

FILED

January 18, 2023

ARDC CLERK

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

In the Matter of:

HELGA KAHR,

Attorney-Respondent,

No. 1383485.

Commission No. 2022PR00082

REPORT AND RECOMMENDATION OF THE HEARING BOARD

DEFAULT PROCEEDING

The hearing in this matter was held by video conference on January 5, 2023, before a Hearing Board Panel consisting of William E. Hornsby, Jr., Chair, William J. Fenili, and Julie McCormack. Peter L. Rotskoff appeared on behalf of the Administrator. Respondent did not appear, and no counsel appeared on her behalf. The Administrator recommended that Respondent be disbarred. We agree with the Administrator's recommendation.

We have considered the Administrator's one-count Complaint, a copy of which is attached as Exhibit 1.¹ We have also considered the Order entered on December 9, 2022, deeming the allegations of the Complaint admitted, a copy of which is attached as Exhibit 2. Respondent did not file an answer, respond to the Motion to Deem the Allegations of the Administrator's Complaint Admitted Pursuant to Commission Rule 236, or participate in the prehearing conference held on December 8, 2022.

In 2014, Respondent was appointed guardian of an individual who suffered a traumatic brain injury in a car accident. In 2018, Respondent took \$282,673.90 from the disabled individual's account and used the funds to pay off a delinquent mortgage on a property she owned. In 2019,

she was convicted in the state of Washington of Theft in the First Degree and Theft in the Second Degree and sentenced to 18 months of imprisonment.

In aggravation, the Panel has considered Respondent's exploitation of a particularly vulnerable person, her dishonest and selfish motives and her failure to participate in this proceeding, all of which significantly aggravate the misconduct. We considered in mitigation that Respondent has no prior discipline, but the reprehensible misconduct and substantial aggravating factors far outweigh the minimal amount of mitigation.

Accordingly,

1. Respondent confirmed service of the Complaint via email, by agreement, on October 31, 2022. A copy of the Affidavit of Agreed Service Pursuant to Commission Rule 214(c) is attached as Exhibit 3.
2. The allegations of the Complaint were deemed admitted in an Order filed on December 9, 2022. A copy of that Order is attached as Exhibit 2.
3. In consideration of the Order deeming the allegations of the Complaint admitted, this Panel finds Respondent committed the misconduct charged in the Complaint.
4. Given Respondent's misconduct, the serious aggravating factors present, and the case law cited by the Administrator, we recommend that Respondent, Helga Kahr, be disbarred.
5. The Panel has concluded that this report format will adequately and appropriately communicate its recommendation to the Court.

Respectfully submitted,

William E. Hornsby, Jr.
William J. Fenili
Julie McCormack

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 Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on January 18, 2023.

/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 Prior to the hearing, the Chair granted the Administrator’s oral motion to amend by interlineation two typographical errors in the Complaint. The date originally set forth in paragraph 2 as “October 24, 2104,” was amended to read “October 24, 2014.” The date originally set forth in paragraph 6 as “August 16, 0221,” was amended to read “August 16, 2021.”

Exhibit 1

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

In the Matter of:)	
)	
HELGA KAHR)	
)	
Attorney-Respondent,)	Commission No. 2022PR00082
)	
No. 1383485.)	

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Peter L. Rotskoff, pursuant to Supreme Court Rule 761, complains of Respondent, Helga Kahr, who was licensed to practice law in the state of Illinois on October 31, 1974, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Criminal convictions for theft while serving as the guardian for a disabled person)

1. In October 1995, Jeffrey Phillip Barrett (“Barrett”) was severely injured in a vehicle collision after his car collided head-on with a vehicle driven by a drunk driver who had crossed the center line of the road. As a result of the collision, Barrett suffered a traumatic brain injury and was unable to manage his personal or financial affairs.

2. On October 24, 2104, Respondent was appointed as guardian of Barrett’s financial estate and limited guardian of his person.

3. On or about February 14, 2018, Respondent used, without authority, \$282,673.90 from Barrett’s guardian account, to pay of a delinquent mortgage for property Respondent owned.

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4. On June 12, 2018, Respondent was charged, by a criminal information, with one count of Theft in the First Degree (\$280,671.50) and one count of Theft in the Second Degree (\$2,002.40), in violation of the Revised Code of Washington (“RCW”) sections 9A.56.030(1) and 9A.56.020(1). The charges alleged that Respondent exerted unauthorized control over funds belonging to Barrett. *State v. Kahr*, No. 18-1-00672-EA, Superior Court of Washington, King County.

