

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
KIRK T. KENNEDY, BAR NO. 5032.

No. 65742

FILED

OCT 24 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
CHIEF DEPUTY CLERK

**ORDER APPROVING CONDITIONAL GUILTY PLEA**

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve attorney Kirk Kennedy's conditional guilty plea in exchange for a stated form of discipline. *See* SCR 113(1), (3); SCR 105(3)(b).

Kennedy is the subject of one grievance. In the course of settling an insurance dispute for a client, Kennedy cashed a settlement check and stored the proceeds in his office safe, intending to file an action against the insurer. Kennedy failed to pursue the matter after experiencing a crisis when a family member committed suicide. When the client learned from the insurer that the settlement check had been cashed, she contacted Kennedy, who promptly remitted a cashier's check for the full settlement amount and shortly thereafter refunded his retainer fee as well.


Under the conditional guilty plea agreement, Kennedy admits to violating the following Rules of Professional Conduct: RPC 1.3 (diligence), RPC 1.4 (communication), and RPC 1.15 (safekeeping property). The agreed-upon stated form of discipline includes a 90-day stayed suspension and a probationary period of one year. During this probationary period, Kennedy agrees to (1) complete six CLE credits on trust account management or law office accounting practices; (2)


Effective Date: 10-24-14  
Bar No. 5032

reimburse the affected client \$1,971 for expenses incurred as the result of Kennedy's misconduct; (3) pay a fine of \$7,500, of which \$5,000 shall go to the State Bar Client Security Fund; and (4) remain free of any findings of misconduct in new matters. Kennedy further agrees to a public reprimand upon successful completion of the above terms.

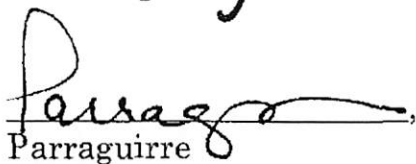
Based on our review of the record, we conclude that Kennedy committed the violations to which he pleaded guilty. Accordingly, we approve the stated form of discipline. See SCR 113(1). Kennedy is hereby suspended for 90 days, with that suspension stayed, subject to the conditions stated above. Kennedy shall pay the costs of the disciplinary proceedings, excluding State Bar Counsel and staff salaries, within 30 days of the date of this order. The State Bar shall comply with SCR 121.1.

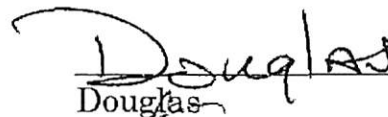
It is so ORDERED

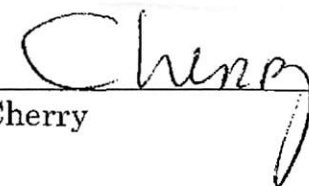
  
Gibbons, C.J.

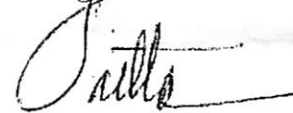
  
Pickering, J.

  
Hardesty, J.

  
Parraguirre, J.

  
Douglas, J.

  
Cherry, J.

  
Saitta, J.

cc: Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Panel  
David Clark, Bar Counsel  
Kirk T. Kennedy  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Perry Thompson, Admissions Office, United States Supreme Court



**CERTIFIED COPY**

This document is a full, true and correct copy of the original on file and of record in my office.

DATE: November 18<sup>th</sup>, 2014  
Supreme Court Clerk, State of Nevada

By *Samuel Williams* Deputy