

FILE NO. C6-01-972

STATE OF MINNESOTA

IN SUPREME COURT

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LAWYERS PROFESSIONAL RESPONSIBILITY

In Re Petition for Disciplinary Action
against STEVEN F. SORONOW,
an Attorney at Law of the
State of Minnesota.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION
FOR DISCIPLINE

The above-captioned matter came on for hearing before the undersigned referee, appointed by the Minnesota Supreme Court, on January 18, 2002, in the Minnesota Judicial Center, St. Paul, Minnesota. Martin A. Cole, Senior Assistant Director, appeared for the Office of Lawyers Professional Responsibility (hereinafter the Director). Respondent Steven F. Soronow appeared *pro se*.

Respondent admitted substantial portions of the Director's allegations in his answers to the petition and supplemental petition, principally concerning his non-cooperation with the disciplinary investigation. The parties submitted a stipulation as to the testimony of 18 witnesses who otherwise would have been called by the Director. At the hearing, the Director called the respondent for adverse examination as part of the Director's case in chief; respondent also testified on his own behalf. Respondent's wife, Deborah Weber, also testified. The Director offered 130 exhibits, which were admitted into evidence. Respondent offered no exhibits at the hearing. Subsequent to the hearing, respondent offered psychiatric records, which were admitted without objection. Where findings

below rest upon the testimony of respondent or upon the stipulated testimony of other witnesses, specific citation to the record is not made. Where the statement is based upon an exhibit not directly discussed at the hearing, citation is made.

Based upon the evidence received, including respondent's admissions and the briefs of the parties, the undersigned now, by clear and convincing evidence, makes the following:

FINDINGS OF FACT

Respondent's Non-Cooperation

1. On September 22, 2000, the Director received a complaint from Linda Kronenberger against respondent.
2. By notice of investigation dated September 28, 2000, the complaint was forwarded to respondent's last known address, and he was requested to respond to the district ethics committee (DEC) investigator within 14 days. The notice was returned to the Director's Office by the post office on October 2, 2000, indicating that respondent had moved and had left no forwarding address.
3. On October 3, 2000, the notice of investigation was sent to a second address of the respondent by certified mail. No return receipt was ever received by the Director's Office. Respondent did not respond to the investigator.
4. The DEC investigator sent a certified letter to a third address on October 26, 2000. The return receipt was received. On October 30, 2000, respondent left a voicemail with the investigator, indicating that a response would be forthcoming. The investigator followed-up with two phone

messages and two more letters, but no response was received from respondent.

5. At its December 13, 2000, meeting, the Hennepin County Bar Association Ethics Committee recommended referral of this matter directly to the Lawyers Board pursuant to Rule 25, Rules on Lawyers Professional Responsibility (RLPR), based on respondent's non-cooperation with the disciplinary investigation.

6. On December 20, 2000, a copy of the DEC's report was forwarded to respondent and he was asked to reply. No response was received.

7. On February 2, 2001, a certified letter was sent to the same address as the December 20, 2000, letter and to an additional address. The letters requested that respondent attend a meeting at the Director's Office on February 13, 2001. The return receipt for each letter was received by the Director's Office. Respondent did not appear for the meeting or otherwise contact the Director's Office.

8. Respondent never submitted a written response to Kronenberger's complaint.

9. On January 10, 2001, the Director received a complaint from Suzanne Marie Hicks against respondent. By notice of investigation dated January 19, 2001, the complaint was forwarded to respondent, and he was requested to respond to the DEC investigator within 14 days. The notice was returned by the post office and another copy was sent to an additional address.

No response was timely received. On February 22, 2001, the matter was removed from the DEC pursuant to Rule 7(d), RLPR.

10. Respondent submitted a written response to Hicks' complaint on September 25, 2001.

11. On February 23, 2001, the Director received a complaint from Bernadette Eagle against respondent. By notice of investigation dated March 2, 2001, the complaint was forwarded to respondent at two addresses, and he was requested to respond to the Director's Office within 14 days. No response was timely received.

12. Respondent submitted a written response to Eagle's complaint on September 25, 2001.

13. On March 5, 2001, the Director received a complaint from Roxine Palmer against respondent. By notice of investigation dated March 15, 2001, the complaint was forwarded to respondent at two addresses, and he was requested to respond to the Director's Office within 14 days. No response was timely received.

