

BEFORE THE HEARING BOARD  
OF THE  
ILLINOIS ATTORNEY REGISTRATION  
AND  
DISCIPLINARY COMMISSION

In the Matter of:

RICHARD GEORGE FONFRIAS,  
  
Attorney-Respondent,  
  
No. 6237079.

Comm. No. 2021PR00049

**ANSWER TO THE COMPLAINT**

Now comes the Respondent, Richard George Fonfrias, by his attorney, Stephanie Stewart, of Robinson, Stewart, Montgomery & Doppke LLC, and states as follows for his Answer to the Administrator's Complaint:

**RESPONDENT'S STATEMENT PURSUANT TO COMMISSION RULE 231**

A. Respondent is also admitted to practice before the U.S. Bankruptcy Court for the Northern and Central Districts of Illinois.

B. Respondent does not hold any other professional licenses.

**ALLEGATIONS COMMON TO ALL COUNTS**

1. At all times alleged in the complaint, Respondent worked as a sole practitioner at Fonfrias Law Group, LLC in Chicago, Illinois. Respondent primarily practiced in the area of bankruptcy law.

**ANSWER: Respondent admits the allegations of Paragraph 1.**

2. On July 20, 2013, Vicki Blansett ("Blansett") allegedly fell on a wet floor at the Quad Resort and Casino in Clark County, Nevada ("Quad Resort"). As a result of her fall, Blansett claimed to have suffered serious permanent injuries.

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**ANSWER: Respondent neither admits nor denies the allegations of Paragraph 2 due to lack of knowledge.**

3. On March 3, 2014, Cory Hilton (“Hilton”), a Nevada attorney, filed a personal injury lawsuit on behalf of Blansett against Quad Resort’s parent company, 3535 LV Corporation, a subsidiary of Caesars Casino (“Caesars”) in Clark County, Nevada. The clerk of the Nevada circuit court captioned the matter as Blansett v. 3535 LV Corp. d/b/a Caesars Entertainment Corporations, Case No. A-14-697015-C. The lawsuit sought general damages in excess of \$10,000, past special damages in excess of \$10,000, future special damages in excess of \$10,000, and attorney’s fees and costs. As the case progressed, filings in the case showed that Blansett was seeking in excess of \$250,000 in medical special damages.

**ANSWER: Respondent neither admits nor denies the allegations of Paragraph 3 due to lack of knowledge.**

4. In January 2015, while Blansett’s claim was pending, Caesars and more than 170 of its subsidiaries, including 3535 LV Corporation, filed chapter 11 bankruptcy petitions in the United States Bankruptcy Court for the Northern District of Illinois. The clerk of the federal bankruptcy court assigned the bankruptcy petitions case number 15 B 1145. Pursuant to 11 U.S.C. § 362(a), the filing of the bankruptcy petitions stayed Blansett’s personal injury claim.

**ANSWER: Respondent neither admits nor denies the allegations of Paragraph 4 due to lack of knowledge.**

5. In October 2017, Caesars’ plan of reorganization became effective. On the plan’s effective date, the automatic stay on Blansett’s claim was replaced by a discharge injunction. Pursuant to 11 U.S.C. § 524, the discharge injunction prevented the continuation of Blansett’s personal injury claim unless Caesars and Blansett reached an agreement that the bankruptcy

court approved, or if the bankruptcy court agreed to modify the injunction to allow Blansett to pursue her claim in Nevada.

**ANSWER: Respondent neither admits nor denies the allegations of Paragraph 5 due to lack of knowledge.**

6. On July 24, 2018, the bankruptcy court entered an order that granted Caesars' proposed procedures for resolving personal injury claims. Pursuant to the procedures laid out by the bankruptcy court, Caesars had 60 days to make an initial settlement offer to Blansett. Then, Blansett had 30 days to accept or reject the settlement offer.

