

# SUPREME COURT OF KENTUCKY

## Parker v. Kentucky Bar Ass'n

390 S.W.3d 792 (Ky. 2013) · Decided February 21, 2013

### SUMMARY

The Kentucky Supreme Court approved a negotiated public reprimand of Timothy A. Parker for failing to diligently represent a client, communicate case information, hold an advance fee in escrow, and refund the unearned portion of the fee. The discipline required repayment of \$500, completion of an ethics program, payment of costs, and imposed a conditional 30-day suspension for noncompliance.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Kentucky                                                                                                                                                                                                                      |
| WRITING FOR THE COURT | John D. Minton, Jr., Chief Justice; Minton, C.J.; Abramson, J.; Cunningham, J.; Noble, J.; Scott, J.; Venters, J.                                                                                                                              |
| JURISDICTION          | Kentucky                                                                                                                                                                                                                                       |
| DECIDED               | February 21, 2013                                                                                                                                                                                                                              |
| DISPOSITION           | approved                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Parker moved for approval of negotiated attorney-discipline under SCR 3.480(2), seeking a public reprimand with conditions. The Kentucky Bar Association did not object, and the Supreme Court of Kentucky approved the negotiated discipline. |
| STANDARD OF REVIEW    | The Court reviewed the record and applicable law to determine whether to approve the negotiated discipline under SCR 3.480(2).                                                                                                                 |
| PRECEDENTIAL VALUE    | Published Kentucky Supreme Court opinion and order                                                                                                                                                                                             |
| PARTIES               | Timothy A. Parker v. Kentucky Bar Association                                                                                                                                                                                                  |

### TOPICS

civil procedure costs

### PRACTICE AREAS

legal ethics attorney discipline professional responsibility

### QUESTIONS PRESENTED

1. Whether Parker violated SCR 3.130-1.3, SCR 3.130-1.4(a)(4), SCR 3.130-1.15(a), and SCR 3.130-1.16(d).
2. Whether the negotiated discipline of a public reprimand, together with a probated thirty-day suspension and other conditions, was an appropriate sanction for Parker's misconduct.

## HOLDINGS

1. The Court approved the negotiated discipline because a public reprimand with the specified conditions was an appropriate punishment for Parker's admitted misconduct.
2. Parker violated SCR 3.130-1.3, SCR 3.130-1.4(a)(4), SCR 3.130-1.15(a), and SCR 3.130-1.16(d).

## KEY QUOTATIONS

*“Under SCR 3.480(2), this Court may approve the negotiated discipline or remand the case for a hearing or other proceeding.”* (390 S.W.3d at 793)

*“Accordingly, the Court finds the proposed consensual discipline to be appropriate and declines further review.”* (390 S.W.3d at 793)

## FACTUAL BACKGROUND

Parker was retained in October 2009 to represent Elizabeth and James McCracken in a debt-collection action after they paid him a \$500 advance fee. Over the following thirteen months, Parker failed to provide diligent legal services or meaningful status information, failed to place the advance fee in escrow until earned, and failed to refund the unearned fee when the representation ended. The clients ultimately retained another attorney after receiving notice of a summary-judgment motion and being unable to reach Parker.

## PROCEDURAL HISTORY

The Inquiry Commission charged Parker with four violations of the Kentucky Rules of Professional Conduct arising from his representation of Elizabeth and James McCracken. Parker admitted the violations and negotiated a sanction with Bar Counsel consisting of a public reprimand and a thirty-day suspension probated on specified conditions. The Supreme Court reviewed the record and applicable law and approved the proposed discipline without further proceedings.

## DISPOSITION

approved

## CASES CITED

- Riley v. Kentucky Bar Association, 262 S.W.3d 203 (Ky. 2008)
- Kentucky Bar Association v. Quesinberry, 203 S.W.3d 137 (Ky. 2006)
- Kaplan v. Kentucky Bar Association, 201 S.W.3d 494 (Ky. 2006)
- Lutes v. Kentucky Bar Association, 338 S.W.3d 278 (Ky. 2011)