14. Respondent submitted a written response to Palmer's complaint on September 25, 2001.

15. On March 13, 2001, the Director received a complaint from Pan S. Yaung against respondent. By notice of investigation dated March 19, 2001, the complaint was forwarded to respondent at two addresses, and he was requested to respond to the Director's Office within 14 days. One copy of the notice was returned by the post office. No response was timely received.

16. Respondent never submitted a written response to Yaung's complaint.

17. On March 16, 2001, the Director received a complaint from David Roldan against respondent. By notice of investigation dated April 3, 2001, the complaint was forwarded to respondent, and he was requested to respond to the Director's Office within 14 days. No response was timely received.

18. Respondent submitted a written response to Roldan's complaint on September 25, 2001.

19. On April 6, 2001, a letter was sent to respondent at an address at which no previous mailings by the Director had been returned. Included with the letter were copies of all previous complaints and notices of investigation as of that date and a request for responses from respondent. No responses were timely received.

20. On March 30, 2001, the Director received a complaint from John M. Alderson against respondent. By notice of investigation dated April 9, 2001, the complaint was forwarded to respondent at three addresses, and he was requested to respond to the Director's Office within 14 days. No response was timely received.

21. Respondent never submitted a written response to Alderson's complaint.

22. On April 25, 2001, the Director issued charges of unprofessional conduct against respondent, based upon the complaints received to that date. A mandatory pre-hearing meeting was scheduled for May 8, 2001. The notice accompanying

the charges specifically informed respondent that failure to attend the pre-hearing meeting could result in the Director moving for probable cause on the basis of flagrant non-cooperation under Rule 10(d), RLPR. Respondent did not appear for the pre-hearing meeting.

23. On April 23, 2001, the Director received a complaint from attorney Darren C. Borg, reporting a pending criminal complaint against respondent.

24. By notice of investigation dated April 27, 2001, the Borg complaint was forwarded to respondent's last known address, and he was requested to respond to the Director's Office within 14 days. No response was timely received.

25. Respondent never submitted a written response to Borg's complaint.

26. On May 3, 2001, the Director received a complaint from Rohan Grant against respondent.

27. By notice of investigation dated May 8, 2001, the complaint was forwarded to respondent's last known address, and he was requested to respond to the Director's Office within 14 days. No response was timely received.

28. Respondent submitted a written response to Grant's complaint on September 25, 2001.

29. On June 19, 2001, the Director received a complaint from Izzat Minhas and Iftikhar Minhas against respondent.

30. By notice of investigation dated June 20, 2001, the Minhas complaint was forwarded to respondent's last known

address, and he was requested to respond to the Director's Office within 14 days. No response was timely received.

31. Respondent submitted a written response to the Minhases' complaint on September 25, 2001.

32. On June 27, 2001, the Director received a complaint from Margaret Aitkens against respondent.

33. By notice of investigation dated July 2, 2001, Aitkens' complaint was forwarded to respondent's last known address, and he was requested to respond to the Director's Office within 14 days. No timely response was received.

34. Respondent submitted a written response to Aitkens' complaint on August 6, 2001.

35. On June 28, 2001, the Director received a complaint from Joanne Strate against respondent.

36. By notice of investigation dated July 2, 2001, the Strate complaint was forwarded to respondent's last known address, and he was requested to respond to the Director's Office within 14 days. No timely response was received.

37. Respondent never submitted a written response to Strate's complaint.

38. On July 17, 2001, the Director received a complaint from Cory Reiman against respondent.

39. On July 18, 2001, respondent first met with a representative of the Director's Office and admitted he had received all notices of investigation and complaints and had failed to respond. Respondent agreed to provide full responses to all complaints and return client files and refund retainers

as appropriate. Respondent called the Director's Office on July 20, 2001, stating his first response purportedly was being mailed. The first response in fact received by the Director was on August 6 (see paragraph 34 above).

40. By notice of investigation dated July 20, 2001, the Reiman complaint was forwarded to respondent's last known address, and he was requested to respond to the Director's Office within 14 days. Respondent did not timely respond.

41. Respondent never submitted a written response to Reiman's complaint.

42. On July 23, 2001, the Director received a complaint against respondent from Bashir and Christine Ahmed.

43. On July 26, 2001, the Director wrote to respondent reminding respondent that he had agreed to cooperate with the disciplinary process and requesting that he provide responses to nine of the complaints then pending against respondent.

