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STATE BAR COURT
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**REVIEW DEPARTMENT OF THE STATE BAR COURT
IN BANK**

In the Matter of

ERICA MIHAE KIM

A Member of the State Bar.

07-C-13384

**RECOMMENDATION OF
SUMMARY DISBARMENT**

The State Bar's request for recommendation of summary disbarment, filed May 5, 2008, is granted. On May 23, 2008, we filed an order to show cause (OSC) directing respondent Erica Mihae Kim, State Bar No. 158929, to show cause why we should not recommend her summary disbarment to the Supreme Court. Respondent failed to file a response.

On October 11, 2007, respondent entered a guilty plea to two counts of making a false statement to a financial institution, in violation of 18 U.S.C. §§ 1014 and 2, and two counts of engaging in a monetary transaction in criminally derived property, in violation of 18 U.S.C. §§ 1957 and 2. As a result of respondent's conviction we placed her on interim suspension effective December 21, 2007. Respondent's conviction is now final. (Cal. Rules of Court, rule 9.10(a).)

Respondent's conviction is conclusive proof that she committed the crime. (Bus. & Prof. Code, § 6101, subd. (a); *In re Crooks* (1990) 51 Cal.3d 1090, 1097.) The record of conviction establishes that respondent's conviction meets the criteria for summary disbarment under

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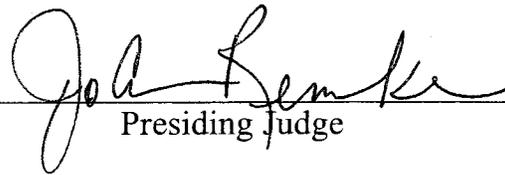
Business and Professions Code section 6102, subdivision (c), as amended effective January 1, 1997. First respondent's offenses constitute felonies. (See 18 U.S.C. § 3559 (a)(2), (3).)

Second, making a false statement to a financial institution is a crime that involves moral turpitude per se. (*In the Matter of Jebbia* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 51 [violation of 18 U.S.C. § 1014 inherently involves moral turpitude]; *In the Matter of Sawyer* (Review Dept. 1997) 3 Cal.State Bar Ct. Rptr. 765.) We need only rely on respondent's conviction of making a false statement to a financial institution in making this recommendation for summary disbarment. However, respondent's conviction for money laundering also meets the elements of summary disbarment. It has been determined that a crime based on the knowledge of "the illegality of certain conduct" involves moral turpitude. (*Rivas v. State Bar* (1989) 49 Cal.3d 794, 800.) A money laundering conviction requires that the defendant engage or attempt to engage in a monetary transaction in criminally derived property that is of a value greater than \$10,000 knowing that the property is derived from specified unlawful activity. (*United States v. Sokolow* (3d Cir. 1996) 91 F.3d 396, 408.) Thus, respondent's money laundering conviction also meets the criteria for summary disbarment.

When an attorney's conviction meets the requirements of Business and Professions Code, section 6102, subdivision (c), "the attorney is not entitled to a State Bar Court hearing to determine whether lesser discipline is called for." (*In re Paguirigan* (2001) 25 Cal.4th 1, 4-7.) Disbarment is mandatory. (*Id.* at p. 9; see also *In re Lesansky* (2001) 25 Cal.4th 11, 17-18.)

We therefore recommend that respondent, Erica Mihae Kim, State Bar No. 158929, be summarily disbarred from the practice of law in this state. We also recommend that respondent be ordered to comply with rule 9.20 of the California Rules of Court and to perform the acts

specified in paragraphs (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court's order. Finally, we recommend that costs be awarded to the State Bar in accordance with Business and Professions Code, section 6086.10, such costs being enforceable both as provided in Business and Professions Code, section 6140.7 and as a money judgment.


Presiding Judge