In re Mahdis Azimi
Attorney-Respondent

Commission No. 2023PR00003

Synopsis of Hearing Board Report and Recommendation
(March 2025)

The Administrator filed a ten-count First Amended Complaint charging Respondent with misconduct that included neglecting nine immigration matters, failing to communicate with clients, making misrepresentations to some clients, mishandling funds, failing to return unearned fees and client files, failing to respond to the Administrator's requests for information, and making a false statement in connection with a disciplinary matter. The Hearing Board found that the Administrator proved the charges of misconduct by clear and convincing evidence. Based on the extensive serious misconduct and the substantial amount of aggravation, which includes prior discipline for similar misconduct, the Hearing Board recommended that Respondent be suspended for three years and until further order of the Court.

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

FILED
March 20, 2025
ARDC CLERK

In the Matter of:

MAHDIS AZIMI,

Attorney-Respondent,

No. 6320242.

Commission No. 2023PR00003

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

The Administrator charged Respondent with committing misconduct in connection with ten immigration matters. The charges included failing to act with reasonable diligence and promptness, failing to promptly respond to clients' requests for information and keep them informed about their matters, making misrepresentations to some clients, failing to hold client funds in a client trust account, failing to return unearned fees and client files after the representations ended, making a false statement in connection with a disciplinary matter, and failing to respond to the Administrator's requests for information. The Hearing Panel finds that the Administrator proved all of the charges by clear and convincing evidence. Due to the extensive proven misconduct, Respondent's prior discipline for similar misconduct, and the substantial evidence in aggravation, the Hearing Panel recommends that Respondent be suspended for three years and until further order of the Court.

INTRODUCTION

The hearing in this matter was held on September 10 and 11, 2024, before a Panel of the Hearing Board consisting of Stephen S. Mitchell, Chair, Linda A. Walls, and Brian Russell.

Rachel C. Miller represented the Administrator. Respondent was present and was represented by Kenneth A. Perry.

PLEADINGS AND MISCONDUCT ALLEGED

The Administrator filed a one-count Complaint in this matter on January 26, 2023, and a ten-count First Amended Complaint on February 9, 2024. The First Amended Complaint charged Respondent with failing to act with reasonable diligence and promptness in representing clients (Counts I, III, IV, V, VI, VII, VIII, IX, and X); failing to keep clients reasonably informed about the status of their matters (Counts II, V); failing to respond to reasonable requests for information (Counts III, VII, VIII, IX, X); failing to hold client property that was in her possession in connection with a representation separate from her own property (Counts VI, VII, IX); failing to take reasonable steps to protect clients' interests after termination of the representation (Counts III, IV, V, VI, VII, VIII, and IX); knowingly making a false statement of material fact in connection with a disciplinary matter (Count VII); knowingly failing to respond to a lawful demand for information from a disciplinary authority (Counts IV, VI, VII, and IX) and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation (Counts I, II, III, IV, V, and VII), in violation of Rules 1.3, 1.4(a)(3), 1.4(a)(4), 1.15(a), 1.16(d), 8.1(a), 8.1(b) and 8.4(c) of the Illinois Rules of Professional Conduct (2010). Respondent filed an answer to the First Amended Complaint on April 23, 2024, in which she admitted some of the factual allegations and allegations of misconduct and denied others.

EVIDENCE

The Administrator presented testimony from five fact witnesses, one opinion witness, and Respondent as an adverse witness. The Administrator's Exhibits 1-3, 5-8, 11, 12, 14 (sealed), and 16 were admitted into evidence. Respondent did not call any witnesses or submit any exhibits.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Administrator bears the burden of proving the charges of misconduct by clear and convincing evidence. In re Thomas, 2012 IL 113035, ¶ 56. Clear and convincing evidence constitutes a high level of certainty, which is greater than a preponderance of the evidence but less stringent than proof beyond a reasonable doubt. People v. Williams, 143 Ill. 2d 477, 577 N.E.2d 762 (1991). The Hearing Board assesses witness credibility, resolves conflicting testimony, makes factual findings, and determines whether the Administrator met the burden of proof. In re Winthrop, 219 Ill. 2d 526, 542-43, 848 N.E.2d 961 (2006).

Background

Respondent was licensed in Illinois in 2015. She started a solo immigration practice on January 3, 2019. (Tr. 261). From 2021 through late 2022, she had a law clerk and a part-time assistant. (Tr. 262). She did not have any staff in 2023 and 2024. She does not have a client trust account. (Tr. 263). In addition to her law practice, between December 6, 2022, and May 23, 2024, she held a full-time job with Loyola University School of Law as an assistant director for student services. (Tr. 114-15). Respondent testified that she maintained a case load of 15-20 cases and responded to clients before she started her workday at Loyola, during her lunch breaks, or in the evenings. (Tr. 119).

Respondent's license to practice law was suspended from June 9, 2022, through September 7, 2022. During her suspension, several colleagues monitored her mail and assisted her as needed. (Tr. 126). Respondent instructed the colleagues to reach out to Respondent's clients if they had questions and to help with client legal work if necessary. Respondent testified that her retainer agreements stated that other staff and attorneys might assist with client matters. (Tr. 127-28).

I. The Administrator charged Respondent in Count I with failing to file a petition for humanitarian parole for Swarnlata Damor and falsely representing to Damor's husband, Nageswar Linga, that she had filed it, in violation of Rules 1.3 and 8.4(c).

A. Summary

Respondent's admissions establish the allegations in Count I by clear and convincing evidence.

B. Admitted Allegations

Respondent admits the following allegations. In June 2021, Nageswar Linga retained her to file a humanitarian parole application for his wife, Swarnlata Damor. For this work, Linga paid Respondent a flat fee of $1,500 and a filing fee of $575. (Ans. at par. 13). Respondent had previously performed work for Linga and Damor. (Ans. at par. 15).

Respondent began preparing the humanitarian parole application but never filed it. (Ans. at pars. 14, 23). Between September 22, 2021, and November 1, 2021, Linga periodically asked Respondent to provide him with a copy of the application for humanitarian parole. (Ans. at par. 16). On September 28, 2021, Respondent sent Linga a text message stating in part, "I'm not in the office but when I get back I will send you a copy." (Ans. at par. 18). On October 14, 2021, she sent Linga a text message stating, "I'm sorry if you are frustrated but I have been ill and not working as much in the office so when I go in today/tomorrow I will scan it in and send it to you." (Ans. at par. 19). On November 1, 2021, Respondent sent Linga another message that said, "Once we get a receipt number, I will put in an expedite request." (Ans. at par. 20.). Respondent admits that her representations to Linga were false because she had not filed the petition, and she knew they were false when she made them. (Ans. at pars. 22, 23).

C. Analysis and Conclusions

1. Rule 1.3-failure to act with reasonable diligence and promptness

A lawyer shall act with reasonable diligence and promptness in representing a client. Ill. R. Prof'l Conduct 1.3 (2010). Unless the relationship is terminated, a lawyer should carry through to conclusion all matters undertaken for a client. Comment [4] to Rule 1.3. Respondent admits she did not file the application for humanitarian parole for Damor during the five to six months of the representation. Without any explanation as to why she did not file it, we find that her admitted failure to do so established by clear and convincing evidence that she did not act with reasonable diligence and promptness in representing Damor and Linga, in violation of Rule 1.3.

2. Rule 8.4(c)-dishonesty, fraud, deceit or misrepresentation

Respondent admits that her messages in which she led Linga to believe she filed the application were false and she knew they were false when she sent them. Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Ill. R. Prof'l Conduct 8.4(c) (2010). It is well-settled that knowingly making misrepresentations constitutes dishonesty. See, e.g., In re Jacobson, 2022PR00038, M.R. 032292 (Sept. 20, 2024) (Hearing Bd. at 4). Therefore, we find that Respondent's admissions establish by clear and convincing evidence that she violated Rule 8.4(c).

II. The Administrator charged Respondent in Count II with failing to keep Burlent Yurtsever reasonably informed about the status of his matter and engaging in dishonest conduct by making a false statement to Yurtsever about the status of his matter, in violation of Rules 1.4(a)(3) and 8.4(c).

A. Summary

The Administrator proved by clear and convincing evidence that Respondent misrepresented to Yurtsever that she had filed a necessary immigration form for Yurtsever's

fiancée. By doing so, Respondent failed to keep Yurtsever reasonably informed about the status of his matter and engaged in dishonest conduct.

