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



Counsel For The State Bar (for Court's use) Case Number (s) 08-O-12146 Erin McKeown Joyce 08-O-14119 Deputy Trial Counsel State Bar of California PUBLIC MATTER 1149 South Hill Street Los Angeles, CA 90015-2299 Telephone: (213) 765-1356 Facsimile: (213) 765-1319 DEC 21 2010 Bar # 149946 In Pro Per Respondent STATE BAR COURT CLERK'S OFFICE Eden Beloved Noe LOS ANGELES 5854 Kiyot Way Playa Vista, California 90094 Telephone: (310) 386-1428 Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND Bar # 236172 DISPOSITION AND ORDER APPROVING In the Matter Of: EDEN BELOVED NOE **ACTUAL SUSPENSION** Bar # 236172 PREVIOUS STIPULATION REJECTED A Member of the State Bar of California (Respondent)

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 May 23, 2005.
- (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 12 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."

(DO HOL	VVIILE	above this line.)		
	Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".			
	The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."			
	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.			
	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 years following the effective date of the Supreme Court order of discipline. (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 			
Pr	rofe	avating Circumstances [for definition, see Standards for Attorney Sanctions for essional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances equired.		
(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)	\boxtimes	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. Respondent made material misrepresentations to the court in case no. 08-O-12146.		
(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.		

(Do n	ot write	above this line.)
(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.
Add	itiona	al aggravating circumstances:
		ating Circumstances [see standard 1.2(e)]. Facts supporting mitigating mstances 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. Throughout this proceeding, Respondent cooperated fully with the State Bar, answered the questions that were posed by the State Bar, and entered into this comprehensive stipulation acknowledging her misconduct and settling this case prefiling.
(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.

(Do n	(Do not write above this line.)			
(13)	(13) No mitigating circumstances are involved.			
Add	ition	al mit	igatin	g circumstances
D.	Disc	iplin	ie:	
(1)	\boxtimes	Stav	ed Su	uspension:
(-)	(a)	,		condent must be suspended from the practice of law for a period of four (4) years.
	(α)			
		l.		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)	\boxtimes	The	above-referenced suspension is stayed.
(2)	\boxtimes	Prot	oation	
				ust be placed on probation for a period of four (4) years, which will commence upon the effective preme Court order in this matter. (See rule 9.18, California Rules of Court)
(3)	\boxtimes	Actual Suspension:		
•.	(a)			condent must be actually suspended from the practice of law in the State of California for a period irty (30) months.
		i.	\boxtimes	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
* 2"		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. <i>F</i>	\ddi	tiona	ıl Co	nditions 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)	\boxtimes			probation period, Respondent must comply with the provisions of the State Bar Act and Rules of all Conduct.

(Do r	not wri	above this line.)				
(3)	\boxtimes	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 Probat 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.				
		n addition to all quarterly reports, a final report, containing the same information, is due no earlier than wenty (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)	\boxtimes	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)		ne following conditions are attached hereto and incorporated:				
		Substance Abuse Conditions				
		Medical Conditions				
F. O	ther	Conditions Negotiated by the Parties:				
(1)	\boxtimes	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	•			

The Attachment to the Stipulation re Facts, Conclusions of Law and Disposition comprises pages 7 to 11.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

Eden Noe

CASE NUMBERS:

08-O-12146 and 08-O-14119

PENDING PROCEEDINGS:

The disclosure date referred to, on page one, paragraph A.(7), was November 18, 2010.

Respondent admits that the following facts are true and that she is culpable of violations of the specified Rules of Professional Conduct and Business and Professions Code sections.

Case No. 08-O-12146

FACTS:

- 1. Respondent represented Coochie LLC in post-judgment proceedings in a lawsuit against Respondent's mother, Amy Kim, entitled *Abraha v. Kim*, filed in Los Angeles Superior Court, case no. BC321502 (the "*Abraha* matter"). Respondent had previously represented Kim in the *Abraha* matter, and after the judgment was entered she substituted out and Kim became a *pro per* defendant. Respondent continued to provide legal advice to Kim related to the post-judgment proceedings in the *Abraha* matter even after the substitution of attorney form was filed with the court.
- 2. On January 28, 2007, in connection with her response to a motion for sanctions against Respondent personally, for allegedly advising Kim to transfer title to the disputed property to Coochie LLC to avoid a court ordered conveyance to the plaintiffs in the *Abraha* matter, Respondent made the following statement under the penalty of perjury:

I have no knowledge of who controls Coochie LLC, who the members are, or why the disputed property was transferred to that entity. I am not Amy Kim's personal secretary, attorney, or employee ... and [I] do not have any knowledge of what Ms. Kim has done with the property, whether she is in escrow or not, whether she has transferred the property, or anything else regarding her actions.

