

In re Soon Mo Ahn
Respondent-Appellant

Commission No. 2020PR00045

Synopsis of Review Board Report and Recommendation
(May 2022)

The Administrator brought a two-count complaint against Respondent, charging him with refusing to withdraw his appearance after being discharged, filing pleadings with no basis in law or fact, engaging in a conflict of interest, engaging in dishonest conduct, and engaging in conduct that was prejudicial to the administration of justice, in violation of Rules 1.7(a)(2), 1.9(c), 1.16(a)(3), 3.1, 8.4(c), and 8.4(d) of the Illinois Rules of Professional Conduct (2010). Count One of the complaint alleged that Respondent failed to withdraw from a divorce case after being fired; asserted frivolous claims in that case, which prejudiced the administration of justice; and acted dishonestly in collecting fees. Count Two of the complaint alleged that Respondent engaged in conflicts of interest; filed pleadings without having authority to do so, which prejudiced the administration of justice; and acted dishonestly in handling a property transfer.

The Hearing Board found that Respondent committed the charged misconduct and recommended that Respondent be suspended for one year and until further order of the Court.

Respondent appealed, challenging the Hearing Board's findings of misconduct, and asking that this case be dismissed, with no sanction being imposed.

The Review Board affirmed the Hearing Board's findings of fact and misconduct and recommended that Respondent be suspended for one year and until further order of the Court.

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

In the Matter of:

SOON MO AHN,

Respondent-Appellant,

No. 6206480.

Commission No. 2020PR00045

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

SUMMARY

The Administrator brought a two-count complaint against Respondent, charging him with refusing to withdraw his appearance after being discharged, filing pleadings with no basis in law or fact, engaging in a conflict of interest, engaging in dishonest conduct, and engaging in conduct that was prejudicial to the administration of justice, in violation of Rules 1.7(a)(2), 1.9(c), 1.16(a)(3), 3.1, 8.4(c), and 8.4(d) of the Illinois Rules of Professional Conduct (2010). Count One of the complaint alleged that Respondent failed to withdraw from a divorce case after being fired; asserted frivolous claims in that case, which prejudiced the administration of justice; and acted dishonestly in collecting fees. Count Two of the complaint alleged that Respondent engaged in conflicts of interest; filed pleadings without having authority to do so, which prejudiced the administration of justice; and acted dishonestly in handling a property transfer.

Following a hearing at which Respondent appeared *pro se*, the Hearing Board found that Respondent committed the charged misconduct and recommended that Respondent be suspended for one year and until further order of the Court.

Respondent appealed, challenging the Hearing Board's findings of misconduct, and asking that this case be dismissed, with no sanction being imposed.

FILED

May 02, 2022

ARDC CLERK

For the reasons that follow, we affirm the Hearing Board's findings of fact and misconduct and recommend that Respondent be suspended for one year and until further order of the Court.

BACKGROUND

The facts are fully set out in the Hearing Board's report and are summarized only to the extent necessary here.

Respondent

Respondent has been licensed to practice law in Illinois since 1991. He was also licensed in New Jersey and Connecticut but never practiced there. He speaks Korean and English. He is a solo practitioner with a law practice that includes litigation, divorce proceedings, traffic violations, collections, estate matters, and property transfers. He has no prior discipline.

Respondent's Misconduct

Client Anna

In June 2017, Respondent was retained by Anna¹ to represent her in a divorce proceeding, and Respondent filed a divorce petition on Anna's behalf in July 2017. Anna was sixty-seven and had been married for more than forty years. Respondent also prepared a Power of Attorney for Anna, which would take effect at such time as Anna's attending physician determined that she was unable to manage her day-to-day affairs.

In August 2017, after Anna threatened to kill her husband, she was admitted to a hospital's psychiatric facility, where she stayed for two weeks. She was subsequently transferred to a nursing home. In October, Dr. Taras Didenko, a physician specializing in psychiatry, evaluated Anna, and found that she was totally incapable of making decisions. In addition, a clinical psychologist evaluated Anna, and concluded that Anna had dementia and her memory was profoundly impaired.

