

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

In the Matter of:

MELANI CHERI' KING,

Attorney-Respondent,

No. 6284570.

Comm. No. 2024PR00033

ANSWER

NOW COMES Respondent, Melanie Cheri' King, by and through her attorney, James A. Doppke, Jr., Robinson, Stewart, Montgomery & Doppke, LLC, and for her answer to the Administrator's Complaint in this matter, states as follows:

*(Alleged Neglect, Failure to Adequately Communicate with a Client,
and Attempting to Limit the Rights of a Client)*

1. At all times related to this complaint, Respondent was a sole practitioner in Flossmoor, primarily practicing in the areas of real estate, estate planning, and personal injury.

ANSWER: Respondent admits the allegations contained in paragraph 1.

2. On or before August 22, 2019, Respondent, a man with the initials G.K., and his wife ("D.K.") agreed that Respondent would represent G.K. and D.K. in a personal injury action against the physician and the hospital that treated G.K. earlier in 2019.

ANSWER: Respondent admits the allegations contained in paragraph 2.

3. On August 22, 2019, G.K. and D.K. signed a retainer agreement stating that Respondent would be entitled to thirty-three and one-third percent of the gross recovery from the claim as her fee.

ANSWER: Respondent admits the allegations contained in paragraph 3.

4. On July 2, 2021, Respondent, on behalf of the G.K. and D.K, filed a complaint in the Circuit Court of Cook County, Law Division.

ANSWER: Respondent admits the allegations contained in paragraph 4.

5. The complaint alleged that after his treatment for cancer, G.K. experienced a medical condition associated with his form of cancer. Between May and July 2019, G.K. underwent a medical procedure to assist him with the medical condition. Shortly after his procedure, G.K. suffered complications at or near the area of the procedure. G.K. went to the emergency room, where he was seen by hospital staff and the physician who performed the procedure. Over the following weeks, G.K.'s issues persisted. The physician told G.K that he was experiencing normal side-effects.

ANSWER: Respondent admits the allegations contained in the first sentence of paragraph 5. Respondent does not have personal knowledge of the remaining allegations contained in paragraph 5, but she admits them upon information and belief.

6. After the physician told G.K. that he was experiencing normal side effects, G.K. sought treatment from a different physician. On or about July 16, 2019, G.K. met with the other physician, who recommended that G.K. undergo additional testing and treatment. Over the next several months, the other physician performed multiple

procedures to aid G.K. The complaint alleged that due to the Defendants negligence, G.K. and D.K. suffered damages in excess of \$50,000.

ANSWER: Respondent does not have personal knowledge of the contained in the first, second, and third sentences of paragraph 6, but she admits them upon information and belief. Respondent admits the allegations contained in the fourth sentence of paragraph 6.

7. On September 9, 2021, Respondent appeared in court on the matter. The matter was continued until November 12, 2021, for status on service of Defendants. Respondent prepared the September 9, 2021 order that was ultimately signed by the presiding judge.

ANSWER: Respondent admits the allegations contained in paragraph 7.

8. On November 12, 2021, Respondent did not appear in court on the matter. For reasons unknown, the case was not called, no action was taken by the court, and no future court date was scheduled.

ANSWER: Respondent admits the allegations contained in the first sentence of paragraph 8. Further answering, Respondent states, with regret, that she did not appear because she had inadvertently not calendared the November 12, 2021 court date. Respondent admits the allegations contained in the second sentence of paragraph 8.

9. On December 6, 2023, on the court's own motion, the case was dismissed based on no activity since September 9, 2021.

ANSWER: Respondent admits the allegations contained in paragraph 9. Further answering, Respondent states, with regret, that she came to believe, incorrectly, that the case had been dismissed for want of prosecution prior to December 6, 2023.

10. After the complaint was filed on July 2, 2021, Respondent did not take any steps to effectuate service of the complaint and summons on the Defendants.