B. Evidence Considered

Burlent Yurtsever retained Respondent in February 2021 to file a petition for alien fiancée for his fiancée, Cagla Unver, and her minor son. Yurtsever paid Respondent a $2,500 fee. The petition for alien fiancée was a two-step process. (Tr. 122). Respondent completed the first step of filing the Form I-129F petition on April 7, 2021. (Tr. 123). Respondent later provided additional information that the United States Citizenship and Immigration Services (USCIS) requested. (Tr. 124). The petition was approved on July 22, 2022, at which time Respondent's law license was suspended. Respondent did not inform Yurtsever of her suspension. (Tr. 125).

On September 12, 2022, after Respondent had returned to practice, USCIS transferred the petition to the United States Embassy in Turkey. Respondent advised Yurtsever of the transfer and met with him in person to collect additional documents for the consular phase of the process. (Tr. 130). Respondent told Yurtsever she would let him know when she was ready to submit the next form, which was the D-S 160 form. (Tr. 135).

On October 26, 2022, Yurtsever sent Respondent a message that stated:

"Good morning Mahdis
I need to meet you
It is urgent
Trying to get appointment for
three weeks
I don't get respond [sic] since
October 13th"

In response to this message, an automated message was sent instructing Yurtsever to send Respondent an email. On October 27, 2022, Yurtsever sent another message that stated:

"It is urgent

Your phone is not workin [sic]"

Another automated message was sent in response. (Adm. Ex. 1 at 4). The following exchange then took place:

"Yurtsever: I need to talk to you urgent.

Respondent: Hi. I have had a death in the family and just got back this week.

Yurtserver: Have you submit [sic] my form

Respondent: I have seen your emails but am still catching up. I will respond via email today.

Yes

Yurtsever: Can I register Embassy of Ankara

Respondent: Not yet

Yurtsever: Would you please respond me [sic] asap it is really urgent

And your phone is not working

Respondent: I will

But sending multiple messages does not make it faster. I see all of them. I think I told you before, my prior phone transfer did not work

I have a temporary line while they try to fix it."

(Adm. Ex. 1 at 6-7).

When asked what she meant when she responded "Yes" after Yurtsever asked if she submitted the form, Respondent testified as follows:

> "When I said yes, and I believe I mentioned this in my response to the request for investigation, the sworn statement as well, I was catching up on the messages. I had informed him that I would let him know when I was filing the draft.
>
> But I even, when he had new counsel, I said, this is the drafted DS-160, so that's what my yes meant. I was catching up and seeing his old messages and responding to them in real time while he was still sending messages because he had asked me

> before that, your phone isn't working, and I wanted to explain that situation to him too. So I was trying to read, write, respond, and catch up."

(Tr. 136-37).

Upon further questioning about her "Yes" response, Respondent testified as follows:

> "From my recollection, it was about my phone not working. When I went on my suspension, I tried to transfer my old phone line to a landline so that people could check the landline at my office versus the line that went straight to my cell phone. And so that number stopped working, and I was never able to retrieve it again.
>
> And so I was reading that message, "Your phone is not working," and I had explained to him in the past and given him the number that he could use to call me now that I still use. But that's what I was addressing."

Respondent also testified that her response "Not yet" addressed both the question of whether she had filed the DS-160 form and the question of whether Yurtsever could register with the Turkish embassy. (Tr. 248).

C. Analysis and Conclusions

1. Rule 1.4(a)(3)-failure to keep client reasonably informed

A lawyer is required to keep a client reasonably informed about the status of a matter. Ill. R. Prof'l Conduct 1.4(a)(3) (2010). The Administrator alleges that Respondent failed to keep Yurtsever reasonably informed about the status of his matter when she indicated she had filed the DS-160 form when she had not done so.

Initially, we must resolve the factual dispute as to what Respondent was responding to when she said, "Yes." Respondent's testimony suggested that she was not responding to Yurtsever's messages in sequence and was responding to Yurtsever's statement that her phone was not working. We do not find this testimony credible. A review of the entirety of the message thread shows that Respondent did respond in sequence to Yurtsever's messages. Moreover, we find that "Yes" is not a sensical response to the statement that Respondent's phone was not working. In our role as triers of fact, we need not accept testimony that is inherently improbable.

In re Wilkins, 2014PR00078, M.R. 028647 (May 18, 2017) (Hearing Bd. at 18). For these reasons, we find that Respondent responded "Yes," to the question immediately preceding that response, namely, whether she filed the DS-160 form. Her response was a misrepresentation because she had not filed the form.

Respondent had an obligation to give Yurtsever accurate information when he asked about his matter. It was not until Yurtsever got a new attorney that Respondent clarified that the DS-160 was only in draft form. By giving Yurtsever false information, Respondent violated Rule 1.4(a)(3). See In re Beckert, 2013PR00126, M.R. 27845 (March 22, 2016) (Hearing Bd. at 26).

2. Rule 8.4(c)-dishonesty, fraud, deceit or misrepresentation

Having found that Respondent falsely represented that she had filed the DS-160 form when she had not, we further find that she engaged in conduct involving dishonesty, fraud, deceit or misrepresentation. Dishonesty includes any conduct, statement, or omission that is calculated to deceive, including the suppression of the truth and the suggestion of what is false. In re Gerard, 132 Ill. 2d 508, 528, 548 N.E.2d 1051 (1989). There must be an act that shows purposeful conduct or reckless indifference to the truth rather than a mistake. In re Gauza, 08 CH 98, M.R. 26225 (Nov. 20, 2013) (Hearing Bd. at 42). Respondent acted purposefully when she typed "Yes" in response to Yurtsever's question. For the reasons we have already explained, Respondent's testimony that she was responding to a different question was not convincing. We give no weight to Respondent's assertion that her communication to Yurtsever's new attorney that the DS-160 was in draft form shows she did not intend to deceive Yurtsever. Our focus is on Respondent's statement to Yurtsever at the time it was made, not her statement to his new attorney. We find that Respondent dishonestly led Yurtsever to believe she had filed the DS-160 form and made no effort to clarify or retract her false statement during the time she represented Yurtsever. In doing so, Respondent violated Rule 8.4(c).

III. In connection with the representation of Parvaneh Moghimzadeh, the Administrator charged Respondent in Count III with failing to act with reasonable diligence and promptness, failing to respond to the client's reasonable requests for updates about her matter, failing to take steps to protect the client's interests after the representation ended, and engaging in dishonest conduct by making false statements to the client, in violation of Rules 1.3, 1.4(a)(4), 1.16(d), and 8.4(c).

A. Summary

Respondent admittedly did not complete the work that Moghimzadeh hired her to do, falsely represented that she filed petitions for Moghimzadeh's alien relatives and failed to comply with Moghimzadeh's request for her client file. Based on these admissions, the Administrator established the misconduct charged in Count III by clear and convincing evidence.

B. Admitted Allegations

Respondent has admitted the following allegations. In April 2021, Parvaneh Moghimzadeh retained Respondent to file Form I-130 petitions for alien relatives for three of her siblings in Iran. Moghimzadeh paid Respondent $1,500 in fees. (Ans. at pars. 38, 39).

On February 7, 2022, and February 18, 2022, Moghimzadeh's daughter, Anahita Ayremour, sent Respondent emails asking if Respondent had filed the petitions and paid the filing fees. On February 22, 2022, Respondent sent Ayremour a reply that said, "I have filed the applications for your mother's siblings." (Ans. at pars. 40, 41). Respondent knew this statement was false when she made it. (Ans. at pars. 42, 43).

Between February 2022 and January 2023, Moghimzadeh periodically asked Respondent for status updates and proof that the applications had been filed. Respondent never informed Moghimzadeh that she had not filed the petitions. (Ans.at pars. 44, 45). Moghimzadeh also asked Respondent for her client file, which Respondent never provided. (Ans. at pars. 46, 47).

B. Analysis and Conclusions

1. Rules 1.3 and 1.4(a)(4)-failure to act with reasonable diligence and promptness and failure to promptly comply with reasonable requests for information

Pursuant to Rule 1.3, Respondent was obligated to act with reasonable diligence and promptness in representing Moghimzadeh. She admits she did not do so. Pursuant to Rule 1.4(a)(4), Respondent was required to promptly comply with reasonable requests for information. Ill. R. Prof'l Conduct 1.4(a)(4) (2010). Respondent admits she did not provide Moghimzadeh with updates on her matter despite multiple requests. Based on Respondent's admissions, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rules of Professional Conduct 1.3 and 1.4(a)(4).

