DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
AD HOC HEARING COMMITTEE

In the Matter of:	:	
	:	
CHRIS C. YUM,	:	
	:	Bar Docket No. 15-BD-067
Petitioner.	:	Disciplinary Docket No. 2015-D178
	:	
A Disbarred Member of the Bar of the District of Columbia Court of Appeals Bar Registration No. 424602	:	
	:	

REPORT AND RECOMMENDATION
OF THE AD HOC HEARING COMMITTEE

I. INTRODUCTION

This is a contested reinstatement proceeding. The District of Columbia Court of Appeals (the "Court") disbarred Petitioner Chris C. Yum by consent on May 12, 2011. Order, *In re Yum*, 19 A.3d 367 (D.C. 2011) (per curiam). The disbarment was effective for reinstatement purposes on November 6, 2009. *Id*. The disbarment arose from Petitioner's 2006 conviction for making a false statement in violation of 18 U.S.C. §§ 2 and 1001. Petitioner petitioned for reinstatement on June 14, 2015. Disciplinary Counsel opposes the Petition for Reinstatement.

Based on the evidence presented at the March 14, 2016, hearing, and for the reasons set forth below, the Hearing Committee concludes that Petitioner has met his burden of showing by clear and convincing evidence that under D.C. Bar R. XI, § 16(d) and the factors set forth in *In re Roundtree*, 503 A.2d 1215 (D.C. 1985), he should be reinstated to the Bar of the District of Columbia. We therefore recommend that the Petition for Restatement be granted.

II. PROCEDURAL HISTORY

1. Petitioner's disbarment

Petitioner was admitted to the District of Columbia Bar ("D.C. Bar") in 1990. Stipulations by Both Parties ("Stipulations") ¶ 5. In March 2006, Petitioner entered into a plea agreement under which he pleaded guilty to a single-count criminal information charging him with a false statement in violation of 18 U.S.C. §§ 2 and 1001. *See* Disciplinary Counsel's Exhibit ("DX") 5 (Plea Agreement, *United States v. Yum*, Cr. No. 1:05cr564 (E.D. Va. Aug. 14, 2006)) at 1, 11.

On September 9, 2009, Disciplinary Counsel[1] notified the Court of Petitioner's conviction. *See* DX 8 (Unopposed Motion of [Disciplinary] Counsel to Accept Consent to Disbarment, *In re Yum*, Bar Docket No. 2009-D242 (Apr. 13, 2011)) ¶ 2; DX 10 (Affidavit of Consent to Disbarment, *In re Yum*, Bar Docket No. 2009-D242 (Apr. 6, 2011)) ¶ 3. The Court suspended Petitioner pursuant to D.C. Bar R. XI, § 10(c) on September 29, 2009, and it directed the Board on Professional Responsibility (the "Board") "to institute a formal proceeding to determine the nature of the offense and whether it involves moral turpitude within the meaning of D.C. Code § 11-2503 (a)." Order, *In re Yum*, No. 09-BG-1098 (D.C. Sept. 29, 2009). In February 2010, the Board concluded that the violation of 18 U.S.C. § 1001 did not constitute moral turpitude *per se*. *See* DX 11 (Report and Recommendation of the Board on Professional Responsibility, *In re Yum*, Bar Docket No. 242-09 (BPR Apr. 29, 2011)) at 2. The Board's order referred the matter to a Hearing Committee to determine whether the crime involved moral turpitude on the facts and to recommend what final discipline was appropriate in light of Respondent's conviction of a serious crime. The order further provided that Disciplinary Counsel could file a petition charging that Respondent violated one or more Rules of Professional Conduct. *Id.*

[1] At the time, Disciplinary Counsel was called Bar Counsel. This Report uses the current title.

Disciplinary Counsel submitted a proposed Specification of Charges to the Board on February 28, 2011, alleging that Petitioner committed a crime of moral turpitude and charging violations of the disciplinary rules. *See* DX 8 ¶ 6. On April 6, 2011, while the Specification of Charges was pending Contact Member review, Petitioner signed an Affidavit of Consent to Disbarment. *See* DX 10. Disciplinary Counsel filed an unopposed motion with the Board on April 13, 2011, to accept Petitioner's consent to disbarment, and on April 29, the Board recommended that the Court enter an order disbarring Petitioner on consent. *See* DX 8; DX 11 at 2.

The Court disbarred Petitioner on consent on May 12, 2011. *See* DX 12 (*Yum*, 19 A.3d at 367). The effective date of the disbarment was ordered to run for reinstatement purposes from November 6, 2009, the date on which Petitioner filed a fully compliant affidavit as required by D.C. Bar R. XI, § 14(g). *Id.*

2. Petitioner's Petition for Reinstatement

Petitioner filed the instant Petition for Reinstatement on June 14, 2015. *See* DX 1 (Responses to Reinstatement Questionnaire for Petition for Reinstatement, Reinstatement Questionnaire, and Petition for Restatement). On October 15, 2015, Disciplinary Counsel opposed the Petition for Reinstatement and asked that a Hearing Committee be assigned to hold a hearing on the Petition. *See* DX 2 (Disciplinary Counsel's Answer to Petitioner's Petition for Reinstatement). The Board assigned the matter to the present Hearing Committee.

The Hearing Committee held a prehearing conference on January 22, 2016. Petitioner and Disciplinary Counsel submitted a set of twenty-three stipulated facts on February 3. In addition, Petitioner submitted four exhibits and Disciplinary Counsel submitted twenty-five.

On March 9, 2016, Petitioner objected to Disciplinary Counsel's proposed Exhibits 9 and 16 through 25. Disciplinary Counsel filed responses to Petitioner's objections on March 11.

Exhibits 16 through 25 related to the 2006 criminal matter. Disciplinary Counsel's Exhibit 9 was the Specification of Charges submitted for Contact Member review on February 28, 2011. Exhibit 16 was a Department of Labor investigative report, and Exhibits 17 through 25 were Department of Labor interview reports and FBI interview reports, all of which concerned the underlying criminal matter.

The Hearing Committee held a hearing on March 14, 2016. At that hearing, the Hearing Committee excluded Disciplinary Counsel's Exhibit 9 and Exhibits 16 through 25, except for the cover page that constituted the first page of Exhibit 9. Hearing Tr. 20:7-14, 24:8-11. The Hearing Committee concluded that the exhibits alleged unadjudicated acts of misconduct before the effective date of the disbarment and that Disciplinary Counsel had failed to satisfy the condition for their admissibility – that it had provided notice to Petitioner reserving the right to present evidence of the unadjudicated acts on reinstatement, as required by Board Rule 9.8(a). Hearing Tr. 20:7-14. Disciplinary Counsel objected to that ruling on the record. Hearing Tr. 23:17-18.

At the hearing, Petitioner represented himself and called two witnesses, W. Thomas Yi and Marsha Osnos. He also testified under oath. Disciplinary Counsel did not call any witnesses.

Petitioner submitted proposed findings of fact and conclusions of law on April 5, 2016. Disciplinary Counsel filed proposed findings of fact and conclusions of law on April 29 recommending that the Petition for Reinstatement be denied. Petitioner filed a reply on May 9. On May 11, Disciplinary Counsel moved to strike Petitioner's reply on the grounds that it exceeded the twenty-page page limit under Board Rule 19.8(c) and failed to include page numbers. Petitioner opposed the motion on May 23. The Hearing Committee denied the motion to strike and accepted the reply for filing on May 26.