ANSWER: Respondent admits the allegations contained in paragraph 10, with regret. Further answering, Respondent states that following the filing of the complaint, she experienced a health condition that adversely impacted her ability to advance G.K.'s and D.K.'s case.

11. After the September 9, 2021 court date, Respondent did not file any motions to bring the matter back to the court's attention before the December 6, 2023 court order dismissing the case.

ANSWER: Respondent admits the allegations contained in paragraph 11, with regret. Further answering, Respondent states that following the filing of the complaint, she experienced a health condition that adversely impacted her ability to advance G.K.'s and D.K.'s case.

12. In September 2021, G.K. and D.K. sent a text message to Respondent requesting a status update on the case. Respondent did not reply to that message. In May 2022, G.K. and D.K. reached out to Respondent to check on the status of their case. Respondent replied to them and requested a meeting with G.K. and D.K.

ANSWER: Respondent has insufficient information upon which to base a belief as to the truth or falsity of the allegations contained in the first and second sentences of

paragraph 12, and she therefore denies the same. Respondent admits the allegations contained in the third and fourth sentences of paragraph 12.

13. In or about May 2022, Respondent met with G.K. and D.K. at their home. During this meeting, Respondent informed G.K. and D.K. that since the filing of the complaint on July 2, 2021, she had not performed any work on their case. Respondent informed them that the matter was dismissed for want of prosecution, even though the matter had not been dismissed. Respondent then offered to pay them to compensate them for her inaction.

ANSWER: Respondent admits the allegations contained in paragraph 13. Further answering, Respondent states that at the time of the conversation referred to in paragraph 13, she believed that G.K.'s and D.K.'s case had been dismissed for want of prosecution, and that it was only later that she ascertained that that belief was incorrect.

14. Between May and November 2022, Respondent, G.K., and D.K. discussed how much money Respondent would pay G.K. and D.K. in exchange for releasing Respondent from liability for the way that she handled their case. The parties agreed that Respondent would pay them \$500,000. Respondent told G.K. and D.K. that she could not pay them the money immediately, and the parties agreed that Respondent could pay them \$50,000 per year. After agreeing on the amount, G.K. and D.K. called Respondent and reduced the total amount of compensation from \$500,000 to \$250,000. Respondent agreed to the reduction. The agreement was never memorialized in writing or signed by the parties. As of the date of this filing, Respondent has not made any payments to G.K. or D.K.

ANSWER: Respondent admits the allegations contained in paragraph 14. Further answering, Respondent states that at the time of her discussions with G.K. and D.K., she was awaiting approval of a loan that would have allowed her to pay the amounts required, and that she intended to memorialize the agreement with G.K. and D.K. in writing once she received that approval.

15. At no time did Respondent advise G.K. and D.K. in writing to seek independent advice of counsel, nor did she give them a reasonable opportunity to seek the advice of independent legal counsel concerning Respondent's agreement to pay them \$250,000 in exchange for releasing Respondent from liability in connection with their potential claims against her for malpractice.

ANSWER: Respondent admits that she did not advise G.K. and D.K. in writing to seek independent advice of counsel. Respondent denies the remaining allegations contained in paragraph 15.

16. At no time during the negotiation of the agreement were G.K. or D.K. independently represented with respect to the \$250,000 settlement agreement they entered into with Respondent.

ANSWER: Respondent has insufficient information upon which to base a belief as to the truth or falsity of the allegations contained in paragraph 16, and she therefore denies the same.