2. Rule 1.16(d)-failure to protect client interests after the representation ends

Upon termination of a representation, a lawyer shall take reasonable steps to protect a client's interests, including surrendering papers and property to which the client is entitled and refunding any advance payment of fees and expenses that were not earned or incurred. Ill. R. Prof'l Conduct 1.16(d) (2010). Moghimzadeh requested and was entitled to her client file after the representation ended. Respondent admits she did not comply with Moghimzadeh's request. Based on this admission, we find that the Administrator proved by clear and convincing evidence that Respondent violated rule 1.16(d).

3. Rule 8.4(c)-dishonesty, fraud, deceit or misrepresentation

Respondent denies engaging in dishonest conduct but admits she knew she was making a false statement when she told Ayremour she had filed the petitions. It is well-settled that knowingly making a false statement constitutes dishonesty. See, e.g., In re Stroth, 2019PR00065 M.R. 030839 (Sept. 23, 2021) (Hearing Bd. at 12-13). Therefore, we find that Respondent's admission

establishes by clear and convincing evidence that she engaged in dishonest conduct in violation of Rule 8.4(c).

III. In connection with her representation of Belet Bodakh, Respondent is charged in Count IV with failing to provide diligent representation, failing to return unearned fees, failing to cooperate with the ARDC, and making a false statement about the status of Bodakh's matter in violation of Rules 1.3, 1.16(d), 8.1(b), and 8.4(c).

A. Summary

Respondent failed to perform the work that Bodakh hired her to do, did not return unearned fees to Bodakh, falsely told Bodakh that she had mailed refunded fees to her, and failed to comply with the Administrator's subpoena rider to produce Bodakh's client file.

B. Admitted Allegations and Evidence Considered

Belet Bodakh retained Respondent to assist her parents, who lived in Iraq, with filing immigration documents and preparing for their immigrant visa interviews. Between August 9, 2022, and September 20, 2022, Bodakh paid Respondent $5,000 in fees. Bodakh testified that Respondent said she would expedite her mother's paperwork because Bodakh was pregnant and had no family in the United States. However, Respondent was not communicative with Bodakh, and the lack of communication grew worse after Bodakh paid Respondent. (Tr. 25). Respondent did not respond to Bodakh's emails for "many months." When she did respond, she claimed she was sick and was dealing with family issues. (Tr. 26).

When Bodakh terminated the representation in March 2023, Respondent had not filed any immigration documents on behalf of Bodakh's parents. (Ans. at par. 52). Respondent acknowledges that Bodakh asked her "a few times" for a refund. (Tr. 143). Bodakh asked for the refund to be transmitted electronically because that was how Bodakh paid Respondent. However, Respondent refused to make an electronic payment and said she would mail Bodakh a check. (Tr. 28). On June 7, 2023, Respondent sent Bodakh a message stating she had put a refund check in

the mail. (Ans. at par. 54). Respondent admits she did not mail the check but denies that her statement was false when she made it. Respondent testified that she put a check in her outgoing mail but pulled it after learning that Bodakh had filed a request for investigation with the ARDC. (Ans. at par. 54). She further testified that she was struggling with mental health issues and feeling overwhelmed at the time. (Tr. 145-46).

Bodakh hired a new attorney and paid that attorney $5,200. The new attorney asked Respondent for Bodakh's documents, but Respondent never provided them. (Tr. 27).

The Administrator issued a subpoena to Respondent to appear for a sworn statement related to Bodakh's matter. The subpoena included a rider requesting production of Bodakh's client file. Respondent has never produced the file. She apologized for her oversight. (Tr. 155-56).

A. Analysis and Conclusions

1. Rule 1.3-failure to act with reasonable diligence and promptness

Respondent was paid $5,000 to file immigration applications for Bodakh's parents but admittedly did not do so during the approximately six months that she represented Bodakh. We find that Respondent was aware that Bodakh wanted to expedite the filings because she wanted her family to be with her for the birth of her child. Respondent's only explanation for her conduct in this matter and the other matters before us is that she felt overwhelmed and distraught. While we sympathize with the challenges Respondent was experiencing, personal issues do not relieve her of her ethical obligations. Moreover, Respondent maintained full-time employment at Loyola from December 2022 through May 2024, when the misconduct in the Bodakh matter and most of the other matters before us occurred. Respondent's ability to perform another full-time job leads to the reasonable inference that she was able to perform work for her clients during this time period. Accordingly, we find that Respondent's failure to perform the work that Bodakh hired her to do was neither diligent nor prompt and constituted a violation of Rule 1.3.

2. Rule 1.16(d)-failure to protect client interests after the representation ends

We find that Respondent's failure to refund unearned fees to Bodakh was a violation of Rule 1.16(d). Respondent admits Bodakh was entitled to a refund and in fact told Bodakh she had put her refund in the mail. Even if we accepted Respondent's testimony that she pulled the refund check from the mail after Bodakh submitted a request for investigation, which we do not, that would not relieve Respondent of her obligation to refund the unearned fees. Moreover, Respondent's explanation is not credible given that Bodakh had been asking for a refund for three months before she filed her request for investigation. Respondent had ample time to send the refund during those three months but did not. After Bodakh submitted the request for investigation, Respondent easily could have provided the refund check and client file to Bodakh's new attorney instead of communicating with Bodakh directly. Instead, Respondent did nothing. Her failure to make any effort to refund Bodakh's money leads us to conclude that she had no intention of doing so. Accordingly, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 1.16(d).

3. Rule 8.1(b)-failure to respond to the Administrator's lawful demand for information

Lawyers shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority. Ill. R. Prof'l Conduct 8.1(b) (2010). The Administrator alleges that Respondent violated this Rule by failing to comply with a subpoena rider to produce Bodakh's client file when Respondent appeared for her sworn statement. Respondent admits she was served with the subpoena and never produced the client file. Respondent characterizes her conduct as an oversight, but she was aware of the subpoena and aware of her obligation to comply with it. Therefore, we find that the Administrator proved a violation of Rule 8.1(b) by clear and convincing evidence.

4. Rule 8.4(c)-dishonesty, fraud, deceit or misrepresentation

The Administrator alleges that Respondent acted dishonestly when she told Bodakh on June 7, 2023, that she sent a refund check in the mail. Respondent testified that her statement was not false because she had put a check in the outgoing mail but then pulled it out after learning of Bodakh's request for investigation.

For the following reasons, we do not find Respondent's testimony credible. Respondent had been delaying making the refund for three months before Bodakh filed her request for investigation. After Respondent purportedly pulled the check from the mail, she did not correct her statement that she mailed the check, nor has she ever made an effort to return the unearned fees. Respondent has not produced any documentation, such as a letter or an accounting record, to corroborate her testimony that she prepared a check and put it in the mail. These circumstances lead to the reasonable inference that Respondent had no intention of returning the fees, and her statement to Bodakh was false. Accordingly, we find that the Administrator proved by clear and convincing evidence that Respondent knowingly made a false statement to Bodakh in violation of Rule 8.4(c).

V. In Count V, the Administrator charged Respondent with failing to keep Kseniia Cherkashina reasonably informed about the status of her matter, failing to protect her interests after the representation ended by ignoring requests to provide the client file, and failing to correct a false statement that her immigration petition had been filed, in violation of Rules 1.4(a)(3), 1.16(d), and 8.4(c).

A. Summary

The evidence established that Respondent committed the misconduct charged in Count V by knowingly failing to correct a false statement to Cherkashina that her immigration petition had been filed and failing to comply with Cherkashina's requests for her file after the representation ended.

B. Evidence Considered

In early 2022, Kseniia Cherkashina hired Respondent to represent her in filing a petition for adjustment of status. They agreed that Cherkashina would pay $1,000 to begin the matter, $1,000 upon filing of the adjustment of status petition, and $500 before Cherkashina's immigration interview. Cherkashina's fiancé, Timothy Shaw, paid Respondent $1,000 on March 11, 2022, and $1,000 on July 14, 2022. (Tr. 41). Cherkashina testified that there was no communication from Respondent after she received the second payment. (Tr. 42).

On August 11, 2022, someone sent Cherkashina an email from Respondent's law firm email address that stated, "We filed your case early this week. We will send you a copy of our filing soon." Respondent was copied on the email. (Adm. Ex. 5 at 4). At the time the email was sent, Respondent's Illinois license was suspended. Respondent testified that she authorized other people to respond to client questions during her suspension. (Tr. 161). On August 22, 2022, Shaw sent Respondent a message asking for an update on the filing of the petition because his credit card had not been charged. An unknown person responded, "This is completely normal. It can generally take up to 30 days to be processed." (Adm. Ex. 5 at 5). Cherkashina testified that she also tried calling Respondent for updates but only got her voicemail. (Tr. 44).

