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DISCIPLINARY BOARD

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re	Proceeding No. 17#00069
STEVEN W. KIM,	ODC File No. 16-01384
Lawyer (Bar No. 31051).	STIPULATION TO REPRIMAND

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to reprimand is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Debra Slater and Respondent lawyer Steven W. Kim.

Respondent understands that he is entitled under the ELC to a hearing, to present exhibits and witnesses on his behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that he is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to him. Respondent chooses to resolve this proceeding now by entering into the following stipulation to facts, misconduct and sanction to

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1 avoid the risk, time, and expense attendant to further proceedings.

2 **I. ADMISSION TO PRACTICE**

3 1. Respondent was admitted to practice law in the State of Washington on May 30,
4 2001.

5 **II. STIPULATED FACTS**

6 2. On Saturday, July 30, 2016, 19 year old Allen Ivanov shot and killed three people
7 and wounded a fourth.

8 3. On the same date, Respondent met with Ivanov's parents and was hired to
9 represent Ivanov in criminal proceedings in Snohomish County Superior Court.

10 4. Ivanov's mother gave Respondent a copy of a two page letter that had been written
11 by Ivanov before the shootings. The letter identified family and friends, with a brief statement
12 about each of them and appeared to be a "good-bye" letter that reflected that the shootings
13 were premeditated. The letter also reflected that Ivanov was suicidal.

14 5. After being hired, Respondent met with Ivanov, who was in custody in the
15 Snohomish County jail.

16 6. Respondent did not discuss the "good-bye" letter with Ivanov, nor did Ivanov give
17 Respondent permission to provide the letter to the police or the press.

18 7. On July 31, 2016, Respondent spoke with Detective Walvatne of the Snohomish
19 County Sheriff's office. Detective Walvatne told Respondent that the "good-bye" letter had to
20 be turned over to investigators at the Mukilteo Police Department, the lead investigative
21 agency on the case.

22 8. Shortly thereafter, Ivanov's parents decided to hire different lawyers and
23 terminated Respondent.

1 9. On Monday, August 1, 2016, Respondent went to the Snohomish County jail to
2 again meet with Ivanov. Ivanov confirmed that Respondent had been terminated.

3 10. A KIRO 7 news reporter was outside the jail. Kim participated in an interview
4 with the reporter and showed Ivanov's "good-bye" letter to the reporter. Respondent
5 displayed the letter and allowed the reporter to photograph it.

6 11. On the same day, Respondent was interviewed in his home by a Q13 television
7 reporter. The interview was broadcast on the 11:00 p.m. news that night. Respondent gave a
8 copy of the "good-bye" letter to the reporter, who displayed the letter on camera. Respondent
9 described the contents of the letter and the reporter read portions of the letter on camera.

10 12. After the interview aired, a Q13 in-studio reporter commented on the interview,
11 saying that the victims' families "certainly believed there was premeditation."

12 13. Excerpts from the interview appeared on Q13's website. A copy of the "good-
13 bye" letter was included on the website.

14 14. A copy of the "good-bye" letter also appeared on the King5 website.

15 15. On August 2, 2016, Respondent was interviewed by Dori Monson on KIRO radio.

16 16. During the Monson interview, Monson inquired about the "good-bye" letter.
17 Respondent told Monson that the letter had been given to him by Ivanov's mother and that
18 after reading it, he felt he needed to provide it to the police because it showed Ivanov was
19 suicidal.

20 17. Respondent provided a copy of the letter to Monson, who then read excerpts to
21 which Respondent responded.

22 18. Respondent also spoke with a Seattle Times newspaper reporter. He confirmed
23 that he had received the "good-bye" letter from Ivanov's mother.

1 19. On Tuesday, August 2, 2016, Respondent met with Detective Ernst of the
2 Mukilteo Police Department and provided the "good-bye" letter to the police. The letter did
3 become a public record

4 III. STIPULATION TO MISCONDUCT

5 20. By revealing information relating to his representation of Ivanov without Ivanov's
6 informed consent, Respondent violated RPC 1.6 and RPC 1.9

7 21. By participating in interviews and providing the "good-bye" letter to the media
8 when there was a likelihood that such disclosures would materially prejudice Ivanov's
9 criminal case, Respondent violated RPC 3.6.

10 IV. PRIOR DISCIPLINE

11 22. Respondent has no prior discipline.

12 V. APPLICATION OF ABA STANDARDS

13 23. The following American Bar Association Standards for Imposing Lawyer
14 Sanctions (1991 ed. & Feb. 1992 Supp.) apply to this case. Copies of the pertinent ABA
15 Standards are attached hereto as Exhibit A.