In November 2017, Respondent appeared at the nursing home on three occasions to take Anna out of the nursing home. During the first two visits, he met with Melissa Samonte, the psychiatric rehab director. Respondent said that Anna needed to pay his attorney's fees. Samonte told Respondent that medical records showed Anna's decision-making was lacking due to delusional thinking and dementia, and Anna was not capable of making financial decisions. Despite that, during Respondent's third visit, Respondent took Anna out of the nursing home. He took her to various places including her bank. While they were out, Respondent obtained a check from Anna for \$3,500. According to Respondent's testimony, he was owed \$3,100 in attorney's fees, and the additional \$400 was for future services.

In early November 2017, Anna's daughter, Rebecca, assumed the role of attorney-in-fact, pursuant to the terms of Anna's Power of Attorney. Rebecca hired an attorney, who sent a letter to Respondent terminating Respondent's representation of Anna. The attorney also included a copy of Dr. Didenko's report and stated in the letter that Dr. Didenko had determined that Anna suffered from chronic schizophrenia and was totally incapable of making any rational decisions on her own behalf. In December 2017, Respondent confirmed receipt of the letter and Dr. Didenko's report.

After Respondent was fired, he filed a series of pleadings in the divorce case, asserting that he represented Anna, contesting Rebecca's authority to act under the Power of Attorney, challenging Dr. Didenko's conclusions, and accusing opposing counsel in the divorce case of misconduct. The judge in the divorce case ruled that Rebecca had authority to act under the Power of Attorney, dismissed Respondent from the case, and imposed a monetary sanction of \$3,000 against Respondent. At the time of the disciplinary hearing, Respondent had not paid that \$3,000. Respondent acknowledged that Anna did not authorize him to perform any work on her behalf after November 7, 2017.

Broomfield and Shin

In 2012, Respondent represented Kay Shin in connection with her purchase of an interest in a business owned by Donald Broomfield. Respondent subsequently became friends with Shin and Broomfield. Shin eventually became a caregiver for Broomfield.

In 2014, Respondent prepared a will and a Power of Attorney for Broomfield. The will named Respondent as the executor of Broomfield's estate, and the Power of Attorney named Respondent as the attorney-in-fact. Broomfield later prepared a superseding will, which was recorded and became effective after Broomfield died in 2016. Respondent also represented Broomfield in other legal matters, including a collection matter and a traffic matter.

In 2015, Respondent prepared a promissory note/letter that Broomfield signed, in which Broomfield promised to purchase and pay for a house for Shin, in gratitude for her caretaking. It was not clear whether Respondent was representing Shin or Broomfield in connection with the promissory note/letter; Respondent had previously represented each of them. Thereafter, Broomfield purchased a \$140,000 condominium in Schaumburg, Illinois, which was owned by Broomfield and Shin, but had an outstanding mortgage of \$100,000.

Broomfield died in 2016. In 2017, Respondent filed a breach of contract suit on behalf of Shin against Broomfield's heirs and estate, seeking \$100,000 to pay off the mortgage on the Schaumburg condominium. In 2018, the judge disqualified Respondent, finding that he had a conflict of interest based on his prior representation of Broomfield. The judge imposed a sanction of \$3,987 against Respondent. As of the time of disciplinary hearing, he had not paid that \$3,987.

In 2019, Respondent prepared a quitclaim deed transferring the Schaumburg condominium from Shin to the daughter of Respondent's fiancée for \$10. An affidavit was attached to the quitclaim deed, and Respondent signed the affidavit for both parties, and had his fiancée notarize the signatures.

HEARING BOARD'S FINDINGS AND RECOMMENDATION

Misconduct Findings

The Hearing Board found that the Administrator proved all of the charges by clear and convincing evidence.

Client Anna

The Hearing Board found that Respondent violated Rule 1.16(a)(3) by failing to withdraw from his representation of Anna, after Respondent was properly discharged by Anna's daughter, Rebecca; Respondent filed frivolous pleadings in Anna's divorce matter, in violation of Rule 3.1, which was prejudicial to the administration of justice, in violation of Rule 8.4(d); and Respondent acted dishonestly, in violation of Rule 8.4(c), by obtaining money from Anna, who had dementia.

