

STATE BAR OF NEVADA

April 18, 2019



LETTER OF REPRIMAND

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Re: State Bar of Nevada Disciplinary Grievance No. OBC18-1240

Dear Mr. Ward:

A Screening Panel of the Northern Nevada Disciplinary Board has reviewed the above-referenced grievances and unanimously determined that a Letter of Reprimand be issued for violations of Rules of Professional Conduct (RPC) in your handling of the Estate of Richard Wainscott.

FACTUAL BACKGROUND

Lauren Wainscott and her sister retained you in January, 2018 and paid \$2,000 to open probate on their father's estate.

You filed A Petition for Summary Administration and Issuance of Letters on July 13, 2018. An Order regarding the Petition was filed on August, 13, 2018 and Letter of Administration were issued on October 4, 2018. In late August or early September 2018, Wainscott and her sister were notified that the mortgage company was seeking to foreclose on their father's house. No later than September 6, 2018, the clients informed you of the foreclosure and requested advice on how to proceed. You did not respond to the clients' requests for advice or information for months.

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The house was eventually sold via Trustee's Deed on January 31, 2019.

You admit that, after learning of the foreclosure and seeing little opportunity to save the home, you were reluctant to deliver the disappointing news to the clients. You identified that when you did finally discuss the matter with your clients, you learned that they had already come to the same conclusion, immediately agreed that the home could not be saved from foreclosure and encouraged you to close the estate as quickly as possible.

In October, 2018, Wainscott filed a grievance with the State Bar regarding your failures to communicate. In March, 2019, Wainscott reiterated her frustration over the lengthy probate process that she feels was needlessly caused by your lack of diligence and communication. With her March, 2019 correspondence, Wainscott provided printouts of text messages showing a continuing lack of substantive response from you between September, 2018 and January, 2019. You admit that you "may not have communicated as quickly as I should have" and that there was delay in getting the petition signed and notarized, which delayed the process "a little."

In early November, 2018, you sent a preliminary response to the grievance in which you stated that you were "in the process of finalizing the case," expected the estate to be finalized within four weeks, and had an out-of-the-country trip from November 9, 2018 to November 26, 2018. In a December 24, 2018 written response to the grievance, you again asserted that the estate should be finalized in three weeks.

On February 26, 2019, the Court issued an *Order to Show Cause*, ordering you and the co-administrators to appear before the Court on March 25, 2019 and explain why they had not complied with NRS 144.010 (filing an inventory of the estate within 120 days). Had you followed through with filing documents as you asserted was being done in November, 2018 and December, 2018, then the Court would not have needed to issue the *Order to Show Cause*.

On March 6, 2019, you finally filed a *Motion to Close Administration of Estate and Discharge Administrators* and attached affidavits from both of the co-administrators attesting to the non-existence of estate assets and desire to close the estate. The matter is now closed.

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APPLICATION OF THE ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS

Your conduct violated your duties of diligence and communication with your client. You were conscious of your obligations, but did not intend to violate those duties for your, or another's benefit, and therefore, your mental state when you engaged in the violative conduct was "knowing." In addition, your conduct caused your clients injury because their matter was delayed and they were subjected to unnecessary worry, frustration, and anxiety because of the lack of communication and the unnecessary delay in the proceeding. Pursuant to Standard 4.42 of the ABA Standards for Imposing Lawyer Sanctions, the appropriate baseline sanction for your misconduct is suspension.

However, the Panel acknowledges that you (i) have engaged in the practice of law for almost 30 years without any instances of prior discipline, (ii) expressed remorse for your conduct, (iii) remedied the failure to file appropriate documents with the court, and (iv) cooperated with the disciplinary authority. These mitigating factors warrant a downward deviation from suspension to issuance of a Letter of Reprimand.

REPRIMAND

Based upon the foregoing, you are hereby REPRIMANDED for your conduct related to representation of the foregoing clients, which conduct violated Nevada Rules of Professional Conduct ("RPC") as follows:

RPC 1.3 (Diligence) for failing to promptly and diligently resolve the probate matter despite your admission that it should be done, the passing of the statutory deadline for necessary submissions in a probate matter, and your clients' requests to proceed; and

RPC 1.4 (Communication) for failing to communicate with your clients in response to their requests for information and with regard to information your clients needed to properly evaluate the probate proceeding, but which you believed would be negatively received.

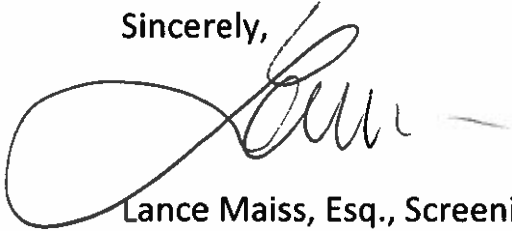
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Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500 which is to be paid no later than May 18, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Maiss", with a long horizontal flourish extending to the right.

Lance Maiss, Esq., Screening Panel Chair
Northern Nevada Disciplinary Board

LM/rkf