

SUPREME COURT OF KANSAS

In re Brown, 272 Kan. 767

35 P.3d 864 (Kan. 2001) · No. No. 87,568 · Decided December 7, 2001

SUMMARY

The Supreme Court of Kansas publicly censured attorney Kelly C. Brown for failing to act diligently, communicate adequately with a client in a child-support matter, and cooperate with a disciplinary investigation. The court adopted the hearing panel's findings and recommendation, ordered published censure, and assessed the proceeding's costs to Brown.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Kansas
DECIDED	December 7, 2001
DOCKET	No. 87,568
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding brought by the Office of the Disciplinary Administrator. The hearing panel found violations of the Kansas Rules of Professional Conduct and Supreme Court Rule 207 and recommended public censure.
STANDARD OF REVIEW	The Supreme Court independently determined that clear and convincing evidence established the violations and adopted the hearing panel's findings and recommendation.
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; precedential
PARTIES	Office of the Disciplinary Administrator v. Kelly C. Brown

TOPICS

family law procedure

child support

mediation

civil procedure

PRACTICE AREAS

attorney discipline

legal ethics

family law

QUESTIONS PRESENTED

1. Whether clear and convincing evidence established that Brown violated KRPC 1.3 by failing to act with reasonable diligence and promptness in representing Best.
2. Whether Brown violated KRPC 1.4 by failing to keep Best informed, respond to reasonable requests for information, and provide information necessary for informed decisions about the representation.
3. Whether Brown violated Supreme Court Rule 207(b) by failing to cooperate with the disciplinary investigation.
4. What discipline was appropriate for the established violations.

HOLDINGS

1. Clear and convincing evidence established that Brown violated KRPC 1.3 by failing either to file a motion to appoint a case manager or to withdraw from the representation.
2. Clear and convincing evidence established that Brown violated KRPC 1.4(a) and (b) by failing to respond to Best's communications and by failing to provide sufficient information for Best to make informed decisions concerning the possible appointment of a case manager.
3. Clear and convincing evidence established that Brown violated Supreme Court Rule 207(b) by failing to provide a written response to the disciplinary complaint or otherwise comply with requests from the disciplinary administrator and investigator.
4. Public censure was the appropriate discipline for Brown's violations, and the censure was to be published in the official Kansas Reports, with costs assessed against Brown.

KEY QUOTATIONS

"We find there is clear and convincing evidence establishing the violations found by the hearing panel. We agree with the panel's recommendation concerning disposition." (771)

"IT IS THEREFORE ORDERED that the respondent be disciplined by published censure in accordance with Supreme Court Rule 203(a)(3) (2000 Kan. Ct. R. Annot. 224) for her violations of the Kansas Rules of Professional Conduct." (771)

FACTUAL BACKGROUND

Kelly C. Brown represented Jennifer G. Best in post-divorce child-support proceedings. After mediation failed, Brown believed the representation was complete but did not clearly communicate that fact, did not file a motion for appointment of a case manager or withdraw as counsel, and failed to respond to Best's calls and letters. Brown also failed to provide a written response to repeated requests from the Office of the Disciplinary Administrator and its investigator concerning Best's disciplinary complaint.

PROCEDURAL HISTORY

Brown represented Jennifer G. Best in post-divorce child-support matters but failed to pursue appointment of a case manager or withdraw, failed to communicate adequately with Best, and failed to respond to disciplinary investigation requests. A hearing panel found violations by clear and convincing evidence and recommended

public censure. The Supreme Court of Kansas adopted the panel's findings and recommendation and ordered published censure and costs.

DISPOSITION

other