DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
HEARING COMMITTEE NUMBER ELEVEN

In the Matter of:	:	
	:	
JINHEE K. WILDE,	:	
	:	
Respondent.	:	Board Docket No. 14-BD-067
	:	Bar Docket No. 2009-D244
A Member of the Bar of the	:	
District of Columbia Court of Appeals	:	
(Bar Registration No. 436659)	:	

REPORT AND RECOMMENDATION
OF HEARING COMMITTEE NUMBER ELEVEN

This matter arises out of Jinhee K. Wilde's ("Respondent" or "Ms. Wilde") conduct on a plane flying to Seoul, South Korea. After a flight attendant reported to her supervisor that she had observed Respondent with her hands in another passenger's purse, the flight crew's subsequent investigation revealed that Respondent had some $100 bills with serial numbers that were sequential to those on $100 bills remaining in the other passenger's purse. The flight crew called the police who questioned Respondent and the other passenger. Respondent was charged with theft and convicted *in absentia* in South Korea. After Respondent learned of her conviction, she sought and was granted a new trial, where she was again convicted of theft, which was upheld on appeal.

Respondent's conduct in the South Korean criminal proceedings and in subsequent disciplinary proceedings in Maryland and D.C. is marked by repeated

instances of dishonesty, forgery, and false testimony, as she attempted to create a factual record to support her contention that the $100 bills in her possession had been withdrawn from her bank. Respondent created a series of forged letters in an attempt to prove that she had withdrawn the funds from the bank. Respondent also forged checks to implicate her former law partner in an attempt to frame her for the theft on the plane. She repeatedly testified dishonestly before this Hearing Committee.

We find that Disciplinary Counsel proved by clear and convincing evidence that Respondent violated the following District of Columbia Rules of Professional Conduct (the "Rules") - 3.3(a)(1) (knowing false statement to a tribunal), 3.3(a)(4) (offering false evidence), 3.4(b) (falsification of evidence), 8.1(a) (false statement in connection with a disciplinary matter), 8.1(b) (failure to respond to lawful demand by disciplinary authority for information), 8.4(b) (criminal act), 8.4(c) (fraud, deceit, misrepresentation, and/or dishonesty), and 8.4(d) (serious interference with administration of justice). We recommend that she be disbarred because she stole money from the other airplane passenger and because her conduct following the theft constitutes repeated flagrant dishonesty, either of which alone would constitute a sufficient basis for disbarment.

I. PROCEDURAL HISTORY

On November 2, 2010, Disciplinary Counsel filed a petition with the District of Columbia Court of Appeals (the "Court") requesting that Respondent be suspended immediately from the practice of law in the District of Columbia

pursuant to D.C. Bar R. XI, § 10. In support of the suspension petition, Disciplinary Counsel attached a copy of a judgment of conviction for theft entered against Respondent by the Incheon District Court in South Korea on August 28, 2009. The Incheon District Court had found that, while on a flight from the United States to South Korea, Respondent stole $1,100 in cash from a fellow passenger. Disciplinary Counsel asserted that the offense of which Ms. Wilde had been convicted – theft – was a "serious crime" under D.C. Bar R. XI § 10(b) and immediate suspension was warranted.

Respondent filed an opposition to the suspension petition on November 15, 2010, arguing that Section 10 does not provide for discipline based on criminal convictions in foreign countries. In addition, she contested the accuracy of translations of the South Korean court documents that were attached to Disciplinary Counsel's petition. On January 12, 2011, the Court granted Disciplinary Counsel's Petition and referred the matter to the Board on Professional Responsibility (the "Board") pursuant to D.C. Code § 11-2503(a) to determine whether the offense involved moral turpitude.

While proceedings on the moral turpitude issue were ongoing before the Board, the Circuit Court for Montgomery County, Maryland held a hearing in March 2011 on related charges filed against Respondent by the Attorney Grievance Commission of Maryland. The charges, like those ultimately lodged by Disciplinary Counsel in this matter, revolved around Respondent's alleged theft and ensuing efforts to avoid responsibility for it. Judge Ronald B. Rubin, after two

days of hearings, found that Maryland Bar Counsel had failed to establish, by clear and convincing evidence, that Respondent had stolen the money. Judge Rubin, whose decision is memorialized in a 16-page opinion, credited the testimony of Respondent and the witnesses presented in her defense. [1]

On May 19, 2011, after the ruling favorable to her in the Maryland proceedings, Respondent requested that the Court lift her suspension and terminate the proceedings before the Board. On June 14, 2011, the Board issued a report recommending that the Court reconsider its order suspending Respondent and referring the matter for a moral turpitude determination. On October 14, 2011, the Court issued an order lifting Respondent's temporary suspension. Following briefing and oral argument on the issue of whether the theft conviction in Korea constituted conviction of a serious crime, on June 20, 2013, the Court issued an opinion concluding that while a foreign conviction is not a conviction of a crime within the meaning of D.C. Bar R. XI, § 10 and D.C. Code § 11-2503, it might be given preclusive effect consistent with principles of collateral estoppel, without prejudice to Disciplinary Counsel initiating original discipline proceedings pursuant to D.C. Bar R. XI, § 8. *In re Wilde*, 68 A.3d 749 (D.C. 2013).

On September 8, 2014, Disciplinary Counsel served Respondent with a Specification of Charges. BX 2. Respondent filed an Answer on September 29, 2014. BX 4. An amended Specification ("Specification") was filed on January 30,

[1] As set forth below, the Hearing Committee reached a result at odds with that of the Circuit Court for Montgomery County, finding that Respondent did commit the theft. The Hearing Committee notes that it was presented with more evidence than that which had been submitted in the Maryland proceeding, including the testimony of witnesses who did not testify in Maryland.

2015. BX 2. The Specification alleges that Respondent's theft of cash from a fellow passenger on her flight to South Korea, and subsequent misconduct in related court proceedings, violated the following Rules:

- Rule 3.3(a)(1), by knowingly making false statements of fact to a tribunal and failing to correct them;
- Rule 3.3(a)(4), by knowingly offering evidence she knew to be false;
- Rule 3.4(b), by falsifying evidence;
- Rules 8.1(a) and (b), by making false statements of fact, failing to disclose a fact necessary to correct a misapprehension, and failing to respond to a lawful demand for information in connection with a disciplinary matter;
- Rule 8.4(b), by committing criminal acts (theft in violation of Article 329 of the Korean Criminal Act and D.C. Code § 22-3211; fraud in violation of D.C. Code § 22-3221; and forgery and uttering in violation of D.C. Code § 22-3241) that reflect adversely on her honesty, trustworthiness, or fitness as a lawyer;
- Rule 8.4(c), by engaging in conduct involving fraud, deceit, misrepresentation, and/or dishonesty; and
- Rule 8.4(d), by engaging in conduct that seriously interfered with the administration of justice.

Respondent did not file an answer to the amended Specification.

At a pre-hearing conference on January 21, 2015, both Disciplinary Counsel and Respondent asserted that collateral estoppel precluded re-litigation of certain issues. Disciplinary Counsel argued that collateral estoppel barred Respondent from relitigating the issue of whether she committed the theft, whereas Respondent urged that the Committee should give preclusive effect to the Maryland court's finding of no disciplinary violations. Thus, on February 11, 2015, the Hearing

Committee issued an order requesting briefing on the issue of collateral estoppel in advance of the hearing. Disciplinary Counsel and Respondent filed competing motions on February 25, 2015 and reply briefs on March 11, 2015. On April 3, 2015, the Hearing Committee issued an order denying Respondent's motion and deferring Disciplinary Counsel's motion pending submission of additional evidence as to the fairness of the South Korean proceedings. Because the Board requires that decisions applying collateral estoppel be made prior to the commencement of the merits hearing in a matter,[2] the order called for a preliminary hearing on the issue. Because Disciplinary Counsel was unable to produce expert testimony on Korean procedure in advance of the hearing on the merits, and the documentary evidence offered was insufficient to determine the fairness of the South Korean proceedings, Disciplinary Counsel's motion to give Ms. Wilde's conviction collateral estoppel effect was denied by Order dated April 28, 2015.

A hearing on the merits was held before the Hearing Committee on May 11-14, 2015, June 29, 2015, February 26, 2016, and May 4, 2016. At the hearing, Senior Assistant Disciplinary Counsel Julia L. Porter, Esquire, represented the Office of Disciplinary Counsel and Michael L. Rowan, Esquire, represented Respondent. The Hearing Committee appreciates counsel's able and organized presentations in this unusually complex matter.

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[2] *See In re Fastov*, Board Docket No. 10-BD-096 (BPR July 31, 2013), *case dismissed as moot*, Order, D.C. App. No. 13-BG-850 (D.C. Sept. 26, 2014) (case dismissed following respondent's death).

Prior to the hearing, Disciplinary Counsel submitted Bar Exhibits ("BX") 1 through 86. Respondent filed brief objections to BX 5-23 (Korean police records), based on hearsay not subject to cross-examination, and to BX 31-37 and 41-45 (Korean court records including witness testimony) based on the fact that South Korean criminal procedures and evidentiary rules differ from those in the District of Columbia. All of Disciplinary Counsel's exhibits were received into evidence, Transcript of Proceedings ("Tr.") 807, as the Hearing Committee is not bound by strict rules of evidence. *See* Board Rule 11.3. Prior to the final day of the hearing, Disciplinary Counsel submitted BX 88-95, all of which were received into evidence without objection. Tr. 1184.

During the first set of hearing dates, Disciplinary Counsel called Erica Yoon (f/k/a Erica Chang), the alleged victim of the theft, Tr. 46, Christopher Teras ("Mr. Teras"), Respondent's former law partner while she was with the law firm of Teras & Wilde, Tr. 188, David Chalker, a manager at Commerce Bank (now TD Bank) where Teras & Wilde had its accounts,[3] Tr. 516, Peter Chang, the alleged victim's son, Tr. 495, Robert Dietrick, former counsel for the Bank, Tr. 358, James Hammerschmidt, whose law firm represents Christopher Teras, Tr. 642, Theodore Kim, a former senior advisor to Worldwide Personnel, a major client of Teras & Wilde owned by Mr. Teras, Tr. 469, Robert Kraemer, a former corporate security investigator for the Bank, Tr. 602, Nancy Garland Miller, the outside bookkeeper

[3] During the course of the events central to this proceeding, Commerce Bank was acquired by TD Bank. To avoid confusion, the bank will be referred to throughout as the "Bank." Other banks referred to herein will be referred to by their full names.

for Christopher Teras and his law firms, Tr. 662, Kevin O'Connell, Disciplinary Counsel's Forensic Investigator, Tr. 503, Brian K. Vinson, a former customer service representative at the Bank, Tr. 404, Respondent, Tr. 687, Professor Sun-Ah Park, a Korean law professor, Tr. 902. Disciplinary Counsel also introduced the May 7, 2015 video deposition of Christopher Tucci, a former in-house attorney for the Bank (BX 88) and Carlos Gomez, a notary public previously employed by Teras & Wilde, Feb. 26, 2016 Tr. 30. In addition, Roxy Angha, a former customer service representative at the Bank who had moved to New York, testified via video link on May 4, 2016. Tr. 91. On May 20, 2015, Disciplinary Counsel filed a proffer of Prof. Park's testimony.

Also prior to the hearing, Respondent submitted exhibits ("RX") 1 through 13.[4] During the hearing, Respondent testified on her own behalf, Tr. 1043, and called Emily Staats, a former bookkeeper and administrator for Teras & Wilde, Tr. 1015, Jiyon Huh, a former bookkeeper and administrator for Worldwide Korea, an affiliate of Worldwide Personnel, Tr. 985, and Sunwook An, a former intern at Teras & Wilde, Tr. 961.

After the close of the hearing, Disciplinary Counsel filed Proposed Findings of Fact, Conclusions of Law and Recommendation as to Sanction and a Reply Brief. Respondent filed a Response to Disciplinary Counsel's Proposed Findings of Fact, Conclusions of Law and Recommendation as to Sanction.

[4] RX 1-13 are hereby admitted into evidence.

Following the close of the hearing, Respondent moved to supplement the record with RX 14, a series of photographs of a letter that Mr. Vinson had previously denied notarizing (RX 8) on grounds that the copy of the letter used as an exhibit at the hearing lacked his raised notarial seal. The photographs displayed the presence of the raised seal on the letter. This document called into question the authenticity of the previously admitted copy of this letter. The parties filed a series of successive motions thereafter, moved to supplement the record with additional exhibits, and the Hearing Committee reopened the hearing to take additional testimony.[5] These matters extended the proceedings by a year.

[5] Disciplinary Counsel initially opposed the motion to supplement on grounds that it wanted time to investigate whether RX 14 was authentic. The Hearing Committee granted Respondent's motion to supplement the record but also gave Disciplinary Counsel an additional 30 days to conduct its investigation. Disciplinary Counsel filed a subsequent brief acquiescing to the authenticity of RX 14 and also seeking to move additional exhibits BX 96A-C into evidence. BX 96A merely contained additional photographs of RX 14 displaying Mr. Vinson's notarial seal. BX 96B contained photographs taken of the original of the previously admitted BX 50, a letter, on Commerce Bank letterhead, from Brian Vinson to Respondent that appears to show a raised notarial seal containing the name "Carlos Gomez." BX 96C contained photographs of the original of the previously admitted BX 52, a letter, on Commerce Bank letterhead, to Respondent from Commerce Bank Vice President David Chaulker *[sic.]* that did not appear to show a raised notarial seal. The Hearing Committee admitted BX 96A-C into evidence and set an additional hearing date to determine the weight and materiality to be accorded RX 14 and BX 96A-C.

During a November 20, 2015 telephonic conference, the Chair directed the parties to confer and submit a statement as to whether either party intended to present further testimony concerning RX 14 and BX 96A-C. Neither party filed a response and the Chair issued an order directing the parties to file a joint statement on the issue on or before December 11, 2015. The parties timely submitted a joint statement in which they stated that they did not believe it was necessary to call any additional witnesses concerning the newly admitted exhibits. Following the parties' joint statement, the Chair issued an order setting an additional February 26, 2016 hearing date and directing Disciplinary Counsel to serve Mr. Vinson; Roxy Angha, a former customer service representative at the Bank who had moved to New York; and Carlos Gomez, a notary public previously employed by Teras & Wilde, with a subpoena compelling each of them to appear and testify at the hearing.

In advance of the hearing date, Respondent moved to supplement the record again with RX 15A

II. FINDINGS OF FACT

The following findings of fact were established by clear and convincing evidence. *See* Board Rule 11.6.

