In re Jessica Arong O'Brien
Respondent-Appellant

Commission No. 2018PR00111

Synopsis of Review Board Report and Recommendation
(January 2022)

The Administrator brought a one-count complaint against Respondent, charging her with committing a criminal act that reflected adversely on her honesty, trustworthiness, or fitness as a lawyer and engaging in dishonest conduct, in violation of Rules 8.4(b) and 8.4(c) of the Illinois Rules of Professional Conduct. The disciplinary charges arose from her 2017 convictions of mail fraud and bank fraud in connection with her procurement of mortgages and sale of properties between 2004 and 2007.

The Hearing Board found that the Administrator had proved the charged misconduct, and recommended that Respondent be disbarred. Respondent appealed, challenging the Hearing Board's recommendation of disbarment and asking this Board to recommend, instead, a three-year suspension, retroactive to the date of her interim suspension on April 26, 2018.

The Review Board agreed with the Hearing Board that Respondent should be disbarred for her misconduct. It rejected Respondent's arguments that the hearing panel chair erred in making certain evidentiary rulings and that those errors affected the Hearing Board's sanction recommendation. It also rejected Respondent's argument that the Hearing Board failed to give significant weight in mitigation to her years of public and community service, as well as the lengthy time between her criminal acts and her convictions. The Review Board found that the mitigating factors did not outweigh Respondent's egregious misconduct combined with the significant aggravation involved in the matter. It was particularly concerned that Respondent had failed to recognize or acknowledge that she had engaged in misconduct, noting that, even during her appeal, she had continued to focus on the actions of others rather than on her own misconduct, and had continued to question the judicial and disciplinary process. It found disbarment to be supported by precedent and necessary to serve the goals of attorney disciplinary.

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

In the Matter of:

JESSICA ARONG O'BRIEN,

Respondent-Appellant,

No. 6255568.

Commission No. 2018PR00111

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

SUMMARY

The Administrator brought a one-count complaint against Respondent, charging her with committing a criminal act that reflected adversely on her honesty, trustworthiness, or fitness as a lawyer and engaging in dishonest conduct, in violation of Rules 8.4(b) and 8.4(c) of the Illinois Rules of Professional Conduct. The disciplinary charges arose from her 2017 convictions of mail fraud and bank fraud in connection with her procurement of mortgages and sale of properties between 2004 and 2007.

Following the hearing, the Hearing Board found that the Administrator had proved the charged misconduct, and recommended that Respondent be disbarred. Respondent appealed, challenging the Hearing Board's recommendation of disbarment, and asking this Board to recommend, instead, a three-year suspension, retroactive to the date of her interim suspension on April 26, 2018.

For the reasons that follow, we agree with the Hearing Board that Respondent should be disbarred for her misconduct.

BACKGROUND

Respondent was born in the Philippines and moved to the United States after high school. After graduating from law school, she pursued an LLM in taxation. From 2000 to 2012, she worked for the Illinois Department of Revenue as a Special Assistant Attorney General. During that time, she also worked as a licensed loan originator, licensed real estate broker, and loan officer with a mortgage company, and owned her own realty company. In 2012, she was elected to serve as a Cook County Circuit Court judge.

In April 2017, a federal grand jury in the Northern District of Illinois charged Respondent and a co-defendant in a two-count criminal indictment with the offenses of mail fraud and bank fraud. The indictment charged Respondent with participating in a scheme to defraud various lenders and entities who purchased mortgage loans by means of materially false representations, including causing lenders to issue and refinance mortgage and commercial loans totaling at least $1,400,000 by making materially false representations and concealing material facts in documents submitted to the lenders.

Specifically, the indictment charged that, in August 2004, Respondent caused loan documents for a mortgage loan to be submitted to a lender in order to finance her purchase of property on 46th Street in Chicago, knowing that the documents contained false statements regarding her income, which she overstated, and liabilities, which she understated. The indictment also charged that, in September 2005, after she had acquired an interest in property at 54th Street in Chicago, Respondent submitted a loan application to refinance a mortgage that falsely stated her employment and her monthly income.

