

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
PETER JUNG-WOOK RIM**

VSB Docket No. 08-053-074843

MEMORANDUM ORDER

This matter came on February 18, 2011, to be heard on the Agreed Disposition of the Virginia State Bar and the Respondent, Peter Jung-Wook Rim based upon the Certification of a Fifth District—Section III Subcommittee of the Virginia State Bar. The Agreed Disposition was considered by a duly convened panel of the Virginia State Bar Disciplinary Board consisting of Mr. Werner H. Quasebarth, lay member, Raighne C. Delaney, Michael S. Mulkey, Samuel R. Walker, and Thomas R. Scott, Jr., presiding.

Seth M. Guggenheim, representing the Bar, and the Respondent, Peter Jung-Wook Rim, presented an endorsed Agreed Disposition, entered into on February 15, 2011, reflecting the terms of the Agreed Disposition. The court reporter for the proceeding was Terry S. Griffith, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222.

Having considered the Certification and the Agreed Disposition, it is the unanimous decision of the Board that the Agreed Disposition be accepted, and the Virginia State Bar Disciplinary Board finds by clear and convincing evidence as follows:

1. At all times pertinent to the conduct referred to herein, Peter Jung-Wook Rim (“Respondent”) was an attorney licensed to practice law in the Commonwealth of Virginia. At no time pertinent to the conduct referred to herein was the Respondent licensed to practice law in the State of Maryland.

2. Jonathan Ai (“Complainant”) was at all times pertinent to the matters set forth herein an attorney licensed and practicing in the State of Maryland. The Complainant and the Respondent each had at times listed the other on his letterhead, allowed the other to use his office, and had otherwise cooperated with the other informally as a colleague practicing law in a sister jurisdiction.

3. On or about April 1, 2005, on behalf of a client, the Respondent filed, or caused to be filed, Articles of Incorporation for Joon Company with the Maryland Department of Assessments and Taxation. The said Articles identified in the “FIFTH” provision thereof “Jonathan Ai, Esq.” as resident agent for the corporation being formed, with the address of “103 North Adams Street, Rockville, MD 20850”. Under text reading “I hereby consent to my designation in this document as resident agent for this corporation” and “SIGNATURE OF RESIDENT AGENT LISTED IN FIFTH:” appeared a signature purporting to be that of Jonathan Ai.

4. On or about February 21, 2006, on behalf of a client, the Respondent filed, or caused to be filed, Articles of Incorporation for Stars Enterprise, Inc., with the Maryland Department of Assessments and Taxation. The said Articles identified in the “FIFTH” provision thereof “Jonathan Y. Ai, Esq.” as resident agent for the corporation being formed, with the address of “103 North Adams Street, Rockville, MD 20850”. Under text reading “I hereby consent to my designation in this document as resident agent for this corporation” and “SIGNATURE OF RESIDENT AGENT LISTED IN FIFTH:” appeared a signature purporting to be that of Jonathan Ai.

5. On or about April 24, 2006, on behalf of a client, the Respondent filed, or caused to be filed, Articles of Incorporation for Ziggraut Enterprises, Inc., with the Maryland

Department of Assessments and Taxation. The said Articles identified in the "FIFTH" provision thereof "Jonathan Y. Ai, Esq." as resident agent for the corporation being formed, with the address of "103 North Adams Street, Rockville, MD 20850". Under text reading "I hereby consent to my designation in this document as resident agent for this corporation" and "SIGNATURE OF RESIDENT AGENT LISTED IN FIFTH:" appeared a signature purporting to be that of Jonathan Ai.

6. On or about November 28, 2006, on behalf of a client, the Respondent filed, or caused to be filed, Articles of Incorporation for Yami Yami Rich, Inc., with the Maryland Department of Assessments and Taxation. The said Articles identified in the "FIFTH" provision thereof "Jonathan Ai, Esq." as resident agent for the corporation being formed, with the address of "103 N. Adams Street, Rockville, MD 20850". Under text reading "I hereby consent to my designation in this document as resident agent for this corporation" and "SIGNATURE OF RESIDENT AGENT LISTED IN FIFTH:" appeared a signature purporting to be that of Jonathan Ai.

