

ORIGINAL

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**State Bar Court of California  
Hearing Department  
Los Angeles  
STAYED SUSPENSION**

<p>Counsel for the State Bar</p> <p><b>Stacia L. Johns</b> Senior Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1004</p> <p>State Bar # 292446</p>	<p>Case Number(s): <b>SBC-19-0-30258</b></p> <p>(OCTC Case Number: 18-O-15434)</p>	<p>For Court use only</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b> <i>MK</i> <b>JUN 17 2019</b></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>Jamie Jiyeon Kim</b> LK Professional Law Group 14730 Beach Blvd Ste 106 La Mirada, CA 90638-4248 (213) 788-3588</p> <p>State Bar # 271898</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>JAMIE JIYOON KIM</b></p> <p>State Bar # 271898</p> <p>(Respondent)</p>		

**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 an attorney member of the State Bar of California, admitted **December 1, 2010**.
- (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 entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **13** 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."
- (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. It is recommended that (check one option only):
  - Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.
  - Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. SELECT ONE of the costs must be paid with Respondent's annual fees for each of the following years:

If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
  - Costs are entirely waived.

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline:**
  - (a)  State Bar Court case # of prior case:
  - (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)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

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- (7)  **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.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See page 10.**
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **See page 10.**
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [Standards 1.2(i) & 1.6]. 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 likely to recur.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of Respondent's misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of Respondent's 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 Respondent.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

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- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress resulting from circumstances which were not reasonably foreseeable or were beyond Respondent's control and were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily 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 Respondent's misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**No Prior Record of Discipline: See page 10.**

**Prefiling Stipulation: See page 10.**

**Family/Personal Problems: See page 11.**

**D. Recommended Discipline:**

**Stayed Suspension:**

Respondent is suspended from the practice of law for **one year**, the execution of that suspension is stayed, and Respondent is placed on probation for **two years** with the following conditions.

- (1)  **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126. Respondent must provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.
- (2)  **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.
- (3)  **Maintain Valid Official State Bar Record Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.
- (4)  **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's

assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.

- (5)  **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official State Bar record address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6)  **Quarterly and Final Reports:**
- a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.
- b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
- c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).
- d. **Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after the period of probation. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (7)  **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

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- (8)  **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because
- (9)  **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (10)  **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within \_\_\_\_\_ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete \_\_\_\_\_ hours of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (11)  **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.
- (12)  **Minimum Continuing Legal Education (MCLE):** Within \_\_\_\_\_ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete \_\_\_\_\_ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in **SELECT ONE** \_\_\_\_\_ and must provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (13)  **Other:** Respondent must also comply with the following additional conditions of probation:
- (14)  **The following conditions are attached hereto and incorporated:**
- Financial Conditions
  - Medical Conditions
  - Substance Abuse Conditions

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The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

**E. Other Requirements Negotiated by the Parties (Not Probation Conditions):**

- (1)  **Multistate Professional Responsibility Examination Within One Year:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2)  **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because
- (3)  **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:    JAMIE JIYOON KIM

CASE NUMBER:    18-O-15434

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 18-O-15434 (Complainant: Chong Won Kim)

FACTS:

1. On June 16, 2016, Chong Won Kim filed a breach of contract action against Ok Kyung Cho (“Cho”) and related individuals regarding Cho’s failure to repay a \$25,000 loan from Chong Won Kim in the matter entitled *Chong Won Kim v. Ok Kyung Cho*, Los Angeles Superior Court case no. 16K07566.

2. On August 2, 2016, the defendants filed a demurrer. A hearing on the demurrer was set for November 15, 2016.

3. On October 10, 2016, respondent agreed to represent Chong Won Kim in the breach of contract action. On November 4, 2016, respondent entered into a retainer agreement with Chong Won Kim with respect to arbitration/litigation in connection with Los Angeles Superior Court case no. 16K07566, and “all other negotiation and settlement concerning said dispute.” Chong Won Kim paid \$1,500 in advanced fees.

4. On November 8, 2016, respondent filed a First Amended Complaint on behalf of Chong Won Kim alleging two causes of action: 1) breach of contract, and 2) unjust enrichment. However, the First Amended Complaint contained a significant error in the unjust enrichment cause of action, stating in Paragraph 21: “It is inequitable and unconscionable for the Defendants to enjoy the benefit of Plaintiff’s money, because the Premise leased out to Plaintiff was not an operable space, was illegally leased out, and was in violation of City ordinances and codes, as it blocked the windows and exits of the market.” Paragraph 21 appears to contain boilerplate language related to a breach of a lease agreement. In Chong Won Kim’s breach of contract action, there was no breach of lease at issue.

5. On January 17, 2017, defendants filed a demurrer to the First Amended Complaint. On February 23, 2017, respondent’s opposing counsel sent her an email offering a stipulation to allow her to file a Second Amended Complaint. Respondent did not reply to opposing counsel’s email.

