

VIRGINIA :

- IN THE CIRCUIT COURT FOR THE COUNTY OF FAIRFAX

VIRGINIA STATE BAR EX REL.
FIFTH DISTRICT, SECTION III COMMITTEE
VSB DOCKET NO. 24-053-129833

Complainant,

v.

Case No. CL-2024-09980

JIN-HO CYNN

Respondent.

FINAL JUDGMENT MEMORANDUM ORDER

THIS MATTER was heard on October 30, 2024 before a Three-Judge Circuit Court duly impaneled pursuant to Section 54.1-3935 of the Code of Virginia (1950) as amended, consisting of the Honorable Bruce D. Albertson, Twenty-Sixth Judicial Circuit as Chief Judge Designate (“Chief Judge”), the Honorable Daniel S. Fiore, II of the Seventeenth Judicial Circuit as Judge, and the Honorable Clarence N. Jenkins, Jr. of the Thirteenth Judicial Circuit as Judge (collectively, “the Court”).

Senior Assistant Bar Counsel Elizabeth K. Shoenfeld represented the Virginia State Bar (“VSB”). Respondent Jin-Ho Cynn (“Respondent”), having received proper notice, appeared in person at all times throughout the proceedings and acted *pro se*.

The Chief Judge swore the court reporter, and each member of the Court verified that he had no personal or financial interest that might affect or reasonably be perceived to affect their ability to be impartial in this matter.

WHEREUPON a hearing was conducted upon the Rule to Show Cause issued on July 18, 2024 against Respondent. The Rule directed Respondent to appear and to show cause why his

FILED
CIVIL MAIL

2024 NOV 19 P 12:39

CHRISTOPHER J. FALCON
CLERK, CIRCUIT COURT
FAIRFAX, VA

license to practice law in the Commonwealth of Virginia should not be suspended, revoked, or otherwise sanctioned in accordance with Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia by reason of the allegations of ethical misconduct set forth in the Certification issued on May 1, 2024.

MISCONDUCT PHASE

The Court admitted into evidence VSB Exhibits 1-44, without objection, pursuant to the Pre-Hearing Order. Thereafter, the VSB presented an opening statement. After the VSB's opening statement, Respondent stipulated to the facts and violations of the Rules of Professional Conduct in the Certification. Consequently, Respondent stipulated to the following findings of fact.

FINDINGS OF FACT

1. Respondent was admitted to the Virginia State Bar ("VSB") in 1986. At all relevant times, Respondent was a member of the VSB.
2. This matter was referred to the VSB by the United States Bankruptcy Court for the Eastern District of Virginia ("the Bankruptcy Court") because of Respondent's repeated misuse of the bankruptcy process and failure to comply with Court orders.

Respondent's Personal Bankruptcy Filings

3. On November 7, 2017, Respondent filed for Chapter 13 bankruptcy. On December 8, 2017, Respondent's case was dismissed for failure to file information.
4. On March 20, 2018, Respondent filed for Chapter 13 bankruptcy. On July 31, 2018, Respondent's case was dismissed for failure to appear at the meeting of creditors.
5. On September 13, 2019, Respondent filed for Chapter 13 bankruptcy. On December 6, 2019, Respondent's case was dismissed for failure to appear at the meeting of creditors and failure to commence payments.
6. On June 10, 2022, Respondent filed for Chapter 13 bankruptcy.
7. On July 7, 2022, the Bankruptcy Court held a hearing at which it dismissed Respondent's case with prejudice for a period of two years. The Bankruptcy Court found that Respondent's serial bankruptcy filings, which were not prosecuted, as well as

Respondent's failure to appear for the hearing, demonstrated that Respondent's case "was filed in bad faith and is an abuse of the bankruptcy system."

8. On July 8, 2022, the Bankruptcy Court issued an Order to Show Cause to determine whether Respondent should be sanctioned for his failure to appear for the July 7, 2022 hearing. Respondent did not appear for the first Show Cause hearing date and the matter was continued. Despite Respondent's non-appearance, the Bankruptcy Court dismissed the Order to Show Cause.

