

# DECISION FROM DISCIPLINARY REPORTS AND DECISIONS SEARCH

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

In the Matter of:

**BETTY TSAMIS,**

Commission No. 2013PR000

Attorney-Respondent,

No. 6288664.

### JOINT STIPULATION AND RECOMMENDATION FOR A REPRIMAND BY THE HEARING BOARD

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Gina M. Abbatemarco, and Respondent Betty **Tsamis**, by her attorneys, George B. Collins and Kathyryne Hayes, stipulate that Respondent violated Rules 1.6(a), 1.15(d), and 4.4 of the 2010 Illinois Rules of Professional Conduct and, as discipline, recommend that she be administered a reprimand by the Hearing Board, pursuant to Supreme Court Rule 770(h) and Commission Rule 282. In support of that recommendation, the Administrator and Respondent stipulate as follows:

#### I. STIPULATED FINDINGS OF FACT

##### *A. Count I- Conversion of Klimek settlement*

The Administrator and Respondent stipulate that the evidence in Count I of the Administrator's complaint would establish the following facts:

1. In or about February 2008, Respondent agreed to represent Kris Klimek ("Klimek") in a personal injury claim for injuries Klimek sustained arising from a fall that took place on the premises of Malibu East Condominiums in Chicago, Illinois. In August 2011,

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Respondent settled Klimek's claim for \$14,142.68. On or about August 22, 2011, Respondent received three settlement checks from Hartford Insurance Company. The first check was made payable to Respondent in the amount of \$4,713.75, and represented payment of her fees pursuant to the fee agreement she had with Klimek. The second check was made payable to

Medicaid/Medicare and Klimek in the amount of \$3,942.68 for the purpose of paying claimed liens, with any remaining amount to go to Klimek after the liens had been satisfied. The third check, for \$5,486.25, was made payable to Klimek and represented her portion of the proceeds.

2. On September 7, 2011, Respondent deposited the check in the amount of \$3,942.68 (which represented the proceeds owed to Klimek and Klimek's medical providers) into her client trust account at PNC Bank. On December 30, 2011, Respondent disbursed \$197.24 to HFS Collections on behalf of Medicaid in satisfaction of its claimed lien. Between September 7, 2011 and February 14, 2012, prior to any disbursement of funds to Medicare or Klimek, Respondent failed to preserve the identity of those funds when she drew the balance in the client trust account below the amount of the check, thereby converting \$2,057.54 of the settlement proceeds for her own use. Respondent's bank records show that Respondent's overdraft was the result of her failure to account for credit card fees being charged on the account, and that she had disbursed costs on two client matters in amounts greater than what she had received from those clients. In addition, in January 2012 Respondent deposited a \$30,000 settlement check into the account for her client, Linda Griffis. However, on the Griffis settlement statement Respondent incorrectly listed the total she had received as "\$33,000." She then disbursed \$22,110 to the client and \$10,890 to herself in fees, resulting in withdrawal of \$3,000 more than had been deposited in connection with that case.

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3. On April 20, and 26, 2012, respectively, Respondent paid Medicare \$717.63 and Klimek the remaining \$3,027.81. Klimek's check for \$3,027.81 was later returned due to insufficient funds in Respondent's account. Respondent then deposited \$1,000 into the client trust account from her own funds and reissued payment to Klimek.

*Count II- Revealing client confidences*

4. On September 6, 2012, Respondent agreed to represent Richard Rinehart ("Rinehart") in matters related to Rinehart's securing unemployment benefits from his former employer, American Airlines. American Airlines had terminated Rinehart's employment as a flight attendant because Rinehart allegedly assaulted a fellow flight attendant during a flight. Rinehart paid Respondent \$1,500 towards her fee.

5. Between September 6, 2012 and January 16, 2013, Respondent met with Rinehart on at least two occasions and obtained information from Rinehart concerning both his employment history at American Airlines and the alleged incident involving the other flight attendant. Respondent also reviewed Rinehart's personnel file, which she had obtained from American Airlines.

7. On January 16, 2013, Respondent represented Rinehart at a telephonic hearing before the Illinois Department of Employment Security ("IDES"), at the conclusion of which the IDES determined to deny Rinehart unemployment benefits. Shortly thereafter, Rinehart terminated Respondent's representation of him.

8. On or about February 5, 2013, Rinehart posted a client review of Respondent's services on the

legal referral website AVVO, in which he discussed his dissatisfaction with Respondent's services. On February 7, 2013 and February 8, 2013, Respondent contacted Rinehart by email and requested that Rinehart remove the February 5, 2013 posting about her

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from the AVVO website. Rinehart responded that he refused to remove the posting unless he received a copy of his files and a full refund of the \$1,500 he had paid Respondent as fees.

9. Sometime between February 5, 2013 and April 10, 2013, AVVO removed Rinehart's posting from its online client reviews of Respondent.

