

INDIANA SUPREME COURT

In re Hong-Min Jun

78 N.E.3d 1100 (Ind. 2017) · Decided March 28, 2017

SUMMARY

The Indiana Supreme Court found that attorney Hong-Min Jun violated Indiana Professional Conduct Rule 1.2(d) by counseling or assisting a client in conduct involving false statements to obtain expedited immigration processing. The Court imposed a public reprimand, assessed costs against the respondent, and discharged the hearing officer.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Robert D. Rucker, Acting Chief Justice
JURISDICTION	Indiana
DECIDED	March 28, 2017
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding arising from the Indiana Supreme Court Disciplinary Commission's verified complaint and the hearing officer's report.
STANDARD OF REVIEW	The Court conducts a de novo examination of matters presented in disciplinary cases, while giving emphasis to the hearing officer's findings because of the hearing officer's opportunity to observe witnesses directly. The Commission bears the burden of proving attorney misconduct by clear and convincing evidence.
PRECEDENTIAL VALUE	published and precedential

TOPICS

- immigration
- administrative law
- agency adjudication

PRACTICE AREAS

- attorney discipline
- immigration law
- professional responsibility

QUESTIONS PRESENTED

1. Whether the respondent counseled or assisted a client in conduct the respondent knew to be criminal or fraudulent, in violation of Indiana Professional Conduct Rule 1.2(d).
2. What discipline was appropriate for the respondent's professional misconduct.

HOLDINGS

1. The respondent violated Indiana Professional Conduct Rule 1.2(d) by counseling or assisting his client to engage in conduct he knew to be criminal or fraudulent.
2. A public reprimand was an appropriate sanction for the respondent's misconduct.

KEY QUOTATIONS

“Upon careful review of the materials before us, we find sufficient support for the hearing officer’s findings and conclusions, including her ultimate conclusion that Respondent counseled or assisted his client to engage in conduct he knew to be criminal or fraudulent.” (78 N.E.3d at 1100)

“The balance of considerations persuades us that a public reprimand is an appropriate sanction.” (78 N.E.3d at 1101)

FACTUAL BACKGROUND

The respondent advised a United States citizen seeking to bring his South Korean wife to the United States that she could enter on a nonimmigrant visa or visa waiver and then seek permanent residence, rather than use consular processing. The respondent knew that this alternative would require the wife to make false or misleading statements concerning her intent to depart, her marital status, or other immigration matters, and knew that such conduct could constitute a federal crime. After the wife entered the United States, she was denied admission because of false statements to customs officials and returned to South Korea, making future admission or permanent residence more difficult.

PROCEDURAL HISTORY

The Indiana Supreme Court appointed a hearing officer to hear evidence on the Disciplinary Commission's verified complaint. After reviewing the hearing officer's report and the parties' briefs, the Court independently examined the record, found professional misconduct, and imposed a public reprimand.

DISPOSITION

other

CASES CITED

- Matter of Campanella, 56 N.E.3d 631, 633 (Ind. 2016)
- Matter of Scionti, 630 N.E.2d 1358 (Ind. 1994)