

Love bombing



RED
FLAGS



DEEPMODE



Don't Let
a Romance
Scammer
Steal Your
Client's
Heart and
Business

ROMANCE
SCAMS



Elder Law



\$Scams of the Heart

BY ED FINKEL

A WIDOW WITH A SOLID NEST EGG, GOOD MONTHLY INCOME, nice home, and a successful storage business suddenly is taking out loans on the business and a second mortgage on her house and asking family members for assistance to pay her taxes because her bank purportedly is being slow about transferring money over.

An older married gentleman seemingly recovers from a stroke, goes back to work in a high-level accounting position, and performs well on the job, but his wife starts to notice money mysteriously and regularly disappearing from their bank accounts.

Attorneys who represent online scam victims discussed these and other scenarios at a recent ISBA continuing legal education program titled, "Don't Let a Romance Scammer Steal Your Client's Heart and Business," sponsored by the ISBA Elder Law Section Council and available on-demand at law.isba.org/3KnkLja.

Such scams, especially those targeting seniors, are becoming more prevalent and sophisticated due to advances in technology, says Brian Lambert, staff attorney with Land of Lincoln Legal Aid in East St. Louis, who focuses on bankruptcy law.

In 2024, romance scams cost Americans \$697 million, with those targeting people over 60 accounting for \$277 million of that, Lambert says. Romance scams account for the third-largest source of lost income for seniors behind tech and investment scams, which use many of the same tactics and techniques.



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"These scammers prey on emotional vulnerabilities, using tactics like 'love bombing,' fabricated emergencies, and quickly moving the conversations off of more public platforms to secured ones where it's less easy to track," he says. "And as legal professionals in Illinois, we have a unique window into our clients' lives and finances, which positions us to identify when someone may have fallen [prey] to such schemes."

The median loss for seniors is about \$1,000, more than double that for younger adults, reflecting both seniors' higher personal wealth and the deeper exploitation of their trust, Lambert says. "We have to learn the warning signs of romance scams and understand scam patterns to provide good counsel to seniors, and identify and catch that fraud early," he says. "The earlier we find the problems, the more likely it is we're going to have success in stopping them, restoring clients' financials, and generally helping break the psychological and emotional issues that could develop ... the longer this goes on."

Identifying a scam can be straightforward, especially if a family member managing the victim's finances sees large amounts of money exiting their accounts. But it gets more complicated when family members miss red flags, Lambert says.

Scammers "try to build on that initial interest connection," he says, "to increase their reliance and [make] them feel more comfortable talking to a stranger who is trying to fleece them of their money. More and more, it's coming from unsolicited emails and texts."

Those texts often appear to be sent to the recipient by accident, but if you respond to say so, the scammer will respond back and say, "Oh, that's so nice of you to correct me," Lambert says. "And then it just goes downhill from there. ... [The scammer is] just trying to grasp at straws to try to find connections. And suddenly you're talking about travel; suddenly, you're talking about cities you visited or lived in."

Ruth Robinson, litigation partner at Amundsen Davis in Rockford, has seen

several scams play out on Facebook. It's often a recently widowed spouse who engages with friend requests and emotionally invests in new "friends" over a period of months before money is requested. "Sometimes it's six months, eight months," she says. "These scammers really put in their time and groom these people."

Artificial intelligence (AI) is helping scammers write more convincing stories and create more realistic "deepfake" photos, Lambert adds. "And the scammers do have a lot of time on their hands, so they're going to take that time. It's worth it to them if they know that they're going to reel in money."

Recognizing red flags

Attorneys need to be able to help victims and their families spot potential red flags and "put the brakes on," Lambert says. Among these is "love-bombing," in which the scammer showers the victim with compliments and affection. "That happens within days. It could be going from, 'How's the weather,' to, 'You're looking great today,' to, 'I really value our talks,'" Lambert says.

Another red flag is when an online contact keeps talking about meeting but keeps giving excuses, Lambert says. "They have got this down to a science," he says. "Those [excuses] will continue to grow, and they're pretty believable." Then, there's pressure for secrecy. The scammer asks to move to a more encrypted messaging platform such as What's App, Telegram, or Signal.

Scammers do not typically request cash, Lambert says. Instead, they often ask people to buy gift cards, scratch off the account and PIN numbers, and send photos of the numbers. Wire transfers are particularly problematic because they can be nearly impossible to undo. Similarly, transferring funds to cryptocurrency wallets obscures the money trail and precludes reversal. "They're at most gas stations," he says of cryptocurrency ATMs. "You insert your money, they'll give you a QR code, it just sends that money to that

crypto wallet, and it's gone at that point."

More advanced red flags include spotting inconsistent back stories. Scammers often use photos they've found online, which a reverse-image search on Google can help spot. But Lambert notes that's getting more challenging with AI, which provides the ability to create bespoke images that are increasingly realistic (*i.e.*, fewer images of people with six fingers or an extra arm).

