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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>STAYED SUSPENSION</b>		
Counsel For The State Bar  Adriana M. Burger Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1229  Bar:# 92534	Case Number(s): 11-O-13310  <div style="text-align: center; font-size: 1.2em; font-weight: bold;">PUBLIC MATTER</div>	For Court use only  <div style="text-align: center;"> <span style="font-size: 1.5em; font-weight: bold;">FILED</span>  <span style="font-size: 1.2em; font-weight: bold;">MAR -2, 2012</span>  <span style="font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</span> </div>
In Pro Per Respondent  Peter Suk Park 4675 MacArthur Court, #550 Newport Beach, CA 92660 (949) 477-4952  Bar # 152619	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Peter Suk Park  Bar # 152619  A Member of the State Bar of California (Respondent)		

**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 a member of the State Bar of California, admitted
- (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 11 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. (Check one option only):
  - Costs are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is 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 [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
  - (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 or a separate attachment entitled "Prior Discipline."
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **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.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

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- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances**

**C. Mitigating Circumstances [see standard 1.2(e)]. 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 deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Respondent cooperated with the State Bar during its investigation and in entering into this Stipulation.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her 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 him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's 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 his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

Respondent has no prior record of discipline since being admitted on June 6, 1991.

Respondent considered attorney John Wingo Rhee ("Rhee") to be a mentor. Although Respondent was unfamiliar with personal injury matters, he agreed to hire Rhee as a law clerk and to become the attorney of record for the complaining witness - Marina Rivas ("Rivas") - in place of Rhee when Rhee was placed on an actual suspension to assist Rhee. As Rhee had a preexisting relationship with Rivas, Respondent trusted Rhee to continue to communicate with Rivas. Respondent's inexperience in personal injury matters and misplaced trust in his mentor to communicate significant events to

Rivas directly contributed to the misconduct.

## D. Discipline:

(1)  **Stayed Suspension:**

- (a)  Respondent must be suspended from the practice of law for a period of one (1) year.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent is placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

## E. Additional Conditions of Probation:

- (1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

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- (6)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9)  The following conditions are attached hereto and incorporated:
- |                                                     |                                                           |
|-----------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Other Conditions:**

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Attachment language (if any):

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

**IN THE MATTER OF:     PETER S. PARK - SBN 152619**

**CASE NUMBER(S):     11-O-13310**

Peter S. Park ("Respondent") admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

**FACTS.**

1.     On or about May 2, 2008, Marina Rivas ("Rivas") was driving her automobile when a truck owned by J.B. Hunt Transport Services, Inc. ("J.B. Hunt") and operated by Jeffrey Gaines ("Gaines") ran a red light and struck her automobile. Rivas was diagnosed with a brain injury as a result of the accident and has been unable to work or care for herself since the accident.
2.     On or about May 5, 2008, Rivas hired attorney John Wongoo Rhee ("Rhee") to represent her in a lawsuit against Gaines and J.B. Hunt.
3.     On or about April 29, 2010, the Supreme Court of California issued an Order ("Disciplinary Order") in *In re John Wongoo Rhee*, Supreme Court Case No. S180459 (State Bar Court Nos. 07-N-14065, 07-O-14294) ("*In re Rhee*"), that suspended Rhee from the practice of law for two years stayed and placed Rhee on probation for three years on conditions including an actual suspension from the practice of law for the first year of probation.
4.     On or about April 30, 2010, Rhee filed a form complaint in the Superior Court of California, County of Los Angeles ("Superior Court"), on behalf of Rivas titled *Marina Rivas v. Jeffrey Gaines, J.B. Hunt Transport Services, Inc. et al*, Case No. BC436965 ("*Rivas v. J.B. Hunt*"). The Complaint listed Respondent and Rhee as the attorneys of record for Rivas.
5.     On or about May 27, 2010, Rhee signed a Substitution of Attorney substituting Respondent as attorney of record in place of Rhee in *Rivas v. J.B. Hunt*. Rhee caused the Substitution of Attorney to bear the simulated signature of Rivas and Respondent dated May 27, 2010; however, Rivas did not sign nor authorize her signature to be affixed to it. Respondent did not sign the substitution nor authorize Rhee to sign for him. On or about June 25, 2010, the Substitution of Attorney was filed in *Rivas v. J.B. Hunt*.
6.     Beginning on or about May 29, 2010, Rhee was suspended from the practice of law pursuant to the Disciplinary Order.
7.     Between in or about May 2010 and in or about March 2011, Respondent continued to work in Rhee's law office. Respondent hired Rhee to work as a law clerk for Respondent, including working on *Rivas v. J.B. Hunt*.



8. Between on or about May 2010 and in or about March 2011, Rhee was the primary contact with Rivas and/or her cousin's husband – Nelson Cordova (“Cordova”) who was authorized by Rivas to act on her behalf) – concerning *Rivas v. J.B. Hunt*.

