

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 192 DB 2016
Petitioner :
v. : Attorney Registration No. 71693
HAE YEON BAIK :
Respondent : (Philadelphia)

ORDER


AND NOW, this 7th day of December, 2016, in accordance with Rule 215(f), Pa.R.D.E., the three-member Panel of the Disciplinary Board having reviewed and approved the Joint Petition in Support of Discipline on Consent filed in the above captioned matter; it is

ORDERED that the said HAE YEON BAIK be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(9) of the Pennsylvania Rules of Disciplinary Enforcement.

BY THE BOARD:


Board Chair

TRUE COPY FROM RECORD
Attest:


Marcee D. Sloan
Asst. Secretary of the Board
The Disciplinary Board of the
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

| | | |
|--------------------------------|---|---------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL | : | No. 192 DB 2016 |
| Petitioner | : | |
| | : | |
| v. | : | |
| | : | Attorney Registration No. 71693 |
| HAE YEON BAIK | : | |
| Respondent | : | (Philadelphia) |

PUBLIC REPRIMAND

Hae Yeon Baik, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Ms. Baik, you agreed to enter into a joint recommendation for consent discipline and you further agreed that pursuant to Pennsylvania Rule of Professional Conduct 8.5(b)(2), you violated the New Jersey Rules of Professional Conduct because your misconduct principally occurred in New Jersey and had a predominant effect in New Jersey. At all times relevant, you were admitted to practice law in Pennsylvania and were not admitted to practice law in New Jersey.

Commencing in 2012, you undertook the representation of New Jersey residents Moo Hyon and Eun Hyon in the purchase of real property and in the subsequent rental of that property, located in Camden County, New Jersey. You failed to disclose to the Hyons that neither you nor your law firm was eligible to practice law in New Jersey, and neither you nor your firm could provide any legal services to the Hyons in their New

Jersey real estate matter. However, you did not affirmatively represent to the Hyons that you were a member of the New Jersey bar. In 2012 through 2014, you provided legal services to the Hyons in the real estate matter. You failed to communicate to your clients the basis or rate of your fee, in writing, before or within a reasonable time after commencing the representation. Similarly, in a separate bankruptcy proceeding, you provided legal services to the Hyons and failed to provide a written fee agreement to your clients.

In connection with the real estate matter, you received a check for \$9,400.00. Since you did not maintain a trust account or any other type of account in New Jersey, you deposited the check into your Pennsylvania bank account without authorization of the Hyons, to whom the check had been made payable. You also deposited rent checks you received on behalf of the Hyons into your Pennsylvania bank account, and, without authorization of the Hyons, took as legal fees a portion of the rental proceeds paid to your clients. You failed to comply with New Jersey court rules that required you to maintain trust and business accounts in a New Jersey financial institution and to hold the funds in such accounts. You failed to ensure that your clients' funds were properly maintained, with proper account records as required by New Jersey law.

Your actions in regard to the Hyons' New Jersey real estate matter constituted the unauthorized practice of law in New Jersey, in violation of the criminal laws of that jurisdiction.

Your conduct in this matter has violated the following New Jersey Rules of Professional Conduct:

1. NJ RPC 1.5(b) – When a lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated in writing to the client before or within a reasonable time after commencing the representation;
2. NJ RPC 1.15(a) – A lawyer shall hold property of clients or third persons that is in a lawyer’s possession in connection with a representation separate from the lawyer’s own property. Funds shall be kept in a separate account maintained in a financial institution in New Jersey. Funds of the lawyer that are reasonably sufficient to pay bank charges may, however, be deposited therein. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of seven years after the event that they record;
3. NJ RPC 1.15(c) – When in the course of representation a lawyer is in possession of property in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until there is an accounting and severance of their interests. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separate by the lawyer until the dispute is resolved;
4. NJ RPC 1.15(d) – A lawyer shall comply with the provisions of R. 1:21-6 (“Recordkeeping”) of the Court Rules;
5. RPC 5.5(a)(1) – A lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction;
and

6. NJ RPC 8.4(b) – It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as lawyer in other respects.

We note that you have a record of discipline in Pennsylvania consisting of an Informal Admonition imposed in 2014 for failing to comply with a request by your clients to provide them with an itemized bill for services rendered and an accounting.