- 3. At the hearing on plaintiffs' motion for sanctions against Respondent on April 18, 2008, the court found that Respondent's statement set forth above was a misrepresentation to the court, made in an effort to cover up Respondent's involvement in the scheme to avoid the court ordered conveyance of the disputed property to the plaintiffs in the *Abraha* matter.
- 4. The court further found at the April 18, 2008 hearing that Respondent knowingly participated in the scheme to transfer the disputed property to Coochie LLC to circumvent the order of specific performance of the court.
- 5. At the hearing, the court also found that Respondent's conduct in advising Kim to participate in the scheme violated Rule of Professional Conduct 3-210, and sanctioned Respondent \$2,000.00.

- 6. Respondent failed to report the imposition of sanctions on April 18, 2008 to the State Bar.
- 7. On March 19, 2008, Respondent filed an *ex parte* motion in the *Abraha* matter on behalf of Coochie LLC, seeking reconveyance of the disputed property to Coochie LLC. In connection with that *ex parte* motion, Respondent knowingly filed a false declaration claiming an ownership interest in the disputed property.

CONCLUSIONS OF LAW

By making the misrepresentation about her connection to Coochie LLC in her declaration filed January 28, 2007, Respondent sought to mislead the judge by a false statement of fact or law in wilful violation of Business and Professions Code section 6068(d).

By knowingly participating in the scheme to transfer title of the disputed property to Coochie LLC, to avoid the court ordered conveyance of the property to the plaintiffs in the *Abraha* matter, Respondent advised the violation of a ruling of a tribunal without a good faith belief that the ruling was invalid, in wilful violation of Rule of Professional Conduct 3-210.

By failing to report the April 18, 2008 imposition of sanctions to the State Bar, Respondent failed to report the sanctions order to the agency charged with attorney discipline in writing, within thirty days of the time the attorney had knowledge of the imposition of judicial sanctions against the attorney, in wilful violation of Business and Professions Code section 6068(o)(3).

By knowingly filing the false declaration to support the *ex parte* motion of Coochie LLC, seeking reconveyance of the disputed property to Coochie LLC, Respondent sought to mislead the judge by an artifice or false statement of fact or law in wilful violation of Business and Professions Code section 6068(d).

Case No. 08-O-14119

FACTS:

- 8. Young Min hired Respondent on February 7, 2006, to represent Min in a civil lawsuit. Min paid Respondent \$1,660.00. On March 10, 2006, Respondent filed a lawsuit entitled *Young Min v. International Mac People Inc.*; et al in Los Angeles Superior Court, case no. 06K03590 (the "*Min* matter)."
- 9. On April 20, 2006, Respondent filed the first amended complaint on behalf of Min. The defendant filed an answer and cross-complaint which was properly served on Respondent which Respondent received. Respondent failed to file an answer to the cross-complaint on behalf of Min.
- 10. Thereafter, Respondent failed to undertake any additional legal work for Min in the *Min* matter.
- 11. On August 11, 2006, the court set an Order to Show Cause re Dismissal for September 27, 2006 for Failure to File Case Management Statement (the "OSC re Dismissal"). The OSC re Dismissal was properly served on Respondent, who received actual notice of the OSC.

