In re Katherine A. Paterno
Attorney-Respondent

Commission No. 2024PR00010

Synopsis of Hearing Board Report and Recommendation
(August 2025)

The Administrator charged Respondent in a single-count complaint with falsely notarizing a deed and later recording the deed knowing that it contained a false statement, in violation of Rule 8.4(c). The Hearing Board found that the Administrator proved that Respondent engaged in dishonest conduct and therefore violated Rule 8.4(c) by certifying that one of the signatories to a deed had appeared before her to sign the deed when she knew that was false because he had died almost two years earlier. It found, however, that the Administrator failed to prove that Respondent later recorded the deed. It recommended that Respondent be censured for falsely notarizing the deed.

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

In the Matter of: **KATHERINE A. PATERNO,** Attorney-Respondent, No. 6256503.	Commission No. 2024PR00010

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

The Administrator charged Respondent in a single-count complaint with falsely notarizing a deed and later recording the deed knowing that it contained a false statement, in violation of Rules 4.1(a) and 8.4(c) of the Illinois Rules of Professional Conduct. At hearing, the Administrator voluntarily dismissed the Rule 4.1(a) charge, leaving only the charge that Respondent engaged in dishonest conduct in violation of Rule 8.4(c). The Hearing Board found that the Administrator proved that misconduct, for which it recommended that Respondent be censured.

INTRODUCTION

The hearing in this matter was held at the Chicago office of the ARDC on May 29, 2025, before a panel of the Hearing Board consisting of Rhonda Sallée, Chair, Scott M. Hoster, and Patrick Milhizer. Richard C. Gleason II represented the Administrator. Respondent was present and represented herself.

PLEADINGS AND MISCONDUCT ALLEGED

On February 16, 2024, the Administrator filed a single-count complaint against Respondent, alleging that she violated Illinois Rules of Professional Conduct 4.1(a) and 8.4(c) by

falsely notarizing a deed and later recording it with the DuPage County Recorder. In her amended answer, Respondent denied most of the factual allegations and denied engaging in misconduct. The Administrator voluntarily dismissed the Rule 4.1(c) charge at hearing (Tr. 9-10), which then proceeded solely on the Rule 8.4(c) charge.

EVIDENCE

The Administrator's Exhibits 1, 3, 4 (line 15 of page 30 through line 9 of page 33, and pages 107-108), and 8 were admitted into evidence (Tr. 37, 54-55, 76-77), and the Administrator presented Respondent as an adverse witness. Respondent's Exhibits 8, 10, 13, 25, 26, 27, and 29 were admitted into evidence (Tr. 20-21, 122, 129, 139, 159), and Respondent testified on her own behalf.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In attorney disciplinary proceedings, the Administrator has the burden of proving the charges of misconduct by clear and convincing evidence. In re Winthrop, 219 Ill. 2d 526, 542, 848 N.E.2d 961 (2006). Clear and convincing evidence requires a high level of certainty, which is greater than a preponderance of the evidence but less than proof beyond a reasonable doubt. People v. Williams, 143 Ill. 2d 477, 577 N.E.2d 762 (1991); In re Santilli, 2012PR00029, M.R. 26572 (May 16, 2014). In determining whether the Administrator has met that burden, the Hearing Board assesses witness credibility, resolves conflicting testimony, and makes factual findings. In re Edmonds, 2014 IL 117696, ¶ 35; Winthrop, 219 Ill. 2d at 542-43.

The Administrator charged Respondent with violating Rule 8.4(c) by falsely notarizing a deed and later recording the deed knowing that it contained a false statement.

A. Summary

Respondent engaged in dishonest conduct by attesting that she witnessed her brother sign a deed when she knew that her attestation was false because her brother was deceased at the time she notarized the deed.

