

In re Sarah Jane Melisande Jones
Petitioner

Supreme Court No. M.R. 30490
Commission No. 2020PR00057

Synopsis of Hearing Board Report and Recommendation
(December 2021)

Petitioner, who practiced immigration law in California under her Illinois license, was disbarred on consent by the Illinois Supreme Court in 2012 for failing to act with reasonable diligence in representing clients, failing to keep clients reasonably informed, failing to refund unearned portion of fees paid in advance, engaging in dishonesty fraud, deceit or misrepresentation, and engaging in conduct prejudicial to the administration of justice.

Petitioner filed a petition requesting reinstatement of her Illinois license and the Administrator filed objections. After considering the factors set forth in Supreme Court Rule 767 to determine a Petitioner's rehabilitation, good character and current knowledge of the law, the Hearing Board recommended the Petition for Reinstatement be granted, with conditions that include Petitioner's treatment by a mental health professional and oversight of her practice.

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

In the Matter of:

SARAH JANE MELISANDE JONES,

Petitioner,

No. 6211249.

Supreme Court No. M.R. 30490

Commission No. 2020PR00057

REPORT AND RECOMMENDATION OF THE HEARING BOARD

SUMMARY OF THE REPORT

Petitioner seeks reinstatement to the practice of law after being disbarred on consent in 2012. The Hearing Board recommends her petition be granted, with conditions.

INTRODUCTION

A hearing on the Petition for Reinstatement of Sarah Jane Melisande Jones (“Petitioner”) was held on July 27 and 28, 2021 by remote video conferencing before a panel consisting of Lon M. Richey, Chair, Maureen Sullivan Taylor and John McCarron. Petitioner was represented by Sari W. Montgomery. The Administrator of the Attorney Registration and Disciplinary Commission (“ARDC”) was represented by Patrick A. Bernard and Jonathan M. Wier.

PETITION AND OBJECTIONS

On January 13, 2012 Petitioner was disbarred on consent. On March 2, 2018 she filed a petition requesting reinstatement to the practice of law, but the petition was stricken due to her failure to reimburse the Client Protection Trust Fund for monies paid to her clients. On August 18, 2020 she filed her current petition and on July 6, 2021, she was granted leave to amend the petition. On June 22, 2021 the Administrator filed objections urging that the petition be denied.

FILED

December 16, 2021

ARDC CLERK

EVIDENCE

The following witnesses testified at hearing: Petitioner, Rebecca Ulrich, Rose Wall, Stephen MacDonald and Dr. Stephen Dinwiddie. Petitioner's Exhibits 1 and 2 and Administrator's Exhibits 1, 2 and 4-12 were admitted into evidence.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petitioning attorneys seeking reinstatement to the practice of law have the burden of proving by clear and convincing evidence that they should be reinstated. In re Richman, 191 Ill.2d 238, 730 N.E.2d 45 (2000). In considering a reinstatement petition, we focus on the attorney's rehabilitation, present good character and current knowledge of the law, with rehabilitation being most important. In re Martinez-Fraticelli, 221 Ill.2d 255, 850 N.E.2d 155 (2006). There is no presumption in favor of reinstatement. In re Richman, 191 Ill.2d at 248.

Supreme Court Rule 767(f) sets forth the following factors to be considered in determining whether reinstatement is appropriate: (1) the nature of the misconduct for which the petitioner was disciplined; (2) the petitioner's maturity and experience at the time of discipline; (3) whether the petitioner recognizes the nature and seriousness of the misconduct; (4) whether restitution has been made; (5) the petitioner's conduct since discipline was imposed; and (6) the petitioner's candor and forthrightness in presenting evidence in support of the petition. Ill. S. Ct. R. 767(f).

Background

Petitioner was raised in Cairo, Illinois in a family of ten children, and overcame poverty and racial prejudice to attend college and law school. She was licensed to practice law in Illinois on January 14, 1993 but has never practiced in Illinois. Instead, she moved to California and began handling immigration cases, initially working for other attorneys before starting her own practice in 1996. As an attorney practicing solely in Immigration Court and handling immigration appeals

in the Ninth Circuit Court of Appeals, Petitioner was not required to have a California law license. (Tr. 50-57, 63-67).

In 2003 Petitioner lost her oldest brother, who was her role model, to suicide and thereafter began to suffer from depression. She sought treatment with a therapist for approximately one year and was prescribed an anti-depressant medication for six months. Within the next several years, she also lost her father, mother and older sister. Petitioner handled the losses by dedicating herself to her practice, which was very successful until the 2008 recession left her with very few clients. She attempted to keep her practice open by reducing office space, laying off staff and using savings to pay office expenses. Without her practice to block the severity of events in her personal life, she sank deeper into depression and without insurance, she could not find a therapist. By 2010 she was extremely fragile, cried for hours at a time, and could no longer focus on work, open her mail or answer her phone. Another brother died in 2011. (Tr. 69-84, 94, 162).