44. By notice of investigation dated July 27, 2001, the Ahmed complaint was forwarded to respondent's last known address, and he was requested to respond to the Director's Office within 14 days. Respondent failed to timely respond.

45. Respondent submitted a written response to the Ahmeds' complaint on September 25, 2001.

46. On July 27, 2001, the Director received a complaint from Bruce Rollins against respondent.

47. By letter dated August 6, 2001, and received by the Director via facsimile on August 8, 2001, respondent responded to Aitkens' complaint (see paragraph 34 above).

48. By notice of investigation dated August 7, 2001, the Rollins complaint was forwarded to respondent's last known address, and he was requested to respond to the Director's Office within 14 days. Respondent did not timely respond.

49. Respondent submitted a written response to Rollins' complaint on September 20, 2001.

50. On August 14, 2001, the Director received a complaint from Bisi and Adeola Kuti against respondent.

51. By notice of investigation dated August 22, 2001, the Kuti complaint was forwarded to respondent's last known address, and he was requested to respond to the Director's Office within 14 days. No timely response was received.

52. Respondent never submitted a written response to the Kutis' complaint.

53. On August 21, 2001, the Director received a complaint from attorney Susan M. Vance, concerning respondent's failure to pay a law-related debt.

54. By notice of investigation dated August 21, 2001, the Vance complaint was forwarded to respondent's last known address, and he was requested to respond to the Director's Office within 14 days. No timely response was received.

55. Respondent never submitted a written response to Vance's complaint.

56. On September 25, 2001, respondent submitted written responses to several of the pending complaints against him. The Director has not alleged further non-cooperation after that date.

Criminal Conviction

57. As a result of a traffic stop on February 5, 2001, respondent was criminally charged on March 7, 2001, with giving a false name and date of birth to a police officer in violation of Minn. Stat. § 171.22, with driving after suspension of his driver's license in violation of Minn. Stat. § 171.24, and with expired license plate tabs in violation of Minn. Stat. § 169.79.

58. In June 2001 respondent pled guilty to one count of giving a false name to a police officer, a gross misdemeanor. Respondent was sentenced to a \$300 fine and 30 days confinement in the workhouse, with respondent allowed to perform two days of community service with the remaining 28 days stayed.

Failure to Pay Law-Related Debt

59. During July 2000, respondent entered into a written month-to-month lease with Larson Properties, L.L.C., to rent space for a law office in the Flour Exchange Building in Minneapolis for \$300 per month. Respondent paid \$300 by check toward his first month's rent. Respondent's check was returned by his bank for non-sufficient funds. When contacted by Susan Vance, attorney for Larson Properties, respondent agreed to replace the check, but failed to do so.

60. Respondent continued to occupy the office space without payment of any rent until an October 13, 2000, eviction hearing. Respondent did not appear at the hearing. The housing court entered immediate judgment by default against respondent. He was evicted that day.

61. Larson Properties brought an action against respondent in conciliation court for their past due rent and costs. On December 6, 2000, the conciliation court entered judgment against respondent for \$1,142.19.

62. Respondent removed the conciliation court judgment to district court. Respondent then failed to appear at the first pretrial/settlement conference. Respondent's check to the court for his filing fee was returned for non-sufficient funds.

63. On August 16, 2001, respondent telephoned Vance, and offered to settle their claim for \$1,000. When Vance declined respondent's offer, he stated, "O.K., chase me!" and terminated the conversation.

64. Respondent has not paid the December 6, 2000, judgment against him or made payments or further offers of settlement.

Pattern of Neglect of Client Matters, Failure to Adequately and Timely Communicate with Clients, and Failure to Return Unearned Fees and Files Upon Reasonable Request

65. The Director presented evidence concerning 15 complaints against respondent from clients or former clients. In varying degrees, these complaints all allege that respondent engaged in neglect of client matters, non-communication with clients, failure to return client files and failure to return unearned retainers upon request. There are differences between the stipulated testimony of the complainants and the testimony of respondent, and between respondent's testimony and written responses submitted to the Director on some of the complaints. Although credibility determinations as to the complainants are

difficult to make since they did not testify live at the hearing, the following facts have been proven by clear and convincing evidence based upon the complainants' stipulated testimony as supported by the documents related to their complaints in the record, upon the written responses from respondent where available, and upon the credibility determination made as to respondent's testimony at the hearing.