**ANSWER: Respondent neither admits nor denies the allegations of Paragraph 6 due to lack of knowledge.**

7. On September 21, 2018, Caesars mailed an offer to Blansett, proposing to settle her claim for zero dollars. Blansett had 30 days to accept the offer, reject it, or make a counter-offer. Blansett did not respond to Caesars' offer.

**ANSWER: Respondent neither admits nor denies the allegations of Paragraph 7 due to lack of knowledge.**

8. On March 11, 2019, Caesars filed a motion in the bankruptcy court seeking an order estimating Blansett's claim at zero dollars. Caesars noticed the motion for hearing on April 17, 2019. Under the case management procedures governing the Caesars cases, Blansett had until April 10, 2019 to file a response to the motion.

**ANSWER: Respondent admits the allegations of Paragraph 8.**

COUNT I  
*(Lack of Diligence- Caesars Bankruptcy)*

9. On or around April 10, 2019, Hilton and Respondent verbally agreed that Respondent would appear and oppose the Caesars' estimation motion on behalf of Blansett in the bankruptcy court. Respondent and Hilton agreed Respondent would accept a flat fee of \$850 to represent Blansett in the bankruptcy matter, which included appearing at the April 17, 2019 hearing.

**ANSWER: Respondent admits that Hilton first communicated with Respondent on or about April 10, 2019. Respondent admits that on or about that date, Respondent agreed that he would appear on behalf of Blansett in bankruptcy court to oppose Caesars' estimation motion on April 17, 2019, for a flat fee of \$850. Respondent denies that the flat fee included any other services.**

10. Respondent did not file any objection to Caesars' estimation motion by the deadline of April 10, 2019. On April 15, 2019, the bankruptcy court entered an order granting Caesars' estimation motion "without prejudice to the Reorganized Debtors' right to seek further relief" and estimating Blansett's claim at zero dollars.

**ANSWER: Respondent admits that he did not file any objection to Caesars' estimation motion by the deadline of April 10, 2019, because he never agreed to file any objection on behalf of Blansett. Apparently, Hilton contacted Respondent about appearing at the scheduled court appearance on April 17, 2019, because Hilton failed to file or cause to be filed an objection to Caesar's motion which was due by April 10, 2019. Respondent admits that because Hilton failed to file or cause to be an objection on behalf of Blansett by April 10, 2019, the Court entered an order on April 15, 2019, the content of which is set forth fully in the order.**

11. On April 17, 2019, the date the estimation motion was originally set for hearing, Respondent did not appear before the bankruptcy court.

**ANSWER: Respondent admits that on April 17, 2019 he did not appear before Judge Goldgar for the scheduled hearing. Respondent went over to court that day, but discovered that Judge Goldgar had already entered the April 15, 2019 order. Respondent obtained a copy of the order thereafter.**

12. Pursuant to Federal Rule of Bankruptcy Procedure 8002(a), Respondent had fourteen days from April 15, 2019 to file a notice of appeal with the bankruptcy clerk to appeal the court's estimation order. Respondent did not file a notice of appeal of the court's estimation order.

**ANSWER: Respondent denies the first sentence of Paragraph 12 because it calls for a legal conclusion to which no answer is required. Respondent denies that he had any duty to file a notice of appeal with the bankruptcy clerk to appeal the court's estimation order. Respondent admits that he did not file a notice of appeal because he had no duty to do so.**

13. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to appear in court on Blansett's behalf in case number 15 B 1145, and failing to file a notice of appeal of the court's estimation order, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010).

**ANSWER: As Paragraph 13(a) calls for a legal conclusion, no answer is required. To the extent an answer might be deemed to be required, Respondent denies the allegations of Paragraph 13(a).**

COUNT 11  
*(False Statements to a Tribunal)*

14. The Administrator re-alleges paragraphs 9 through 12, above.

**ANSWER: Respondent re-alleges his answers to Paragraphs 9 through 12 as if set forth fully herein.**

15. On July 10, 2019, Caesars filed a motion in the Nevada state court action, referred to in paragraph three above, to dismiss Blansett's personal injury claim based on the bankruptcy court's order estimating the claim at zero dollars and discharging Caesars' debt.

