

# SUPREME COURT OF KENTUCKY

## Keen v. Kentucky Bar Ass'n

386 S.W.3d 737 (Ky. 2012) · No. File Nos. 19167 and 19659 · Decided November 21, 2012

### SUMMARY

The Kentucky Supreme Court approved a negotiated sanction publicly reprimanding attorney Charles David Keen for professional-conduct violations arising from two family-law representations. The conditions included completion of an ethics program, repayment of unearned fees, payment of costs, and possible conversion of the reprimand to a 30-day suspension upon noncompliance or further disciplinary charges within one year.

### CASE DETAILS

|                       |                                                                                                                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Kentucky                                                                                                                                                         |
| WRITING FOR THE COURT | John D. Minton, Jr., Chief Justice; Abramson, Justice; Cunningham, Justice; Noble, Justice; Scott, Justice; Venters, Justice                                                      |
| JURISDICTION          | Kentucky                                                                                                                                                                          |
| DECIDED               | November 21, 2012                                                                                                                                                                 |
| DOCKET                | File Nos. 19167 and 19659                                                                                                                                                         |
| DISPOSITION           | approved                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Keen moved under SCR 3.480(2) for approval of a negotiated public reprimand resolving two pending attorney-disciplinary proceedings. The Kentucky Bar Association did not object. |
| PRECEDENTIAL VALUE    | Published Kentucky Supreme Court disciplinary opinion and order                                                                                                                   |
| PARTIES               | Charles David Keen v. Kentucky Bar Association                                                                                                                                    |

### TOPICS

family law

civil procedure

### PRACTICE AREAS

attorney discipline

legal ethics

family law

### QUESTIONS PRESENTED

1. Whether the Supreme Court of Kentucky should approve Keen's negotiated sanction under SCR 3.480(2).
2. Whether Keen should receive a public reprimand and related conditions for the admitted violations of the Kentucky Rules of Professional Conduct.

#### **HOLDINGS**

1. The Court approved the negotiated sanction of a public reprimand with conditions because Keen admitted the charged violations and the sanction was adequate.
2. Keen was found guilty of violating the Rules of Professional Conduct charged in File Nos. 19167 and 19659, including failures of diligence, communication, and proper handling of client advance fees, as well as failure to respond to the disciplinary authority.

#### **KEY QUOTATIONS**

*“The Court hereby approves the negotiated sanction and declines further review of the matter.” (739)*

*“Charles David Keen, KBA Member No. 84885, is found guilty of having violated the Rules of Professional Conduct as herein described and is publicly reprimanded for those violations.” (739)*

#### **FACTUAL BACKGROUND**

Keen accepted advance fees from Amanda Dickenson for a child-custody matter and from Eun Jeong Pyo for a child-support-modification matter, but deposited the fees into his operating account rather than an escrow account. He failed to diligently handle Dickenson's matter and failed to respond to her communications and disciplinary-investigation requests. He also delayed responding to Pyo, causing her to pay additional child support and preventing her from leaving the country because of unpaid support. Keen admitted the charged professional-conduct violations.

#### **PROCEDURAL HISTORY**

The Inquiry Commission charged Keen with multiple violations of the Kentucky Rules of Professional Conduct arising from his representation of two clients in child custody and child-support matters. Keen admitted the charged violations and agreed to a public reprimand, ethics-program attendance, and a one-year condition against further disciplinary charges. The Supreme Court of Kentucky approved the negotiated sanction and declined further review.

#### **DISPOSITION**

approved

#### **INSTRUCTIONS FOR AN AI ASSISTANT**

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