

VIRGINIA:

BEFORE THE FIFTH DISTRICT SECTION I COMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
MINJI KIM

VSb Docket No. 22-051-125697

**AGREED DISPOSITION MEMORANDUM ORDER  
PUBLIC REPRIMAND WITH TERMS**

On May 22, 2023, and June 1, 2023, hearings in this matter were held before a duly convened Fifth District Section I Committee upon the joint request of the parties for the Committee to accept the Agreed Disposition signed by the parties and offered to the Committee as provided by Part 6, § IV ¶ 13-7(A)(9) of the Rules of the Supreme Court of Virginia. The panel consisted of Colleen M. Haddow, Chair presiding; Joseph C. Davis, Member; Marisa Santana, Member; Lauren D'Agostino, Member; and Maura Burke Weiner, Lay Member. The Virginia State Bar was represented by Richard W. Johnson, Jr., Assistant Bar Counsel. Minji Kim was present and represented herself *pro se*. The members of the panel were polled as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court reporter, Beverly Lukowsky, Chandler and Halasz, Inc., P.O. Box 9349, Richmond, Virginia, 24227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

**WHEREFORE**, upon consideration of the Agreed Disposition, the Charge of Misconduct, Respondent's Answer (Sealed), Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Committee accepts the Agreed Disposition and the Respondent shall receive a Public Reprimand With Terms, as set forth in the Agreed Disposition, which is attached and incorporated into this Memorandum Order.

It is further **ORDERED** that the sanction is effective June 1, 2023.

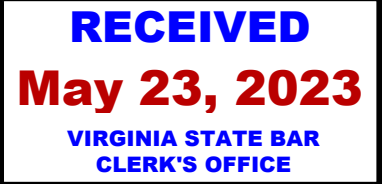
It is further **ORDERED** that the Clerk of the Disciplinary System shall assess costs pursuant to Paragraph 13-9.E of the Rules of Court.

It is further **ORDERED** that a copy of this ORDER be mailed to the Respondent by electronic, regular first class and certified mail, return receipt requested, at her last address of record with the Virginia State Bar at Prosper Law PLLC, 4115 Annandale Rd Ste 301E, Annandale, VA 22003, and a copy to Richard W. Johnson, Jr., Assistant Bar Counsel.

Enter this Order the 2nd day of June, 2023.

FIFTH DISTRICT SECTION I COMMITTEE  
OF THE VIRGINIA STATE BAR

By: Colleen M. Haddow  
Colleen Haddow, Esquire, Chair



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Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-16.X.2, the Virginia State Bar, by Richard W. Johnson, Jr., Assistant Bar Counsel, and Minji Kim, Respondent, *pro se*, hereby enter into the following Agreed Disposition arising out of the above-referenced matter.

I. STIPULATIONS OF FACT

1. In 2019, Respondent Minji Kim ("Respondent") was licensed to practice law in the Commonwealth of Virginia. At all times referenced herein, Respondent was licensed and in good standing.
2. In 2021, Respondent represented a mother ("Mother") in Fairfax Juvenile and Domestic Relations Court in a custody and support dispute over a minor child born in June 2020. Complainant represented the father ("Father").
3. In January 2022, Mother was awarded primary physical custody.
4. A child support hearing was set for May 3, 2022.
5. Beginning February 18, 2022, Complainant represented Father in the child support matter.
6. As early as March 14, 2022, Respondent knew that Complainant represented Father in the pending child support matter. On March 14, 2022, Respondent sent discovery requests to Complainant.
7. On April 27, 2022, at 12:54 p.m., Respondent sent Complainant a settlement proposal. Complainant provided this settlement proposal to Father on that date. Complainant responded to Respondent by email at 1:38 p.m. on that day.

8. On April 27, 2022, shortly after sending Complainant the email above and receiving Complainant's response rejecting the settlement proposal, and notwithstanding the fact that Respondent knew that Complainant represented Father, Respondent sent Father the following text:

Hello [Father]. Did you receive our settlement proposal today? I received an email from your counsel and would like to double-check the response is coming from you directly. I have seen some attorneys responding to settlement offer without consulting their client, so I need to verify. I would appreciate your confirmation. Thank you, Minji Kim @ Prosper Law PLLC [.]

9. Respondent did not advise Complainant that she was communicating with Father either before or after Respondent sent the text.
10. In her interview with the bar investigator, Respondent acknowledged that she should not have contacted Father directly when he was represented by counsel. Respondent stated that she accepts responsibility for her actions. Respondent had been in practice three years at the time of the violation.

## II. NATURE OF MISCONDUCT

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

### **Rule 4.2      Communication with Persons Represented by Counsel**

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

## III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to the Fifth 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 Fifth District, Section I Committee. The terms shall be met by August 22, 2023 and are as follows:

1. On or before August 22, 2023, Respondent will complete four (4) hours of continuing legal education credits by attending courses approved by the Virginia State

Bar in the subject matter of legal ethics with a focus on the Virginia Rules of Professional Conduct. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph will not be applied toward her Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which Respondent may be licensed to practice law. Respondent will certify her 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 her attendance of each such CLE program(s).

2. On or before August 22, 2023, Respondent shall certify that she has read the Virginia Rules of Professional Conduct.

3. On or before August 22, 2023, Respondent shall certify that she has read Legal Ethics Opinion 1890 addressing Communications with Represented Persons.

4. For a period of ONE (1) year following the entry of the final Order in this matter, the Respondent shall undertake a mentorship relationship with a senior member of the bar who has been practicing for a minimum of fifteen years. Respondent shall provide the name of the mentor to Assistant Bar Counsel by August 22, 2023. Respondent shall meet with the mentor for at least one hour per quarter to discuss issues including but not limited to lawyer ethics. These meetings shall not involve discussions of any client's confidential communication. After each quarter, Respondent shall ensure that a letter is furnished to the Assistant Bar Counsel confirming the discussions and the subject-matter addressed.

If any of the terms and conditions are not met by the times specified, pursuant to Part 6, § IV, ¶ 13-15.F and 13-15.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.

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 the 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



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Minji Kim, Esquire  
Respondent