**ANSWER: Respondent neither admits nor denies Paragraph 15 due to lack of knowledge.**

16. On July 22, 2019, Joseph Smith ("Smith"), a Nevada attorney and associate of Hilton, contacted Respondent and requested that he draft an affidavit for filing in opposition of Caesars' motion to dismiss. Smith requested that Respondent include in the affidavit a description of the actions he took his efforts (sic) on Ms. Blansett's behalf in the bankruptcy proceeding. Respondent and Smith agreed Respondent would accept a flat fee of \$950 to prepare the affidavit.

**ANSWER: Respondent admits the allegations of Paragraph 16. In further answering, Respondent notes that more than three months had passed since Respondent's involvement in the bankruptcy matter.**

17. On or before July 25, 2019, Respondent sent an unsigned draft of an affidavit to Smith. The draft affidavit contained the following statements:

- a. "I, Richard G. Fonfrias, Esq., appeared on April 17, 2019 on Behalf of Ms. Blansett in front of United States Bankruptcy Court Judge A. Benjamin Goldgar;"
- b. "The court entered an order without prejudice to either party;"

- c. “Ms. Blansett will need to refile a motion to amend her proof of claim to the dollar amount. Ms. Blansett must explain the reason for amending (new evidence etc).”

**ANSWER: Respondent admits the allegations of Paragraph 17.**

18. Respondent’s statements relating to his appearance on April 17, 2019 and the order entered by Judge Goldgar were false.

**ANSWER: Respondent admits the initial draft affidavit was inaccurate. As to Paragraph A of the draft affidavit, Respondent should have specified that when he went to court on April 17, 2019, he determined that Caesars’ Motion had already been ruled on by Judge Goldgar on April 15, 2019, and thus he did not appear before Judge Goldgar, but thereafter obtained a copy of the order. As to Paragraph B of the draft affidavit, Respondent admits that he mistakenly described the order as being entered without prejudice to either party, because when he obtained the April 15, 2019 order he misread it. As to Paragraph C, Respondent mistakenly believed that Ms. Blansett could refile a motion to amend her proof of claim due to his misreading of the April 15, 2019 order. Respondent is sorry that the affidavit was not more carefully drafted. Although it does not excuse his conduct, Respondent notes that this was a very difficult time for him due to his father’s serious illness, which began in 2018 and resulted in his death in 2020.**

19. Respondent knew that the statements were false because he had not appeared in court on April 17, 2019, and Judge Goldgar’s order was not entered without prejudice to Blansett.

**ANSWER: Respondent admits that he knew he did not appear before Judge Goldgar, but in further answering states that at the time, he did not feel the draft affidavit**

was inaccurate since he had gone to court on April 17, 2019, and determined that Judge Goldgar had already granted the motion on April 15, 2019, and he thereafter obtained a copy of the order. In further answering, Respondent did not know the statements regarding the language of the April 15, 2019 order were inaccurate because, at the time, he misread the order. Respondent is sorry that he was not more careful in drafting the affidavit. Although it does not excuse his conduct, Respondent notes that this was a very difficult time for him due to his father's serious illness, which began in 2018 and resulted in his death in 2020.