The Rolling Spring Property

9. All four of Respondent's bankruptcy filings identified Respondent's address as 6242 Rolling Spring Court ("the Rolling Spring property"). Until his wife's death in November 2022, Respondent co-owned the Rolling Spring property with his wife as joint tenants with right of survivorship. After his wife's death, Respondent became the sole owner of the Rolling Spring property.
10. The Rolling Spring property is subject to a mortgage, on which Respondent has not made a payment in approximately 10 years. Respondent estimated that he is \$600,000 in arrears on the mortgage. By repeatedly filing for bankruptcy, Respondent sought to stop foreclosure proceedings for the Rolling Spring property. Prior to her death, Respondent's wife also filed for bankruptcy several times.
11. On May 18, 2023, Respondent executed a Deed of Gift in which he added his two adult children, Conner and Samantha Cynn, as co-owners of the Rolling Spring property.

Conner Cynn's Bankruptcy Filing

12. On June 14, 2023 – less than one year after Respondent was precluded from filing for bankruptcy for two years and less than a month after Respondent executed the Deed of Gift – Respondent's son, Conner Jinsue Cynn ("Conner"), filed for Chapter 13 bankruptcy. Conner identified the Rolling Spring property as his home address.
13. Respondent had told Conner that filing for bankruptcy "is what [we] can do to save the house." Respondent did not explain to Conner any adverse effects on his credit status.
14. On June 15, 2023, the Bankruptcy Court entered an order stating that "there appears to be several bankruptcy filings with respect to the real property located at 6242 Rolling Spring Court, Springfield, VA 22152; prior filings made by two other Debtors who may also have an interest in this same property." The Bankruptcy Court required Conner to appear on August 24, 2023 to show cause why the case should not be dismissed with prejudice.
15. Conner did not attend the hearing; however, he filed a Statement in Lieu [sic] of Appearance, which stated that he believed the case would be dismissed and he would "abide by the court's ruling in this case."
16. At Conner's show cause hearing, the Bankruptcy Court found "that the Conner bankruptcy case was simply an effort by [Respondent] to circumvent the Court's two-

year bar Order in [Respondent's] case.” The Bankruptcy Court dismissed Conner's case with prejudice for two years.

17. On June 16, 2023, the Bankruptcy Court entered an order in Respondent's June 2022 Chapter 13 bankruptcy case requiring Respondent to appear on August 24, 2023 to show cause why he should not be sanctioned regarding Conner's bankruptcy filing. The Bankruptcy Court also required Respondent to produce certain documents regarding the Deed of Gift and Conner's bankruptcy case.
18. Respondent did not appear for the show cause hearing.
19. On August 30, 2023, the Bankruptcy Court entered an Order Sanctioning Debtor and Referral to the Virginia State Bar.
20. The Bankruptcy Court found that Respondent had violated its order by failing to appear for the August 24, 2023 show cause hearing.
21. The Bankruptcy Court also found that Respondent:

orchestrated the filing of Conner Cynn's bankruptcy case at a time when [Respondent] was under a court Order not to personally file bankruptcy again until July 2024 . . . [Respondent] caused his son to file for bankruptcy with absolutely no need for, nor intention of, seriously rehabilitating Conner Cynn's financial situation. In fact, there is no indication that Conner Cynn needed to file for bankruptcy at all. Now, Conner Cynn has a bankruptcy on his credit report, which will make credit more difficult for him to obtain, and more expensive, for years to come.
22. The Bankruptcy Court ordered that Respondent was “ineligible to ever become a member of the Bar of this Cour[t] [sic] again.”

Samatha Cynn's Bankruptcy Filing

23. On January 12, 2024, Samantha Cynn (“Samantha”) filed for Chapter 13 bankruptcy.
24. On January 18, 2024, the Bankruptcy Court entered an order stating that “there is cause to believe that the Samantha Jiesue Cynn filing was orchestrated by [Respondent] as another attempt to evade the Court's bar Order in this case[.]” The Bankruptcy Court required Respondent to appear on February 8, 2024 to show cause as to why additional sanctions should not be imposed. The Bankruptcy Court advised Respondent that potential sanctions included *in rem* relief against the property and a lifetime bar to filing for bankruptcy.
25. Respondent did not appear for the February 8, 2024 show cause hearing.
26. On February 9, 2024, Respondent filed a “RESPONSE IN LIEU [sic] OF APPEARANCE” in which he asked the Bankruptcy Court to excuse his non-appearance

and said “I really have nothing to counter what been [sic] accused of me in the Order, but to say that I am doing the best I can for my family.”