6. A hearing on the demurrer to the First Amended Complaint was set for May 18, 2017. Respondent failed to oppose the demurrer. Respondent failed to inform Chong Won Kim of the pending demurrer and failed to inform Chong Won Kim that she did not oppose the demurrer.



7. Prior to the hearing on May 18, 2017, the court posted its tentative ruling online: “[Defendants’] demurrer is sustained with leave to amend as to the 1st cause of action for breach of contract and without leave to amend as to the 2nd cause of action for unjust enrichment.” The tentative ruling further stated, “Plaintiff ordered to file a Second Amended Complaint within 20 days.” Both parties submitted on the tentative ruling.

8. At the hearing on May 18, 2017, the court adopted its tentative ruling as a final order of the court. Having submitted on the tentative ruling, neither party appeared at the demurrer hearing.

9. On May 31, 2017, opposing counsel filed and served on respondent a Notice of Ruling, attaching the minute order from the May 18, 2017 demurrer hearing in which Chong Won Kim was ordered to file a Second Amended Complaint. Respondent did not communicate the results of the demurrer hearing to Chong Won Kim.

10. Respondent did not communicate with Chong Won Kim about a Second Amended Complaint. Respondent did not file a Second Amended Complaint.

11. On July 12, 2017, the defendants filed an ex parte application to dismiss the entire action and for entry of judgment. The court denied the ex parte application and directed defendants to proceed with a noticed motion to dismiss. Respondent did not advise Chong Won Kim of the ex parte application or the results of the ex parte hearing.

12. On October 13, 2017, defendants filed a motion to dismiss the entire action, and a hearing was set for December 12, 2017.

13. Respondent failed to oppose the motion to dismiss and failed to appear at the hearing. The motion to dismiss was granted at the hearing.

14. Respondent had previously informed Chong Won Kim that there was a hearing set for December 2017; however, Chong Won Kim believed the hearing was set for December 18, 2017, and she did not understand that the subject of the hearing was the dismissal of her complaint.

15. On December 15, 2017, Chong Won Kim contacted respondent by KakaoTalk, a Korean texting app, inquiring about the December 18, 2017 hearing. A few days later, respondent replied and stated “...There is no court case open for the 18<sup>th</sup> (tomorrow). Motion to dismiss was filed and [the case] was dismissed. I will call you tomorrow for more information. I apologize to you for being late on the response.”

16. By order dated January 11, 2018, the action was dismissed with prejudice.

17. Thereafter, Chong Won Kim hired new counsel, attorney Janet Kang (“Kang”), to set aside the dismissal. Chong Won Kim paid Kang \$2,000 fees. On March 2, 2018, Kang substituted into the matter. On March 19, 2018, Kang filed a motion to vacate/set aside the dismissal. The motion was granted on April 24, 2018. Thereafter, the matter settled for \$10,000.

18. On August 14, 2018, Chong Won Kim filed the small claims action against respondent entitled *Chong Won Kim v. Jamie Kim*, Los Angeles Superior Court case no. 18STSC06569, in which Chong Won Kim alleged \$10,000 in damages. After the trial on November 27, 2018, the court ordered

respondent to pay Chong Won Kim a total of \$3,575.00 (principal amount of \$3,500.00 and costs of \$75.00). The court did not make a finding of gross negligence.

19. Respondent timely satisfied the judgment.

#### CONCLUSIONS OF LAW:

20. By failing to oppose defendants' Demurrer to the First Amended Complaint, failing to file a Second Amended Complaint, failing to oppose defendants' Motion to dismiss, and failing to attend the hearing on the Motion to Dismiss, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of former Rules of Professional Conduct, rule 3-110(A).]

21. By failing to inform the client of the defendants' pending Demurrer to the First Amended Complaint, failing to inform the client of the outcome of the hearing on the Demurrer to the First Amended Complaint, failing to discuss with the client the possibility of filing a Second Amended Complaint, and failing to inform the client of the defendants' pending Motion to Dismiss, respondent failed to keep her client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m)

#### AGGRAVATING CIRCUMSTANCES.

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Between January 2017 and January 2018, respondent committed multiple acts of misconduct by failing to inform her client of the pending demurrer, failing to oppose the demurrer, failing to communicate the results of the demurrer hearing to her client, failing to file a Second Amended Complaint, failing to oppose the motion to dismiss, and failing to inform her client that the matter had been dismissed. These multiple acts of misconduct are an aggravating circumstance pursuant to Standard 1.5(b).

**Significant Harm to Client (Std. 1.5(j)):** Respondent's failures to perform and communicate resulted in the dismissal of her client's case. Thereafter, the client incurred additional costs to hire new counsel, who successfully set aside the dismissal. Thereafter, respondent's client was forced to obtain a small claims judgment against respondent to recoup the fees she previously paid to respondent.

#### MITIGATING CIRCUMSTANCES.

**No Prior Record of Discipline:** Respondent was admitted to practice in California on December 1, 2010. Respondent practiced law in California since 2010 without any record of misconduct. Respondent will be entitled to little mitigation credit for approximately six years of practice without discipline prior to the misconduct. (*Cannon v. State Bar* (1990) 51 Cal.3d 1103, 1115.)

