

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

NOV 18 2014

STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 14-O-03483
 14 DAVID DOE-OOK KIM,)
 No. 128030,) **NOTICE OF DISCIPLINARY CHARGES**
 15)
 16 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. David Doe-Ook Kim ("respondent") was admitted to the practice of law in the State
4 of California on June 17, 1987, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-03483
8 Rules of Professional Conduct, rule 4-100(B)(1)
9 [Failure to Notify of Receipt of Client Funds]

10 2. Between on or about November 7, 2013, and on or about April 7, 2014, respondent
11 received on behalf of respondent's clients, Mario Tzunux and Alecsi Carrillo, six settlement
12 checks totaling \$180,000 from opposing counsel in connection with the settlement of a civil
13 matter titled *Mario Tzunux, et al. v. H.K. Seafood, Inc., et al.*, Los Angeles County Superior
14 Court case no. BC 481799. Respondent failed to notify the clients of his receipt of any of the
15 settlement checks which he received on the clients' behalf in willful violation of Rules of
16 Professional Conduct, rule 4-100(B)(1).

17 COUNT TWO

18 Case No. 14-O-3483
19 Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

20 3. Between on or about November 7, 2013, and on or about April 7, 2014, respondent
21 received on behalf of respondent's clients, Mario Tzunux and Alecsi Carrillo, six settlement
22 checks totaling \$180,000 from opposing counsel in connection with the settlement of a civil
23 matter titled *Mario Tzunux, et al. v. H.K. Seafood, Inc., et al.*, Los Angeles County Superior
24 Court case no. BC 481799. Between on or about November 8, 2013, and on or about April 8,
25 2014, respondent deposited the respective settlement checks into respondent's client trust
26 account at Wilshire Bank, account no. xxxx0115¹ on behalf of the clients. Of this sum, the

27 _____
28 ¹ The full account number is omitted for privacy reasons.

1 clients were entitled to \$90,000. Respondent failed to maintain a balance of \$90,000 on behalf
2 of the clients in respondent's client trust account, in willful violation of Rules of Professional
3 Conduct, rule 4-100(A).

4
5 COUNT THREE

6 Case No. 14-O-03483
7 Business and Professions Code, section 6106
8 [Moral Turpitude-Misappropriation]

9 4. Between on or about November 7, 2013, and on or about April 7, 2014, respondent
10 received on behalf of respondent's clients, Mario Tzunux and Alecsi Carrillo, six settlement
11 checks totaling \$180,000 from opposing counsel in connection with the settlement of a civil
12 matter titled *Mario Tzunux, et al. v. H.K. Seafood, Inc., et al.*, Los Angeles County Superior
13 Court case no. BC 481799. Between on or about November 8, 2013, and on or about April 8,
14 2014, respondent deposited the respective settlement checks into respondent's client trust
15 account at Wilshire Bank, account no. xxxx0115² on behalf of the clients. Of this sum, the
16 clients were entitled to \$90,000. At no time did respondent disburse any of the funds to, or on
17 behalf of, the clients. Respondent dishonestly or grossly negligently misappropriated for
18 respondent's own purposes \$90,000 that respondent's clients were entitled to receive, and
19 thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation
20 of Business and Professions Code, section 6106.

21 COUNT FOUR

22 Case No. 14-O-03483
23 Business and Professions Code, section 6106
24 [Moral Turpitude-Misrepresentation]

25 5. On or about November 20, 2013, respondent stated in writing to Mario Tzunux that
26 Mr. Tzunux "ruined" the settlement agreement in the civil matter titled *Mario Tzunux, et al. v.*
27 *H.K. Seafood, Inc., et al.*, Los Angeles County Superior Court case no. BC 481799, and that

28 ² The full account number is omitted for privacy reasons.

1 Mr. Tzunux would have to bring a new lawsuit when respondent knew or was grossly negligent
2 in not knowing that the statements were false, and thereby committed an act involving moral
3 turpitude, dishonesty or corruption in willful violation of Business and Professions Code,
4 section 6106.

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6 **NOTICE - INACTIVE ENROLLMENT!**

7 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
8 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
9 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
10 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
11 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
12 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
13 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
14 RECOMMENDED BY THE COURT.**

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16 **NOTICE - COST ASSESSMENT!**

17 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
18 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
19 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
20 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
21 PROFESSIONS CODE SECTION 6086.10.**

22
23 Respectfully submitted,

24 THE STATE BAR OF CALIFORNIA
25 OFFICE OF THE CHIEF TRIAL COUNSEL

26
27 DATED: November 18, 2014

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By: 

Eli D. Morgenstern
Senior Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 14-O-03483

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

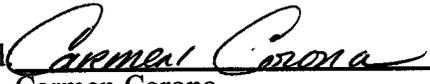
in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, **Article No.: 7196 9008 9111 6410 7224**, at Los Angeles, on the date shown below, addressed to:

**David D. Kim, Esq.
David D. Kim & Associates
635 S. Norton Avenue, Suite #307
Los Angeles, CA 90005**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Los Angeles, California, on the date shown below.

DATED: November 18, 2014

Signed 
Carmen Corona
Declarant