A. *Background*

1. Respondent was admitted to the Bar of the District of Columbia Court of Appeals on February 1, 1993 and was assigned Bar number 436659. Respondent is also a member of the Bars of Illinois and Maryland. BX 1; Tr. 688 (Respondent).

2. Between October 2004 and January 2009, Respondent practiced law with Christopher Teras in a two-partner firm, Teras & Wilde, PLLC, which focused on immigration law. Tr. 189-90 (Teras); Tr. 688 (Respondent).

3. Mr. Teras established Worldwide Personnel, Inc., ("Worldwide") in 1995 to work with agents in Asia to recruit foreign workers for jobs in the United States. Worldwide shared offices with Teras & Wilde. Tr. 192-93 (Teras); Tr. 834 (Respondent); Tr. 1017 (Staats).

4. Worldwide was a client of Teras & Wilde that generated nearly ninety

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and 15B, exchanges of emails between Disciplinary Counsel and Mr. Teras and between Ms. Yoon and Mr. Teras respectively. Disciplinary Counsel objected to the admission of these exhibits on relevance grounds and on grounds that the record had already closed. RX 15A and 15B are hereby admitted into evidence.

Disciplinary Counsel further moved to supplement the record with BX 97, an exchange of text messages between Respondent and Carlos Gomez. Disciplinary Counsel was unable to subpoena Mr. Vinson or Ms. Angha to testify at the February 26 hearing but Mr. Gomez appeared and testified at the hearing. Following Mr. Gomez's testimony, the Hearing Committee set a final May 4, 2016 hearing date to permit Ms. Angha to testify. At the close of the May 4 hearing date, the Chair ordered the parties to file their statements delineating their respective positions as to how the Hearing Committee should treat RX 14 and 96A in light of Mr. Vinson's unavailability to testify. The parties each timely filed their statements.

percent of the fees that the firm received. Tr. 279 (Teras); Tr. 689-90 (Respondent). Between January 2005 and December 2008, Worldwide paid Teras & Wilde more than $950,000. BX 81.

5. Mr. Teras eventually established a Korean affiliate of Worldwide, Worldwide Korea, with offices in Seoul. While he practiced law with Respondent, Mr. Teras spent approximately half of his time overseas, mostly in Korea and other parts of Asia. Tr. 206-07 (Teras); Tr. 689 (Respondent).

6. Respondent also traveled to Korea on occasion for the firm. Tr. 691 (Respondent). While there, Respondent had access to and used the office and staff of Worldwide Korea. Respondent was never an owner or officer of Worldwide or Worldwide Korea, and did not have signature authority over any of its bank accounts. Tr. 202, 208, 212 (Teras); Tr. 689, 843 (Respondent).

7. In addition to sharing office space with Teras & Wilde, Worldwide also shared some of the same employees and outside consultants. Between 2005 and mid-2007, Emily Staats worked as a part-time bookkeeper for Teras & Wilde and performed similar functions for Worldwide, including preparing checks using the QuickBooks program and providing other accounting services. Tr. 197-98, 203 (Teras); Tr. 836-37 (Respondent); Tr. 1017-18, 1028, 1032-33 (Staats). In the summer of 2007, Ji-Yon Huh took over the check-writing and bookkeeping functions both for Teras & Wilde and Worldwide, although she was officially an employee of Worldwide Korea. Tr. 198, 216-17 (Teras); Tr. 838, 844-45 (Respondent); Tr. 1027, 1029 (Staats); Tr. 986-87, 997-99 (Huh).

8. Garland Miller and her bookkeeping firm provided outside bookkeeping services, including payroll, taxes, and reconciliations for both Teras & Wilde and Worldwide. Ms. Miller has been performing this duty for Teras & Wilde, its predecessor and successor firms, and Worldwide for twenty-five years. Tr. 197, 199-203 (Teras); Tr. 844 (Respondent); Tr. 663-65 (Miller).

9. In 2006, Mr. Teras retained Theodore Kim, someone he had known for many years, as a consultant to Worldwide, and agreed to pay him a monthly fee of $1,000. Tr. 213-14 (Teras); Tr. 470-72, 481, 485 (Kim); BX 82. Mr. Kim also consulted with Teras & Wilde, and worked on a number of projects with Respondent during the law firm's existence. Tr. 472-74 (Kim).

10. Teras & Wilde maintained its checking account at the Bank. Tr. 196 (Teras); Tr. 415-19 (Vinson). Respondent and Mr. Teras were the sole signatories on this account. Teras & Wilde also had a line of credit and a trust account at the Bank. Tr. 196-97 (Teras); Tr. 416-17 (Vinson); Tr. 690-91 (Respondent).

11. Worldwide maintained its checking account at Wachovia Bank. BX 74. Mr. Teras and his wife were the only signatories on the account. Tr. 202 (Teras). Before traveling internationally, Mr. Teras signed Worldwide checks in blank and left them with Worldwide's internal bookkeeper so that she could make any needed payments in his absence. Tr. 208-09, 310 (Teras); Tr. 1029 (Staats). The in-house bookkeeper kept the checks of Worldwide and Teras & Wilde in locked drawers in her desk at Teras & Wilde. In addition to the bookkeeper, both Mr. Teras and Respondent had access to the desk key and the checks in the locked

drawers. Tr. 201, 209 (Teras); Tr. 694 (Respondent); Tr. 1029-32 (Staats); Tr. 1001-02 (Huh).

B. ***Respondent's Trip to Korea in May 2007***

12. In early May 2007, Respondent scheduled a trip to Korea on Teras & Wilde business, leaving from Dulles Airport on Sunday, May 27, 2007, and arriving in Korea the following day. Tr. 695 (Respondent); *see also* Tr. 219-20 (Teras).

13. On May 22, 2007, in preparation for her trip, Respondent directed the firm's bookkeeper, Ms. Staats, to prepare a check for $1,000 payable to "cash" drawn on the law firm's checking account at the Bank, which Respondent signed. Tr. 695-96 (Respondent). Ms. Staats took the check to the Bank and cashed it, but could not remember the denominations of the bills the Bank provided. BX 26 at 1; Tr. 1022 (Staats). Ms. Staats returned to the office and provided Respondent the Bank envelope containing the cash. She had no further involvement with the withdrawal. Tr. 1022, 1040 (Staats).

14. Respondent testified that she kept the cash in the Bank envelope, separate and segregated from her own funds. Tr. 698 (Respondent). In addition to the cash withdrawn from the Bank, Respondent brought personal funds with her on her trip, because she wished to purchase some medicine while in Korea. Ms. Wilde told the Korean police and testified before the Hearing Committee that she had $1,000 in personal funds with her when she boarded the airplane. BX 24; Tr. 720 (Respondent).

15. On May 27, 2007, Respondent left on the flight to Incheon, South Korea. Erica Yoon, then known as Erica Chang, was also a passenger on the flight and originally seated in the aisle seat in same row but across the aisle from Respondent in the first-class section of the plane. Tr. 49-50 (Yoon). During the flight, Respondent moved to the empty row behind her originally-assigned seat because another passenger who was seated next to her was disturbing her. Tr. 1046-49 (Respondent).

16. Ms. Yoon testified that when she arrived at Dulles airport, she had $2,000 in cash – all in $100 bills. *See* Tr. 51 (Yoon). Ms. Yoon frequently traveled between the U.S. and Korea and her practice was to take $2,000 in cash. Tr. 49-51, 180 (Yoon). The $2,000 that Ms. Yoon had on May 27, 2007, was money withdrawn from a rotating credit club and from her personal checking account at SunTrust. Tr. 51-52, 159, 180, 183 (Yoon).

17. Ms. Yoon used approximately $300 of her $2,000 to purchase items at Dulles airport, and spent another approximately $200 during the flight. Ms. Yoon testified credibly that after these purchases, she had at least $1,500 remaining in her wallet. Tr. 53-54, 153, 158, 180 (Yoon).[6]

[6] Counsel for Respondent made much of Ms. Yoon's testimony in the Maryland disciplinary proceedings that she discovered $700 to be missing as opposed to the $1100 she claimed was missing to the Korean police and this Hearing Committee. The Hearing Committee had the opportunity to assess Ms. Yoon's credibility during her live hearing testimony (with the assistance of a translator) and we found her to be credible. We note that her testimony in Maryland was provided over a speakerphone from Korea and without the aid of a translator. A non-native speaker of English, she explained that she did not understand all of what she was being asked during the proceeding. Tr. 139, 147-48, 156-57 (Yoon).

i. *Theft on the Airplane.*

18. Ms. Yoon testified that toward the end of the flight, Eun Hee Lee, a flight attendant, woke her and asked if she knew Respondent. When Ms. Yoon said that she did not, Ms. Lee asked her to check her purse because she had seen Respondent rummaging through it. Tr. 54, 60-62 (Yoon).

19. Ms. Yoon went to the galley with Ms. Lee and checked the contents of her purse. When Ms. Yoon took out her wallet, she noticed that a couple of the $100 bills were partially sticking out. Tr. 54-56 (Yoon). Ms. Yoon determined that $1,100 in cash – consisting of eleven $100 bills – had been taken from her purse. Ms. Yoon had only four $100 bills remaining in her wallet, all of which had serial numbers that began with the same eight characters "FL171737." BX 7 at 1, 3; BX 8; BX 36 at 2, 6-7; Tr. 57-58, 67-69, 167, 185-86 (Yoon).

20. The senior flight attendant then approached Respondent and told her that a fellow passenger was missing money, and that a witness had observed Respondent taking and going through the victim's purse. The senior flight attendant stated that if Respondent returned the money, the matter would be dropped. Respondent denied taking the victim's purse and removing money inside it. Tr. 728, 1054-55 (Respondent). When Ms. Yoon asked Respondent directly to return her money, Ms. Wilde responded with "Do you know who I am?" Tr. 66 (Yoon).[7]

[7] Respondent testified in the criminal case and in this proceeding that Ms. Yoon stated she recognized Respondent from the newspapers and threatened to "bury" her. BX 95 at 17; Tr. 1057-58. Ms. Yoon testified she did not know Respondent and never made such a threat. Tr. 62,

21. Shortly after Respondent denied taking Ms. Yoon's money, Respondent took the cash out of the Bank envelope to count it. Tr. 728-29 (Respondent); *see also* Tr. 69 (Yoon). The purser approached Respondent and asked to see the money in the envelope. Tr. 729 (Respondent); *see also* Tr. 68-69 (Yoon). After he examined the money in the envelope, he announced to Ms. Yoon that the serial numbers for a number of the bills in the envelope were in the same sequence as those remaining in her wallet. Tr. 69-70 (Yoon).

22. The flight crew called the Korean police, and when the plane landed in Incheon, police officers boarded the plane. The flight crew explained to the police what happened and the purser advised the police that a number of the $100 bills in Respondent's possession had serial numbers with the same initial eight characters as those on the bills still in the victim's wallet. BX 9 at 5-6.

C. *The Initial Police Investigation.*

23. The police escorted Respondent and Ms. Yoon to the police station in the Incheon Airport terminal. Tr. 70-72 (Yoon); Tr. 729 (Respondent).

24. Respondent provided a sworn statement to the police. BX 9. Before the police questioned Respondent, they advised her that she had the right to remain silent and could have an attorney – which she acknowledged, but said she would provide a statement without an attorney. BX 9 at 1-2. The police officer also confirmed that Respondent could read and write Korean. *Id.* at 2.

66, 168 (Yoon); BX 42 at 6. We did not find Respondent's testimony on this point to be credible, in part because she did not claim Ms. Yoon recognized or threatened her in her statement to the Incheon police. In the statement, Respondent claimed only that Ms. Yoon cursed at her. BX 9 at 5.

25. The police told Respondent the first several characters in the serial numbers for a number of the bills in the bank envelope matched the same characters in the serial numbers on the four bills remaining in the victim's wallet – which they spelled out for Respondent – and twice asked her if she could explain. BX 9 at 5-6. Respondent claimed that she withdrew money from banks such as the Bank, and suggested that the victim could have withdrawn sequentially numbered bills from the same bank. *Id.* at 6. At no time did Respondent mention that she had a record of the serial numbers of the bills she obtained from the Bank, an inexplicable omission if in fact she had such a record as she later claimed. Respondent denied taking the victim's Louis Vuitton purse, and stated that she only caught her foot in it when she was walking in the aisle. *Id.* at 3-4, 7-8.

26. The police asked Respondent to review and confirm the truthfulness of her statements, which Respondent did, and she confirmed that there was nothing more she wished to add. Respondent then signed and dated her sworn statement, and affixed her thumbprint to each page of the Korean version of the report. BX 9 at 10; *see* Tr. 732, 741 (Respondent).

27. Ms. Yoon also provided the police a sworn, signed statement. BX 7. Ms. Yoon stated that $1,100 of her money was missing, and identified the credit union and bank from which she had withdrawn the money before her trip. *Id.* at 5. Ms. Yoon did not withdraw the $1,100 at issue from the Bank. The police made a photocopy of the four $100 bills she had left, and a record of their serial numbers – FL17173703CL12, FL17173720CL12, FL17173721CL12, FL17173756CL12. *Id.*

at 4; BX 8 (copies of the four $100 bills); Tr. 75-77, 80-84 (Yoon).

28. Respondent objected to the police seizing all $2,000 in the Bank envelope (17 - $100 bills and 6 - $50 bills), so the police confiscated only 11 of the 17 $100 bills in the Bank envelope. Tr. 740 (Respondent); BX 17; BX 34 at 2. Eight of the 11 bills seized had serial numbers beginning with FL171737 and ending with CL12; seven of those (FL17173757CL12 – FL171713763CL12) were consecutive to the serial number for one of the bills remaining in the victim's wallet (FL17173756CL12), and the eighth had serial number FL17173765CL12. The other three had dissimilar serial numbers. *Compare* BX 8 *with* BX 10-11.

29. The police photocopied the 11 bills seized from Respondent, and provided a list of serial numbers to Respondent together with a Seizure Record that provided the details of the seized items (the $100 bills with serial numbers and the Bank envelope). BX 10-12. Respondent affixed her thumb print to the Seizure Record with the attached list of seized items. BX 12 at 1, 3; *see* Tr. 742-743 (Respondent).