Neither Respondent nor anyone filling in for her filed a petition for adjustment of status on Cherkashina's behalf. When Respondent was asked whether she informed Cherkashina that her petition had not been filed, Respondent answered that she was not aware it had not been filed, was in the process of catching up, and had been feeling "overwhelmed and in mental health distress." (Tr. 162).

Cherkashina terminated Respondent's representation on September 24, 2022, and hired a new attorney, Oksana Sakhniuk Specter. Specter asked Respondent to send her the USCIS receipt notices for Cherkashina's immigration forms that purportedly had been filed and noted that the

matter was time sensitive. Respondent told Specter she would send Cherkashina's file but never did, nor did she tell Specter that the forms had not been filed. (Tr. 47).

C. Analysis and Conclusions

1. Rule 1.4(a)(3)-failure to keep client reasonably informed

The Administrator charged Respondent with failing to keep Cherkashina reasonably informed about the status of her matter by failing to correct the false statement from Respondent's office that her petition had been filed. A lawyer is required to keep the client reasonably informed about "significant developments affecting the timing or the substance of the representation." Comment [3] to Rule 1.4.

Respondent's testimony that she was catching up on her work after her suspension and experiencing mental health issues does not excuse her obligation to communicate with Cherkashina. Respondent was permitted to return to practice on September 7, 2022. As we have already noted, her duty to keep Cherkashina reasonably informed about her matter included providing her with accurate information. Respondent was copied on the email that stated Cherkashina's petition was filed, so we find that she had notice of that statement. Respondent never corrected the false statement, and we find that the information that the petition had not been filed was a significant development that affected both the timing and the substance of the representation. We further find that a reasonable attorney returning from a suspension would make it a priority to review all of his or her pending matters and determine their status. We find that the 17 days from Respondent's return to practice until the time Cherkashina ended the representation was a reasonable amount of time to review Cherkashina's matter, learn that the petition had not been filed, and inform Cherkashina that it was not filed. For these reasons, we find that Respondent's failure to correct the misstatement constituted a violation of Rule 1.4(a)(3).

2. Rule 1.16(d)-failure to protect client interests upon termination of representation

The Administrator charged Respondent with failing to protect Cherkashina's interests after the representation ended by failing to turn over the client file to Cherkashina's new attorney. Respondent admits she did not do so. Accordingly, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 1.16(d).

3. Rule 8.4(c)-dishonesty, fraud, deceit or misrepresentation

The Administrator charged that Respondent's failure to correct the false statement that Cherkashina's petition was filed was knowing and constituted dishonest conduct. Dishonesty encompasses the suppression of the truth and omissions that are calculated to deceive. Gerard, 132 Ill. 2d at 528. Respondent acknowledged that she saw the email containing the false statement when she came back from her suspension but asserts, she did not know the petition had not been filed. We do not find Respondent's testimony believable. Respondent did not correct the false statement even after attorney Specter asked Respondent for the USCIS receipt notices and Respondent stated she would send Cherkashina's file to Specter. Respondent surely would have learned that the petition had not been filed after Specter requested proof of filing, at the very latest. The fact that Respondent did not provide Specter with the client file or inform her that Cherkashina's forms were not filed leads to the reasonable inference that Respondent knew the forms were not filed and sought to conceal that information. For these reasons, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 8.4(c).

VI. Respondent is charged in Count VI with failing to diligently represent Saroose Mortazavi and Asal Barakpour, failing to hold filing fees in a client trust account, failing to refund unearned fees, and failing to comply with the Administrator's requests for information, in violation of Rules 1.3, 1.15(a), 1.16(d), and 8.1(b).

A. Summary

Based on Respondent's admissions, the Hearing Panel finds that the Administrator proved the charges in Count VI by clear and convincing evidence.

B. Admitted Allegations

Respondent admitted the following allegations. Saroose Mortazavi and his wife, Asal Barakpour, retained Respondent to file a petition for adjustment of status for Barakpour. On October 4, 2022, Mortazavi paid Respondent a $2,500 fixed fee and filing costs of $1,760. He made both payments by credit card. Respondent admits that both credit card payments were deposited into her operating account. (Ans. at pars. 72-74). She did not file a petition for adjustment of status for Barakpour at any time between December 2022 and June 14, 2023. (Ans. at par. 77). After the representation ended, Respondent did not refund unearned fees to Mortazavi and denies that there were unearned fees. (Ans. at par. 78).

On August 30, 2023, the Administrator served Respondent with a subpoena to appear for a sworn statement. The subpoena included a rider requesting production of Mortazavi's client file. Respondent has never produced the client file. (Ans. at pars. 79, 81, 82).

C. Analysis and Conclusions

1. Rule 1.3-failure to act with reasonable diligence and promptness

Respondent admits she did not file a petition for adjustment of status during the approximately seven months that she represented Mortazavi and Barakpour. Absent a reasonable explanation for failing to do the work she was hired and paid to do, we find that the Administrator

proved by clear and convincing evidence that Respondent failed to act with reasonable diligence and promptness in representing Mortazavi and Barakpour in violation of Rule 1.3.

2. Rule 1.15(a)-failure to hold property of clients separate from lawyer's own property

A lawyer is required to hold funds belonging to a client or third person that are in the lawyer's possession in connection with a representation in a client trust account. Ill. R. Prof'l Conduct 1.15(a) (2010). This requirement includes funds that are expected to be held for a short period of time, including advances for costs and expenses. Ill. R. Prof'l Conduct 1.15(f) (2010). Respondent admits that the funds for Barakpour's filing costs were deposited in her operating account. Those funds were the clients' property until the filing fees were paid. Respondent's assertion that she wrote a check to USCIS immediately after the funds were deposited in her operating account does not relieve her of her obligation to appropriately hold client funds, which she did not do. Therefore, the evidence clearly and convincingly established that Respondent failed to hold funds that belonged to her client in her trust account, in violation of Rule 1.15(a).

3. Rule 1.16(d)

Respondent was required under Rule 1.16(d) to protect Mortazavi's interests upon termination of the representation by refunding unearned fees. Respondent denies that there were unearned fees but admits she did not complete the work she was required to perform. While Respondent asserts in her defense that she performed work on this matter, we are dubious of this testimony given the lack of evidence before us of any work, let alone sufficient work to justify a $2,500 fee. Accordingly, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 1.16(d).

4. Rule 8.1(b)-failing to respond to the Administrator's lawful demand for information

Respondent admits she was served with the subpoena that requested her to produce Mortazavi's and Barakpour's client file to the Administrator, but she has never produced it. Based

on these admissions, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 8.1(b).

VII. In Count VII, the Administrator alleged that Respondent did not diligently represent Wilfred Kinyanjui and Purity Ngando, did not promptly comply with reasonable requests for information, failed to properly hold money orders for filing fees, and failed to return money orders after the representation ended, in violation of Rules 1.3, 1.4(a)(4), 1.15(a) and 1.16(d). The Administrator further alleged that Respondent made a false statement in a disciplinary matter, failed to comply with the ARDC's requests for information, and engaged in dishonest conduct in violation of Rules 8.1(a), 8.1(b), and 8.4(c).

A. Summary

The Administrator proved by clear and convincing evidence that Respondent did not perform the work she was hired to do, did not promptly respond to the client's requests for information, and did not properly hold money orders for the client's filing fees or return the money orders after the representation ended. In addition, the Administrator established by clear and convincing evidence that Respondent did not comply with the Administrator's lawful request to produce the client file and falsely testified that she sent the money orders and client file to the clients.

B. Admitted Allegations and Evidence Considered

Wilfred Kinyanjui and Purity Ngando retained Respondent in 2022 to assist them with a petition for adjustment of status. They paid Respondent $2,500 for her legal fee, in installments, and $1,760 for the filing fee. (Tr. 56). They mailed Respondent two money orders for the filing fee, which Respondent received. (Tr. 57-58). Respondent stated in her answer that the money orders were payable to the U.S. Department of Homeland Security. (Ans. at par. 86). Two money order receipts, dated February 28, 2023, show the U.S. Department of Homeland Security as the payee for a money order in the amount of $760, and a blank payee for a money order in the amount of $1,000. (Adm. Ex. 8 at 3).

