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

STATE BAR OF NEVADA

# SOUTHERN NEVADA DISCIPLINARY BOAR LED

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

July Dunx

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.

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

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

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

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

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

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

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

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

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

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

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

#### **DISCIPLINE IMPOSED**

You are hereby PUBLICLY REPRIMANDED as follows:

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

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

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

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

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

- 2. This matter concerned a Complaint dated October 7, 2009, attached to that Complaint as Exhibit 1 was meaningful legal correspondence signed by a non-lawyer, Shelly Bawa. In the future as a further condition, such correspondence will be signed by Respondent or another attorney in the office.
- 3. All clients will be required to sign in and out with the receptionist prior to meeting with any staff, including Respondent's non-lawyers and associate lawyers. This will assist with the implementation of the new billing sheet requirements.
- 4. Non-lawyer staff will submit their time and billing sheets to Respondent for review prior to disbursement of any paychecks and/or bonuses.
- 5. Compensation to non-lawyer staff will follow the mandates of RPC 5.4 (Professional Independence of a Lawyer). Respondent shall cease and desist any further practice or payment to non-lawyer staff either actually or apparently on a contingency fee basis.
- 6. Respondent will immediately transfer funds to her general account or payroll account for payment of payroll to non-lawyer and lawyer staff.
- 7. In addition to the twelve (12) units of Continuing Legal Education ("CLE") required each year, Respondent shall take an additional two (2) hours of CLEs regarding trust accounts. The additional two (2) hours of CLEs will be completed within one (1) year from the date of this hearing.
- 8. Respondent shall provide Bar Counsel with a written verification that the new office procedures are in place within thirty (30) days from the date of this hearing.

Dated this \_\_\_\_\_\_ day of January, 2010.

By:

CANDACE C. CARLYON, ESQ.

Formal Hearing Panel Chair

Southern Nevada Disciplinary Board