

SUPREME COURT OF KENTUCKY

Kentucky Bar Association v. Bock

245 S.W.3d 206 (Ky. 2008) · No. 2007-SC-000866-KB · Decided February 21, 2008

SUMMARY

The Supreme Court of Kentucky found Valerie Lynn Bock guilty of five counts of professional misconduct arising from her failure to file a client's divorce petition, communicate with the client, refund an unearned fee, and respond to disciplinary inquiries. The court suspended her license for thirty days, ordered restitution of \$921.00 to the client, and assessed \$207.59 in costs.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Joseph E. Lambert, Chief Justice
JURISDICTION	Kentucky
DECIDED	February 21, 2008
DOCKET	2007-SC-000866-KB
DISPOSITION	other
PROCEDURAL POSTURE	The Kentucky Bar Association moved the Supreme Court of Kentucky to adjudge Valerie Lynn Bock guilty of five counts of professional misconduct and suspend her license for thirty days.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court disciplinary opinion
PARTIES	Kentucky Bar Association v. Valerie Lynn Bock

TOPICS

family law procedure

divorce

dissolution of marriage

family law

PRACTICE AREAS

legal ethics

attorney discipline

family law

QUESTIONS PRESENTED

1. Whether Bock violated Kentucky professional-conduct rules by failing to file her client's divorce petition and failing to act with reasonable diligence and promptness.

2. Whether Bock violated the professional-conduct rules by failing to keep her client informed and by failing to protect the client's interests and refund an unearned fee after termination of the representation.
3. Whether Bock violated the professional-conduct rules through dishonest conduct and by failing to respond to a lawful demand for information from a disciplinary authority.
4. What discipline and restitution should be imposed for the five violations.

HOLDINGS

1. Bock violated SCR 3.130-1.3 by failing to act with reasonable diligence and promptness in representing Wiseman.
2. Bock violated SCR 3.130-1.4(a) by failing to keep Wiseman reasonably informed about the status of his matter.
3. Bock violated SCR 3.130-1.16(d) by failing to take reasonably practicable steps to protect her client's interests, including refunding the unearned advance fee.
4. Bock violated SCR 3.130-8.3(c) by engaging in conduct involving dishonesty.
5. Bock violated SCR 3.130-8.1(b) by failing to respond to a lawful demand for information from a disciplinary authority.
6. Bock's license to practice law in Kentucky was suspended for thirty days, she was ordered to pay \$921 in restitution to Wiseman, and she was ordered to pay \$207.59 in costs.

KEY QUOTATIONS

"We therefore grant the KBA's motion and adjudge Bock guilty of the charges brought against her by the Inquiry Commission." (245 S.W.3d at 207)

FACTUAL BACKGROUND

James Wiseman retained Valerie Lynn Bock to file a petition for dissolution of marriage and paid her \$921 for representation. Bock never filed the petition and ceased communicating with Wiseman after receiving the fee. After Wiseman discharged her and requested a refund, Bock did not return the fee and did not respond to the resulting bar complaint or disciplinary charge.

PROCEDURAL HISTORY

After Bock failed to file a client's divorce petition, failed to communicate with the client, failed to refund the unearned fee, and failed to respond to the client's bar complaint, the Inquiry Commission charged her with five violations of the Kentucky Rules of Professional Conduct. Bock did not respond to the bar complaint or file an answer to the charges. The Board of Governors found her guilty on all five counts and recommended a thirty-day suspension and restitution. The Supreme Court of Kentucky adopted the recommendation and entered the disciplinary order.

DISPOSITION

OPINION

LAMBERT, J.

245 S.W.3d 206 (2008) KENTUCKY BAR ASSOCIATION, Movant v. Valerie Lynn BOCK, Respondent. No. 2007-SC-000866-KB. Supreme Court of Kentucky. February 21, 2008. OPINION AND ORDER LAMBERT, Chief Justice. The Kentucky Bar Association (KBA) moves this Court to enter an order finding Respondent, Valerie Lynn Bock, guilty of five counts of professional misconduct and suspending her license to practice law in the Commonwealth of Kentucky for a period of thirty (30) days pursuant to SCR 3.380.

Bock's KBA member number is 86343 and her Bar Roster address is 308 North Broadway, Providence, Kentucky, 42450. After reviewing the findings of the Board of Governors, we agree with the KBA's recommendation, find Bock guilty of the charges brought against her, and order that her license to practice law in Kentucky be suspended for thirty (30) days.

The charges filed against Bock were based on her interactions with her client, James Wiseman, beginning on May 10, 2006. Wiseman retained Bock to file a Petition for Dissolution of Marriage and paid Bock \$921.00 for her representation in the divorce proceeding. Bock, however, never filed the divorce petition and failed to communicate with Wiseman after the initial fee was tendered.

Wiseman then discharged Bock as his attorney and requested a refund of the fee, which he never received. On November 3, 2006, Wiseman filed a bar complaint against Bock with the KBA, which was served on Bock on January 2, 2007. Bock did not respond to this complaint.

On June 25, 2007, the Inquiry Commission charged Bock with violating five sections of SCR 3.130 for her misconduct. Bock never filed an answer to this charge. The Board of Governors subsequently found Bock guilty *207 on all five counts, which included the violation of Count 1-SCR 3.130-1.3, Count 2-SCR 3.130-1.4(a), Count 3-SCR 3.130-1.16(d), Count 4-SCR 3.130-8.3(c), and Count 5-SCR 3.130-8.1(b).

After finding Bock guilty of the charges, fourteen Governors voted to recommend that Bock be suspended for 30 days and pay restitution to her client, while one voted for public reprimand with restitution. We agree with the Board of Governors that in failing to file her client's divorce petition, not communicating with her client, not refunding the fee to her client for the work she did not do, and not responding to the complaint filed against her, Bock violated the following Rules of Professional Conduct: (1) SCR 3.130-1.3, failing to act with "reasonable diligence and promptness in representing a client"; (2) SCR 3.130-1.4(a), failing to "keep a client reasonably informed about

the status of a matter"; (3) SCR 3.130-1.16(d), failing to "take steps to the extent reasonably practicable to protect a client's interests" after the lawyer's representation is terminated, such as "refunding any advance payment of fee that has not been earned"; (4) SCR 3.130-8.3(c), "engag[ing] in conduct involving dishonesty"; and (5) SCR 3.130-8.1(b), failing to "respond to a lawful demand for information from an admissions or disciplinary authority."

We therefore grant the KBA's motion and adjudge Bock guilty of the charges brought against her by the Inquiry Commission. According, it is hereby ORDERED that: 1. Valerie Lynn Bock is suspended from the practice of law in Kentucky for a period of thirty days pursuant to SCR 3.380. Said suspension shall expire by its own terms subject to the provisions of SCR 3.510(2).

2. Bock shall pay restitution to the client, James Wiseman, in the amount of \$921.00. 3. In accordance with SCR 3.150(1), Bock is directed to pay the costs associated with this action in the amount of \$207.59, for which execution may issue from this Court upon finality of this order. All sitting. All concur. ENTERED: February 21, 2008. /s/ Joseph E. Lambert Chief Justice