66. Respondent obtained his license to practice law in January 2000. Respondent opened his solo practice law office shortly thereafter.

67. Roxine Palmer hired respondent in April 2000 to handle a custody and child support matter. She paid respondent a \$1,000 advance fee. Thereafter, Palmer called respondent numerous times, and only twice received any response. Respondent states he earned the fee doing research and thereafter owed no obligation to return Palmer's calls. Palmer discharged respondent and requested return of her file. Respondent refused to incur any expense to return Palmer's file and never sent it to her. On October 10, 2001, respondent called Palmer and offered to refund her advance fee in monthly installments. Respondent never made any payments to Palmer.

68. Linda Kronenberger hired respondent to handle her divorce in June 2000. She initially paid respondent \$350. Respondent determined that the matter would be more difficult than originally anticipated and requested an additional \$1,000 from Kronenberger, which she paid. When respondent changed offices (see paragraph 60 above), he did not notify Kronenberger

of his new address or phone number. Around that same time, respondent mailed to Kronenberger a draft of her divorce decree and a bill. Kronenberger wanted revisions to the decree and attempted to so inform respondent. Respondent stated he never received that request. Respondent did not attempt to contact Kronenberger again.

69. John Alderson hired respondent in July 2000 to handle a school dismissal matter. He paid respondent \$2,500. Alderson contacted respondent over 20 times before respondent returned his call. Alderson acknowledges that he and respondent talked numerous times after that and that respondent wrote a letter to the dean of his school. Alderson hired a new attorney and, by letter dated March 23, 2001, requested return of his file and documents given to respondent. Respondent did not return Alderson's documents.

70. Bernadette Eagle hired respondent in August 2000 to handle a custody dispute regarding her minor child. Respondent sent one letter to the child's father in September 2000. Thereafter, respondent acknowledges that he did not respond to her calls or messages. In January 2001 Eagle attempted to contact respondent by mail. Respondent did not respond.

71. Suzanne Hicks hired respondent to handle her divorce in September 2000 and paid a \$250 advance fee. Respondent states he earned the fee researching how to obtain a default judgment. He then requested additional fees from Hicks and advised her that he would perform no more work until she paid him. Thereafter respondent did not return her calls or a call

from Hennepin County Social Services (see Exhibit 64), or provide Hicks with any evidence of doing any work on the divorce.

72. David Roldan initially hired attorney Carrie Robson to represent him regarding a housing discrimination matter. Robson referred his case to respondent when she left private practice. Roldan paid respondent \$500. Respondent read Roldan's file and then advised Roldan that he would do no more work. Thereafter, respondent did not return any of Roldan's phone calls.

73. Pan Yaung hired respondent in December 2000 to handle an immigration matter for a relative. Yaung paid a \$1,500 advance fee. Yaung states that she spoke with respondent thereafter only one time in February. Respondent states he did work on the matter and contacted the relative in California. The matter was never completed. Respondent acknowledges he did not communicate this information to Yaung.

74. Rohan Grant hired respondent on March 15, 2001, to handle his deportation matter. Grant had just been released from prison and was immediately placed into the custody of the Immigration and Naturalization Service (INS) at the Carver County Jail. Grant met with respondent in the jail that night. Grant arranged to have paid to respondent a \$3,500 advance fee. Respondent did not appear for a meeting with Grant on March 21, 2001. Respondent had not sent to the INS a notice of representation and so chose not to appear at Grant's INS hearing on March 29, 2001. Respondent sent one letter sent to an attorney in Colorado, and states the remainder of Grant's fee

was earned doing research. Grant faxed respondent a letter terminating his representation on March 30, 2001, requesting a refund of \$3,000 and the return of his file. Respondent refused to refund any portion of Grant's fee and did not return Grant's file.

75. Izzat Minhas and Iftikhar Minhas are brothers who hired respondent on April 23, 2001, to prepare and file separate immigration petitions and together paid to respondent a \$2,075 advance fee. Izzat and Iftikhar advised respondent that the deadline for filing their petitions was April 30, 2001. When respondent failed to promptly proceed, they hired another attorney. On April 27, 2001, respondent orally agreed to provide verification of the termination of his representation and a full refund. He did not do so. Respondent failed to return numerous calls from the Minhases and their new attorney and refused to meet with them at his office. On June 1, 2001, respondent agreed in writing to refund \$1,800 to the Minhases by June 5, 2001. Respondent failed to do so (see also paragraph 82 below).