20. On or before July 25, 2019, Smith revised the affidavit referred to in paragraph 17 in support of Blansett's response to Caesars' motion to dismiss the Nevada litigation. This affidavit (the "July Affidavit") was captioned Affidavit of Richard Fonfrias, Esq. in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss and contained the following statements:

- a. "On April 17, 2019, I did personally appear in the bankruptcy case set forth above before United States Bankruptcy Court Judge A. Benjamin Goldgar, with regard to the April 15, 2019 Order Granting Reorganized Debtors' Motion To Estimate Proof Of Claim Number 2791 Filed By Vicki Blansett Against Debtor Caesars Entertainment Operating Company, Inc."
- b. "During said appearance, United States Bankruptcy Court Judge Goldgar informed me that the Order set forth above was entered without prejudice to either party, creditor or debtor, and the Court would permit Ms. Blansett to file a motion to amend her proof of claim to the dollar amount claimed within this Nevada litigation."
- c. "The Court directed me to Paragraph 3 of the April 15, 2019 order, referenced in Paragraph 2, supra, as clearly permitting amendment of Ms. Blansett's estimated claim value."

**ANSWER: Respondent admits that Smith re-drafted the affidavit as described in Paragraph 20.**



21. On or before July 25, 2019, Smith sent the July Affidavit to Respondent for review and signature.

**ANSWER: Respondent admits the allegations of Paragraph 21.**

22. On July 25, 2019, Respondent signed the July Affidavit and had the affidavit notarized. Respondent attested under penalty of perjury, to the truthfulness of the statements in the July Affidavit. Respondent knew the July Affidavit would be filed in Nevada court in support of Blansett's opposition to Caesars' motion to dismiss.

**ANSWER: Respondent admits the allegations of Paragraph 22.**

23. Respondent's statements relating to his appearance on April 17, 2019, and the conversation with Judge Goldgar were false.

**ANSWER: Respondent admits that the statements in the July Affidavit redrafted by Smith relating to his appearance and conversation with Judge Goldgar were not accurate. In further answering, Respondent did not carefully read the July Affidavit Smith re-drafted before he signed it. Respondent is sorry for his actions in that regard. Although it does not excuse his conduct, Respondent notes that this was a very difficult time for him due to his father's serious illness, which began in 2018 and resulted in his death in 2020.**

24. Respondent knew that the statements in the July Affidavit were false because Respondent did not appear in court on April 17, 2019, and Judge Goldgar did not make the statements described above during the April 17, 2019 hearing, or at any other time.

**ANSWER: Respondent denies the allegations of Paragraph 24. Respondent did not realize that the July Affidavit redrafted by Smith was inaccurate at the time that he signed it because he failed to read it carefully. Respondent is sorry for his actions in that**

**regard. Although it does not excuse his conduct, Respondent notes that this was a very difficult time for him due to his father's serious illness, which began in 2018 and resulted in his death in 2020.**

25. On July 26, 2019, Hilton filed Respondent's July Affidavit in support of Blansett's opposition to Caesars' motion to dismiss the Nevada litigation. On July 31, 2019, Caesars filed a reply to Blansett's response to their motion to dismiss. In its reply, Caesars attached a report of the April 17, 2019 proceedings in the Illinois bankruptcy case. The report listed the attendees at the April 17, 2019 hearing and did not include Respondent as an attendee at that hearing.

**ANSWER: Respondent neither admits nor denies the allegations of Paragraph 25 due to lack of knowledge.**

26. On July 31, 2019, Smith sent Respondent a copy of Caesars' reply brief. Respondent offered to prepare a second affidavit. On the same day, Smith sent Respondent a word document version of the July Affidavit and asked Respondent "please make whatever changes you deem necessary to the language therein, and send me a .pdf version of the resulting Amended Affidavit."

**ANSWER: Respondent admits the allegations of Paragraph 26.**

27. On or before August 1, 2019 Respondent, or someone at his direction, edited the July Affidavit. On August 1, 2019, Respondent signed and had notarized this amended affidavit ("August Affidavit"). The August Affidavit omitted the language appearing in the July Affidavit that Respondent had personally appeared in court on April 17, 2019. The August Affidavit also omitted the language appearing in the July Affidavit that Respondent had a conversation with Judge Goldgar. Lastly, the August Affidavit omitted that Judge Goldgar's April 15, 2019 order

was granted without prejudice to the Reorganized Debtors' right to seek further relief. At no time did Respondent correct the false statements contained in his July Affidavit.