Other inconsistencies include poor spelling or grammar by someone who claims to be fluent in English; very minimal social media presence (a Facebook profile with just a few photos); or stories of grand lifestyles where they travel on boats, Lambert says. "And all their Facebook photos look like that, but if you look for them elsewhere online, they just don't exist," he says. "Which is usually a telltale sign that it's just a fake profile."

Another red flag is unrealistic-sounding emergencies, which crop up as part of "trying seal the deal to get money," Lambert says. "They're going to create medical crises, legal troubles, and stranded-abroad stories that quickly escalate the repeated financial asks. And we see this one a lot: 'I'm in the hospital. My insurance isn't paying out. ... I need some money to pay this bill before it comes due."

Scammers build rapport through daily messages, virtual gifts, and shared secrets, gaining trust in much the same way investment scammers do, he says. And the asks escalate. "It'll start at like \$100. Eventually you're paying \$10,000. And victims often internalize their blame for the delays [in meeting up], making them more susceptible. Like, 'If you can just help me do this faster, give me some money faster, I won't be stuck like this, and we can finally meet.'"

The siphoning can last for years because victims are often in denial about what's happening, Lambert says. "And it's the sunk-cost fallacy: You've gone this [far]. We're going to get there eventually. I might as well just help them out a little more."

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How to counsel clients

Given that clients tend to be in lovelorn denial, how can their attorney break through the fog? "You have to have a compassionate approach," Lambert says. "You have to combine that with an evidence-based discussion and practical interventions. It's essential to protect your clients and preserve their dignity. ... Not only are they going to find out that they've been scammed ..., but they're also going to be heartbroken."

The attorney should start by validating their feelings, she says. "You have to normalize it: 'Even smart, careful people fall for those.' You have to emphasize how awful and crafty these scammers are. This is their full-time job, and it's usually not just one of them. It's usually organized crime. They have a process."

To help convince the client, use reverse-image searches, highlight inconsistencies in the scammers' stories, and point out how their predictable new excuses not to meet don't add up, Lambert says. "And then empower the clients to explore," he says. "Ask open-ended questions ... so that they

can start their own exploration, introducing their own doubt. And then it's easier to come in and have those conversations. We don't want to lecture our clients. They're already feeling beat down."

Their families often already have lectured them, Lambert adds. "They don't need any more people saying, 'How could you fall for this?'" he says. "You may never be able to convince them this is a scam, but you can at least have them watch out for their money and finances, and convince them the decisions they're making aren't great."

How to protect clients

Once the client's scales have fallen from their eyes, start reporting to their bank(s) that a scam has taken place, freeze their accounts, and ask what can be done to reverse transactions, Lambert says.

Next, have the client change account numbers and passwords, and lock down their credit through the credit bureaus to make sure the scammers haven't gotten personal information, like their Social Security number, that can be used for identity theft, Lambert says. Block the scammer on any chat applications, but don't delete the chat yet, in case law enforcement wants to see it. Beware that clients may still believe this is real, so they may be very reluctant to shut down communication, he cautions.

The attorney should gently try to convince the client to set up a financial power of attorney or enable a trusted family member or friend to monitor their accounts to ensure the scam doesn't resume, Lambert says. Attorneys also must remember their ethical duty to client confidentiality, which means involving a family member only with the client's permission. "There is an exception for vulnerable adults when you think you have a duty to take protective action," he says, "specifically for those who have diminished capacity."

The earlier attorneys help their clients uncover the scams, the more likely they can recover their money. But in the case of Bitcoin, wire transfers, and gift cards, recovering funds may be impossible,

Lambert says. Bank transfers and credit cards tend to provide protection, although there are time limits.

Naturally, it's much easier to recover money if you know who the scammer is, Lambert says. In some cases, it can be a family member or friend who knows the scammer has money and wants some of it. "You have to determine what the client wants to do and where they stand. If you know who it is, you can do a civil suit."

Representing family members

Many of these same principles apply when representing family members of scam victims. If a trusts-and-estates client says something about their mother being scammed, "it's worth exploring," Robinson says.

Sherri Rudy, principal with Sharon R. Rudy P.C. in Rockford, also helps family members of scam victims and sometimes represents the Illinois Department on Aging's Adult Protective Services, which can legally file for an immediate freeze of a victim's assets in certain cases. If you have the right fact pattern, and you know who the abuser is, another option is an order of protection under the Illinois Domestic Violence Act, she says.

A family member also can pursue obtaining guardianship over the victim to further protect them. But this can be tricky because victims tend to be reluctant to be medically examined, Rudy says. She notes studies have shown people prone to financial exploitation have a higher incidence of early onset dementia.

"It's a disease process, something organic with the individual," Robinson says. "The family can sit down and talk to the victim, doctors can talk to the victim, and they [still] can't believe the scam. The only choice in that situation is guardianship, to save them from themselves."

