 60603-5602**

**Office Telephone
312-726-4646**

**Office Fax
312-726-0647**

Myrrha Guzman
MGuzman@iardc.org

In Re: Brad J. Balke
in relation to Paul Dulberg

No. 2023IN03894

Dear Ms. Guzman,

Thank you for sending the latest responses from Mr. Dulberg to our attention. Please be advised that after diligent inquiry, my client is unable to find a deposit to correspond with check number 2467 in the amount of \$1,539.15. Our inquiry has included requesting copies of bank records and consulting with the CPA and bookkeeper, Chris Conneely, who handles the accounting and record keeping of Mr. Balke's firm.

We attach Mr. Conneely's affidavit in support of Mr. Balke's position. Please note that Mr. Conneely states that the accounting records for the alleged deposit are no longer accessible due to the accounting firm having transitioned to new software that does not permit access to account data from 2015 and prior years:

In the DULBERG case, I have no record of a deposit of \$1,539.32 on or about July 15, 2015. However, all electronic records for this time period are no longer accessible by me due to a change in software providers. Without reviewing the back side of check #2457, I am unable to determine if the check was negotiated by Brad J. Balke P.C. or the account to which such check was deposited, if Brad J. Balke P.C. indeed deposited it.
Conneely Affidavit, para 6.

There is no evidence to support that the check was deposited by Mr. Balke or anyone working at his direction. Mr. Balke does not recall receiving the check, nor does Mr. Conneely. Reviewing the documents from Mr. Dulberg's mother's account does not refresh memory or otherwise shed any additional light on the situation. It is not accounted for in the books and records of the Firm, and direct review of the deposit history is unavailable.

The date of the alleged transaction, if it occurred, is well beyond the seven years of financial record keeping compelled by Illinois Supreme Court Rule 769. The records supporting are not accessible, and inquiry to the bank does not reveal a deposit matching the dollar amount cited. As remarked by Mr. Conneely, the transaction described by Mr. Dulberg is irregular. If

Balke Response

Page 2 of 2

the check was deposited and not credited it would have been a bookkeeping error without any involvement from Mr. Balke. See Affidavit.

We have requested from you and you have requested from Mr. Dulberg, the reverse side check image, showing the endorsement and depositing institution. However, to date, Mr. Dulberg is unable or unwilling to provide the same. Mr. Balke has no intention on keeping money that was paid in error. But, the record before us shows that there is no factual basis to support that conclusion.

To the contrary, the payment to Balke by the Bankruptcy Trustee, was the result of a judicial order from the Bankruptcy Court. Indeed, we attach the Motion to Approve the Bankruptcy Settlement, filed by Mr. Olsen, the Bankruptcy Trustee and the Bankruptcy Court's Order approving the distribution to Mr. Balke among other expenses. Mr. Dulberg never objected in the bankruptcy case to the payment of reimbursement expenses to Balke. He was paid the entirety of the \$15,000.00 personal injury exemption. If Mr. Balke was paid in error it was no injury to Mr. Dulberg.

To be certain, Mr. Balke did nothing to chase this money. He did not file a proof of claim or take any action to advance the cause of action. A judge ordered his reimbursement of expenses. Expenses that were reported the Trustee by Mr. Dulberg's attorneys, approved by the Bankruptcy Trustee and the Court.

We respectfully request that you close this matter, or direct Mr. Dulberg, to raise any objection in the venue in which the payment to Mr. Balke was ordered: The United States Bankruptcy Court for the Northern District of Illinois.

Respectfully submitted,
/s/ Bernard A Henry
Bernard A Henry,
Attorney for Brad J Balke

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Western Division

In Re:
PAUL DULBERG

Debtor(s)

)
)
)
)
)
)
)
BK No.: 14-83578

Chapter: 7

Honorable Thomas M. Lynch

SELECT IF OUTLYING AREA

ORDER APPROVING PAYMENTS OF THE PERSONAL INJURY PROCEEDS

THIS CAUSE coming to be heard on this 25th day of January, 2017, on the Trustee's Motion to Compensate the Estate's Personal Injury Attorneys for attorney's fees of \$117,000.00 and Advanced Costs of \$84.63 and for Authority to Pay Certain Medical and Attorneys Liens on the Proceeds as well as the Debtor's Personal Injury Exemption of \$15,000.00 the Court after considering the Motion, the statements of counsel, the pleadings on file and being fully advised in the premises:

IT IS HEREBY ORDERED:

1. That the Trustee be and same is authorized to distribute the payments to the Trustee's special counsel, Baudin Law Group, Ltd, the sum of \$117,084.63 as in for the contingency fees and advanced costs;

