

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:

KATARZYNA MAGDALENA CAPUTA,

Attorney-Movant,

No. 6292215.

Supreme Court No. M.R.

Commission No. 2024PR00026

MOTION PURSUANT TO SUPREME COURT RULE 762(a)

Movant, Katarzyna Magdalena Caputa, respectfully represents to the Court that:

1. Movant was licensed to practice law in Illinois on October 2, 2007.
2. Movant desires to have her name stricken from the Roll of Attorneys pursuant to Rule 762(a), effective immediately.
3. Filed contemporaneously with this motion is a statement of charges prepared by the Administrator and Movant's affidavit in support of this motion.

WHEREFORE, Movant respectfully requests that the Court enter an order striking her name from the Roll of Attorneys.

Respectfully submitted,

/s/ Katarzyna Magdalena Caputa  
Katarzyna Magdalena Caputa

Katarzyna Magdalena Caputa  
Law Offices of Katarzyna M. Caputa  
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May 2, 2024

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In the Matter of:

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STATEMENT OF CHARGES PURSUANT TO  
SUPREME COURT RULE 762(a)

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Jonathan M. Wier, pursuant to Supreme Court Rule 762(a), states that on the date Katarzyna Magdalena Caputa (hereinafter "Movant") filed a motion requesting that her name be stricken from the Roll of Attorneys, the Administrator was investigating allegations that Movant converted at least \$252,420.29 in funds belonging to clients and others. Had Movant's conduct been the subject of a hearing, the Administrator would have introduced the evidence described below, and that evidence would have clearly and convincingly established the misconduct set forth below:

## I. FACTUAL BASIS

Movant's admissions, bank records, and the testimony of various individuals would establish the following facts:

1. Movant is 44 years old and was licensed to practice law in Illinois on October 2, 2007. At the time of the events described in this statement, Movant was a sole practitioner in Glenview, where she primarily handled dissolution of marriage matters. Movant had sole signatory authority for a client trust at US Bank account ending in 6307, which was titled "Law Office of Katarzyna M Caputa PC IOLTA" (hereafter the "IOLTA account").

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2. Between 2015 and 2019, Movant converted more than \$250,000 in funds that belonged to her clients or others. Movant used those funds for her own personal purposes, without any authority to do so from the client or the client's representative. The client matters, and Movant's conversion of the funds, are described in detail below.

A. *Conversion of \$100,000 from Z.G.*

3. Movant represented a client with the initials Z.G. in a dissolution of marriage proceeding in the circuit court of Cook County. Pursuant to a February 2016 divorce settlement agreement, Z.G. was to receive \$100,000 from his former spouse as a property settlement. On or about February 29, 2016, Movant received and deposited the \$100,000 check representing the settlement proceeds into her IOLTA account. After February 29, 2016, Movant began using those funds for her own personal and business expenses, without Z.G.'s authority. At no time did Movant provide any of the funds to Z.G. In April 2017, Movant closed the IOLTA account, leaving it with a zero balance. Movant's use of the \$100,000 in funds belonging to Z.G. constitutes conversion of those funds.

B. *Conversion of \$48,681.93 from G.P. and K.P.*

4. Movant represented a client with the initials G.P. in a dissolution of marriage proceeding against his wife (whose initials were K.P.), in the circuit court of Cook County. On or about November 30, 2015, Saturn Title, LLC – Escrow Account issued a check in the amount of \$58,549.38 to Movant, as G.P.'s counsel, for the sale of the marital home. On December 3, 2015, Movant deposited that check into her IOLTA Account. The court ordered that the funds remain in that account until it authorized disbursements. After December 3, 2015, Movant began using those funds for her own personal and business expenses without the authority of the court or G.P.

or K.P. On February 22, 2016, prior to any authorized disbursements of the funds, Movant had drawn the balance in her IOLTA account to \$9,867.45.

5. While subsequently Movant made payments to G.P. and K.P. pursuant to court orders in their dissolution of marriage proceedings, Movant's use of the \$48,681.93 of funds prior to any court-ordered distribution of the funds constitutes conversion of those funds.

C. *Conversion of \$44,538.36 from E.H. and K.H.*

6. Movant represented a client with the initials E.H. in a dissolution of marriage proceeding against her husband (whose initials were K.H.) in the circuit court of DuPage County. On or about November 15, 2016, Movant received a \$81,076.71 check for the sale of the marital home. Movant deposited the check into her IOLTA account. The court ordered that the funds remain in that account pending an allocation decision by the court. Prior to receiving any such order, Movant transferred \$40,600 into her business (non-IOLTA) bank account and also issued a check to E.H. in the amount of \$40,538.35. In April 2017, Movant closed the IOLTA Account, leaving it with a zero balance. At no time prior to April 2017 was Movant authorized to disburse or use those funds. Movant's use of the \$40,538.36 (\$81,076.71 less the \$40,538.35 paid to E.H.) in funds prior to any court-ordered distribution of the funds constitutes conversion of those funds.

7. In connection with the sale of E.H. and K.H.'s marital home, Movant received a separate check in the amount of \$4,000 at the closing. Movant agreed to hold those funds in escrow to be applied towards repairs to the home, but Movant deposited the check into her business (non-IOLTA) account on November 15, 2016. By November 30, 2016, Movant had drawn the balance in her business bank account to \$47.12. At no time between November 15 and November 30, 2016 did Movant disburse any of the funds for repairs to the marital home. By depositing the \$4,000

into her non-IOLTA account and by using \$3,952.88 of those funds for her own use, Movant converted the funds.