B. Admitted Facts and Evidence Considered

Respondent was licensed to practice law in 1998. She has been a sole practitioner and the sole owner of Paterno Law Office, LLC, in Burr Ridge, Illinois, as well as a licensed notary, since 2001. She also has held a real estate license for the past 20 years. (Ans. at par. 1; Tr. 37, 95, 140, 203.)

On December 15, 2017, Respondent notarized the signatures on a quit claim deed in which the grantors – R. Patrick Day ("Pat"), Steven A. Day, and Micheal Day – were her stepbrothers and the grantee was the trust belonging to her stepmother, Betty K. Kardasz ("Kay"). Respondent's signature, the date of December 15, 2017, and Respondent's notary stamp appeared immediately below a paragraph on the last page of the deed that stated as follows:

> I, the undersigned, a Notary Public in and for said County, in the state aforesaid state, do hereby certify that Steven A. Day, R. Patrick Day, and Michael [*sic*] Day, sons of Betty K. Kardasz are personally known to me to be the same person whose name is subscribed in the forgoing instrument, ***appeared before me this day in person*** and acknowledged that each individual signed said instrument as his free and voluntary act for the uses and purposes therein set further.

(Adm. Ex. 1; Tr. 38-39 (emphasis added).)

Respondent testified that her stepbrother Micheal did not appear and could not have appeared before her on December 15, 2017 because he died in 2015. (Tr. 44.) She testified that Pat, Steven, and Kay went to her house on December 15, 2017 and asked her to notarize the deed. Pat and Steven signed the deed in her presence. They told her that Micheal had signed it before his

death in 2015. She looked at Micheal's signature, which she was familiar with. She asked them questions about when he signed it and, satisfied that it was his signature, she notarized the deed. (Tr. 106, 108, 139.)

Respondent's father and Kay's husband, Phillip Kardasz, died in July 2020. (Ans. at par. 4; Tr. 29.) Respondent testified that, on August 3, 2020, she was preparing to go with other family members to visit her brother, who also was dying, when Kay asked if they could go to DuPage County on the way to her brother's house and record the deed that Respondent had notarized on December 15, 2017 and file Phillip's last will and testament. Because time was of the essence so that they could get to her brother's house, Respondent was dropped off at the court clerk's office to file the will and her other family members drove to the recorder's office. She testified that she is not sure who recorded the deed because she was at the court clerk's office filing the will while someone else was recording the deed. The fee for recording the deed was paid with check number 0600, drawn on Respondent's law firm bank account. Respondent testified that she made out and signed that check because her stepmother had not brought a check to pay the fee. (Adm. Ex. 8; Tr. 30-31, 52-56, 66-68, 75, 122-23.) Official stamps on the deed and will indicate that the deed was recorded at 12:18 p.m. by the DuPage County Recorder and the will was filed at 12:27 p.m. in the DuPage County Circuit Court. (Adm. Ex. 1; Resp. Ex. 8.) Respondent testified that the DuPage County Courthouse is not in the same building as the DuPage County Recorder. (Tr. 164.)

While Respondent acknowledged notarizing a deed on December 15, 2017, she testified that she believes that Administrator's Exhibit 1 is not the deed she notarized on December 15, 2017. (Tr. 37, 40.) She testified that the signature that appears at the end of Administrator's Exhibit 1 looks like her signature but is not. She also testified that the notary language is not something she would draft; that Micheal's name is spelled wrong in the deed; and that she never would

abbreviate Robert Patrick Day as "R. Patrick Day." She also would never have notarized a document that says "Prepared by Paterno Law Offices" when she did not actually prepare the document. (Tr. 42-43, 106-107, 126-27, 163-64; Resp. Exs. 10, 13.) She further testified that her stepmother Kay "created these documents in order to undermine and discredit [her], [and] to thwart the administration of [her] father's trust." (Tr. 93-94.)[1]

