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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b>		
Counsel For The State Bar  <b>Melanie Lawrence</b> <b>Deputy Trial Counsel</b> <b>1149 South Hill Street</b> <b>Los Angeles, CA 90015</b> <b>Telephone: (213) 765-1066</b>	Case Number (s) <b>05-0-02605</b> <b>05-0-00458</b> <b>06-0-10082</b> <b>06-0-13487</b>	(for Court's use)  <div style="text-align: center;"> <b>FILED</b>  <i>MDS</i>  <b>JAN - 5 2007</b>  <b>STATE BAR COURT</b>  <b>CLERK'S OFFICE</b>  <b>LOS ANGELES</b> </div>
<b>PUBLIC MATTER</b>		
Bar # <b>230102</b> In Pro Per Respondent  <b>John Wongoo Rhee</b>  Bar # <b>114109</b>	Submitted to: <b>Settlement Judge</b>	
In the Matter Of: <b>John Wongoo Rhee</b>  Bar # <b>114109</b>  A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

#### **A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **June 13, 1984**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **16** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

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- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
  - costs to be paid in equal amounts prior to February 1 for the following membership years: **2 billing cycles following the effective date of the Supreme Court Order.**  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - costs entirely waived

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case **91-0-08964, 92-0-16527**
  - (b)  Date prior discipline effective **February 11, 1995**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **3-110(A), 3-700(D)(1), 4-100(A)**
  - (d)  Degree of prior discipline **1 year suspension-stayed; 30 days actual suspension**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Actual Suspension

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

Additional mitigating circumstances

**D. Discipline:**

- (1)  **Stayed Suspension:**

- (a)  Respondent must be suspended from the practice of law for a period of **one year**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
  - ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
  - iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953, Calif. Rules of Ct.)

(3)  **Actual Suspension:**

- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **six months**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
  - ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
  - iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: \_\_\_\_\_
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |  |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions             |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: \_\_\_\_\_
- (2)  **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and

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perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

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(Stipulation form approved by SBC Executive Committee 10/16/00, Revised 12/16/2004.)

Actual Suspension

In the Matter of <b>John Wongoo Rhee</b>	Case number(s): 05-O-02605, 05-O-00458, 06-O-10082, 06-O-13487
A Member of the State Bar	

**Financial Conditions**

**a. Restitution**

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

**b. Installment Restitution Payments**

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reapproval), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

**c. Client Funds Certificate**

- 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
  - a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
  1. the name of such client;
  2. the date, amount and source of all funds received on behalf of such client;
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
  1. the name of such account;
  2. the date, amount and client affected by each debit and credit; and,
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

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In the Matter of  
John Wongoo Rhee

Case number(s):  
05-O-02605, 05-O-00458, 06-O-10082. 06-O-13487

A Member of the State Bar

### Law Office Management Conditions

- a.  Within        days/        months/        years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b.  Within        days/6 months/        years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 6 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c.  Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for        year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

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ATTACHMENT TO STIPULATION

**RE: FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: JOHN WONGOO RHEE  
CASE NUMBER(S): 05-O-02605, 05-O-00458, 06-O-10082,  
06-O-13487

**A. FACTS AND CONCLUSIONS OF LAW:**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

**WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY:**

The parties waive any variance between the Notice of Disciplinary Charges filed on July 12, 2006, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

**CASE NO. 05-O-02605**

**Facts:**

1. From December 1, 2004 to March 31, 2005, respondent maintained client trust account no. 16643-06946 at Bank of America.
2. Between December 1, 2004 and December 31, 2004, respondent did not promptly remove funds that he had earned as fees from the Bank of America trust account as soon as his interest in the funds became fixed, and instead left his fees in the account for payment of personal expenses as needed.
3. Between December 1, 2004 and December 31, 2004, respondent issued eleven separate checks totaling \$1,467.32, drawn upon the Bank of America trust account to pay his personal expenses.
4. On February 18, 2005, Bank of America paid a check respondent had issued from the Bank of America trust account, against insufficient funds. The check was made payable to Alejandro Platon for \$846.55 when the trust account balance was \$661.10.
5. Respondent issued the check to Alejandro Platon when he knew or should have known that there were insufficient funds in the Bank of America trust account to pay the check.

6. On May 10, 2005, a State Bar investigator wrote to respondent as a result of a referral from Bank of America regarding activity in respondent's client trust account no. 16643-06946, requesting that respondent explain in writing the trust account activity. Respondent did not respond.

7. On June 2, 2005, the State Bar opened an investigation as a result of the referral from Bank of America regarding activity in respondent's client trust account.

8. On June 16, 2005, a State Bar investigator wrote to respondent requesting that respondent respond in writing to specified allegations of misconduct being investigated regarding respondent's Bank of America trust account.