7. On or about May 2, 2007, on behalf of a client, the Respondent filed, or caused to be filed, Articles of Incorporation for Joe One, Inc., with the Maryland Department of Assessments and Taxation. The said Articles identified in the "FIFTH" provision thereof "Jonathan Ai" as resident agent for the corporation being formed, with the address of "103 N. Adam Street, Rockville, MD 20850". Under text reading "I hereby consent to my designation in this document as resident agent for this corporation" and "SIGNATURE OF RESIDENT AGENT LISTED IN FIFTH:" appeared a signature purporting to be that of Jonathan Ai.

8. The Complainant did not sign his name to the Articles of Incorporation referred to above and contends that he did not authorize the Respondent or any other person to sign his

name. He became aware of his having been listed as resident agent for the corporations formed by the Respondent only after having been served with papers regarding a corporation which the Complainant knew nothing about.

9. When interviewed by a Virginia State Bar investigator regarding these matters on February 25, 2010, the Respondent stated that with the exception of the document for Stars Enterprise, Inc., the Complainant's name was signed to the aforesaid documents by the Respondent's former paralegal at the Respondent's direction based upon an understanding which the Respondent contended he had with the Complainant. The Respondent stated that he reviewed the documents before they were forwarded to the Maryland Department of Assessments and Taxation. The Respondent could not identify the person who signed the Articles of Incorporation for Stars Enterprise, Inc.

10. When asked by the Virginia State Bar investigator how the Complainant would have known that he had been listed as a resident agent for the corporations referred to herein, the Respondent alleged that he told his paralegal to make sure that the Complainant was so informed. The Respondent admitted to the investigator that there was no follow-up with the paralegal to insure that the Complainant had been notified.

The Board finds by clear and convincing evidence that Respondent's aforesaid conduct constitutes a violation of the following provision of the Virginia Rules of Professional Conduct:

RULE 5.3 Responsibilities Regarding Nonlawyer Assistants

With respect to a nonlawyer employed or retained by or associated with a lawyer:

- (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and
- (c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

- (1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved[.]

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a . . . deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law[.]

Upon consideration whereof, it is ORDERED as that the Respondent shall receive a PUBLIC REPRIMAND, WITH TERMS.

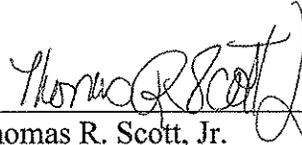
The Terms of discipline are as follows: Prior to February 15, 2012, the Respondent shall enroll in and attend in person (and not online) one or more courses which aggregate at least six (6) credit hours of ethics of Virginia State Bar approved Continuing Legal Education in the field of legal ethics or in other fields where there is an ethics component to the course. The Continuing Legal Education attendance obligation set forth in this paragraph, aggregating six (6) credit hours, shall *not* be applied toward Respondent's Mandatory Continuing Legal Education requirement in Virginia and any other jurisdictions in which he may be licensed to practice law. Respondent shall certify his compliance with the Terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form (Form 2) to Seth M. Guggenheim, Senior Assistant Bar Counsel, at 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800, promptly following his attendance of such CLE courses. Such prompt certification shall, itself, be deemed a Term of discipline.

If, however, Respondent fails to comply with any of the Terms set forth herein, as and when his obligation with respect to any such Term has accrued, then, and in such event, the alternative disposition of this matter shall be that the Respondent's license to practice law in Virginia shall be suspended for a period of ninety (90) days.

Pursuant to Part Six, Section IV, Paragraph 13-9E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

It is further ORDERED that a copy *teste* of this Order shall be mailed by Certified Mail, Return Receipt Requested, to the Respondent, Peter Jung-Wook Rim, Lohrmann & Rim, P.C., Suite 506, 7700 Little River Turnpike, Annandale, Virginia 22003, at his address of record with the Virginia State Bar, and by regular mail, to Seth M. Guggenheim, Senior Assistant Bar Counsel, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 22nd day of February, 2011.



Thomas R. Scott, Jr.
1st Vice Chair
Virginia State Bar Disciplinary Board