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**State Bar Court of California
Hearing Department
Los Angeles**

Counsel For The State Bar Margaret P. Warren Bar # 108774	Case Number (s) 06-O-15097	(for Court's use) <p style="text-align: center;">FILED</p> <p style="text-align: center;">AUG - 4 2008 <i>KE</i></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p style="text-align: center;">PUBLIC MATTER</p>
In Pro Per Respondent Edward E. Kim Bar # 183022	Submitted to: Assigned Judge	
In the Matter Of: Edward E. Kim Bar # 183022 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <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 on **June 11, 1996**.
- (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 **13** 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."
- (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.



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- (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: **two (2) billing cycles following the effective date of the Supreme Court Order herein.**
(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
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (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:

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 \$ o n i n 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

(1) During the time he was employed by the Chidester firm (August 1 to October 26, 2006), Respondent as a new attorney-employee of the firm was not permitted to sign any pleadings, opinions, or correspondence; make court appearances; or give legal advice to clients. Respondent's misconduct did not harm any clients, the public, or the administration of justice.

(2) Respondent was admitted to the practice of law in the State of California on June 11, 1996 and has no prior record of discipline.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one (1) 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 (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **sixty (60) days**.

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.

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- (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 type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input 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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: _____

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- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, 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 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and 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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: EDWARD E. KIM, Bar No. 183022

CASE NUMBER: 06-O-15097

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was June 24, 2008.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 24, 2008, the costs in this matter are approximately \$1,983.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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 Rules of Professional Conduct:

Statement of Acts or Omissions of Respondent which are Admitted and Acknowledged by Respondent as Cause or Causes for Discipline:

1. On or about November 15, 2005, the State Bar of California ("State Bar") mailed a State Bar membership fee statement ("fee statement") for the year 2006 to Respondent at his official State Bar Membership Records address ("official address"), enclosing therewith an MCLE compliance card ("compliance card") that could be used to report MCLE compliance to the State Bar.

Respondent was required to report his compliance with the MCLE requirement for the period February 1, 2003 to January 31, 2006 on or before January 31, 2006. Respondent received the fee statement and compliance card.

2. Respondent did not submit proof of his compliance with the MCLE requirement to the

State Bar of California on or before January 31, 2006.

3. On or about February 22, April 14, 2006, and May 26, 2006, the State Bar mailed MCLE compliance cards to Respondent at his official address, for Respondent's use in reporting his compliance with the MCLE requirement to the State Bar. Respondent received the compliance cards, but did not return any of them to the State Bar or otherwise submit proof to the State Bar of his compliance with the MCLE requirement.

4. On July 14, 2006, the State Bar mailed an "MCLE Non-Compliance 60-Day Notice" ("60-Day Notice") to Respondent at his official address, notifying him that as of July 12, 2006, Respondent was subject to and not in compliance with the MCLE Rules and Regulations for the compliance period ending January 31, 2006, and that a \$75 non-compliance fee remained unpaid by him. The 60-Day Notice warned Respondent that if he failed to comply with the MCLE requirement by close of business on September 15, 2006, he "shall be enrolled as an inactive member ('Not Eligible' to practice) of the State Bar and will not be permitted to practice law until such time as adequate proof of compliance is received by the State Bar." The 60-Day Notice further advised Respondent: "To bring yourself into compliance, you must ensure that your completed MCLE Compliance Car, and payment of the \$75 late fee . . . are received by our office." The 60-Day Notice enclosed a compliance card for Respondent's use.

5. The 60-Day Notice further warned Respondent: "If you are placed on Not Eligible (involuntary inactive) status for failure to comply with your MCLE requirement, to reinstate from that status you will be required to ALSO submit proof of compliance (e.g., your certificates of attendance and self-study log) and pay an additional \$200 MCLE non-compliance reinstatement fee."

6. Respondent received the 60-Day Notice.

7. On August 1, 2006, Respondent knew that he did not have sufficient MCLE credits for the reporting period and knew that if he did not obtain those credits, provide documentation of his having earned the compliance credits to the State Bar, and pay the necessary fees to the State Bar, all by close of business on September 15, 2006, he would be placed in a not entitled to practice law status.

8. On August 18, 2006, the State Bar mailed, by certified mail return receipt requested, an "MCLE Non-Compliance Final Notice" ("Final Notice") to Respondent at his official address, notifying Respondent that as of August 14, 2006, he was subject to and not in compliance with the MCLE Rules and Regulations for the compliance period ending January 31, 2006. The Final Notice warned Respondent: "To avoid being placed on Not Eligible to Practice status, you must ensure that the items listed as owed in the box above [to wit, the \$75 Non-compliance fee and the MCLE compliance card] are received by the State Bar, or mailed bearing a USPS postmark, no later than September 15, 2006."

9. The Final Notice further warned Respondent: "If you are placed on Not Eligible status, to reinstate from that status you must not only correct the items listed in the box above but, after September 15, 2006, you also will be required to submit a \$200 reinstatement fee, as well as complete documentation of compliance. Complete documentation of compliance consists of certificates of attendance given to you by providers, your record of self-study activities, and/or, if you are exempt, proof of exempt status." [Underlining in original.]