Limited guardianship can be obtained without a medical report, Robinson says, and victims sometimes like that concept because it does not require a doctor's examination. "I think, because I've had several cases like that, the victim knows," she says. "They know that this is not right. ... They're giving away way too much money. And for whatever reason—

It Can Happen to Anyone, Even Lawyers

No one is immune from falling victim to scams, including lawyers and their families, says Ruth Robinson, partner at Amundsen Davis LLC in Rockford. "Even if you're a lawyer, your mom or dad or your aunt can be victims as well," she says.

Robinson recalls an attorney she knew who fell prey to a scam that began with an email to the attorney asking to review a contract. The person had a professional-looking website and answered the phone number provided. "Certainly, if it can happen to a lawyer, that demonstrates how easily it can happen to someone else," she says.

Romance scams have especially become more prevalent in the past few years, and they are major operations, says Brian Lambert, staff attorney with Land of Lincoln Legal Aid in East St. Louis. "What may not start as a scam can grow into one," he says. "As more information becomes available about [attorneys] online, we should always verify messages from people we don't know. These could be from [seemingly] potential clients, messages on Facebook, or Instagram."

Lambert recalls that when he was in private practice, he sometimes got odd requests from supposedly foreign companies doing business in the U.S. that needed contracts reviewed. "They weren't romance scams," he says. "But we open ourselves to the public, so our information is out there. Lawyers are seen as people who have more money than most people."

Everyone needs to be aware of these scams, and most importantly, don't transfer money to anyone you don't know in real life and haven't vetted, Lambert says. "It's easy to want to help," he says. "Ask somebody else. Get a second opinion and then verify for yourself."

whether it's somewhat addictive, whether there really is 'true love' ... or whether it is something organic, that they do have some executive functioning problems."

Where to report scams

Several federal and state agencies investigate reported fraud, and it is important to get the government involved in some of these cases, so that incidents can be documented. These agencies also can determine the scale and scope of various scams; for example, whether a specific scam is being perpetrated across the country, Lambert says. "And sometimes, when these people get busted, there's recoveries that they can take part in."

Most local law enforcement agencies don't have sophisticated cyber-crime units, so they are unlikely to investigate unless you know the scammer. But it's still worth getting a police report going, if only for sending the report to the bank, he says. At the state level, the Office of the Illinois Attorney General has an online complaint portal (law.isba.org/4nq5Vga), the Illinois Department on Aging has an abuse hotline (1-866-800-1409), and Illinois Legal Aid Online has fraud-related resources (illinoislegalaid.org).

"You should [reach out to] all of them, or as many as you can that apply," Lambert adds. "The more reporting you have, the more likely it is that you're going to get resources that might ultimately help get that money back." But expect that most agencies can't do much, aside from looking into whether the scam is part of a pattern. Even in that case, they will at least provide general guidance.

At the federal level, the FBI's Internet Crime Complaint Center (ic3.gov) is where reporting your scam is most likely to lead to recovery, Lambert says. The Federal Trade Commission has a reporting program (reportfraud.ftc.gov), he says, although it may also help with blocking texts from known scammers. He also mentions the National Elder Fraud hotline (1-833-372-8311) and the U.S. Postal Inspection Service (uspis.gov) the latter of which gets involved when the victim has mailed items to the scammer. "Utilize all of these where appropriate," he adds. "The more, the better."

Although the Citizens Financial Protection Bureau (consumerfinance.gov/complaint) has been a good watchdog, especially when a bank does not seem to be helping, budget cuts have hit that

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agency hard, Lambert says. "They are still a great resource for educational materials and complaint submissions," he says. "Just prepare for extended response times."

The widow & the accountant

In the case of the widow with the solid financial nest egg and storage business, Robinson worked alongside the family to gain limited guardianship, which brought the romance scam to a halt. But she did not recover the \$3.6 million she lost, including around \$1 million worth of gift cards that filled two laundry baskets. "She'd go down to Walgreens as soon as her Social Security came in, buy gift cards, and off they would go," Robinson says. "And, retirement all gone, everything gone."

It took the widow asking her family for money for them to wonder about her, because she mostly seemed fine, Robinson says. "She was with-it. You could talk to her. She could drive," she says. "When we were able to get a normal psych report, ... it showed that she had problems with her executive functioning, which is ... [a] common denominator." The limited guardianship and some income coming in have helped to somewhat stabilize her financial situation.

The senior accountant who'd had a stroke and whose wife noticed money coming out of their account was sending money to an online "girlfriend." They created a guardianship arrangement in

which the man retains autonomy to work and drive but no longer can control the couple's finances, Robinson says.

Rather than getting angry, the wife realized, "This is not the man that I've known for 35 years. Something's wrong," she says. "[The accountant also] recognized that there was a problem that he couldn't

control We didn't know what the source was. It was ... something poststroke. Even though he had a normal IQ, he had some executive functioning problems."

Last but not least, Lambert says attorneys should be mindful that clients need to recover emotionally as much as financially. "Clients have lost trust,"

he says. "They're going to be very sad, depressed. You're going to want to encourage therapy, grief support, and reconnecting with social networks. 'Here's ways we can move on beyond this. You're going to be OK. We've got resources for you. We're here for you.'" **[B]**

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