

FILED

2010 FEB 18 AM 9:51

SUPREME COURT  
OF GUAM

IN THE SUPREME COURT OF GUAM

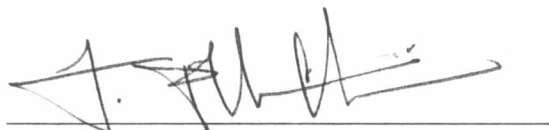
IN RE: ) Supreme Court Case No. ADC09-004

JASON KIM, )

ORDER

Pursuant to Rule 19 of the Guam Rules of Discipline of Attorneys, the Supreme Court of Guam hereby appoints Attorney Mark E. Kondas to serve as counsel to inventory the client and client-related files of Respondent Kim. Attorney Kondas is authorized to take such action that he considers necessary and appropriate to protect the interest of Respondent Kim or Respondent Kim's clients or both.

SO ORDERED this 15<sup>th</sup> day of February, 2010.



F. PHILIP CARBULLIDO  
Associate Justice




KATHERINE A. MARAMAN  
Associate Justice



ROBERT J. TORRES  
Chief Justice

RECEIVED  
GUAM BAR ASSOCIATION  
Office of the Ethics Prosecutor  
Guam Judicial Center, Second Floor  
120 W. O'Brien Drive  
Hagatna, Guam 96910-5174

Date: 2/18/10 Time: 10:20  
By: 

I do hereby certify that the foregoing is a full true and correct copy of the original on file in the office of the clerk of the Supreme Court of Guam

FEB 18 2010

By: LISA C. IBANEZ  
Deputy Clerk, Supreme Court of Guam

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IN RE: ) Supreme Court Case No.ADC09-004

JASON KIM, )

ORDER

This matter comes before the court on the proposed orders filed by Respondent Jason Kim and by Guam Bar Ethics Committee ("GBEC") relative to the settlement and disposition of this matter. See Submission, filed Jan. 14, 2010, by Respondent Kim; Proposed Disposition, filed Jan.19, 2010, by the GBEC.

The court having reviewed the filings submitted by each party, and pursuant to its authority under 7 GCA § 9101 and 48 U.S.C.A. § 1424-1(a)(7) to govern the conduct and discipline of attorneys, hereby accepts the application of Respondent Kim to resign from the Guam Bar subject to the following terms and conditions:.

1. Respondent Kim shall comply with Rule 18 of the Rules of Discipline relating to notification of clients, together with other procedural requirements of Rule 18.
2. Respondent Kim shall not be allowed reinstatement to the Guam Bar and shall not apply for admission to any other bar organization in any jurisdiction in the United States.
3. Respondent Kim shall not work in any capacity in the legal profession, including but not limited to acting as a paralegal.

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Date: 2/18/10 Time: 10:22  
By: [Signature]

- 1 4. Respondent Kim shall immediately resign his position and/or license as a  
2 Guam notary and shall not reapply at any time for reinstatement or renewal of  
3 such license.
- 4 5. Respondent Kim shall waive any and all equitable defenses, including but not  
5 limited to statute of limitations and estoppel, should Respondent Kim apply for  
6 reinstatement with the Guam Bar in the future.
- 7 6. Respondent Kim shall pay restitution to any other clients, which may be  
8 determined to be necessary based upon the investigation carried out by the  
9 Prosecuting Counsel and/or the GBEC in the inventory and examination of the  
10 clients and the client-related files of Respondent Kim.
- 11 7. Pursuant to Rule 19 of the Guam Rules of Discipline of Attorneys, the  
12 Supreme Court of Guam will appoint Attorney Mark E. Kondas to serve as  
13 counsel to examine and inventory the client and client-related files of  
14 Respondent Kim. Attorney Kondas shall be authorized to take such action that  
15 he considers necessary and appropriate to protect the interest of Respondent  
16 Kim's clients. Respondent Kim shall fully and completely cooperate with the  
17 Attorney Kondas to facilitate a prompt and adequate review of the client files  
18 of Respondent Kim.
- 19 8. The Guam Bar may bring any charges against Respondent Kim that may have  
20 been discovered in the review of his client files and that may establish other  
21 violations of the Rules of Professional Conduct.
- 22 9. Respondent Kim shall be assessed all costs, expenses, and reasonable  
23 attorney's fees incurred by the GBEC for investigating and prosecuting  
24 Respondent Kim in all matters currently before the GBEC, including  
responding to Respondent Kim's application to resign. Prosecuting Counsel  
and the GBEC shall provide an accounting of all costs and reasonable  
attorney's fees for the court's approval and said costs and fees shall be paid by  
Respondent Kim no later than 30 days after the court's approval.
10. Respondent Kim shall be assessed all costs related to the two publications in  
each of the Pacific Daily News and the Korean newspaper in Guam with each  
of four publications being both in English and in Korean, of notice that an

1 order has issued accepting his resignation from the Guam Bar in the face of  
2 pending charges, with such notices to be prepared and published by  
3 Prosecuting Counsel.

- 4 11. Respondent Kim shall fully cooperate with the efforts being undertaken to  
5 have the Takagi settlement in the amount of \$55,000.00 set aside.
- 6 12. Respondent Kim shall cooperate with the GBEC, the Prosecuting Counsel, and  
7 the Attorney Kondas with regard to the resolution of these proceedings.
- 8 13. Attorney Kondas shall provide periodic reports to the Supreme Court, with a  
9 copy to Prosecuting Counsel, on his Rule 19 tasks until the matter is  
10 satisfactorily concluded in the opinion of Prosecuting Counsel.
- 11 14. Respondent Kim shall continue to file annual registration statements with the  
12 Guam Bar for a period of ten (10) years, as contemplated by Rule 5 of the  
13 Rules of Discipline, in order to ensure that he may be located if necessary.

14 **SO ORDERED** this 18<sup>th</sup> day of February, 2010.

15 

16 F. PHILIP CARBULLIDO  
17 Associate Justice

18 

19 KATHERINE A. MARAMAN  
20 Associate Justice

21 

22 ROBERT J. TORRES  
23 Chief Justice

24 I do hereby certify that the foregoing is a  
full true and correct copy of the original on  
file in the office of the clerk of the  
Supreme Court of Guam

FEB 18 2010

By: LISA C. IBANEZ  
Deputy Clerk, Supreme Court of Guam