9. On June 30, 2005, respondent requested in writing an extension until July 14, 2005 to reply to the June 16, 2005 letter. On July 13, 2005, respondent's request was granted in writing by the investigator, with the response due July 15, 2005. Respondent did not respond to the specified allegations as requested in the investigator's June 16, 2005, letter or participate in the investigation in any way.

Legal Conclusion:

By commingling his earned fees in the Bank of America trust account and using the trust account to pay personal expenses, respondent commingled funds belonging to respondent in a client trust account in wilful violation of Rules of Professional Conduct, rule 4-100(A). By issuing the check to Alejandro Platon drawn upon the Bank of America trust account when respondent knew or should have known there were insufficient funds on deposit to pay the check, respondent failed to maintain the balance of funds received for the benefit of a client in wilful violation of Rules of Professional Conduct, rule 4-100(A). By not providing a written response to the allegations of misconduct being investigated regarding respondent's Bank of America trust account or otherwise cooperating in the investigation, respondent failed to cooperate in a disciplinary investigation, in wilful violation of Business and Professions Code, section 6068(i).

CASE NO. 05-O-00458

Facts:

10. On July 22, 2003, respondent was employed by Richard Soo Hyun Hwang ("Hwang"), to represent him in the U.S. District Court, Southern District in a criminal matter entitled *U.S.A. v Hwang*, case no. 03CR1991 - MJL.

11. Hwang's native language is Korean and he does not speak or understand English with proficiency.

12. Respondent represented Hwang from July 22, 2003 until on or about October 23, 2003, and represented Hwang at a jury trial in the criminal matter that was held on September 3, 2003 and September 4, 2003.

13. During the preliminary stage of Hwang's case and prior to Hwang's trial, the U.S. attorney first conveyed to respondent an offer of a plea agreement in the criminal case of 18 months in prison, the standard offer upon a plea of guilty made in the course of like criminal

proceedings in the United States District Court, Southern District. Thereafter, the U.S. attorney offered to resolve the case by plea with a 24-month prison term.

14. Respondent failed to advise Hwang, prior to trial, of the court's sentencing guidelines that required the imposition of a mandatory sentence of three years in prison if Hwang's case were taken to trial and resulted in a guilty verdict, so that Hwang could decide whether or not he wished to accept a plea deal.

15. During the course of his representation of Hwang, Respondent failed to file any pretrial or trial motions to suppress evidence or statements in Hwang's case, despite the fact that Hwang's lack of English proficiency may have provided a legal basis for suppressing evidence.

16. On September 4, 2003, Hwang was convicted of all counts and was remanded to custody.

17. On June 29, 2004, a newly appointed defense attorney filed a motion for a new trial on Hwang's behalf.

18. On August 13, 2004, the Honorable M. James Lorenz, of the United States District Court of the Southern District of California, who presided over Hwang's criminal trial, granted the motion for a new trial, citing respondent's lack of competent representation including, among other things, his failure to understand and to communicate the sentencing guidelines to Hwang so that he could consider a plea agreement and his failure to file motions to suppress for which there was a legal basis to do so.

#### Legal Conclusions:

By failing to understand and to communicate to Hwang, the sentencing guidelines required upon a guilty verdict, and failing to file motions to suppress evidence when there was a legal basis to do, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).

#### CASE NO. 06-O-10082

#### Facts:

19. From December 1, 2004 to about November 17, 2005, respondent maintained client trust account no. 16643- 06946 at Bank of America.

20. On November 17, 2005, Bank of America paid a check respondent issued from the Bank of America trust account against insufficient funds. The check was made payable to Ana Marroquin for \$481.20 when the balance was \$421.01.

21. Respondent issued the check to Ana Marroquin when he knew or should have known that there were insufficient funds in the Bank of America trust account to pay the check.

Legal Conclusions:

By issuing the check to Ana Marroquin drawn upon the Bank of America trust account when respondent knew or should have known there were insufficient funds on deposit to pay the check, respondent failed to maintain the balance of funds received for the benefit of a client in wilful violation of Rules of Professional Conduct, rule 4-100(A).

**CASE NO. 06-O-13487 (UNFILED)**

**Respondent waives the right to formal filing of a Notice of Disciplinary Charges and the opportunity to respond and present a defense.**

Facts:

22. From December 1, 2004 to about May 17, 2006, respondent maintained client trust account no. 16643-06946 at Bank of America.

23. On May 17, 2006, Bank of America failed to honor check number 1430 respondent had issued to Martha Medina in the amount of \$3,333.33, because there were insufficient funds in the trust account.

24. Respondent issued the check to Martha Medina when he knew or should have known that there were insufficient funds in the Bank of America trust account to pay the check.