2. That the Trustee be and same is authorized to distribute the payments of the other lien claimants of the personal injury proceeds as follows:

a). MedChex/Open Advanced MRI \$1,700.00
b). Dr. Karen Levin ~~to be determined~~ \$1,200.00
c). Hand Surgery Associates S.C. \$4,600.00
d). Northwest Community Hospital \$0.00
e). Power St Moon/N.IL. Medical Center \$0.00

3. That the Trustee is authorized to pay 1/2 the mediation invoice, \$1,938.00 to the ADR Systems;

4. That the Trustee be and same is authorized to distribute the payment of \$15,000.00 to the Debtor as in for his personal injury exemption;

5. That the Trustee is hereby authorized to execute any documents necessary to effectuate the aforescribed transactions.

2.5) LAW OFFICE OF THOMAS POPOVICH, P.C. \$1539.32
Enter: \$1539.32
g) BRAD BALKE, P.C.

Dated: JAN 25 2017

United States Bankruptcy Judge

Prepared by:

Joseph D. Olsen
1318 East State Street
Rockford, IL 61104

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:) CHAPTER 7
)
PAUL DULBERG,) Case Number: 14-83578
)
Debtor.) JUDGE THOMAS M. LYNCH

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Notified via Electronic filing: Attorney David Leibowitz
Office of the U.S. Trustee

Notified via U.S. Postal Service: See attached service list.

Joseph D. Olsen, Trustee has filed papers with the Court regarding his Notice of Binding Mediation Award and Motion to Compensate the Estate's Personal Injury Attorneys for attorney's fees of \$117,000.00 and Advanced Costs of \$84.63 and for Authority to Pay Certain Medical and Attorneys Liens on the Proceeds as well as the Debtor's Personal Injury Exemption of \$15,000.00.

A copy of said Motion referred to herein is available for inspection at the offices of the Clerk of the U.S. Bankruptcy Court or at the offices of Yalden, Olsen & Willette, during usual business hours.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you want the Court to consider your views on the Motion, then you or your attorney must:

Attend the hearing on scheduled to be held on the 25th day of January 2017 at 9:30 am in courtroom 3100, United States Bankruptcy Court, 327 South Church St., Rockford, IL 61101.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Joseph D. Olsen, Trustee

By: YALDEN, OLSEN & WILLETTE, his attorneys

By: s/s Joseph D. Olsen

Yalden, Olsen & Willette
1318 East State Street
Rockford, IL 61104
815-965-8635

CERTIFICATE OF SERVICE

I, the undersigned, certify that on January 3rd, 2017 I caused the aforesaid to be served upon all persons to whom it is directed via electronic communication as indicated above and by United States Mail as indicated on the attached service list, by depositing the same in the United States Mail at Rockford, Illinois, at or about the hour of 5:00 p.m.

/s/ Marti Maravich

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:	)	CHAPTER 7
	)	
PAUL DULBERG,	)	Case Number: 14-83578
	)	
Debtor.	)	JUDGE THOMAS M. LYNCH

NOTICE OF BINDING MEDIATION AWARD AND MOTION TO COMPENSATE THE ESTATE'S PERSONAL INJURY ATTORNEYS FOR ATTORNEY'S FEES OF \$117,000.00 AND ADVANCED COSTS OF \$84.63 AND FOR AUTHORITY TO PAY CERTAIN MEDICAL AND ATTORNEYS LIENS ON THE PROCEEDS AS WELL AS THE DEBTOR'S PERSONAL INJURY EXEMPTION OF \$15,000.00.

NOW COMES the Trustee, Joseph D. Olsen, by his attorneys, Yalden, Olsen & Willette and for his Notice of a Binding Mediation Award and Motion to Compensate the Estate's Personal Injury Attorneys Fees of \$117,000.00 and Advanced Costs of \$84.63 and for Authority to Pay Certain Medical and Attorneys Liens on the Proceeds as Well as the Debtor's Personal Injury Exemption of \$15,000.00 hereby states as follows:

1. That the Debtor, Paul Dulberg, filed his Voluntary Petition for Relief pursuant to Chapter 7 of Title 11 November 26, 2014;
2. That Joseph D. Olsen is the Successor Trustee of the above captioned estate;
3. That on the date of the petition the Debtor, Paul Dulberg, had a certain personal injury cause of action pending against David Dagnon in the Circuit Court of the 22nd Judicial Circuit, McHenry County, Illinois in Cause #12 LA 178;
4. That on or about October 31, 2016 this Court authorized the Trustee to enter into a Binding Mediation Agreement which contained a "low/high" component. In essence this mediation award, no matter what it was, could be no lower than \$50,000.00 and no higher than \$300,000.00;
5. That the award of the mediator was in excess of \$300,000.00 and accordingly under the Binding Mediation Agreement the Plaintiff's award was capped at \$300,000.00;