Kinyanjui testified that when he asked Respondent about the status of the petition on February 22, 2023, she said it was ready and she was just waiting for him to send the money orders. (Tr. 59). Respondent admits she sent Kinyanjui an email on March 4, 2023, that stated, "yes, I did receive the money order. I will finish off everything and send you a draft copy before I file your Adjustment of Status petition." (Ans. at par. 87). Kinyanjui never saw a draft or completed petition. (Tr. 59). Respondent admits she never filed the Adjustment of Status petition. (Ans. at par. 88).

Kinyanjui testified that Respondent stopped replying to his emails or contacting him after he made his final payment to her. It would take "a number of emails" before she would get back to him. Respondent told Kinyanjui that her communication delays were because she had health issues and her father was sick. (Tr. 59-60).

Kinyanjui terminated the representation in May 2023 and asked Respondent to return his money orders and his documents. Respondent provided neither. Kinyanjui had to pay the post office $29 to replace the money orders. (Tr. 61-62; Adm. Ex. 8).

When Respondent appeared for a sworn statement on October 13, 2023, Counsel for the Administrator asked, "Did you send the money orders for the filing fees with the client documents that you sent to them?" Respondent answered, "Yes." (Ans. at par. 95). Respondent denies that she answered falsely. (Ans. at par. 96).

C. Analysis and Conclusions

1. Rule 1.3-failure to act with reasonable diligence and promptness

The Administrator alleged that Respondent did not act with reasonable diligence and promptness in representing Kinyanjui and Ngando because she never filed a petition for adjustment of Ngando's status. We find the Administrator proved this charge by clear and convincing evidence.

Despite being paid $2,500, Respondent did not complete the work she was hired to do. In February and March 2023, Respondent led Kinyanjui to believe the draft petition was ready. However, she never sent it to Kinyanjui as she stated she would, nor did she file a petition. Based on this evidence, we find that Respondent did not act with reasonable diligence in Kinyanjui's and Ngando's matter. There is no evidence before us of work Respondent performed, nor has she provided an explanation for her failure to file the petition. For these reasons, the Administrator proved that Respondent did not act with reasonable diligence and promptness in representing Kinyanjui and Ngando.

2. Rule 1.4(a)(4)-failure to promptly respond to reasonable requests for information

Pursuant to Rule 1.4(a)(4), Respondent was required to promptly respond to Kinyanjui's reasonable requests for information about his matter. Ill. R. Prof'l Conduct 1.4(a)(4) (2010). We found Kinyanjui to be a credible witness. We believe his testimony that Respondent stopped responding to his emails in a timely manner after he made the final fee payment in March 2023, and that he would have to send multiple emails before she would respond. Respondent has not refuted this testimony. Therefore, we find that the Administrator proved by clear and convincing evidence that Respondent failed to promptly respond to Kinyanjui, in violation of Rule 1.4(a)(4).

3. Rule 1.15(a)-safeguarding property belonging to client or third person

Rule 1.15(a) requires a lawyer to hold property that is in the lawyer's possession in connection with a representation separate from the lawyer's own property. The Administrator charged Respondent with violating this rule by failing to properly hold the money orders that Kinyanjui sent to her to pay his filing fees.

The Administrator charged Respondent with "failing to hold property of a client that is in the lawyer's possession in connection with a representation in a client trust account, by conduct including placing Kinyanjui's money order for filing fees into a client file and not depositing the

funds into a client trust account, in violation of Rule 1.15(a) of the Rules of Professional Conduct." Based on the receipts indicating that the U.S. Department of Homeland Security was the payee for one of the money orders, with the other payee left blank, we find that the Administrator did not prove that Respondent could have deposited the money orders into a client trust account since she was not the payee. While the Administrator alleged that Respondent deposited the filing fees in her operating account, we have no evidence of that. Thus, we cannot find that Respondent could have or should have deposited the money orders into a client trust account.

That said, Respondent was responsible for safeguarding the money orders, and her method of holding them did not comply with Rule 1.15(a). Respondent testified that she placed the money orders either in the client file or in a fireproof pouch that she kept in her desk. Neither of those locations was appropriately secure. See In re Sweeney, 2013PR00101, M.R. 27143 (March 12, 2015) (Hearing Bd. at 14) (holding settlement checks in a desk drawer violated Rule 1.15(a)). Accordingly, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 1.15(a).

4. Rule 1.16(d)-failure to protect client interests upon termination of the representation

The Administrator charged Respondent with failing to protect Kinyanjui's interests after the representation ended by failing to return the money orders and his client file. We find the Administrator proved this charge by clear and convincing evidence.

We find credible Kinyanjui's testimony that he never received the money orders that Respondent claims to have mailed to him. His testimony is corroborated by the evidence of his efforts to replace the money orders. There is no evidence to corroborate Respondent's testimony that she mailed the money orders. Given this lack of corroboration, Respondent's pattern of making false statements to clients, and our assessment that she was not a credible witness, we do

not give her testimony any credence. Accordingly, we find that Respondent failed to protect Kinyanjui's interests after the representation ended, in violation of Rule 1.16(d).

5. Rules 8.1(a) and 8.4(c)-making a false statement to the Administrator

The Administrator charged Respondent with knowingly making a false statement of material fact in connection with a disciplinary matter and engaging in dishonest conduct when she said in a sworn statement that she mailed the money orders to Kinyanjui. As we found in the previous section, with no evidence corroborating Respondent's assertion that she mailed the money orders and with ample evidence showing a pattern of making false statements and withholding information about her representation, we do not believe that Respondent mailed the money orders. Consequently, we find that she knowingly made a false statement that she did mail them. This statement was material, as it went directly to the allegations of ethical violations. There is no question that knowingly making a false statement under oath constitutes dishonest conduct. Accordingly, the Administrator proved by clear and convincing evidence that Respondent violated Rules 8.1(a) and 8.4(c).

6. Rule 8.1(b)-failing to respond to the Administrator's lawful demand for information

Respondent had a duty to respond to the Administrator's lawful demand for information about her representation of Kinyanjui and Ngando. Respondent admits she was served with the Administrator's subpoena but did not comply with the subpoena rider requesting production of the client file. Based on this admission, the Administrator proved by clear and convincing evidence that Respondent violated Rule 8.1(b).

VIII. The Administrator charged Respondent in Count VIII with failing to provide diligent representation, failing to respond to reasonable requests for information, and failing to return unearned fees in representing Somayeh Mohammadi, in violation of Rules 1.3, 1.4(a)(4) and 1.16(d).

A. Summary

Respondent committed the misconduct charged in Count VIII by failing to perform the work Mohammadi hired her to do, failing to respond to Mohammadi's inquiries about her matter, and failing to refund unearned fees.

B. Admitted Allegations and Evidence Considered

Somayeh Mohammadi retained Respondent to prepare and file on her behalf an immigrant petition for alien worker pursuant to a national interest waiver. Mohammadi is a medical doctor in her home country of Iran and is working in the United States conducting anesthesiology research at the University of Chicago. (Tr. 74-77). Between November 2022 and February 2023, Mohammadi paid respondent fees totaling $6,000. (Tr. 78). Mohammadi testified that she was in a critical situation because her visa that allowed her to return if she left the country had expired and she needed to obtain a new visa as soon as possible. (Tr. 83).

Respondent did not file a petition on Mohammadi's behalf. (Ans. at par. 102). During the representation, Mohammadi tried to reach respondent by email, WhatsApp message, telephone call, and text message to check on her case, without success. (Tr. 79-80). When Mohammadi ended the representation, Respondent told her she had spent time on her matter. Mohammadi asked Respondent to send her the drafts or documents she had prepared but Respondent did not provide anything. (Tr. 82). Respondent admits that between April 24, 2023, and May 15, 2023, Mohammadi sent her periodic requests to provide her client file and refund her fees. (Ans. at par. 104). Mohammadi testified that Respondent provided neither. (Tr. 82).

C. Analysis and Conclusions

1. Rule 1.3-failing to act with reasonable diligence and promptness

It is undisputed that Respondent never filed the petition she was hired to complete. In addition, we find credible Mohammadi's testimony that she asked Respondent to show her the work she completed, and Respondent did not do so. Similar to the other matters before us, Respondent asserts that she performed work without providing evidence of any work. Such vague assertions are insufficient to refute Mohammadi's testimony that she saw no work product from Respondent. Consequently, we find that the Administrator proved by clear and convincing evidence that Respondent failed to act with reasonable diligence and promptness in representing Mohammadi.