27. On February 26, 2024, the Bankruptcy Court entered an order regarding the January 18, 2024 show cause order. The Bankruptcy Court found that “the filing of the Samatha Cynn bankruptcy case was another attempt on [Respondent’s] part to make an end-run around the Bankruptcy Court’s Order barring him from personally filing a bankruptcy case.” The Bankruptcy Court also found that Respondent violated the January 18, 2024 show cause order by failing to appear.
28. As a remedy, the Bankruptcy Court ordered that the Rolling Spring property would no longer be subject to any automatic stay because of a bankruptcy filing. This meant that subsequent bankruptcy filings would not prevent foreclosure of this property. The Bankruptcy Court also imposed a lifetime ban on Respondent filing for bankruptcy, submitted an additional referral to the VSB, and referred the matter to the United States District Court for the Eastern District of Virginia.

VSB Investigation

29. On October 17, 2023, bar counsel sent a letter enclosing a copy of the bar complaint to Respondent at his U.S. mail and email addresses of record. The letter “constitute[d] a demand that you submit a written answer to the complaint within 21 days of the date of this letter.” The letter also advised Respondent that he had a duty to comply with the bar’s lawful demands for information pursuant to Virginia Rule of Professional Conduct 8.1(c).
30. Respondent requested and received two extensions until on or about December 5, 2023 to submit his response to the bar complaint, but he did not meet the extended deadline.
31. On January 17, 2024, after receiving an email, voicemail, and text message from VSB Investigator Edward Bosak (“Investigator Bosak”), Respondent submitted a one-page response to the bar complaint. Investigator Bosak asked Respondent for additional documentation, which Respondent did not provide.
32. After Respondent failed to respond to numerous voicemails, emails, and text messages from Investigator Bosak, an interview of Respondent was finally scheduled for March 26, 2024. However, before the interview was completed, Respondent said “I want to terminate this interview – I don’t want to answer any questions.”
33. Investigator Bosak made several attempts to interview both Conner and Samantha. Neither Conner nor Samantha ever replied. Respondent told Conner and Samantha that they did not have to speak with Investigator Bosak and that Respondent was “in trouble with the bar.”

FINDINGS OF MISCONDUCT

Based on these facts, Respondent stipulated and the Court found the following violations of the Virginia Rules of Professional Conduct were proven by clear and convincing evidence:

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

(g) Intentionally or habitually violate any established rule of procedure or of evidence, where such conduct is disruptive of the proceedings.

By engaging in a pattern of conduct in which he failed to appear for creditors' meetings and hearings before the Bankruptcy Court, including violating Bankruptcy Court orders by failing to appear for show cause hearings, and by using the bankruptcy filings of his son and daughter to attempt an end-around the Bankruptcy Court's previous dismissal with prejudice of Respondent's own bankruptcy case, Respondent violated Rule 3.4(g).

RULE 8.1 Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

(c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6; or

(d) obstruct a lawful investigation by an admissions or disciplinary authority.

By failing to submit a timely response to the bar complaint, by failing to timely provide documentation requested by Investigator Bosak, and by unilaterally terminating Investigator Bosak's

interview before it was complete, Respondent violated Rule 8.1(c).

By engaging in a pattern of conduct that precluded the bar from conducting a full investigation, including failing to submit a timely written response to the bar complaint, failing to produce documentation requested by Investigator Bosak, unilaterally terminating Investigator Bosak's interview, and discouraging Conner and Samantha from responding to Investigator Bosak, Respondent prevented the bar from conducting its investigation and therefore violated Rule 8.1(d).

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law[.]