III. STANDARD OF REVIEW

D.C. Bar R. XI, § 16(d)(1) sets forth the legal standard for reinstatement. The petitioner in a contested reinstatement proceeding has the burden to prove by clear and convincing evidence:

> (a) That the attorney has the moral qualifications, competency, and learning in law required for readmission; and
>
> (b) That the resumption of the practice of law by the attorney will not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive to the public interest.

D.C. Bar R. XI, § 16(d)(1); *see also* Board Rule 11.6 ("In reinstatement proceedings, the petitioning attorney shall be required to establish petitioner's fitness to resume the practice of law by clear and convincing evidence.").

Clear and convincing evidence is more than a preponderance of the evidence; it is "evidence that will produce in the mind of a trier of fact a firm belief or conviction as to the facts sought to be established." *In re Cater*, 887 A.2d 1, 24 (D.C. 2005) (internal quotation omitted).

In *Roundtree*, 503 A.2d at 1217, the Court described five factors to be considered in determining whether the required burden of proof has been met:

> 1. The nature and circumstances of the misconduct for which the attorney was disciplined;
>
> 2. the attorney's recognition of the seriousness of the misconduct;
>
> 3. the attorney's post-discipline conduct, including steps taken to remedy past wrongs and prevent future ones;
>
> 4. the attorney's present character; and
>
> 5. the attorney's present qualifications and competence to practice law.

At the hearing, Disciplinary Counsel took the position that Petitioner failed to satisfy all of the *Roundtree* factors. *See* Hearing Tr. 25: 8-9.

IV. FINDINGS OF FACT

1. Petitioner became a member of the Maryland Bar in 1989, a member of the District of Columbia Bar in 1990, and a member of the Virginia Bar in 1996. Hearing Tr. 110:1-3; Stipulations ¶¶ 3, 5, 7.

2. Petitioner worked for attorney Simon Osnos for approximately two years after graduating from law school. Hearing Tr. 54:9-11; Stipulations ¶ 4.

3. Petitioner opened a law practice around 1992 after working for Simon Osnos and shared office space with attorney W. Thomas Yi from approximately 1993 to around 2000. Hearing Tr. 28:9-17; Stipulations ¶ 6.

4. In March 2006, Petitioner entered into a plea agreement under which he pleaded guilty to a single-count criminal information charging him with a false statement in violation of 18 U.S.C. §§ 2 and 1001. DX 5 at 1, 11. The plea agreement was filed with the court August 14, 2006. *Id.* at 1.

5. Under the plea agreement, Petitioner admitted that he "helped organize and allowed to be submitted to the INS documents on behalf of [two clients] in support of their applications for permanent resident status which were false in that they falsely represented that [the clients] had worked at the Falls Church Amoco when in fact they had not." DX 4 (Criminal Information, *United States v. Yum*, Cr. No. 1:05cr564 (E.D. Va. Aug. 14, 2006)) at 1-2; DX 6 (Statement of Facts, *United States v. Yum*, Cr. No. 1:05cr564 (E.D. Va. Aug. 14, 2006)) ¶ 5 and p. 3 (defendant's stipulation that the "Statement of Facts is true and accurate"); Stipulations ¶ 8.

6. Petitioner had good reason to suspect that the documents were false but remained "willfully blind to the falsity, with a conscious purpose to avoid learning the truth, namely, that the papers submitted were false." DX 4 at 2; DX 15 (Tr., Change of Plea Hearing, *United States*

v. Yum, Cr. No. 1:05cr564 (E.D. Va. Aug. 14, 2006)); Hearing Tr. 32:16-18, 33:24-34:20, 37:20; Stipulations ¶ 8.

7. Petitioner's actions "were not the result of mistake, accident or any other innocent reason." DX 6 (Statement of Facts, *United States v. Yum*, Cr. No. 1:05cr564 (E.D. Va. Aug. 14 2006)) ¶ 6.

8. Petitioner resigned from the Maryland Bar and Virginia Bar in 2006. Hearing Tr. 91:15-17; Stipulations ¶ 11.

9. In his June 6, 2006, application to resign from practice in Maryland, Petitioner stated under oath that the resignation was "not being offered to avoid disciplinary action" and that he had "no knowledge of any pending investigation, action, or proceedings in any jurisdiction involving allegation[s] of professional misconduct involving myself." DX 13 (Application for Resignation, Misc. Docket AG No. 16 (Md. Sept. Term 2006)).

10. In his June 6, 2006, sworn application to resign from practice in Virginia, Petitioner checked "no" for the question "Do you have knowledge of any complaint, investigation, action, or proceeding involving allegations of professional misconduct pending against you in any jurisdiction?" DX 14 (Application for Resignation, Virginia State Bar (June 6, 2006)).

11. On November 3, 2006, Petitioner was sentenced to four months in prison and two years of supervised release. DX 3 at 2, 3. As a "Special Condition of Supervision," Petitioner was required to "inform any current and future employers of this conviction." DX 3 at 5.

12. In 2008 and 2009, Petitioner took occasional temporary jobs as a document reviewer without notifying the staffing companies that he had been convicted of a felony. Hearing Tr. 94:19-21, 95:15-18.

13. There was no allegation of misappropriation of funds or anything of value in connection with the above-mentioned criminal offense. Stipulations ¶ 9.

14. On September 9, 2009, Disciplinary Counsel notified the Court of Petitioner's conviction. DX 8 ¶ 2; DX 10 ¶ 3.

15. Petitioner had not previously notified the District of Columbia Court of Appeals or other District of Columbia disciplinary authorities of the 2006 conviction. Hearing Tr. 92:2.

16. At the hearing, Petitioner acknowledged that he "should have notified D.C." of the conviction and he "[took] responsibility" for failing to do so. Hearing Tr. 122:12-13. He testified that he failed to notify disciplinary authorities of the conviction in part because "he had to try to figure out what to do" regarding notice and in part because he "needed the license to work on those document review projects" that he occasionally handled for temporary agencies. Hearing Tr. 123:6-7, 19-21.

17. On September 29, 2009, the Court immediately suspended Petitioner pursuant to D.C. Bar R. XI, § 10(c) pending resolution of this matter and directed the Board to "institute a formal proceeding to determine the nature of the offense and whether it involves moral turpitude within the meaning of D.C. Code § 11-2503 (a) (2001)." Order, *In re Yum*, No. 09-BG-1098 (D.C. Sept. 29, 2009).

18. On February 3, 2010, the Board concluded that the violation of 18 U.S.C. § 1001 did not constitute moral turpitude *per se*. DX 11 at 2. The Board referred the matter to a Hearing Committee to determine "(1) whether [Petitioner's] conviction involves moral turpitude on the facts, and (2) what final discipline is appropriate in light of [Petitioner]'s conviction of a 'serious crime.'" Order, *In re Yum*, Bar Docket No. 242-09 (BPR Feb. 3, 2010). The Board's order of

referral further provided that Disciplinary Counsel "may file a petition charging that [Petitioner] violated one or more Rules of Professional Conduct." *Id.*

19. Disciplinary Counsel submitted a proposed Specification of Charges to the Board on February 28, 2011. *See* DX 8 ¶ 6.[2] In addition to addressing Petitioner's crime, the Specification of Charges included (1) additional factual allegations related to the conduct that gave rise to the guilty plea, and (2) a second count relating to Petitioner's failure to report his criminal conviction to bar authorities. Hearing Tr. 8:18-20; 12:2-10. The draft Specification of Charges was pending review by a Contact Member, when Petitioner filed the affidavit of consent to disbarment on April 6, 2011. Hearing Tr. 70:21-71:2 (Disciplinary Counsel's statement that the charges "had not yet been approved by a contact member" when Petitioner filed his affidavit but that "in all likelihood, they would be approved"); DX 9 at 1 (copy of cover letter to Petitioner advising him that Disciplinary Counsel had submitted the draft Specification of Charges to the Board and that "I cannot estimate when the [Board] will review and approve the specification of charges"); DX 10.

