

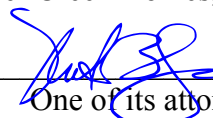
hearing other than to be considered for the position of hearing officer. [Emphasis added]" (Village Board Motion to Quash at ¶¶6, 7; proposed Reply at 1)

4. Further contrary to the Village Board's proposed Reply, Price was not "screening himself to comply with the provisions of Rule 1.12". (Village Board proposed Reply at 2) Price did not even mention RPC 1.12 in his withdrawal. Rather, Price confirmed in his June 27, 2013 email, attached to TCH's Response to the Motions to Quash, that he was required to screen himself "due to my discussions with Peter [Karlovics]".

5. Groot likewise adds nothing to the present discussion. Groot's proposed Reply simply reiterates arguments already made – that discovery is limited to the meeting minutes that were the subject of TCH's Request to Admit, and that Price's testimony would not be "relevant to Petitioner's claim of fundamental fairness in this matter". (Groot proposed Reply at 2, 3) These arguments, as already addressed previously in this matter, are contrary to both the orders already entered in this case and to the rules of discovery applicable to Board proceedings.

6. Based on the foregoing, the proposed Replies add nothing (other than misdirection) to the issue before the Hearing Officer, and the Motions for Leave to File should be denied.

Respectfully submitted,
Timber Creek Homes, Inc.

By:  _____
One of its attorneys

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West's Smith-Hurd Illinois Compiled Statutes Annotated

Court Rules

Illinois Supreme Court Rules (Refs & Annos)

Article VIII. Illinois Rules of Professional Conduct of 2010 (Refs & Annos)

ILCS S Ct Rules of Prof.Conduct Rule 1.12

Formerly cited as IL ST CH Rule 1.12;IL ST S CT RPC Rule 1.12

Rule 1.12. Former Judge, Arbitrator, Mediator or Other Third-Party Neutral

Currentness

(a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent.

(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. A lawyer serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge or other adjudicative officer.

(c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:

(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this Rule.

(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.

Credits

Adopted July 1, 2009, eff. Jan. 1, 2010.

COMMENT

[1] This Rule generally parallels Rule 1.11. The term “personally and substantially” signifies that a judge who was a member of a multimember court, and thereafter left judicial office to practice law, is not prohibited from representing a client in a matter pending in the court, but in which the former judge did not participate. So also the fact that a former judge exercised administrative responsibility in a court does not prevent the former judge from acting as a lawyer in a matter where the judge had previously exercised remote or incidental administrative responsibility that

did not affect the merits. Compare the Comment to Rule 1.11. The term “adjudicative officer” includes such officials as judges pro tempore, referees, special masters, hearing officers and other parajudicial officers, and also lawyers who serve as part-time judges.

[2] Like former judges, lawyers who have served as arbitrators, mediators or other third-party neutrals may be asked to represent a client in a matter in which the lawyer participated personally and substantially. This Rule forbids such representation unless all of the parties to the proceedings give their informed consent. See Rule 1.0(e) and (b). Other law or codes of ethics governing third-party neutrals may impose more stringent standards of personal or imputed disqualification. See Rule 2.4.

[3] Although lawyers who serve as third-party neutrals do not have information concerning the parties that is protected under Rule 1.6, they typically owe the parties an obligation of confidentiality under law or codes of ethics governing third-party neutrals. Thus, paragraph (c) provides that conflicts of the personally disqualified lawyer will be imputed to other lawyers in a law firm unless the conditions of this paragraph are met.

[4] Requirements for screening procedures are stated in Rule 1.0(k). Paragraph (c)(1) does not prohibit the screened lawyer from receiving a salary or partnership share established by independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.

[5] Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

[Notes of Decisions \(1\)](#)

I.L.C.S. S Ct Rules of Prof.Conduct Rule 1.12, IL R S CT RPC Rule 1.12
Current with amendments received through 2/1/2014

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a copy of PETITIONER'S CONSOLIDATED RESPONSE TO RESPONDENTS' MOTIONS FOR LEAVE TO FILE REPLIES to be served on the following, via electronic mail transmission, on this 15th day of April, 2014:

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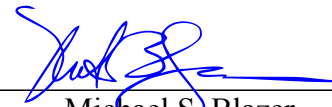
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