17. 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 take steps to effectuate service on the defendants on behalf of G.K. and D.K., in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep the client reasonably informed about the status of the matter, by conduct including, waiting almost eight months to inform G.K. and D.K. that she had not taken any steps to effectuate service on the defendants, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- c. making an agreement prospectively limiting the lawyer's liability to a client when the client was not independently represented in making the agreement, by conduct including agreeing to pay G.K. and D.K. \$250,000 in exchange for releasing Respondent from liability for Respondent's failure to take steps to effectuate service on the defendants, when G.K. and D.K. were not independently represented, in violation of Rules 1.8(h)(1) of the Illinois Rules of Professional Conduct (2010);
- d. settling a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith, by conduct including agreeing to settle a claim or potential claim with G.K. and D.K. by agreeing to pay them \$250,000 in exchange for releasing Respondent from liability for Respondent's failure to take steps to effectuate service on the defendants, without first advising G.K. and D.K. in writing of the desirability of seeking the advice of independent counsel in connection with the settlement, and failing to give G.K. and D.K. a reasonable opportunity to seek the advice of

independent legal counsel, in violation of Rule 1.8(h)(2) of the Illinois Rules of Professional Conduct (2010);

- e. failing to expedite litigation by not taking steps to obtain service on the defendants, in violation of Rule 3.2 of the Illinois Rules of Professional Conduct (2010); and
- f. violating or attempting to violate the Rules of Professional Conduct, knowingly assisting or inducing another to do so, or doing so through the acts of another, by conduct including agreeing to settle a claim or potential claim with G.K. and D.K. by agreeing to pay them \$250,000 in exchange for releasing Respondent from liability for Respondent's failure to take steps to effectuate service on the defendants, without first advising G.K. and D.K. in writing of the desirability of seeking the advice of independent counsel in connection with the settlement and failing to give G.K. and D.K. a reasonable opportunity to seek the advice of independent legal counsel, in violation of Rule 8.4(a) of the Illinois Rules of Professional Conduct (2010).

ANSWER: The allegations contained in paragraph 17 constitute legal conclusions, and therefore, no answer is required.

RESPONDENT'S DISCLOSURE PURSUANT TO COMMISSION RULE 231

1. Respondent was admitted to practice law in the State of Illinois on April 12, 2005.
2. Respondent holds no other professional licenses other than her license to practice law.

Respectfully submitted,

/s/ James A. Doppke, Jr.

BY: James A. Doppke, Jr.

Counsel for Respondent

James A. Doppke, Jr.
Robinson, Stewart, Montgomery, & Doppke LLC
33 North Dearborn Street, Suite 1420
Chicago, IL 60602
(312) 676-9878
jdoppke@rsmdlaw.com

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AFFIDAVIT PURSUANT TO 735 ILCS 5/2-610(b)

Melanie Cheri' King, an attorney, under penalties as provided by law pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/1-109, on oath deposes and states:

1. That she is the Respondent in this matter.
2. That this answer contains certain statements of insufficient knowledge on which to base a belief as to the truth or falsity of the allegations contained in the complaint.
3. That those allegations of insufficient knowledge are true and correct.

/s/ Melanie Cheri' King

BY: Melanie Cheri' King
Respondent

FILED
8/7/2024 10:31 AM
ARDC Clerk

CERTIFICATION

Under penalties as provided by law pursuant to §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/ Melanie Cheri' King

BY: Melanie Cheri' King

Respondent

James A. Doppke, Jr.
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NOTICE OF FILING

TO: Matthew D. Lango M. Katherine Boychuk ARDC eService
mlango@iadc.org kboychuk@iadc.org ARDCeService@iadc.org

PLEASE TAKE NOTICE that on August 7, 2024, I filed the attached Answer with the Clerk of the Attorney Registration and Disciplinary Commission in Chicago, Illinois, a copy of which is hereby served upon you.

/s/ James A. Doppke, Jr.

BY: James A. Doppke, Jr.
Counsel for Respondent

PROOF OF SERVICE

The undersigned attorney hereby certifies that he served the above Notice of Filing and attached Answer to the addresses listed above by emailing them to the email addresses listed above on August 7, 2024, before 11:59 p.m.

/s/ James A. Doppke, Jr.

BY: James A. Doppke, Jr.
Counsel for Respondent

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