

VIRGINIA:

BEFORE THE FOURTH DISTRICT SECTION I SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
WEON GEUN KIM

VSB Docket No. 23-041-127801

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)

On October 16, 2023, a meeting was held in this matter before a duly convened Fourth District Section I Subcommittee consisting of Elizabeth Tuomey, Esquire, Chair; Devanshi Patel, Esquire, Member; and Gayle Dennis, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4 of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Richard W. Johnson, Jr., Assistant Bar Counsel, and Weon Geun Kim, (“Respondent”), *pro se*.

WHEREFORE, the Fourth District Section I Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. Respondent was admitted to the Virginia State Bar (“VSB”) in 2006. At all relevant times, Respondent was a member of the VSB.
2. On March 15, 2023, and April 4, 2023, Virginia State Bar Investigator Ron McCall interviewed Respondent regarding matters unrelated to Respondent’s trust account. During those interviews Respondent provided McCall with a copy of his trust account bank statement.
3. Respondent identified the \$12, 410.15 in his trust account as his personal funds. Respondent did not identify any funds as client funds.
4. Respondent subsequently stated that he did not remove the funds from his trust account after they had been earned.

5. When asked if he deposits client funds into his trust account, Respondent stated that he works on a flat fee basis and deposits money received from a client for fees into his operating account prior to being earned. Respondent stated he kept the checks given to him by clients in his desk drawer rather than depositing them into his trust account.
6. On June 23, 2023, Virginia State Bar Investigator Ron McCall again interviewed Respondent regarding matters unrelated to Respondent's trust account. Respondent stated he received \$3000.00 in unearned client funds from another attorney. Respondent kept the client funds in his desk drawer until earning the fee when Respondent deposited those funds directly into his operating account.
7. Respondent has no disciplinary history. Respondent was cooperative in the Bar's investigation.

## II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### **RULE 1.15 Safekeeping Property**

#### (a) Depositing Funds.

(1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

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(3) No funds belonging to the lawyer or law firm shall be deposited or maintained therein except as follows:

(i) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution or to maintain a required minimum balance to avoid the imposition of service fees, provided the funds deposited are no more than necessary to do so; or

(ii) funds in which two or more persons (one of whom may be the lawyer) claim an interest shall be held in the trust account until the dispute is resolved and there is an accounting and severance of their interests. Any portion finally determined to belong to the lawyer or law firm shall be withdrawn promptly from the trust account.

### III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are:

1. Respondent will read in their entirety Rule of Professional Conduct 1.15, *Lawyers and Other People's Money, 5<sup>th</sup> Edition*, and Legal Ethics Opinion 1606 and will certify compliance in writing to Bar Counsel not later than 60 days following the date of entry of the Subcommittee Determination.
2. On or before October 1, 2024, Respondent will complete three hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of Trust Accounting. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph will not be applied toward his Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which Respondent may be licensed to practice law. Respondent will 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 Bar Counsel, promptly following his attendance of each such CLE program(s).

If any of the terms are not met by the time specified, pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Certification to the Disciplinary Board for a Sanction Determination should not be imposed. Any proceeding initiated due to failure to comply with terms will be considered a new matter and an administrative fee and costs will be assessed.

Pursuant to Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

FOURTH DISTRICT  
SECTION I SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR



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Elizabeth Tuomey  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on October 24, 2023, a true and complete copy of the Subcommittee Determination Public Reprimand was sent by certified mail to Weon Geun Kim, Respondent, at 8200 Greensboro Street, Suite 900, McLean, Virginia 22102, Respondent's last address of record with the Virginia State Bar.



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Richard W. Johnson, Jr.  
Assistant Bar Counsel

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BEFORE THE FOURTH DISTRICT SECTION I SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
WEON GEUN KIM

VSB Docket No. 23-041-127801

AGREED DISPOSITION  
PUBLIC REPRIMAND WITH TERMS

Pursuant to the Rules of Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Richard W. Johnson, Jr., Assistant Bar Counsel, and Weon Geun Kim, *pro se*, Respondent, enter into the following Agreed Disposition arising out of this matter.

I. STIPULATIONS OF FACT

1. Respondent was admitted to the Virginia State Bar (“VSB”) in 2006. At all relevant times, Respondent was a member of the VSB.
2. On March 15, 2023, and April 4, 2023, Virginia State Bar Investigator Ron McCall interviewed Respondent regarding matters unrelated to Respondent’s trust account. During those interviews Respondent provided McCall with a copy of his trust account bank statement.
3. Respondent identified the \$12, 410.15 in his trust account as his personal funds. Respondent did not identify any funds as client funds.
4. Respondent subsequently stated that he did not remove the funds from his trust account after they had been earned.
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7. Respondent has no disciplinary history. Respondent was cooperative in the Bar's investigation.

## II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### **RULE 1.15 Safekeeping Property**

#### (a) Depositing Funds.

(1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

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(3) No funds belonging to the lawyer or law firm shall be deposited or maintained therein except as follows:

(i) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution or to maintain a required minimum balance to avoid the imposition of service fees, provided the funds deposited are no more than necessary to do so; or

(ii) funds in which two or more persons (one of whom may be the lawyer) claim an interest shall be held in the trust account until the dispute is resolved and there is an accounting and severance of their interests. Any portion finally determined to belong to the lawyer or law firm shall be withdrawn promptly from the trust account.

## III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel, Counsel for Respondent, and Respondent tender to a subcommittee of the Fourth District, Section I Committee for its approval the agreed disposition of a Public Reprimand with Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Fourth District, Section I Committee. The terms are as follows:

1. Respondent will read in their entirety Rule of Professional Conduct 1.15, *Lawyers and Other People's Money, 5<sup>th</sup> Edition*, and Legal Ethics Opinion 1606 and will certify compliance in writing to Bar Counsel not later than 60 days following the date of entry of the Subcommittee Determination.

2. On or before October 1, 2024, Respondent will complete three hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of Trust Accounting. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph will not be applied toward his Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which Respondent may be licensed to practice law. Respondent will 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 Bar Counsel, promptly following his attendance of each such CLE program(s).

If any of the terms are not met by the time period provided above, pursuant to Part 6, § IV, ¶ 13-15.F and G of the Rules of the Supreme Court of Virginia, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Certification for Sanction Determination should not be imposed. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed pursuant to ¶ 13-9.E of the Rules of the Supreme Court of Virginia.

If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

Pursuant to Part 6, § IV, ¶ 13-30.B of the Rules of Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the subcommittee considering this agreed disposition.

THE VIRGINIA STATE BAR



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Richard W. Johnson, Jr.  
Assistant Bar Counsel

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Weon Geun Kim'.

Weon Geun Kim  
Respondent