20. On April 13, 2011, Disciplinary Counsel filed an unopposed motion with the Board to accept Petitioner's consent to disbarment. *See* DX 8.

21. In his affidavit of consent to disbarment, Petitioner "acknowledge[d] that the material facts upon which the allegations of misconduct are predicated[] are true." DX 10 ¶ 6; *see* D.C. Bar R. XI, § 12(a)(3). He acknowledged that Disciplinary Counsel intended to file charges against him alleging that he "committed a serious crime involving moral turpitude," and he

[2] As discussed above under "Procedural History," Disciplinary Counsel offered the draft Specification of Charges as Exhibit 9, but the Committee excluded that exhibit except for the cover page.

consented to disbarment because "if disciplinary proceedings based on my alleged misconduct were brought and proceeding to a hearing, I could not successfully defend myself." DX 10 ¶¶ 5, 7.

22. The proposed findings submitted by Disciplinary Counsel and Petitioner and the Board's 2011 filings related to the consent to disbarment describe the focus of Disciplinary Counsel's investigation as "whether [petitioner's] guilty plea and conviction" involved "moral turpitude on the facts" and what discipline "should be imposed in light of his criminal conviction." DX 8 ¶ 4; DX 10 ¶ 4; *see* DX 11 at 2 ("The Court referred the matter to the Board to determine whether *the crimes* involve moral turpitude . . . ." (emphasis added)); *see also* Hearing Tr. 9:17-20 (Disciplinary Counsel's statement that "the thrust of the consent to disbarment was the facts surrounding his criminal conviction and whether they involved moral turpitude").

23. At the hearing, Petitioner testified credibly that the "material facts" to which he agreed in the affidavit in support of consent to disbarment were the facts set out in the criminal information and the plea agreement. Hearing Tr. 98:10-12, 99:18-20, 100:15-21, 102:19-21. He stated that he never admitted to other allegations in the draft Specification of Charges, and he denied the truth of the additional allegations related to the underlying criminal case. Hearing Tr. 99:18-20 ("[I[n my mind, those were false and I didn't want them approved, I didn't want them made public."); 100:6-8 (In consenting to disbarment, "I didn't think that I was admitting to all the numerous pages and pages and pages of false allegations contained in the specification of charges."), 102:19-21 ("I think by agreeing to disbarment . . . we bypassed the specific specification of charges; that's what I believe."), 103:4-6 (After the consent to disbarment, Petitioner did not ask for clarification on whether additional allegations were still pending because he believed "the specifications of charges were irrelevant at that point.").

24. Disciplinary Counsel's motion to accept consent to disbarment explicitly stated that "[a]lthough [Disciplinary] Counsel believes that we could establish that Respondent engaged in all the ethical misconduct alleged in the Specification of Charges, the misconduct to which Respondent admits in his affidavit provides a sufficient basis to support his disbarment." DX 8 ¶ 8.

25. On April 29, 2011, the Board recommended that the Court enter an order disbarring Petitioner on consent. DX 11 at 2.

26. The Court disbarred Petitioner on consent on May 12, 2011. DX 12 (*Yum*, 19 A.3d 367). The Court ordered the effective date of the disbarment to run for reinstatement purposes from November 6, 2009, the date on which Petitioner filed a fully compliant affidavit as required by D.C. Bar R. XI, § 14(g). *Id.*

27. In its order disbarring Petitioner on consent, the Court dismissed Disciplinary Counsel's petition for discipline "based upon respondent's conviction and guilty plea" as "moot." *Id.*

28. Disciplinary Counsel did not provide notice to Petitioner that it intended to offer evidence of unadjudicated acts of misconduct occurring before his disbarment either in a letter dismissing the draft Specification of Charges or in its Answer to the Petition for Restatement, as required by Board Rule 9.8(a). Hearing Tr. 19:9-14 (Disciplinary Counsel admits it was not compliant with rule on unadjudicated acts of misconduct, and that there was no dismissal letter), 102:22-103:6 (Petitioner never received a dismissal letter); DX 2 (Disciplinary Counsel's Answer to the Petition); *see* Board Rule 9.8(a).

29. Petitioner ensured the timely return of all documents and files to all of his clients and former clients, who did not sustain any harm or damage as a result of the closure of the law practice. Stipulations ¶ 10; Hearing Tr. 114:1-17.

30. Petitioner testified credibly that there is "nothing outstanding from the 2006 incident" that needed to be addressed to remedy a wrong related to the misconduct and that there was "not even a need for a trustee" related to that time period. Hearing Tr. 113:18-20.

31. Petitioner was not the subject of any disciplinary action in this jurisdiction, Maryland or Virginia, apart from the disciplinary proceeding resulting in his consent to his disbarment. Stipulations ¶ 12.

32. No disciplinary complaints were ever filed against Petitioner in the District of Columbia, Maryland, or Virginia by any former clients of Petitioner. Stipulations ¶ 13.

33. No legal action or claim was ever filed against Petitioner alleging negligence or legal malpractice since he became an attorney in 1989. Stipulations ¶ 14.

34. Petitioner returned to work for attorney Simon Osnos in 2007 as a law clerk and continued until 2011. Stipulations ¶ 18. Mr. Osnos was aware of Petitioner's criminal conviction. Hearing Tr. 93:18-20. Mr. Osnos's office closed in 2011 because of Mr. Osnos's ill health, and Mr. Osnos died in 2011. Petitioner's Exhibit ("PX") 3 (Letter from Marsha Osnos). After 2011, Petitioner was unable to obtain work as a law clerk, although he applied to do so. Hearing Tr. 109:13-18.

35. Petitioner worked as a law clerk and legal translator to stay close to the legal field and in an attempt to remain current in the practice of law. Hearing Tr. 78:18-22; Stipulations ¶ 9.

36. Since 2006, Petitioner has "tried to stay close to law without practicing law" and to "keep up with the legal system as much as I can." Hearing Tr. 78:16-22, 79:1-2.

37. During his period of disbarment, Petitioner "worked as a freelance translator[] and legal interpreter[] translating legal documents" from Korean to English for a number of translation companies; as an interpreter for a translation company at depositions and meetings to prepare for

depositions; and as a document reviewer on a "few occasions" for several temporary agencies. DX 1 ¶ 4; Hearing Tr. 94:5, 95:10-14.

38. Petitioner's Petition for Reinstatement sets out a detailed description of the progression of his thoughts on the events for which he was convicted, and Petitioner testified to that progression under oath. *See* DX 1[3] at 11-15; Hearing Tr. 79:3-81:20.