Broomfield and Shin Matter

The Hearing Board found that Respondent engaged in a conflict of interest, in violation of Rule 1.7(a)(2), by drafting a will for Broomfield that nominated Respondent as the executor, and a Power of Attorney that named him as the attorney-in-fact; and Respondent engaged in a conflict of interest, in violation of Rule 1.7(a)(2), when he drafted the promissory note/letter in which Broomfield promised to purchase a house for Shin, because Respondent had previously represented each of those individuals.

The Hearing Board also found that Respondent obtained confidential information from his prior representation of Broomfield in preparing Broomfield's will and concerning the disposition of Broomfield's property, and used that confidential information in connection with the breach of contract lawsuit that Respondent filed against Broomfield's estate, to Broomfield's disadvantage, in violation of Rule 1.9(c); Respondent also undermined the administration of justice, in violation of Rule 8.4(d), by participating in that lawsuit, even though he had a conflict

of interest that he did not disclose, and he filed pleadings without having authority to do so. Finally, the Hearing Board found that Respondent acted dishonestly, in violation of Rule 8.4(c), by preparing a quitclaim deed transferring the Schaumburg condominium to a person with whom Respondent had personal ties, signing an affidavit attached to the quitclaim deed on behalf of both parties, and having his fiancée notarize the signatures.

Mitigation and Aggravation Findings

In mitigation, the Hearing Board found that Respondent had not been previously disciplined. In aggravation, the Hearing Board found that Respondent engaged in a pattern of misconduct involving two separate client matters over the course of several years. Moreover, Respondent did not acknowledge his wrongdoing, did not express remorse for his actions, and did not appear to fully understand the nature of his misconduct.

The Hearing Board also found that Respondent took advantage of Anna, who was a particularly vulnerable individual, for his own financial benefit; Respondent's misconduct caused extreme emotional distress for Anna's family, and resulted in needless attorney's fees for the family, totaling approximately \$20,000; and Respondent's misconduct also complicated the Broomfield family's grieving process, created stress for the family, and resulted in unnecessary attorney's fees and travel expenses for the family of approximately \$28,000. Furthermore, Respondent had financial problems, and, at the time of the disciplinary hearing, he had not paid the sanctions entered against him in the two court cases.

Recommendation

The Hearing Board concluded that the seriousness of Respondent's misconduct and the significant aggravating factors warranted a suspension of one year and until further order of the Court.

ANALYSIS

The Hearing Board's factual findings are entitled to deference and will not be disturbed on review unless they are against the manifest weight of the evidence. *In re Winthrop*, 219 Ill. 2d 526, 542, 848 N.E.2d 961(2006). This is because the Hearing Board is in the best position to observe the witnesses, assess their demeanor and credibility, resolve conflicting testimony, and render other fact-finding judgments. *Id.* at 543. A factual finding is against the manifest weight of the evidence only where the opposite conclusion is clearly evident, or the finding appears arbitrary, unreasonable, or not based on the evidence. *Id.* at 542; *Leonardi v. Loyola University*, 168 Ill. 2d 83, 106, 658 N.E.2d 450 (1995).

On appeal, Respondent asks us to reject the Hearing Board's findings of fact and misconduct and dismiss the case. Respondent argues that the evidence was not sufficient to sustain the Hearing Board's findings that he engaged in the misconduct charged. After considering Respondent's arguments along with the record in this matter, we find no basis to overturn the Hearing Board's findings.

Client Anna

Respondent challenges the Hearing Board's findings and argues that he did not engage in any misconduct concerning Anna. Specifically, he argues that Anna was not disabled and could make her own decisions; Anna's Power of Attorney was not in effect because Anna was competent; and the Power of Attorney did not give Anna's daughter, Rebecca, the authority to fire him.