10. Respondent received the Final Notice.

11. Respondent did not submit proof of compliance and pay the \$75 non-compliance fee to the State Bar by close of business on Friday, September 15, 2006.

12. Effective Monday, September 18, 2006, and continuing to the present, Respondent has

been enrolled in "Not Entitled" status as a member of the State Bar due to his failure to timely comply with the requirements set forth in the Final Notice.

13. On September 25, 2006, the State Bar properly addressed and mailed to Respondent at his official address an "MCLE Non-Compliance Notice of Enrollment on Not Eligible Status" ("Notice of Not Eligible Status"), notifying Respondent: "YOU HAVE BEEN ENROLLED ON NOT ELIGIBLE STATUS EFFECTIVE SEPTEMBER 18, 2006. YOU ARE NOT ELIGIBLE TO PRACTICE LAW AS OF THAT DATE AND YOU WILL NOT BE ELIGIBLE TO PRACTICE UNTIL YO9U HAVE BEEN REINSTATED TO ACTIVE STATUS." [Sic.] The Notice of Not Eligible Status warned Respondent: "If you practice law during the period when you are on Not Eligible status, you will be subject to disciplinary action by the State Bar."

14. Respondent received the Notice of Not Eligible Status.

15. Effective August 1, 2006, Respondent commenced employment as a staff attorney at the Law Offices of Margaret A. Chidester & Associates (the "Chidester Firm"). The Chidester Firm required whomever it employed as a staff attorney to have active membership in the State Bar of California and continuous eligibility to practice law in the State of California.

16. On and after September 18, 2006, respondent did not inform the Chidester Firm that he was not eligible to practice law.

17. On October 25, 2006, the Chidester Firm independently discovered that Respondent was not eligible to practice law effective September 18, 2006. When Margaret and Steven Chidester of the Chidester Firm asked Respondent why he did not tell anyone at the Chidester Firm that he was not entitled to practice law as of September 18, 2006 and why he continued to hold himself out as entitled to practice law on and after September 18, 2006, Respondent told them that he was not aware of his suspension from the practice of law, and that he had received no notice of such

suspension from the State Bar. Effective October 26, 2006, Respondent's employment by the Chidester firm was terminated.

18. Respondent's statements to the Chidesters that he was unaware of his suspension from the practice of law and that he had received no notice of such suspension from the State Bar were false, and Respondent knew his statements to be false at the time he made them.

Conclusions of Law

19. On and after September 18, 2006, by holding himself out to his employers, the Chidester Firm, as entitled to practice law when he was not entitled to practice law, Respondent wilfully violated Business and Professions Code section 6068(a) by holding himself out as entitled to practice law when he was not an active member of the state bar, in violation of Business and Professions Code sections 6125 and 6126.

20. By representing to the Chidesters that he was unaware of his suspension from the practice of law and that he had received no notice of any such suspension from the State Bar when he knew those representations to be false; and by making those representations to the Chidesters with the intent to deceive them, Respondent wilfully committed an act or acts involving moral turpitude, dishonesty or corruption, in violation of Business and Professions Code section 6106.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct provides, in pertinent part:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts, and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.

Standard 2.3 provides:

Culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Standard 2.6 provides that culpability of a member of a violation of section 6068(a) of the Business and Professions Code

shall result in 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 [.]

The State Bar respectfully submits that the discipline and probationary conditions stipulated to by the parties herein meets the purposes of attorney discipline set forth in **Standard 1.3** and will serve to adequately protect the public, the courts, and the legal profession.

STATE BAR ETHICS SCHOOL.


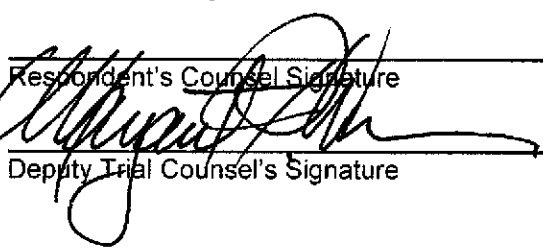
Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

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In the Matter of Edward E. Kim, Bar No. 183022	Case number(s): 06-O-15097
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

<u>7-3-08</u> Date	 Respondent's Signature	<u>Edward E. Kim</u> Print Name
<u>7-8-08</u> Date	 Deputy Trial Counsel's Signature	<u>Margaret P. Warren</u> Print Name

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In the Matter Of Edward E. Kim, Bar No. 183022	Case Number(s): 06-O-15097
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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 9.18(a), California Rules of Court.)**

July 31, 2008
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 August 4, 2008, I deposited a true copy of the following document(s):

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

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

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

**EDWARD E. KIM
17751 SAN LEANDRO LN
HUNTINGTON BEACH, CA 92647**

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

MARGARET WARREN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **August 4, 2008**.



Tammy R. Cleaver
Case Administrator
State Bar Court