You have a record of discipline in New Jersey. By Order of March 3, 2016, the Supreme Court of New Jersey publicly reprimanded you for your misconduct in connection with your representation of the Hyons in their New Jersey real estate matter.

In mitigation, we have considered that you admitted your misconduct by self-reporting and cooperated with Office of Disciplinary Counsel. You expressed remorse and understand that you must be disciplined for your misconduct. You refunded to the Hyons the amount you had previously collected for the services you provided in the New Jersey real estate matter. Currently, you employ two New Jersey licensed attorneys to handle New Jersey matters and your law firm is in compliance with the New Jersey Supreme Court requirements as to trust and business accounts.

Ms. Baik, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.



Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on January 4, 2017.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in her presence and in the presence of the designated panel of The Disciplinary Board at 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on January 4, 2017.



Hae Yeon Baik

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner : **192 DB 2016**
: ODC File No. C1-16-307
v. :
: Atty. Reg. No. 71693
HAE YEON BAIK, :
Respondent : (Philadelphia)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Richard Hernandez, Esquire, Disciplinary Counsel, and Respondent, Hae Yeon Baik, file this Joint Petition In Support of Discipline On Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement ("the Joint Petition") and respectfully represent that:

1. Respondent, Hae Yeon Baik, was born in 1959 and was admitted to practice law in the Commonwealth of Pennsylvania on April 4, 1994. Respondent was assigned Attorney Registration No. 71693 and is currently registered as active.

FILED
11/22/2016
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. According to attorney registration records, Respondent's office address is 1100 Vine Street, Units C8 & C9, Philadelphia, PA 19107.

3. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED

4. Respondent has agreed to enter into a joint recommendation for consent discipline.

5. Pennsylvania Rule of Professional Conduct ("PA RPC") 8.5, titled "Disciplinary Authority; Choice of Law," provides in subsection (b)(2) that in

any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

...

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

6. Based on the factual allegations set forth in the Joint Petition, Respondent agrees that application of PA RPC 8.5(b) (2) would dictate that any disciplinary charges brought against Respondent in Pennsylvania would be based on Respondent having violated the New Jersey Rules of Professional Conduct ("NJ RPC") because Respondent's misconduct: principally occurred in New Jersey; and had a predominant effect in New Jersey.

7. Respondent stipulates that the factual allegations set forth below are true and correct and that she violated the charged New Jersey Rules of Professional Conduct as set forth herein.

CHARGE

8. Respondent has never been admitted to practice law in New Jersey.

9. At all times relevant hereto, Respondent was admitted to practice law in Pennsylvania.

10. At all times relevant hereto, Respondent was not admitted to practice law in any state jurisdiction other than Pennsylvania.

11. Respondent was previously placed on notice of legal and ethical issues relating to her handling of legal matters involving New Jersey residents and New Jersey real estate in that between 2004 and 2009, Respondent had successfully

defended herself against two related legal malpractice complaints filed in the United States District Court for the District of New Jersey, both of which included allegations that Respondent was ineligible to practice law in New Jersey and that she was involved as an attorney in a matter regarding New Jersey real estate and a New Jersey-based business. See *Kyong H. Kim v. Hae Yeon Baik*, Civil No. 06-3604; *Tina Tran v. Hae Yeon Baik, individually, [and] Law Office of Hae Yeon Baik*, Civil No. 04-4257 ("the New Jersey federal civil cases").

12. Commencing in 2012, Respondent undertook the representation of New Jersey residents Moo Hyon and Eun Hyon ("the Hyons") in the purchase of real property and in the subsequent rental of that property; the property at issue was located in Camden County, New Jersey ("the Camden County property").

13. Respondent failed to disclose to the Hyons that neither Respondent nor Respondent's firm was eligible to practice law in New Jersey, and neither Respondent nor Respondent's firm could provide any legal services to the Hyons in their New Jersey real estate matter.

a. Respondent did not affirmatively represent to the Hyons that she was a member of the New Jersey bar.

14. In 2012, Respondent had provided legal services to the Hyons in a bankruptcy matter.

15. In connection with the bankruptcy matter, Respondent failed to communicate to the Hyons the basis or rate of the fee, in writing, before or within a reasonable time after commencing the representation.

