

IN THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 98-9092

IN THE MATTER OF SEUNG CHAE KIM

ORDER

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Seung Chae Kim, together with the Response of Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Seung Chae Kim. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02 of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court finds that Seung Chae Kim is resigning in lieu of discipline. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate.

IT IS ORDERED that the law license of Seung Chae Kim of Seoul Korea, State Bar Card Number 11417600, heretofore issued by the Court, be canceled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that Seung Chae Kim immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the Court an affidavit stating the cause of his inability to do so.

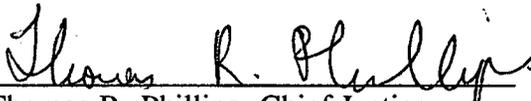
IT IS FURTHER ORDERED that Seung Chae Kim be, and he is hereby permanently enjoined and prohibited from practicing law in the State of Texas, holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), or holding himself out to others or using his name in any manner in conjunction with the words "Attorney at Law", "Counselor at Law", or "Lawyer".

It is further **ORDERED** that Seung Chae Kim shall immediately notify each of his current clients in writing of this resignation. In addition to such notification, Seung Chae Kim is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in his possession to the respective clients or former clients or to another attorney at the client's or former client's request. Seung Chae Kim is **ORDERED** to file with the State Bar of Texas, 3710 Rawlins, Suite 800, Dallas, Texas 75219, within thirty (30) days of the date of the effective date of this Order an affidavit stating that all current clients have been notified of his resignation and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further **ORDERED** that Seung Chae Kim shall, on or before thirty (30) days from the effective date of this Order, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Seung Chae Kim has any matter pending of the terms of this Order, the style and cause number of the pending

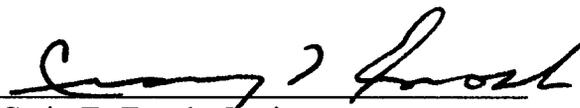
matter(s), and the name, address and telephone number of the client(s) Seung Chae Kim is representing in Court. Seung Chae Kim is **ORDERED** to file with the State Bar of Texas, 3710 Rawlins, Suite 800, Dallas, Texas 75219, within thirty (30) days of the date of the effective date of this Order an affidavit stating that he has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) he is representing in Court.

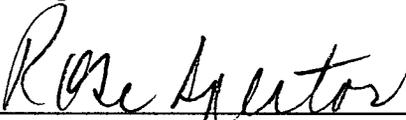
By the Court, en banc, in chambers, this the 19th day of
June, 1978.


Thomas R. Phillips, Chief Justice

Raul A. Gonzalez, Justice

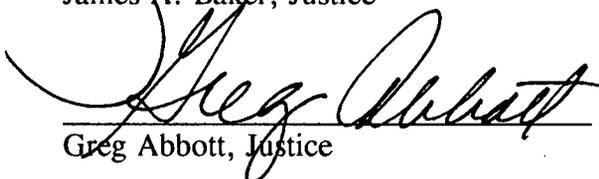

Nathan L. Hecht, Justice

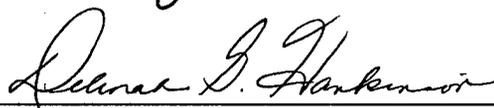

Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice

STATE BAR OF TEXAS



Office of the General Counsel

June 2, 1998

INTERAGENCY MAIL

John Adams, Clerk
Supreme Court of Texas
Supreme Court Building
P.O. Box 12248
Austin, Texas 78711

RE: Resignation of Seung Chae Kim, Bar Card No. 11417600

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law of Seung Chae Kim;
- (2) Permanent Bar Card and Law License of Seung Chae Kim;
- (3) Response of Chief Disciplinary Counsel of Motion for Acceptance of Resignation as Attorney and Counselor at Law of Seung Chae Kim; and,
- (3) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Seung Chae Kim as Attorney and Counselor at Law.

As you will notice, Mr. Kim signed his Motion for Acceptance of Resignation but did not have it notarized. Mr. Kim signed this Motion in Seoul, Korea, and was unable to have this Motion notarized. Our rules do not require that Mr. Kim's Motion be notarized in order for his resignation to be effective.

Mr. John Adams
Page Two - Re: Seung Chae Kim
June 2, 1998

Upon entry of the Order by the Court, please transmit a true and correct copy of the same to the undersigned in order that this office may properly give notice to all parties of the Court's disposition of such motion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dawn Miller".

