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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel For The State Bar  <b>Michaela Carpio</b> Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1338  Bar # <b>304677</b>	Case Number(s): <b>16-O-14867</b> <b>16-O-15237</b> <b>16-O-17562</b>	For Court use only  <div style="text-align: center;"> <b>FILED</b>   <b>OCT 25 2017</b>                        STATE BAR COURT                      CLERK'S OFFICE                      LOS ANGELES                 </div>
In Pro Per Respondent  <b>Keon J. Lee</b> 38 Wangsimni-ro, Seongdong-gu 4th Floor, 404-ho Seoul 04773 Republic of Korea  Bar # <b>210361</b>	<div style="font-size: 2em; font-weight: bold; opacity: 0.5;">PUBLIC MATTER</div>	
In the Matter of: <b>KEON J. LEE</b>  Bar # <b>210361</b>  A Member of the State Bar of California (Respondent)	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**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 **December 4, 2000**.
- (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 **16** 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."



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- (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):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **three billing cycles following the effective date of the Supreme Court order.** (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 [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 **13-O-11328. (Attached as Exhibit 1, 11 pages.)**
  - (b)  Date prior discipline effective **April 18, 2014.**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 3-700(D)(1).**
  - (d)  Degree of prior discipline **private reproof of one year.**
  - (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 attachment at page 13.**
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See attachment at page 13.
- (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 [see 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 his/her 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 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 with a good faith belief that was honestly held and objectively reasonable.
- (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 was directly responsible for the misconduct. The difficulties or disabilities were not the

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product of any illegal conduct by the member, 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 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 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 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:**

**Prefiling Stipulation: See attachment at page 13.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **two years**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) 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:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **six months**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), 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:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  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.
- (4)  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.
- (5)  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.

- (6)  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.
- (7)  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.
- (8)  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 Ethics School, and passage of the test given at the end of that session.
  - No Ethics School recommended. Reason: \_\_\_\_\_
- (9)  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.

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(10)  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 checked="" 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 during the period of actual suspension or within one year, whichever period is longer. **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)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

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In the Matter of: <b>KEON J. LEE</b>	Case Number(s): <b>16-O-14867</b> <b>16-O-15237</b> <b>16-O-17562</b>
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## Financial Conditions

### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
<b>Peggy Kang</b>	<b>\$1,953.33</b>	<b>February 11, 2014</b>
<b>Hyunjung Kim</b>	<b>\$6,666.66</b>	<b>August 14, 2014</b>

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **one year from the effective date of the Supreme Court order**.

### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
  1. the name of such client;
  2. the date, amount and source of all funds received on behalf of such client;
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
  1. the name of such account;
  2. the date, amount and client affected by each debit and credit; and,
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and,
  - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.



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

IN THE MATTER OF:                      KEON J. LEE

CASE NUMBERS:                        16-O-14867, 16-O-15237, 16-O-17562

**FACTS AND CONCLUSIONS OF LAW.**

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.

Case No. 16-O-14867 (Complainant: Jose Guzman)

**FACTS:**

1. On June 25, 2013, Jose Guzman retained respondent Keon J. Lee (“respondent”) to represent him in a personal injury claim stemming from a bus accident. Mr. Guzman signed a retainer agreement, attorney designation, and unlimited authorization but did not make any payments to respondent. That same day, respondent sent a letter to Explorer Insurance Co. (“Explorer”) informing the company that he was representing Mr. Guzman in his claim against the insured, who caused the accident.

2. On July 9, 2013, Explorer sent a letter to respondent acknowledging his representation of Mr. Guzman and providing respondent with the claim number in the matter.

3. On August 8, 2013, Mr. Guzman and respondent signed a Notice of Doctor’s Lien for J. Chung Chiropractic Clinic (“J. Chung”). From August 8, 2013 to September 23, 2013, Mr. Guzman went to J. Chung for treatment of back and neck injuries totaling \$1,256 in medical expenses.

4. On August 20, 2013, Explorer sent a letter to respondent requesting more information and documents to assess Mr. Guzman’s claim.

5. On October 25, 2013, respondent sent a letter to Explorer providing the requested documents and demanding a settlement of \$70,000.