The indictment further charged that, in March 2007, Respondent and her co-defendant, Maria Bartko, agreed that Respondent would sell both properties to Bartko. However,

because Bartko's credit would not allow her to make the purchases, they agreed that Bartko would recruit a straw buyer to purchase the properties, knowing that false information would be submitted to lenders to obtain the funds needed for the purchases. Respondent paid Bartko and the straw buyer in connection with the transactions and concealed information about those payments from the lenders. Respondent and the straw buyer submitted documents to lenders that contained misrepresentations about receipts and disbursements made by them in the transaction. Respondent and Bartko knowingly concealed from the lenders Bartko's role as purchaser, and submitted documents that fraudulently inflated the sales price of the properties. Respondent and Bartko also knew that the straw purchaser's loan applications falsely stated that he intended to occupy the properties as his primary residence and falsely overstated his income.

Respondent pleaded not guilty to the charges against her. In February 2018, after a jury trial, the jury returned a guilty verdict against Respondent on both counts of the indictment. Respondent moved for a judgment of acquittal, directed verdict, and new trial. The trial judge denied her motions. In December 2018, the trial judge sentenced Respondent to a period of incarceration of one year and one day, followed by a two-year period of probation. He also ordered Respondent to pay more than $600,000 in restitution.

Respondent appealed her conviction to the U.S. Court of Appeals for the Seventh Circuit, which affirmed her convictions. She then petitioned the Court of Appeals for a rehearing *en banc*, which that court denied. She then petitioned the U.S. Supreme Court for a writ of *certiorari*, which the Court denied.

HEARING BOARD'S RULING, FINDINGS, AND RECOMMENDATION

Pre-Hearing Ruling on Motion *In Limine*

In her answer to the disciplinary complaint, Respondent admitted the "procedural history" of the underlying criminal case but denied "the substance of the allegations," claiming that her conviction was the result of "fraud on the court and egregious prosecutorial misconduct." (*See* Answer to the Complaint at 1-7 (where Respondent answered each allegation with these statements).) She asked that the disciplinary hearing be delayed "until an investigation into the fraud on the court and prosecutorial misconduct is completed," arguing that a conviction "produced by fraud upon the court is not in essence a decision at all, and never becomes final." (*Id*. at 8.)

Based on Respondent's statements in her answer, the Administrator filed a motion *in limine* seeking to bar Respondent from introducing evidence attacking the legitimacy of the underlying convictions for bank fraud and mail fraud. The hearing panel chair granted the motion *in limine* and ordered that, at her disciplinary hearing, Respondent would be "prohibited from attempting to introduce evidence that is contrary to the facts establishing her guilt in the underlying Federal criminal prosecution." (Order dated Oct. 14, 2020.)

Misconduct Findings

The Hearing Board noted that Respondent was convicted of committing mail fraud and bank fraud, and that, in disciplinary proceedings, "'proof of conviction is conclusive of the attorney's guilt of the crime.'" (Hearing Bd. Report at 5 (quoting Ill. S. Ct. R. 761(f)).) It thus found that she had engaged in the criminal acts of which she was convicted. It further found that those criminal acts reflected on her honesty, trustworthiness, and fitness as a lawyer. It therefore found that she violated Rule 8.4(b).

It also found that she was convicted of engaging in fraud based on her false statements to lenders, that her acts were not inadvertent, and that her scheme was deliberate and planned. It therefore found that she violated Rule 8.4(c).

Findings Regarding Mitigation and Aggravation

In mitigation, the Hearing Board found that Respondent's contributions to the legal profession and her community were "commendable," and that her appearances at schools, mentoring of young attorneys, and commitment to diversity were "laudable." (Hearing Bd. Report at 8.) It also noted her lack of prior discipline and the testimony of her four character witnesses, "who confirmed her work ethic and dedication to helping others." (*Id*.)

In aggravation, the Hearing Board found that Respondent was experienced in real estate and lending and should have been well aware of her obligations in those areas; engaged in fraudulent acts for her own personal gain; did not acknowledge any intentional wrongdoing; and engaged in a pattern of behavior that lasted several years. It also noted that her acts reflected poorly on the legal profession and judiciary. Finally, it found that her cooperation in the proceedings was not sufficient, as she failed to participate in two pre-hearing conferences and did not timely disclose her potential witnesses.