- 2 -

6. That on or about October 31, 2016 this court authorized the employment of Baudin Law Group, Ltd as attorneys for the Trustee to pursue the aforescribed personal injury cause of action. The engagement agreement with the Baudin Law Group, Ltd provided for a contingency fee of 40% of the amount recovered (Baudin Law Group recovered \$1,000.00 on a Med Pay Policy in addition to medication award.) less the retainer paid (\$3,333.33) and reimbursement for advanced costs;

7. That the Trustee proposes to pay to the Baudin Law Group, Ltd the sum of \$117,000.00 (the contingency fee of 40% of \$300,000.00 plus the contingency fee os 1/3 on the Med Pay Policy of \$1,000.00; is \$120,333.33 minus the aforescribed retainer) and its advanced costs of \$84.63 all is more particularly more set forth in the Trustee's Exhibit "A" which is attached hereto and made a part thereof;

8.(i) Further the Trustee proposes to pay certain medical and other liens on the proceeds of the personal injury exemption as follows:

MedChex/Open Advanced MRI of Round Lake	\$3,390.00
Dr. Karen Levin	\$2,420.00
Hand Surgery Associates S.C.	\$9,189.00
Northwest Community Hospital	\$6,366.00
Powers & Moon/Northern Illinois Medical Center	\$1,323.75
Total Liens:	\$22,688.75

(ii) And the Debtor's previous personal injury attorneys have a claims for advanced costs in pursuing the

personal injury settlement as follows:

The Law Offices of Thomas J Popovich, P.C.	\$1,539.32
Brad J Balke, P.C.	\$1,539.32
Total costs:	\$3,078.64

(iii) And the invoice (1/2) of the Mediator \$1,938.00

9. Further the Trustee proposes to pay the Debtor herein, Paul Dulberg, his personal injury exemption in the amount of \$15,000.00.

- 3 -

WHEREFORE, the Trustee, Joseph D. Olsen, requests:

A. This Court to authorize the payments to the Trustee's special counsel, Baudin Law Group, Ltd, the sum of \$117,084.63 as in for the contingency fees and advanced costs;

B. This Court to authorize the payments of the other lien claimants of the personal injury proceeds as aforescribed;

C. This Court authorize the payment of ½ the Mediator charges;

D. This Court to authorize the payment of \$15,000.00 to the Debtor as in for his personal injury exemption;

E. To authorize the Trustee to execute any documents necessary to effectuate the afore-described transactions;

JOSEPH D. OLSEN, Trustee

By: YALDEN, OLSEN & WILLETTE, his attorneys

By: s/s Joseph D. Olsen

Joseph D. Olsen
Yalden, Olsen & Willette
1318 East State Street
Rockford, IL 61104-2228
815-965-8635
jolsenlaw@comcast.net

Alexian Brothers Medical Group
PO Box 5588
Belfast, ME 04915-5500

Associated Neurology SC
1900 Hollister Drive
Suite 250
Libertyville, IL 60048-5249

Cabelas Visa Center
World's Foremost Bank
PO Box 82609
Lincoln, NE 68501-2609

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Hand Surgery Associates, SC
Dr. Sagerman / Dr. Biafora
515 W. Algonquin Road
Arlington Heights, IL 60005-4405

Moraine Emergency Physicians
4102 Medical Center Drive
McHenry, IL 60050

Northwest Suburban Anesthesiologists
8163 Solutions Center
Chicago, IL 60677-8001

Oak Trust Credit Union
444 N Eola Rd, Suite 101
Aurora, IL 60502-9620

Walgreens
3925 W. Elm Street
McHenry, IL 60050-4361

David L. Stretch
Law Office of David L. Stretch
5447 West Bull Valley Road
McHenry, IL 60050-7410

Bank of America
PO Box 851001
Dallas, TX 75285-1001

Capital One Bank
Attn: General Correspondence
PO Box 30285
Salt Lake City, UT 84130-0285

Dr. Frank W. Sek
4606 W. Elm Street
McHenry, IL 60050-4015

MidAmerica Hand to Shoulder Clinic
Dr. Talerico
75 Remittance Drive, Suite 6035
Chicago, IL 60675-6035

Northern Illinois Medical Center
4201 Medical Center Drive
McHenry, IL 60050-8499

