

1
2 STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD



FILED

APR 20 2017

3 STATE BAR OF NEVADA,)
4)
Complainant,)
5)
vs.)
6)
KURT C. LAMBETH, ESQ.,)
7 Nevada Bar No. 6390,)
Respondent)
8)

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

PUBLIC REPRIMAND

9 TO: Kurt C. Lambeth, Esq.
c/o Jeffrey S. Posin, Esq.
10 Amber P. Ayala, Esq.
2520 St. Rose Parkway, Suite 301
11 Henderson, NV 89074

12 **Grievance File No. OBC15-0947/Jessica Campania**

13 Your client was involved in a car accident on January 2, 2015. She then retained you to
14 represent her while your office was located at 624 S. 10th Street.

15 Thereafter you moved offices and began working for Premier Legal Group. On March 18,
16 2015, you and asked your client to sign a retainer agreement with Premier Legal Group.

17 On July 7, 2015, you settled the case and presented your client with a settlement check for
18 \$12,000. The settlement check was made payable to your client's name only. You asked your
19 client to deposit the settlement funds into her personal account at US Bank, which she did. You
20 accompanied your client to US Bank for this transaction.

21 While at the bank, you asked the teller when the funds would be available. The teller told
22 you that \$4,800 would be available on July 9th and \$7,000 would be available on July 15, 2015.

23 You then instructed your client to give you checks to pay the three (3) medical liens and
24 another to pay your fee. Your client gave you four (4) blank checks but asked you to check with
25 her prior to the checks being cashed to ensure there was adequate funds in the account.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

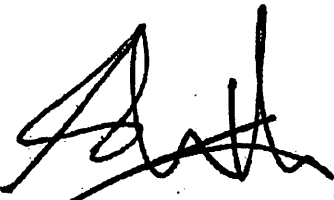
On July 9, 2015, your client contacted the bank to ensure that she had funds to pay one of her personal bills. She was told she did. Later that afternoon, she attempted to make a payment but it was declined. She called the bank and was advised that a check for \$3,960 was cashed at the same branch location she visited with you. This check reflects the attorney fees you had taken for the representation.

Your client then called that branch location she deposited the check in and was advised that the you came in and cashed the check for \$3,960. Your client immediately called you and instructed you to return the money and the blank checks she gave you. You went to you client's work with a personal check and told her to cash it the next day.

Your client ultimately paid the medical bills herself and provided proof to the State Bar of the same.

As such, you violated Rule of Professional Conduct 1.15 (Safekeeping Property) for failing to adequately use established protocols for safekeeping funds which should have been kept in a trust account and are hereby **PUBLICLY REPRIMANDED**.

DATED this 20th day of April, 2017.



Shann D. Winesett, Esq., Chair
Formal Hearing Panel