16. In 2012 through 2014, Respondent had provided legal services to the Hyons in their New Jersey real estate matter.

17. In connection with the New Jersey real estate matter, Respondent failed to communicate to the Hyons the basis or rate of the fee, in writing, before or within a reasonable time after commencing the representation.

18. Respondent received a check from Prudential Fox & Roach/Trident for \$9,400.00, payable to "Moo Hyon & Eun Hyon, C/O Baik & Associates, P.C."

19. Respondent deposited the \$9,400.00 check into Respondent's Pennsylvania bank account without authorization of the Hyons, to whom the check had been made payable.

20. The \$9,400.00 check was not made payable to Respondent.

21. The Hyons had entered into an agreement to rent the Camden County property to a tenant by the name of Canal.

22. Respondent received the rent checks from Canal.

23. Respondent deposited the rent checks she received on behalf of the Hyons into Respondent's Pennsylvania bank account.

24. Respondent, without authorization of the Hyons, took as legal fees a portion of the rental proceeds paid by Canal to the Hyons.

25. Respondent did not take reasonable steps to protect the Hyons' financial interest prior to Respondent's taking money from the Hyons that Respondent's office had received from Canal, which money Respondent unilaterally claimed as payment of her "legal bill."

26. Respondent acted unreasonably by taking a portion of the rental proceeds because Respondent, who was ineligible to practice law in New Jersey, had no basis for claiming any right to attorney fees for services that she had provided as an attorney in a New Jersey real estate matter.

27. Respondent did not maintain banks accounts in New Jersey.

28. New Jersey Court Rule ("R.") 1:21-6, titled "Recordkeeping; Examination of Records," provides, in relevant part, that:

(a) Required Trust and Business Accounts. Every attorney who practices in this state shall maintain in a financial institution in New Jersey, in the attorney's own name, or in the name

of a partnership of attorneys, or in the name of the professional corporation of which the attorney is a member, or in the name of the attorney or partnership of attorneys by whom employed:

(1) a trust account or accounts, separate from any business and personal accounts and from any fiduciary accounts that the attorney may maintain as executor, guardian, trustee, or receiver, or in any other fiduciary capacity, into which trust account or accounts funds entrusted to the attorney's care shall be deposited; and

(2) a business account into which all funds received for professional services shall be deposited.

(b) Account Location; Financial Institution's Reporting Requirements.
An attorney trust account shall be maintained only in New Jersey financial institutions approved by the Supreme Court, which shall annually publish a list of such approved institutions.

(c) Required Bookkeeping Records.

(1) Attorneys, partnerships of attorneys and professional corporations who practice in this State shall maintain in a current status and retain for a period of 7 years after the event that they record:

(A) appropriate receipts and disbursements journals containing a record of all deposits in and withdrawals from the accounts specified in paragraph (a) of this rule and of any other bank account which concerns or affects their

practice of law, specifically identifying the date, source and description of each item deposited as well as the date, payee and purpose of each disbursement. All trust account receipts shall be deposited intact and the duplicate deposit slip shall be sufficiently detailed to identify each item. All trust account withdrawals shall be made only by attorney authorized financial institution transfers as stated below or by check payable to a named payee and not to cash. Each electronic transfer out of an attorney trust account must be made on signed written instructions from the attorney to the financial institution. The financial institution must confirm each authorized transfer by returning a document to the attorney showing the date of the transfer, the payee, and the amount. Only an attorney admitted to practice law in this state shall be an authorized signatory on an attorney trust account, and only an attorney shall be permitted to authorize electronic transfers as above provided; and

(B) an appropriate ledger book, having at least one single page for each separate trust client, for all trust accounts, showing the source of all funds deposited in such accounts, the names of all persons for whom the funds are or were held, the amount of such funds, the description and amounts of charges or withdrawals from such accounts, and the names of all persons to whom such funds were disbursed. A regular trial balance of the individual client trust ledgers shall be maintained. The total of the trial balance must agree with the control figure computed by taking the beginning balance, adding the total of moneys received in trust for the client, and deducting the total of all moneys disbursed; and

(C) copies of all retainer and compensation agreements with clients; and

(D) copies of all statements to clients showing the disbursement of funds to them or on their behalf; and

(E) copies of all bills rendered to clients; and

(F) copies of all records showing payments to attorneys, investigators or other persons, not in their regular employ, for services rendered or performed; and

