

SUPREME COURT OF KENTUCKY

Kentucky Bar Association v. David Thomas Sparks

498 S.W.3d 389 (Ky. 2016) · No. 2016-SC-000338-KB · Decided September 22, 2016

SUMMARY

The Kentucky Supreme Court adopted the Kentucky Bar Association Board of Governors' findings that David Thomas Sparks violated professional-conduct rules by failing to communicate with clients, failing to return client papers and properly terminate representation, and failing to respond to disciplinary authorities. The Court imposed a consecutive 181-day suspension, required a KYLAP evaluation and treatment if recommended, and ordered Sparks to pay \$229.13 in costs.

CASE DETAILS

COURT	Supreme Court of Kentucky
JURISDICTION	Kentucky
DECIDED	September 22, 2016
DOCKET	2016-SC-000338-KB
DISPOSITION	approved
PROCEDURAL POSTURE	The Kentucky Bar Association sought attorney discipline after the Inquiry Commission charged Sparks with professional-conduct violations. The Board of Governors unanimously found Sparks guilty and recommended a consecutive 181-day suspension, referral to the Kentucky Lawyers Assistance Program, and payment of costs. Sparks did not seek review, and the Supreme Court adopted the Board's decision under SCR 3.370(10).
STANDARD OF REVIEW	The Court did not elect to review the Board's decision under SCR 3.370(8) and adopted it under SCR 3.370(10).
PRECEDENTIAL VALUE	published
PARTIES	Kentucky Bar Association v. David Thomas Sparks

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Sparks violated SCR 3.130-1.4(a)(4) by failing to respond to his clients' requests for information.
2. Whether Sparks violated SCR 3.130-1.16(d) by abandoning the clients, failing to return their paperwork, and failing to properly withdraw from the representation.
3. Whether Sparks violated SCR 3.130-8.1(b) by failing to respond to lawful demands for information from a disciplinary authority.
4. What discipline was appropriate for the violations, considering Sparks's prior disciplinary history.

HOLDINGS

1. Sparks was guilty of violating SCR 3.130-1.4(a)(4) by failing to respond to his clients' requests for information.
2. Sparks was guilty of violating SCR 3.130-1.16(d) by abandoning the Sanfords, failing to return their paperwork, and failing to properly withdraw from the representation.
3. Sparks was guilty of violating SCR 3.130-8.1(b) by failing to respond to lawful demands for information from the KBA and Inquiry Commission.
4. A consecutive 181-day suspension, referral to KYLAP, and assessment of disciplinary costs were appropriate sanctions for Sparks's violations and prior disciplinary history.

FACTUAL BACKGROUND

In the fall of 2015, Sparks was retained by Marion and Beverly Sanford to respond to a Warren District Court civil complaint concerning a boundary fence. After filing an answer and counterclaim and notifying the Sanfords that the plaintiff had replied, Sparks stopped communicating with them, did not return their file, and left the representation unresolved. He also failed to respond to the KBA's bar complaint and to the Inquiry Commission's disciplinary charges, despite acknowledging receipt of both.

PROCEDURAL HISTORY

Sparks represented Marion and Beverly Sanford in a Warren District Court civil matter, then ceased communicating with them and failed to return their file. After Sparks also failed to respond to the KBA's bar complaint and the Inquiry Commission's charges, the matter proceeded to the Board of Governors under SCR 3.210. The Board unanimously found violations of three Supreme Court Rules and recommended discipline, which the Supreme Court adopted without electing to conduct its own review.

DISPOSITION

approved

CASES CITED

- Kentucky Bar Ass'n v. Sparks, 480 S.W.3d 278 (Ky. 2016)

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