By executing a deed of gift purporting to gift an ownership interest in the Rolling Spring property to his two children, even though Respondent had not made a mortgage payment in approximately 10 years and he had been precluded from seeking bankruptcy protection for two years, and by encouraging his two children to file bankruptcy to attempt to avoid foreclosure of the home, and by violating Court orders by failing to appear for the show cause hearings, Respondent committed a deliberately wrongful act that reflected adversely on his honesty, trustworthiness or fitness to practice law, in violation of Rule 8.4(b).

SANCTIONS PHASE

The Court then convened the sanctions phase of the proceeding. The VSB incorporated by reference all the exhibits introduced during the Misconduct phase of the hearing. The VSB then moved into evidence VSB Ex. 45, a Certification of Respondent's prior disciplinary record in Virginia, without objection.

Respondent testified on his own behalf during the sanctions phase of the proceeding.

Counsel for the VSB and Respondent presented arguments regarding the sanction to be imposed on Respondent for the Misconduct found, and the Court recessed to deliberate.

DETERMINATION

After due consideration of the evidence as to mitigation and aggravation, and the arguments of counsel, the Court reconvened to announce its sanction of REVOCATION of Respondent's license to practice law in the Commonwealth of Virginia, effective October 30, 2024.

Accordingly, it is hereby ORDERED that Respondent's license to practice law in the Commonwealth of Virginia be, and the same hereby is, REVOKED, effective October 30, 2024.

It is further ORDERED that Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. Respondent must forthwith give notice by certified mail, return receipt requested, of the Revocation of their license to practice law in the Commonwealth of Virginia, to all clients for whom Respondent is currently handling matters and to all opposing attorneys and presiding judges in pending litigation.

Respondent must also make appropriate arrangements for the disposition of matters then in Respondent's care in conformity with the wishes of their clients. Respondent must give such notice immediately and in no event later than 14 days from the effective date of the Revocation, and make such arrangements as are required herein as soon as practicable and in no event later than 45 days from the effective date of the Revocation. Respondent must also furnish proof to the VSB within 60 days of the effective date of the Revocation that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that, if Respondent is not handling any client matters on the effective date of the Revocation, Respondent must submit an affidavit to that effect to the Clerk

of the Disciplinary System of the VSB. Issues concerning the adequacy of the notice and arrangement required by Paragraph 13-29 must be determined by the VSB Disciplinary Board, which may impose a sanction of Suspension or Revocation for failure to comply with these requirements. It is further ORDERED that the Clerk of the Disciplinary System of the VSB must assess all costs pursuant to Paragraph 13-9.E.

It is further ORDERED that the Clerk must send a copy teste of this order to Jin-Ho Cynn, Respondent, at 6242 Rolling Spring Ct, Springfield, Virginia 22152-2242¹ and gcynn@kclawpllc.com; and to Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, Virginia State Bar, 1111 E. Main St., Suite 700, Richmond, VA 23219 and eshoenfeld@vsb.org; and to Joanne Fronfelter, Clerk of the Disciplinary System, Virginia State Bar, 1111 E. Main St., Suite 700, Richmond, VA 23219 and clerk@vsb.org.

The proceedings were transcribed by Zachary Garrett, ICR Rudiger & Green, (703) 331-0212.

This Order is the final judgment of this Court as provided by Rule 5:21(b)(2)(ii) of the Rules of the Supreme Court of Virginia.

ENTERED this 14th day of November 2024



The Honorable Bruce D. Albertson, Chief Judge

SEEN:



Elizabeth K. Shoenfeld (VSB No. 65635)
Senior Assistant Bar Counsel
Virginia State Bar
1111 E. Main St., Suite 700

¹ Although Respondent testified that he has moved from this address, he has not yet updated his address of record with the Virginia State Bar.

Richmond, VA 23219
(804) 775-9410
eshoenfeld@vsb.org

SEEN AND _____:

Callahan
with permission for

Jin-Ho Cynn (VSB No. 25945)
Respondent, *pro se*
6242 Rolling Spring Ct
Springfield, Virginia 22152-2242
(703) 451-4546
gcynn@kclawpllc.com