2. Rule 1.4(a)(4)-failure to promptly comply with reasonable requests for information

We find credible Mohammadi's unrebutted testimony that she tried contacting Respondent multiple times by different methods, with no response. We find this evidence sufficient to clearly and convincingly establish that Respondent did not promptly comply with Mohammadi's reasonable requests for information, in violation of Rule 1.4(a)(4).

3. Rule 1.16(d)-failure to protect client's interests after representation ends

The Administrator charges Respondent with failing to take reasonable steps to protect Mohammadi's interests by failing to provide her client file and to refund unearned fees after representation ended. Respondent stated in her Answer that she provided portions of the file to Mohammadi and that there were no unearned fees. Mohammadi, on the other hand, testified that Respondent did not send her client file. We found Mohammadi to be a more credible witness than Respondent and accept Mohammadi's testimony that she did not receive her client file. Given Respondent's widespread lack of diligence in this matter and the others before us, we do not believe her assertions that she provided the client file and earned the fees Mohammadi paid. For

these reasons, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 1.16(d).

IX. In connection with the representation of Arshia Tavakoli, the Administrator charged Respondent in Count IX with failing to act with reasonable diligence and promptness, failing to respond to reasonable requests for information, failing to hold client funds in a client trust account, failing to protect client interests upon termination of the representation, and failing to respond to the Administrator's lawful request for information, in violation of Rules 1.3, 1.4(a)(4), 1.15(a), 1.16(d), and 8.1(b).

A. Summary

Based on Respondent's admissions and the evidence presented, the Administrator proved the charges in Count IX by clear and convincing evidence.

B. Admitted Allegations and Evidence Considered

Arshia Tavakoli retained Respondent to represent him in preparing and filing a humanitarian parole application. (Ans. at par. 107). On February 10, 2023, Tavakoli's aunt, Nahid Tootoonchi, sent Respondent a check for $2,125, as payment for Respondent's $1,500 legal fee, a $575 filing fee, and a $50 "administrative archival fee." Respondent deposited the check into her operating account. Respondent asserts that she "immediately issued a check in the amount of the filing fee to be paid to the United States government for the filing fee." She denies converting any funds. (Ans. at par. 110).

Between February 10, 2023, and April 23, 2023, Tavakoli, Tootoonchi, and another aunt, Nassrin Jalili, periodically asked Respondent about the status of the humanitarian parole application. (Ans. at par. 112). Respondent never filed the application. (Ans. at par. 114). On April 24, 2023, Jalili sent Respondent an email detailing multiple unsuccessful efforts to contact Respondent during the preceding two months. Jalili further stated that if Respondent did not respond within 48 hours, she would contact the ARDC, the Better Business Bureau, and the Persian community and Iranian associations. Respondent responded the same day, apologizing for her

delay and stating she had a family emergency. Respondent offered to proceed with the case, but Jalili declined and asked Respondent for a full refund of the funds they had paid. (Adm. Ex. 11 at 3-5). On May 22, 2023, Respondent told Jalili she would mail her a check. (Adm. Ex. 11 at 6). On June 10, 2023, Respondent told Jalili she would send a check and Tavakoli's documents. (Ans. at par. 116; Adm. Ex. 11 at 7). Respondent did not send the check or the documents. (Ans. at par. 117).

On August 30, 2023, the Administrator served Respondent with a subpoena to appear for a sworn statement with an attached rider requesting production of Tavakoli's client file. Respondent never produced the file. (Ans. at pars. 118, 120).

C. Analysis and Conclusions

1. Rule 1.3-failing to act with reasonable diligence and promptness

Respondent admits she did not file the petition she was hired to file on behalf of Arshia Tavakoli. As with most of the matters before us, Respondent claims she worked on Tavakoli's application but there is no evidence of any work to corroborate her testimony. Accordingly, we find that the Administrator proved by clear and convincing evidence that Respondent failed to act with reasonable diligence and promptness in representing Tavakoli, in violation of Rule 1.3.

2. Rule 1.4(a)(4)-failing to respond to requests for information

Respondent is charged with failing respond to requests for information from Tavakoli and his aunts. Respondent admits she received requests for information about the status of Tavakoli's matter but denies that she failed to provide updates. We do not find her denial credible. Nassrin Jalili's email sets forth the multiple attempts by her, Tavakoli, and Tootoonchi to contact Respondent over a two-month period with no response. When Respondent finally got back to Jalili, she acknowledged that she had not been responsive. As we have already indicated, Respondent's excuse of a family member's illness does not allow her to ignore clients for months. Accordingly,

we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 1.4(a)(4).

3. Rule 1.15(a)-failing to hold funds belonging to a client in a client trust account

Respondent is charged with failing to hold funds belonging to a client or third person separate from Respondent's own property. Respondent admits she did not have a client trust account at the time she received the payment for Tavakoli's fees and costs. As we have already noted, payments for costs and expenses, including filing fees, are the property of the client and must be held in a client trust account until the expenses are paid. Respondent did not do so, because she did not have a client trust account. Her assertion that she "immediately" sent a check to the U.S. government from her operating account misses the point that client or third party funds may not at any time be commingled with Respondent's personal funds and must be held in a client trust account. For these reasons, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 1.15(a).

4. Rule 1.16(d)-failure to protect client interests upon termination of the representation

Respondent is charged with failing to protect Tavakoli's interests by failing to return unearned fees and his client file after the representation ended, despite stating she would do so. As we have already discussed, Respondent's assertion that she did not provide the refund and client file because Tavakoli filed a request for investigation does not relieve her of her obligation to comply with Rule 1.16(d). Moreover, Respondent has made no effort since to produce the client file or refund fees, so we do not find her explanation credible or sincere. Accordingly, we find that the Administrator proved by clear and convincing evidence that Respondent violated Rule 1.16(d).

5. Rule 8.1(b)-failure to respond to the Administrator's request for information

Respondent admits she received the subpoena to appear for a sworn statement with the rider requesting her to produce Tavakoli's client file and further admits she did not comply. Based

on this admission, we find that the Administrator proved by clear and convincing evidence that she violated Rule 8.1(b).

X. In connection with Respondent's representation of Justin Fowlkes and Osaid Ahmed, the Administrator charged Respondent in Count X with failing to act with reasonable diligence and promptness and failing to respond to reasonable requests for information, in violation of Rules 1.3 and 1.4(a)(4).

A. Summary

Respondent did not respond to numerous requests for tracking information for Osaid Ahmed's petition for adjustment of status. Her failure to respond was unreasonable and constituted a violation of Rules 1.3 and 1.4(a)(4).

B. Admitted Allegations and Evidence Considered

Justin Fowlkes and Osaid Ahmed hired Respondent in January 2023 to prepare and file a petition for adjustment of status. Fowlkes paid Respondent a $3,000 fee in installments between February 2023 and April 2023. (Ans. at pars. 122-23).

On June 20, 2023, Ahmed asked Respondent to confirm that she had mailed his petition and to provide the tracking information. (Adm. Ex. 12 at 16). On June 21, 2023, Respondent confirmed that she had mailed the petition. (Ans. at par. 124; Adm. Ex. 12 at 17). On June 28, June 30, July 1, July 6, July 14, July 17, July 19, July 21, and July 25, Fowlkes and Ahmed repeated their requests for the tracking information, but Respondent never provided it. (Ans. at par. 125; Tr. 96; Adm. Ex. 12). Respondent told Ahmed and Fowlkes she was out of the office due to a family emergency and could not retrieve the tracking information. Respondent did provide Fowlkes and Ahmed with a copy of the petition she filed. (Tr. 98).

On July 25, 2023, Respondent withdrew from the representation. On August 22, 2023, Fowlkes received an email from USCIS stating it had rejected Ahmed's petition on July 7, 2023 because Respondent used an out-of-date form. Respondent did not tell Fowlkes and Ahmed about

the rejection because, according to her, she was not aware of it. (Ans. at par. 128). Fowlkes and Ahmed asked Respondent to give them the materials that USCIS had returned, but she did not respond. (Tr. 99-100, 102, 103). Fowlkes cancelled the check he had given Respondent for the filing fees, but Respondent did not return any of the $3,000 in legal fees they had paid. (Tr. 104). Ahmed then filed the petition for adjustment of status himself. (Tr. 102).

C. Analysis and Conclusions

The Administrator alleges that by failing to respond to Ahmed's and Fowlkes' requests for the tracking information for Ahmed's petition for adjustment of status, Respondent did not act with reasonable diligence and promptness and did not promptly respond to the clients' reasonable requests for information. The Administrator proved these charges by clear and convincing evidence.