39. Petitioner acknowledged frankly that while the 2006 criminal case was moving forward he had believed that the prosecutor was being "unfairly harsh." DX 1 at 11; Hearing Tr. 79:9-15. He testified credibly, though, that in the intervening years he had "[thought] about his action almost every single day and [gone] over the events in [his] head" and "come to the conclusion that I was arrogant." DX 1 at 12; Hearing Tr. 79:18-21. He candidly admitted that he "was arrogant in thinking that I should be the judge of what is wrong and what is right regarding the rules." DX 1 at 12; Hearing Tr. 81:16-20.

40. Petitioner suggested that at the time of the misconduct, "in my mind, when I knew the applicants were saying that they were working full-time at the gas station when they were not, I think I kind of rationalized it as a . . . minor detail" particularly in light of his "sympathy" for his clients as out-of-status immigrants. Hearing Tr. 81:20-82:2, 83:7-8. He said that he had seen other

[3] The Reinstatement Questionnaire, which includes the requirement that the petitioner submit a petition for reinstatement, does not require responses under oath, although it requires the petitioner to state that "I have read the foregoing document and have answered all questions fully. The answers are complete and true to the best of my knowledge." DX 1 at 10. Petitioner signed that statement. DX 1 at 3, 10. Those unsworn statements are not sufficient without more to establish the facts alleged by clear and convincing evidence. *See Cater*, 887 A.2d at 6 ("[R]espondent's self-serving written representations [in unsworn documents] did not amount to 'substantial evidence of record.'"). The Committee believes, however, it may consider Petitioner's statements in the responses and petition as evidence of his state of mind, along with his sworn testimony. *See* Board Rule 11.3 ("Evidence that is relevant, not privileged, and not merely cumulative shall be received, and the Hearing Committee shall determine the weight and significance to be accorded all items of evidence upon which it relies.").

situations in which "people who were out of status were exploited, taken advantage of." Hearing Tr. 83:5-7. According to Petitioner, immigration cases made up approximately fifteen percent of his practice. Hearing Tr. 82:9-10.

41. At the hearing, Petitioner sought to explain the source of the "arrogance" he identified in his conduct. Hearing Tr. 80:1-81:20.

42. Petitioner's father died when he was approximately seven years old, and when his remaining family moved to the United States from Korea, his mother "worked long hours as a waitress so she wasn't around so much." Hearing Tr. 80:6-12. Petitioner testified that he "had to do everything on my own pretty much . . . but I did well" academically and "studied hard, despite not having really any support at all from my family or relatives." Hearing Tr. 80:13-19.

43. Petitioner suggested that his life experience created "a lack of self-esteem and self-confidence" and that he "overcompensated" for that lack by developing "this notion that – that I was smart, maybe I was smarter than most people; that I knew . . . how to make . . . right decisions because that's what I had been doing all my life." Hearing Tr. 81:3-4, 11-16. Petitioner testified that "I think I overcompensated by becoming arrogant . . . in my judgment and my ability." Hearing Tr. 81:17-19.

44. Petitioner testified credibly that since the criminal trial he has come to realize that "I am responsible. It happened because the – you know, the things that I had explained earlier about the – maybe overcompensating, trying to become better than other people or believe in myself more so than maybe I should have. So coming to that realization, I think I can say that I will not do this again." Hearing Tr. 84:14-21.

45. The parties stipulated that Petitioner has stated that he recognizes the seriousness of the underlying misconduct which resulted in the disciplinary action in 2009. Stipulations ¶ 16.

At the hearing, Petitioner also testified credibly under oath that he recognized the seriousness of his misconduct and that "as an attorney, I do recognize that I had a special obligation to uphold the law and I didn't." Hearing Tr. 77:3-8.

46. The parties also stipulated that Petitioner has stated that he has a deep remorse for his past misconduct. Stipulations ¶ 23. His expressions of remorse during his testimony, and his statement that he would be grateful for the chance to resume the practice of law were highly credible. Hearing Tr. 79:15-22, 88:16-18.

47. In his Petition, Petitioner stated that he "realized that what I did was wrong and I have accepted the consequences. I do not blame anyone else. I do not think the prosecution was harsh or unfair because I broke the law . . . . I realize that following all laws and rules [is] especially important for an attorney since attorneys are officers of the court and must set an example for the general public." DX 1 at 13. At the hearing, he testified that "because I know why it happened, I can now assure the Committee that it will not happen again." Hearing Tr. 85:7-8. The Hearing Committee accepts Petitioner's assurance as sincere.

48. Petitioner stated in the Petition that he understands that "[r]ules and laws are to be followed in all instances without exception and individuals cannot make the determination which rules should be followed and which rules may be bent or ignored." DX 1 at 12. He "realized that one must work to revise the rule or the law if one disagrees with such but must obey and follow the laws or rules unless they are changed." DX 1 at 12.

49. Petitioner also stated in the petition that the "criminal prosecution and the disbarment was one of the most if not the most humbling and tragic experience of my life." DX 1 at 12. He said that he is "certain I will continue to think about this experience for the rest of my

life" and "will ensure to follow all laws and rules because of the lessons I learned from this incident." DX 1 at 12-13.

50. At the hearing, Petitioner called as a witness Mr. Woong Thomas Yi. Hearing Tr. 26:13. Mr. Yi attended law school with Mr. Yum, graduating in 1989, and they shared office space for several years between 1994 and 1999. Hearing Tr. 28:9-29:2; PX 2; *see also* Stipulations ¶ 6. After that period, they sometimes consulted about litigation matters and possibly handled business transactions on opposite sides before 2005. Hearing Tr. 33:12-17. In 2007 and 2008, they were sometimes in contact when Petitioner worked at Simon Osnos's law firm. Hearing Tr. 35:1-7. Since 2011, they have met "a few times" to "catch up." Hearing Tr. 35:8-10, 37:11-20.

51. Mr. Yi testified that Petitioner was "extremely regretful," "absolutely horrified," and "extremely remorseful" about the 2006 events. Hearing Tr. 43:2-16.

52. Mr. Yi recalled that "the underlying events which resulted in the revocation of [the] law license was a complete shock to me and complete[ly] out of character for Chris as well." PX 2. He testified that "the 2006 incident" was "an absolute shock and dismay" to him. Hearing Tr. 29:17, 30:5. Mr. Yi testified that when in practice Petitioner "tried to do not only the correct and the ethical and the professional thing, the correct thing, but just doing the right thing by the client as well" and that he was "a valuable member to the Korean-American legal community." Hearing Tr. 30:17-20, 31:8-9.

53. Mr. Yi did not know the details of Petitioner's misconduct or his criminal conviction. He incorrectly believed that the misconduct related to "management of attorneys fees," and he had never read the indictment or the guilty plea. Hearing Tr. 32:9-20, 45:7-10. He did not receive that mistaken impression from Petitioner. Hearing Tr. 51:1-9 (testimony of Mr. Yi), 106:4-9 (testimony of Petitioner).

54. Mr. Yi was not aware of any steps Petitioner has taken to avoid similar misconduct in the future. Hearing Tr. 44:7-9.

55. Petitioner's second witness, Marsha Osnos, was his sister. Hearing Tr. 53:9. She also worked at Osnos & Associates as a paralegal/office manager during the time Petitioner worked at the firm. Hearing Tr. 54:15-18.

