



VIRGINIA:

BEFORE THE FIFTH DISTRICT, SECTION I SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
JOHN D. SHIN

VSB Docket No. 17-051-107922

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITHOUT TERMS)

On April 11, 2019 a meeting was held in this matter before a duly convened Fifth District, Section I Subcommittee consisting of David Isaac Gold, Esquire, David M. Bowie, Lay Member, and Stephanie J. Smith, Esquire, presiding. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand without Terms pursuant to Part 6, §IV, ¶13-15.B.4, of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Kathleen Maureen Uston, Assistant Bar Counsel, and John D. Shin, Respondent, *pro se*.

WHEREFORE, the Fifth District, Section I Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, John D. Shin ("Respondent"), has been an attorney licensed to practice law in the State of Maryland.
2. In 2002, Respondent was retained by Kyu Seung Lee to assist him and his family with completing their legal permanent residency applications through an employer sponsorship application (I-140) filed for the benefit of Mr. Lee. The Lee family had previously been represented by an attorney, Samuel Kooritsky, who was convicted of immigration fraud in December 2012.
3. In April 2002, Respondent filed an I-140 on Mr. Lee's behalf and also filed an adjustment of status for Mr. Lee's wife and daughters (I-485). Respondent delegated the tasks of preparing these documents to his paralegal, John Choi, who had previously been employed by Mr. Kooritsky.

4. Mr. Choi thereafter prepared the Lee's immigrations forms, signed them on behalf of Respondent, and filed those forms with the United States Citizenship and Immigration Services ("USCIS"). The Lee's immigrations forms contained numerous substantive errors as well as inconsistent and erroneous information.
5. Respondent did not review the Lee's applications for accuracy after Mr. Choi filled them out. In addition, Respondent claimed that Mr. Choi prepared the forms and signed his name thereto without his prior knowledge or authority. Mr. Choi denied that this was the case, stating that he and other paralegals routinely signed Respondent's name to immigration filings, at Respondent's request, when Respondent was too busy to sign them himself. Respondent states that he did not give Mr. Choi such a blanket authorization, and instead permitted him to sign his name only with his express authority. Regardless, after learning that Mr. Choi had signed his name to the Lee's applications, Respondent did not take any corrective action or review the forms with his clients to ensure their accuracy.
6. Because of the errors and the inconsistent and erroneous information contained within the Lee's applications for permanent residency status, their petitions were denied. Respondent filed a Motion to Reconsider (I-290B) which was granted and the case was reopened. However, in 2012, the Lee's applications were again rejected.
7. In 2014, Complainant married a U.S. citizen and hired new counsel to assist her in seeking legal permanent resident status based upon her husband's citizenship. In December, 2016, USCIS denied Complainant's application due to the contradictory information submitted to USCIS on the immigrations forms submitted by Respondent. Specifically, the forms submitted during Respondent's representation of the Lee family inaccurately stated Complainant's gender, marital status, and date of entry into the United States.

## II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### **RULE 1.1 Competence**

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

### **RULE 1.3 Diligence**

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

### **RULE 5.3 Responsibilities Regarding Nonlawyer Assistants**

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(2) the lawyer is a partner or has managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows or should have known of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

### III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand without Terms and John D. Shin is hereby so reprimanded.

Pursuant to Part 6, §IV, ¶13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

FIFTH DISTRICT SECTION I SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By: \_\_\_\_\_



Stephanie J. Smith  
Subcommittee Chair

CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of June 2019, I caused a true and complete copy of the Subcommittee Determination (Public Reprimand without Terms) to be sent by certified mail to John D. Shin, Respondent, Shin Law Group, 7702, Leesburg Pike, Suite 400, Falls Church, VA 22043 Respondent's last address of record with the Virginia State Bar.



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Kathleen Maureen Uston  
Assistant Bar Counsel