**Prefiling Stipulation:** By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

**Family/Personal Problems:** Between July 2017 and January 2018, respondent's father-in-law, who resides in South Korea, encountered severe medical issues. During that time, respondent's father-in-law suffered a stroke and was later diagnosed with cancer, which required surgical treatment. Respondent made four emergency trips to South Korea between July 2017 and December 2017 to care for her father-in-law and attend to his affairs. The stress caused by her father-in-law's illness and the emergency travel arrangements affected respondent's ability to adequately communicate with her clients in the latter half of 2017. (See *In the Matter of Ward* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr.47 [personal stress factors, such as the illness or death of a family member, can constitute mitigating evidence].)

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent admits to committing two acts of professional misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to respondent's misconduct is found in standard 2.7(c) which applies to respondent's violations rule 3-110(A) of the former Rules of Professional Conduct [Failure to Perform] and Business and Professions Code section 6068(m) [Failure to Inform Client of Significant Developments].

2.7(c) states, "Suspension or reproof is the presumed sanction for performance, communication, or withdrawal violations, which are limited in scope or time. The degree of sanction depends on the extent of the misconduct and the degree of harm to the client or clients."

Here, respondent failed to perform and failed to communicate over a period of one year. As a result of respondent's misconduct, Park's case was dismissed with prejudice, and she incurred additional costs in hiring successor counsel to have the dismissal set aside and settle the case. When Park brought a small claims action against respondent, the court ordered respondent to pay Park \$3,575.00.

Because respondent's misconduct harmed her client and the misconduct occurred over the course of a year, suspension is appropriate. However, respondent will be entitled to some mitigation for her lack of disciplinary history in six years of practice and the personal problems she experienced in the latter half of 2017. Accordingly, one year of stayed suspension with two years of probation is appropriate.

This outcome is also consistent with case law. Although published, post-*Silverton* case law may at times be sparse, many recent cases make extensive use of pre-*Silverton* precedent as part of their analyses of the Standards and appropriate levels of discipline. For example, in *Colangelo v. State Bar* (1991) 53 Cal.3d 1255, Colangelo was found culpable of failing to perform, failing to respond to status inquiries, failing to keep his client reasonably informed of the status of his matter, and failing to promptly return unearned fees. In addition, in four client matters, the court found Colangelo withdrew without taking reasonable steps to avoid foreseeable prejudice to the rights of his clients. However, the Supreme Court took particular note of the apparent lack of harm, the weakness of the evidence due the default State Bar proceedings, and Colangelo's epilepsy. As a result, it imposed a one-year stayed suspension.

Similarly, in *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32, the court determined that Aguiluz took initial steps to resolve his clients' case, but then intentionally ignored their instructions and abandoned the case without notifying them, returning their file, or shielding their rights from foreseeable prejudice. The court found mitigation in Aguiluz's emotional stress and community service, as well as from the short duration of misconduct, but found that he had not been practicing long enough to get credit for a lack of prior discipline. It found aggravation in his lack of insight and misrepresentations to clients, but insufficient evidence existed to demonstrate the extent of economic harm suffered by the clients arising out of Aguiluz's inattention. The court did observe that the fact the clients needed to hire a new attorney showed they were harmed. Finally, the court also noted that there were certain conflicts in the testimony about the circumstances surrounding the attorney-client relationship. Aguiluz also received a stayed suspension of one year.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of May 6, 2019, the discipline costs in this matter are \$3,409.00. 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.

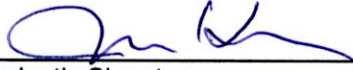
(Do not write above this line.)

In the Matter of: Jamie Yiyoon Kim	Case number(s):
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**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 Fact, Conclusions of Law and Disposition.

5/17/19  
Date

  
Respondent's Signature

Jamie Jiyeon Kim  
Print Name

5/29/19  
Date

  
Senior Trial Counsel's Signature

Stacia L. Johns  
Print Name

(Do not write above this line.)

In the Matter of:  
JAMIE JIYOON KIM

Case Number(s):  
SBC-19-O-30258

### STAYED SUSPENSION 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.

On page 10 of the Stipulation, Multiple Acts of Wrongdoing, line 5, "that the matter had been dismissed" is deleted, and in its place is inserted "of the defendants' pending Motion to Dismiss".

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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order.** (See Cal. Rules of Court, rule 9.18(a).)

Date

June 17, 2019



REBECCA MEYER ROSENBERG, JUDGE PRO TEM  
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 Court Specialist 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 June 17, 2019, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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:

JAMIE JIYOON KIM  
LK PROFESSIONAL LAW GROUP  
14730 BEACH BLVD STE 106  
LA MIRADA, CA 90638-4248

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

STACIA L. JOHNS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 17, 2019.



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Marc Krause  
Court Specialist  
State Bar Court