Oak Trust Credit Union
12251 S Route 59
Plainfield, IL 60585-9189

Open Advanced MRI of Round Lake
Medchex
PO Box 502
Katonah, NY 10536-0502

Walmart Pharmacy
3801 Running Brook Farms Boulevard
Johnsburg, IL 60051-5425

Paul R. Dulberg
4606 Hayden Court
McHenry, IL 60051-7918

BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Capital One Bank (USA), N.A.
PO Box 6492
Carol Stream, IL 60197-6492

Dynamic Hand Therapy & Rehab
498 S. US Highway 12
Suite C
Fox Lake, IL 60020-1908

Northwest Community Hospital
25709 Network Place
Chicago, IL 60673-1257

WORLD'S FOREMOST BANK
CABELA'S CLUB VISA
PO BOX 82609
LINCOLN, NE 68501-2609

Worlds Foremost Bank NA
4800 NW 1st Street
Suite 300
Lincoln, NE 68521-4463

Attorney W. Randal Baudin, II
Baudin Law Group, Ltd.
2100 N. Huntington Dr Suite C
Algonquin, IL 60102

Paul Dulberg
DOI: 6/28/11
DOB: 03/19/70

LIENS	AMOUNT
MedChex/Open Advanced MRI of Round Lake	\$ 3,390.00
M. Shamash/D. Verenski/U.S. Physical Therapy	N/A
Dr. Karen Levin	\$ 2,420.00
Hand Surgery Associates, S.C.	\$ 9,189.00
Northwest Community Hospital	\$ 6,366.00
Powers & Moon/Northern IL Med Ctr	\$ 1,323.75
TOTAL LIENS:	\$ 22,688.75

OTHER COSTS/FEES

Baudin & Baudin- Attorney's Fees (40% less retainer)	\$ 117,000.00
Baudin & Baudin- Costs	\$ 84.63
The Law Offices of Thomas J. Popovich, P.C.- Costs	\$ 1,539.32
Brad J. Balke, P.C.- Costs	\$ 1,539.32
TOTAL COSTS/FEES:	\$ 120,163.27



Revised Invoice

Date: December 15, 2016
 Invoice #: 33391.00-A

Kelly N. Baudin
 Baudin Law Group
 304 McHenry Avenue
 Crystal Lake, IL 60039

Binding-Mediation held on December 8, 2016
 Hon. James P. Etchingham, (Ret.) presiding
 Case: Paul Dulberg v. David Gagnon

Description	Amount	Credits	Balance
Administrative fees	\$390.00		
Neutral's review time 9.5 hrs @ \$450/hr	\$4275.00		
Session time 4 hrs @ \$450/hr	\$1800.00		
Neutral's decision time 2 hrs @ \$450/hr	\$900.00		
Messenger fee	\$11.00		
Total mediation costs			\$7376.00
Defendant to pay \$3500.00 of total mediation costs		-\$3500.00	
Amount to be split by parties			\$3876.00
Your portion (50% of \$3876.00)	\$1938.00		
Deposit paid		-\$0.00	
Total amount due by 12/30/2016			\$1938.00

Please make check payable to ADR Systems and include the invoice # on your check.
 ADR Systems Tax ID # 36-3977108

Thank You!

IN RE THE MATTER OF:

BRAD J. BALKE, ESQ.

Attorney #: 6273304

)
)
)
)

2023 IN 03894

AFFIDAVIT OF CHRISTOPHER CONNEELY, CPA

NOW BEFORE me, the undersigned notary public, came and appeared affiant, Christopher Conneely, who deposes and states as follows:

1. My name is CHRISTOPHER CONNEELY and I am a duly-licensed Certified Public Accountant since 2002.
2. I have been the accountant for Brad J. Balke, P.C. d/b/a Balke & Williams since the business' original date of incorporation on January 22, 2007, through the date of this affidavit.
3. I have sole oversight of Brad J. Balke, P.C.'s business and IOLTA accounts and am the person most familiar with the operation of the business.
4. Any check deposited in the business or IOLTA accounts is miscellaneous income and is treated as such for taxes purposes.
5. Clients rarely, if ever, reimburse Brad J. Balke, P.C. for expenses.
6. If a client did reimburse Brad J. Balke P.C. for expenses, it is my duty to tag that to a case in Quick Books if necessary.
7. In the DULBERG scenario, I may not have tagged that reimbursement to the DULBERG case since for tax purposes the credits and debits came out even. (Brad Balke, P.C. paid out the same amount that allegedly came in.)

8. Mr. Balke has no access to the accounting software and does not know the operation of said software.

9. If a client did reimburse Brad J. Balke, P.C. for expenses that transaction would have been reflected in accounting software as income and not client funds.

Further affiant sayeth not.



Affiant CHRISTOPHER CONNEELY

Subscribed and Sworn before me the 10 day of September, 2024



Notary Public