Sanction Recommendation

Noting that the Administrator requested disbarment while Respondent urged suspension, the Hearing Board reasoned that the cases cited by the Administrator in which attorneys were disbarred on consent after being convicted of crimes involving bank loans offered the best guidance as to discipline in this matter. (Hearing Bd. Report at 8-9 (citing *In re Dailey*, 98 DC 1008, M.R. 15096 (Sep. 28, 1998) (attorney, in his role as an officer of a bank, caused the bank to issue a loan of $1,250,000 without having the loan reflected in the bank's records, and

then used $301,950 of the proceeds for a company he owned with other bank officials; attorney pled guilty to one count of bank fraud and one count of money laundering); *In re Scharf*, 97 DC 1007, M.R. 13820 (Sept. 24, 1997) (attorney, as director of a bank, participated in decisions to loan $470,000 to two companies in which he had an interest, without disclosing his interests; attorney pled guilty to two counts of criminal activity); *In re Dixon-Roper*, 2015PR00061, M.R. 27561 (Sept. 21, 2015) (attorney purchased property as a nominee buyer for other defendants, submitted false information to lenders, received payments from other defendants for her involvement in the fraudulent transactions, and concealed payments to herself and others; attorney pled guilty to one count of mail fraud).)

In making its recommendation that Respondent be disbarred, the Hearing Board stated:

> Respondent engaged in repeated and calculated fraudulent acts for personal gain. Those acts were serious in nature, an abuse of trust, and an indication of her core mindset to break the law. While Respondent's community and professional contributions are compelling and not to be undervalued, they do not excuse or cancel out her bad acts.

(Hearing Bd. Report at 10.) It concluded that disbarment was consistent with precedent and necessary to protect the public and to uphold the integrity of the profession.

ARGUMENTS

In her notice of exceptions to the Hearing Board's Report and Recommendation, Respondent raised only one exception: that she should not have been disbarred. In her appellate briefs and oral argument, however, she raised ancillary issues that she contends affected the Hearing Board's recommendation. We find no merit to her arguments.

1. The hearing panel chair did not abuse his discretion in granting the Administrator's motion *in limine* to bar Respondent from presenting evidence regarding the transactions that were the subject of her indictment.

Respondent argues that the Hearing Board's recommendation of disbarment is partly rooted in the hearing panel chair's erroneous pre-hearing ruling granting the Administrator's motion *in limine*, the effect of which was to prohibit her from offering evidence at her hearing related to her conduct as to the transactions that were the subject of her indictment. She also claims that this issue raises a question of law that is subject to *de novo* review.

Respondent is incorrect about the standard of review applied to evidentiary rulings. Questions regarding the admission of evidence in attorney disciplinary proceedings are left to the discretion of the hearing panel chair. *In re Blank*, 145 Ill. 2d 534, 553-54, 585 N.E.2d 105 (1991). Rulings on evidentiary issues will not be reversed unless the chair abused his or her discretion. *In re Petrulis*, 96 CH 546 (Review Bd., Dec. 9, 1999), at 14, *approved and confirmed*, M.R. 16556 (June 30, 2000). An abuse of discretion occurs when no reasonable person would take the position adopted by the chair. *In re Chiang*, 07 CH 67 (Review Bd., Jan. 30, 2009), at 10, *petition for leave to file exceptions denied*, M.R. 23022 (May 18, 2009). We find that the hearing panel chair did not abuse her discretion in granting the Administrator's motion *in limine*.

The complaint in this matter was filed pursuant to Illinois Supreme Court Rule 761, which governs disciplinary proceedings arising from an attorney's conviction of a crime. Rule 761(f) provides that proof of an attorney's conviction on a criminal charge "is conclusive of the attorney's guilt of the crime." Ill. S. Ct. R. 761(f). An attorney therefore may not impeach the factual allegations of the charges on which she was convicted, "go behind the record of conviction," *In re Ciardelli*, 118 Ill. 2d 233, 239-40 (1987), or "relitigate issues of guilt." *In re Williams*, 111 Ill. 2d 105, 113 (1986).