Respondent's arguments do not provide a basis for disturbing the Hearing Board's findings. There is extensive evidence in the record to support the Hearing Board's findings that Anna was not competent to make decisions, the Power of Attorney was in effect, and Anna's

daughter had the legitimate authority to fire Respondent pursuant to the terms of the Power of Attorney.

There is overwhelming evidence that Anna was not competent. Dr. Didenko evaluated Anna in October 2017 and found that she lacked the capacity to make rational decisions; she had schizophrenia that precluded her from normal functioning; she was confused and was totally incapable of making any decisions; she needed 24-hour supervision to monitor her safety; and she needed a guardian to make any rational decisions for financial and health matters. (*See* Admin. Exh. 3.) Moreover, a clinical psychologist, who also evaluated Anna in October 2017, concluded that Anna had dementia; that Anna's memory, logical reasoning, and cognitive processing were profoundly impaired; and that Anna did not have the ability to manage her finances. (*See* Admin. Exh. 2.) The Hearing Board rejected Respondent's argument that Anna was competent, pointing out that Respondent's argument "was based on his own lay observations of Anna, was not supported by any medical authority, and was contrary to overwhelming information provided to him." (Hearing Bd. Report at 8-9.)

The Hearing Board found that Dr. Didenko's evaluation of Anna triggered the Power of Attorney, and that Anna's daughter, Rebecca, had authority under the Power of Attorney to discharge Respondent. The Power of Attorney gave Rebecca broad powers relating to property management and personal and family affairs, which included the power to discharge an attorney.

After being fired, Respondent continued to file pleadings in the divorce case over a five-month period, between December 2017 and April 2018. The record shows that Respondent received a copy of Dr. Didenko's report, along with the letter terminating Respondent's representation, prior to filing pleadings in the divorce case in December. Moreover, Respondent acknowledged that Anna did not authorize him to perform any work on her behalf after November 7, 2017.

The Hearing Board found that, after Respondent was fired, he filed frivolous pleadings that delayed the resolution of the divorce case and did not further Anna's interests. Respondent challenged the medical opinions concerning Anna's incapacitation without offering any medical authority to support his position, and disputed Rebecca's authority to fire him. Respondent did not try to depose Dr. Didenko or the clinical psychologist who evaluated Anna and did not arrange an evaluation of Anna by any other medical professional.

Respondent also filed a motion for sanctions against the opposing counsel in the divorce case, which had no basis and was retaliatory. Furthermore, Respondent made unsubstantiated allegations that there was a plot by Anna's husband and his attorney to deprive Anna of her assets.

Respondent refused to withdraw from the divorce case until the presiding judge in that case ordered him to withdraw. The judge ruled that Anna's Power of Attorney was in effect because Anna was not capable of making decisions, and that Anna's daughter had the legitimate authority to fire Respondent pursuant to the terms of the Power of Attorney. The judge also ordered Respondent to pay \$3,000 in sanctions. The Hearing Board found that Respondent's filings caused the court and counsel to needlessly expend time and resources, which undermined the judicial process.

The Hearing Board also found that Respondent had been well-apprised of Anna's mental health problems before he took her out of the nursing home. Specifically, the evidence shows that, in July 2017, Anna's daughter, Rebecca, who had been a nurse for ten years, told Respondent that Anna had an undiagnosed mental illness. In September, Rebecca told Respondent that Anna had been admitted to a psychiatric hospital due to psychosis and delusions, and that Anna was not mentally capable of making her own decisions. On two occasions in November 2017, before Respondent took Anna out of the nursing home, the staff at the nursing home told

Respondent the medical records showed that Anna had been diagnosed with dementia and lacked decision-making capabilities due to delusional thinking and dementia, and that Anna was not mentally stable or capable of making the types of decisions that Respondent wanted Anna to make.

Despite that, Respondent removed Anna from the nursing home and kept her out all day, without her family's knowledge or permission. Respondent obtained \$3,500 from Anna, even though Respondent had been advised that Anna was not capable of making financial decisions.