C. Analysis and Conclusions

It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. Ill. R. Prof'l Cond. 8.4(c). Rule 8.4(c) "is broadly construed to include anything calculated to deceive, including the suppression of truth and the suggestion of falsity." Edmonds, 2014 IL 117696, ¶ 53 (citing In re Yamaguchi, 118 Ill. 2d 417, 426, 515 N.E.2d 1235 (1987)). We find that the Administrator proved by clear and convincing evidence that, in notarizing the deed on December 15, 2017, Respondent falsely certified that she had witnessed her stepbrother Micheal sign the deed when she knew that was not true, because Micheal had died almost two years earlier. In so doing, Respondent engaged in dishonest conduct and therefore violated Rule 8.4(c). We further find that the Administrator failed to prove that it was Respondent and not another family member who recorded the deed.

At hearing, Respondent claimed that Administrator's Exhibit 1 is not the deed she notarized on December 15, 2017, and that her stepmother engaged in nefarious conduct by, among other things, replacing the deed that Respondent notarized with the deed that is Administrator's Exhibit 1. We have considered Respondent's arguments, but find that she provided insufficient evidence to substantiate her statements, particularly considering that she acknowledged during her sworn statement that Administrator's Exhibit 1 is the deed she notarized on December 15, 2017. (See Tr. 49-52.)

In sum, we find that, on December 15, 2017, Respondent notarized a deed containing the signature of her stepbrother Micheal, and certified under the penalty of perjury that Micheal had appeared before her to sign the deed. That certification was false. Respondent knew that Micheal had not appeared and could not appear before her to sign the deed because he had died almost two years earlier. Respondent's false certification constitutes dishonest conduct, in violation of Rule 8.4(c).

We do not reach the same conclusion with respect to the allegation that Respondent recorded the deed knowing that it contained a false statement. Other than the check that was used to pay the recording fee, the Administrator presented no evidence that Respondent personally recorded the deed. We accept as credible Respondent's explanation for why she wrote the check for the recording fee, as well as her testimony that she filed the will at the court clerk's office while another family member recorded the deed at the recorder's office, which were in different locations. Notably, the Administrator presented no evidence, such as the testimony of any of Respondent's family members who were with her when the deed was recorded, to refute Respondent's testimony that she provided the check that was used to pay the recording fee but one of her family members handled the recording of the deed while she handled the filing of the will. This distinction is not just a matter of semantics, because the Administrator specifically alleged that Respondent recorded the deed with the DuPage County Circuit Court. (Complt. at pars. 6, 7, 9). Holding the Administrator strictly to her burden of proving the factual allegations and charges, we find that the Administrator did not prove the allegation that Respondent recorded the deed.

EVIDENCE IN MITIGATION AND AGGRAVATION

Mitigation

Respondent testified that she gained nothing from notarizing the deed and was simply trying to help her stepmother and stepbrothers because of their relationship. (Tr. 187.) The Administrator also stipulated that there was no evidence that Respondent benefited financially or otherwise from falsely notarizing the deed. (Tr. 22.)

Respondent testified that she believed her stepbrother Micheal had signed the deed and that she could notarize it based on her family members' representations that they had witnessed Micheal sign the deed and her own familiarity with Micheal's signature. She did not understand her conduct was wrong at the time she engaged in it, but now knows she made a mistake. She testified that she never engaged in such conduct before the incident at issue in this matter and would never engage in such conduct again. (Tr. 34, 36, 44-45, 109.)

Respondent testified that she regretted notarizing the deed, and that, if she had understood that her belief that she could notarize the deed was wrong, she never would have done it. She testified that she did not intend to be dishonest, and was just trying to help her stepmother. She testified that notarizing the deed was the biggest regret of her life. (Tr. 99-100, 139.)

Respondent testified that she is no longer a notary, and intends to retire from the practice of law after her father's estate matter is finished. (Tr. 35, 139.)

