

Thursday – May 15, 2008
Citizens' Forum On Judicial Accountability

Statement of H. Christina Pak

My name is H. Christina Pak. For nearly seventeen years, I was an attorney with an unblemished record until I was disbarred by the Maryland Court of Appeals on August of 2007. For those who know the true facts that was masked by the decision of Maryland Courts, this is a case reminiscent of a Hollywood suspense movie where those in power thwarted the legal system through collusion, discrimination and complicity to hide the truth...all to protect a lying bar counsel whom they favored and considered their own.

In July of 2004, I was sent an investigation letter from the Grievance Commission which failed to disclose the true identity of the complainant as required under the Maryland Rules 16-731(c)(1). The letter named the "bar counsel" as the Complainant with a copy of a federal judge's order. I immediately called the bar counsel because I suspected that the referral was from the collection attorney who was trying to collect from my parents through me. When asked for identity of the Complainant, Bar counsel got furious and said the decision was from the judge and when I called the collection attorney, he denied filing of the complaint. Pressured by what seemed to be a judge's referral, I quickly settled the collection case against my parents and myself.

But this did not prevent the bar counsel from pressing on with my case. The following year, I was tried before a peer review panel of five attorneys and a layperson on trumped up charges of misconduct., among them misrepresentation. The panel "unanimously dismissed" all charges against me as being unfounded.

At peer review, the panel asked two very specific questions to the bar counsel: First, who was the complainant?...she replied by rummaging through her file, pretending to look for a letter and said "usually it's the court or from the clerk."; Second, there was a question of the validity of an antecedent debt, a Korean promissory note, executed by my mother in Korea – to the panel's direct question, "do you dispute the validity of the Note?"... she answered a resounding "No."

At all times, everyone, including myself, my attorney, and the peer review were under the impression that the complainant in my case was a judge. The commission, overruled the panel's unanimous dismissal, and pushed my case to a one judge trial with the same charges. My case, without a doubt, is the first of its kind in Maryland or in fact, anywhere else, to go for public charges after a unanimous finding of no misconduct.

At trial, her witness, the collection attorney, truthfully admitted this time, that he was the one who filed the case by sending the bar counsel a letter and a copy of the judge's order. Bar Counsel, apparently, pulled out the letter from the file to create a false impression that a federal judge had referred the case and by doing so, she was able to hide the true identity of the complainant. She did admit on record that there was a letter but insisted that judge may still have referred the case...as if she did not know. .

To our shock, trial judge responded to her destruction of evidence and misrepresentation, by saying "why is identity of the Complainant important?" and reluctantly agreed to an out of court verification as to the federal judge's referral after the trial. My attorney met with the federal judge who denied ever referring me to the Grievance Commission for ethical violations and a confirmatory letter was filed with the court.

Every evidence we put forth, every Korean witness that we produced, the judge found them unbelievable. However, he did believe the lying bar counsel and the bank's collection attorney although we proved that they were lying on record. Judge even threw in some facts of his own to make the case against me and called my husband, a college professor, basically a liar, although he was

not a witness in the case. Judge claimed that he could not understand my parents' English although my father spoke fluent English because he was a former interpreter for US and Korean army generals and studied in the US. And what is so unbelievable was that the judge disbarred me on a fabrication of a Note which I was never charged with by erroneously shifting the burden on a charge I was not required to defend. Judge claimed that he had thoroughly reviewed the entire record, and if that is true, he should have seen that the bar counsel never raised the fabrication charge from the beginning of proceedings to close of all evidence. While stipulating to Note's authenticity at Peer Review, in a post closing memo, she intimated that the Note was fake. The judge jumped on this without a shred of evidence except he believed that "the wording of the Note" was suspicious... Since when did we judge the validity of a foreign document written in foreign language by US legal standards?

At the oral argument before the Court of Appeals, Bar Counsel lied once again and said she never admitted to the Note's authenticity before the peer review. In our brief and argument, we raised prosecutorial misconduct surmounting to constitutional violations, judge's egregious lack of knowledge of law and bias. We also pointed out that unanimous dismissal of the panel must be honored because the legislative history supported our position.

Every issue we raised were supported by cases on point, not only Maryland but also the US Supreme Court, a copy of legislative history, affidavits with compilation with other ample evidence but the Court of Appeals simply rubber stamped the lower judge decision and denied every exception that we raised to judge's findings. The Court's opinion is absolutely silent, not even one single word, on these issues as if they were never raised and they further hid the irregularities of the case by guising the Peer Review's finding of "unanimous dismissal" as a just a "dismissal" and downplaying it as a mere "recommendation" rendering the Peer Review's role as a fact finder nugatory. They further said "what is said is Peer Review stays in peer review" declining to address her misrepresentations made before the Peer Review.

The heartbreak for me is not so much the stripping of my license but the betrayal by the system that I believed to be the pillar of truth and integrity. This is the same pain I experienced some thirty years ago when a white teacher that I admired so much commented that only reason my parents immigrated to the U.S. was because we were poor and ill educated and in shock of his hidden racism that had blatantly surfaced, I walked around for days like a zombie. I cannot believe that thirty some years later, I am still facing same type of discrimination ...but this time it's legalized and meticulously calculated from an institution that pretends to be above it all.

My father, a former engineer and a company executive, showed me not to be afraid and went to the principal to state the case against the teacher. And when I was disbarred he left a book on my bedside reciting history of U.S. civil rights. I am here today because I am a U.S. citizen and my civil rights have been abridged by the Maryland courts where constitutional rights take a back seat behind favoritism. In Maryland, the system has denigrated to the point that a lying bar counsel can easily push the case through the courts to remove a reputable attorney because she is so certain that once the case reaches the court system, she can break every law on the books and get away with it because judges will sweep her indiscretions under the rug to nail an attorney under any cost while keeping a false veneer of honesty. My case is a resounding proof that in Maryland, government officials and courts enforcing ethics themselves are most unethical and those within the court system are in fact in Star Chamber proceedings removing and forgiving attorneys at their whim. There is no due process when the proceeding is infected from the beginning to the end. My case is an example of a legal system that has gone awry because there is no intervention for judicial abuse...where abuse is tolerated under the name of STATE judicial independence...all because they know they are not regulated and will not be held accountable for their actions...and federal courts will decline to intervene for review.

Civil liberties in Maryland are one for the books but not to be enforced. Since when is it legal to go through an entire trial not knowing the accuser? Since when is it legal for bar counsel to pull out evidence from file infecting every step of the proceeding to undermine the outcome? How

can the Highest Court in Maryland refuse to review their own legislative history and participate in a cover up of bar counsel's lies and make their own peer review system worthless? We feed fallacy to our law students and attorneys coming into the system that our Courts are level and it is in pursuit of truth and equal justice...this myth I now painfully know is the travesty of American legal system.