In about 2010 or 2011, Petitioner abandoned her practice. At that time, she gave her active files to an attorney and close friend, Virender Goswami, and to a second attorney whose name she cannot remember. She did not notify her clients or the courts that her practice was closing or that she was transferring files, but understood the other attorneys planned to contact the clients. After that point she had no more client contact, no fees were paid to her, and no client received a refund. (Tr. 84-87, 165, 191, 193, 348, 359).

Petitioner has continued to reside in California since moving there in the early 1990s. At the time of the hearing, she was a resident of San Leandro. (Tr. 50).

I. Nature of Misconduct for Which Petitioner was Disciplined

A. Evidence Considered

In 2011 the Administrator prepared a Statement of Charges against Petitioner asserting that between 2008 and 2010 she failed to pursue immigration matters for six clients, made

misrepresentations to two of the clients about the status of their cases, and failed to return unearned fees to four of the clients. Several clients who attempted to reach Petitioner in 2010 discovered her office was closed and her number was disconnected. The charges further recited that on June 8, 2011, the Ninth Circuit Court of Appeals, after previously expressing concern with Petitioner's failure to prosecute cases and her collection of fees without providing proper services, ordered her to not file any matters in the Ninth Circuit, withdraw from her pending cases and notify her clients, and file proof of her compliance within 14 days. Petitioner failed to comply with the directives and on August 10, 2011, she was ordered to pay \$2,000 to the court. (Tr. 343-44; Adm. Ex. 4).

Petitioner testified she learned of the charges against her but did not have the finances or emotional strength to defend herself. On December 13, 2011, she filed a motion to strike her name from the Illinois Master Roll of attorneys and in an accompanying affidavit agreed that, if a hearing were held, the evidence would establish she engaged in misconduct. Petitioner testified when she signed the affidavit, she had no recollection of the events, but knew she had committed misconduct. On January 13, 2012, the Supreme Court granted her motion. (Tr. 91-97, 344-47; Adm. Ex. 4).

B. Analysis and Conclusions

The severity of the misconduct leading to discipline is an important factor in considering reinstatement and cannot be minimized by subsequent exemplary conduct. Richman, 191 Ill.2d at 245. The misconduct in this case was severe, as clients whose immigration status was at stake were completely abandoned by Petitioner, with no notice directly from her and no way to contact her. Petitioner did not deny that her conduct was egregious and harmful to her clients.

We are aware of the circumstances in Petitioner's life at the time of the misconduct, as set forth in more detail in section V, which could have been presented as mitigating circumstances had her disciplinary matter proceeded to a hearing. Further, although some dishonesty was involved in the form of Petitioner's misrepresentations to two clients, her other conduct did not

appear to be deliberate or self-serving. We also consider that attorneys who committed similar, or even more egregious misconduct, have been reinstated to the practice of law. See In re Prusak, 2017PR00042, M.R. 28736 (Jan. 17, 2020) (neglect of eight criminal matters and false statements to clients and ARDC); Martinez-Fraticelli, 221 Ill.2d 255 (attorney disbarred and imprisoned for defrauding taxpayers).

In light of the foregoing circumstances and case law, we conclude that while the serious nature of Petitioner's misconduct deserves our careful consideration, it will not bar reinstatement if the indicia of rehabilitation are met.

II. Petitioner's Maturity and Experience at Time of Misconduct

A. Evidence Considered

We consider the evidence in the foregoing sections, along with the following evidence.

In the 2008 to 2011 time period, Petitioner was in her early 50s and had been practicing law since 1993. Prior to the 2008 recession, she maintained a successful practice, employed one attorney and five support staff, had handled more than 1,400 client matters, and earned between \$100,000 and \$240,000 in annual income. (Tr. 68-70).

Dr. Stephen Dinwiddie, a psychiatrist who evaluated Petitioner prior to the hearing, testified that Petitioner's misconduct in 2010 could be attributed to a very severe depressive illness. He noted, however, that depression typically does not impel a person to lie. He could not connect Petitioner's failures that predated the onset of her depression to her illness. (Tr. 389-90).