Legal Conclusions:

By issuing the check to Martha Medina drawn upon the Bank of America trust account when respondent knew or should have known there were insufficient funds on deposit to pay the check, respondent failed to maintain the balance of funds received for the benefit of a client in wilful violation of Rules of Professional Conduct, rule 4-100(A).

## B. SUPPORTING AUTHORITIES

### Standards:

Standard 1.7(a) provides that if a member has one prior record of discipline, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding, unless the prior discipline was so remote in time or the offense for which it was imposed was so minimal in severity that imposing greater discipline would be manifestly unjust.

Standard 1.6(a) states that where two or more acts of professional misconduct are charged and different sanctions are prescribed by the standards for the acts, the sanction imposed shall be the more or most severe of the different applicable sanctions.

Standard 2.2(b) provides that discipline for commingling of entrusted funds or the commission of any other violation of rule 4-100 of the Rules of Professional Conduct, none of which offenses result in wilful misappropriation shall result in at least a three month actual suspension, irrespective of mitigating circumstances.

Standard 2.6 provides for disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3, for violations of Business and Professions Code, section 6068.

Standard 2.4(b) provides that the discipline for willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

### Case Law:

In *Matter of Doran* (1998) 3 Cal. State Bar Ct. Rptr. 871, respondent was suspended for eighteen months and placed on probation for three years on condition that he be actually suspended for six months and until he satisfactorily completed certain educational courses for multiple violations of 4-100 and B&PC 6106, for writing NSF checks and using his trust account for personal expenses. Doran was also culpable for recklessly violating rule 3-110. In aggravation, the court found an uncharged rule 3-700(A)(2) violation, that Doran's CTA violations amounted to a pattern of misconduct, and that Doran was culpable of multiple acts of misconduct.

In *Matter of Koehler, IV* (1991) Cal. State Bar Ct. Rptr. 615, respondent was found culpable of violating (former) rule 8-101(A) by repeatedly misusing his trust account as a personal account in that he issued checks from the account for business (non-trust) expenses, placed his personal funds into the account, and paid a secretary's salary from the account; that he violated (former) rule 8-101(B)(4) in two matters by failing to return a client's unused cost advance and; failed to perform services competently in violation of (former) rule 6-101(A)(2)

in one matter. For his misconduct *Koehler* received three years stayed suspension and six months actual suspension. In aggravation, respondent had one prior public reproof and the court considered respondent's own admission that he had sought to conceal funds from the Franchise Tax Board. In mitigation the court considered that with regard to paying taxes, respondent acted in good faith, respondent had cooperated with the State Bar and had performed a variety of pro bono services worthy of recognition.

### **C. AGGRAVATION / MITIGATION**

Respondent has a prior record of discipline. (Standard 1.2(b)(i)).

The current misconduct evidences multiple acts of wrongdoing (Standard 1.2(b)(ii)).

Respondent's misconduct related to Hwang, significantly harmed Hwang in that he was found guilty of all of the criminal counts against him and faced a more significant sentence than if he had agreed to a plea. The misconduct also harmed the public and administration of justice in that Hwang's conviction was set aside and he was granted a new trial. (Standard 1.2(b)(iv)).

### **D. RESTRICTIONS WHILE ON ACTUAL SUSPENSION**

During the period of actual suspension, respondent shall not:

- Render legal consultation or advice to a client;
- Appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;
- Appear as a representative of a client at a deposition or other discovery matter;
- Negotiate or transact any matter for or on behalf of a client with third parties;
- Receive, disburse, or otherwise handle a client's funds; or
- Engage in activities which constitute the practice of law

Respondent shall declare under penalty of perjury that he or she has complied with this provision in any quarterly report required to be filed with the probation unit, pertaining to periods in which the respondent was actually suspended from the practice of law.

### **E. COST ESTIMATE**

The cost assessment for the use of State Bar resources in the instant case is estimated at \$4,153.00.



(Do not write above this line.)

In the Matter Of <b>John Wongoo Rhee</b>	Case Number(s): <b>05-O-02605, 05-O-00458, 06-O-10082, 06-O-13487</b>
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**ORDER**

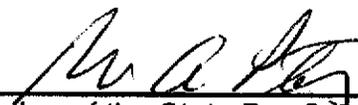
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)**

01-04-07

Date

  
\_\_\_\_\_  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]**

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 5, 2007, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING**

in a sealed envelope for collection and mailing on that date as follows:

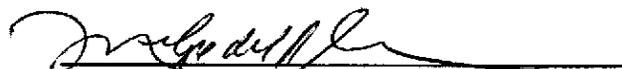
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JOHN WONGOO RHEE  
LAW OFC JONATHAN W RHEE  
801 S FLOWER ST 5TH FL  
LOS ANGELES, CA 90017 - 4628**

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

**Melanie Lawrence, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 5, 2007**.

  
**Milagro del R. Salmeron**  
Case Administrator  
State Bar Court