6. On November 11, 2013, and November 18, 2013, Explorer sent letters to respondent acknowledging receipt of his settlement demand and informing him that they were waiting for records from all those injured on the bus before extending any settlement offers.

7. On December 11, 2013, January 15, 2014, and March 13, 2014, Explorer sent letters to respondent requesting more information and documents to assess Mr. Guzman’s claim. Respondent failed to respond to these letters.

8. On April 10, 2014, May 30, 2014, and November 4, 2014, Explorer sent letters to respondent informing him of a \$30,000 settlement offer to be allocated among all claimants. Explorer asked respondent to advise them on his position of the settlement offer. Respondent failed to respond to these letters.

9. On June 30, 2015, Explorer sent a letter to respondent informing him of the contact information of the new claims specialist taking over the claim. Respondent failed to respond to this letter.

10. According to Juanita Mincy, an insurance representative from Explorer, the insurance company offered a global settlement of \$30,000 to all claimants but did not receive a response from all of the parties, including respondent. As the statute of limitations was approaching, Explorer decided to divide the settlement among the individuals who protected the statute, which expired on June 24, 2015. Ms. Mincy informed the State Bar that there were five claimants who protected the statute and were splitting the \$30,000. As Explorer never received a response from respondent, Mr. Guzman did not receive a portion of the settlement.

11. From 2013 to mid-2015, Mr. Guzman called respondent's office at least once a month and spoke to his case handler, Julia Choi, about the status of his case. According to Mr. Guzman, Ms. Choi would inform him that he had to wait because more people kept joining the lawsuit, which was delaying his case.

12. After mid-2015, Mr. Guzman was unable to contact respondent's office about the status of his case. Mr. Guzman tried to call respondent on several occasions but no one answered his phone calls.

13. On August 26, 2015, and January 19, 2016, Mr. Guzman emailed Ms. Choi but received no response from her.

14. Mr. Guzman informed the State Bar that he had no knowledge of the settlement offer from Explorer, and he currently owes \$1,256 in medical expenses to J. Chung.

#### CONCLUSIONS OF LAW:

15. By failing to file a complaint on behalf of the client, Jose Guzman, respond to settlement negotiations with the insurance company on behalf of Mr. Guzman, or otherwise take any action to pursue Mr. Guzman's claim, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

16. By failing to take any action on behalf of the client, Mr. Guzman, after respondent began settlement negotiations with the insurance company, and thereafter failing to inform Mr. Guzman that respondent was withdrawing from employment, respondent failed to properly withdraw from employment and failed to take reasonable steps to avoid reasonably foreseeable prejudice to Mr. Guzman in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

17. By failing to communicate promptly to the client, Jose Guzman, all terms and conditions of a written settlement offer made to Mr. Guzman in a civil matter, while respondent was representing Mr. Guzman in such matter, respondent failed to communicate a settlement offer in willful violation of Rules of Professional Conduct, rule 3-510.

18. By failing to respond promptly to telephone calls and e-mails requesting reasonable status inquiries made by respondent's client, Jose Guzman, between mid-2015 and January 19, 2016, that respondent received in a matter in which respondent had agreed to provide legal services, respondent willfully violated Business and Professions Code, section 6068(m).

Case No. 16-O-15237 (Complainant: Peggy Kang)

FACTS:

19. On October 3, 2013, Peggy Kang retained respondent to represent her in a personal injury claim. Ms. Kang signed a retainer agreement, attorney designation, and unlimited authorization but did not make any payments to respondent.

20. On October 7, 2013, Ms. Kang and respondent signed a Notice of Doctor's Lien for J. Chung. From October 7, 2013 to December 18, 2013, Ms. Kang went to J. Chung for treatment of back injuries totaling \$2,562 in medical expenses.

21. On February 11, 2014, respondent received a settlement check from Interinsurance Exchange of the Automobile Club for \$5,860 representing settlement funds for Ms. Kang's claim.

22. On February 17, 2014, respondent provided Ms. Kang with a check for \$1,953.33. According to Ms. Kang, respondent informed her that he would "take care of the medical liens."

23. In July 2016, Ms. Kang received a letter from J. Chung's attorney, Law Offices of John Oh, regarding her outstanding medical bills. After receiving the letter, Ms. Kang called respondent's office more than three times, but no one answered. She left a voicemail, but no one called her back. To date, respondent has not contacted Ms. Kang about the status of her medical lien.