8. While Movant subsequently made payments to E.H. and K.H. and the purchaser of their marital residence pursuant to court orders entered in their dissolution of marriage proceeding, Movant's use of \$44,538.36 in funds belonging to E.H. and K.H. constitutes conversion of those funds.

D. *Conversion of \$59,200 from K.B. and A.K.*

9. Movant represented a client with the initials K.B. in a dissolution of marriage proceeding against her husband (whose initials were A.K.) in the circuit court of Cook County. In that proceeding, the court entered an order that authorized the sale of the impounded contents of a safety deposit box for \$59,200. The order provided that "[p]etitioner's counsel shall deposit check from jewelry purchaser into her escrow account and deliver proof of deposit in the amount of \$59,200 within 28 days."

10. In violation of the court's order, Movant deposited the \$59,200 check into her personal (non-IOLTA) bank account. By January 2019, and prior to making any authorized disbursements of the funds, Movant had overdrawn her personal bank account. While Movant made payments to the attorneys of record and an interpreter pursuant to a May 8, 2019 order entered by the court in the dissolution of marriage proceeding, Movant's deposit of the \$59,200 check into her personal bank account and use of the funds constitutes conversion of those funds.

## II. CONCLUSIONS OF MISCONDUCT

11. By reason of the conduct described above, Movant has engaged in the following misconduct:

- a. failure to maintain and appropriately safeguard funds belonging to a client or third persons that were in her possession in connection with a representation separate from his own property, by converting funds totaling at least \$252,420.29 due her clients or third parties, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010);
- b. failure to promptly deliver to her clients or third parties any funds they were entitled to receive, in violation of Rule 1.15(d) of the Illinois Rules of Professional Conduct (2010); and
- c. conduct involving dishonesty, fraud, deceit or misrepresentation, by using funds belonging to clients or third parties to pay her own business or personal expenses and by violating court orders requiring her to hold money in her IOLTA account until authorized to disburse the funds, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

Respectfully submitted,

Lea S. Gutierrez, Administrator  
Attorney Registration and  
Disciplinary Commission

By: /s/ Jonathan M. Wier  
Jonathan M. Wier

Jonathan M. Wier  
Attorney Registration and Disciplinary Commission  
One Prudential Plaza  
130 East Randolph St., Suite 1500  
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## IN THE SUPREME COURT OF ILLINOIS

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KATARZYNA MAGDALENA CAPUTA,

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Attorney-Movant,

Commission No. 2024PR000 \_\_

No. 6292215.

## AFFIDAVIT

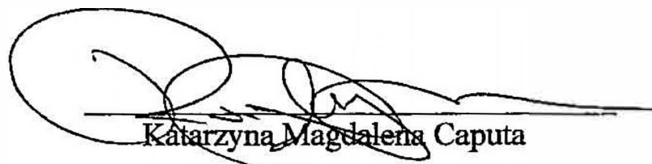
Affiant, Katarzyna Magdalena Caputa, being first duly sworn, states:

1. Affiant has filed with this Court a motion to strike her name from the Roll of Attorneys licensed to practice law in Illinois, pursuant to Rule 762(a).
2. Affiant has received and reviewed a copy of the Administrator's statement of the charges that were pending against Affiant as of the filing of the instant motion. If the case proceeded to a hearing, the Administrator would present the evidence described in the statement of charges, and the evidence would clearly and convincingly establish the facts and conclusions of misconduct set forth in the statement of charges.
3. Affiant's motion is freely and voluntarily made.
4. Affiant understands the nature and consequences of this motion.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that she verily believes the same to be true.

Date:

4-26-24

  
Katarzyna Magdalena Caputa

Katarzyna Magdalena Caputa

Movant

Law Offices of Katarzyna M. Caputa

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Supreme Court No. M.R.

Commission No. 2024PR00026

NOTICE OF FILING

TO: Katarzyna Magdalena Caputa  
Law Offices of Katarzyna M. Caputa  
2516 Waukegan Road #304  
Glenview, Illinois 60025-1774  
Telephone: (773) 614-0386  
Email: [kcaputalawoffice@gmail.com](mailto:kcaputalawoffice@gmail.com)

PLEASE TAKE NOTICE that on May 2, 2024, electronic copies of Movant's MOTION PURSUANT TO SUPREME COURT RULE 762(a), Administrator's STATEMENT OF CHARGES, and Movant's AFFIDAVIT, were submitted to the Clerk of the Supreme Court for filing. On that same date, copies were served on Movant, by e-mail to [kcaputalawoffice@gmail.com](mailto:kcaputalawoffice@gmail.com), at or before 5:00 p.m.

Respectfully submitted,

Lea S. Gutierrez, Administrator  
Attorney Registration and  
Disciplinary Commission

By: /s/ Jonathan M. Wier  
Jonathan M. Wier

Jonathan M. Wier  
Attorney Registration and Disciplinary Commission  
One Prudential Plaza  
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PROOF OF SERVICE

The undersigned, an attorney, hereby certifies, pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/109, that the Administrator served copies of the Notice of Filing, Movant's MOTION PURSUANT TO SUPREME COURT RULE 762(a), Administrator's STATEMENT OF CHARGES PURSUANT TO SUPREME COURT RULE 762(a) and Movant's AFFIDAVIT, on the individual listed on the forgoing Notice of Filing, by e-mail at [kcaputalawoffice@gmail.com](mailto:kcaputalawoffice@gmail.com) on May 2, 2024 at or before 5:00 p.m.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Jonathan M. Wier  
Jonathan M. Wier

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