10. On April 10, 2013, Rinehart posted a second negative client review of Respondent on AVVO. Respondent replied to his post and revealed confidential information about his case. Respondent's reply to Rinehart's second posting contained information relating to her representation of Rinehart and exceeded what was necessary to respond to Rinehart's accusations.

## II. FACTORS IN MITIGATION

11. Respondent was admitted to practice law in Illinois on May 4, 2006 and practices in Chicago where she concentrates her practice in the area of employment and civil rights law. Respondent has no prior disciplinary history. Respondent understands the seriousness of her misconduct and has expressed remorse for it. She has taken steps to more carefully manage her recordkeeping in order to minimize the likelihood of future errors involving her client fund account, so that future overdrafts do not occur. Those steps include reviewing client ledgers and settlement statements with greater detail before issuing checks, and ensuring that she deposits money into the client trust account to account for credit card fees.

12. If this matter proceeded to a hearing, several lawyers and clients would have testified to Respondent's excellent reputation for truth and veracity.

## III. RECOMMENDED DISCIPLINE AND LEGAL DISCUSSION

13. The Administrator and Respondent agree and jointly recommend that a reprimand be administered by the Hearing Board pursuant to Supreme Court Rule 770(h) and Commission

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Rule 282, as the appropriate discipline in this matter. The following cases support that recommendation.

14. In *In re Nottage*, 2010 PR 00090 (July 20, 2011), the respondent represented a client in a divorce proceeding and negotiated a tentative settlement on behalf of her client. She withdrew while the proceeding was still pending and the client later filed a motion to set aside the settlement, in which she accused the respondent of coercing her to settle the matter. Attempting

to defend herself, the respondent sent the opposing attorney over 500 pages of emails exchanged between herself and the client. The respondent did not seek a court order to release the emails, nor did she take any steps to redact the client's personal information. The hearing board reprimanded the respondent, finding that her conduct had been inconsistent with Rule 1.6. In the instant matter, Respondent also released confidential client information in a public forum in order to counter a client's accusations. Like Nottage, Respondent has expressed remorse for her actions and would present favorable character evidence.

15. In *In re Kreiter*, 95 CH 153 (November 22, 1995) the attorney prepared a personal injury settlement statement which did not disclose the full amount of the fee he was withholding from the settlement proceeds. The Hearing Board found that the statement was neither false nor intentionally misleading. The Board rejected the Administrator's allegation that the respondent had converted funds, but found that the attorney had failed to promptly deliver the funds and that a reprimand was the appropriate sanction for his misconduct. Respondent's conduct is similar to that in *Kreiter*, in that Respondent's errors in properly documenting the amounts of client money she received, as well as her failure to account for the credit card service charges, resulted in her failing to promptly deliver funds to her client. Respondent has also acknowledged her errors as was the case in *Kreiter*.

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16. Under the circumstances of this case, a reprimand is consistent with prior Hearing Board decisions and is appropriate under the facts and circumstances of this case.

WHEREFORE, the Administrator and Respondent jointly recommend that the Hearing Board issue a reprimand, pursuant to Supreme Court Rule 770(h) and Commission Rule 282.

Respectfully submitted,

Jerome Larkin, Administrator  
Attorney Registration and  
Disciplinary Commission

Betty **Tsamis**,  
Respondent

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In the Matter of:

**BETTY TSAMIS,**

Commission No. 2013PR000

Attorney-Respondent,

No. 6288664.

REPRIMAND

Based upon the agreement and stipulations of the parties, the panel of the Hearing Board hereby makes findings, and reprimands and admonishes you, Betty **Tsamis**, as follows:

To: Betty **Tsamis**:

1. You are being reprimanded for mismanaging your client trust account, which resulted in your issuing a check for insufficient funds to your client, Kris Klimek. You are also being reprimanded for revealing confidential information about your former client, Richard Rinehart, in a public forum.

2. Your admitted conduct is inconsistent with Rules 1.6(a), 1.15(d) and 4.4 of the Illinois Rules of Professional Conduct (2010). You are therefore reprimanded not to repeat the conduct which has resulted in the imposition of discipline.

3. You are further advised that while this reprimand is not formally presented to the Supreme Court, it is not to be taken lightly. You are admonished not to engage in such misconduct in the future and to strictly comply with the Rules of Professional Conduct. You are

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further admonished that this disciplinary action is of public record and will be considered in the event of any future disciplinary proceedings relating to you.

Respectfully submitted,

Patrick M. Blanchard,  
Chair  
Cynthia A. Cohan  
David C. Rudd

#### **CERTIFICATION**

I, Kenneth G. Jablonski, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Reprimand, approved by the Hearing Panel, entered in the above entitled cause of record filed in my office on January 15, 2014.

Kenneth G. Jablonski, Clerk of the  
Attorney Registration and Disciplinary  
Commission of the Supreme Court of Illinois