We find that it was reasonable for Fowlkes and Ahmed to request the tracking information to confirm that the petition for adjustment of status was filed. Respondent's failure to provide that information after repeated requests over a month-long period was not reasonable, diligent, or prompt. Her explanation that she was not going into her office regularly due to a family member's health issue is not a sufficient reason for a month-long delay. It would have taken minimal time and effort for Respondent to obtain and provide the tracking information. For these reasons, we find that the Administrator established by clear and convincing evidence that Respondent failed to act with reasonable diligence and promptness and failed to promptly respond to Fowlkes' and Ahmed's reasonable requests for information.

EVIDENCE IN MITIGATION AND AGGRAVATION

Mitigation

Respondent testified that she was diagnosed with anxiety and depression when she was 16 years old. (Tr. 230). In 2022, she was diagnosed with Attention Deficit Hyperactivity Disorder

(ADHD). (Tr. 203-204). During her suspension, Respondent felt distraught. In addition, in 2022 and 2023 she was dealing with a family member's health issues. (Tr. 192-93, 227).

Respondent has been taking prescription medication for depression since the summer of 2023 and also takes medication for ADHD. (Tr. 207, 232-33). Her primary care physician manages her medications, and Respondent believes she is functioning well under her current medications and dosages. She has been in therapy with her current psychotherapist since June 2020 and receives behavioral therapy once a week. (Tr. 234-35; Adm. Ex. 14). She also meets with a therapist from the Lawyers Assistance Program every couple of weeks. (Tr. 234-35).

Respondent understands the importance of continuing her treatment and managing her conditions. (Tr. 230-31). She feels she has better coping mechanisms now for dealing with the stresses of her practice. (Tr. 219). To keep track of her work, she keeps a running checklist of tasks on her phone. (Tr. 219-220). She has colleagues who provide mentoring and support. (Tr. 221).

Respondent testified that she is willing to return fees to clients and is "incredibly remorseful" for her clients' pain and suffering. She is now able to see how her mental health affected her and her former clients. (Tr. 229).

Respondent has volunteered with Minority Education Legal Resources and has taken pro bono cases through Chicago Volunteer Legal Services, the American Immigration Lawyers Association, and Heartland Alliance. She has been active in the American Immigration Lawyers Association. (Tr. 240-41).

Aggravation

Respondent's clients testified that their experiences with Respondent caused them stress, anxiety, and financial hardship. Several had to spend additional money to hire a new attorney to complete the work they hired Respondent to do. (Tr. 27, 47, 70, 83). Belet Bodakh testified that

her experience with Respondent impacted her financially and emotionally because her parents were not able to come to the United States to help after her child was born. (Tr. 32). Respondent's conduct left Somayeh Mohammadi feeling shocked and caused her stress. She had to borrow money from friends to hire a new attorney because Respondent did not refund any of her fees. (Tr. 87). Wilfred Kinyanjui testified that Respondent's conduct made him very angry, caused financial hardship, and caused difficulties in his marriage. (Tr. 67-68). Osaid Ahmed felt depressed because he could not leave the country to visit his sick grandmother while his immigration matter was unresolved, and he feels the time Respondent represented him was wasted. (Tr. 105).

Respondent was asked about the acceptance of legal fees while her license was suspended. She acknowledged that her law firm accepted an electronic payment in August 2022 that was deposited in her operating account. She further acknowledged that she was the only attorney in her firm but said she did not have access to the operating account during her suspension. (Tr. 264-66). She testified that she accepted retainers for immigration work when she was not authorized to practice before the Immigration Board. (Tr. 272). When asked whether she informed clients that she was not authorized to practice in the immigration courts, she stated she did not remember each specific instance, but she told clients she was not yet fully reinstated. She did not recall whether she made these representations orally or in writing. (Tr. 245).

Respondent has not opened a client trust account. She testified, "I don't take those fees right now. To do a reimbursement, I insist on getting the filing fee directly from the client. But I am looking to start one. I just haven't been in that situation yet where I have to set it up." (Tr. 263).

Respondent repeatedly described her failure to provide her files to clients and the Administrator as an oversight. (Tr. 155-56, 158, 174, 175, 177, 186, 246, 277, 278). She has the files and would like to remedy her failure to produce them. (Tr. 270).

Opinion Testimony

Psychiatrist Lisa Rone, M.D., evaluated Respondent on May 14, 2024. Dr. Rone has a private practice and is also on the medical staff at Northwestern Hospital and the faculty at Northwestern's Feinberg School of Medicine. Dr. Rone did not review Respondent's psychotherapy treatment records because they were not available to her.* She did review a neuropsychology testing report. Dr. Rone did not make her own diagnoses of Respondent. For the most part, she accepted Respondent's existing diagnoses. (Tr. 285-87).

Dr. Rone opined that Respondent's psychiatric diagnoses could have contributed to her difficulties with being organized and completing tasks. (Tr. 288-89). However, the consistent pattern of dishonesty displayed in the disciplinary charges is not a symptom of Respondent's diagnosed conditions. (Tr. 290). Dr. Rone did not consider Respondent's dishonesty to fall in the category of "trying to save face." (Tr. 291). Rather, the pattern that Dr. Rone saw in the disciplinary charges involved Respondent's exploitation of others. (Tr. 292).

Dr. Rone opined that Respondent's current treatment from a therapist and a primary care physician is not adequate for the severity of her reported symptoms. She further noted that Respondent was in therapy and taking medication when the misconduct alleged in this matter occurred. (Adm. Ex. 14).

Dr. Rone opined that appropriate treatment for addressing Respondent's dishonesty would include Respondent identifying a particular pattern that is causing dysfunction in her life and undergoing rigorous psychotherapy to deal with that pattern. Dialectical behavioral therapy is the typical recommendation for dealing with patterns of dishonesty and addressing ways to change those patterns. (Tr. 293). In Dr. Rone's opinion, Respondent would need to engage in this type of therapy for a period of years. (Tr. 294).

Dr. Rone further testified that, when she and Respondent met, Respondent did not acknowledge responsibility for the occasions when she was not truthful with clients. (Tr. 303). Dr. Rone did not ask Respondent directly for such an acknowledgement. (Tr. 305). She asked Respondent generally what happened with her clients, and Respondent recounted her family member's illness, her own mental health issues, and her desire to minimize dealings with certain clients who had been rude. (Tr. 304). Dr. Rone opined that Respondent has not demonstrated a willingness to identify the issues within herself that led to her misconduct. Until Respondent is able to do so, her prognosis for practicing in an ethical manner will be poor. (Adm. Ex. 14).

Prior Discipline

On March 15, 2021, the Administrator filed a disciplinary complaint against Respondent that charged her with failing to diligently represent an immigration client by failing to file an adjustment of status application, making false statements to the client about the status of the matter, and fabricating two email messages that falsely purported to show that USCIS had received the application at issue. Pursuant to a petition to impose discipline on consent, the Court suspended Respondent for ninety days, effective June 9, 2022. In re Azimi, 2021PR00017, M.R. 031205 (May 19, 2022). In the present disciplinary proceeding, Respondent testified that she fabricated the emails "impulsively and in a moment of panic." (Tr. 202).

RECOMMENDATION

A. Summary

The Hearing Panel recommends that Respondent be suspended for three years and until further order of the Court based on the extensive and egregious proven misconduct, the substantial amount of aggravation, and the credible, unrebutted opinion testimony.

B. Analysis

The purpose of the disciplinary process is not to punish attorneys, but to safeguard the public, maintain the integrity of the legal profession, and protect the administration of justice from reproach. In re Edmonds, 2014 IL 117696, ¶ 90. In determining our sanction recommendation, we consider the nature of the misconduct as well as any mitigating or aggravating factors. In re Gorecki, 208 Ill. 2d 350, 360-61, 802 N.E.2d 1194 (2003).

The Administrator asks us to recommend that Respondent be suspended for at least two years and until further order of the court. Respondent acknowledges that discipline is warranted but requests that any term of suspension be stayed after six months by probation.

The proven misconduct in this matter was extensive and egregious, with multiple instances of dishonesty. Respondent neglected nine client matters, ignored clients' efforts to communicate with her, made false statements to clients about their matters, mishandled funds belonging to clients or third parties, failed to return unearned fees and client files, ignored the Administrator's requests for information, and made a false statement under oath in connection with a disciplinary matter. The Court has held that neglect of a legal matter is grounds for suspension. A greater number of instances of neglect warrants a longer period of suspension. In re Samuels, 126 Ill. 2d 509, 529, 531, 535 N.E.2d 808 (1989); In re Levin, 101 Ill. 2d 535, 542, 463 N.E.2d 715 (1984). Because Respondent not only neglected nine client matters but engaged in extensive additional misconduct, we determine that a lengthy suspension is warranted.

