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STATE BAR COURT CLERK'S OFFICE
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THE STATE BAR COURT
OF THE STATE BAR OF CALIFORNIA

STATE BAR COURT CLERK'S OFFICE HEARING DEPARTMENT - SAN FRANCISCO
SAN FRANCISCO

In the Matter of

Case No. 15-O-11666

ESTHER M. KIM

No. 271155,

A Member of the State Bar

ANSWER OF ESTHER M. KIM
TO NOTICE OF DISCIPLINARY
CHARGES (NDC); REQUEST FOR
REFERRAL TO ADP
(Rule 5-381(B))

JURISDICTION

1. Admits the allegations in this paragraph.

COUNT ONE

Case No. 15-O-11666

Rule 3-110(A) of the California Rules of Professional Conduct
[Failure to Perform with Competence]

2. Admits in part, denies in part. Admit that Esther Kim was employed by Pal and Kumari to perform legal services concerning an automobile accident; deny failed to perform with competence. Ms. Kim has insufficient information at this time to either admit or deny

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1 subparagraph A, and on that basis denies that she failed to respond to a settlement offer.
2 She admits subparts B-E of paragraph 2.

3 COUNT TWO

4 Case No. 154-O-11666

5 Business and Professions Code, §6068(m)

6 [Failure to Respond to Client Inquiries]

7 3. Denies the allegations of this paragraph.

8 COUNT THREE

9 Case No. 15-O-11666

10 Business and Professions Code, §6068(m)

11 [Failure to Inform Client of Significant Development]

12 4. Admits in part and denies in part. Denies willful violation of 6068(m); admit subparts A-H
13 of paragraph 4.

14 COUNT FOUR

15 Case No. 15-O-11666

16 Business and Professions Code, §6103

17 [Failure to Obey a Court Order]

18 5. Admits paragraph 5 and its subparts.

19 COUNT FIVE

20 Case No. 15-O-11666

21 Rule 3-700 of the California Rules of Professional Conduct

22 [Improper Withdrawal from Employment]

23 6. Victor Kim, Esther Kim's brother spoke to Harjinder Pal in Santa Clara on Dec 2014
24 before the complaint was filed. Harjinder was informed of the settlement offer, and given
25 the option of accepting the offer with Ms. Kim waiving the majority of attorney fees, or she
26 could file a complaint to stay the Statute of Limitations (it was down to the last couple of
27 days) and thereafter Harjinder would need to find a new attorney. However, Ms. Kim did
28 not remove herself as the attorney on file, or send Harjinder anything in writing terminating
the attorney-client relationship.

COUNT SIX

Case No. 15-O-11666

Rule 3-700(D) of the California Rules of Professional Conduct

[Failure to Release File]

7. Denies the allegations of this paragraph.

PROOF OF SERVICE

I am a citizen of the United States of America, over eighteen (18) years of age, employed in the City and County of San Francisco, and not a party to this action. My business address is 100 Bush Street, Suite 918, San Francisco, California 94104. On 3/9/2016 I caused the attached:

**ANSWER OF ESTHER M. KIM TO NOTICE OF DISCIPLINARY CHARGES;
REQUEST FOR REFERRAL TO ADP**

To be served on the party or its attorney of record in this action by:

- U.S. Mail, enclosing a copy in a sealed envelope, postage prepaid, Addressed as shown below and depositing the sealed envelope with the United States Postal Service.
- By Personal Delivery, serving or causing to be served each document by Hand Delivery to the address listed below.
- By Overnight Service, enclosing a copy in a sealed envelope addressed as shown below and sending the envelope by overnight delivery service.
- U.S. Mail, enclosing a copy in a sealed envelope, with first class, certified mail, return receipt requested, postage thereon fully prepaid, addressed as shown below and depositing the sealed envelope with the United States Postal Service.

Name and address of each individual to whom document was mailed or delivered:

ROBERT HENDERSON
Office of the Chief Trial Counsel
State Bar of California
180 Howard Street
San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed on March 9, 2016 at San Francisco, California.