Notwithstanding the dictates of Rule 761, in her answer to the complaint, Respondent denied the substance of the allegations against her and claimed that her convictions were the result of fraud on the court and prosecutorial misconduct that included subornation of perjury, concealment of evidence, and misrepresentations by federal prosecutors. Respondent had already raised those same claims in the federal courts, which had uniformly rejected them. Based on Respondent's statements in her answer to the complaint, the Administrator sought and obtained the entry of an order barring Respondent from asserting those unsubstantiated claims or attempting to prove them.

It is clear that the hearing panel chair's decision not to allow Respondent to impeach her convictions or relitigate her purported innocence in her disciplinary proceeding was not a position that "no reasonable person" would agree with. *Chiang*, 07 CH 67 (Review Bd.), at 10. Rather, it was the same position taken by every tribunal that considered her claims. Accordingly, the hearing panel chair's ruling granting the motion *in limine* was not an abuse of discretion, and we will not overturn it.

2. The Administrator's counsel did not deprive Respondent of a fair hearing by offering into evidence an email that Respondent wrote to the Illinois Supreme Court stating that she would resign from her judicial position and voluntarily remove her name from the Master Roll if the federal trial judge denied her post-trial motions.

Respondent further argues that the Hearing Board's recommendation is a result of the Administrator's counsel's having made improper arguments that prejudiced her during the hearing. She contends that Administrator's counsel argued to the hearing panel that the Illinois Supreme Court was going to disbar Respondent based on an email she sent to the justices, in which she stated that, if her post-trial motions in the criminal case were unsuccessful, she would "immediately resign [her] judicial position" and "voluntarily request to be removed from the rolls of the Illinois lawyers." (Adm. Ex. 4, at 1-2.) She contends that this argument had an undue

influence on the Hearing Board, which resulted in an erroneous disbarment recommendation in order to appease the Court.

As explained above, we review the hearing panel chair's evidentiary decisions for an abuse of discretion. We further note that, even in the face of an error that implicates due process, the ruling will not affect the validity of the hearing without a showing that prejudice resulted from it. *In re Damisch*, 38 Ill. 2d 195, 203-04 (1967) (respondent not denied a fair hearing where no prejudice resulted from allegedly improper actions).

The Report of Proceedings reflects that Respondent not only did not object when this document was offered into evidence at her hearing, but affirmatively stated that she had no objection to it. (*See* Report of Proceedings at 35 (where Respondent stated that she had no objection to the admission of the Administrator's exhibits, after which the hearing panel chair admitted them).)[1] Thus, we are hard-pressed to find that the hearing panel chair abused her discretion in admitting the email when Respondent explicitly told the hearing panel chair that she had no objection to its admission.

In addition, the record clearly establishes that the admission of the email did not prejudice Respondent. In fact, the record shows that the email had no effect whatsoever on the Hearing Board's disbarment recommendation. There is no reference to it in the Hearing Board's Report and Recommendation, and the hearing panel chair repeatedly stated that she considered the email, and Respondent's subsequent change of heart, to be of no significance. (*See* Report of Proceedings at 40-44.) Consequently, we find no error in the hearing panel chair's admission of the email.

3. The Hearing Board did not err in its consideration of mitigating factors.

Respondent argues that the Hearing Board ignored mitigating factors that were supported by evidence in the record. Specifically, she argues that the Hearing Board erred in

finding that her community service from 2007 to 2017 did not overcome the mortgage transactions that occurred between 2004 and 2007. She contends that her contributions to and impact upon the legal community and community at large were extensive, and demonstrate that she is not a threat to the public. She also argues that her 10 to 15 years of unblemished record and extensive contributions following the transactions that led to her convictions are evidence that she can lead a life of integrity, and that the Hearing Board's failure to properly weigh these facts is inconsistent with the purpose of imposing discipline, which is not to punish but to protect the public, maintain the integrity of the profession, and protect the administration of justice from reproach.