16 24. ABA Standard 4.2 applies to violations of RPC 1.6 and RPC 1.9.

17 25. Respondent acted knowingly when he revealed information about his
18 representation of Ivanov. There was potential injury to Ivanov in that the "good-bye" letter
19 could be construed as evidence of premeditation, which would harm Ivanov's case.

20 26. The presumptive sanction for Respondent's violations of RPC 1.6 and RPC 1.9 is
21 suspension.

22 27. ABA Standard 7.0 applies to violations of RPC 3.6. Respondent acted knowingly
23 when he participated in interviews with reporters and provided the "good-bye" letter to them.

1 There was potential injury to Ivanov. However, there was no actual injury to Ivanov as he
2 pleaded guilty to the charges.

3 28. The presumptive sanction for Respondent's violation of RPC 3.6 is suspension.

4 29. The following aggravating factors apply under ABA Standard 9.22:

5 (i) substantial experience in the practice of law [Respondent was
6 admitted to practice in Washington in 2001].

7 30. The following mitigating factors apply under ABA Standard 9.32:

8 (a) absence of a prior disciplinary record;
9 (g) character or reputation [Respondent was invited by the South
10 Korean government to teach Korean prosecutors trial practice
11 skills and to lecture on the American Criminal Justice System in
12 anticipation of South Korea's adoption of a grand jury system];
13 (l) remorse.

14 31. It is an additional mitigating factor that Respondent has agreed to resolve this
15 matter at an early stage of the proceedings.

16 32. Based on the factors set forth above, the mitigators outweigh the aggravators and
17 the presumptive sanction should be mitigated to reprimand.

18 VI. STIPULATED DISCIPLINE

19 33. The parties stipulate that Respondent shall receive a reprimand for his conduct.

20 VII. RESTITUTION

21 34. No restitution is indicated in this case.

22 VIII. COSTS AND EXPENSES

23 35. In light of Respondent's willingness to resolve this matter by stipulation at an early
24 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$825
in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC
13.9(l) if these costs are not paid within 30 days of approval of this stipulation.

1 **IX. VOLUNTARY AGREEMENT**

2 36. Respondent states that prior to entering into this Stipulation, he has consulted
3 independent legal counsel regarding this Stipulation, that Respondent is entering into this
4 Stipulation voluntarily, and that no promises or threats have been made by ODC, the
5 Association, nor by any representative thereof, to induce the Respondent to enter into this
6 Stipulation except as provided herein.

7 37. Once fully executed, this stipulation is a contract governed by the legal principles
8 applicable to contracts, and may not be unilaterally revoked or modified by either party.

9 **X. LIMITATIONS**

10 38. This Stipulation is a compromise agreement intended to resolve this matter in
11 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
12 expenditure of additional resources by the Respondent and ODC. Both the Respondent
13 lawyer and ODC acknowledge that the result after further proceedings in this matter might
14 differ from the result agreed to herein.

15 39. This Stipulation is not binding upon ODC or the respondent as a statement of all
16 existing facts relating to the professional conduct of the respondent lawyer, and any additional
17 existing facts may be proven in any subsequent disciplinary proceedings.

18 40. This Stipulation results from the consideration of various factors by both parties,
19 including the benefits to both by promptly resolving this matter without the time and expense
20 of hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review.
21 As such, approval of this Stipulation will not constitute precedent in determining the
22 appropriate sanction to be imposed in other cases; but, if approved, this Stipulation will be
23 admissible in subsequent proceedings against Respondent to the same extent as any other


1 approved Stipulation.

2 41. Under ELC 3.1(b), all documents that form the record before the Hearing Officer
3 for his or her review become public information on approval of the Stipulation by the Hearing
4 Officer, unless disclosure is restricted by order or rule of law.

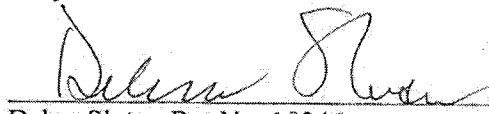
5 42. If this Stipulation is approved by the Hearing Officer, it will be followed by the
6 disciplinary action agreed to in this Stipulation. All notices required in the Rules for
7 Enforcement of Lawyer Conduct will be made.

8 43. If this Stipulation is not approved by the Hearing Officer, this Stipulation will have
9 no force or effect, and neither it nor the fact of its execution will be admissible as evidence in
10 the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil
11 or criminal action.

12 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
13 to Discipline as set forth above.

14 
15 _____
16 Steven W. Kim, Bar No. 31051
17 Respondent

Dated: 10/24/17

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19 _____
20 Debra Slater, Bar No. 18346
21 Disciplinary Counsel

Dated: 10/31/17