In addition, there is substantial aggravation. Respondent's prior discipline is a significant aggravating factor because of its similarity to the misconduct before us and its proximity in time. See In re Longwell, 2013PR00055, M.R. 26933 (Nov. 13, 2014) (Hearing Bd. at 35). It is especially concerning that the misconduct in this matter occurred while Respondent's prior

disciplinary proceeding was pending and immediately after her term of suspension ended. Attorneys who have been disciplined are expected to have a heightened awareness of the necessity to conform their conduct to ethical rules. In re Storment, 203 Ill. 2d 378, 401, 786 N.E.2d 963 (2002). Respondent's prior discipline did not have the desired effect.

Respondent's misconduct is further aggravated by the fact that she exploited and caused harm to vulnerable clients with modest resources. See In re Cutright, 233 Ill. 2d 474, 910 N.E.2d 581 (2009). Respondent also caused clients' matters to be delayed and caused them needless stress and anxiety by failing to communicate with them. She caused financial harm by keeping fees she did not earn and by causing several clients to incur the expense of hiring a new attorney.

Respondent's failure to make restitution is another significant aggravating factor. In re Banks, 2020PR00068, M.R. 031115 (March 25, 2022) (Hearing Bd. at 12). Respondent has made no effort to return unearned fees to any client. Given this lack of effort, we do not find her testimony that she is willing and able to make restitution to be sincere.

We further find that Respondent has not taken responsibility for her misconduct. As with her clients, in her testimony here she was evasive, provided excuses, and minimized her intentional behavior by describing it as an oversight or a mistake. Her lack of accountability causes us to give little weight to her expressions of remorse, since she has not fully acknowledged that what she did was wrong.

In mitigation, Respondent has performed some *pro bono* work and participated in legal organizations. We do not give much weight to her participation in this proceeding because she did not fully cooperate. She has never produced her client files for several matters, nor did she respond to the Administrator's notice to produce. While Respondent repeatedly characterized her failure to produce information as an oversight, the number of times it occurred and the fact that the

production of the requested information was potentially damaging to Respondent leads us to conclude that she intentionally withheld it from the Administrator.

Respondent raises her mental health diagnoses as mitigation. We accept Dr. Rone's testimony and report that Respondent's mental health issues contributed to her practice management difficulties, but that dishonesty is not a trait of her diagnosed conditions. We agree with Dr. Rone that Respondent's conduct went beyond trying to save face and demonstrated a consistent pattern of dishonest behavior. For these reasons, we give Respondent's mental health issues some mitigating effect with respect to her lack of diligence and organization, but not with respect to her dishonest conduct. See In re Ring, 2014PR00070, M.R. 029443 (Sept. 20, 2018) (Review Bd. at 14). Overall, the evidence in aggravation significantly outweighs the evidence in mitigation.

In determining our recommendation, we have considered the Administrator's cited cases of In re Trigo, 2004PR00005, M.R.21661 (Sept. 18, 2007) (suspension of two years and until further order of the court for neglecting three immigration matters, failing to communicate with clients, and misappropriating funds); In re Jones, 2011PR00147, M.R. 25094 (Jan. 13, 2012) (disbarment on consent for neglecting six immigration matters, making misrepresentations to clients, and failing to return unearned fees); In re Allen, 2021PR00055, M.R. 031151 (March 25, 2022) (one-year suspension until further order of the court on consent for neglecting two immigration matters and misleading clients); and In re Bradley, 2014PR00044, M.R. 27490 (Sept. 21, 2015) (lawyer consented to suspension of two years and until further order of the court for neglecting seven client matters). The proven misconduct in this case is considerably more egregious than the misconduct in Trigo and Allen. While Jones and Bradley are closer to the level of misconduct here, those attorneys agreed to a sanction, which is not the situation here.

We find that the proven misconduct and substantial aggravating circumstances warrant a longer term of suspension than the two years and until further order of the court that the Administrator suggested. We determine that a suspension of three years and until further order of the court is appropriate. The following cases provide guidance for our recommendation.

The attorney in In re Holman, 05 CH 123, M.R. 21952 (Jan. 23, 2008) was suspended for three years and until further order of the court for neglecting eight client matters, failing to communicate with several clients, making misrepresentations to several clients, and failing to respond to the Administrator's lawful demands for information related to two client matters. Holman was being treated for depression and was dealing with family difficulties at the time of his misconduct. He had prior discipline which, unlike Respondent, involved significantly different misconduct. Similar to Respondent, the Hearing Panel found that Holman did not recognize the seriousness of his misconduct and was not genuinely remorseful. The Hearing Panel recommended a three-year suspension until further order of the court due to Holman's lack of regard for his clients, pattern of neglect, and absence of evidence that he would comply with his ethical obligations in the future.

In In re McFarland, 02 CH 103, M.R. 19393 (May 18, 2004) (Hearing Bd. at 25), the lawyer neglected seven client matters and failed to refund unearned fees to three clients. Similar to Respondent, McFarland did not have a client trust account and deposited funds belonging to clients and third persons in her operating account. McFarland's neglect led to a $150,000 default judgment against one of her clients, which is an aggravating factor not present here. McFarland, who did not have prior discipline, was suspended for two years and one-half years and until further order of the court, largely due to her failure to make restitution and the Hearing Board's finding that she was unwilling or unable to meet professional standards of conduct in the future.

The circumstances before us resemble Holman and McFarland, in combination, in terms of the number of neglected matters, misrepresentations to clients, lack of cooperation with the Administrator, failure to make restitution, prior discipline, and failure to take responsibility for the misconduct. While Respondent neglected more matters, the same considerations that led to the lengthy suspensions until further order of the court in Holman and McFarland apply here.

We do not agree with Respondent that the circumstances of this case support probation or that the cases she relies upon are comparable to this case. See In re Alpert, 09 CH 104, M.R. 26028 (May 22, 2013); In re Fakhouri, 2021PR000056, M.R. 032112 (May 23, 2024); In re Shepherd, 06 CH 41, M.R. 21812 (Sept. 18, 2007); and In re Prusak, 06 CH 66, M.R. 22666 (Nov. 18, 2008). Alpert is inapplicable because the Court did not accept the Hearing Board's recommendation of probation and suspended Alpert for two years. We find Shepherd, Prusak and Fakhouri distinguishable because none of those attorneys had prior discipline for similar misconduct. This is an important distinction because Respondent's recidivism while her prior disciplinary matter was pending and immediately thereafter raises significant concerns about her ability to conform her conduct to ethical standards. Additionally, probation is not appropriate where, as here, an attorney engages in intentional misconduct and dishonesty, because those behaviors cannot be monitored for compliance and improvement. See In re Fromme, 2021PR00072, M.R. 031466 (Jan. 17, 2023) (Hearing Bd. at 11).

We have serious concerns about Respondent's willingness or ability to comply with ethical standards in the future due to her recidivism, the inadequacy of her treatment regimen to address her pattern of dishonesty, her failure to take responsibility for her misconduct, and her lack of knowledge about her ethical obligations. It is troubling that Respondent still does not have a client trust account and does not believe she needs one, and that she attempted to justify the acceptance

of legal fees while she was under suspension. Additionally, while we commend Respondent for her dedication to maintaining treatment, we agree with Dr. Rone's assessment that she still has work to do on her accountability and commitment to complete honesty before she can responsibly represent clients. We have no reason to disagree with Dr. Rone's assessment that a period of years is needed to appropriately treat these issues. Therefore, in order to protect the public and safeguard the integrity of the profession, Respondent should be required to seek and obtain leave of court before she is permitted to return to practice. See In re Houdek, 113 Ill. 2d 323, 497 N.E.2d 1169 (1986).

Having considered the proven misconduct, the relevant circumstances, the applicable case law, and the purposes of the disciplinary process, we recommend that Respondent, Mahdis Azimi, be suspended from the practice of law for three years and until further order of the Court.

Respectfully submitted,

Stephen S. Mitchell
Linda A. Walls
Brian Russell

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 March 20, 2025.

/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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[*] The Administrator requested Respondent's treatment records in a Request to Produce Documents. Respondent did not produce the requested records and was barred from offering evidence related to those records at hearing.