

1 Case Number: OBC15-0960



FILED

SEP 26 2016

STATE BAR OF NEVADA

BY: *[Signature]*
OFFICE OF BAR COUNSEL

7 STATE BAR OF NEVADA

8 NORTHERN NEVADA DISCIPLINARY BOARD

9 STATE BAR OF NEVADA,)
10)

11 Complainant,)

11 vs.)

PUBLIC REPRIMAND

12 KEVIN KARP, ESQ.)

13 STATE BAR NO. 1082)

14 Respondent.)

15 TO: Kevin Karp, Esq.
16 557 Washington Street
16 Reno, Nevada 89503

17 In or about March, 2013 you agreed to represent a client and/or her daughter in a
18 matter regarding the client's infant grandchild. The client and her daughter sought to
19 terminate the infant's father's parental rights and maybe appoint the client as the infant's
20 guardian. You and the client agreed that you would charge an hourly rate for the
21 representation and the client was responsible for payment of the charges.

22 Between April 2013 and October 2013 you worked with the client and her daughter
23 on the termination of the father's parental rights. In November 2013, you learned that the
24 client's daughter was still a minor, which impacted how to proceed with the termination of
25 parental rights matter.

1 Between December 2013 and April 2014, you had minimal communication with the
2 client regarding how to proceed in the matter. In April and May 2014, you prepared a
3 Petition for Guardianship for the client and proposed Consents for Guardianship for both
4 of the infant's parents. In July 2014, the client communicated to you that she was unsure
5 of whether to proceed with the guardianship matter and the infant's father's counsel
6 indicated that he wished to revoke consent to the guardianship.

7 You provided the client with monthly billing statements from June, 2013 through
8 August, 2014 showing work performed between April, 2013 and July, 2014. The client paid
9 you \$2,000 before she received an initial invoice. The client paid you an additional \$900
10 on or about October 3, 2013.

11 There was a substantial outstanding balance due in the matter as of April, 2014.
12 Your April, 2014 invoice to the client stated "I know I haven't finished the guardianship, but
13 as you aren't paying for the work I have already done, what should I be doing?" The same
14 statement was on the next three invoices. The statement was in regular, non-descript font
15 on the invoices.

16 You did not otherwise draw attention to the outstanding balance or that you intended
17 to terminate the representation and cease working for the client and/or her daughter unless
18 you received further payment. You did not otherwise communicate with the client or her
19 daughter regarding the representation after the invoice that was sent on August 5, 2014.
20 In or about June, 2015, you began working with a collection service to collect the unpaid
21 fees due from the client.

22 Responses to the State Bar

23 On or about July 27, 2015, the State Bar received a grievance from the client
24 alleging a lack of communication and lack of diligence by you. On August 11, 2015, the
25

1 State Bar asked you to respond to the grievance and to provide your file from the
2 representation.

3 On August 25, 2015, you wrote to the State Bar indicating that only the daughter
4 was your client and that you would not provide the file without a waiver from the daughter.
5 You provided redacted invoices with your response to the State Bar which indicated that,
6 in fact, the client was your client.

7 On January 26, 2016, the State Bar again requested that you provide your file for
8 the representation. The State Bar set a deadline of February 5, 2016 for the response.
9 You did not timely respond to the State Bar. Therefore, on February 11, 2016, the matter
10 was considered by a Screening Panel of the Northern Nevada Disciplinary Board without
11 further input from you. The Panel concluded that the matter should proceed to Formal
12 Hearing. In response to the State Bar's notice of the Panel's conclusion, on February 26,
13 2016, you sent the State Bar a copy of your file regarding the representation related to the
14 client's grandchild.

15 The file indicated that, other than your failure to properly inform the clients of your
16 intent to terminate the representation, your conduct in the representation was reasonable.

17 RPC 1.16(d) requires attorneys to provide reasonable notice to the client of their
18 intent to withdraw from representation and to protect the client's interests by, among others
19 obligations, "allowing time for employment of other counsel, surrendering papers and
20 property to which the client is entitled." The notice you provided by placing a non-
21 highlighted, equivocal statement on your monthly billing statements was insufficient to
22 satisfy the Rule. RPC 8.1(b) prohibits an attorney from "knowingly fail[ing] to respond to a
23 lawful demand for information from an admissions or disciplinary authority." The initial
24 refusal to provide the State Bar of Nevada with your client's file upon request without further
25 justification is a violation of this Rule.

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In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.16 (Declining or Terminating Representation), and RPC 8.1 (Bar Admission and Disciplinary Matters) and are hereby PUBLICLY REPRIMANDED.

DATED this _____ day of _____, 2016.

By: Barth Aaron
Barth Aaron, Esq.
Formal Hearing Panel Chair
Northern Nevada Disciplinary Board