

ATTORNEY DISBARMENT COMPLAINT

The Respondent Attorney Rory A. Cannon is charged with violating ARDC Rule 3.7(a).



RULE 3.7: LAWYER AS WITNESS

(a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness

Comment

[1] Combining the roles of advocate and witness can prejudice the tribunal and the opposing party and can also involve a conflict of interest between the lawyer and client.

Advocate-Witness Rule

[2] The tribunal has proper objection when the trier of fact may be confused or misled by a lawyer serving as both advocate and witness. The opposing party has proper objection where the combination of roles may prejudice that party's rights in the litigation. A witness is required to testify on the basis of personal knowledge, while an advocate is expected to explain and comment on evidence given by others. It may not be clear whether a statement by an advocate-witness should be taken as proof or as an analysis of the proof.

The evidence of Rory A. Cannon clear violation of ARDC Rule 3.7 is contained in the attached three documents marked as Group Exhibit 1. The Commission needs no further evidence.

The Complainant has presented probable cause for the ARDC to open a attorney disciplinary investigation against Respondent Rory A. Cannon for violating ARDC Rules 3.7(a) and 8.4 (c) & (d).

The Attorney Registration and Disciplinary Commission was established by the Illinois

Supreme Court to deal with issues of professional misconduct of attorneys. The serious allegations of **professional misconduct** that the Complainant has raised and our contained in this disciplinary complaint against the Respondent Rory A. Cannon are issues that must be resolved the ARDC that the Commission is solely empowered to act upon under the Illinois Rules of Professional Misconduct.

WHEREFORE, Complainant prays that the Inquiry Board immediately assign this matter to a hearing, panel, that a date for hearing be immediately set, that the hearing be conducted and that the panel make findings of fact, conclusions of law and a recommendation for such discipline as is warranted by its findings.

That the ARDC issue an order that the Respondent Rory A. Cannon have to take a fitness to practice law evaluation by a qualified psychologist or psychiatrists

That the ARDC issue an order to suspend Respondent Rory A. Cannon from the practice of law pending its investigation and to Bar Rory A Cannon from participating in an IDHS Appeal scheduled for March 7, 2024 in IDHS Appeal Number 2300567736.

**MOTION TO STAY PENDING THE FILING A WRIT OF MANDAMUS BEFORE THE
ILLINOIS SUPREME COURT**

In the alternative, if the ARDC declines to assign this matter to a hearing panel, that a date for hearing be immediately set, that the hearing be conducted and that the panel make findings of fact, conclusions of law and a recommendation for such discipline as is warranted by its findings., the complaint requests that the ARDC stay this proceeding pending the Complainant's filing a Writ of Mandamus before the Illinois Supreme Court, requesting that a special

investigator be named like Dan Webb to conduct a ARDC investigation of the Respondent Rory A. Cannon..

/s/Leo Stollerr Executive Director
Americans for the Enforcement of Attorney Ethics (AEAE)
P.O. Box 60645
Chicago, Illinois 60660
312-545-4554
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Date: March 5, 2024, 2022

Certificate of Mailing and Emailing

I hereby certify that this Attorney Disbarment complaint is being served by via email on the Illinois Attorney Registration and Disciplinary Commission (ARDC) and/

- Patrick, Rahnee <Rahnee.Patrick@Illinois.gov>;
- Schomberg, John F <John.Schomberg@Illinois.gov>;
- keith.mckinley@illinois.gov <keith.mckinley@illinois.gov>;
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- Harvey, Ciera <Ciera.Harvey@illinois.gov>;
- Reyes, Anastasia <Anastasia.Reyes@Illinois.gov>;
- duane.rylko@seiuhcil.org <duane.rylko@seiuhcil.org>;
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- Rory.cannon@illinois.gov
- Smith, Valerie A. <Valerie.A.Smith@illinois.gov>;
- philip kiss <philip_kiss@comcast.net>

/s/Leo Stoller

Date: 3-5-24

EXHIBIT 1

**STATE OF ILLINOIS
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:)	
)	
MICHAEL STOLLER,)	Appeal No. 2300567736
)	
Grievant,)	
)	
)	Administrative Law Judge Ottaviani-Roelle
)	

APPEARANCE

NOW COMES the ILLINOIS DEPARTMENT OF HUMAN SERVICES, and herein enters its appearance in the above-referenced action, by and through its attorney Rory A. Cannon on this 4th day of March, 2024.

/s/Rory A. Cannon
Rory A. Cannon
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Chicago, IL 60602
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**STATE OF ILLINOIS
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:)	
)	Before ALJ Ottaviani-Roelle
MICHAEL STOLLER,)	
)	Appeal Number 2300567736
<i>Grievant</i>)	
)	

ILLINOIS DEPARTMENT OF HUMAN SERVICES WITNESS DISCLOSURE

Now comes RORY A. CANNON on behalf of the ILLINOIS DEPARTMENT OF HUMAN SERVICES (“IDHS”), and intends to offer the following witnesses who may testify about the following matters:

CIERA HARVEY

Ciera Harvey is employed as a Senior Rehabilitation Counselor for IDHS in the Division of Rehabilitation Services (“DRS”). Ms. Harvey was the Counselor for Michael Stoller’s (“Grievant’s”) Home Services Program (“HSP”) case. If called as a witness, Ms. Harvey will testify about her redetermination of Grievant’s HSP hours. Ms. Harvey may further testify in opposition to anything presented by Grievant. Ms. Harvey may be contacted through the undersigned Counsel.

RORY CANNON

Rory Cannon is employed as a Senior Public Service Administrator and Deputy General Counsel for IDHS in the Office of General Counsel. Mr. Cannon was the liaison with the Office of the Illinois Attorney General for the *Stoller v. Ill. Dep’t. Human Svcs*, DuPage County, 20 MR 349 case. If called as a witness, Mr. Cannon will testify about the orders entered in the DuPage County case and the affect they have on Grievant’s HSP hours. Mr. Cannon may further testify in opposition to anything presented by Grievant. Mr. Cannon may be contacted via the below

information in his signature block.

By: /s/Rory A. Cannon
RORY A. CANNON
Deputy General Counsel

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