**ANSWER: Respondent admits the first five sentences of Paragraph 27. Respondent denies the sixth sentence of Paragraph 27. In further answering, Respondent states that the August Affidavit corrected the July Affidavit. However, Respondent realizes with the benefit of hindsight that he should have insisted that Hilton withdrawal the July Affidavit at the time Hilton filed the corrected August Affidavit.**

28. On January 28, 2020, Judge Goldgar denied Blansett's motion to vacate the order estimating her claim at zero dollars. In denying Blansett's motion to vacate, Judge Goldgar denied speaking to Respondent on April 17, 2020 and stated "(d)isgraceful as it was, Fonfrias's false affidavit did not produce the estimation order and so could supply no reason to vacate it."

**ANSWER: Respondent admits the allegations of Paragraph 28 and that it describes, in part, Judge Goldgar's January 28, 2020 order. In further answering, Respondent states that Judge Goldgar's order also references, in footnote four, that per the docket in the Nevada action Respondent submitted a "corrected affidavit," but apparently it had not been provided to Judge Goldgar as of the date of his January 28, 2020 order.**

29. On March 19, 2020, the Honorable Trevor Akin entered an order dismissing Blansett's Nevada litigation due to the estimation order barring any recovery by Blansett.

**ANSWER: Respondent neither admits nor denies the allegations of Paragraph 29 due to lack of knowledge.**

30. By reason of the conduct described above Respondent has engaged in the following misconduct:

- a. knowingly making a false statement of fact or law to a tribunal or failure to correct a false statement of material

fact or law previously made to the tribunal by the lawyer, by conduct including falsely claiming in his July Affidavit to have appeared in court on April 17, 2019, falsely claiming to have spoken to Judge Goldgar, and failing to correct his July Affidavit in violation of Rule 3.3(a)(1) of the Illinois Rules of Professional Conduct (2010);

- b. knowingly making a false statement of fact or law to a third person, by conduct including falsely claiming in communication with Joseph Smith to have appeared in court on April 17, 2019 and falsely claiming to have spoken to Judge Goldgar in violation of Rule 4.1(a) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including falsely claiming in his July Affidavit and in communication with Blansett's Nevada Counsel to have appeared in court on April 17, 2019, falsely claiming to have spoken to Judge Goldgar, and failing to correct the false statements in his July Affidavit in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

**ANSWER: As Paragraph 30 calls for a legal conclusion, no answer is required.**

**To the extent an answer might be deemed to be required, Respondent denies the allegations of Paragraph 30 including subparagraphs (a)-(c).**

COUNT III  
*(False Statements to the ARDC)*

31. The Administrator re-alleges paragraphs 14 through 29, above.

**ANSWER: Respondent re-alleges his answers to Paragraphs 14 through 29 as if fully set forth herein.**

32. On October 9, 2020, counsel for the Administrator took Respondent's sworn statement and asked him about the drafting of the July Affidavit and August Affidavit, referred to in paragraphs 20 and 27, respectively above. Respondent testified that he did not draft these

affidavits, did not tell Hilton what to put in the affidavit, and did not have any input in the drafting of the affidavits.

**ANSWER: Respondent admits that he provided his sworn statement on October 9, 2020, and that counsel for the Administrator asked him about the drafting of the July and August Affidavits. Respondent denies that Paragraph 32 accurately reflects all of the questions and answers regarding those matters and states that the transcript of the sworn statement speaks for itself.**

33. Respondent's October 9, 2020 testimony regarding the drafting of the July Affidavit and August Affidavit was false, because he drafted an outline of the July Affidavit and made edits to the July Affidavit to produce the August Affidavit. At the time Respondent gave this testimony, he knew it was false.

