ORIGINAL

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State Bar Court of California Hearing Department Los Angeles DISBARMENT		PUBLIC MATTER
Counsel For The State Bar Eli D. Morgenstern, DTC Office of The Chief Trial Counsel 1149 South Hill Street Los Angeles, CA 90015-2299 Telephone: (213) 765-1334 Bar # 190560	Case Number(s): 10-O-10774	For Court use only FILED SEP 08 2011 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Robert Yun Lee 16308 Mountain Lane Canyon Country, California 91387 Bar # 213848	Submitted to: STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT **DISBARMENT** ☐ PREVIOUS STIPULATION REJECTED	
In the Matter of: Robert Yun Lee Bar # 213848 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 June 5,2011.

(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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) 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."

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(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.

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

☒ Costs to be awarded to the State Bar.
☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
☐ Costs are entirely waived.

(9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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**

(a) ☒ State Bar Court case # of prior case See pages 7-8 for discussion re: prior record of discipline.

(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. See page 8 for further discussion re: Harm.

(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. See page 8 for further discussion re: Candor/Cooperation.

(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 not write above this line.)

(13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline: Disbarment.

E. Additional Requirements:

(1) **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.

(2) ☒ **Restitution:** Respondent must make restitution to Natosha Dorsey in the amount of $ 9,500.00 plus 10 percent interest per year from May 1, 2011. If the Client Security Fund has reimbursed Natosha Dorsey for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than N/A days from the effective date of the Supreme Court order in this case.

(3) ☐ **Other:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Robert Yun Lee

CASE NUMBER: 10-O-10774

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statute and Rule of Professional Conduct.

Case No. 10-O-10774 (Complainant: Natosha Dorsey)

Facts

1. On August 19, 2008, Natosha Dorsey ("Dorsey") employed Respondent to represent her and Cade Moore ("Cade"), her minor child, in a personal injury case against their landlord arising out of their exposure to toxic mold and mildew at their residence. Respondent agreed to represent Dorsey on a 50% contingency fee basis.

2. On August 28, 2008, Respondent filed a complaint on behalf of Dorsey and Cade titled, *Natosha Dorsey, an individual; Natosha Dorsey, as Guardian Ad Litem for Cade Moore, an individual minor, v. Ivory Johnson*, Los Angeles Superior Court case number BC 397059 (the "mold case").

3. Ivory Johnson ("Johnson"), Dorsey's landlord, was insured by Farmers Insurance Company ("Farmers").

4. In or about January 2010, at a mediation, the parties in the mold case agreed to resolve the matter for $40,000, broken down as follows: (1) Dorsey to receive $10,000; and (2) Cade to receive $30,000. The settlement was contingent upon the court's approval of a minor's compromise as to Cade.

5. On or about January 4, 2010, Respondent filed a petition to approve compromise of pending action ("petition") on behalf of petitioner Dorsey for claimant Cade in the mold case. In the petition, Respondent indicated that Cade had incurred medical expenses of $4,806 to Roger M. Katz, M.D. ("Katz"), of which $3,006 remained owing. Respondent also requested attorney fees of $7,500 to be paid out of the proceeds of the $30,000 settlement. The balance of the proceeds of the settlement after payment of all of the fees and expenses was $17,694 ($30,000-$4,806-$7500).

6. On or about January 28, 2010, the court in the mold case filed an Order approving the petition. Pursuant to the Order, Respondent was entitled to attorney fees of $7,500, Katz was entitled to $3,006, and Dorsey, as Guardian Ad Litem for Cade, was entitled to $17,694.

7. In or about February 2010, Respondent received two settlement checks from Farmers in the sum of $30,000 and $10,000, in settlement of Cade and Dorsey's claim, respectively. On or about

February 4, 2010, Respondent deposited the two settlement checks totaling $40,000 in his client trust account at Pacific City Bank, account number 01-1800xxx ("CTA").[1]

8. After deducting his attorney fees of $12,500 ($7,500 with respect to Cade's claim + $5,000 with respect to Dorsey's claim) and costs ($2572), and until Dr. Katz was paid $3,006, Respondent was required to maintain a balance in the CTA of $24,928 ($40,000-$12,500-$2572) on behalf of Cade and Dorsey.

9. At no time did Respondent disburse $3,006, or any amount, to Katz.

10. By May 28, 2010, before Respondent had disbursed any funds from the CTA to, or on behalf of, Dorsey, the balance in CTA fell to (-)$10.67

11. Respondent misappropriated $24,928 of Dorsey's settlement funds.

12. Beginning in December 2010, and continuing through May 2011, Respondent issued three cashier's checks made payable to Dorsey in the total amount of $18,000.

14. In May 2011, because he had delayed in disbursing her portion of the settlement of the mold case to her, Respondent sent Dorsey an e-mail stating that he would pay her a total of $27,500 as compensation to her for settlement of the mold case.