This Board reviews sanction recommendations *de novo*, and can assign its own weight to the various mitigating and aggravating factors as found by the Hearing Board, or can find additional mitigating and aggravating factors that are supported by evidence in the record. *See* Ill. S. Ct. R. 753(d)(3) (in reviewing Hearing Board's Report, the Review Board "may make such additional findings as are established by clear and convincing evidence"). That said, we believe the Hearing Board's analysis of the mitigating and aggravating factors is sound.

As the Hearing Board appropriately noted, Respondent's contributions to the legal profession and her community were "commendable," and her appearances at schools, mentoring of young attorneys, and commitment to diversity were "laudable." (Hearing Bd. Report at 8.) It also noted that the testimony of her four character witnesses "confirmed her work ethic and dedication to helping others." (*Id*.) We agree with those observations. However, we also agree with the Hearing Board's reasoning that, "[w]hile Respondent's community and professional contributions are compelling and not to be undervalued, they do not excuse or cancel out her bad acts." (*Id*. at 10.)

SANCTION RECOMMENDATION

The Hearing Board recommended that Respondent be disbarred for her misconduct. In making our own recommendation, we consider the nature of the proved misconduct, and any aggravating and mitigating circumstances shown by the evidence, *In re Gorecki*, 208 Ill. 2d 350, 360-61 (2003), while keeping in mind that the purpose of discipline is not to punish the attorney but rather to protect the public, maintain the integrity of the legal profession, and protect the administration of justice from reproach. *In re Timpone*, 157 Ill. 2d 178, 197 (1993). We also consider the deterrent value of attorney discipline and "the need to impress upon others the significant repercussions of errors such as those committed by" Respondent. *In re Discipio*, 163 Ill. 2d 515, 528 (1994) (citing *In re Imming*, 131 Ill. 2d 239, 261 (1989)). Finally, we seek to recommend a sanction that is consistent with sanctions imposed in similar cases, *Timpone*, 157 Ill. 2d at 197, while also considering the unique circumstances of each case. *In re Witt*, 145 Ill. 2d 380, 398 (1991).

Respondent argues that the Hearing Board should not have recommended disbarment because of the errors described above. But as discussed above, we find no errors in the Hearing Board's rulings or findings.

Respondent also contends that the Hearing Board wrongly cited to cases involving discipline on consent, which she contends have little precedential value compared to adjudicated cases. However, the Court has sent a clear message that discipline on consent has precedential value. *See In re Adams*, 05 CH 30 (Review Bd., Dec. 5, 2007), *petition for leave to file exceptions denied*, M.R. 22150 ("By concurring with the Review Board's recommendation of discipline, the Court is not adopting the reasoning of the Review Board[,] including its statement on the 'limited precedential value' of consent cases").

Finally, Respondent argues that disbarment is inconsistent with precedent. We disagree, and find that relevant authority supports disbarment in this matter. The recently decided matter of *In re Porter*, 2016PR00130 (Review Bd., December 31, 2019), *petition for leave to file exceptions allowed and sanction increased*. M.R. 30289 (Sept. 21, 2020), is instructive. In that case, the attorney entered into a deferred prosecution agreement with federal prosecutors arising from his involvement in a scheme to defraud several professional athletes in connection with the purchase of a group of Burger King restaurants. The attorney was not the architect of the fraudulent scheme, which ultimately failed after the Federal Bureau of Investigation intervened. The Court allowed the Administrator's petition for leave to file exceptions to this Board's recommendation of a three-year suspension and disbarred the attorney, as the Hearing Board had recommended.