24. On October 28, 2016, J. Chung filed a lawsuit against respondent in Los Angeles County Superior Court, case no. BC639032. Respondent was served the complaint but did not answer. On March 30, 2017, a default judgment was entered against respondent.

25. To date, respondent has kept the remainder of Ms. Kang's settlement funds in his Client Trust Account.

CONCLUSIONS OF LAW:

26. By failing to pay a third-party lienholder on behalf of the client, Peggy Kang, or otherwise take any action to settle the lien for Ms. Kang, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

27. By failing to promptly pay, as requested by respondent's client, Peggy Kang, any portion of the settlement funds to J. Chung Chiropractic in respondent's possession, respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(4).

28. By failing to respond promptly to approximately three telephone calls requesting reasonable status inquiries made by respondent's client, Peggy Kang, in July 2016, that respondent received in a matter in which respondent had agreed to provide legal services, respondent willfully violated Business and Professions Code, section 6068(m).

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FACTS:

29. On September 3, 2013, Hyunjung Kim was involved in an accident and shortly thereafter, retained respondent to represent her in a personal injury claim. Ms. Kim signed a retainer agreement, which provided that Ms. Kim would get one-third, respondent would get one-third, and medical providers would get one-third of any settlement of her case.

30. On October 3, 2013, Ms. Kim signed a medical lien for Shin MRI Imaging Center directing respondent to make payments for the services Ms. Kim received as a result of the accident.

31. On August 14, 2014, respondent received a settlement check from Colony Insurance Company for \$20,000 representing settlement funds for Ms. Kim's claim.

32. On August 25, 2014, respondent provided Ms. Kim with a check for \$6,666.66. Ms. Kim did not receive a settlement disbursement sheet showing the breakdown of the settlement.

33. On September 1, 2016, Ms. Kim received a letter from Shin MRI Imaging Center requesting payment of \$1,500 plus 10% interest for a MRI exam conducted on October 3, 2013. According to Ms. Kim, Shin MRI Imaging Center contacted respondent, who told them that all payments were to be made by Ms. Kim, not respondent.

34. Ms. Kim tried to call and personally visit respondent's office, but it no longer exists. There is currently an open matter with The Law Center regarding Ms. Kim's outstanding medical bill.

35. To date, respondent has kept the remainder of Ms. Kim's settlement funds in his Client Trust Account.

CONCLUSIONS OF LAW:

36. By failing to pay a third-party lienholder on behalf of the client, Hyunjung Kim, or otherwise take any action to settle the lien for Ms. Kim, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

37. By failing to promptly pay, as requested by respondent's client, Hyunjung Kim, any portion of the settlement funds to Shin MRI Imaging Center in respondent's possession, respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(4).

38. By failing to respond promptly to several telephone calls requesting reasonable status inquiries made by respondent's client, Hyunjung Kim, in September 2016 to November 2016, that respondent received in a matter in which respondent had agreed to provide legal services, respondent willfully violated Business and Professions Code, section 6068(m).

**AGGRAVATING CIRCUMSTANCES.**

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has one prior record of discipline, State Bar case no. 13-O-11328, in which he was privately reprimanded with conditions for a period of one year,

effective April 18, 2014. Pursuant to the stipulation, respondent acknowledged that he failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1). In mitigation, respondent had no prior discipline, entered into a pre-trial stipulation, and provided good character references. There were no factors in aggravation. (See Exhibit 1 attached hereto. Exhibit 1 is a true and correct copy of the Stipulation re Facts, Conclusions of Law and Disposition and Order Approving in State Bar case no. 13-O-11328.)

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent committed ten acts of misconduct in three client matters by failing to perform, failing to properly withdraw from employment, failing to communicate a settlement offer, failing to promptly pay out client funds, and failing to promptly respond to reasonable client inquiries.

**Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)):** In the Guzman matter, respondent never informed Mr. Guzman of the settlement offer from the insurance company and never responded to the insurance company's letters about the settlement offer depriving Mr. Guzman of any resolution to his claim as it is now barred by the statute of limitations. In the Kim and Kang matters, by failing to disburse settlement funds to the clients or to the lienholders, respondent deprived Ms. Kim and Ms. Kang of settlement proceeds to which they are entitled and exposed them to liability to the third-party lienholders.

