

FILED

OCT 21 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

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STATE BAR COURT

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HEARING DEPARTMENT - SAN FRANCISCO

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In the Matter of:

) Case No. 15-O-11154; 15-O-11491;
) 15-O-12164

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RICHTER WONG KONG,
No. 96937,

) NOTICE OF DISCIPLINARY CHARGES

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A Member of the State Bar

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NOTICE - FAILURE TO RESPOND!

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**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:**

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- (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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The State Bar of California alleges:

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JURISDICTION

1. RICHTER WONG KONG ("respondent") was admitted to the practice of law in the State of California on December 16, 1980, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 15-O-11154
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

2. Respondent failed to respond promptly to several telephonic reasonable status inquiries made by respondent's client, Bennie Owens, between in or about August 2014 and in or about January 2015, that respondent received, in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT TWO

Case No. 15-O-11154
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

3. In or about January 2011, Bennie Owens employed respondent to perform legal services, namely to represent him in a personal injury matter regarding injuries he suffered when he was rear-ended on the freeway, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to arrange for the delivery and disbursement of the settlement funds after entering into a stipulated settlement.

COUNT THREE

Case No. 15-O-11154
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

4. Respondent failed to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letters of April 1, 2015 and April 16, 2015, which respondent received, that requested respondent's response to

1 the allegations of misconduct being investigated in case no. 15-O-11154, in willful violation of
2 Business and Professions Code, section 6068(i).

3 COUNT FOUR

4 Case No.15-O-11491
5 Rules of Professional Conduct, rule 3-110(A)
6 [Failure to Perform with Competence]

7 5. In or about February 2012, Jose Espinoza employed respondent to perform legal
8 services, namely to assist Espinoza to obtain legal United States residency for his wife, which
9 respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful
10 violation of Rules of Professional Conduct, rule 3-110(A), by failing to take any action on
11 Espinoza's behalf to assist Espinoza to obtain legal residency for his wife.

12 COUNT FIVE

13 Case No. 15-O-11491
14 Rules of Professional Conduct, rule 3-700(D)(2)
15 [Failure to Refund Unearned Fees]

16 6. On or about February 13, 2012, respondent received advanced fees of \$2,440 from a
17 client, Jose Espinoza, to assist the client to obtain legal United States residency for his wife.
18 Respondent failed to take action on the client's behalf to assist the client to obtain legal residency
19 for his wife, or to perform any legal services for the client, and therefore earned none of the
20 advanced fees paid. Respondent failed to refund promptly, upon respondent's constructive
21 termination of employment in about March 2015, any part of the \$2,440 fee to the client, in
22 willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

23 COUNT SIX

24 Case No. 15-O-11491
25 Business and Professions Code, section 6068(m)
26 [Failure to Respond to Client Inquiries]

27 7. Respondent failed to respond promptly to several telephonic reasonable status
28 inquiries made by respondent's client, Jose Espinoza, between in or about May 2014 and in or

1 about March 2015, that respondent received in a matter in which respondent had agreed to
2 provide legal services, in willful violation of Business and Professions Code, section 6068(m).

3 COUNT SEVEN

4 Case No. 15-O-11491
5 Business and Professions Code, section 6068(i)
6 [Failure to Cooperate in State Bar Investigation]

7 8. Respondent failed to cooperate and participate in a disciplinary investigation pending
8 against respondent by failing to provide a substantive response to the State Bar's letters of April
9 9, 2015 and April 24, 2015, which respondent received, that requested respondent's response to
10 the allegations of misconduct being investigated in case no. 15-O-11491, in willful violation of
11 Business and Professions Code, section 6068(i).

12 COUNT EIGHT

13 Case No. 15-O-12164
14 Business and Professions Code, section 6068(m)
15 [Failure to Respond to Client Inquiries]

16 9. Respondent failed to respond promptly to two emails and one letter requesting
17 reasonable status inquiries made by respondent's client, Shannon Murray, in or about July and
18 August 2014, that respondent received, in a matter in which respondent had agreed to provide
19 legal services, in willful violation of Business and Professions Code, section 6068(m).

20 COUNT NINE

21 Case No. 15-O-12164
22 Rules of Professional Conduct, rule 4-100(B)(3)
23 [Failure to Render Accounts of Client Funds]

24 10. Between in or about June 2013 and in or about August 2013, respondent received on
25 behalf of respondent's client, Shannon Murray, advanced legal fees totaling \$11,000.
26 Respondent thereafter failed to render an appropriate accounting to the client regarding those
27 funds following the client's request for an accounting on or about July 27, 2014 and August 7,
28 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

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COUNT TEN

Case No. 15-O-12164
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

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11. Between in or about June 2013 and in or about August 2013, respondent collected advanced fees of \$11,000 from a client, Shannon Murray, to negotiate the settlement of student debt collection lawsuits in which the client was a defendant. Respondent acknowledged that he earned some, but not all, of the advanced fees he collected, since the lawsuits settled soon after the client hired respondent. Respondent failed to refund promptly, upon respondent's termination of employment on or about May 19, 2014, any part of the advanced fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT ELEVEN

Case No. 15-O-12164
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

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12. Respondent failed to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letters of May 29, 2015 and June 15, 2015, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 15-O-12164, in willful violation of Business and Professions Code, section 6068(i).

NOTICE - INACTIVE ENROLLMENT!

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

NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING

1 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
2 **PROFESSIONS CODE SECTION 6086.10.**

3 Respectfully submitted,

4 **THE STATE BAR OF CALIFORNIA**
5 **OFFICE OF CHIEF TRIAL COUNSEL**

6 DATED: October 21, 2015

7 By: 
8 **ROBERT A. HENDERSON**
9 Supervising Senior Trial Counsel

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DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 15-O-11154; 15-O-11491; 15-O-12164

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2042 4853 45 at San Francisco, addressed to: (see below)
(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy via regular mail to:
Richter Wong Kong, 388 9th St #250 Oakland, CA 94607, Electronic Address

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

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, and overnight delivery by the United Parcel Service (UPS).

I am aware that on motion of the 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.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: October 21, 2015

SIGNED:

Dawn Williams (handwritten signature)

Dawn Williams
Declarant