In addition to *Porter* and the cases cited by the Hearing Board, the following cases also provide guidance: *In re Farano*, 2012PR00129, M.R. 25599 (Nov. 19, 2012) (attorney was disbarred on consent following convictions for wire fraud, mail fraud, and theft of public property, based on his role in a scheme where he and co-defendants acquired property in Chicago with the intent of quickly reselling it at fraudulently inflated prices); *In re Murphy*, 2012PR00073, M.R. 25458 (Sept. 17, 2012) (attorney was disbarred on consent after being convicted of wire and mail fraud, based on his participation in a scheme by which he fraudulently obtained mortgage loan proceeds by inflating the value of several properties, arranging sham transactions, and providing false and incomplete information to mortgage lenders; *In re Daugerdas*, 2014PR00074, M.R. 26821 (Sept.12, 2014) (attorney was disbarred on consent following a guilty verdict related to various counts of conspiracy to defraud the United States, tax evasion, obstruction, and mail fraud, based on his participation in a scheme whereby he and other co-conspirators intentionally acted to defraud the Internal Revenue Service by creating fraudulent tax shelters); *In re Igoe*,

2013PR00068, M.R. 26186 (Sept. 25, 2013) (attorney was disbarred on consent following a plea of guilty to mail fraud, based on his participation in a scheme to defraud and obtain money and property from individuals in financial difficulty who were facing foreclosure sales).

In cases involving criminal convictions for fraud where lengthy suspensions rather than disbarment were imposed, unlike Respondent, the attorneys were not architects of the schemes, did not personally benefit from the schemes, caused no financial harm to others because of the schemes, and/or accepted responsibility and expressed remorse for their conduct. For example, in *In re Sherre*, 68 Ill. 2d 56 (1977), an attorney was suspended for three years following his conviction of mail fraud, based on his participation in an insurance fraud scheme. The attorney, who represented an insurance company, prepared and disseminated false documents about the financial condition of the company to state regulatory agencies and insurance agents and brokers. In mitigation, he had no prior discipline, was not the principal wrongdoer, received no benefit from the fraud other than compensation for his services as an attorney, and did not cause any actual financial harm.

In *In re Glennon*, 2009PR00137, M.R. 26211 (Sept. 25, 2013), an attorney was suspended for three years following his conviction of misprision of a felony, based on his role in a fraud that involved inflating construction costs for the Chicago Medical School so that he could be compensated for his consulting work, which resulted in the misapplication of bond funds. In mitigation, he had no prior discipline, had a limited knowledge of the extent of the fraud, presented character testimony, expressed remorse and accepted responsibility for his misconduct, and cooperated in the federal investigation and criminal proceedings.

In *In re Goulding*, 91 CH 208, M.R. 13055 (March 21, 1997), an attorney was suspended for four years – three years for criminal conduct and one year for neglect – following

his conviction of mail fraud, conspiracy to defraud the United States, and illegal transportation of monetary instruments for his role in a fraudulent scheme to hide $400,000 of illegal income from the IRS on behalf of a purported client who was actually an IRS special agent. He also neglected a matter. In mitigation, he had no prior discipline; his misconduct caused no loss to a client or violation of a client's trust, presented no risk of loss to any entity, and caused no harm to members of the public; he was not the principal architect of the scheme; the government initiated the idea of tax evasion through its sting operation and the attorney suggested the means by which it could be accomplished; the attorney charged a reasonable amount for his legal services and did not otherwise stand to profit from the illegal activity; and the attorney presented substantial character evidence.

In *In re Schmieder,* 92 SH 323, M.R. 11772 (Jan. 23, 1996), an attorney was suspended for three years following his conviction of wire fraud for his role in an insurance fraud scheme that involved a total of about $60,000, whereby he received checks from an insurance adjustor purportedly as payment for legal work, expert witness fees, and costs, but where no work was actually done. He then funneled the money back to the insurance adjustor. In mitigation, the attorney had no prior discipline in a 26-year distinguished career; 11 federal and state judges testified on his behalf; he was candid and truthful in his testimony before the Hearing Board; he did not blame others and acknowledged his accountability for participating in the scheme, and expressed genuine remorse; and he was neither the mastermind nor beneficiary of the scheme, and had no pecuniary motive for participating in it. His suspension was until further order because of his alcohol abuse, stress, and other mental health conditions, which were found to have contributed to his conduct.