B. Analysis and Conclusions

Youth and lack of experience are relevant considerations because either can explain an attorney's lack of judgment in a given situation. In re Juliano, 2011PR00032, M.R. 24589 (Sept. 12, 2013) (Hearing Bd. at 20). Mental disorders or impairments have also been considered as a

circumstance that affects an attorney's judgment. See e.g. In re Sutherin, 07 RT 3009, M.R. 21969 (Jan. 21, 2010); In re Lange, 2012PR00063, M.R. 25388 (Sept. 25, 2013).

We find that Petitioner was both mature and experienced, especially in her field of practice, and would therefore be expected to exercise sound judgment and carry out her ethical obligations. We do not weigh this factor heavily against Petitioner, however, as we also consider that she was suffering from a mental condition that appeared to impact her judgment, although it would not have impelled her to lie to her clients. Further, we are aware that other attorneys who committed inherently dishonest acts unrelated to any mental disorder and who had practiced for twenty or more years at the time of their misconduct, have been reinstated to the practice of law. See Martinez-Fraticelli, 221 Ill.2d 255; In re Fleischman, 135 Ill.2d 488, 553 N.E.2d 352 (1990).

III. Petitioner's Recognition of the Nature and Seriousness of the Misconduct

A. Evidence Considered

We consider the evidence in the previous sections, along with the following evidence.

Petitioner testified she is aware of the seriousness of her actions and the significant harm she caused her clients and their families, and she feels terrible about her conduct. She was devastated at the way her office was closed and suffered immense regret and guilt, all of which deepened her depression to the point where she considered taking her own life. (Tr. 89-90, 109, 111, 149, 151, 154-56).

Petitioner now realizes she should have notified her clients and the court that her office was closing and that files were being transferred to a specific person, and she should have contacted her clients to determine if fees should be returned. She further realizes she did not fulfill her responsibilities by assuming other attorneys would contact her clients. (Tr. 187, 193).

Several witnesses confirmed Petitioner's devastation and remorse. Rebecca Ulrich, Petitioner's sister and office manager for sixteen years, testified that Petitioner's agony at not being

able to do legal work and help clients was so distressing that she became suicidal. Rose Walls, Petitioner's college roommate and long-time friend, testified Petitioner has expressed remorse on many occasions for what happened to her clients. Dr. Stephen Dinwiddie testified Petitioner appears to be remorseful for the problems she caused her clients. (Tr. 199, 216-18, 227-28, 329).

B. Analysis and Conclusions

Expressions of remorse and acknowledgments of wrongdoing have been found to be indications that a petitioner recognizes the nature and seriousness of his misconduct. See Martinez-Fraticelli, 221 Ill.2d at 276; In re Parker, 149 Ill.2d 222, 235-36, 595 N.E.2d 549 (1992). Attempts to minimize, rationalize, or portray oneself as a victim are signs that an attorney does not appreciate the seriousness of his behavior. See In re Livingston, 133 Ill. 2d 140, 143, 549 N.E.2d 342 (1989); In re Gottlieb, 109 Ill. 2d 267, 270-71, 486 N.E.2d 921 (1985).

Petitioner acknowledged her misconduct with no attempt to minimize it and, in our opinion, has a clear understanding of her mistakes and the actions she should have taken to protect her clients' interests. Further, we believe her expressions of remorse were heartfelt and sincere. She appeared deeply affected by the impact her actions had on her clients' lives, which increased her own mental suffering for years thereafter. These circumstances weigh in Petitioner's favor.

IV. Payment of Restitution

A. Evidence Considered

We consider the evidence in previous sections, along with the following evidence.

Following Petitioner's disbarment on consent in 2012, the ARDC Client Protection Fund reimbursed five of her clients for claims for unearned fees totaling \$14,450, including two who were referenced in the 2011 Statement of Charges. At the time Petitioner filed her 2018 petition, she knew restitution was required but did not have the funds to make payment. After that petition

was stricken and prior to filing her current petition, she made payment to the ARDC for the total amount, with funds supplied by her sister. (Tr. 146-47, 226, 257, 350, 360; Adm. Exs. 4, 12).

Petitioner is aware she owes money to clients but testified all records from her practice, including financial records, were shredded in 2012 because she could no longer afford storage and she was concerned about the privacy of her clients' information. She denied any self-interest in destroying the records, which also reflected amounts owed to her, and testified she typically kept records for seven years as required by Illinois rules. Without the records she cannot identify, locate or contact former clients and cannot make further restitution. As to one client identified in the Statement of Charges as having retained an attorney, Petitioner's counsel contacted the attorney, but never heard back. Petitioner is willing to contribute to the client protection program or a charitable organization in lieu of restitution. (Tr. 88, 147-50, 166-69, 187-91, 349).