56. Ms. Osnos testified that her brother is "very honest, hardworking – a very competent lawyer." Hearing Tr. 56:4-5. She testified that he is "very fit to be reinstated and practice law, and I think [he] will contribute to the legal community as an experienced attorney." Hearing Tr. 56:11-13. She stated that she based her opinion on his "professional manner in the law office of Simon Osnos." Hearing Tr. 56:20-21.

57. Ms. Osnos did not know the details of Petitioner's misconduct or the criminal charge. She suggested that the misconduct related to "miscommunications with the client and that the client did something to protect himself." Hearing Tr. 57:21-22.

58. Ms. Osnos testified that Petitioner told her that "the client did not state the facts the way it was" and that Petitioner "wanted to fight this case, but he did not have the financial means to hire a lawyer." Hearing Tr. 60:10-12, 17-19. Ms. Osnos did not remember Petitioner acknowledging to her that he had made false statements. Hearing Tr. 63:7.

59. Petitioner offered as exhibits letters from Mr. Yi, Ms. Osnos, and Julia Yum (Petitioner's wife) in support of his reinstatement. PX 2, PX 3, PX 4. He also submitted a 2010 letter from Man Sik Jeon, a former employee, to the Office of Disciplinary Counsel. PX 1.

60. At the hearing, Petitioner informed the Hearing Committee that Ms. Osnos was his sister although she was there "on behalf of Simon Osnos'[s] law office." Hearing Tr. 53:8-9. Ms. Osnos's letter did not disclose the family relationship. *See* PX 3. According to Ms. Osnos, she

did not mention that she was Petitioner's sister in her letter because "Mr. Yum asked [her] to write this as a professional recommendation letter." Hearing Tr. 58:20-21. There was no evidence that Petitioner asked Ms. Osnos to omit the family relationship.

61. Petitioner attended a two-day course offered by the District of Columbia Bar titled "Basic Training & Beyond," which includes a section on legal ethics at the recommendation of the Office of Bar Counsel (now the Office of Disciplinary Counsel) in September 2015. Hearing Tr. 110:18-22; Stipulations ¶ 15. Petitioner stated that he also took this course as a step to prevent future misconduct. *Id.* Petitioner has not taken any other legal ethics training classes recently. Hearing Tr. 112:12-22.

62. Petitioner stated in his petition that he "thought about the reinstatement carefully" before seeking reinstatement. DX 1 at 13. He stated that he waited some months to apply for reinstatement "to make sure I was ready to make the request" and "to see if I was ready to resume the practice of law." DX 1 at 13.

63. Petitioner testified that since his conviction, he "tried to the best of my ability to lead an exemplary life. I tried to be a role model to my young son, and to be a good husband." Hearing Tr. 78:1-3.

64. Petitioner testified that "having gone through . . . this . . . difficult experience would aid me in administration of justice. And I don't – I wouldn't take my oath lightly. I think I was too cavalier or too just kind of flippant about the oath or maybe . . . I didn't even think about the oath, what it meant . . . ." Hearing Tr. 87:11-16. He testified credibly that he now sees the oath and related ethical issues as "not just formalities or some things that you that you have to go through to get your license and start practicing. So these perspectives that I've [obtained] are valuable." Hearing Tr. 88:4-7; *see also* DX 1 at 14 (Petitioner's statement that he "gained new

perspectives I would not have gained otherwise" that "will help me in working towards public interest and to ensure fair administration of justice if I am allowed to resume the practice of law").

65. Petitioner told his sister that "over the years, he accepted what had happened, and that he's now a new person and he said he learned a lot from this difficult experience." Hearing Tr. 64:1-4.

66. Petitioner's sister believed that "this difficult period" was "a lesson in itself." Hearing Tr. 66:1-2.

67. Since the conviction resulting in his disbarment, Petitioner has not been found to have violated any laws. Stipulations ¶ 17.

68. Disciplinary Counsel has no information suggesting that Petitioner has any alcohol or substance abuse issues. Stipulations ¶ 20.

69. Petitioner has never been convicted of any crimes (excluding minor traffic citations) except for the 2006 incident. Stipulations ¶ 21.

70. Petitioner has never been named as a defendant in any civil suits. Stipulations ¶ 22.

71. Petitioner testified credibly that he "follow[s] all laws and rules and regulations no matter what, and I tried to be ethical and moral in all my dealings with people." Hearing Tr. 78:13-15.

72. Petitioner stated in his Petition for Reinstatement that he "will actively work to ensure the integrity of the bar, for administration of justice and for assurance of public interest." DX 1 at 14. Petitioner did not identify in his Petition or his testimony particular steps he would take to further these goals.

73. Mr. Yi testified that "having [Mr. Yum] back in the community . . . would be a great service to the community again." Hearing Tr. 31:12-14; PX 2 ("It would be great to have

Chris back in the legal community so that he can continue to provide necessary legal assistance to the still growing Korean community which is lacking sufficient number of competent and sincere attorneys to serve them.").

74. Mr. Yi initially stated that "there's absolutely no opinion in general" in the Korean-American legal community on whether or not Mr. Yum should be readmitted to the bar. Hearing Tr. 42:7-9. However, he later testified that the Korean-American legal community "forgave" Petitioner and that his misconduct "was extremely unusual and out of character." Hearing Tr. 49:11-17.

75. Petitioner believed that the legal community would not be "shocked" if he were reinstated. Hearing Tr. 109:7-9.

76. Petitioner's sister, Ms. Osnos, testified that "before the disbarment, . . . he was helping out a lot in the Korean community" and "I think he will continue to do so." Hearing Tr. 61:13-15. She suggested that he helped the community by being "sympathetic to the cases and the clients that come in, and being very honest about taking their cases and doing his best to protect their legal rights." Hearing Tr. 61:18-21.

77. Ms. Osnos believed the legal community was "very surprised" by Petitioner's misconduct and conviction. Hearing Tr. 62:19. She testified that members of the Korean-American legal community "support" Petitioner and that they "would like him to join the legal community" based on her conversations with "a few of his peer groups." Hearing Tr. 65:8, 10-11.

78. Petitioner's sister believed Petitioner "would take different steps" if presented with the same circumstances that gave rise to the 2006 misconduct. Hearing Tr. 64:19-20.

79. Petitioner attends church and participates in church activities. Hearing Tr. 63:10-12, 115:6-7. He participated in volunteer activities at his son's middle school and high school. Hearing Tr. 115:9-11; PX 4.

V. CONCLUSIONS OF LAW

"In any reinstatement case, primary emphasis must be placed on the factors most relevant to the grounds upon which the attorney was suspended or disbarred." *Roundtree*, 503 A.2d at 1217. Considering each of the *Roundtree* factors, the Hearing Committee believes that Petitioner has offered clear and convincing evidence that he meets the requirements for reinstatement identified in D.C. Bar R. XI, § 16(d)(1).