#### **MITIGATING CIRCUMSTANCES.**

**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].)

#### **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 Silvertown* (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 case, respondent committed ten acts of professional misconduct in three client matters. Pursuant to Standard 1.7(a), 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 2.2(a), which applies to respondent's violations of Rules of Professional Conduct, rule 4-100(B)(4) [Failure to Pay Client Funds Promptly]. Standard 2.2(a) provides that three months of actual suspension is the presumed sanction for commingling or failure to promptly pay out entrusted funds. This obligation to promptly pay out entrusted funds includes the duty to pay valid medical liens where the attorney is holding client funds for that purpose. (See *In the Matter of Mapps* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 1, 10; *In the Matter of Sampson* (Review Dept. 1994) 3 Cal State Bar Ct. Rptr. 119, 127-128.) An attorney holding funds for a person who is not the attorney's client must comply with the same fiduciary duties with such funds as if an attorney-client relationship existed. (See *Johnstone v. State Bar* (1966) 64 Cal.2d 153, 155-156; *In the Matter of Respondent P.* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 622, 632.) No special state of mind is required to establish a violation as " 'the wilfulness' required for all rule violations is enough, and the mere fact that payment was not made is sufficient to constitute wilfulness for this purpose." (*In the Matter of Riley* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 91, 113 (citing *King v. State Bar* (1990) 52 Cal.3d 307, 313-314; *In the Matter of Respondent P.*, *supra*, 2 Cal. State Bar Ct. Rptr. at 633).)

In the present matter, respondent's misconduct concerns two client matters in which he has failed to promptly pay out medical providers for over three years. In addition to failing to promptly pay out these client funds, respondent also failed to perform with competence, failed to properly withdraw from employment, failed to communicate a settlement offer, and failed to promptly respond to reasonable client status inquiries. Respondent's misconduct is not balanced by significant mitigation, and it is troubling that respondent still has not paid out the client funds to date. Moreover, respondent's misconduct is not aberrational as it concerns three client matters over the course of three years. (See *In the Matter of Sampson*, *supra*, 3 Cal State Bar Ct. Rptr. 119, 134.) As such, discipline greater than that proscribed in Standard 2.2(a) is appropriate.

A greater level of discipline than that set forth in the Standards is also consistent with case law. In *Guzzetta v. State Bar*, (1987) 43 Cal.3d 962, the Supreme Court found an attorney culpable of numerous trust account violations, including failing to promptly pay client funds, in addition to various other performance issues in two client matters. The Supreme Court upheld the Review Department's recommendation and imposed discipline consisting of a three-year stayed suspension and three years of probation, including six months of actual suspension. In aggravation, the attorney committed multiple acts of wrongdoing. In mitigation, the attorney had a good reputation in the legal community and no record of prior discipline.

There are many similarities between *Guzzetta* and respondent's misconduct, including failing to perform legal services with competence and failing to promptly pay client funds. Moreover, respondent failed to

properly withdraw from employment, failed to communicate a settlement offer, and failed to promptly respond to reasonable client inquiries. Given these similarities, a level of discipline similar *Guzzetta*, which is greater than the level of discipline proscribed in Standard 2.2(a), is appropriate.

In light of the foregoing, a two-year stayed suspension and two years of probation with conditions, including six months of actual suspension and until restitution is paid to Ms. Kang and Ms. Kim, will best serve the goals of protection of the public, the courts, and the legal profession.

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

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of September 28, 2017, the discipline costs in this matter are approximately \$9,645. 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.

#### **EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT**



Respondent may not receive MCLE credit for completion of State Bar Ethics School, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: <b>KEON J. LEE</b>	Case number(s): <b>16-O-14867</b> <b>16-O-15237</b> <b>16-O-17562</b>
-----------------------------------------	--------------------------------------------------------------------------------

### 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.

<u>10/6/17</u> Date	 Respondent's Signature	<u>Keon J. Lee</u> Print Name
<u>10/12/17</u> Date	 Deputy Trial Counsel's Signature	<u>Michaela Carpio</u> Print Name



(Do not write above this line.)

