



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

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Jaime Hernandez

Chicago
August 3, 2009

Re: Russell James Stewart
In relation to
Jaime Hernandez
No. 09 CI 02006

Dear Mr. Hernandez:

We have concluded our investigation of Mr. Stewart in the above matter. We have received your initial request for investigation and Mr. Stewart's response and your reply. Your concerns arose in the course of Mr. Stewart's representation of you in a criminal matter.

Your complaints regarding Mr. Stewart relate to his competence and effectiveness as your defense counsel. You disagree with the means Mr. Stewart employed in an attempt to accomplish your objectives at trial. The Rules of Professional Conduct require an attorney to abide by his client's decisions regarding the objectives of a representation. The means to accomplish those objectives are to be decided by the attorney after reasonable consultation with the client.

Allegations of ineffective assistance of counsel are appropriately addressed and resolved in the courts through motions, appeals, petitions for post-conviction relief and other legal actions. Therefore this Commission generally will not act on such allegations and claims unless a court has first found that a defense attorney was ineffective.

If in the future, any court finds that Mr. Stewart failed to represent you effectively, please feel free to send us a copy of the court's decision. At that time, we will determine if further action by this office is warranted. Until such time, we will take no further action with respect to your complaints.

Accordingly we are closing this file. Thank you for your cooperation and bringing this to our attention.

Very truly yours,

A handwritten signature in cursive script that reads "Richard S. Thomas".

Richard S. Thomas
Administrative Counsel

RST:sth
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