

1 Case Number: NG14-0361



FILED

APR 17 2015

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)

Complainant,)

11 vs.)

PUBLIC REPRIMAND

12 BRIAN KELLY, ESQ.)
13 STATE BAR NO. 1993)

14 Respondent.)

15 TO: Brian Kelly, Esq.

16 Client A retained you, as a member of Hardy Law Group, on or about November 12,
17 2012 to pursue claims of elder abuse and HIPAA violations on behalf of her deceased
18 father. Client A's father died on November 1, 2012 in Clark County.

19 You initiated a probate matter in the Eighth Judicial District Court by filing a Petition
20 for Special Administration on January 23, 2013. The Petition for Special Administration of
21 Client A's father's estate detailed that the deceased had no assets other than his lawsuit
22 claims and that the Administrators, Client A and Del Hardy ("Hardy"), would retain you to
23 pursue the elder abuse and HIPAA violation claims. The Petition requested that authority
24 be granted to the Administrators to so proceed.

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1 In or about May, 2013, you left the Hardy Law Group and opened a solo practice.
2 You sent Client A a letter, dated May 13, 2013, detailing your departure and asking Client
3 A to contact you. Between May 13, 2013 and May 28, 2013, you communicated with Client
4 A that you would discuss with Hardy who should represent her in the elder abuse and
5 HIPAA violation claims and you would get back to her about it. Thereafter, you did not
6 contact Client A.

7 You did lodge a proposed Order Appointing Special Administrator, on May 30, 2013,
8 in the probate matter. The Order did not address the lawsuit and/or authority to proceed
9 with it. On June 3, 2013, you filed a Change of Address in the probate matter.

10 You did not communicate with Client A after May, 2013.

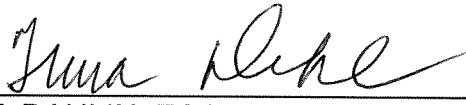
11 You did not comply with the Clark County Probate Department's requests for
12 information and revisions to the proposed Order so that the Order Appointing Special
13 Administrator could be issued. Specifically, you did not lodge an Order with required
14 language and did not submit a Verification of the Petition from Hardy. No Order Appointing
15 Special Administrator was issued in the probate matter. You have done nothing to advance
16 the probate matter since May, 2013.

17 You did not file a complaint for the elder abuse and HIPAA claims. As of February,
18 2014, the statute of limitations on Client A's claims was in danger of expiring. You failed
19 to fulfill your obligation to timely advance Client A's claims.

20 Client A grieved to the State Bar in March, 2014. In response to the grievance you
21 asserted that you had relied on Hardy to replace you in the matter. However, you failed to
22 fulfill your obligation to properly terminate your representation of Client A in the probate
23 matter, or to ensure transfer of the representation to Hardy in a timely manner, so as to
24 provide Client A with reasonable time to pursue her claims.

1 In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.3
2 (Diligence), RPC 1.4 (Communication), and RPC 1.16 (Declining and Terminating
3 Representation) and are hereby PUBLICLY REPRIMANDED.

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5 DATED this 17th day of April, 2015.

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7 By: 
8 TRINA DAHLIN, ESQ.
9 Formal Hearing Panel Chair
10 Northern Nevada Disciplinary Board
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