In the Matter of: <b>KEON J. LEE</b>	Case Number(s): <b>16-O-14867</b>
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### ACTUAL 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.

1. On page 5 of the stipulation, an "X" is inserted in the box next to paragraph E. (1).

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 5.58(E) & (F), 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.)**

*October 24, 2017*

Date

*Yvette D. Roland*

YVETTE D. ROLAND  
Judge of the State Bar Court



(Do not write above this line.)

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>REPROVAL</b>		
<p>Counsel For The State Bar</p> <p><b>Kim Kasrellovich</b>                      845 S. Figueroa Street                      Los Angeles, CA 90017                      (213) 765-1378</p> <p>Bar # 261766</p>	<p>Case Number(s):                      13-O-11328-PM</p> <p style="text-align: center; font-size: 1.2em;"><b>PUBLIC MATTER</b></p>	<p>For Court use only</p> <p style="text-align: center; font-weight: bold;">NOT FOR PUBLICATION</p> <p style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</p> <p style="text-align: center;">MAR 28 2014 <i>cl</i></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE                      SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p><b>Susan Margolis</b>                      Margolis &amp; Margolis LLP                      2000 Riverside Dr                      Los Angeles, CA 90039                      (323) 953-8996</p> <p>Bar # 104629</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND                      DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of:  <b>KEON JOONG LEE</b></p> <p>Bar # 210361</p> <p>A Member of the State Bar of California                      (Respondent)</p>	<p><b>PRIVATE REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 a member of the State Bar of California, admitted **December 4, 2000.**
- (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 9 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."

(Effective January 1, 2014)

Reproval

(Do not write above this line.)

- (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 (public reproof).
  - Case ineligible for costs (private reproof).
  - 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.
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 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 or a separate attachment entitled "Prior Discipline."

(Effective January 1, 2014)

(Do not write above this line.)

- (2)  **Dishonesty:** Respondent's misconduct was intentional, 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.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(g) & 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 deemed serious. **For a further discussion of No Prior Discipline, see p. 6.**
- (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 his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (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 with a good faith belief that was honestly held and reasonable.
- (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

(Effective January 1, 2014)

(Do not write above this line.)

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 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 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 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 his/her misconduct. **For a further discussion of Good Character, see p. 6.**
- (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:**

**For Additional Mitigating Circumstances, see p. 7.**

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).
- or
- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of **one year**.
- (2)  During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  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.
- (4)  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.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury,

(Effective January 1, 2014)

Reproval

(Do not write above this line.)

Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (6)  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 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 monitor.
- (7)  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 conditions attached to the reproof.
- (8)  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 Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason:
- (9)  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.
- (10)  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 of the effective date of the reproof.
- No MPRE recommended. Reason:
- (11)  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:**

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

IN THE MATTER OF:                      KEON JOONG LEE  
CASE NUMBER:                            13-O-11328 – PM

**FACTS AND CONCLUSIONS OF LAW.**

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.

Case No. 13-O-11328 (Complainant: Kevin and Windy Lee)

**FACTS:**

1. Kevin and Windy Lee hired Respondent in August 2010 to assist them with a bankruptcy petition. By late 2011 the attorney-client relationship soured and the Lees dismissed Respondent as their attorney.
2. In August 2012 the Lees retained new counsel who sent Respondent two requests for the Lee's file; once on August 27, 2012, and again on October 22, 2012. Respondent received the requests but did not release the file.
3. After State Bar proceedings were initiated, Respondent released the Lees' client file in November 2013.

**CONCLUSIONS OF LAW:**

4. By failing to release the Lees' file to the Lees for more than year after they requested it, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

**ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.**

**No Prior Discipline (Std. 1.6(a)):** Respondent was admitted to practice law in 2000 and the misconduct in the present case commenced in 2010. Therefore, Respondent has ten years of practice without misconduct which is worth significant weight in mitigation. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [ten years of practice without discipline is worth significant weight in mitigation].)