76. Margaret Aitkens retained respondent on May 9, 2001, to investigate and proceed with two claims against her son's school district. She paid respondent a \$1,000 advance fee. Respondent states he exhausted Aitkens' retainer researching her claims. Respondent departed on a two-week honeymoon on May 22, 2001. Respondent had not communicated the results of his research to Aitkens prior to leaving. Aitkens terminated the representation on June 6, 2001, and requested respondent refund

her retainer. Respondent failed to provide the requested refund or respond to Aitkens' numerous communications thereafter.

77. Joanne Strate retained respondent on April 13, 2001, to negotiate a bill on her brother's behalf and paid respondent a \$200 flat fee. Thereafter, Strate tried to call respondent to inquire about the status of her matter. After Strate failed to receive any response from respondent to eight telephone calls, she wrote to him on June 12, 2001, requesting a refund of her \$200 and an explanation. Respondent did not provide a refund or any explanation to Strate.

78. On June 20, 2001, Cory Reiman retained respondent in an immigration matter and paid respondent a \$500 fee. Respondent filled out various forms based upon information provided by Reiman and sent them to Reiman. Reiman believed the forms needed revision. Respondent did not want to do any more work for Reiman and so ceased all communication with Reiman (see Exhibit 100) (see also paragraph 82 below).

79. Bashir Ahmed retained respondent during June 2001 for representation in an immigration matter and paid respondent a \$500 advance fee. Respondent acknowledges that he did not even read Mr. Ahmed's file until the night of June 15, 2001. Respondent states he then determined that the case was different than he had anticipated. On June 16, 2001, without any notice to Mr. Ahmed, respondent failed to appear with Bashir at a hearing before the immigration court (see Exhibit 106). Respondent failed to return numerous calls from Bashir or his wife and failed to return their original documents and fee as

requested. Respondent acknowledges he owes some amount of refund to Mr. Ahmed.

80. On June 21, 2001, Bruce Rollins retained respondent to review some court documents and paid respondent a \$200 fee. Respondent read Rollins' file and determined he had no viable case. On July 26, 2001, Rollins wrote to respondent requesting return of his documents. Rollins also called respondent and stopped by at his office unannounced. Respondent failed to return Rollins' documents as requested (see Exhibit 114). Eventually, respondent left the file with the receptionist for Rollins, who did come and pick it up.

81. During May 2001, Bisi Kuti and her daughter, Adeola Kuti, retained respondent in separate immigration matters and together paid respondent \$650. When respondent failed to return their calls and was unavailable at his office, the Kutis terminated the representation via facsimile and requested respondent return their money and papers. Respondent did not respond. He states he had earned their advance fees doing research on their cases. On July 26, 2001, the Kutis sent a second letter by certified mail. Respondent's secretary signed for the certified letter on July 27, 2001, but respondent failed to respond.

Aggravating and Mitigating Circumstances

82. Two of respondent's former clients, Corey Reiman (see paragraph 78 above) and Izzat and Iftikhar Minhas (see paragraph 75 above) sued respondent based upon his refusal to return

unearned fees. In both instances, the clients obtained a default judgment against respondent. Respondent has failed to pay either of these judgments or make any payments or make any offers to pay.

83. Respondent testified about his psychological condition, and offered into evidence records from Abbot Northwestern hospital concerning respondent's April 15-18, 2001, hospitalization on a psychiatric hold. Respondent was diagnosed as bipolar, with the recommendation for continued medications and psychiatric and psychological treatment. Respondent testified that he did not continue with recommended medications and as of the date of the hearing had not received any further psychological treatment. Respondent testified that he intends to commence such treatment within a week of the hearing.

84. Respondent's psychological evidence indicates that he was very likely suffering from some psychological disorder, in particular both manic and depression phases of bipolar disorder, at least in and around the periods from March 2001 through May 2001. During this same time period, respondent committed the conduct set out in paragraphs 74-77 and possibly 78-81. Respondent's mental condition during these times likely affected his judgment and recollections such that it influences the undersigned's determination of the accuracy of respondent's testimony about those matters.