Respondent first met Anna in June 2017 and had seen Anna only a handful of times prior to taking her out of the nursing home in November 2017. There is no evidence in the record that Respondent had any reason to disbelieve the nursing home staff or Anna's daughter, other than Respondent's very limited observations of Anna. Respondent testified that he did not have any medical experience. Respondent failed to make additional inquiries concerning Anna's mental limitations before removing Anna from the nursing home and taking money from her.

The Hearing Board found that Respondent took advantage of Anna and acted dishonestly by taking Anna out of the nursing home and obtaining money from her, thereby benefiting himself at Anna's expense. The Hearing Board also noted that Respondent was having financial difficulties at the time. All of the Hearing Board's findings concerning the client Anna matter are amply supported by the evidence.

Broomfield and Shin Matter

Respondent challenges the Hearing Board's findings and argues that he did not engage in any misconduct concerning Broomfield and Shin. Respondent's argument has no merit. There is extensive evidence in the record to support the Hearing Board's findings that Respondent engaged in the misconduct charged.

The Hearing Board found that Respondent engaged in a conflict of interest by preparing a will for Broomfield that named Respondent as the executor, and a Power of Attorney that appointed Respondent as the attorney-in-fact. The Hearing Board concluded that there was a significant risk that Respondent's legal judgment could be compromised by his own interests, since those positions could entitle him to a fee and give him control over Broomfield's assets. Moreover, there was no evidence that Respondent had discussed the conflict with his client or that Respondent had obtained informed consent from his client waiving the conflict. Those findings are not against the manifest weight of the evidence.

The Hearing Board also found that Respondent engaged in a conflict of interest in preparing the promissory note/letter from Broomfield to Shin. The Hearing Board concluded that Respondent had represented "each of them separately and therefore owed duties to refrain from undertaking a representation of one that would be materially limited by his responsibilities to the other." (Hearing Bd. Report at 15.) The Hearing Board noted that it was not even clear which party Respondent represented and found that there was no evidence that he had discussed the conflict with the parties or obtained their informed consent waiving the conflict. Those findings are not against the manifest weight of the evidence.

As to the breach of contract lawsuit that Respondent filed against Broomfield's heirs and estate, the Hearing Board found that Respondent obtained confidential information from his prior representation of Broomfield and used confidential information in connection with the breach of contract lawsuit, to Broomfield's disadvantage. As the Hearing Board explained, "[w]e find Respondent gained information from his representation of Broomfield relating to Broomfield's relationship with Shin, including Broomfield's purchase and financing of a condominium for her, and then used that information to represent Shin's competing interests

against Broomfield's estate." (Hearing Bd. Report at 15.) The Hearing Board's findings are supported by the evidence.

The breach of contract lawsuit that Respondent filed attacking Broomfield's estate involved the disposition of Broomfield's assets, which was precisely the subject of Respondent's representation when he prepared the will and Power of Attorney for Broomfield. Respondent sent a letter to Broomfield's son stating, "[y]our father appointed me as...executor of his last will. He so arranged because...he wanted me to discreetly take care of Kay [Shin] out of his estate. He stated that he didn't want to hurt your mother's feeling and did not want your sister to know of it." (Admin. Exh. 18.) That letter makes it clear that Respondent obtained confidential information from Broomfield concerning his estate and the distribution of his property, and his intentions relating to Shin.

Respondent used that confidential information to attack the estate's distribution of Broomfield's property. The record shows that Respondent did not obtain consent from Broomfield's estate waiving the conflict. Moreover, the judge presiding over the breach of contract lawsuit ruled that Respondent had a conflict of interest, dismissed him from the case, and imposed monetary sanctions against him.

According to Respondent's letter, Broomfield did not want his wife and daughter to know about his relationship with Shin. Despite that, Respondent disclosed that information to Broomfield's wife and daughter and disclosed it to the public in court filings, thereby completely disregarding Broomfield's stated wishes. Respondent has failed to demonstrate that the Hearing Board erred in finding a conflict of interest.