(G) originals of all checkbooks with running balances and check stubs, bank statements, prenumbered cancelled checks and duplicate deposit slips, except that, where the financial institution provides proper digital images or copies thereof to the attorney, then these digital images or copies shall be maintained; all checks, withdrawals and deposit slips, when related to a particular client, shall include, and attorneys shall complete, a distinct area identifying the client's last name or file number of the matter; and

(H) copies of all records, showing that at least monthly a reconciliation has been made of the cash balance derived from the cash receipts and cash disbursement journal totals, the checkbook balance, the bank statement balance and the client trust ledger sheet balances; and

(I) copies of those portions of each client's case file reasonably necessary for a complete understanding of the financial transactions pertaining thereto.

(2) ATM or cash withdrawals from all attorney trust accounts are prohibited.

(3) No attorney trust account shall have any agreement for overdraft protection.

(f) Attorneys Practicing With Foreign Attorneys or Firms. All of the requirements of this rule shall be applicable to every attorney rendering legal services in this State regardless whether affiliated with or otherwise related in any way to an attorney, partnership, legal corporation, limited liability company, or limited liability partnership formed or registered in another state.

(i) Disciplinary Action. An attorney who fails to comply with the requirements of this rule in respect of the maintenance, availability and preservation of accounts and records or who fails to produce or to respond completely to questions regarding such records as required shall be deemed to be in violation of R.P.C. 1.15(d) and RPC 8.1(b).

29. Respondent failed to comply with R. 1:21-6 in that she did not hold funds belonging to the Hyons in trust or business accounts maintained by a financial institution in New Jersey although she was required to do so based on her representation of the Hyons in their New Jersey real estate matter.

30. New Jersey trust and business accounts were required as a condition precedent to the right to engage in the private practice of law in New Jersey by either Respondent or Respondent's firm (including any attorney in her firm).

31. The Supreme Court of New Jersey requires attorneys and law firms that have out-of-state offices to maintain trust and business accounts in New Jersey to practice law in New Jersey. See *In re Jaffe*, 74 N.J. 86, 90 (1977); see generally *In re White*, 24 N.J. 521, 524 (1957).

32. For checks made payable jointly to the client and the attorney, the Supreme Court of New Jersey has set in place the procedure that both the client and the attorney should endorse such joint checks, with the check then deposited into the attorney trust account and, after clearance, disbursement of the appropriate amount to the client for proceeds and to the attorney for the legal fee. See generally *In re Shaw*, 88 N.J. 433, 440 (1982).

33. Respondent had no general implied authority to have deposited the \$9,400.00 check made out to the Hyons into Respondent's account, even if a valid attorney-client relationship had existed.

34. Because Respondent was not admitted to practice law in New Jersey, and Respondent's firm did not meet the

requirements for practicing in New Jersey, no valid attorney-client relationship existed between Respondent and the Hyons.

35. The \$9,400.00 check was not payable to Respondent or Respondent's law firm; therefore, it was improper for Respondent to have deposited the check into any bank account without notice to, and obtaining the written authorization of, the Hyons.

36. Respondent failed to ensure that the Hyons' funds were maintained in accord with R. 1:21-6, with proper account records that complied with said rule.

37. N.J.S.A. 2C:21-22, titled "Unauthorized Practice of Law," states that:

(a) A person is guilty of a crime of the fourth degree if the person knowingly engages in the unauthorized practice of law.

(b) A person is guilty of a crime of the third degree if the person knowingly engages in the unauthorized practice of law and:

(1) Creates or reinforces a false impression that the person is licensed to engage in the practice of law; or

(2) Derives a benefit; or

(3) In fact causes injury to another.

38. Respondent's actions with regard to acting as an attorney for the Hyons in their New Jersey real estate matter

constituted the unauthorized practice of law, which is a criminal act under N.J.S.A. 2C:21-22.

39. Respondent, by her conduct, created the false impression to the Hyons that Respondent was qualified to act as an attorney for the Hyons in New Jersey in connection with their New Jersey real estate matter.

40. Respondent derived a financial benefit by having deposited the checks that were made payable to the Hyons (and not to Respondent), and thereafter taking a fee from those proceeds for legal services before forwarding the balance to the Hyons.