5. On October 10, 2019, Respondent was found guilty, following a jury trial, of both charged offenses. The jury found that a number of aggravating circumstances existed, as set forth in Washington State statutes, including that the victim was particularly vulnerable or incapable of resistance. The court sentenced her to 18 months imprisonment.

6. On August 16, 2021, Respondent’s conviction and sentence were affirmed, see *State v. Kahr*, No. 80848-6-1, Court of Appeals of Washington, Division One.

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

- a. committing criminal acts that reflects adversely on her honesty, trustworthiness or fitness as a lawyer in other respects, by committing the offenses of Theft in the First Degree and Theft in the Second Degree in the State of Washington, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010) and;
- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by committing the offenses of Theft in the First Degree and Theft in the Second Degree in the State of Washington, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,
Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/Peter L. Rotskoff
Peter L. Rotskoff

Peter L. Rotskoff
Counsel for the Administrator
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Springfield, IL 62704
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Email: ARDCeService@iadc.org
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Exhibit 2

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

In the Matter of:

HELGA KAHR,

Attorney-Respondent,

No. 1383485.

Commission No. 2022PR00082

ORDER

A pre-hearing conference was held in this matter on December 8, 2022, at 1:30 p.m. by telephone. Participating were William E. Hornsby, Chair; and Peter L. Rotskoff, Counsel for the Administrator. Respondent did not participate. Counsel for the Administrator advised the Chair as to the status of the matter. Accordingly,

IT IS ORDERED:

1. The Administrator's Motion to Deem the Allegations of the Administrator's Complaint Admitted Pursuant to Commission Rule 236 is granted;
2. A default hearing in this matter is scheduled for January 5, 2023, commencing at 11:00 a.m., and will be held remotely via Webex videoconference. The Clerk of the Commission shall provide the parties with Webex access information; and
3. Each party shall prepare exhibits, if any, in conformance with Commission Rule 276 and the Clerk of the Commission's procedures regarding electronic exhibits.

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, certify that the foregoing is a true copy

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December 09, 2022

ARDC CLERK

of the order, approved by the Hearing Board Chair, entered in the above entitled cause of record filed in my office on December 9, 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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PROOF OF SERVICE

I, Andrea L. Watson, hereby certify that I served a copy of this Order on Attorney-Respondent listed at the e-mail address shown below on December 9, 2022, at or before 5:00 p.m. At the same time, a copy of this Order was sent to Counsel for the Administrator by e-mail service.

Helga Kahr
Attorney-Respondent
6007 Palatine Avenue North
Seattle, WA 98103-5350

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.

/s/ Andrea L. Watson

Andrea L. Watson

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Exhibit 3

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

In the Matter of:

Helga Kahr,
Attorney-Respondent,
No. 1383485.

Commission No. 2022PR00082

**AFFIDAVIT OF AGREED SERVICE
PURSUANT TO COMMISSION RULE 214(c)**

I, SCOTT KINCAID (“Affiant”), being duly sworn, hereby state:

1. Affiant possesses firsthand knowledge of the facts presented in this Affidavit and, if called as a witness, Affiant will testify to the truth of the facts as presented in this Affidavit.
2. Affiant is an Investigator for the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (“the Commission”) and, as such, is authorized to serve process.
3. On October 21, 2022 at 10:36 A.M., Affiant telephoned the number (206) 434-8651. The telephone number (206) 434-8651 had previously been provided to the ARDC by Respondent, stating it was the best contact number. Affiant left a voice mail message stating I was preparing to email Respondent the Complaint and related documents.
4. On October 21, 2022 at 10:40 A.M., Affiant emailed orcawild@aol.com. Attached to the email was the Entry of Appearance and Acceptance of Service, Complaint, Notice of Complaint, Order Assigning Hearing Board Chairperson, Pre-Hearing Procedures Memorandum and the Rules of the Attorney Registration and Disciplinary Commission.

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11/1/2022 10:23 AM
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5. October 24, 2022 at 9:14 A.M., Affiant telephoned the number (206) 434-8651
The telephone number (206) 434-8651 had previously been provided to the ARDC by Respondent,
stating it was the best contact number. Affiant left a voice mail message stating I was preparing
to email Respondent the Complaint and related documents.

6 On October 31, 2022 at 4:38 P.M., Affiant received an email from orcawild@aol.com
confirming service.

4. Further Affiant sayeth not.

/s/ Scott Kincaid
Scott Kincaid, Senior Investigator

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 he verily believes the same to be true.

/s/ Scott Kincaid
Scott Kincaid, Senior Investigator

Dated: November 1, 2022

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