The Hearing Board also found that by pursuing the breach of contract lawsuit against Broomfield's heirs and estate, when Respondent was not qualified to act as counsel based on his undisclosed conflict of interest, he engaged in conduct that was prejudicial to the

administration of justice. The record shows that needless time and resources were expended by Broomfield's family, their counsel, and the court, which undermined the administration of justice. The Hearing Board did not err in its finding of misconduct concerning this issue.

Finally, as to the transfer of the Schaumburg condominium from Shin to the daughter of Respondent's fiancée for \$10, the evidence in the record supports the Hearing Board's findings that Respondent engaged in dishonest conduct. The Hearing Board found that Respondent acted dishonestly by preparing a quitclaim deed transferring the condominium to a person with whom Respondent had personal ties; Respondent signed the affidavit attached to the quitclaim deed on behalf of both parties, without proving that he had authority to do so; and Respondent had the signatures notarized by his fiancée. Respondent failed to show that he had obtained informed consent from the parties to sign their names. The evidence supports the Hearing Board's finding that Respondent engaged in dishonesty in connection with the transfer of property.

Respondent's Motion to Call Anna

Respondent argues that the hearing panel failed to rule on his motion requesting permission to call Anna to testify at the disciplinary hearing. Respondent is wrong. The hearing panel chair did, in fact, rule on that motion by denying the motion without prejudice, three months before the disciplinary hearing. (Common Law Record at 344-356, 373.) Although Respondent could have renewed his motion, he did not do so.

It is also worth noting that Respondent did not depose Anna. The Administrator moved to prohibit Respondent from taking Anna's deposition, but the Hearing Board denied that motion, thereby opening the door for Respondent to proceed with taking Anna's deposition. (*Id.* at 284-304, 324.) Respondent, however, did not take Anna's deposition.

SANCTION RECOMMENDATION

The Hearing Board recommended a one-year suspension until further order of the Court. Respondent argues that no sanction should be imposed, and the case should be dismissed. The Administrator argues that the Hearing Board's recommendation is appropriate and urges us to recommend the same sanction. We agree with the Hearing Board's recommendation that Respondent be suspended for one year and until further order of the Court.

In making our sanction 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, 802 N.E.2d 1194, 1200 (2003), while keeping in mind that the purpose of discipline is not to punish 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, 623 N.E.2d 300 (1993). We also consider the deterrent value of attorney discipline and whether the sanction will help preserve public confidence in the legal profession. *Gorecki*, 208 Ill. 2d at 361 (citing *In re Discipio*, 163 Ill. 2d 515, 528, 645 N.E.2d 906 (1994)). Finally, we seek to recommend a sanction that is consistent with sanctions imposed in similar cases, *Timpone*, 157 Ill. 2d at 197, while considering the case's unique facts. *In re Witt*, 145 Ill. 2d 380, 398, 583 N.E.2d 526 (1991).

Respondent engaged in serious misconduct in two separate client matters, over a period of several years. Respondent's pattern of misconduct included dishonestly obtaining money from a vulnerable individual with dementia; refusing to withdraw after being fired; filing frivolous pleadings, which prejudiced the administration of justice; engaging in conflicts of interest; and engaging in dishonesty concerning the transfer of property.

In mitigation, we recognize that Respondent has engaged in no other misconduct during his 30 years of practice. However, there are substantial aggravating factors in this case. In

particular, Respondent took advantage of Anna, who had been diagnosed with dementia, by removing her from the nursing home without her family's knowledge or permission, and keeping her out for an entire day, in order to obtain money from her, despite the nursing home staff's admonishments that Anna had dementia and could not make decisions.

Respondent's misconduct caused extreme emotional distress for Anna's family, at a time when they were already trying to cope with Anna's dementia, and for Broomfield's family at a time when they were grieving. Respondent's misconduct delayed the eventual dismissal of Anna's divorce case and resulted in approximately \$20,000 in needless attorney's fees for Anna's family. Similarly, in the Broomfield matter, Respondent's misconduct caused protracted proceedings and resulted in approximately \$28,000 in needless attorney's fees and expenses for Broomfield's family. Moreover, unnecessary time and energy were expended by Anna's family, Broomfield's family, and the judges and attorneys involved in those cases.