30. Respondent also signed a police document stating that she wanted the seized items (*i.e.*, the 11 - $100 bills) returned to her. BX 13; *see* Tr. 743-44 (Respondent). Respondent provided the police with the name and contact information of an individual in Korea whom she said would be responsible for securing Respondent's appearance in the criminal matter. BX 14. She also provided her place of employment and Maryland home address. *Id.*

31. Mr. Teras was in Korea on May 28, 2007, and was scheduled to meet Respondent and Julie Kim, a co-worker, for dinner that night. Respondent called Ms. Kim to let her know that she would not attend the dinner. She told Ms. Kim that she had been arrested by the police and accused of theft. Respondent never told Mr. Teras about the incident. Tr. 220-21 (Teras); *see also* Tr. 744-45 (Respondent).

32. On May 30, 2007, two days after the police questioned her, Respondent returned to the police station, more than an hour from her hotel, to provide the police with a written supplemental statement that she had prepared on Teras & Wilde letterhead. Tr. 707-08 (Respondent); BX 24. She maintained that the $2,000 in the envelope was hers, and that it consisted of $1,000 withdrawn from the Bank on May 22, and another $1,000 in withdrawals from her and her husband's personal account at Chevy Chase Bank – $200 on May 16, $400 on May 18, and $400 on May 27. BX 18. Respondent included with the supplemental statement documents purportedly corroborating the withdrawals: a copy of the check representing the $1,000 withdrawal from the Bank and a letter from her on Teras & Wilde firm letterhead dated the previous day, May 29, 2007. The letter, addressed to Chevy Chase Bank, listed the three withdrawals and requested that Chevy Chase Bank confirm them. BX 25-26. The police report indicates that the officer did not find Respondent's supplemental statement credible. BX 18 at 1 (police report of May 30, 2007).

33. In her supplemental statement to the Korean police, Respondent claimed that the flight attendant was lying and demanded an investigation of the victim and flight attendant. Respondent contended "[t]here are only two scenarios:" either the victim and flight attendant "worked in concert to defraud [Respondent] of [her] money" or the flight attendant took the money and sought to frame Respondent after seeing her push the purse out of her path. BX 24. Nothing in the record suggests that Ms. Wilde has ever offered any evidence to support either scenario.

34. Respondent's May 30, 2007 supplemental statement to the Incheon police made no mention of any preexisting record of the serial numbers of any of the bills she had withdrawn. It fails to say that she had or could obtain information about the serial numbers of any bills in her possession, including those from the Bank.

35. More than two years after the police questioned her, Respondent presented RX 4, an undated document on blank paper purporting to list the serial numbers of the bills she obtained from the Bank, and BX 28, a version of the same document purporting to be page 2 of a fax. The authenticity of these documents and the time of their preparation were hotly contested issues at the hearing. The Respondent testified in this proceeding that RX 4 existed in May 2007, and that Ms. Staats (the Teras and Wilde bookkeeper and administrator) faxed it to her in Korea at her request in May 2007. Tr. 1070 (Respondent).[8] However, since

[8] Ms. Staats testified that she faxed only one document to Respondent (Tr. 1034-36). Between

Respondent did not provide the document to the Incheon police with her supplemental statement although she had every incentive to do so, this testimony is not credible.

36. The "original" of this document, had it existed, would have been critical to Ms. Wilde's defense in Korea. Yet it has never been produced. At the hearing in this matter, Respondent testified (Tr. 704-05) that she had once had possession of the "original." As previously noted, Ms. Staats was hazy as to just what she faxed but testified that her practice when sending a fax was to always use a cover sheet and that she recalled placing the original document back on Respondent's desk at Teras & Wilde. Tr. 1025-26, 1037-39 (Staats). As of the time of the disciplinary hearing, the original of whatever document that Ms. Staats faxed to Respondent had evidently disappeared, as had the original faxed document, the cover page, and the confirmation report.

37. The Hearing Committee does not find credible Respondent's claim to have made a record of the serial numbers of the bills withdrawn from the Bank before she left for Korea. When the Hearing Committee pressed her for an explanation why she purportedly made such a record, Respondent gave none except for "women's intuition," but she was unable to offer any reason why her "intuition" prompted her to take such an unusual step. Tr. 1121-23 (Respondent).

2007 and 2011, when Ms. Staats testified in Maryland, she had not seen the single document she faxed to Respondent. Tr. 1034 (Staats). When shown a copy of BX 28, which had the firm's fax number and date on the top of the document, Ms. Staats agreed she had faxed the document. She admitted, however, that she had no information and no real memory of the document she faxed. Tr. 1025-26, 1034, 1036-37 (Staats).

The Hearing Committee, in addition to being dissatisfied with Respondent's answers on this pivotal point, did not find Respondent to be credible. She did not acknowledge, either in her testimony or demeanor, that there was anything out of the ordinary about recording serial numbers, and she was not embarrassed about her inability to give any reason for doing so.

38. The Hearing Committee finds that Respondent created the undated letter listing the serial numbers (RX 4) and the purportedly faxed version of it, BX 28. This is consistent with the Bank's determination that Respondent used a document that Brian Vinson previously prepared for Respondent to fabricate other documents purportedly from the Bank. *See* Tr. 638-40 (Bank investigator Kraemer testified that the bank letters were fraudulent and believed to have been created by cutting and pasting onto a previous Bank document that contained the Bank's letterhead).

39. Respondent flew back to the U.S. from Korea on June 1, 2007, two days after delivering her supplemental statement to the police. BX 30 at 2. Respondent testified that she did not ask the police about the status of their investigation or the charges against her before returning to the United States. Tr. 747 (Respondent).

D. *The Korean Criminal Proceedings Against Respondent.*

40. The Korean authorities charged Respondent with theft, and filed the charges in the Incheon District Court. BX 20-21. The charges were forwarded to Respondent, but were sent to her former hotel room in Seoul, rather than to her

office or home address in the U.S., which she had provided to the police. BX 20. When Respondent failed to respond or appear, the Incheon District Court entered a default decision on July 25, 2007, fined Respondent 500,000 won (less than $400), and directed that the seized money be returned to the victim, Ms. Yoon. BX 29; Tr. 747, 1074-75 (Respondent).

41. Respondent stated that she learned of the default decision in late September 2007, when a reporter contacted her. Tr. 1072-73 (Respondent). She prepared a motion for a formal trial, dated September 28, 2007, and sent it to the Korean court with a cover memo on her firm letterhead. BX 30 at 1-2. Respondent attached to her motion copies of the supplemental statement she had provided the police, her own letter to Chevy Chase Bank, and what she described as a "certified copy from Commerce Bank to show transaction details submitted as evidentiary exhibit." BX 30 at 2.

42. The Incheon District Court granted Respondent's motion for a formal trial and agreed to hear evidence. BX 31. At the trial, the prosecutor had the burden of proving Respondent's guilt beyond a reasonable doubt. Tr. 800 (Respondent); Tr. 943 (Park); BX 38; BX 46 at 7. The witnesses testified under oath, were cross-examined by Respondent's counsel and their testimony was transcribed verbatim. Tr. 88-89, 95-96 (Yoon); Tr. 906-08 (Park).

43. Respondent testified in the disciplinary proceeding that there was a court hearing in her Korean criminal case in October 2007, although she did not specify the date. Tr. 750, 1076 (Respondent); *see* BX 89 at 3 (list of trial

proceedings reflecting Respondent's motion for a formal trial on Oct. 1, 2007, and counsel appointment report on Oct. 31, 2007).[9]

i. *The Vinson Letter that Respondent Created.*

44. As discussed above, Respondent testified in this proceeding that at the October 2007 criminal hearing, she proffered a document listing the serial numbers of the bills she had withdrawn from the Bank. According to Respondent, the court would not accept the document because it was not notarized. Tr. 704-05, 1076 (Respondent). Respondent identified the proffered document as RX 4 (or BX 28) – an undated document, not on bank letterhead, listing serial numbers and purportedly signed by Bank employee Brian Vinson. Tr. 704, 1076 (Respondent).

45. Before the Hearing Committee, Respondent gave an elaborate account of how RX 4 was created – testimony that was at odds with her previous accounts. As referenced above, Respondent claimed that after Ms. Staats returned from the Bank with the $1,000, Respondent's "women's intuition" told her that she should make a record of the serial numbers of the bills. Tr. 699-700. She testified that she did not prepare a list of the serial numbers herself, or ask Ms. Staats to photocopy the bills. Instead, she testified that she took the bills back to the Bank herself and had Mr. Vinson, a Bank employee, prepare a list of the serial numbers (which she initially claimed he did on bank letterhead). Respondent testified that she did not take this list with her to Korea, but rather left it on her desk. Tr. 700-

[9] The English translation incorrectly reflects the date of the Counsel Appointment Report as Oct. 31. 200*8*, rather than 2007, the year reflected in the original, Korean version. BX 89 at 7.

04, 726. Respondent further claimed that she initially kept the $1,000 withdrawn from the firm's account in the Bank envelope, separate from her own funds (Tr. 698); but after exchanging her own funds at the airport for bigger denominations, she put her own funds in the same envelope, but made no record of the serial numbers of the other bills. Tr. 727-28. She testified that she then forgot all about her record of the serial numbers she had taken such pains to make, even when the purser and flight attendant told her about the serial numbers and when the police questioned her about the serial numbers (BX 9). One of the many facts that belies Respondent's story is that the document purporting to list the serial numbers of the bills she obtained from the Bank (RX 4 and BX 28) included the serial number for one of the bills still in the victim's possession.

46. Respondent produced the undated letter listing the serial numbers (RX 4), and the copy with the fax notation on the top, BX 28, sometime after June 2009 in the Maryland Bar disciplinary proceedings. Respondent admitted that neither document was part of the evidence in her criminal case. Tr. 704-05 (Respondent). Respondent never explained how the letter came into existence. No original version of the letter (or its faxed version) has ever been produced. Respondent testified that she does not have them and admitted that the Korean police did not have the fax, the Korean court did not have the original document or fax, and her Korean and U.S. attorneys did not have the original document or the original fax. There also is no fax cover page or fax confirmation report for BX 28. Tr. 705-07, 715-16, 1098-1100 (Respondent). The original of RX 4, as well as the original of

the faxed version, BX 28, do not exist. The Hearing Committee finds that these documents were simply fabricated by Respondent.

47. Months after her trip, Respondent asked Mr. Vinson, the Bank employee who purportedly prepared RX 4, the list of serial numbers, to provide her with another document verifying the withdrawal. Mr. Vinson testified that he recalled providing a document verifying that she had withdrawn funds, but denied that RX 4 was it. Mr. Vinson explained that consistent with his practice, he would have printed the letter on bank letterhead and dated it, and added that he would not have referred to the bank location as a "Branch," as RX 4 does, but rather as a Store. Tr. 408, 410, 429-30 (Vinson).[10] Mr. Vinson admitted at the hearing that the document he recalls could have included serial numbers, but noted that any such serial numbers would have been furnished by Respondent, as the Bank did not maintain records of the serial numbers of $100 bills withdrawn by customers. Tr. 425-40 (Vinson).

48. Mr. Vinson's testimony was in some respects confusing. The Hearing Committee attributes this to his lack of recollection of what was inconsequential to him at the time. Before the Hearing Committee, he did make it clear that he could not have "truthfully" or "accurately" verified the serial numbers of the $100 bills [as opposed to copying a list provided by Respondent] without having them in front of him. Tr. 449 (Vinson).

[10] Mr. Vinson's testimony on this point is consistent with Respondent's testimony in the Maryland proceeding that the document Mr. Vinson prepared *was* on bank letterhead. Tr. 702-04. (Respondent).

49. According to Respondent, she wrote to Mr. Vinson on April 30, 2008, to confirm that she had asked him several months earlier, in October 2007, around the time of the first hearing in the criminal case in Korea "to track the serial numbers of $100 bills." *See* BX 49 (Respondent's letter of April 30, 2008); *see also* BX 89 at 3 (Korean court record, first docket entries Oct. 2007). Her April 30, 2008 letter references a February 15, 2008 letter (BX 48) purportedly signed by Roxy Angha, another Bank employee, verifying the serial numbers. This letter is discussed below.

ii. *The February 15, 2008 Angha Letter.*

50. On March 26, 2008, Respondent appeared in her Korean criminal matter for arraignment and to give testimony on the theft charge. BX 31. Respondent had counsel representing her at this and all other proceedings before the Korean court. BX 89, 94-95. Respondent denied all the facts in the indictment charging her with theft. BX 31 at 1-2.

51. Before the March 26, 2008 hearing, Respondent created a document with the Bank's Vienna, VA address printed on it dated February 15, 2008. BX 48. The February 15, 2008 letter was identical in content to the undated letter listing serial numbers that first surfaced during the Bar disciplinary matters (RX 4). This letter, however, was purportedly signed by another Bank employee, Roxy Angha. It also bears a signature that looks like that of Mr. Vinson, as well as a notary seal. BX 96A.

52. Ms. Angha testified emphatically and credibly that she did not sign the letter. She testified that the only letters she was permitted to, and did, author while employed by the Bank were direct deposit letters for customers' employers. She did not sign any letters that were notarized. Angha Tr. (May 4, 2016) 96-98. Although she acknowledged that the signature on the letter appears to be hers, she denied having drafted the letter, signing it or authorizing anyone else to do so. *Id.* at 100. She testified that she did not and would not have made the representations in the letter about the serial numbers of the $100 bills. She confirmed Mr. Vinson's testimony that the Bank did not maintain records of serial numbers on $100 bills.[11] She testified further that she never discussed the letter with Respondent and had no knowledge of how it came into existence, and declared that it was a "forged and fraudulent document." *Id.* at 102-05. We found Ms. Angha's testimony credible in all respects.

53. Respondent presented the February 15, 2008 letter (BX 48) as evidence to the Korean court to support her defense that many of the bills the Korean police had seized were part of the funds she withdrew from the law firm's account on May 22, 2007. *See* Tr. 760-61 (Respondent).

54. At the hearing on March 26, 2008, the Korean Judge asked Respondent about how the Bank was able to verify the serial numbers for the funds she withdrew. The transcript reflects that Respondent responded by explaining:

[11] Several witnesses confirmed that the Bank did not keep a record of the serial numbers of $100 bills. *E.g.*, Angha Tr. 102; Tr. 428, 430, 440 (Vinson); Tr. 541, 565-68 (Chalker).

> I showed to the bank the eleven 100-dollar bills seized [listing the serial numbers for the 11 bills on the police's seizure list (BX 10)], five 100-dollar bills that I had in my possession (AB7386690GB2, FF77097393BF6, FB77510496AB2, BF1554568AF6, and FE74361219AE5), [12] and four 100-dollar bills the victim had in her possession [listing the serial numbers reflected in the police records (BX 8)], and asked the bank which ones are the notes withdrawn from the DuPont Circle Branch. The bank verified that the 10 bills were withdrawn from the branch, as indicated in the letter of verification.