In lieu of live testimony, the Administrator stipulated to the admission of affidavits from four attorneys, including one who is a retired judge, regarding Respondent's character. Each affidavit attests that Respondent possesses good moral character, honesty, and integrity. The affidavits also note Respondent's volunteer and charitable work. (See Resp. Exs. 25-27, 29.) Respondent also testified about her volunteer and charitable work, including that she has donated

100 percent of her referral fees from her real estate work to various charities, and has been a member of a 12-step program for 37 years and actively volunteers in multiple treatment centers. (Tr. 191.)

Respondent has not been previously disciplined.

Aggravation

Respondent has practiced law since 1998, was a notary during most of that time period, and has held a real estate license for the past 20 years. (Tr. 37, 95, 140, 203.)

RECOMMENDATION

A. Summary

Based upon the nature of Respondent's misconduct and considering the mitigating and aggravating factors, we recommend that Respondent be censured for her misconduct.

B. Analysis and Conclusions

At the conclusion of the hearing, the Administrator noted that sanctions in cases involving false notarizations typically range from censure to short suspensions, and asked us to recommend a short suspension for Respondent, based primarily on aggravating factors. Respondent, in turn, maintained that she did not engage in misconduct and made no alternative argument regarding sanction.

In determining appropriate discipline, we are mindful that the purpose of these proceedings is not to punish, but to safeguard the public, maintain the integrity of the profession, and protect the administration of justice from reproach. In re Edmonds, 2014 IL 117696, ¶ 90. While we strive for consistency and predictability, we recognize that each case is unique and must be decided on its own facts. In re Mulroe, 2011 IL 111378, ¶ 25.

In reaching our recommendation, we consider those circumstances that may mitigate or aggravate the misconduct. In re Gorecki, 208 Ill. 2d 350, 802 N.E.2d 1194 (2003). In mitigation, Respondent has practiced for over 25 years without being disciplined. We accept the assertions of the affiants that she possesses good character and integrity and has conducted herself ethically and honestly in her practice of law. We also accept Respondent's testimony and the assertions of her affiants that she has engaged in volunteer and charitable activities, and, in particular, acknowledge Respondent's decades-long participation in a 12-step program and her volunteer work in treatment centers. Moreover, based upon Respondent's credible testimony, we find that she did not act with malice or for personal gain, but out of a misguided belief that she could notarize the deed in reliance on her family members' representations and her recognition of her stepbrother's signature. We further find that her expressions of remorse and contrition were sincere. She acknowledged that she should not have notarized the deed knowing that she did not actually witness her brother's signature, and repeatedly stated that doing so was the biggest regret of her life. We also note that Respondent engaged in her misconduct less than a month after her father died and just weeks before her brother died. Finally, because we find that the Administrator did not prove that Respondent recorded the deed, we find that she did not engage in a pattern of misconduct but rather had a single isolated lapse in judgment. Put simply, she made a mistake that we believe she will not make again.

In aggravation, Respondent was an experienced practitioner at the time of her misconduct and had been a notary for years, and should have known better than to notarize a deed without having witnessed the signature of a party to the deed. And not only was Respondent a seasoned lawyer, but she also had been a realtor for years, and presumably was aware of the importance of having valid signatures on a deed.

The Administrator urged us to find in aggravation that Respondent failed to show sincere remorse and failed to recognize the wrongfulness of her conduct, and, instead, only regretted that she was subjected to disciplinary proceedings. We do not reach that conclusion because that is not our impression of Respondent's testimony. In addition, we recognize the difficult situation in which *pro se* respondents find themselves when their defense of the charges against them is that they did nothing wrong. Respondents have a right to mount a defense that includes that they did not engage in misconduct, as Respondent did in this matter, and we will not penalize them by finding that such a defense amounts to a lack of remorse. See, e.g., In re Grosky, 96 CH 624, M.R. 15043 (Sept. 28, 1998) (Review Bd. at 10-11) ("[R]espondents should not be penalized for having defended themselves … . The respondent is entitled to disagree with, and to present evidence, in good faith, to contradict the Administrator's position, without risking a harsher sanction … for having done so"). For this same reason, we decline to find that Respondent abused the disciplinary process with her vigorous pre-hearing motion practice, instead interpreting her actions as zealous self-advocacy in an area of law in which she lacked experience.