Petitioner testified that when the Ninth Circuit Court of Appeals imposed a \$2,000 sanction in 2011, she did not have funds to pay that amount. In early June 2021, she began seeking information from the court as to how to make payment and on July 26, 2021 she submitted \$2,000 to the court. (Tr. 157-59, 186, 195-96).

B. Analysis and Conclusions

The evidence showed that Petitioner has made restitution to the ARDC Client Protection Fund and the Ninth Circuit Court of Appeals, although the latter was well after her current petition was filed. We accept her testimony that she did not have the financial means to do so earlier.

With respect to any amounts still owed to clients, Petitioner testified convincingly that her client records were destroyed - not for any nefarious reason but rather to ensure her clients' information would not fall into the wrong hands - and therefore she has no way to identify and locate clients. In In re Thomas, 76 Ill.2d 185, 390 N.E.2d 890 (1979) the Court stated that an attorney's failure to show restitution did not preclude his reinstatement where he no longer had

information that would enable him to locate clients. The Court further noted that completion of restitution is not the controlling factor in determining an attorney rehabilitation.

We do not believe Petitioner intentionally shirked her duty of restitution. She was able to find resources to make payment to the ARDC and the Ninth Circuit Court of Appeals and we believe she would do the same if she could identify and locate clients to whom she owed money. Therefore, we conclude that this factor should not bar her reinstatement.

V. Petitioner's Conduct Since Discipline was Imposed

A. Evidence Considered

We consider the evidence in the previous sections, in addition to the following evidence.

Mental Health Status

Petitioner testified she sought treatment for her depression in 2013 at the Native American Health Center in Oakland, California. At that time, she was prescribed daily antidepressants and mood stabilizers, and also participated in weekly talk therapy. Within four to six weeks, she noticed a difference in the way she felt physically and after a year, she began feeling better emotionally. (Tr. 122-25).

Petitioner testified she has not had a major depressive episode since 2013, continues to take anti-depressant medication, and anticipates taking it for the rest of her life. She discontinued talk therapy in February 2017, at which time she felt she could handle emotional issues, recognize signs of serious depression, and return to practice. During times of stress, such as later in 2017 when she needed surgery or when she was filing her petitions for reinstatement, she resumed therapy for short periods. While she does not believe her return to practice would trigger a major depressive episode, she realizes a recurrence is possible and therefore intends to continue with talk therapy on an "as needed" basis. If she were to suffer another episode, she feels comfortable asking for psychological help, which is a significant change for her. She also feels she has a strong support

system in California, consisting of her sister, close friends, other lawyers, her religious community and her yoga community. If she were reinstated, she would willingly accept monitoring conditions and see any mental health provider of the ARDC's choosing. (Tr. 122-23, 128-35, 139, 156, 183).

Rebecca Ulrich, Petitioner's sister with whom Petitioner has resided in California for more than a decade, testified Petitioner's mental health began improving in 2016, she is now grounded with a strong support system, and her confidence level has returned. Ulrich noted that although Petitioner is still working through her depression, she has not relapsed into deep depression and could live on her own if she chose to do so. Because Ulrich has also suffered from deep depression, albeit 30 years ago, she is able to recognize symptoms and is familiar with coping mechanisms. (Tr. 229, 233-36, 240, 245, 250-53, 259-61).

Dr. Dinwiddie, a psychiatrist, reviewed records relating to Petitioner's reinstatement petition, evaluated her remotely for two hours, and prepared a report in which he diagnosed her with "Major Depressive Disorder, recurrent, in remission." In Dr. Dinwiddie's opinion, Petitioner has accepted her diagnosis, has insight into her illness, and is open to treatment. With respect to her major depressive episode beginning in 2010, he did not view her treatment and medication as optimal for the intensity of her symptoms. (Tr. 392-96, 429; Pet. Ex. 2; Adm. Ex. 2).

Although Petitioner has been in total remission since 2017, Dr. Dinwiddie concluded she is, and always will be, at high risk relative to the general population for developing another major depressive episode. He expressed concerns about her ability to recognize and handle a relapse, as well as her current medical provider's ability to address a relapse. He acknowledged that a patient in treatment is less likely to have a recurrence. (Tr. 400, 408-409, 413, 421; Pet. Ex. 2).

In Dr. Dinwiddie's opinion, Petitioner has no identifiable psychological symptoms that would prevent her from functioning as an attorney and acting in a client's best interests. If

reinstated, Dr. Dinwiddie recommends that Petitioner be evaluated by a psychiatrist who can manage her ongoing medication; that she commit to accurately reporting her level of symptoms; and that a regulatory agency be involved to enhance her motivation to comply with treatment. He believes that, as a prophylactic measure, Petitioner should be monitored for an extensive period of time. (Tr. 397-98, 418; Pet. Ex. 2).