9. Between on or about May 2010 and in or about March 2011, Rhee did not inform Rivas and/or Cordova that: (a) he had been suspended from the practice of law effective on or about May 29, 2010; (b) a substitution of attorney had been filed on or about June 25, 2011, substituting Respondent as attorney of record in place of Rhee; or (c) Respondent was the attorney of record representing Rivas in *Rivas v. J.B. Hunt*. Rhee advised Respondent that it was his case and that Rhee would resume the case after Rhee's suspension was concluded. Respondent failed to supervise Rhee to ensure that Rhee informed Rivas of the above.

10. Between on or about May 2010 and in or about March 2011, Respondent did not: (a) conduct the necessary discovery, including but not limited to deposing Gaines; and/or (b) retain or designate the necessary expert witnesses, including but not limited to treating physicians, neurologists, orthopedists, economists, vocational rehabilitation specialists, etc. to prepare *Rivas v. J.B. Hunt* for trial.

11. Between in or about May 2010 and in or about March 2011, Respondent did not notify the State Bar, Rivas or Cordova in orally or writing that he had employed Rhee to work on, *inter alia*, *Rivas v. J.B. Hunt*.

12. On or about October 28, 2010, the Superior Court set *Rivas v. J.B. Hunt* for a five day jury trial to begin on May 9, 2011.

13. In or about March 2011, Cordova discovered during a conversation with Rhee that Rhee's license to practice law had been suspended and that Respondent was Rivas' attorney of record in *Rivas v. J.B. Hunt*. Cordova told Rhee that: (a) Rivas had not authorized Respondent to represent her; (b) Rivas would not authorize Respondent to represent her; (c) Rivas would find for another attorney to represent Rivas; and (d) Rivas was terminating Respondent.

14. On or about April 4, 2011, Rivas signed a Substitution of Attorney substituting attorney Fredrick A. Romero (“Romero”) as attorney of record in place of Respondent in *Rivas v. J.B. Hunt*. On or about April 5 and 6, 2011, Romero and Respondent, respectively, signed the Substitution of Attorney, which was filed on April 6, 2011.

15. On or about April 12, 2011, Romero filed an *Ex Parte* Application to Continue *Rivas v. J.B. Hunt*, in part, to conduct the necessary discovery and retain the necessary expert witnesses to prepare *Rivas v. J.B. Hunt* for trial. The *Ex Parte* Application was denied, but subsequently granted after it was re-filed by new counsel.

## CONCLUSIONS OF LAW

16. By failing to: (a) supervise Rhee to ensure that Rhee informed Rivas and/or Cordova that he had been suspended from the practice of law, a substitution of attorney had been filed substituting Respondent as attorney of record in place of Rhee, and Respondent was the attorney of record representing Rivas; and (b) conduct the necessary discovery and retain the necessary expert witnesses to prepare *Rivas v. J.B. Hunt* for trial, Respondent by intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of rule 3-110(A) of the Rules of Professional Conduct (“rules”).

17. By failing to: serve written notice on the State Bar of Respondent's employment of Rhee, including a full description of Rhee's status and list of prohibited activities; and serving similar written notice on Rivas, Respondent violated rule 1-311(D).

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was January 25, 2012.

### **AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct ("Standards") provides that the primary purpose of discipline is the protection of the public, the courts and legal profession; maintenance of high professional standards; and the preservation of public confidence in the legal profession.

Standard 2.4 addresses offenses involving wilful failure to communicate or to perform services and, in the case of failure to perform in an individual matter or matters not demonstrating a pattern of misconduct, provides for reproof or suspension upon the extent of the misconduct and the degree of harm to the client.

In *In re Morse* (1995) 11 Cal .4th 184, 206, the Supreme Court stated the purpose of disciplinary proceedings are the protection of the public, the courts, and the legal profession, the maintenance of high professional standards by attorneys, and the preservation of public confidence in the legal profession.

Respondent's misconduct involves a client matter and does not establish a pattern. Given the extent of the misconduct and the degree of harm to the clients, a stayed suspension with a probation is an appropriate level of discipline under the standards and the caselaw.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 25, 2012, the prosecution costs in this matter are \$2,797. 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.

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In the Matter of: Peter Suk Park - SBN 152619	Case number(s): 11-O-13310
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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 Facts, Conclusions of Law, and Disposition.

2/13/12                      *Peter S. Park*                      Peter Suk Park  
Date                              Respondent's Signature                      Print Name

2/15/12                      *Adriana M. Burger*                      Adriana M. Burger  
Date                              Deputy Trial Counsel's Signature                      Print Name

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In the Matter Of <b>PETER SUK PARK</b>	Case Number(s): <b>11-O-13310</b>
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### 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:

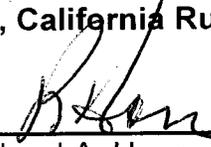
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

- 1) At p.1, item A.(1), add the admission date: June 6, 1991.
- 2) At p.5, item D.(2), place an "X" in the box regarding Probation.

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 rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

3-1-12

  
Richard A. Honn  
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 Case Administrator 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 March 2, 2012, 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:

PETER S. PARK  
PARK & ASSOCIATES  
4675 MACARTHUR CT #550  
NEWPORT BEACH, CA 92660

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- by overnight mail at , California, addressed as follows:

- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Adriana Margaret Burger, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 2, 2012.

  
\_\_\_\_\_  
Cristina Potter  
Case Administrator  
State Bar Court