- 12. On September 27, 2006, Respondent failed to appear at the OSC re Dismissal. The court continued the hearing to October 27, 2006. The notice of the continued hearing was properly served on Respondent, who received actual notice of the continued hearing.
- 13. On October 27, 2006, Respondent failed to appear at the OSC hearing. The court dismissed the first amended complaint and continued the matter to December 18, 2006, for a status conference re the cross-complainant's submission for a request for default on the cross-complaint. The notice of the continued hearing was properly served on Respondent, who received actual notice of the continued hearing.
- 14. On December 18, 2006, Respondent failed to appear at the continued status conference. The court ordered the cross-complainant to resubmit the request for default, which was rejected in the interim due to a procedural defect. The court continued the matter to February 7, 2007 for a status conference re the cross-complainant's request for default on the cross-complaint. The notice of the continued hearing was properly served on Respondent, who received actual notice of the continued hearing.
- 15. On February 7, 2007, Respondent failed to appear at the continued status conference. The court continued the matter to March 9, 2007 for a status conference re the cross-complainant's request for default on the cross-complaint. The notice of the continued hearing was properly served on Respondent, who received actual notice of the continued hearing.
- 16. On March 9, 2007, Respondent failed to appear at the continued status conference. The court continued the matter to April 23, 2007 for the prove-up hearing on the default judgment sought by cross-complainant against Min. The notice of the continued hearing was properly served on Respondent, who received actual notice of the continued hearing.
- 17. Respondent failed to appear at the prove-up hearing on April 27, 2007. At that hearing, the court entered a default judgment in the amount of \$17,332.00, plus \$2,241.28 in interest and \$600.00 in costs against Min. Respondent received actual notice of the default judgment against Min. At no time did Respondent notify Min of cross-complainant's efforts to obtain a default judgment against Min.
- 18. After Min learned of the default judgment and sought new counsel, she filed a motion to vacate the default judgment and to vacate the dismissal of the first amended complaint on December 18, 2007.
- 19. In January 2008, Respondent provided a declaration to opposing counsel which was used in an effort to defeat the motion to vacate filed by new counsel on behalf of Min. In her declaration, Respondent disclosed the contents of confidential communications with Min without her permission.
- 20. Subsequent to providing the declaration to Min's opposing counsel, Respondent contacted opposing counsel to request the declaration not be filed.

CONCLUSIONS OF LAW:

By failing to take any action on Min's legal matter after filing the first amended complaint, failing to appear at multiple hearings, and failing to notify Min of the default judgment against her, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of Rule of Professional Conduct 3-110(A).

By providing a declaration to opposing counsel and disclosing the contents of confidential communications with Min without her permission, Respondent failed to maintain inviolate the confidence, and at every peril to herself to preserve the secrets, of her client in wilful violation of Business and Professions Code section 6068(e).

AUTHORITIES SUPPORTING DISCIPLINE:

Standards:

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

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.

To determine the appropriate level of discipline, the standards provide guidance. *Drociak v. State Bar* (1991) 52 Cal.3d 1085; *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119. A disciplinary recommendation must be consistent with the discipline in similar proceedings. *See Snyder v. State Bar* (1990) 49 Cal.3d 1302. Moreover, the recommended discipline must rest upon a balanced consideration of relevant factors. *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119.

Pursuant to Standard 2.3 of the Standards for Attorney Sanctions for Professional Misconduct:

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

Pursuant to Standard 2.4(b) of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of a violation of rule 3-110(A) of the Rules of Professional Conduct shall result in reproval or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Pursuant to Standard 2.6 of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of a violation of any of the following provisions of the Business and Professions code shall result in disbarment or suspension depending on the gravity of the offense or harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

(a) Sections 6067 and 6068;

- (b) Sections 6103 through 6105;
- (c) Sections 6106.1.

Pursuant to Standard 2.10 of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or of a wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproval or suspension according to the gravity of the offense or harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

The stipulated discipline of a three year actual suspension, and five year stayed suspension is the appropriate discipline in these matters to protect the public and ensure that due respect is afforded to the judicial process.

COSTS OF DISCIPLINARY PROCEEDINGS:

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 18, 2010, the prosecution costs in this matter are \$2,602.00. 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.

In the Matter of	Case number(s):
Eden Beloved Noe	08-O-12146 and 08-O-14119

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>(V°73/10</u> Date	Respondent's Signature	Eden Beloved Noe Print Name
Date	Respondent's Counsel Signature	n/a Print Name
11-23-10 Date	Deputy Trial Counsel's Signature	Erin McKeown Joyce Print Name

(Do not write above this line.)	
In the Matter Of	Case Number(s):
Eden Beloved Noe	08-O-12146 and 08-O-14119

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:

X	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.)

Date

Judge of the State Bar Court

TOTALDE MULS

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 December 21, 2010, 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:

EDEN B. NOE, ESQ. 5854 KIYOT WAY PLAYA VISTA, CA 90094

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

ERIN JOYCE, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 21, 2010.

Rose Luthi

Case Administrator State Bar Court