

1 Case Nos. 07-163-0358, 07-195-0358, 08-011-0358 and 09-068-0358

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STATE BAR OF NEVADA  
SOUTHERN NEVADA DISCIPLINARY BOARD **FILED**

STATE BAR OF NEVADA, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 GERALDINE KIRK-HUGHES, ESQ., )  
 Bar No. 3444 )  
 )  
 Respondent. )

JAN 22 2010  
*Julia Duns*  
STATE BAR OF NEVADA

**PUBLIC REPRIMAND**

TO: GERALDINE KIRK-HUGHES, ESQ.

**07-163-0358 / Rachel Taylor, Complaint filed October 7, 2008**

Rachel Taylor ("Taylor") retained Respondent in regard to a personal injury matter. In connection with Taylor's case, Respondent allowed Shelly Bawa ("Bawa"), a non-lawyer assistant employed by her, to negotiate and compromise liens, as evidenced by various letters signed and sent by Bawa.

The foregoing conduct by Respondent's non-lawyer assistant was performed in accordance with her office policies and practices.

**07-195-0358 / Carole Fernandez, Complaint filed January 27, 2009**

Carole Fernandez, ("Fernandez") met with Respondent on or about February 27, 2007, and retained you to represent her in her federal worker's compensation claims.

Effective Date: January 22, 2010  
Bar Number: 3444

1 The retainer agreement Fernandez signed failed to indicate a basis for  
2 Respondent's fee. However, the State Bar is informed and believes that staff verbally  
3 advised Fernandez that the fee was a contingent fee agreement.

4 The federal Office of Workers' Compensation Programs ("OWCP") does not  
5 recognize contingent fees for representatives in federal worker's compensation claims.

6 On May 29, 2007 Fernandez and Christine Heckman ("Heckman") met with Bawa.  
7 Bawa promised Fernandez that she would have medical retirement granted by the time of  
8 her surgery in June, 2007. This failed to happen.

9 Fernandez made repeated requests of Respondent's office for a copy of the  
10 representation letter that Respondent sent to Department of Labor ("DOL"). Finally,  
11 Respondent met with Fernandez and Heckman on or about September 24, 2007. At this  
12 meeting, Respondent informed Fernandez that she was ineligible for medical retirement.

13 Respondent promised to arrange a telephone conference call with each client and  
14 the DOL claims adjuster. Respondent failed to do so.

15 On or about October 16, 2007, Fernandez and Heckman met with Bawa. At this  
16 meeting, Bawa promised both clients that she would obtain benefits for them that included:  
17 vocation rehabilitation or \$15,000; permanent partial disability payments, and; health  
18 insurance benefits repayments.

19 During this time, Fernandez was having financial problems. Bawa referred her to  
20 her father, Vinay Bawa. Mr. Bawa then referred Fernandez to his son, Shaun Bawa at  
21 Lucky Cash 4 U. Fernandez borrowed \$750 and within a few weeks had to repay more  
22 than \$900 for the loan.

23 The State Bar is informed and believes that Fernandez contacted the DOL on at  
24 least two occasions and was informed as late as October 26, 2007, that Respondent had  
25 failed to file a letter of representation and did not represent Fernandez.

1 On or about October 26, 2007, Fernandez emailed Respondent and terminated the  
2 attorney-client relationship. Fernandez made due demand for the return of her files.

3 On the same day, Respondent acknowledged the termination but quoted a fee for  
4 worked performed of \$325.00 per hour.

5 The State Bar is informed and believes that thereafter, despite the termination,  
6 Respondent communicated her representation to DOL and requested a copy of  
7 Fernandez's DOL files.

### 8 DISCIPLINE IMPOSED

9 You are hereby **PUBLICLY REPRIMANDED** as follows:

10 In the matter of 07-163-0358 / Rachel Taylor, Respondent violated Rule of  
11 Professional Conduct ("RPC") 5.3 (Responsibilities Regarding Nonlawyer Assistants) and  
12 RPC 5.5 (Unauthorized Practice of Law).

13 In the matter of 07-195-0358 / Carole Fernandez, Respondent violated Rule of  
14 Professional Conduct ("RPC") 1.3 (Diligence), RPC 1.4 (Communication), RPC 1.8  
15 (Conflict of Interest: Specific Rules), RPC 1.16 (Declining or Termination  
16 Representation), RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants) and RPC  
17 5.5 (Unauthorized Practice of Law).

18 In the matter of File No. 09-068-0358 / Teresa Jackson, and in accordance with  
19 the Stipulation of Facts herein, Respondent violated Rule of Professional Conduct 1.7  
20 (Conflict of Interest: Current Clients), RPC 5.3 (Responsibilities Regarding Nonlawyer  
21 Assistants) and RPC 5.5 (Unauthorized Practice of Law).

22 In addition to the Public Reprimand the following conditions will be imposed:

23 1. Respondent must remove the two (2) non-lawyers presently identified as  
24 signatories on her trust account. In their stead, the other attorney in the office will be  
25 added as a signator.