Employment/Volunteer Positions

Following Petitioner's disbarment in January 2012, she knew she could not hold herself out as an attorney, work for clients or give legal advice. From November 2011 to mid-2012, she worked for an attorney and long-time friend, Virender Goswami, at his request, writing briefs and motions in his law office. She typically worked two or three days per week and received \$100 for each day. She had no interaction with clients, no ultimate responsibility for client matters, did not sign or file any documents, and her work was reviewed by Goswami. The motions and briefs were for courts from which she was barred from practicing. Between 2011 and 2018 Petitioner wrote motions and briefs for attorney Norma Molinar sporadically and under circumstances similar to those with Goswami. In total, she worked on 15 to 20 matters for Molinar and was paid \$200 to \$500 per document. Petitioner testified she was motivated to work for Goswami and Molinar because she had relationships with them, and both asked for her assistance. The money she earned was not sufficient to support her. (Tr. 96-107, 173-74, 351, 360-61; Adm. Ex. 6).

Petitioner believed the work she did for Goswami and Molinar was permissible because the legal writing was similar to what a paralegal or secretary would do and further, the attorneys were licensed in California, had been advised of her disbarment, and agreed to the arrangement. She learned later that such work by disciplined lawyers is not allowed in Illinois, and disciplined lawyers cannot work as paralegals. Petitioner acknowledged she did not understand the Illinois rules at the time and did not conduct any research to determine what actions were permissible

because focusing on her own issues was extremely difficult and emotionally painful. (Tr. 101-102, 107-14, 362, 369-70)

In 2012 Petitioner assisted a close friend and the friend's brother with their completion of DACA applications by showing them where to insert personal information. Petitioner denied writing any statement for them or charging any fee, and advised them she was a disbarred lawyer. She did not believe she was practicing law, but now realizes she should not do anything that even remotely could be considered the practice of law. (Tr. 117-19).

In about 2014, Petitioner began working as a tutor and from 2015 to 2018, she was employed as a substitute teacher. Beginning in 2018 and continuing until the onset of the pandemic, she managed a yoga studio, working fifteen to twenty-five hours per week. She currently teaches yoga on-line, but does not charge for lessons. (Tr. 51-52, 127-28; Adm. Ex. 6).

Petitioner has been a practicing Buddhist for 37 years, volunteers for her Buddhist community, and makes donations every year. In 2014 or 2015 she began volunteering at a local school, at a library, and for her community's housing board. (Tr. 126-28, 151, 189).

Rule 764 Compliance

Petitioner testified at the time of her disbarment, she was not aware of Illinois Supreme Court Rule 764 which sets forth requirements for disciplined attorneys regarding maintenance of records, notification to clients and courts, and submission of an affidavit to demonstrate compliance with the rule. On May 18, 2021 Petitioner filed a Rule 764 affidavit stating that at the time of her disbarment she transferred or destroyed all files; she had no clients; she had not represented any clients in the year prior to her disbarment; she was not counsel of record in any matters; and her debilitating illness had prevented her from timely complying with the rule. (Tr. 95, 170-71, 348; Adm. Ex. 7).

Financial Circumstances

Petitioner has been living with her sister since 2008 and has been financially supported by her since 2012. Petitioner contributes to the household finances when she is able. Rebecca Ulrich testified she will continue to support Petitioner, emotionally and financially, as needed. Ulrich provided the funds for Petitioner to reimburse the ARDC Client Protection Fund. (Tr. 50, 139-40, 225-27, 233, 257).

Petitioner filed petitions for bankruptcy in 2011 and again in 2012, both of which were dismissed. After filing for Chapter 7 bankruptcy in 2016, her debts were discharged except for her undergraduate and law school loans, which are in forbearance. Petitioner testified she made automatic payments on those loans prior to her financial difficulties and will make monthly payments again when she is working. (Tr. 140-42, 443-45; Adm. Exs. 8-10).

Current Knowledge of Law

Petitioner submitted certificates showing her completion of 24 hours of continuing legal education classes since March 2021. She has had no other formal legal education in the past decade but has kept abreast of immigration law through information provided by the US Citizenship and Immigration Services. She will fulfill her CLE obligations if reinstated and knows she can look to bar associations for information and support. (Tr. 135, 145, 186-87, 355, 367-70; Pet. Ex. 1).

B. Analysis and Conclusions

We received much evidence concerning Petitioner's mental health since the time of her discipline. While the Administrator does not dispute that Petitioner has been in remission from her major depressive disorder since 2017, he challenges her readiness to resume practice.

