

1 Jonathan Bae, SBN 229967
2 3148 El Camino Real, Suite 202
3 Santa Clara, CA 95051
4 Tel. 408-244-3322
5 Fax 408-244-3323

FILED

MAR 18 2016

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

6 STATE BAR COURT

7 HEARING DEPARTMENT – SAN FRANCISCO

8
9
10 In the Matter of:

Case No. 15-O-10054 [15-O-12534]

11 JONATHAN S. BAE (No. 229967)

12
13 **RESPONSE TO NOTICE OF**
14 **DISCIPLINARY CHARGES**

15
16 **RESPONSE TO COUNT ONE**

17
18 Respondent has reviewed its account balance for the month of September 2014, and there was
19 a failure on the part of Respondent in its financial accounting to maintain a balance of \$11,622.00 in
20 the Respondent's trust account.

21
22 **RESPONSE TO COUNT TWO**

23 Respondent did not dishonestly or grossly negligently misappropriate \$3,871.96 that
24 respondent's client was entitled to receive. Respondent does acknowledge that Respondent did make
25 errors in accounting, but that the client did receive all monies client was entitled to.

26
27
28 kwiktag® 197 146 730



1 account belonged to the attorney's fees, and disbursed checks against the trust account- instead of
2 first transferring the attorney fee amounts into the business account and then disbursing checks from
3 the business account. Most business checks were disbursed from the business account properly.
4 However, the checks noted in Count Four were disbursed from the trust account. This was due to the
5 methodology used by Respondent as noted above, which was not proper. Respondent, seeing that the
6 trust account held attorney fees, disbursed business check from the trust account- instead of first
7 transferring those funds to the business account and then disbursing from the same. While
8 Respondent did not willfully violate the Rules, Respondent acknowledges that Respondent's
9 bookkeeping needs more education and enforcement of proper accounting procedures.
10

11 **RESPONSE TO COUNT FIVE**

12
13 Respondent apologizes to the State Bar and to the Court for its failure to cooperate in the
14 disciplinary investigation. Respondent's failure to cooperate was in poor judgment. Due to
15 Respondent's then-trial and work scheduling, as well as personal family matters (Alzheimer and
16 other family issues), Respondent's time and energy was spent elsewhere instead of cooperating with
17 the State Bar. Respondent cannot make excuses for Respondent's actions, but will make every effort
18 to cooperate going forward. Respondent's apology is sincere, and hope that Respondent can be given
19 an opportunity to cooperate with the State Bar going forward if the State Bar and this Court grants
20 such an opportunity.

21 **RESPONSE TO COUNT SIX**

22
23 In response to Count Five, Community Hospital was not entitled to \$25,344.00. There was no
24 lien from the hospital agreed by the client and Respondent, and any amounts claimed by Community
25 Hospital was to be negotiated by the client as to whether to pay a reduced amount, if any.
26 Respondent will cooperate fully with the State Bar on this matter. As mentioned previously,
27 Respondent will cooperate as needed, and in a timely manner with the State Bar regarding any
28 matter.

1 **PROOF OF SERVICE**

2 In the Matter of : Jonathan S. Bae
3 **CASE NO.: 15-O-10054 [15-O-12534]**

4 The undersigned does hereby declare: I am a citizen of the United States and a resident of the
5 County of Santa Clara. I am over the age of eighteen years and not a party to the above-entitled
6 action; my mailing business address is 3148 El Camino Real, Suite 202, Santa Clara, CA 95051.
7 I am familiar with the practice of this office whereby the mail is deposited in a U.S. Mail Box in
8 the City of Santa Clara, California after the close of business.

9 **RESPONSE TO NOTICE OF DISCIPLINARY CHARGES**

10 by placing a true copy therefore enclosed in a sealed envelope in the designated area for
11 outgoing mail addressed as follows:

12 State Bar of California
13 Office of Chief Trial Counsel
14 180 Howard Street
15 San Francisco, CA 94105-1639

16 by personally delivering a true copy thereof to the person and at the address set forth as
17 follows:

18 Ms. KAGAN,
19 STATE BAR COUNSEL

20 by FACSIMILE (telecopier). I personally sent to the addressee's telecopier number a true
21 copy of the above described document(s). I verified the transmission and phoned the
22 addressee(s) and verified receipt. Thereafter, I placed a true copy in a sealed envelope with first
23 class postage affixed and mailed as follows:

24 on the parties in said action by placing a true copy therefore enclosed and sealed
25 OVERNIGHT envelope and placing it for collection and delivery by **FEDERAL EXPRESS**
26 with delivery fees paid or provided for in accordance with the ordinary business practice of this
27 office, addressed as follows:

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

Executed on March 18, 2016 in Santa Clara, California.


Jonathan Bae