BX 31 at 2.

55. When the Korean court expressed skepticism, Respondent asserted that the Bank could confirm the serial numbers of the $100 bills that were hers. The Korean court demanded that Respondent obtain verification of the Angha letter.

56. Tellingly, Respondent never told the Korean court that she had obtained a list from the Bank of the serial numbers on any bills prior to her trip on May 27, 2007. Rather, she repeatedly claimed that the bank could verify the serial numbers based on its own records. *See, e.g.*, BX 38 at 10-12 (in her August 2009 brief to Korean trial court, Respondent represented that bank was able to verify the serial numbers based on data in its "computer system"); BX 95 at 20-21 (in her August 2010 testimony before Korean court, Respondent claimed the bank could determine and provide the serial numbers of the bills withdrawn, but said this time that she was not familiar with the bank's procedure and how it actually verified the serial numbers); BX 46 at 3.

[12] Respondent had included two of these serial numbers, FF77097393BF6 and FE74361219AE5, in the February 15, 2008 letter. BX 48.

57. The February 15, 2008 Angha letter itself is not consistent with Respondent's story. According to Respondent, it was intended to verify the list of the serial numbers on the $100 bills withdrawn from the "Dupont Circle *Branch*" (BX 48) (emphasis added), but one of the serial numbers listed corresponds to one of the bills that remained in the victim's wallet – FL17173756C. And the letter does not include FL17173765C, the number on one of the bills the police seized from Respondent. *Compare* BX 48 *with* BX 8 and BX 10; *see also* BX 62 at 11; Tr. 127 (Yoon). When confronted with these anomalies at the hearing, Respondent suggested that when comparing the victim's remaining bills and the bills Respondent had in the Bank envelope, the Korean airline purser (Mr. Kim) somehow mixed up the bills. *See* BX 38 at 10-11 (brief filed by Respondent in criminal matter).

58. Respondent's counsel in the Korean criminal matter questioned both Mr. Kim and the flight attendant Ms. Lee about this purported mix up. Both denied the possibility that the bills had been intermingled. *See* BX 33 at 4, 11, 12-14 (Lee); BX 45 at 10 (Lee); BX 35 at 3, 9, 12-13 (Kim); BX 44 at 5, 9-10 (Kim).

iii. ***Respondent creates additional Bank documents.***

59. Following the criminal proceeding in March 2008, Respondent created additional documents intended to bolster her claim about the Bank's ability to determine the serial numbers for its $100 bills. Many of the documents took the form of letters purportedly exchanged between her and the Bank.

60. Between the criminal proceedings in March and May 2008, Respondent created a letter dated April 30, 2008, on her firm letterhead addressed to Mr. Vinson, BX 49, and a May 5, 2008 letter purportedly in response. BX 50.

61. The April 30, 2008 letter was addressed to Mr. Vinson and stated that Respondent was "follow[ing]-up" on a request of October 17, 2007, to track the serial numbers for the $100 bills. The letter asks Mr. Vinson what, if any, relationship the Bank had with Ms. Chang (*i.e.*, Ms. Yoon), and also to verify how Mr. Vinson was able to determine the serial numbers on the bills as listed in the February 15, 2008 Angha letter. BX 49.

62. Respondent testified that she mailed the April 30, 2008 letter to Mr. Vinson, and that Mr. Vinson called her a few days later saying he had prepared a response that she could pick up. Tr. 762, 1080-81 (Respondent). Mr. Vinson denies this; he testified that he never received the April 30, 2008 letter, and knew nothing about its contents, or, for that matter, anything about the Korean criminal case against Respondent for which it was ostensibly prepared. Tr. 420-21, 436-37, 441 (Vinson).

63. Mr. Vinson testified that he did not sign the alleged May 5, 2008 response to Respondent's April 30 letter and had no knowledge of it or its contents. BX 50; Tr. 435-41 (Vinson). That letter included a number of statements that Mr. Vinson said that he did not and would not make – he did not and would not have confirmed whether Erica Chang was a Bank customer; to do so would have violated bank secrecy laws. He did not know or notice Respondent's "set pattern

of withdrawing funds" for travel and had never discussed such a "pattern" with Respondent. He also did not investigate her withdrawal of funds on May 22, 2007. The bank did not keep a record of the $100 bills in teller drawers, or the serial numbers for the bills, and Mr. Vinson did not and could not track down the serial numbers in October 2007, or make any "discover[y]" of them. He also never represented that Respondent was the only client to withdraw $1,000 or more during the week of May 21, 2007 – something that would be impossible to determine without an exhaustive search of all client accounts, which was never done. Tr. 437-41 (Vinson); *see also* Tr. 541 (Chalker). Like the purported April 30 letter to Mr. Vinson, the May 5 letter used an incorrect title for Mr. Vinson – "Senior Customer Representative" rather than his true title of "Senior Customer *Service* Representative." BX 49; BX 50 (emphasis added); Tr. 435-36 (Vinson).

64. The May 5, 2008 letter was notarized, including an embossed seal and a nearly illegible signature of Carlos Gomez, a former employee of Teras & Wilde. BX 49; BX 50 at 2; BX 96B.

65. Mr. Gomez was called to testify before the Hearing Committee. We found him to be credible and to have no interest in the proceedings. Mr. Gomez testified unequivocally that he did not notarize the May 5, 2008 letter and had nothing to do with the document. Mr. Gomez testified that he did not know or ever deal with the purported author of the document, Mr. Vinson. Gomez (Feb. 26, 2016) Tr. 41-42, 46-48, 58-59, 66, 69-70. He had never seen the letter before Disciplinary Counsel showed it to him and he neither signed nor recognized the

signature for the "notary" on the stamped portion. Tr. 45-48, 56-58, 70-71. Mr. Gomez further testified that the raised seal appeared to be created by the stamp he used while he was an employee of Teras & Wilde, which he kept in his desk drawer at the law firm. Tr. 42-44, 47, 70-71. Mr. Gomez never notarized documents outside the firm. Tr. 41. Respondent never explained how Mr. Gomez could have notarized the May 5, 2008 letter she claimed was prepared by and picked up by her personally at the Bank. Tr. 761-62 (Respondent).

66. Knowing that the May 5 letter was a forgery, Respondent submitted both the April 30 and May 5, 2008 letters to the Korean court at a May 23, 2008 hearing in the Korean criminal matter. *See* Tr. 760-61 (Respondent); BX 92 at 2; BX 94 at 7. According to Respondent, the Korean court again questioned the veracity of the information in the letters she submitted. BX 51. Respondent then created additional documents in support of her defense, including another letter on her law firm letterhead dated June 16, 2008. This letter was also addressed to Mr. Vinson (BX 51), who purportedly caused David Chalker to send a response dated August 25, 2008. (BX 52).

67. Respondent addressed the June 16, 2008 letter to Mr. Vinson at the Bank's Dupont Circle location, and testified that Mr. Chalker, a Bank employee senior to Mr. Vinson, called her more than two months later stating that he had a response to the letter that she could pick up. Tr. 762-63, 779. The June 16 letter stated that Respondent recently had returned from Korea and reported that, on May 26, 2008, the judge had questioned the "sworn statement" about the $100 bills.

According to the letter, the judge wanted to see the actual "bank books" reflecting the serial numbers on the $100 bills that were withdrawn. BX 51.[13] The letter stated that the judge had ordered her to appear again in September 2008 and "provide the copies of the bank books." *Id.*

68. Respondent testified that she mailed the June 16, 2008 letter to Mr. Vinson. Mr. Vinson, however, testified that he never received it, and noted that he no longer worked at the Dupont Circle location to which it was sent. Tr. 407-08, 441 (Vinson).

69. Respondent created another letter dated August 25, 2008 purportedly responding to her June 16, 2008 letter, for use in her defense in Korea. BX 52.[14] The letter recited that banking laws prohibited the Bank from providing its records to the Korean court, accuses the judge of bias in favor of the prosecution because the court demanded additional proof, states that the Bank has taken offense at the judge's questions and refuses to assist in the criminal case any further.

70. Mr. Chalker, who testified before the Hearing Committee and whom the Hearing Committee observed and found credible, stated unequivocally that he

[13] There was a proceeding in the Korean criminal matter in May 2008, but it was on May 23, not May 26, 2008. *See* BX 94 at 7-8 (Protocol No. 2). Respondent provided additional exhibits at the proceeding, and Ms. Lee, the flight attendant, and Mr. Suh, the police officer, testified and were cross-examined by Respondent's counsel and Respondent. BX 94 at 7-8; BX 33-34.

[14] As with former Teras and Wilde intern Ms. Sunwook An's testimony, Respondent offered the testimony of another assistant, Ms. Jiyon Huh, in an effort to corroborate her claims with respect to a part of her story. Ms. Huh testified that Mr. Chalker called Respondent during the summer of 2008, and that after his call, Respondent went to the Bank and returned with an envelope – the contents of which Ms. Huh had no knowledge. Tr. 989-93, 1002-05 (Huh). Even if Mr. Chalker had called Respondent in August 2008, no evidence showed the call related to the August 25, 2008 letter.

did not write the August 25, 2008 letter and knew nothing about it. He explained that it contained a number of false representations and other statements he did not and would not make. Moreover, the typed signature line above the forged signature misspelled his name as "Chaulker." Tr. 542-44 (Chalker). It also misstated his title: Mr. Chalker was a Bank Vice President and Store Manager, not a "General Manager." Tr. 517-18, 543 (Chalker); BX 52 at 2.[15] Mr. Chalker testified that he never made any comments about the Korean criminal proceedings, the judge's alleged bias, or the weight and reliability of the evidence – matters about which he knew nothing. Tr. 540, 544-46 (Chalker).[16] He did not seek the advice of counsel about the court's requests. Tr. 544, 546 (Chalker). The letter included the name of a fictitious person – "Stephanie Tejum, Chief Legal Counsel" – as someone copied on the letter. Mr. Chalker testified that he did not know anyone by that name. Tr. 544-46 (Chalker); Tr. 612-13 (Kraemer); BX 68 at 24. BX 52.

71. The Hearing Committee, based on Mr. Chalker's credible testimony, finds that the August 25, 2008 letter (BX 52) was fabricated. It further finds that Respondent submitted it, knowing that it was a forgery, through her attorney in Korea, as additional evidence in her criminal matter. *See* Tr. 760-61 (Respondent).

[15] Respondent testified that she knew how to spell Mr. Chalker's name. Tr. 1083 (Respondent). But so did Mr. Chalker. We do not accept that Mr. Chalker misspelled his own name, provided an incorrect title in his signature block and did so on two separate letters that included numerous false representations about a Korean proceeding about which he knew nothing.

[16] The letter also included information about matters that only Respondent would have first-hand knowledge (*e.g.*, that $1,100 was stolen, the source of the victim's funds, and lack of corroborating bank records for those funds). BX 52.

72. In early September 2008, through her Korean lawyer, Respondent sought and was granted a continuance of the September 5, 2008 hearing date on the ground that her father was gravely ill. BX 94 at 9. The Korean court held further hearings on October 8, November 7, and December 12, 19, and 24, 2008. BX 94 at 12-18 (Protocol Nos. 3-7)[17]. Respondent attended only the hearing on October 8, 2008, at which Mr. Kim, the purser on the Korean Air flight, was questioned by the prosecutor, Respondent's counsel, and the judge. BX 35; BX 94 at 12.

73. Although Respondent did not attend the criminal proceedings in December 2008, she submitted another "Chaulker" letter, dated December 19, 2008 with attachments purporting to be bank records (BX 53), to the Korean court through her counsel. *See* Tr. 760-61 (Respondent). Before the Hearing Committee, Respondent testified that Mr. Chalker called her again in December 2008, saying he had additional records for her to pick up and that he provided her the December 19, 2008 letter with the attachments. Tr. 780-82, 1084 (Respondent). Mr. Chalker denied this as well. Tr. 546-49 (Chalker).

74. The December 19, 2008 "Chaulker" letter, like the August 25, 2008 letter, used the same signature block that misspelled Mr. Chalker's name, gave him an incorrect title, and referred to the Dupont Circle Store as a "Branch." BX 53; Tr. 546-47 (Chalker). The letter states that Respondent had made numerous requests to the bank, and indicates that Mr. Chalker would be leaving his post at

[17] A "protocol" in Korean courts is a record of the proceedings, including testimony taken, exhibits discussed and the actions and rulings of the court. Tr. 904-07, 914-16 (Park). Professor Sunah Park provided very helpful testimony to the Hearing Committee in understanding Korean criminal procedure.

the "Branch" as of December 31, 2008. BX 53 at 1. In fact, Respondent had not made any requests to Mr. Chalker and he had no plans to leave the Store – indeed, he continued as Store Manager at the Dupont Circle location through May 2012. Tr. 518, 548 (Chalker).

75. Mr. Chalker testified that he did not give Respondent any records – much less the documents that Respondent attached to the forged letter, which she described therein as "redacted copies of [the Bank's] books, both initial handwritten pages and the final computerized version [of those pages]." BX 53; Tr. 546-48 (Chalker); *see also* Tr. 444 (Vinson; not bank records). The purported records included lists of serial numbers of the bills in the teller drawers at the "Dupont Circle Branch" during the weeks of May 7, 14, 21, and 28, 2007. BX 53 at 4, 8, 12, 16. The Bank never had any such records. Tr. 547 (Chalker): Tr. 439, 444 (Vinson); Tr. 632 (Kraemer).

76. Respondent submitted the December 19, 2008 letter and the documents attached to the Korean court, through her attorney, as additional evidence in her criminal matter. *See* Tr. 760-61 (Respondent). Based on the credible testimony of Bank employees at the hearing, including Mr. Chalker, the Hearing Committee finds that Respondent fabricated these documents as well.

E. *Ms. Yoon Obtains the Forged Documents from the Korean Court.*

77. On December 24, 2008, Ms. Yoon, the victim of the theft, testified in Respondent's criminal case in Korea. BX 36. Among other matters, Ms. Yoon was asked about the source of and serial numbers of the $100 bills she had on her

May 27, 2007 trip. BX 36. During the court proceedings, Ms. Yoon learned about the letters purportedly from the Bank that Respondent had offered as evidence, including those listing serial numbers for the bills Respondent had allegedly withdrawn from the bank. Tr. 99, 104-06 (Yoon). Ms. Yoon obtained copies of those documents so that she could show them to her own bank, SunTrust Bank, when she returned to the United States. Tr. 99-102 (Yoon).