In assessing Petitioner's treatment and her current mental health status, we note the many positive steps she has taken since 2013: she participated in weekly talk therapy until 2017 and continues on as "as needed" basis; she has consistently taken medication for her disorder and is

realistic about having to do so for the rest of her life; she is confident of her ability to recognize signs of a relapse and has identified resources to give her assistance; she has become engaged in her community; she has assembled a strong support system of family, friends and colleagues; and she has demonstrated her willingness to seek out assistance in times of personal stress.

The foregoing circumstances, and particularly the last one, are important in our consideration of Dr. Dinwiddie's opinion that Petitioner is at high risk for relapse and that her treatment to date has been sub-optimal. After listening to Petitioner, we believe she is acutely aware of her risk of recurrence and will be on guard to recognize and address any symptoms, as she has shown she can do. As for her treatment, we were convinced she will comply with any recommended changes made by a mental health professional after a full evaluation.

Significantly, Dr. Dinwiddie was not able to identify any psychological symptoms that would prevent Petitioner from functioning as an attorney. Given that assessment, Petitioner's insight into her illness (which Dr. Dinwiddie recognized), and her commitment to adhering to treatment recommendations, we conclude her mental health is not an impediment to reinstatement.

The Administrator takes issue with Petitioner's work for other attorneys during her period of discipline. Petitioner drafted briefs and motions for attorney Goswami for a short period of time, and then performed similar work for attorney Molinar sporadically from 2012 to 2018. Petitioner considered those tasks to be in the nature of paralegal work, rather than the "practice of law." Contrary to Petitioner's assumptions, drafting documents in which legal knowledge and skills are utilized to craft arguments on behalf of a client for consideration by a court, is the very essence of the practice of law. See In re Howard, 188 Ill.2d 423, 721 N.E.2d 1126, 1134 (1999); In re Madsen, 08 RT 3002, M.R. 22475 (March 14, 2011) (Rev. Bd. at 11-12). Petitioner also conducted her legal work at the other attorneys' law offices, which is forbidden by Rule 764.

While Petitioner's conduct was improper, we do not conclude that she intentionally engaged in the unauthorized practice of law. Rather, she made uninformed assumptions that her actions were proper and that Goswami or Molinar would alert her if her actions were improper. We fault her as much, if not more, for her failure to conduct her own research and for carelessly passing responsibility to other attorneys than we do for her unintentional practice of law. That said, we further note that much of Petitioner's work for the other attorneys occurred in the time frame of her depressive episode when she was not thinking clearly about her own situation.

We do not find that Petitioner engaged in the practice of law by assisting two individuals in completing DACA forms. Petitioner testified she was merely showing them where to insert their personal information, which would not involve any legal knowledge or judgment.

With respect to Petitioner's failure to comply with the notice and filing requirements of Rule 764 after her disbarment, we consider Petitioner's mental state at the time and the fact her office had been closed for more than a year. Cases involving similar circumstances have found the attorney's failure to comply with Rule 764 did not preclude reinstatement. See In re Reese, 2010PR00092, M.R. 24012 (March 19, 2012) (attorney's failure to send out Rule 764 notice occurred during time his decisions were influenced by alcohol and drug use; further, attorney was under mistaken impression that because he had no clients, he had no action to report to the Court). See also In re Stepter, 07 RT 3008, M.R. 21968 (Sept. 22, 2009).

Petitioner experienced financial difficulties following the closing of her practice and loss of income, but has since improved her situation by obtaining a discharge of her debts (other than her student loans), avoiding new debt, and maintaining a stable living arrangement with her sister. As for her student loans, we have no reason to question her expressed commitment to resuming her payments once she has sufficient income, just as she did when she had a thriving practice. To

her credit, Petitioner has demonstrated her ability to develop new skills to obtain employment outside the practice of law.

With respect to Petitioner's current knowledge of the law and completion of CLE courses, the Administrator notes that the courses were completed only months prior to the hearing. A similar situation was presented in Prusak, 2017PR00042 (Hearing Bd at 19) where the Hearing Board determined that recent education is preferable to courses completed years previously. We note that Petitioner has also made efforts on her own to stay abreast of immigration law and, to the extent she returns to practice, will be working in an area in which she has had considerable experience.

Petitioner's conduct since discipline was imposed has not been without fault, most notably her work for other attorneys, but since we concluded she did not knowingly engage in improper action, we do not give controlling weight to that conduct. Further, it is more than offset by the strides she has made in other areas, including addressing her mental health problems, seeking non-legal employment, curtailing her indebtedness, engaging in volunteer activities, continuing her involvement with her religious community, and developing and maintaining healthy personal relationships. Therefore, we conclude Petitioner's conduct since discipline supports reinstatement.