1. Nature and Circumstances of the Misconduct for which Petitioner was Disciplined and Other Misconduct

In considering a petition for reinstatement, "the nature and circumstances of the misconduct for which the attorney was disciplined" is a significant factor. *Roundtree*, 503 A.2d at 1217. The Board and the Court also consider (1) unadjudicated acts of misconduct occurring prior to the Court's order of disbarment or suspension with a fitness requirement pursuant to Board Rule 9.8(a), and (2) conduct since discipline was imposed, admissible under *Roundtree*. *See* Board Rule 9.8(a), (d); *In re Roxborough*, 775 A.2d 1063, 1076 (D.C. 2001) (per curiam) (appended Board Report) ("Unadjudicated acts of misconduct should be considered" since "[a] reinstatement proceeding is like an admission proceeding, in which the Court is aided by any and all pertinent information about how Petitioner would conduct himself if reinstated to the bar.").

a. The nature and circumstances of the misconduct underlying Petitioner's disbarment

The misconduct for which Petitioner was disbarred was serious. He committed a federal crime by remaining willfully blind to false statements about a client in an adjudicative proceeding. FOF 5-7. That conduct occurred in the course of his practice, and it violated his obligations as an

attorney. *See, e.g.*, Rules 3.3(a)(4) (prohibiting a lawyer from "[o]ffer[ing] evidence that the lawyer knows to be false" except in certain limited circumstances), 8.4(c) (professional misconduct for an attorney to "[e]ngage in conduct involving dishonesty . . . or misrepresentation"). In his affidavit of consent to disbarment, Petitioner acknowledged that he could not successfully defend himself against the charges "alleging that I committed a serious crime involving moral turpitude." DX 10 ¶¶ 5, 7.

However, the 2006 misconduct was an isolated incident in an otherwise unblemished career since Petitioner became an attorney in 1989. He has not been convicted of any other crimes, he has never been sued for negligence or legal malpractice by a client, and he has not been the subject of any other disciplinary complaint. FOF 31-33, 67, 69. There is no evidence of harm to any client from the misconduct. FOF 29-33.

While the conviction of a crime of moral turpitude is extremely serious, it is not an absolute bar to reinstatement. *See In re McBride*, 602 A.2d 626, 641 (D.C. 1992) (en banc) ("[A]ll attorneys disbarred upon conviction of a crime involving moral turpitude . . . , like all others who have been disbarred, shall be entitled to petition for reinstatement . . . ."). The Court has reinstated attorneys who committed crimes of moral turpitude or caused serious harm to clients, where they were able to satisfy the *Roundtree* factors. *See, e.g.*, *In re Sabo*, 49 A.3d 1219, 1234 (D.C. 2012) (reinstating attorney who was disbarred on consent following conviction of attempted malicious wounding and who served a year in prison for cutting the brake lines of an acquaintance's car); *In re Stanback*, 913 A.2d 1270, 1271 (D.C. 2006) (per curiam) (reinstating an attorney who was disbarred for misappropriation of client funds); *In re Casalino*, 741 A.2d 38, 40 (D.C. 1999) (reinstating an attorney who was disbarred for serious felony involving moral turpitude (tax evasion over a three-year period)); *In re Harrison*, 511 A.2d 16, 19, 23 (D.C. 1986) (reinstating an attorney who was

disbarred for an "isolated incident" of misappropriation and commingling when other factors justified reinstatement).

b. Misconduct before the date of disbarment

Disciplinary Counsel takes the position that the Board and the Court should consider evidence of two instances of misconduct by Petitioner before the date of his disbarment. First, Disciplinary Counsel alleges that Petitioner knew that the statements he submitted to the INS were false, and that he was not "willfully blind" to the statements' falsity. *See* Disciplinary Counsel's Proposed Findings of Fact, Conclusions of Law, and Recommendation (Apr. 29, 2016) at 4, 15. Second, Disciplinary Counsel alleges that Petitioner failed to disclose the criminal proceedings against him to bar authorities when he resigned from the Virginia and Maryland bars a few months before his conviction in 2006 and when he failed to self-report his 2006 conviction to the Court and the Board, as required by D.C. Bar R. XI, § 10(a). *Id.* at 4-6, 15.

Disciplinary Counsel argues that Respondent admitted both instances of misconduct in the consent to disbarment proceeding, asserting that in his affidavit in support of his consent to disbarment, Petitioner acknowledged the truth of the allegations in the pending draft Specification of Charges relevant to the moral turpitude inquiry. *See* Tr. 70:13-71:5 (Disciplinary Counsel stated that a moral turpitude inquiry "goes beyond what was actually found in the criminal case," and that when Petitioner consented to disbarment, he "knew in all likelihood, [the proposed specification of charges] would be approved and he would be facing those charges.").

The Hearing Committee disagrees. The investigation that led to the disbarment on consent was focused on the question of whether Petitioner's "guilty plea and conviction" demonstrated moral turpitude. FOF 17-19, 22. The evidence presented to the Committee shows that the only "facts" admitted by Petitioner in his affidavit of consent to disbarment were confined to his

"conduct arising from my plea of guilty to, and subsequent conviction of, violating 18 U.S. Code §§ 2 and 1001. . . ." DX 10 ¶ 2; *see* FOF 21-24. Further, Petitioner testified emphatically and credibly that in the disbarment proceeding he intended to affirm only the facts he had already admitted in the criminal proceeding and not any other allegations in the draft Specification of Charges. FOF 23. Thus, the consent proceedings did not adjudicate other alleged misconduct set out in the draft Specification of Charges, including allegations related to the underlying criminal matter or the alleged failure to self-report the 2006 criminal case to bar authorities.[4] Disciplinary Counsel acknowledged as much in its motion to accept Petitioner's consent to disbarment, in which it stated, "Although [Disciplinary] Counsel believes that we could establish that Respondent engaged in all the ethical misconduct alleged in the Specification of Charges, the misconduct to which Respondent admits in his affidavit provides a sufficient basis to support his disbarment."[5] FOF 24; DX 8 ¶ 8. Accordingly, the only adjudicated evidence bearing on Petitioner's state of mind when he committed the underlying crime is his guilty plea, in which he admitted only that he was "willfully blind to the falsity" of the statements he made. FOF 6.

c. Unadjudicated acts of misconduct

The other acts of misconduct alleged in the draft Specification of Charges were otherwise unadjudicated. The Specification of Charges was never reviewed or approved by a Contact

[4] Because the Hearing Committee excluded the proposed Specification of Charges, it does not rely on it for this characterization of the proposed charges. Disciplinary Counsel stated at the hearing that the second count of the draft Specification of Charges related to Petitioner's "failure to report his criminal conviction to our office." Hearing Tr. 8:18-20. The second count also related to "dishonest statements made to other bars in connection with his resignations," as noted in Disciplinary Counsel's briefing. *See* Disciplinary Counsel's Proposed Findings of Fact, Conclusions of Law, and Recommendation (Apr. 29, 2016) at 15 n.3.

[5] In the affidavit of consent to disbarment, Petitioner merely noted that "[Disciplinary] Counsel has informed me that he intends to file charges against me alleging that I committed a serious crime involving moral turpitude, and that he would recommend my disbarment." DX 10 ¶ 5.

Member. FOF 19. The Court's order disbarring Petitioner dismissed the Specification of Charges "based upon [Mr. Yum's] conviction and guilty plea" as "moot." FOF 27. By accepting Petitioner's consent to disbarment, the Court accepted only those facts acknowledged by Petitioner in his affidavit consenting to disbarment, which were the same facts to which Petitioner admitted in his guilty plea.

If the pre-disbarment misconduct alleged by Disciplinary Counsel was not previously adjudicated, Disciplinary Counsel can introduce evidence of it only if Disciplinary Counsel has given proper notice to the petitioner that it will offer that evidence. Under Board Rule 9.8(a),

> [e]vidence of unadjudicated acts of misconduct occurring prior to the Court's order of disbarment or suspension with fitness ('unadjudicated acts') may be introduced by Disciplinary Counsel at a hearing on reinstatement only if: (i) Disciplinary Counsel demonstrates that the attorney seeking reinstatement received notice, in Disciplinary Counsel's letter dismissing the complaint alleging the unadjudicated acts, that Disciplinary Counsel reserved the right to present the facts and circumstances of the unadjudicated acts at a reinstatement hearing; and (ii) Disciplinary Counsel gives notice in the Answer to the petition for reinstatement that he intends to raise the unadjudicated acts at reinstatement.