F. *Mr. Teras Learns of the Criminal Case and Severs His Relationship with Respondent.*

78. In late November 2008, Mr. Teras heard for the first time about Respondent's criminal matter from Theodore Kim, a consultant for Worldwide and a close colleague of Mr. Teras. Tr. 221-24 (Teras); Tr. 478-79 (Kim); BX 41 at 4. Respondent had never told Mr. Teras about the alleged theft, although she was on firm business when it occurred, she generated documents relating to it on firm letterhead, and made numerous statements about the funds from the firm's account. Tr. 221 (Teras); *see also* Tr. 744-45 (Respondent).

79. Mr. Teras was very concerned about Respondent's criminal matter because of the nature of his work and his ties to the Korean and Korean-American communities, and because Respondent was traveling on firm business when it occurred. Tr. 223-24, 226-27 (Teras).

80. Mr. Teras arranged a meeting with Respondent on December 1, 2008, before his next scheduled trip out of the country. Mr. Teras told Respondent that he wanted to sever their relationship because of the criminal matter. Tr. 224-26 (Teras); Tr. 688-89, 1103 (Respondent). Mr. Teras sent Respondent an e-mail 10

days later, while he was in Korea, reiterating that he wanted to dissolve their law firm and proposing terms for their separation. BX 85.

81. Mr. Teras and Respondent continued to communicate about the terms of the law firm's dissolution and, by the end of December 2008, each had retained counsel. Tr. 228-29 (Teras). Respondent and Mr. Teras were unable to resolve matters and, in March 2009, Respondent sued Mr. Teras. Tr. 230 (Teras).

82. Following his meeting with Respondent on December 1, 2008, Mr. Teras was away for parts of December 2008, and January 2009. Tr. 226 (Teras); Tr. 489 (Kim); Tr. 1103-04 (Respondent). During this time, Respondent continued to use the offices of Teras & Wilde along with the other employees of the firm and Worldwide, all of whom ultimately went to work with Respondent at another law firm in February 2009. Tr. 235-36 (Teras); Tr. 1103-04 (Respondent).

83. In December 2008 and January 2009, Respondent continued to have access to the firm's files and records, as well as to the blank checks of Teras & Wilde and Worldwide, which were kept in the bookkeeper's desk at the firm. Tr. 208-09, 309-10 (Teras). Mr. Teras, who previously had signed Worldwide checks in blank, was not aware that unused checks were still stored there. Tr. 210 (Teras). As discussed below, Respondent took at least three of those checks, as well as other firm files and documents, before leaving the firm's offices on January 31, 2009. Tr. 236-37, 281-82, 284-85 (Teras).

G. *Ms. Yoon's Visit to the Bank.*

84. In early February 2009, Ms. Yoon returned to the United States, bringing with her copies of the forged bank letters and documents that Respondent had submitted as evidence to the Korean court. Ms. Yoon initially went to SunTrust Bank, and asked if it could provide her similar information about the money she withdrew in May 2007 before her trip. Tr. 101-02, 104-05 (Yoon). SunTrust told Ms. Yoon that it was impossible to provide the serial numbers for the bills she had withdrawn from the bank. Tr. 101-02, 106, 120, 175 (Yoon).

85. Ms. Yoon then went to the Bank, initially to the bank's location where she thought she could find Messrs. Vinson and Chalker – the Dupont Circle store. Tr. 106, 110-11 (Yoon). Ms. Yoon was unable to speak to either Mr. Vinson or Mr. Chalker, and later went to the store at 7th & I Streets, N.W. where Mr. Vinson was working. Tr. 107-11, 116 (Yoon); Tr. 420-22 (Vinson).

86. Ms. Yoon provided the Dupont Circle store with copies of some of the fabricated bank letters and documents that Respondent submitted as evidence in the Korean criminal matter. BX 62; BX 68 at 20; Tr. 538-39, 563 (Chalker); *see also* Tr. 113, 126-27 (Yoon). Ms. Yoon also showed Mr. Vinson the documents, or the translations thereof. She told him that Respondent had stolen $1,000 from her purse while she was sleeping on a flight to Korea, there was an ongoing matter in the Korean court, and Respondent had submitted a letter purportedly signed by him about the funds she had withdrawn. Tr. 420-21 (Vinson); BX 68 at 1, 22; Tr. 111-13, 115-17 (Yoon). Before Ms. Yoon's visit, Mr. Vinson did not know

anything about the Korean proceeding. Tr. 419-21 (Vinson).

87. About a week after Ms. Yoon's visit to the Bank, Respondent called Mr. Vinson and told him she was involved in a matter before the South Korean court involving Erica Chang (*i.e.*, Ms. Yoon). Tr. 419-22, 427 (Vinson). Respondent falsely advised Mr. Vinson that the matter arose out of a failed business deal between them. She told him that there was a chance he might be contacted by the authorities and asked him to cooperate. Tr. 420-22, 427, 452-53 (Vinson).

H. *Respondent Tells Mr. Chalker She Made a "Mistake" by Creating Bank Records*.

88. Around the time she called Mr. Vinson, Respondent also called Mr. Chalker and asked to meet with him as soon as possible, although she did not tell him why. An hour or two after her call, Respondent met Mr. Chalker at the Starbucks near the Dupont Circle store on February 17, 2009. Tr. 524, 533-35, 550 (Chalker). Respondent told Mr. Chalker a false story similar to the one she had told Mr. Vinson, but with more details – Respondent said that she was going to buy an antique from the other woman on the plane (Ms. Yoon), but changed her mind, and asserted that this was why the woman accused her of taking her money. Respondent further stated that, in her absence, the South Korean court had entered a judgment against her and awarded the money to the other woman. She stated she only found out about the judgment from a newspaper reporter and had been back to Korea several times to dispute the judgment. She claimed that the funds were hers, and she had the Bank write down the serial numbers before she met the woman.

Respondent confessed that when the Korean court requested records from the bank linking the money to her account, she made a "mistake" by creating records with serial numbers and submitting them to the court in Korea as bank records, and she needed Mr. Chalker's help. Tr. 524-28, 535-39, 560-62 (Chalker).[18]

89. After Respondent admitted to creating the bank records, Mr. Chalker told her he would have to report the matter to his superiors and immediately ended the meeting. Tr. 527-29 (Chalker); BX 68 at 19. Mr. Chalker went back to the bank, made a report to his superiors, and then learned that Ms. Yoon had been to the bank previously and left copies of the same documents that Respondent had submitted as evidence in the Korean proceedings. Tr. 527-30, 547, 561-63 (Chalker); BX 66 at 7, 11; BX 68 at 19-20. Prior to that day, Mr. Chalker did not know anything about Respondent's criminal matter in Korea, Ms. Yoon's visit to the bank, the documents that Ms. Yoon provided, or the records Respondent admitted creating. Tr. 526, 530, 535-37, 540, 563 (Chalker).

90. Respondent did not tell Mr. Chalker that she had created other letters bearing his forged signature, as well as letters bearing the forged signatures of other Bank employees, to the South Korean court as additional evidence in her criminal matter. Mr. Chalker first learned of these documents during the Bank's

[18] Respondent testified that she did not make any of these statements to Messrs. Vinson and Chalker (Tr. 803-04), and claimed that she had only discussed the firm's line of credit with Mr. Chalker. RX 2 at 237-39, 242-43 (3/3). Respondent never discussed the line of credit with Mr. Chalker at their meeting (Tr. 529, 557, 559-60 (Chalker)), and there was no reason for her to do so because less than two weeks earlier she had discussed it with Mr. Margherito in the bank's commercial lending division, whom she knew was responsible for the line. BX 66 at 3-6; BX 86; *see also* Tr. 522-23 (Chalker). Mr. Chalker's actions in immediately reporting the matter to his superiors following his meeting with Ms. Wilde lend credence to his version of their discussion.

investigation. Tr. 528, 539-42 (Chalker).

91. Respondent argues that it is "contrary to logic and common sense" that she would have called Mr. Chalker and admitted to forging bank documents. Respondent's Brief at 27, ¶16. But she acknowledges that her forgeries had not been accepted as legitimate by the Korean court. She was therefore in a bind, and it was as logical as any of her other actions for her to have sought assistance from the Bank to try and avoid the possible consequences of her forgeries. In any event, we credit Mr. Chalker's testimony, and the Bank's actions after he reported his conversation with Ms. Wilde were consistent with his version of events. The Hearing Committee had the opportunity to observe Mr. Chalker's testimony and found him to be credible in all respects.

I. *The Bank's Investigation and Termination of Its Relationship with Teras & Wilde.*

92. Although Mr. Teras learned about Respondent's criminal matter in late November 2008, he did not know about the fabricated letters and documents that Respondent had provided to the South Korean court until mid-February 2009. Tr. 241 (Teras); BX 41 at 4-5.

93. Mr. Teras continued to make inquiries about Respondent's criminal matter, which had the potential of adversely affecting his relationships and business, particularly in the Korean and Korean-American communities. To obtain more information, Mr. Teras and Mr. Kim met with the Korean-American lawyer who had told Mr. Kim about Respondent's criminal matter. Tr. 478-79 (Kim). The lawyer confirmed that Respondent had been charged with theft and told them

the victim's name. Tr. 231-32 (Teras). Mr. Teras asked the lawyer for assistance in contacting the victim. Tr. 231-34 (Teras); Tr. 120-21 (Yoon); BX 41 at 8.

94. In mid-February 2009, Ms. Yoon, after learning that he wanted to talk to her, left a message for Mr. Teras. Tr. 234 (Teras). Mr. Teras returned her call and they met for the first time on February 15, 2009, at her apartment building in Virginia. Tr. 120-23 (Yoon); Tr. 240-41, 288-89, 305 (Teras). Ms. Yoon told Mr. Teras what happened on the flight, and showed him the purported bank letters and documents that Respondent had submitted to the Korean court. Tr. 240-41 (Teras); Tr. 122-24 (Yoon). Mr. Teras obtained copies of some of the documents from Ms. Yoon, and provided them to his lawyer. Tr. 242 (Teras).[19]

95. On February 26, 2009, Mr. Teras's counsel reported the fabricated documents to the Bank, and sent it copies of what Mr. Teras had obtained. BX 68 at 23-25; Tr. 615-16 (Kraemer). By then, based on Respondent's admission to Mr. Chalker that she had created bank records, the Bank had already taken steps to terminate its relationship with Teras & Wilde. BX 66 at 11 (internal Bank e-mail of February 17, 2009); *see also* BX 68 at 20.

96. The Bank conducted an internal investigation, and ultimately determined that the correspondence and documents Respondent had submitted purporting to be from the Bank were fraudulent and forged. BX 68 at 13; Tr. 617-

[19] Although Ms. Yoon said she did not provide Mr. Teras the documents at their meeting (Tr. 132), he obtained them from her at some point because 11 days later, Mr. Teras's counsel provided copies of them to the Bank's corporate security department. *See* BX 68 at 23-24; BX 75 at 5-7 & n.2; *see also* Tr. 381 (Dietrick). Ms. Yoon also had provided the Bank the documents, some with her handwritten notations. BX 62; Tr. 108-09, 127 (Yoon).

18 (Kraemer); Tr. 381-82, 391 (Dietrick).

J. *Respondent's Lawsuit Against Mr. Teras and Depositions of Bank Employees.*

97. On March 18, 2009, Respondent sued Mr. Teras, Worldwide, and Teras & Wilde. *Wilde v. Teras, et al.*, Case No. 2040-09 (D.C. Super. Ct.). *Compare* BX 2, ¶ 27 *with* BX 4, ¶ 13. Mr. Teras and Worldwide thereafter filed an answer and counterclaim. Tr. 230 (Teras).

98. Before Mr. Teras learned of the lawsuit, he traveled to Korea with Mr. Kim and, while there, met with the prosecutor in Respondent's criminal matter. Tr. 243-44 (Teras); *see also* Tr. 476, 479-80, 489 (Kim). Mr. Teras informed the prosecutor that the documents Respondent had submitted – which included letters on the firm's letterhead and letters purportedly from the Bank relating to his firm's checking account – were falsified. Tr. 243-44, 314-15 (Teras); BX 41 at 6-7. Shortly after returning to the U.S., Mr. Teras was served with the complaint that Respondent had filed against him. Tr. 245 (Teras).

99. On April 14, 2009, counsel for Mr. Teras served a subpoena and deposition notices on the Bank. BX 61. The three employees whose names appeared on the fabricated bank documents – Mr. Chalker, Ms. Angha, and Mr. Vinson – testified on May 20, 2009, at depositions at which Respondent was represented by counsel. BX 58-60. The Bank also retained outside counsel, Robert Dietrick, who represented Bank employees at the depositions and continued to represent the Bank and its employees in connection with the purported Bank letters and documents Respondent had submitted. Tr. 359-62, 367, 385-86

(Dietrick).

100. James Hammerschmidt, counsel for Mr. Teras and Worldwide, and Mr. Dietrick both testified before the Hearing Committee. Both stated that after the depositions, Mr. Hammerschmidt confirmed the accuracy of the deposition transcripts with Mr. Dietrick and sought the Bank's permission to provide the transcripts to American Bar authorities and the South Korean prosecutor. BX 70; Tr. 365-66, 377, 393 (Dietrick); Tr. 250-51, 313 (Teras); Tr. 645-47 (Hammerschmidt). Mr. Dietrick agreed that Mr. Hammerschmidt (and Mr. Teras) could provide the transcripts and exhibits to Disciplinary Counsel and the Korean prosecutor, with the exception of small portions of Mr. Chalker's deposition that were redacted to protect the Bank's confidential practices. Tr. 365-66, 372 (Dietrick).

101. On June 3, 2009, Mr. Hammerschmidt, in accord with his and Mr. Teras's ethical obligations under Rule 8.3(a), reported to Disciplinary Counsel in both D.C. and Maryland that Respondent had been charged with stealing another passenger's funds and had submitted false evidence to the Korean court in her criminal case. BX 75 at 4-8; Tr. 247-48, 250 (Teras); Tr. 646, 654-56 (Hammerschmidt). Mr. Hammerschmidt attached the documents from the Bank depositions to his report – documents that Respondent's own counsel already had – and thereafter provided the deposition transcripts. BX 75 at 4-8; Tr. 646 (Hammerschmidt).

102. On June 15, 2009, Disciplinary Counsel sent the report, with

enclosures, to Respondent with a letter requesting a response. BX 75 at 2-3. On June 23, 2009, Respondent, through her counsel, sought additional time – *i.e.*, until July 30, 2009, to respond to Disciplinary Counsel. BX 75 at 1.