Respondent also failed to timely pay the monetary sanctions, totaling \$6,987, that he was ordered to pay in those two cases, and he was experiencing financial difficulties during the time of his misconduct. It is also significant that Respondent has not acknowledged that he engaged in any wrongdoing, has not accepted responsibility for any of his misconduct, and has not shown any remorse or regret for his actions.

Based upon the nature and extent of Respondent's wrongdoing as well as the significant aggravating factors, a substantial sanction is clearly warranted. A suspension until further order of the Court is the most severe form of discipline short of disbarment. *In re Timpone*, 208 Ill. 2d 371, 386, 804 N.E.2d 560 (2004). Similar to disbarment, it protects the public and the integrity of the profession because it requires that the attorney establish his or her fitness before being permitted to resume practicing law. *Timpone*, 208 Ill. 2d at 388-89.

This is particularly important here because Respondent has failed to acknowledge that his conduct violated ethical rules and has failed to show any remorse for his misconduct and the harm it caused. Respondent has not shown any regrets concerning his mistreatment of a vulnerable individual, who had dementia. The Hearing Board found that Respondent failed to recognize the nature and gravity of his wrongdoing. Although Respondent does not have to admit his guilt, he should have a fundamental understanding of the reasons for his discipline, and the Hearing Board concluded that Respondent appeared to lack that fundamental understanding.

“An attorney's failure to recognize the wrongfulness of his conduct often necessitates a greater degree of discipline than is otherwise necessary, in order that the attorney will come to appreciate the wrongfulness of his conduct and not again victimize members of the public with such misconduct.” *In re Mason*, 122 Ill.2d 163, 173-74, 522 N.E.2d 1233 (1988). In the instant case, Respondent’s failure to accept responsibility, combined with his attempts to justify and rationalize his decisions and actions, are signs that he does not recognize the nature and seriousness of his misconduct, and that he may fail to meet his ethical obligations in the future. A suspension until further order of the Court will help to protect the public by requiring Respondent to demonstrate his fitness in a reinstatement proceeding.

In recommending a suspension of one year and until further order of the Court, the Hearing Board reasoned:

“In aggravation, we did not perceive Respondent to be remorseful for his actions, nor did he appear to fully understand the nature of his misconduct. In fact, at times he appeared confused and overwhelmed by the proceedings. We also consider the harm or risk of harm caused by his actions. In the [client Anna] matter, Respondent’s actions delayed the eventual dismissal of the case, caused needless expense to the parties involved, and amplified the emotional distress and turmoil already felt by family members. Further, Respondent took advantage of a particularly vulnerable client for his own financial benefit. Similarly, in the Broomfield matter Respondent’s involvement in the Shin lawsuit caused needless proceedings, stress and expense for a grieving family. We

note that Respondent's misconduct occurred at a time when he was experiencing financial difficulties, and he has not paid the sanctions imposed in either case. Finally, we consider the fact that Respondent engaged in a pattern of behavior. The misconduct in this case involved two separate client matters and occurred over the course of several years....Respondent engaged in serious misconduct and exhibited a disregard for the welfare and interests of his clients, particularly one with impaired mental abilities....[G]iven Respondent's failure to recognize the nature or gravity of his wrongdoing and our uncertainty that he will not engage in similar conduct in the future, we believe the suspension should remain in effect until further order of the court."

(Hearing Bd. Report at 18-19.) We agree with the Hearing Board's reasoning and its recommendation. The cases discussed below provide support for a one-year suspension until further order of the Court.

In *In re Kubiowski*, 2011PR00012 (Hearing Bd., Oct. 30, 2012), *discipline on consent allowed*, M.R. 25679 (Jan. 18, 2013), the attorney was suspended for one year and until further order of the Court for misconduct relating to three elderly and impaired clients, including failing to explain documents he prepared for them and writing checks on one client's account to pay himself fees. Similarly, in *In re Bascos*, 2013PR00052 (Hearing Bd., Dec. 9, 2016), *approved and confirmed*, M.R. 28539 (March 23, 2017), the attorney was suspended for one year and until further order of the Court for failing to competently represent an elderly client with dementia, failing to explain documents to him, and representing the client's caregiver whose interests were adverse to those of his client. *See also In re Michal*, 415 Ill. 150, 112 N.E.2d 603 (1953) (one-year suspension for preparing a will for a client and subsequently representing the client's widow in attacking the will and using confidential knowledge of the client's affairs to do so).