With respect to the misconduct alleged in the proposed Specification of Charges, the charges were dismissed in to the Court's order of disbarment. FOF 27. Disciplinary Counsel failed to show that following the dismissal it provided notice to Petitioner that it reserved the right to present additional information about the criminal matter or allegations related to non-disclosure in reinstatement proceedings. FOF 28. Nor did Disciplinary Counsel's answer to the Petition for Reinstatement provide that notice. FOF 28. Accordingly, there is no evidence properly before the Committee of unadjudicated acts of misconduct before the date of Petitioner's disbarment, since the proffered draft Specification of Charges and Exhibits 16 through 25 were properly excluded from evidence.[6]

[6] Disciplinary Counsel also asserts that Petitioner testified at the hearing that he had actual knowledge of the falsity of the statements in the underlying criminal matter. *See* Disciplinary

In 2008 and 2009, Petitioner took occasional temporary jobs as a document reviewer without notifying the staffing companies of his criminal conviction as required by his plea bargain. FOF 11-12. Petitioner was disbarred in May 2011, and the effective date of the disbarment was November 6, 2009. FOF 26. This alleged misconduct also was not addressed in the consent disbarment proceedings, and as noted above, Disciplinary Counsel failed to provide notice to Petitioner that it would offer this evidence of unadjudicated acts of misconduct before the disbarment. *See* FOF 28. It is thus inadmissible in this reinstatement proceeding.

d. Conduct since discipline was imposed

There is no evidence of post-disbarment misconduct.[7] Petitioner testified that he has been sensitive to the obligation to protect his clients in closing his practice and to avoid the unauthorized

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Counsel's Proposed Findings of Fact, Conclusions of Law, and Recommendation (Apr. 29, 2016) at 4. Although the language of one portion of Petitioner's testimony might suggest that he knew that the statements were false, the evidence is not clear and convincing, given Petitioner's clear admission to willful blindness in his criminal plea and affidavit in support of his consent to disbarment. *Compare* Hearing Tr. 81:20-82:1 ("I knew that the applicants were saying that they were working full-time at the gas station when they were not . . . ."), *with* Hearing Tr. 100:7-8 (referring to the "numerous pages and pages and pages of false allegations contained in the specification of charges"). The criminal information specified that Petitioner "had good reason to suspect" the documents' falsity. DX 4 at 2. A federal court accepted his guilty plea to remaining "willfully blind to the falsity" of the papers, and as noted above, that issue was not "adjudicated" in the consent disbarment proceedings. FOF 6.

[7] Petitioner allegedly failed to disclose his convictions to staffing services in 2008 and 2009, and the disbarment was effective November 6, 2009. *See* FOF 12, 26. It is possible, then, that a failure to disclose took place after the disbarment, although the record does not establish such an event. Even if a failure to disclose the conviction is considered post-disbarment conduct, the Hearing Committee believes that this failure should not bar Petitioner from practicing law. *See Sabo*, 49 A.3d at 1228-29 (an "error of judgment" on one occasion after disbarment that resulted in the attorney pleading guilty to larceny to false pretenses did not bar reinstatement under the circumstances). The record does not include evidence of Petitioner's state of mind when he failed to make the required disclosure. While his non-disclosure could be interpreted to show a disregard for his obligations under the law, it could also have been an inadvertent omission or a good-faith interpretation or misinterpretation of the plea agreement's requirement with respect to temporary employers. The Osnos law firm, where Mr. Yum was employed as a law clerk between 2007 and 2011, was aware of the conviction. FOF 34.

practice of law. FOF 30, 37. He has not been the subject of any criminal, civil, or disciplinary complaints during his disbarment. FOF 30-33.

2. Petitioner's Recognition of the Seriousness of the Misconduct

Disciplinary Counsel and Respondent stipulated that Petitioner "has stated that he recognizes the seriousness of the underlying misconduct which resulted in the disciplinary action in 2009." Stipulations ¶ 16. Furthermore, Petitioner offered credible evidence through his own testimony that he recognizes the seriousness of his misconduct. He admitted candidly that he had initially been reluctant to take responsibility for the misconduct leading to his conviction, and he traced the course of reasoning by which he has come to appreciate the significance of his misconduct and the importance of refraining from similar misconduct in the future. FOF 38-45. Petitioner's testimony about the progression of his perceptions and his effort to understand his own motives and conduct was thoughtful and considered, and the Hearing Committee believes that it shows that he recognizes the seriousness of his actions. He did not blame others for his conviction or disbarment, and he took full responsibility for his failure. FOF 44, 47-49; *see Stanback*, 913 A.2d at 1282 (reinstating an attorney who misappropriated client funds when, among other factors supporting reinstatement, the attorney "made no excuses, blamed no one else, and made it clear that, going forward, he is committed to helping others"); *Casalino*, 741 A.2d at 39 (reinstating an attorney where, among other factors supporting reinstatement, the petitioner's "testimony and that of his character witnesses, along with evidence of his regular participation in ethics classes, support[ed] the conclusion that he accepts responsibility for his misconduct, understands the reasons that motivated it, and is unlikely to engage in any similar behavior in the future"); *cf. In re Lee*, 706 A.2d 1032, 1034-35 (D.C. 1998) (per curiam) (appended Board Report) (denying

reinstatement to an attorney whose explanation of his misconduct as "dumb mistake" failed to reflect "sufficient remorse").

Petitioner submitted relatively little evidence on this factor apart from his own testimony. Neither Mr. Yi nor Petitioner's sister, Ms. Osnos, were familiar with the details of Petitioner's crime. FOF 53, 57. *Compare Lee*, 706 A.2d at 1034 (appended Board Report) (declining to give weight to the testimony of character witnesses who lacked "detailed knowledge of Petitioner's criminal conduct" and other misconduct), *with Casalino*, 741 A.2d at 39-40 (offering the testimony of multiple character witnesses and thirty-eight letters from "lawyers, legislators, associates, and friends" to establish that the petitioner had "consistently shown remorse for his actions and for the harm he had caused to his family and others" in support of reinstatement). While both witnesses testified that Petitioner was distressed by the conviction, they did not provide evidence that he recognized the seriousness of his misconduct.[8] *See* FOF 51, 58. The letters Petitioner submitted from Man Sik Jeon, Mr. Yi, Ms. Osnos, and Julia Yum did not significantly address this factor.

Nevertheless, the joint stipulation and Petitioner's uncontroverted testimony are sufficient to establish the required showing by clear and convincing evidence. *Cf. Harrison*, 511 A.2d at 20 & n.6 (crediting the petitioner's uncontroverted testimony that he had attempted to have his name removed from two legal directories, despite the lack of direct corroborating evidence, but cautioning that "documentary evidence is superior in a proceeding of this kind, and a lawyer in petitioner's position runs a greater risk of not satisfying his burden of proof, where he or she chooses to rely solely on uncorroborated oral testimony"). The Hearing Committee finds that

[8] Ms. Osnos's testimony suggested that Petitioner would have fought the charges more vigorously if he could have afforded to do so. FOF 58. While that testimony might suggest that Petitioner failed to recognize the seriousness of his misconduct, the Hearing Committee believes that testimony is consistent with Petitioner's own acknowledgment that he initially believed the prosecution was unfair but subsequently came to understand his own misconduct.