VI. Petitioner's Candor in Presenting Petition

A. Evidence Considered

Pursuant to Commission Rule 402 Petitioner was required to state in her petition whether she engaged in the practice of law during her period of discipline. In both her 2018 and 2020 petitions, Petitioner stated she had not done so. In a narrative statement and in listing her employment during discipline, however, she did disclose her legal and brief writing for attorneys Goswami and Molinar. She testified she did not consider that work to be the practice of law, and

denied having any deceitful intent. She acknowledged she did not understand Illinois law at the time and had not researched the Illinois rules. (Tr. 171-73, 194-98; Adm. Exs. 5, 6)

Petitioner's petition also did not disclose her assistance to two friends in the completion of DACA applications. She did provide that information later in response to the Administrator's Notice to Produce, as she felt the wording in the notice was more detailed. (Tr. 197, 355, 363-65).

Petitioner testified in about 2017 she became registered as an immigration consultant, which allowed her to fill out applications for other people and collect their documents. An immigration consultant cannot give legal advice and does not need a legal background or law license. Petitioner did not disclose that information in her petition because she had only a few clients and did not consider it responsive to inquiries regarding employment, practice of law, or applications for licenses or certificates relating to a business or occupation. After she hired an attorney, she amended her petition to include the information in response to whether she had applied for a license or certificate. (Tr. 114-17, 175-78).

B. Analysis and Conclusions

In presenting a petition for reinstatement, an attorney is expected to act with a high level of care, candor, and judgment. In re Howard, 2010PR00067, M.R. 23910 (2013). Not all discrepancies or omissions in a petition, however, evidence a lack of candor. In Parker, 149 Ill. 2d 222, the Court found that an attorney's failure to provide requested information was either an innocent oversight or an indication of how requests for information may be subject to interpretation. Further, the omissions were not willful attempts to conceal anything. See also In re Zahn, 82 Ill.2d 489, 413 N.E.2d 421, 424 (1980) (where attorney later supplied information, Court did not find omissions intentional or indicative of negative moral character).

We do not view Petitioner's omissions in her Petition as an attempt to conceal damaging information. With respect to her work for Goswami and Molinar, her omission resulted from her

mistaken notion of what constitutes the practice of law in Illinois and, significantly, she did disclose the information elsewhere in her petition. Likewise, Petitioner did not believe her assistance with DACA applications or her registration as an immigration consultant fell within any category of information she was required to provide. We accept her explanation and, because she did disclose those circumstances at a later date, we do not conclude she intentionally omitted the information. Overall, we found Petitioner's presentation of her written petition and her testimony at hearing to be honest and thorough, and her explanations to be credible.

Evidence Pertaining to Petitioner's Character and Plan for Future Practice

Petitioner testified her motivations for being reinstated are not financially driven, nor does she wish to work for fees or open her own office. She is seeking reinstatement out of respect for her deceased mother; to demonstrate to others that problems can be overcome; to be able to assist communities that have been subjected to discrimination and persecution; and to prove to herself she is strong enough to withstand the process. (Tr. 136, 138, 150-52).

If reinstated, Petitioner would like to make amends to the immigrant community by volunteering her services to low-income immigrants on a part-time basis. She is also interested in civil rights work. While she intends to seek reinstatement to the immigration courts and the Ninth Circuit Court of Appeals, she is not interested in practicing that broadly. She hopes to focus on yoga and holistic living, and does not want her legal work to be the center of her life. She has no plans to practice in, or return to, Illinois at this time. (Tr. 136-37, 143, 185, 357, 366-71).

Stephen MacDonald, a California attorney who employed Petitioner as a receptionist and paralegal in the mid-1980s and is now her close friend and a member of the same religious faith, testified Petitioner is definitely functional and he would refer clients to her. MacDonald believes Petitioner has been honest with him, and that everyone in their shared community trusts her. Rose Wall, Petitioner's college roommate and close friend, testified Petitioner is very honest and is

viewed as a good person among their mutual friends. Rebecca Ulrich, Petitioner's sister, testified Petitioner is extremely honest and truthful, and has an excellent reputation for honesty. The 2011 charges against Petitioner do not change MacDonald's, Wall's or Ulrich's opinions, as the misconduct occurred during a period of trauma and illness and does not reflect her true character. (Tr. 241-46, 300-11, 327-29).