CONCLUSIONS OF LAW

1. Respondent's conduct in failing to cooperate with the Director's disciplinary investigation from September 2000

through August 2001 violated Rule 8.1(a)(3), Minnesota Rules of Professional Conduct (MRPC), and Rule 25, Rules on Lawyers Professional Responsibility (RLPR).

2. Respondent's conduct in and conviction for committing a criminal act involving dishonesty violated Rules 8.4(b) and (c), MRPC.

3. Respondent's conduct in failing to pay or make reasonable efforts to pay the valid law-related judgment obtained against him by Larson Properties violated Rule 8.4(d), MRPC.

4. Respondent's conduct in engaging in a pattern of neglecting client matters, failing to adequately communicate with clients in a timely manner, and in failing to return client papers and unearned retainers upon reasonable request violated Rules 1.3, 1.4(a), and 1.16(d), MRPC.

5. Respondent's misconduct is aggravated by his failure to pay or make reasonable efforts to pay two additional law-related judgments obtained by clients Reiman and Minhas, both of which were based upon respondent's failure to refund unearned fees.

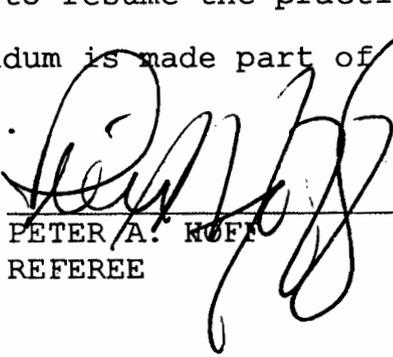
6. Respondent's psychological evidence does not meet the Supreme Court's standards for establishing mitigation, as set out in *In re Weyhrich*, 339 N.W.2d 274 (Minn. 1983). Nevertheless, it is clear that respondent does suffer from a psychological disorder that may be severe and that may have contributed to or caused some or most of respondent's misconduct. Respondent's condition has gone untreated through

the date of the hearing in this matter, and respondent has not made recovery from his psychological problems. There is no evidence that respondent's condition, and thus any misconduct caused by this condition, has been arrested or is not likely to continue or recur. Although the court takes note of respondent's condition below, it does not mitigate his misconduct.

RECOMMENDATIONS

1. That respondent be indefinitely suspended from the practice of law, with no right to apply for reinstatement for at least six months.
2. That the reinstatement procedures of Rule 18 (a) - (e), RLPR, not be waived.
3. That as part of the required reinstatement hearing, respondent be required to establish through expert psychological or psychiatric evidence that he has undergone treatment such that he is psychologically fit to resume the practice of law.
4. The attached memorandum is made part of this ORDER.

Dated: 3-6, 2002.



PETER A. KOFF
REFEREE

MEMORANDUM

Although the Findings of Fact, Conclusions of Law and Recommendations of the Director have been adopted in its entirety by this Referee it was not without careful consideration of the merits and law in this matter. The Referee does not accept Mr. Soronow's explanations for each of the complainants. Likewise, the Referee finds it in violation of the Rules of Professional Conduct for Mr. Soronow to fail to cooperate with the Directors investigation, to fail to pay law related debts, and Mr. Soronow's acts resulting in conviction for a crime involving dishonesty. See MRPC 8.1 (a) (3), MRPC 8.4(b) and (c), MRPC 8.4 (d), MRPC 1.3, 1.4 (a), and MRPC 1.16 (d).

The Referee thinks it admirable for Mr. Soronow to work in the field of immigration law. But the Referee takes note of the heightened vulnerability of the clientele. Often time immigration law requires strict deadlines and involves desperate clients. It is in these circumstances that communication with clients and attention to their matters is of utmost importance.

The sheer number of complainants worries the Referee and should signal Mr. Soronow of a serious problem. After being admitted to the bar for less than two years, Mr.

Soronow has many disgruntled even angry clients. This is not acceptable.

Mr. Soronow seems like a bright, articulate man who simply has gotten himself in situations, which have overwhelmed him. Assuming that after that applicable suspension, Mr. Soronow returns to the practice of law, this Referee strongly urges that he join a firm or find a mentor. The realities of the practice of law are unlike academia and such nuances can only be learned through experience. However, vulnerable clients are not to be the 'guinea pigs' for such lessons.