103. Mr. Teras also provided the deposition transcripts to the Korean prosecutor, who submitted them as additional evidence in Respondent's criminal case. Tr. 250-51, 313 (Teras); BX 90 at 3. The August 10, 2009 brief submitted to the Korean court on Respondent's behalf falsely asserted that Teras was not authorized to submit documents, and further claimed that the documents were not authentic. BX 38 at 12. These were yet additional misrepresentations to the Korean court.

K. *Respondent's Submission of Other Documents - the Tucci Letters.*

104. Knowing that the prosecutor had the deposition transcripts, Respondent relied on additional letters, purportedly from Christopher Tucci, Senior Counsel for the Bank, in an effort to discredit the testimony of the Bank employees and provide corroboration for the statements and information in the fabricated bank documents she previously submitted as evidence. BX 55-56; BX 80 at 18-23; *see* Tr. 793-95, 799-800 (Respondent).[20] Respondent created the first four Tucci letters in the summer of 2009, before her conviction, and created the fifth Tucci letter the following summer, in connection with her criminal appeal. *See* BX 80 at 18-26.

[20] Mr. Tucci's name and role as in-house counsel for the Bank were known to Respondent because they appeared in bank documents and deposition exhibits in her lawsuit against Mr. Teras. *See, e.g.*, BX 68 at 3.

105. The first four Tucci letters were printed on letterhead with the Bank logo and dated June 22, 2009 and July 31, 2009. BX 55 at 1-3; BX 56. Respondent addressed two of the letters to the Korean prosecutor and two to the Korean judge, although the content of the letters (including the typographical errors) was the same. BX 55 at 1-3; BX 56. Respondent made a number of misrepresentations in the letters, including that: the Bank had provided documents with the serial numbers for $100 bills; there was a protective order in her litigation with Mr. Teras that prohibited the parties and their counsel from providing documents to the Korean prosecutor and court; Ms. Yoon and Mr. Teras were harassing Bank employees and demanding support for their side; the deposition transcripts of the Bank employees were not authentic; the Bank would not communicate or cooperate further because the Korean court had no jurisdiction over it; and the court and prosecutor should not accept any further Bank documents. BX 55 at 1-3; BX 56; BX 88 at 11-18 (Tucci video deposition; statements in letters were false and he did not make them); Tr. 374-79 (Dietrick; same regarding falsity of statements; first saw forged letters (BX 55-56) in May 2015).

106. Mr. Tucci testified that he had nothing to do with the letters purportedly authored by him. Mr. Tucci confirmed that he did not make the statements in the letters, and that the signatures – which appear similar and signed with a marker-type pen – were forgeries. BX 88 at 11-18 (Tucci). The Hearing Committee found Mr. Tucci's testimony on these points to be credible.

107. The briefs submitted on Respondent's behalf repeated a number of the false statements in the Tucci letters in the August 10, 2009 brief they submitted to the Korean court. BX 38 at 10-12 & nn.1-2. The brief falsely represents that the Bank would not comment further on information submitted based on a court order issued in her lawsuit with Mr. Teras, that the D.C. court order also prohibited Mr. Teras from providing information, and that "Commerce Bank also expressed its intention to that effect". BX 38 at 10-12.

L. *Respondent Mails Forged Checks.*

108. Around the same time that she created the four Tucci letters dated June 22 and July 31, 2009, Respondent filled out and mailed three Worldwide checks that Mr. Teras had signed in blank. She had obtained these from the desk of Worldwide's bookkeeper before leaving the firm on January 31, 2009. Respondent knew all three of the people to whom she sent the checks, and knew that two of them – Mr. Kim and Garland Miller, the outside bookkeeper whose charity was the payee – had close and longstanding relationships with Mr. Teras. Tr. 262, 264-65, 278 (Teras); Tr. 470, 472-73 (Kim); Tr. 663-65 (Miller). The third, Ms. Yoon, did not have such a relationship, but Respondent knew from the Bank depositions and documents as well as from the Disciplinary Counsel reports that Ms. Yoon had met Mr. Teras and he had learned of the fabricated Bank letters and documents through her. BX 68 at 23-25; BX 75 at 5-6.

109. Respondent back-dated the Worldwide checks to March and April 2009, shortly after she sued Mr. Teras. Tr. 266, 285-88 (Teras). Check numbers

2003 and 2004, made payable to Combat Soldiers Recovery Fund for $1,200, and Erica Chang (Ms. Yoon) for $10,000, respectively, were both dated March 19, 2009, and check number 2005, made payable to Theodore U.C. Kim for $5,000, was dated April 21, 2009. BX 71-73. Respondent mailed them in or around early July 2009. Tr. 480 (Kim) (received check late June or early July); Tr. 673 (Miller) (postmark was July 3).

110. Mr. Teras did not make out or authorize the completion of any of these three checks. He did not know the checks – from a series he had used in 2005 – still existed. Tr. 262-63, 267-73, 288 (Teras); BX 81 at 2. Mr. Teras learned of the fraudulently completed checks in July and early August 2009, when Ms. Miller and Ms. Yoon notified him of their receipt. Tr. 262-63, 270-72 (Teras).

111. Respondent sent the $10,000 check, which included the notation "JHW case," to Ms. Yoon at the address where she lived in 2007. BX 72. This address was the same as that on her witness statement to the Korean Police (an exhibit in the Korean criminal matter) and thus available to Respondent. BX 7. However, by July 2009, Ms. Yoon no longer lived at that address. Her son, Peter Chang, who had lived at the 2009 address and still picked up the mail, testified that the check was contained in a brown envelope addressed to his mother, with no letter or enclosure. Tr. 499-500 (Chang). After Mr. Chang told his mother about the check, she thought it was a promotional offer, and told him to throw it away. Tr. 134 (Yoon); Tr. 500 (Chang). Mr. Chang insisted that it was a real check and, after learning that it was drawn on Worldwide's account, Ms. Yoon contacted Mr.

Teras, who advised her that he had not completed or sent the check. Tr. 135-36, 178-79 (Yoon); Tr. 270-73, 288 (Teras); BX 41 at 11. Ms. Yoon then directed her son to deliver the check to Mr. Teras, which he did. Tr. 500-01 (Chang); Tr. 135 (Yoon). Mr. Teras, in turn, provided it to his lawyer, Mr. Hammerschmidt. Tr. 272 (Teras); Tr. 648-49 (Hammerschmidt).

112. Ms. Miller received a check made payable to her charity in July 2009, and was also suspicious. The check was back-dated, came in an envelope with a firm name – Teras Law Office – that Mr. Teras had never used and an address she knew he had left months earlier, and it had no other enclosures. BX 71; Tr. 672-73, 675-76 (Miller); *see also* Tr. 196, 205, 265-66 (Teras). Ms. Miller called Mr. Teras, who confirmed that he had not completed the check. Ms. Miller delivered the check and the envelope it came in to Mr. Teras, who in turn provided them to Mr. Hammerschmidt. Tr. 673 (Miller); Tr. 262-63, 269-70 (Teras); Tr. 648-50 (Hammerschmidt).

113. Mr. Kim testified that on July 8, 2009, when he received the $5,000 check made payable to him, he sent an e-mail to Mr. Teras, and then negotiated the check. BX 73; BX 84; Tr. 480-83 (Kim). Mr. Teras did not recall sending Mr. Kim a check, but did not become concerned until he learned its amount (which was substantially more than he had ever paid Mr. Kim at one time) and that it was an old check from a series not used in years – the same as the other two checks. Tr. 273-76 (Teras); Tr. 480, 485 (Kim; never received payment so large); BX 82-83. Mr. Teras told Mr. Kim that he had not completed or sent the check and Mr. Kim

promptly reimbursed Mr. Teras the $5,000. Tr. 276 (Teras); Tr. 483 (Kim).

114. Mr. Teras testified that he, with the assistance of Ms. Miller and her staff, investigated the checks and learned that they were from an old series of checks that Mr. Teras had used in 2005, with an old address not used on checks since 2007. BX 81 at 2, 4; Tr. 268, 273-79 (Teras); Tr. 672-75, 680, 684-86 (Miller). There were other irregular aspects of the checks that also supported Mr. Teras' conclusion that he did not complete them. The check to Mr. Kim, for example, included the middle initials of "U.C." for Mr. Kim's Korean name – something Mr. Teras had never done. *Compare* BX 73 *with* BX 83; Tr. 275 (Teras); *see* Tr. 469 (Kim).

115. The Hearing Committee finds that Respondent forged these checks. No one but Respondent had opportunity and means to make out and mail these three checks to the recipients. The check to Ms. Yoon was an obvious effort to derail the Korean, and by then, American, proceedings by making Ms. Yoon appear to have been paid off by Mr. Teras. There was no reason Mr. Teras would have wanted to discredit Ms. Yoon and himself. In July 2009, when the checks were mailed, Mr. Teras knew Ms. Yoon's correct address as he had been to her apartment. Apparently, Respondent did not.

M. *Respondent's Conviction and Submission of Yet Additional Documents*

116. On August 28, 2009, the South Korean court entered a judgment against Respondent, finding that the evidence established beyond a reasonable doubt that she committed theft. The court imposed a penalty of a fine. BX 39.

Respondent never reported her conviction to the D.C. Court of Appeals. *Compare* BX 2, ¶ 11 *with* BX 4, ¶ 7.

117. Respondent appealed her criminal conviction to the Incheon District Court of Criminal Appeals, 4th Division. Respondent did not appear for the first proceeding in that court on October 20, 2009, and the matter was postponed. BX 95 at 2. Respondent also was not present for at least seven of the other proceedings, resulting in further postponements. *See* BX 95 at 2-5, 8, 30, 34-35 (Protocols reflected that Respondent failed to appear on October 20, November 3, and December 15, 2009, May 14, 2010, and June 14, August 19, and September 6, 2011); *see also* BX 40.

118. During the appeal, per Korean procedure, Respondent was permitted to call additional witnesses and present additional documentary evidence. Tr. 784, 1090-91 (Respondent); BX 80.

119. Respondent testified before the Circuit Court for Montgomery County, Maryland that, after the Bank employees' depositions (in May 2009), she had not offered and relied on the Bank letters and documents that she submitted in the criminal trial. Tr. 793-800 (Respondent); *see also* Tr. 40-41 (Counsel for Respondent, opening statement). The Hearing Committee finds that this is not true. According to the evidence, Respondent affirmatively relied on a number of those documents in her appeal in Korea, including the May 5, 2008 (BX 50) letter on which she forged Mr. Vinson's signature, as well as the letters on which she forged Mr. Tucci's signature, offered to corroborate misrepresentations contained

in the other purported bank documents. BX 80; *see also* BX 46 at 3 (Respondent's brief in criminal appeal). Respondent testified that she "helped [her attorney] with facts on the [appeal] brief." Tr. 752 (Respondent).

120. While her criminal appeal was pending, Respondent created a fifth letter purportedly authored by Mr. Tucci and addressed to the court dated June 30, 2010. She submitted it, with the four other fabricated Tucci letters, as evidence in the appeal. BX 80 at 18-26.

121. Mr. Tucci testified that he had nothing to do with the June 30, 2010 letter, which was dated months after he left the Bank to work at a law firm. BX 88 at 5-6, 19-20 (Tucci); Tr. 369-71, 374 (Dietrick). The signature affixed to the letter, which was the same or very similar to the signatures affixed to the earlier letters, was not his. BX 88 at 19 (Tucci); Tr. 371, 400-02 (Dietrick). It contains a number of false representations that Mr. Tucci did not and would not make. BX 88 at 20-21 (Tucci). For example, banking laws prohibited Mr. Tucci from providing information about the reason for and timing of the Bank's termination of its relationship with Teras & Wilde. *Id.* The letter also falsely claims that "Mr. Teras did not ask ours [*sic*] <u>or</u> court's permission prior to releasing the transcripts to you or any third party. However, whether we sought any Contempt Order for the Protective Order violation should not be a concern for this court." BX 57 at 2 (emphasis in original). In fact, the Bank had expressly authorized Mr. Teras to provide the transcripts of the Bank employees' testimony to the Korean court, and never asked them to be sealed or withheld. Tr. 365-66 (Dietrick). Further, the

letter includes statements about the Korean criminal matter that Mr. Tucci had no knowledge of and would not have made, including the remarkable suggestion that the court admonish the Korean prosecutor. BX 88 at 20-21 (Tucci); *see also* Tr. 372-74, 400-02 (Dietrick). It is not credible that the Bank's lawyer would urge the Korean court to reprimand the prosecutor in this case. For this reason, and based on Mr. Tucci's clear disavowal of the letter allegedly penned after he left the Bank, the Hearing Committee finds that this letter was also fabricated by Respondent.

122. Our conclusion is supported by other evidence. Mr. Dietrick testified that the Bank and its counsel first learned of the June 30, 2010 letter in early July 2010, when a representative of the Consulate General of the Republic of Korea in New York contacted the Bank. Tr. 368-70, 383-84 (Dietrick). Mr. Dietrick testified that he spoke with Mr. Tucci and employees at the Bank, caused a search of the Bank's records to be done, and reported to the Korean Consulate General the Bank's conclusion that the June 30, 2010 letter was forged. Tr. 369-74, 400-02 (Dietrick).[21]

123. Respondent argues that Mr. Teras might have forged the Tucci letters. We reject that contention. Mr. Teras had no motive to try to dissuade the Korean authorities from investigating Respondent's case.

124. In addition to the fabricated Tucci letters, Respondent submitted the $10,000 Worldwide check payable to Ms. Yoon as evidence in her criminal appeal.

[21] Mr. Dietrick provided the faxed inquiry from the Consulate General and the fabricated June 30, 2010 letter to Disciplinary Counsel. BX 57.

See Tr. 786, 788, 792 (Respondent); BX 80 at 23. Respondent and her counsel used the $10,000 Worldwide check as support for Respondent's contention that Ms. Yoon and Mr. Teras were conspiring against her. The first witness whom Respondent's counsel called to testify in the criminal appeal was Mr. Teras. BX 95 at 6. Respondent's counsel asked Mr. Teras about the $10,000 check and his relationship with Ms. Yoon. BX 41 at 9-12; Tr. 282-87 (Teras). Respondent's counsel then recalled Ms. Yoon, whom he also questioned about the check and her relationship with Mr. Teras. BX 42 at 8-9. Both charged that Respondent, not Mr. Teras, prepared and sent the check, and that the check was fraudulent. BX 41 at 9-12; Tr. 285 (Teras); BX 42 at 8.