15. To date, Respondent owes Dorsey an additional $9,500 ($27,500-$18,000).

Conclusions of Law

By misappropriating $24,928 of Dorsey's settlement funds, Respondent committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to on page 2, paragraph A(7), was August 11, 2011.

AGGRAVATING CIRCUMSTANCES.

1. Prior Record of Discipline

A prior record of discipline is an aggravating circumstance. (Std. 1.2(b)(i).) Respondent has been a member of the State Bar of California since June 5, 2001, and has a prior record of discipline.

On December 31, 2008, Respondent was publicly reproved in Case Number 08-C-12734, a conviction referral matter. The underlying criminal matter involved Respondent's July 16, 2008, conviction for driving under the influence of alcohol in violation of Vehicle Code section 23152(b). The parties stipulated that the facts and circumstances surrounding Respondent's conviction did not involve moral turpitude.

[1] The complete account number has been omitted due to privacy concerns.

On December 15, 2009, the California Supreme Court ordered (S176989) that Respondent be suspended from the practice for one year, that execution of the suspension be stayed, and that he placed on probation for one year subject to certain conditions. The discipline resulted from Respondent's stipulation in State Bar Court that in Case Number 09-H-12861, he failed to comply with the conditions attached to the public reproval discussed above. Specifically, Respondent failed to: (1) contact timely the Probation Deputy in order to discuss the terms and conditions attached to the reproval; and (2) file timely the quarterly report which was due on April 10, 2009.

On April 21, 2011, the California Supreme Court ordered (S190513) that Respondent be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on actual suspension for the first 60 days of the suspension. The discipline resulted from Respondent's stipulation in State Bar that in Case 10-C-00210, a conviction referral matter. The underlying criminal matter involved Respondent's December 8, 2009, nolo contendere plea to violating Penal Code section 242(a), misdemeanor battery. The parties stipulated that the facts and circumstances surrounding Respondent's conviction did not involve moral turpitude.

2. Harm

Respondent's misuse of Dorsey's funds caused harm to her. (Std. 1.2(b)(iv).)

MITIGATING CIRCUMSTANCES.

1. Candor and Cooperation

Respondent's stipulation to the facts, his culpability, and his disbarment is a mitigating circumstance. (Standard 1.2(e)(v). See also, *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521.)

AUTHORITIES SUPPORTING DISCIPLINE.

1. Standards

Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct ("Standards") provides that, "[T]he primary purposes of disciplinary proceedings . . . 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 1.7(b) provides that if a member has a record of two prior impositions of discipline, the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Standard 2.2(a) provides that culpability of a member of wilful misappropriation of entrusted funds shall result in disbarment. Only if the amount of funds misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In these latter cases, the discipline shall not be less than one-year actual suspension, irrespective of mitigating circumstances.

Here, Respondent has been disciplined on three prior occasions, misappropriated $24,928 of Dorsey's settlement funds, and there are no compelling mitigating circumstances. Accordingly, disbarment is the appropriate discipline.

2. Case Law

The Supreme Court has repeatedly held that disbarment is the usual discipline for the wilful misappropriation of client funds. (*See, Grim v. State Bar* (1991) 53 Cal.3d 21; *Edwards v. State Bar* (1990) 52 Cal.3d 28, 37; *Howard v. State Bar* (1990) 51 Cal.3d 215, 221;. and *Chang v. State Bar* (1989) 49 Cal.3d 114, 128)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of August 11, 2011, the prosecution costs in this matter are $3,367.26. 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.

(Do not write above this line.)

In the Matter of:	Case number(s):
Robert Yun Lee	10-O-10774

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 Facts, Conclusions of Law, and Disposition.

8/22/11		Robert Yun Lee
Date	Respondent's Signature	Print Name
Date	Respondent's Counsel Signature	Print Name
8/24/11		Eli D. Morgenstern
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: Robert Yun Lee	Case Number(s): 10-O-10774

DISBARMENT 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.

1. At page 1, A.(i): the correct admission date is June 5, 2001;
2. At page 5, E.(2): delete the last full sentence ("Respondent must pay . . . in this case"); and
3. At page 8, second full paragraph, third line of first full sentence:
   a) Delete "actual suspension for the first 60 days of the suspension";
   b) After "be placed on" add: "two years' probation on conditions including 60 days' actual suspension."

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 5.58(E) & (F), 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.)**

Respondent Robert Yun Lee is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

9-8-11
Date

RICHARD A. HONN
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 September 8, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

ROBERT Y LEE ESQ
PO BOX 57611
LOS ANGELES, CA 90057

ROBERT Y LEE ESQ
16308 MOUNTAIN LANE
CANYON COUNTY, CA 91387

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

Eli D. Morgenstern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 8, 2011.

Julieta E. Gonzales
Case Administrator
State Bar Court