Dawn Miller
First Assistant General Counsel

DM:aa
Enclosures

cc: Mr. Seung Chae Kim, 464-1 TLBS Building, Suite 301, Seoul Street, Kwang Jan Goo
Seoul, Korea, by Registered Mail

**IN THE SUPREME COURT OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
OF THE STATE BAR OF TEXAS
REGARDING
SEUNG CHAE KIM**

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, Nancy M. Thursby, Assistant Chief Disciplinary Counsel of the State Bar of Texas, in accordance with Part X of the Texas Rules of Disciplinary Procedure, hereby file a response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Seung Chae Kim, received by the Office of the Chief Disciplinary Counsel on or about April 15, 1998. The acceptance of the resignation of Seung Chae Kim (hereinafter referred to as "Kim") is in the best interests of the public and the profession.

The following complaints are currently pending against Kim before an investigatory panel of the District Grievance Committee. The professional misconduct with which Kim is charged in the complaints currently pending before the investigatory panel is as follows:

A. Jae Kim vs. Seung Chae Kim - D0119710008

Complainant is a medical provider who treated one of Seung Chae Kim's clients, Soon Kim. The case was settled on or about July 14, 1997. Thereafter, Attorney Kim failed to pay Complainant for his services in the amount of \$5,815.20. Kim also failed to pay the client any of the settlement proceeds.

On December 3, 1997, a notice and copy of the complaint were sent to Seung Chae Kim. Attorney Kim was asked to reply to the complaint in writing within thirty (30) days of receipt, but he failed to respond and asserted no grounds for such failure.

The foregoing facts support a violation of Rules 1.14(b); 8.04(a)(3) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

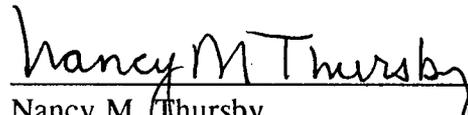
B. Soon Kim vs. Seung Chae Kim - D0119710038

In March of 1994, Seung Chae Kim was hired to represent Complainant in a personal injury claim. On July 14, 1995, the case was settled for \$21,500.00. Thereafter, the settlement check was received by Seung Chae Kim, but it was endorsed by someone other than Complainant, and cashed at a convenience store. The money was never deposited into Seung Chae Kim's trust account and Complainant never received her portion of the proceeds.

On December 3, 1997, a notice and copy of the complaint were sent to Seung Chae Kim. Attorney Kim was asked to reply to the complaint in writing within thirty (30) days of receipt, but he failed to respond and asserted no grounds for such failure.

The foregoing facts support a violation of Rules 1.14(a),(b); 8.04(a)(3) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

In view of Seung Chae Kim's execution of his resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with the pending disciplinary proceedings before the investigatory panel and intends to dismiss the complaints upon entry of Order by the Supreme Court of Texas deleting Seung Chae Kim from the list of persons licensed to practice law in the State of Texas.

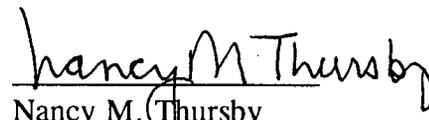

Nancy M. Thursby
Assistant Chief Disciplinary Counsel
Texas Bar Card #12824400

Steven W. Young
Chief Disciplinary Counsel

State Bar of Texas
3710 Rawlins, Suite 800
Dallas, Texas 75219
(214) 559-4353 Telephone
(214) 559-4335 Facsimile

CERTIFICATE OF SERVICE

A true and correct copy of this Response of the Chief Disciplinary Counsel of the State Bar of Texas Regarding Seung Chae Kim, has on this 26th day of May, 1998 been mailed to Seung Chae Kim, at 464-1, TLBS Bldg., Suite 301, Seoul St., Kwang Jan Goo, Seoul, Korea.


Nancy M. Thursby

IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW

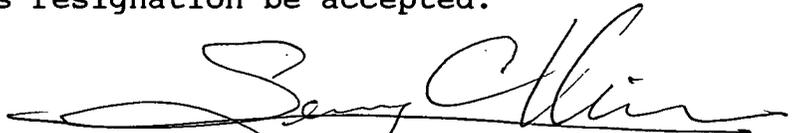
OF

SEUNG CHAE KIM

NOW COMES your Applicant, Seung Chae Kim, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, Seung Chae Kim, as an Attorney and Counselor at Law on May 25, 1990. Said License and permanent State Bar card are hereby surrendered by the Applicant.

Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.



Seung Chae Kim
State Bar No. 11417600

SUBSCRIBED AND SWORN to before me by the said Seung Chae Kim this the _____ day of _____, 19__.

NOTARY PUBLIC in and for
the State of Texas

Seung Chae Kim, 464-1 TLBS Bldg., Ste. 301, Seoul St., Kwang'Jan
Goo Seoul, Korea
CF6-17.PRI