125. Respondent's counsel in the criminal appeal also questioned Respondent about the $10,000 check, and a substantial portion of his questions and her answers were focused on the purported interactions among Mr. Teras, Ms. Yoon, and the Bank employees. BX 95 at 11-19. In response to her own counsel's questions, Respondent agreed or affirmatively suggested that: the Bank employees gave false testimony, either because Mr. Teras had threatened them or Mr. Teras had pressured the Bank not to assist Respondent; the Bank deposition transcripts may have been altered; Respondent (and her U.S. counsel) were not provided the transcripts following the depositions; Mr. Teras picked the court reporter who inaccurately transcribed the depositions; Mr. Teras was threatening or seeking to blackmail her; Mr. Teras reported Respondent to the Bar authorities and Ms. Yoon accused her in the press; and Mr. Teras might have some relationship with the

flight attendant. *Id.* at 15-18, 23-24. Respondent also repeated her claims that the Bank was able to determine the serial numbers for the money she withdrew based on the records it maintained, and that the Bank letters she provided as evidence were authentic and not forged. *Id.* at 15, 20-21.

126. Through counsel, Respondent made similar claims in the brief submitted to the Korean appellate court. BX 46; Tr. 752-53.[22] In the brief, Respondent falsely contended, among other things, that: Mr. Teras had given Ms. Yoon a $10,000 check; Ms. Yoon had pressured the Bank not to provide any assistance to Respondent, "with threats of retaliation, such as discontinuing her business with the bank" (although Ms. Yoon was not a Bank customer); Ms. Yoon and Mr. Teras were in a business relationship; Mr. Teras had violated a court order by providing the affidavit or deposition to the prosecutor's office; Mr. Chalker testified falsely and lied about not providing the document after he learned it violated bank policy; and Mr. Teras had engaged in fraud, including in his immigration practice. BX 46 at 4. In other words, everyone was dishonest but her. The Hearing Committee finds that Respondent knew that these representations were false and had no basis.

127. In her criminal appeal brief, Respondent also continued to argue the *bona fides* of the Bank letters and records she had submitted earlier and the false Tucci letters that purported to corroborate them. BX 46 at 3, 11-12. Respondent contended that the Bank employees who testified otherwise were lying. BX 46 at

[22] Respondent admitted working to prepare this brief. Tr. 752-53.

4, 12.

128. Ultimately, the Korean appellate court did not credit Respondent's version of events or the fabricated documents she submitted. BX 47 at 2-8.[23] On September 6, 2011, the 4th Division found that the evidence established beyond a reasonable doubt that Respondent was guilty of theft and, on that basis, dismissed her appeal. BX 47 at 1.

N. *Respondent's False Statements to Disciplinary Counsel and Withholding of Documents.*

129. In her submissions to Disciplinary Counsel, Respondent made knowing false representations that she repeated under oath at the hearing, including, *inter alia*, (a) that she withdrew from the Bank the $100 bills that the South Korean police seized from her when she landed in South Korea; (b) that the Angha letter of February 15, 2008 (BX 48), was authentic and that Respondent did not know it was forged; (c) that the Vinson letter of May 5, 2008 (BX 50) was authentic and that Mr. Vinson had created the list of serial numbers for the $100 bills that Respondent withdrew from the Bank before Respondent left for South Korea, (d) that the two Chalker letters (BX 52-53) were authentic and that Mr. Chalker provided Respondent the records that were attached to the second letter; and (e) that Respondent had no knowledge of the three Worldwide Personnel

[23] Respondent also offered as evidence the findings of Judge Rubin in the Maryland disciplinary proceeding. The Korean court noted that the Maryland court did not appear to have important evidence, including the testimony of the flight attendant, Ms. Lee, and was not aware of other facts including the police seizure report that listed the serial numbers for the bills. The Korean court also questioned the Maryland court's findings about the forged bank documents given the stated reasons for those findings. BX 47 at 7.

checks (BX 71-73), fraudulently completed and sent, until they were produced in the civil litigation between Respondent and Mr. Teras. Tr. 782-83, 1084-86 (Respondent).

130. In addition to her false statements to Disciplinary Counsel in the disciplinary matter, Respondent failed to produce documents responsive to Disciplinary Counsel's subpoenas. On July 22, 2010, Disciplinary Counsel served Respondent with the first of three subpoenas directing her to produce, among other documents, copies of all correspondence and documents that she provided to the South Korean court. BX 76.

131. Disciplinary Counsel served Respondent, through her counsel, with two other subpoenas – one on September 20, 2011, and another one on January 23, 2015 – again directing her to produce all documents she submitted in the South Korean criminal proceedings, as well as transcripts, the prosecutor's exhibits, and decisions and orders. BX 77-78.

132. Respondent made only partial responses to the first two subpoenas. With a few limited exceptions, she did not produce documents she had offered in evidence in the criminal case or those that the prosecutors offered, notwithstanding that she had produced a number of them to Maryland Bar Counsel. Tr. 506-11 (O'Connell). She also failed to provide the transcripts of the testimony of witnesses, with two exceptions – those for Mr. Teras and Ms. Yoon. Tr. 508, 510-11 (O'Connell); Tr. 785-86 (Respondent).

133. Respondent delayed responding to the third subpoena (which reiterated requests for documents made in the previous subpoenas) until April 15, 2015. Responsive documents were received by Disciplinary Counsel on April 20, 2015, three weeks before the hearing in this matter. BX 80. Among the documents that Respondent produced for the first time on April 20, 2015, were the forged Tucci letters (BX 80 at 1, 18-26) – only one of which the Bank had known about and provided to Disciplinary Counsel prior to April 2015. Tr. 511-13 (O'Connell); *see* Tr. 371-72, 374-75, 378-79 (Dietrick); BX 57. The belated production of these documents is consistent with Respondent's conduct before the Korean tribunals. While not dispositive of any issue, the Hearing Committee finds that it reflects, at a minimum, a profound lack of respect for the judicial and administrative processes.

III. CONCLUSIONS OF LAW

A. *Respondent Violated Rule 3.3(a)(1) by Making False Statements to the Korean Courts.*

Rule 3.3(a)(1) provides that a lawyer shall not knowingly "[m]ake a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer, unless correction would require disclosure of information that is prohibited by Rule 1.6." The obligation under Rule 3.3 to speak truthfully to a tribunal is one of a lawyer's "fundamental obligations." *In re Ukwu*, 926 A.2d 1106, 1140 (D.C. 2007) (appended Board Report). Unlike Rule 8.4(c), which can be violated based on reckless conduct, Rule 3.3 requires the respondent to "knowingly" make a false statement. As the

Board noted in *Ukwu*, it is important for the Hearing Committee to determine (1) whether Respondent's statements or evidence were false, and (2) whether Respondent knew that they were false. *Id.* at 1140-41. The term "knowingly" "denotes actual knowledge of the fact in question" and this knowledge may be inferred from the circumstances. *See* D.C. Rule of Prof. Conduct, 1.0(f).

Disciplinary Counsel contends that Respondent violated Rule 3.3(a)(1) by making false statements to the Korean court during her criminal trial.[24] The Hearing Committee agrees. As discussed at length in the Findings of Fact above, Respondent knowingly attempted to mislead the Korean courts by providing false testimony as to the authenticity of documents that she had fabricated. When the documents' authenticity was questioned by the Korean court, she not only persisted in her misrepresentations but created newly forged documents and lied about them. Since Respondent herself fabricated the documents, there is no question that she misled the court knowingly. The evidence that Respondent submitted fabricated documents and provided false testimony is overwhelming.

The Hearing Committee accordingly finds that Disciplinary Counsel has proved by clear and convincing evidence that Respondent repeatedly made false statements to the Korean Courts and thus violated Rule 3.3(a)(1).

[24] D.C. Rule 8.5(b)(1) provides that "[f]or conduct in connection with a matter pending before a tribunal, the rules to be applied shall be the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise." Thus, it could be argued that D.C. disciplinary rules do not apply to conduct before a court in South Korea. However, Respondent has raised no challenge on that ground. Thus, we have analyzed Respondent's misconduct under the D.C. Rules.

B. *Respondent Violated Rules 3.3(a)(4) and 3.4(b) by Submitting False Evidence to the Korean Court during her Criminal Trial.*

Rule 3.3(a)(4) provides that a lawyer shall not knowingly "[o]ffer evidence that the lawyer knows to be false, except as provided in paragraph (b)." Similarly, Rule 3.4(b) provides that a lawyer shall not "[f]alsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law."

Disciplinary Counsel contends that Respondent violated Rules 3.3(a)(4) and 3.4(b) by submitting false evidence to the Korean court during her criminal trial.

For the reasons discussed in Section III.A, the Hearing Committee finds that Disciplinary Counsel has proved by clear and convincing evidence that Respondent repeatedly submitted false evidence to the Korean Courts and thus violated Rules 3.3(a)(4) and 3.4(b).

C. *Respondent Violated Rules 8.1(a) and (b) by her Knowing Misrepresentations to Disciplinary Counsel.*

Rule 8.1 provides, in relevant part:

> . . . [A] lawyer . . . in connection with a disciplinary matter, shall not:
>
> (a) Knowingly make a false statement of fact; or
>
> (b) Fail to disclose a fact necessary to correct a misapprehension known by the lawyer . . . to have arisen in the matter, or knowingly fail to respond reasonably to a lawful demand for information from . . . [a] disciplinary authority . . . .

Disciplinary Counsel contends that Respondent violated Rules 8.1(a) and (b) by making knowing misrepresentations to Disciplinary Counsel attesting to the

authenticity of the evidence she submitted to the Korean court during her criminal trial and by providing incomplete responses to Disciplinary Counsel's subpoenas.

It took three subpoenas over several years to get documents from Respondent, with the last production coming just a few weeks before the disciplinary hearing. Even then, the production was incomplete, and Disciplinary Counsel was forced to turn to the Korean prosecutor's office and Maryland Bar officials to obtain additional documents. In addition, Respondent has consistently made statements to Disciplinary Counsel that the Hearing Committee finds to be false, including that she did not commit theft and that the forged documents are authentic. The Hearing Committee concludes that she knowingly lied to Disciplinary Counsel and obstructed its investigation by withholding documents. Disciplinary Counsel has proved violations of Rules 8.1(a) and (b) by clear and convincing evidence.

D. *Respondent Violated Rule 8.4(b) by Committing Criminal Acts.*

Under Rule 8.4(b), "[i]t is professional misconduct for a lawyer to . . . [c]ommit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects." Thus, "an attorney may be disciplined for having engaged in conduct that constitutes a criminal act." *In re Slattery*, 767 A.2d 203, 207 (D.C. 2001). "[A] respondent does not have to be charged criminally or convicted to violate the rule . . . . It is sufficient if his conduct violated a criminal statute and the crime reflects adversely on his honesty, trustworthiness, or fitness." *In re Silva*, 29 A.3d 924, 937-38 (D.C. 2011)

(appended Board Report) (citing *Slattery*, 767 A.2d at 207; *In re Pierson*, 690 A.2d 941 (D.C. 1997); *In re Gil*, 656 A.2d 303 (D.C. 1995)). In construing the phrase "criminal act" under Rule 8.4(b), the disciplinary system may look to the law of any jurisdiction that could have prosecuted the respondent for the misconduct. *Gil*, 656 A.2d at 305. To establish a Rule 8.4(b) violation, Disciplinary Counsel must identify and establish the elements of the alleged criminal offense. *See Slattery*, 767 A.2d at 212-13.

Disciplinary Counsel contends that Respondent committed multiple criminal acts, including theft, fraud, forgery, and uttering, in violation of Rule 8.4(b), by stealing money from Ms. Yoon and falsifying evidence, and submitting false evidence in connection with her criminal trial in Korea as well as disciplinary proceedings.

i. *Respondent Committed Larceny under South Korean Law.*

Article 329 of the Korean Criminal Act makes it a crime to steal another's property, providing that "a person who steals another's property shall be punished by imprisonment for not more than six years or by a fine not exceeding ten million won."[25] Respondent not only could have been prosecuted for larceny under South Korean law, she was so prosecuted and convicted. BX 16; BX 20; BX 29; BX 39. We do not give collateral estoppel effect to this conviction but, as explained above, we conclude from the clear and convincing evidence presented to the Hearing

[25] An English translation of the Korean Criminal Act may be found at http://www.wipo.int/edocs/lexdocs/laws/en/kr/kr033en.pdf.

Committee by Disciplinary Counsel that the Korean courts were correct and that Respondent did steal another person's property.

ii. ***There is no Clear and Convincing Evidence that Respondent Committed Criminal Fraud.***

D.C. Code § 22-3221(a) provides:

> A person commits the offense of fraud in the first degree if that person engages in a scheme or systematic course of conduct with intent to defraud or to obtain property of another by means of a false or fraudulent pretense, representation, or promise and thereby obtains property of another or causes another to lose property.

Respondent did not commit first degree fraud because she did not obtain Ms. Yoon's money initially by a false promise or representation; she just took it while Ms. Yoon was sleeping.

iii. ***Respondent Engaged in Forgery.***

A person commits the crime of forgery in the District of Columbia if "that person makes, draws, or utters a forged written instrument with intent to defraud or injure another." D.C. Code § 22-3241(b) "and the instrument is capable of effecting the fraud." *In re Slaughter*, 929 A.2d 433, 444 (D.C. 2007) (citing *Martin v. United States*, 435 A.2d 395, 398 (D.C. 1981) (per curiam)). A "[f]orged written instrument" includes "any written instrument that purports to be genuine but which is not because it . . . [h]as been falsely made, altered, signed or endorsed." D.C. Code § 22-3241(a)(1)(A). A person utters a forged instrument if they "issue, authenticate, transfer, publish, sell, deliver, transmit, present, display, use, or certify" it with intent to defraud or injure another. D.C. Code § 22-3241(a)(2); *Id.*

at § 22-3241(b). To establish that Respondent committed forgery or uttering, Disciplinary Counsel must also show that she did so with fraudulent intent. *Silva*, 29 A.3d at 938.

The legislative history and case law interpreting the forgery statute demonstrate that it should be broadly interpreted. The forged instrument need not be one of the legal written instruments specifically listed in the statute as long as the forged instrument "'might operate to the prejudice of another.'" *Slaughter*, 929 A.2d at 444 (quoting *Gholson v. United States*, 532 A.2d 118, 120 (D.C. 1987)). In *Slaughter*, an attorney forged the client signature on a fee agreement and in *Gholson*, an employee submitted forged times slips. *Slaughter*, 929 A.2d at 444; *Gholson*, 532 A.2d at 119. As explained at length above, Disciplinary Counsel proved by clear and convincing evidence that Respondent used forged instruments in her efforts to win her criminal case with fraudulent intent to injure others.