Petitioner's assertion that he appreciates the seriousness of his misconduct was highly credible, and there is no evidence to the contrary. We thus find that he satisfied the second *Roundtree* factor.

3. Petitioner's Post-Discipline Conduct, Including Steps Taken to Remedy Past Wrongs and Prevent Future Ones

Petitioner credibly testified that he has taken steps to prevent similar future misconduct. Most significantly, the Hearing Committee believes that Petitioner's thoughtful consideration of his misconduct and recognition of the poor judgment that led to it shows that he is unlikely to engage in similar misconduct in the future. Petitioner has sought to understand why he engaged in this misconduct, accepted his own unflattering conclusion that he had been "arrogant," and recognized the harm to the judicial system from his misconduct. FOF 39-49; *cf. Stanback*, 913 A.2d at 1278 (appended Board Report) (recommending reinstatement of attorney when among other factors "[w]e credit Petitioner's testimony, which is corroborated by witnesses, that, since disbarment, he has taken stock of his past behavior and has endeavored to make major changes in his life"). The Committee found Petitioner's testimony on this issue credible.

Petitioner has also taken a two-day course on "Basic Training and Beyond" by the District of Columbia Bar, and he stated that he did so as one step to prevent future misconduct. FOF 61. He has also taken positions as a law clerk and legal translator to "stay close to law without practicing law" and maintain his knowledge of the legal system. FOF 36; *In re Turner*, 915 A.2d 351, 355 (D.C. 2006) (per curiam) (appended Board Report) (granting reinstatement; an attorney's post-discipline conduct supported reinstatement when the attorney "held responsible jobs" during the period of disbarment and was "involved in constructive and praiseworthy endeavors" including teaching CLE classes, speaking at conferences, and "assisting attorneys with legal writing"). He has engaged in activities at his son's school and his church. FOF 79; *see Stanback*, 913 A.2d at

1285 (noting that an attorney seeking reinstatement was "part of a faith community, which provides him with support").

At the time of his misconduct, Petitioner took steps to close his practice without harm to his clients, and there have been no client complaints against him. FOF 29-33. The record does not disclose any additional steps necessary to remedy his past misconduct. We thus find that Petitioner satisfied the third *Roundtree* factor.

4. Petitioner's Present Character

"'Under the fourth *Roundtree* factor, a petitioner is required to prove that those traits that led to disbarment 'no longer exist, and indeed, that he is a changed individual having full appreciation of the wrongfulness of his conduct and a new determination to adhere to the high standards of integrity and legal competence which the Court requires.'" *Sabo*, 49 A.3d at 1232 (quoting *Turner*, 915 A.2d at 356). To establish this factor, a petitioner generally should offer witnesses "familiar with the underlying misconduct" who can provide evidence of the petitioner's good character. *Id*. (quoting *In re Reynolds*, 867 A.2d 977, 986 (D.C. 2005) (per curiam) (appended Board Report)).

The Hearing Committee finds that Petitioner's testimony at the hearing credibly demonstrated that "'he is a changed individual.'" *Id*. (quoting *Turner*, 915 A.2d at 356). As discussed in Sections 2 and 3, above, in his sworn testimony, Petitioner thoughtfully and credibly discussed his thought processes at the time of his misconduct and the evolution of his understanding of the nature and effect of his conduct. He forthrightly accepted responsibility for his wrongful act, and explained why he believes that his insights into his previous behavior render it unlikely that such behavior will recur. *See id*. (reinstating an attorney when among other factors the petitioner had "a full appreciation of the wrongfulness of his conduct"). The detailed,

consistent reasoning set out in Petitioner's testimony provided clear and convincing evidence that he has a "new determination" to meet the "high standards of integrity and legal competence" required of attorneys. *Id*. (quoting *Turner*, 915 A.2d at 356). The Hearing Committee found Petitioner's testimony highly credible.

Petitioner has not been accused of any other misconduct since his disbarment. FOF 32-34. No disciplinary, criminal, or civil complaints have been lodged against him, and the record does not show evidence of other misconduct. FOF 31-33, 67-70.

The testimony of the Petitioner's witnesses, while consistent with the Hearing Committee's finding, does not significantly add to the evidence about his present character. Neither Mr. Yi nor Ms. Osnos knew the details of Petitioner's crime. FOF 53, 57. That fact diminishes the value of their testimony on the questions of Petitioner's understanding of his misconduct and whether Petitioner is likely to repeat it. *See Turner*, 915 A.2d at 356 (appended Board Report) ("The Court has stressed . . . the need for a petitioner to put on live witnesses familiar with the underlying misconduct who can provide credible evidence of a petitioner's present good character"). Moreover, Mr. Yi had had relatively little contact with Petitioner since 2011. FOF 50.

Although he was unable to speak to these important issues, Mr. Yi's testimony was generally credible. Mr. Yi was able to testify to Petitioner's reputation in the community and his belief that the 2006 misconduct was out of character for Petitioner. FOF 52, 74. His testimony suggested that Petitioner's present character justifies reinstatement, at least to the best of Mr. Yi's somewhat limited knowledge.

The Hearing Committee places less weight on the testimony of Petitioner's second witness, Ms. Osnos. Apart from the fact that she is his sister, the Committee generally found her responses less credible than Mr. Yi's. Similarly, the Hearing Committee places little weight on the letter

from his wife, Julia Yum, testifying to his present character, although it does support the conclusion that Petitioner's present character justifies reinstatement.

Based on the entirety of the evidence, we conclude that Petitioner has demonstrated clear and convincing evidence of his good character, in satisfaction of the fourth *Roundtree* factor.

5. Petitioner's Present Qualifications and Competence to Practice Law

Petitioner offered clear and convincing evidence that he is presently qualified to practice law. *See Turner*, 915 A.2d at 356 (appended Board Report) ("'A lawyer seeking reinstatement after a period of suspension should be prepared to demonstrate that he or she has kept up with current developments in the law.'") (quoting *Roundtree*, 503 A.2d at 1218 n.11). During his period of disbarment, he attended a D.C. Bar CLE class and worked in non-attorney jobs in the legal field in an effort to keep up with developments in the law. FOF 35-37, 61; *In re Blondes*, 732 A.2d 262, 263 (D.C. 1999) (per curiam) (reinstating an attorney who among other factors "audited a two credit CLE course on professional responsibility and ethics").

Petitioner also represented himself competently in the present proceedings, meeting filing deadlines, offering appropriate evidence, and otherwise performing adequately. That fact suggests that he is competent to practice. *See Sabo*, 49 A.3d at 1233 (citing the fact that a petitioner "represented himself *pro se* in the reinstatement proceedings" and in other matters as evidence that the attorney "possesses the competence and qualifications to practice law").

CONCLUSION

Based upon the foregoing, the Hearing Committee recommends that Petitioner's Petition for Reinstatement be granted.

AD HOC HEARING COMMITTEE

By: /LHS/
Leslie H. Spiegel
Chair

/WW/
William Way

/GWK/
Gary W. Kloepfer

Dated: August 22, 2016