RECOMMENDATION

Consideration of the foregoing factors is intended to aid in our determination of Petitioner's rehabilitation, present good character, and current knowledge of the law. Rehabilitation is a matter of one's return to a "beneficial, constructive and trustworthy role." In re Martinez-Fraticelli, 221 Ill.2d 255, 270, 850 N.E.2d 155 (2006). As in disciplinary proceedings, our objective is to safeguard the public, maintain the integrity of the legal profession and protect the administration of justice from reproach. In re Berkley, 96 Ill.2d 404, 410, 451 N.E.2d 848 (1983).

We find Petitioner has established her rehabilitation, good character and knowledge of the law by clear and convincing evidence, and therefore should be reinstated to the practice of law. Notably, she sought treatment for the mental health disorder that played a part in her misconduct and, according to Dr. Dinwiddie, is in remission and has no psychological symptoms that would prevent her from practicing law. Having listened to Petitioner, we believe she fully understands the importance of continued treatment and will comply with any conditions placed on her reinstatement. We also considered the testimony of Petitioner's character witnesses, her involvement in community and religious activities, her current financial circumstances, her employment in teaching and management positions, and her efforts to keep abreast of the law, all of which show her return to a beneficial, constructive, and trustworthy role.

Given Petitioner's history of depressive disorder and her time away from practice, we recommend that her reinstatement be subject to conditions, including oversight of her practice and mental health treatment. Such conditions will ensure that the public is protected and will benefit Petitioner in guarding against the possibility of relapse. We do not view Petitioner's residence and practice in California as a deterrent to implementing and monitoring the conditions, as we anticipate all necessary communications can be conducted remotely.

With respect to whether restitution should be required, we look to In re Thomas, 76 Ill.2d 185, 390 N.E.2d 890 (1979) where the attorney no longer had files or information that would enable him to locate clients to whom he owed restitution. Although the attorney offered to contribute an appropriate sum to a charity or attorney's fund, the Court decided not to impose that requirement as a condition of reinstatement. Similarly, because Petitioner's client files were destroyed years ago, we do not recommend that her reinstatement be conditioned on making restitution.

Accordingly, we recommend that Petitioner, Sarah Jane Melisande Jones be reinstated to the practice of law subject to the following conditions, which will remain in effect for the first three (3) years after entry of the Court's final order:

- a. Petitioner shall comply with Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to her conduct;
- b. Petitioner, upon reinstatement, shall comply, or document that she has complied, with the Minimum Continuing Legal Education requirements for reinstated attorneys set out in Supreme Court Rule 791(f);
- c. Petitioner shall attend meetings as scheduled by the Commission probation officer. She shall submit quarterly written reports to the Commission probation officer concerning the status of her practice of law and the nature and extent of her compliance with the conditions of her reinstatement;

- d. Petitioner shall notify the Administrator within fourteen (14) days of any change of address;
- e. Petitioner shall begin a course of treatment with a qualified mental health professional acceptable to the Administrator and shall report to such mental health professional on a weekly basis for the first year the conditions are in effect and thereafter not less than once per month, with the Administrator advised of any change in attendance deemed warranted by such professional. Petitioner shall comply with all treatment recommendations of the mental health professional, including scheduled sessions and the taking of medications as prescribed. Sessions may occur by phone or video conferencing;
- f. Petitioner shall provide the Administrator and approved mental health professional with an appropriate release authorizing the professional to (1) disclose to the Administrator, on at least a quarterly basis, information pertaining to the nature of Petitioner's compliance with any treatment plan established with respect to Petitioner's condition; (2) promptly report to the Administrator Petitioner's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding Petitioner's treatment and compliance with any established treatment plan;
- g. Upon return to practice, Petitioner shall be supervised by a licensed attorney approved by the Administrator. Petitioner shall notify the Administrator of the names and addresses of any and all attorneys with whom she establishes a supervisory relationship and shall provide notice to the Administrator of any change in supervising attorneys within fourteen days of the change. Petitioner shall authorize the supervising attorney to meet with a representative of the Administrator and work out a supervision plan, which shall include the attorney meeting with Petitioner on a monthly basis and the attorney submitting a quarterly written report to the Administrator regarding the nature of Petitioner's practice, the number of cases being handled by Petitioner, and the attorney's general appraisal of Petitioner's continued fitness to practice. Meetings may occur by phone or video conferencing;
- h. Petitioner shall promptly report any violation of the Illinois Rules of Professional Conduct; and
- i. Petitioner's conditional reinstatement shall be revoked if she is found to have violated any of the conditions of reinstatement, and she shall be suspended from the practice of law until further order of the Court.

Respectfully submitted,

Lon M. Richey
Maureen Sullivan Taylor
John McCarron

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 December 16, 2021.

/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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