E. *Respondent Violated Rule 8.4(c) by Engaging in Dishonesty, Fraud, and Misrepresentation by Submitting False Testimony and Fabricated Documents to Korean Authorities.*

Rule 8.4(c) provides that it is professional misconduct for a lawyer to "[e]ngage in conduct involving dishonesty, fraud, deceit, or misrepresentation." Dishonesty is the most general category in Rule 8.4(c), defined as:

> fraudulent, deceitful or misrepresentative behavior . . . [and] conduct evincing a lack of honesty, probity or integrity in principle; [a] lack of fairness and straightforwardness . . . . Thus, what may not legally be characterized as an act of fraud, deceit or misrepresentation may still evince dishonesty.

In re Shorter, 570 A.2d 760, 767-68 (D.C. 1990) (per curiam) (internal quotation

marks and citation omitted); *see also In re Scanio*, 919 A.2d 1137, 1142-43 (D.C. 2007). The Court of Appeals gives a broad interpretation to Rule 8.4(c); it does not require corrupt intent. *In re Hager*, 812 A.2d 904, 916 (D.C. 2002).

Disciplinary Counsel contends that Respondent engaged in dishonesty in violation of Rule 8.4(c) based on the alleged fraudulent conduct involving falsification of bank records and false statements to Korean authorities. The Hearing Committee agrees.

Disciplinary Counsel has produced overwhelming evidence that Respondent engaged in the fabrication of documents and made false statements to Korean authorities about them. This activity constitutes not only dishonesty but, as discussed in Sections III. A, B and C above, fraud, and misrepresentation.

F. *Respondent Violated Rule 8.4(d) by Engaging in Conduct that Seriously Interferes with the Administration of Justice.*

Rule 8.4(d) provides that it is professional misconduct for a lawyer to "[e]ngage in conduct that seriously interferes with the administration of justice." To establish a violation of Rule 8.4(d), Disciplinary Counsel must demonstrate by clear and convincing evidence that: (i) Respondent's conduct was improper, *i.e.*, that Respondent either acted or failed to act when she should have; (ii) Respondent's conduct bore directly upon the judicial process with respect to an identifiable case or tribunal; and (iii) Respondent's conduct tainted the judicial process in more than a *de minimis* way, *i.e.*, it must have potentially had an impact upon the process to a serious and adverse degree. *In re Hopkins*, 677 A.2d 55, 60-61 (D.C. 1996). Rule 8.4(d) is violated if the attorney's conduct causes the

unnecessary expenditure of time and resources in a judicial proceeding. *See In re Cole*, 967 A.2d 1264, 1266 (D.C. 2009); *In re Cater*, 887 A.2d 1 (D.C. 2005).

Disciplinary Counsel alleges that Respondent violated Rule 8.4(d) by making false representations to the Korean court during her criminal trial and submitting falsified evidence, and by making false representations to Disciplinary Counsel and failing to produce documents timely during its disciplinary investigation.

As discussed in Sections III A, B, C and D above, these violations of Rule 8.4(d) have been proved by clear and convincing evidence. Respondent's conduct, including her false statements to the Korean court and her submission of fabricated documents were clearly improper. Her conduct bore directly on the judicial process and tainted that process in more than a *de minimis* way. Her conduct also violated Rule 8.4(d) even though it did not cause the Korean court to make an incorrect decision. *Hopkins*, 677 A.2d at 60 (Rule 8.4(d) prohibits '"conduct which taints the decision making process,"' "even if such conduct" '"fosters a correct decision."') (citations omitted).

IV. RECOMMENDATION AS TO SANCTION

In considering what sanction to recommend, the Hearing Committee is guided by the factors the Court has often stressed are important:

> In determining what sanction to impose upon an attorney for violations of the Rules of Professional Conduct, we consider a number of factors, including, "(1) the nature and seriousness of the misconduct; (2) prior discipline; (3) prejudice to the client; (4) the [attorney's] attitude; (5) circumstances in mitigation and aggravation; and (6) the mandate to achieve consistency." [*In re Vohra*, 68 A.3d

> 766, 771 (D.C. 2013)]. We also consider "the moral fitness of the attorney" and "the need to protect the public, the courts, and the legal profession . . . ." *In re Howes*, 52 A.3d 1, 15 (D.C. 2012) (internal quotation marks omitted).

In re Baber, 106 A.3d 1072, 1076 (D.C. 2015) (per curiam). Under D.C. Bar R. XI, § 9(h)(1), the sanction imposed also must be consistent with cases involving comparable misconduct.

In this case, Disciplinary Counsel has asked the Hearing Committee to recommend the sanction of disbarment. Respondent has requested that the Committee recommend no sanction. For the reasons discussed below, we recommend the sanction of disbarment.

Relatively brief periods of suspension have been imposed where dishonesty is not pervasive or the misconduct is not egregious. *See, e.g.*, *In re Chapman*, 962 A.2d 922, 923-27 (D.C. 2009) (per curiam) (60-day suspension, with 30 days stayed in favor of a one-year period of probation, with conditions, where respondent neglected a client matter and lied to Bar Counsel and Hearing Committee to cover up the misconduct). Where there has been a pattern of dishonesty involving repeated lies and forgeries, however, the Court has held that disbarment is the appropriate penalty. *E.g.*, *In re Goffe*, 641 A.2d 458 (D.C. 1994) (per curiam).

With these considerations in mind, the Hearing Committee's views concerning the factors outlined in *Baber* are as follows:

A. ***The Nature and Seriousness of the Misconduct***.

This factor weighs heavily against Respondent. Other than a violent crime or an offense doing irreparable harm to a client, the Hearing Committee is hard pressed to imagine more serious misconduct for a lawyer than Respondent's repeated presentation of forged documents to the Korean courts, perjured testimony concerning them, and repetition of this conduct in connection with her disciplinary hearings. If Respondent were accused only in this matter of having impulsively stolen some cash from a fellow passenger on her way to Korea, and she had been forthright with Disciplinary Counsel, the Hearing Committee might have entertained a recommendation for a lesser sanction. However, as is often the case, the seriousness of the cover-up far exceeds that of the crime.

B. ***Prior Discipline***.

Respondent has not been subject to prior discipline.

C. ***Prejudice to the Client.***

No client was involved in the misconduct so this factor is inapplicable.

D. ***The Attorney's Attitude.***

The events and proceedings at issue have gone on for ten years. Throughout this decade, Respondent has reacted to many events adverse to her with more dishonesty, forgeries and lies. As noted in the Hearing Committee's Findings of Fact, the forgeries reached absurd levels as Respondent attempted to convince the Korean courts that her previously submitted forgeries were authentic by submitting more obvious forgeries. Respondent's persistent dishonesty over the course of

several years before multiple tribunals, and her lack of remorse compel the Committee to recommend disbarment. The Committee was particularly concerned by Respondent's willingness to lie with impunity under oath during the disciplinary hearing itself. Her flagrantly incredible claim that "women's intuition" led her to record the serial numbers on the currency she withdrew before she left on the trip was delivered disdainfully and without hesitation, in a manner that was consistent with her disrespectful attitude throughout this saga toward every adjudicatory body before which she has appeared.

E. ***Circumstances in Aggravation and Mitigation***.

Disciplinary Counsel does not assert that there are aggravating circumstances. Respondent correctly asserts that her lack of prior discipline is a mitigating circumstance. However, we discuss the role of mitigating elements in further detail below.

F. ***Mandate to Achieve Consistency***.

In *Goffe*, 641 A.2d at 458, the Court made clear that the kind of repeated dishonesty displayed by Respondent should be met with disbarment. The Court could have been talking about this case when it said:

> What most markedly distinguishes this case from any that we have previously seen is the repeated resort not only to false testimony but to the actual manufacture and use of false documentary evidence in official matters[]. "Documents are an attorney's stock in trade, and should be tendered and accepted at face value in the course of professional activity." . . . His conduct showed a pattern of dishonesty and fabrication of evidence over a number of years . . . .

Id. at 464-65 (citations and footnotes omitted).

With respect to mitigating factors, this Hearing Committee cannot state the case more clearly than was done by the Hearing Committee in *Goffe*, under strikingly similar circumstances:

> Moreover, again in contrast with *Hutchinson,* respondent's record presents no significant mitigating factors. The Hearing Committee's analysis of this issue is cogent and we quote it here.
>
> > Foremost, respondent's conduct in tendering fabricated documents would constitute a felony involving moral turpitude if it had been prosecuted. In *Hutchinson*, the Court of Appeals was clear that the criminality of unethical conduct is an aggravating factor. [534 A.2d 919, 927 D.C. 1987 (en banc)]. If respondent had been charged with a crime and convicted for his conduct (e.g., false statement, obstruction of justice, fraud), he likely would be disbarred pursuant to statute. *See In re Micheel*, 610 A.2d 231 (D.C. 1992).
> >
> > Second, respondent did not engage in bad acts out of sympathy for another or because of the pressure of the moment. In each of the cases before us, his conduct was part of a plan to commit fraud intended to benefit himself, indirectly in the tax case and directly in the real estate case. Indeed, in each context he seemed determined to use every deception he could to accomplish a premeditated, illicit end. *Cf. In re Sandground*, 542 A.2d 1242 [(D.C. 1988) (per curiam)] (misrepresentation to help friend not part of preconceived plan).
> >
> > Third, respondent's misconduct was related to the practice of law. *In re Kennedy*, 542 A.2d 1225 [(D.C. 1988)]. This was clearest in the tax case, in which he represented his future wife. Although, the real estate case did not involve the representation of a client, the filing of documents and production of evidence in litigation lies at the heart of what lawyers do.
> >
> > Fourth, there is the pervasiveness of the misconduct at various times and in different situations. In many respects the breadth and repetition of respondent's misconduct involves the

> considerations at play when prior discipline is considered as an aggravating factor. *See In re Waller*, 573 A.2d 780 [(D.C. 1990) (appended Board Report)] (prior discipline considered). Specifically, the committee concludes that respondent has chosen to use deceit and misrepresentation as a principal means of dealing with the legal system. This is of particular concern because respondent apparently has not been engaged in the active practice of law for a long time; yet, when he has been involved in the legal system, he has approached the system from a perspective of entrenched dishonesty.
>
> Fifth, respondent's misconduct operated to the prejudice of the IRS and those involved in the real estate transactions.
>
> Finally, there is no suggestion that respondent understands the impropriety of his conduct. A respondent is entitled to require proof of his misconduct and to contest the existence of the misconduct or the appropriateness of particular sanctions. But respondent testified falsely about his conduct. It is not just that the evidence was contrary to his testimony. Seeing him and hearing him as a witness, the committee was left with the strong impression that he had testified falsely, as he had done earlier in the Tax Court and in Superior Court. This conduct is quite different from the conduct of others who, having made the decision to testify falsely, thought the better of it at a later time and voluntarily gave the truth to authorities. *See* [*Hutchinson*, 534 A.2d 919]; *cf.* [*Waller*, 573 A.2d 780] (no remorse, but did not testify falsely).

Goffe, 641 A.2d at 465-66 (footnotes omitted). As in *Goffe*, "the mitigating elements normally presented by a prior clean record—the isolated nature of the ethical violation, its unlikeliness to recur, and the educational benefit of a disciplinary proceeding—are virtually absent here." *Goffe*, 541 A.2d at 466.

In *Baber*, the Court summarized cases from *Goffe* forward where disbarment was warranted. This summary shows why disbarment in this case is consistent with prior cases:

> Finally, we consider the "mandate to achieve consistency." *Vohra*, 68 A.3d at 771. We recognize that "[p]erfect consistency is not achievable in this area," *Silva*, 29 A.3d at 927, because the "imposition of sanctions in bar discipline . . . is not an exact science but may depend on the facts and circumstances of each particular proceeding," *Goffe*, 641 A.2d at 463. Nevertheless, we conclude that disbarment rather than suspension is more consistent with our prior cases. We have disbarred a number of attorneys in circumstances comparable to those of the present case. *See, e.g.*, *Cleaver-Bascombe*, 986 A.2d 1191, 1198-1200 (D.C. 2010) (rejecting Board's recommendation of suspension and instead disbarring attorney who submitted single false voucher for compensation from court and then lied under oath about voucher; attorney had no prior disciplinary record and did not obtain payment for voucher; court notes that effort to steal public funds is not meaningfully different from effort to steal client funds); *In re Pelkey*, 962 A.2d 268, 280-82 (D.C. 2008) (accepting Board's recommendation of disbarment of attorney who acted dishonestly in business dispute by engaging in conduct that "amount[ed] to theft," lied about his conduct, and filed frivolous pleadings; although attorney had no prior disciplinary record, attorney showed no remorse and had committed "persistent, protracted, and extremely serious and flagrant acts of dishonesty" over several years); *In re Corizzi*, 803 A.2d 438, 441-43 (D.C. 2002) (accepting Board's recommendation of disbarment of attorney who suborned perjury from clients in two separate matters and lied to Board about conduct; even if attorney was not acting for personal gain, attorney's conduct was "egregious" and "reprehensible," attorney showed no remorse, attorney was also found to have committed other serious ethical violations, and there were no mitigating circumstances); *Goffe*, 641 A.2d at 463-68 (rejecting Board's recommendation of suspension and instead disbarring attorney who submitted fabricated documents in two separate matters, once to benefit fiancee and once to benefit himself; although attorney had no prior disciplinary record, attorney's conduct was blatant and egregious, conduct extended over several

years, attorney testified falsely about conduct and showed no contrition, and there were no other mitigating circumstances).

Baber, 106 A.3d at 1078-79. The cases the Court cited concerned the same kind of misconduct found by the Hearing Committee here – repeated dishonesty followed by more dishonesty and a lack of remorse. Respondent has disgraced her profession in two countries and she should not be permitted ever to practice again.

V. CONCLUSION

For the foregoing reasons, the Committee finds that Respondent violated Rules 3.3(a)(1), 3.3(a)(4) and 3.4(b), 8.1(a) and (b) and 8.4 (b), (c) and (d) and should receive the sanction of disbarment.

HEARING COMMITTEE NUMBER ELEVEN

Laura S. Shores, Chair

Sheila J. Carpenter, Attorney Member

Curtis D. Copeland, Jr., Public Member