41. Having appeared as a defendant in the New Jersey federal civil cases on causes of action that included claims that Respondent practiced law in New Jersey when she was not admitted as an attorney, Respondent was on notice of the legal issues relating to the unauthorized practice of law in New Jersey and that representing New Jersey residents in a transaction involving New Jersey real estate constituted the unauthorized practice of law in New Jersey.

42. By her conduct as alleged in Paragraphs 8 through 41 above, Respondent violated the following New Jersey Rules of Professional Conduct:

- a. NJ RPC 1.5(b), which states that when the lawyer has not regularly represented the

client, the basis or rate of the fee shall be communicated in writing to the client before or within a reasonable time after commencing the representation;

b. NJ RPC 1.15(a), which states that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in a separate account maintained in a financial institution in New Jersey. Funds of the lawyer that are reasonably sufficient to pay bank charges may, however, be deposited therein. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of seven years after the event that they record;

c. NJ RPC 1.15(c), which states that when in the course of representation a lawyer is in possession of property in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer

until there is an accounting and severance of their interests. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separate by the lawyer until the dispute is resolved;

- d. NJ RPC 1.15(d), which states that a lawyer shall comply with the provisions of R. 1:21-6 ("Recordkeeping") of the Court Rules;
- e. NJ RPC 5.5(a)(1), which states that a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; and
- f. NJ RPC 8.4(b), which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

43. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a public reprimand.

44. Respondent hereby consents to that discipline being imposed upon her by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit

required by Rule 215(d), Pa.R.D.E., stating that she consents to the recommended discipline, including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

45. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged New Jersey Rules of Professional Conduct;
- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and her consent to receiving a public reprimand;
- c. Respondent is remorseful for her misconduct and understands she should be disciplined, as is evidenced by her consent to receiving a public reprimand;
- d. Respondent self-reported her misconduct to Petitioner;
- e. Respondent has refunded to the Hyons the amount that she had previously collected for the services she had provided in the New Jersey real estate matter; and

f. Respondent currently employs two attorneys who are licensed to practice law in New Jersey and Respondent represents that Respondent's firm complies with the Supreme Court of New Jersey's requirement that attorneys and law firms that have out-of-state offices must maintain trust and business accounts in New Jersey if engaged in the practice of law in New Jersey.

46. An aggravating factor in determining the discipline to impose is Respondent's informal admonition which was imposed on April 3, 2014, for having engaged in conduct in violation of PA RPC 1.4(a)(4) and PA RPC 1.15(e). In that disciplinary matter, Respondent failed to comply with a request by her clients to provide them with an itemized bill for services rendered and an accounting of the credit card processing fees that Respondent withheld from monies received from her clients.

Respondent has a record of discipline in New Jersey. By Order dated March 3 and filed March 4, 2016 (**Attachment A**, hereto), the Supreme Court of New Jersey publicly reprimanded Respondent for having violated NJ RPC 1.5(b), NJ RPC 1.15(a), NJ RPC 1.15(c), NJ RPC 1.15(d), NJ RPC 5.5(a)(1), NJ RPC 8.4(b), Rule 1:21-6 (a-c) and (i), and N.J.S.A. 2C:21-22

(mistakenly cited in the Order as "2C:21-11"). That disciplinary matter was based on Respondent's representation of the Hyons in their New Jersey real estate matter, as discussed *supra*. Respondent reported to Petitioner that she had been publicly reprimanded in New Jersey.

47. Misconduct consisting of the unauthorized practice of law has resulted in a public reprimand if the misconduct was limited in scope. In *Office of Disciplinary Counsel v. Steven M. Mezrow*, No. 152 DB 2014 (Three-Member Panel of the Disciplinary Board administered a public reprimand on 4/16/15), Respondent Mezrow, who was administratively suspended over a ten-day period for failing to comply with attorney registration requirements, engaged in the unauthorized practice of law by representing clients in a civil jury trial. The judge presiding over the civil trial learned that Respondent Mezrow had been placed on administrative suspension and held a hearing to confirm that fact. The judge declared a mistrial and directed Respondent's law firm to pay the costs incurred by the defense. Respondent Mezrow's mitigation consisted of: no disciplinary record; cooperation; admission of misconduct; and remorse. In addition, Respondent Mezrow had self-reported his misconduct.