The present matter does not have the overwhelming amount of mitigation that the foregoing suspension cases did. There is no question that Respondent was the architect of her fraudulent scheme. Moreover, she caused significant financial harm to the lenders who were victims of her fraud, and has yet to pay the $600,000 in restitution that she owes to them. She also profited from her fraud by keeping at least $200,000 for herself. Most significantly, Respondent has yet to acknowledge her wrongdoing or express any remorse for it, at least in her disciplinary proceeding. Notably, in her opening statement at her disciplinary hearing, she repeatedly stated that she was innocent of the criminal charges. (*See, e.g.*, Report of Proceedings at 46 ("I have lost everything, but I will tell you that I will continue to maintain my innocence. I am innocent. I am not guilty. Not am I only not guilty, I am innocent.").)

The Court has stated that an attorney's attitude regarding her conduct is significant when considered in conjunction with one of the objectives of attorney discipline – to protect the public. "An attorney's failure to recognize the wrongfulness of [her] conduct often necessitates a greater degree of discipline than is otherwise necessary, in order that the attorney will come to appreciate the wrongfulness of [her] conduct and not again victimize members of the public with such misconduct." *In re Mason*, 122 Ill. 2d 163, 173-74 (1988); *see also In re Samuels*, 126 Ill. 2d 509, 531 (1989) (respondent's belief that he acted properly in the matters at issue in his disciplinary proceeding "does not inspire confidence that respondent is ready to recognize his duty as an attorney and to conform his conduct to that required by the profession").

Respondent's years of public and community service and the lengthy time between her criminal acts and her convictions, while certainly mitigating, do not outweigh her egregious misconduct combined with the significant aggravation involved in this matter. We are particularly concerned that Respondent has utterly failed to recognize or acknowledge that she engaged in

misconduct. Even during her appeal, she has continued to focus on the actions of others – the prosecutors in her underlying federal criminal case, the Administrator's counsel, the Hearing Board members – rather than on her own conduct for which she was convicted; and she has continued to question the judicial and disciplinary process, which demonstrates a lack of respect for our legal system and profession.

Based on the circumstances involved in this matter, we believe that Respondent's disbarment is necessary to protect the public, maintain the integrity of the legal profession, and protect the administration of justice from reproach. *Timpone*, 157 Ill. 2d at 197. Accordingly, we recommend that Respondent be disbarred. We find this sanction to be commensurate with Respondent's misconduct, consistent with discipline that has been imposed for comparable misconduct, and necessary to serve the goals of attorney discipline, act as a deterrent, and preserve the public's trust in the legal profession.

CONCLUSION

For the foregoing reasons, we recommend that Respondent be disbarred.

Respectfully submitted,

George E. Marron, III
Charles E. Pinkston, Jr.
Esther J. Seitz

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Review Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on January 10, 2022.

/s/ Michelle M. Thome
Michelle M. Thome,
Clerk of the Attorney Registration and
Disciplinary Commission of the
Supreme Court of Illinois

[1] Because she failed to object to the admission of the email, Respondent technically has waived her argument on appeal. See, e.g., In re Cordova, 96 CH 571 (Review Bd., Aug. 30, 1999) at 17-18, motion to approve and confirm denied and sanction increased, M.R. 16199 (Nov. 22, 1999) (attorney's failure to object to admission of financial records at hearing precluded him from claiming on review that admission was erroneous). However, given that Respondent faces disbarment, we have chosen to address her argument on its merits.

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

In the Matter of: **JESSICA ARONG O'BRIEN,** Respondent-Appellant, No. 6255568.	Commission No. 2018PR00111

PROOF OF SERVICE
OF THE REPORT AND RECOMMENDATION
OF THE REVIEW BOARD

I, Michelle M. Thome, hereby certify that I served a copy of the Report and Recommendation of the Review Board on Respondent-Appellant listed at the address shown below by e-mail service on January 10, 2022, at or before 5:00 p.m. At the same time, a copy was sent to Counsel for the Administrator-Appellee by e-mail service.

Jessica Arong O'Brien
Respondent-Appellant
17cr239obrien@gmail.com

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

Michelle M. Thome,
Clerk

/s/ Michelle M. Thome
By: Michelle M. Thome
Clerk

FILED

January 10, 2022

ARDC CLERK