The Administrator also contended that Respondent engaged in a pattern of misconduct over time by falsely notarizing the deed in December 2017 and then recording it, knowing that it contained a false statement, in August 2020. As noted above, because we have found that the Administrator did not prove by clear and convincing evidence that Respondent recorded the deed, we also reject the argument that she engaged in a pattern of misconduct over time.

The Administrator further suggested that Respondent testified untruthfully. We disagree. We find that she testified candidly about notarizing the deed, thereby admitting the crux of the misconduct charge. In addition, given the evidence presented to us, we cannot say that she testified untruthfully about the recording of the deed. Finally, we do not find that she purposefully testified

untruthfully about the provenance of Administrator's Exhibit 1. Based upon listening to and observing her testimony, it is our impression that she sincerely believes that her stepmother and possibly other family members are trying to discredit and undermine her.

Given the limited nature of Respondent's misconduct and the substantial amount of mitigation present, and considering her credible testimony that she is no longer a notary and intends to retire from the practice of law once the litigation involving her father's estate has concluded, we find that Respondent is unlikely to commit misconduct again and poses no threat to the public or profession. We therefore reject the Administrator's request for a suspension.

We believe that relevant authority supports a censure in this matter. See, e.g., In re Fleckles, 2019PR00011, M.R. 29893 (Sept. 16, 2019) (censure of attorney who attested that he had witnessed two documents being signed when he had not seen them signed); In re Barton, 2015PR00074, M.R. 28798 (Sept. 22, 2017) (censure of attorney who signed, and had his secretary sign, a client's will and trust as witnesses without having witnessed their signing; notarized a client's deed and trust without having witnessed their signing; and failed to reasonably consult with a client about his ability to understand his estate plan); In re Fumagalli, 2010PR00018, M.R. 24052 (Sept. 22, 2010) (censure of attorney who twice acted as a witness to the execution of documents that were signed outside the attorney's presence); In re Maganzini, 09 CH 36, M.R. 23561 (Jan. 21, 2010) (censure of attorney who, at the request of his former client, improperly notarized the signature of the former client's wife on two Illinois Statutory Short Forms Power of Attorney for Property and a mortgage, which the former client used to obtain loans without his wife's knowledge); In re Meyer, 06 SH 0008, M.R. 21134 (Nov. 17, 2006) (censure of attorney who placed a false date on two deeds and engaged in a conflict of interest by representing persons in an estate matter involving the deeds).

Respondent's isolated instance of misconduct is on par with the misconduct in Fleckles and less egregious than the misconduct in the other above-cited matters. We therefore find that anything more than a censure would be unduly harsh given the limited scope of Respondent's misconduct, as well as the extensive mitigation and minimal aggravation in this matter.

Based upon the foregoing cases and considering the relevant circumstances of this matter, we find that a censure is commensurate with Respondent's misconduct, consistent with discipline that has been imposed for comparable misconduct, and sufficient to serve the goals of attorney discipline and deter others from committing similar misconduct. Accordingly, we recommend that Respondent, Katherine A. Paterno, be censured for her misconduct.

Respectfully submitted,

Rhonda Sallée
Scott M. Hoster
Patrick Milhizer

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 August 15, 2025.

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

4934-6374-3583, v. 1

[1] Respondent sought to introduce documentary and testimonial evidence about the relationship between Respondent and her other family members and events that occurred both prior to and following the death of Respondent's father. Litigation about these events is currently pending in the DuPage County Circuit Court. As the chair ruled at hearing, those events are irrelevant to the narrow dishonesty charge that is before this panel, and we have not considered them in reaching our misconduct finding.