**ANSWER: Respondent denies the allegations of Paragraph 33. In further answering as noted above, while Respondent provided initial information for a draft affidavit, Smith re-drafted the affidavit that Hilton filed in July. However, Respondent acknowledges that his recollection of the drafting of the affidavits was not entirely accurate, and he is sorry. While it does not excuse his conduct, Respondent notes that his father was seriously ill and passed in September, 2020, shortly before Respondent's sworn statement on October 9, 2020. Respondent was very close to his father and his illness and death were very distressing to Respondent.**

34. Also, at his October 9, 2020 testimony, Respondent testified that Hilton drafted the August Affidavit and Respondent did not know why Hilton made changes to the July Affidavit to produce the August Affidavit.

**ANSWER: Respondent denies that Paragraph 34 accurately reflects all of the questions and answers provided at Respondent's statement regarding the August Affidavit and states that the transcript of the statement speaks for itself. Respondent admits that at one point he mistakenly indicated that Hilton drafted the affidavit and that he did not know why certain changes were made. Yet, at another point during the statement, Respondent acknowledged that certain language in the July Affidavit was removed from the August Affidavit because Respondent wasn't sure about some of the factual statements therein.**

35. Respondent's October 9, 2020 testimony regarding the drafting of the August Affidavit was false because Respondent, or someone at his direction, made edits to the July Affidavit to produce the August Affidavit.

**ANSWER: Respondent admits that some of his recollection regarding the drafting of the August Affidavit was inaccurate, and he is sorry. While it does not excuse his conduct, Respondent notes that his father was seriously ill and passed in September, 2020, shortly before Respondent's sworn statement on October 9, 2020. Respondent was very close to his father and his illness and death were very distressing to Respondent.**

36. Respondent's statement that he did not know why Hilton made changes to produce the August Affidavit was also false, because Respondent made the edits to the July Affidavit and did so in response to receiving Caesars' reply brief. At the time Respondent gave this testimony, he knew it was false.

**ANSWER: Respondent denies that Paragraph 34 accurately reflects all of the questions and answers provided at Respondent's statement regarding the August Affidavit and states that the transcript of the statement speaks for itself. Respondent admits that at**

one point he mistakenly indicated that Hilton drafted the August Affidavit, and that he did not know why certain changes were made. Yet, at another point Respondent acknowledged that certain language in the July Affidavit was removed from the August Affidavit because Respondent wasn't sure about some of the facts. However, Respondent acknowledges that his recollection regarding the drafting of the August Affidavit was not entirely accurate and apologizes. While it does not excuse his conduct, Respondent notes that his father was seriously ill and passed in September, 2020, just days before Respondent's sworn statement on October 9, 2020. Respondent was very close to his father and his illness and death were very distressing for Respondent.

37. By reason of the conduct described above Respondent has engaged in the following misconduct:

- a. knowingly making a false statement of material fact in connection with a disciplinary proceeding, by conduct, including but not limited to, testifying in his sworn statement that he did not draft the July Affidavit and August Affidavit, did not tell Hilton what to put in the affidavits, did not have any input in the drafting of the affidavits, Hilton drafted the August Affidavit and Respondent did not know why Hilton made changes to the July Affidavit to produce the August Affidavit, in violation of Rule 8.1(a) of the Illinois Rules of Professional Conduct (2010); and
- b. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including testifying in his sworn statement that he did not draft the July Affidavit and August Affidavit, did not tell Hilton what to put in the affidavits, did not have any input in the drafting of the affidavits, Hilton drafted the August Affidavit and Respondent did not know why Hilton made changes to the July Affidavit to produce the August Affidavit, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

**ANSWER:** As Paragraph 37 calls for a legal conclusion, no answer is required.  
To the extent an answer might be deemed to be required, Respondent denies the allegations of Paragraph 37 including subparagraphs (a)-(b).

**WHEREFORE,** Respondent respectfully requests that a Panel of the Hearing Board review this matter and recommend a fair and just result.

Respectfully submitted,  
Richard G. Fonfrias

/s/ Stephanie Stewart  
By: Stephanie Stewart

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