Respondent Baik's disciplinary matter resembles Respondent Mezrow's matter in that both attorneys had engaged

in the unauthorized practice of law with respect to only one set of clients and had virtually the same mitigating factors, save for Respondent Mezrow having no record of discipline.

The Disciplinary Board also imposed a public reprimand in *Office of Disciplinary Counsel v. Calvin Taylor, Jr.*, 211 DB 2015 (Three-Member Panel of the Disciplinary Board administered a public reprimand on 4/14/16). Respondent Taylor, who was administratively suspended over an approximately four-week period, engaged in the unauthorized practice of law by serving as an arbitrator for the Philadelphia Court of Common Pleas, by entering his appearance and having a client waive her preliminary hearing, and by representing another client at sentencing. Previously, Respondent Taylor had been suspended for six months by Order of the Supreme Court of Pennsylvania dated April 6, 2011, for having engaged in the unauthorized practice of law while on administrative suspension. See *Office of Disciplinary Counsel v. Calvin Taylor, Jr.*, No. 253 DB 2010 (Three-Member Panel of the Disciplinary Board 1/24/11) (S.Ct. Order 4/6/11).

The disciplinary matters involving Respondent Baik and Respondent Taylor are similar in that the respondents engaged in the unauthorized practice of law on a limited basis and received public reprimands despite having a record of

discipline. However, Respondent Taylor's previous misconduct, which resulted in his receiving a six-month suspension, was more serious than Respondent Baik's previous misconduct, which resulted in her being administered an informal admonition.

48. The Supreme Court of New Jersey had determined that Respondent should be publicly reprimanded for her misconduct in the Hyons' New Jersey real estate matter. Petitioner and Respondent submit that Respondent should also be publicly reprimanded in Pennsylvania for that misconduct. Precedent and the mitigating and aggravating circumstances support the request that Respondent be administered a public reprimand.

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Pa.R.D.E. 215(e) and 215(g)(1), the three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and enter an Order that Respondent receive a public reprimand; and
- b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution

of this matter as a condition to the grant of the Petition, and that all expenses be paid by Respondent before the imposition of discipline under Pa.R.D.E. 215(g)(1).

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By 

Richard Hernandez
Disciplinary Counsel

By 

Hae Yeon Baik, Esquire
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: ODC File No. C1-16-307
v. :
: Atty. Reg. No. 71693
HAE YEON BAIK, :
Respondent : (Philadelphia)

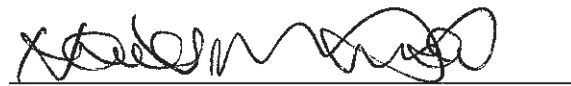
VERIFICATION

The statements contained in the foregoing Joint Petition In Support of Discipline on Consent Under Rule 215(d), Pa.R.D.E., are true and correct to the best of our knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

11/21/2016
Date


Richard Hernandez
Disciplinary Counsel

11/16/16
Date


Hae Yeon Baik, Esquire
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: ODC File No. C1-16-307
v. :
: Atty. Reg. No. 71693
HAE YEON BAIK, :
Respondent : (Philadelphia)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

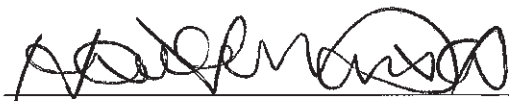
Respondent, Hae Yeon Baik, hereby states that she consents to the imposition of a public reprimand as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition In Support Of Discipline On Consent, and further states that:

1. Her consent is freely and voluntarily rendered; she is not being subjected to coercion or duress; she is fully aware of the implications of submitting the consent; and she has not consulted with counsel in connection with the decision to consent to discipline;

2. She is aware that there is presently pending an investigation into allegations that she has been guilty of misconduct as set forth in the Joint Petition;

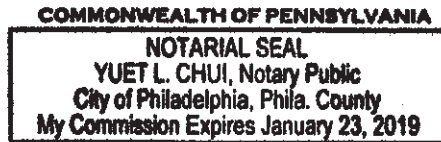
3. She acknowledges that the material facts set forth in the Joint Petition are true; and

4. She consents because she knows that if charges predicated upon the matter under investigation were filed, she could not successfully defend against them.



Hae Yeon Baik, Esquire
Respondent

Sworn to and subscribed
before me this 16th
day of November, 2016.



Yuet L. Chui
Notary Public