As in *Kubiowski* and *Bascos*, Respondent's misconduct in the instant case involved a client who had dementia. Respondent removed Anna from the nursing home and obtained money from her, refused to withdraw from Anna's case after being fired by Anna's daughter, filed frivolous pleadings, and engaged in conduct prejudicial to the administration of

justice in Anna's divorce case. Respondent also engaged in additional misconduct shortly after Broomfield's death, at a time when Broomfield's widow and adult children were grieving. Although the misconduct in *Kubiatowski* and *Bascos* resulted in greater financial harm than the misconduct in the instant matter, the mitigating factors in those cases were stronger than the mitigating factors in this case.

Moreover, in the Broomfield matter, like the attorneys in *Bascos* and *Michal*, Respondent represented an individual, Kay Shin, who had been close to his client and whose interests were adverse to those of his client's estate, and Respondent used confidential knowledge in attacking his client's estate. Although the sanction in *Michal* did not include a suspension until further order of the Court, there are significant aggravating factors in the instant case, which were not present in *Michal*, that support a suspension until further order of the Court, including Respondent's failure to appreciate the nature and significance of his misconduct.

In *In re Houdek*, 113 Ill. 2d 323, 497 N.E.2d 1169 (1986), the attorney was suspended for two years and until further order of the Court because the attorney converted client funds, neglected a legal matter, fabricated evidence, lied to his client, and failed to cooperate with the ARDC. The attorney in *Houdek*, like Respondent in this case, appeared unwilling or unable meet professional standards of conduct in the future, which supported the imposition of a suspension until further order of the Court.

In *In re Wilkins*, 2014PR00078 (Review Bd., Feb. 9, 2017), *petition for leave to file exceptions denied*, M.R. 28647 (May 18, 2017), the attorney was suspended for two years and until further order of the Court for misappropriating approximately \$21,000 from a real estate transaction, and engaging in additional dishonesty, including lying to the ARDC. The attorney denied any wrongdoing. *See also In re Levine*, 2015PR00128 (Hearing Bd., April 12, 2017), *approved and confirmed*, M.R.028770 (Sept. 22, 2017) (three-year suspension until further order

of the Court for engaging in a pattern of misconduct that included neglect, failure to communicate, failure to refund unearned fees, misuse of trust account funds, failing to cooperate with the ARDC, and dishonesty).

Like the attorney in *Wilkins*, Respondent in this case engaged in dishonest conduct and has continued to deny any wrongdoing, and, although Respondent did not misappropriate funds, he did cause financial harm to his clients' families totaling approximately \$48,000, for unnecessary attorney's fees and expenses. Moreover, like the attorney in *Levine*, Respondent engaged in a pattern of misconduct, which included dishonesty. Although the misconduct in *Houdek*, *Wilkins*, and *Levine* resulted in longer suspensions, the misconduct in those cases was more egregious than in the instant case and involved the misuse or conversion of client funds.

We therefore recommend that Respondent be suspended for one year and until further order of the Court. We find this sanction to be commensurate with Respondent's misconduct, consistent with discipline that has been imposed for comparable misconduct, and sufficient 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 affirm the Hearing Board's findings of facts and misconduct and recommend that Respondent be suspended from the practice of law for one year and until further order of the Court.

Respectfully submitted,

R. Michael Henderson
Bradley N. Pollock
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 May 2, 2022.

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

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¹ We are using only the first name of this client, and her daughter, in order to protect Anna's privacy, given the medical information set forth herein.

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**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 May 2, 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.

Soon Mo Ahn
Respondent-Appellant
ahnlawoffice@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

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

FILED

May 02, 2022

ARDC CLERK