**Good Character (Std. 1.6(f)):** Respondent has offered an extraordinary demonstration of good character attested to by a wide range of references in the community and who are aware of the full extent of Respondent's misconduct. Without exception, each of the seven references praised Respondent's good character, community involvement and dedication to his clients and the practice of law. All of Respondent's references also noted his deep concern about the State Bar proceedings and his remorse for having failed to return the Lee's file. (*In the Matter of Wells* (Review Dept. 2006) 4 Cal.



State Bar Ct. Rptr. 896, 912-913, [eight character witnesses is sufficient for mitigation]; *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 592, [three character witness, although not an extraordinary demonstration of good character, are entitled to mitigation due to their familiarity with Respondent].)

**Stipulation:** Respondent is entitled to limited mitigation for entering into this stipulation. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 50 [entering into a stipulation demonstrates cooperation with the State Bar and is afforded some mitigation]; See also *In the Matter of Kaplan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 547, 567 [attorney afforded mitigation for entering belated stipulations which mostly concerned easily provable facts].)

#### **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 Silvertown* (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.)

The applicable standard in this case is Standard 2.15. Standard 2.15 states that suspension not to exceed three years or reproof is appropriate for a violation of a provision of the Rules of Professional Conduct not specified elsewhere in the Standards. Here, discipline at the low end is warranted.

Respondent committed a single act of misconduct in the present case by failing to timely return the clients’ file until approximately one year after the request for the file was made and after commencement of these proceedings. When Respondent’s misconduct is balanced with his lack of prior discipline over ten years in practice, the low end of the standard is appropriate. The purposes of attorney discipline, including protection of the public, maintaining high professional standards, and preserving confidence in the legal system, are served by a relatively low discipline. A private reproof serves the purposes of attorney discipline and reflects the fact that this misconduct is an aberration in Respondent’s career.

This level of discipline is supported by case law. In *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, Van Sloten was found culpable of a single act of failing to perform in a client matter. Van Sloten had no prior discipline and the court imposed a six-month stayed suspension with one year of probation. The misconduct in the present case is not a failure to perform but does parallel *Van Sloten* in that it is a

single act of misconduct. The single act in this case does not rise to a failure to perform and therefore a lesser sanction will serve the purposes of attorney discipline.

**DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
13-O-11328	ONE	1-300(B)
13-O-11328	TWO	3-400(B)

**EXCLUSION FROM MCLE CREDIT**



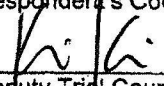
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: KEON JOONG LEE	Case number(s): 13-O-11328
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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.

<u>MARCH 10, 2014</u> Date	<u></u> Respondent's Signature	<u>Keon Joong Lee</u> Print Name
<u>MARCH 12, 2014</u> Date	<u></u> Respondent's Counsel Signature	<u>Susan Lynn Margolis</u> Print Name
<u>MARCH 14, 2014</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Kim Kasrelievich</u> Print Name

(Do not write above this line.)

In the Matter of:  
KEON JOONG LEE

Case Number(s):  
13-O-11328

### REPROVAL ORDER

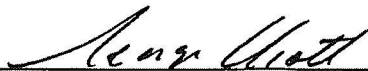
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

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 5.58(E) & (F), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

MARCH 24, 2014  
Date

  
GEORGE E. SCOTT, 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 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 San Francisco, on March 28, 2014, 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 San Francisco, California, addressed as follows:

SUSAN LYNN MARGOLIS  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DR  
LOS ANGELES, CA 90039

- 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:

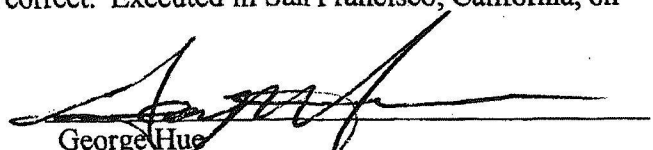
- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- 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:

Kimberly G. Kasreliovich, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 28, 2014.

  
George Hue  
Case Administrator  
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 October 25, 2017, 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:

KEON J. LEE  
38 WANGSIMNI-RO, SEONGDONG-GU  
4TH FLOOR, 404-HO,  
SEOUL 04773, KOREA, REPUBLIC O

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

Michaela F. Carpio, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 25, 2017.

  
\_\_\_\_\_  
Angela Carpenter  
Case Administrator  
State Bar Court