

1 Case Number: OBC18-0267



FILED

Aug 30, 2024

STATE BAR OF NEVADA

BY: *[Signature]*
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

NORTHERN NEVADA DISCIPLINARY BOARD

7)
8	STATE BAR OF NEVADA,)
9	Complainant,)
10	vs.)
11	FRANKLIN (formerly "KYLE") STUCKI, ESQ.)
12	STATE BAR NO. 12646)
	Respondent.)

REPRIMAND

13 TO: Franklin Stucki, Esq.
14 c/o AJ Sharp, Esq.
15 Wordsharp
11700 W. Charleston Blvd, Suite 234
Las Vegas, Nevada 89135

16 You represented a client in a third-party liability lawsuit filed in Douglas County,
17 Nevada on a contingency fee basis. In July 2019, you filed a premises liability Complaint
18 on the Client's behalf, naming the property owners of the building where the Client worked
19 as Defendants. The parties engaged in written discovery and conducted multiple
20 depositions oriented towards the issue of liability for the Client's injuries.

21 On August 24, 2022, Defendants filed a Motion for Summary Judgment asking the
22 Court to dismiss the case for lack of evidence. A third-party Plaintiff (the Client's workers'
23 comp carrier) opposed the Motion for Summary Judgment, although the third-party
24 Plaintiff did not file the Opposition with the Court. You filed an Opposition to the Motion
25 for Summary Judgment on the Client's behalf on September 28, 2022.

1 On May 30, 2023, the Court held an evidentiary hearing on Defendant's motion. You
2 and the Client appeared at the hearing and you argued against summary adjudication.

3 On July 24, 2023, the Court granted Defendant's motion and summarily adjudicated
4 all the Client's claims. A Notice of Entry of the Court's order was filed on or about July 25,
5 2023. You were aware of the Court's order no later than August 1, 2023.

6 In mid-August 2023, you discussed the potential appellate arguments with other
7 counsel but did not notify the Client of the Court's order. The deadline to file a notice of
8 appeal of the Court's decision was on or about August 23, 2023. You did not file anything
9 contesting the Court's order and did not file a notice of appeal.

10 The Client attempted to contact you in August and September 2023 but received no
11 response to her efforts to communicate. You also failed to proactively inform the Client of
12 the summary adjudication and appeal deadline during this time period.

13 In mid-August through mid-September, 2023, you and your spouse were separated
14 and discussing divorce.

15 On October 3, 2023, after the deadline to file a notice of appeal had passed, you
16 emailed the Client notifying her of the Court's order summarily adjudicating her claims.
17 You told the Client that there were no grounds to win on appeal but did not provide the
18 Client with the appellate deadline.

19 Violations of the Rules of Professional Conduct

20 Pursuant to RPC 1.3 (Diligence) you had a "duty to act with reasonable diligence and
21 promptness in representing a client." You violated this duty when you failed to promptly
22 notify the Client of the order granting summary judgment and her options for appealing
23 the decision.

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1 You also had a duty, pursuant to RPC 1.4 (Communication) to “[p]romptly inform
2 the client of any decision or circumstance with respect to which the client’s informed
3 consent is required by these Rules; [] [r]easonably consult with the client about the means
4 by which the client’s objectives are to be accomplished; [] [k]eep the client reasonably
5 informed about the status of the matter; [and] [p]romptly comply with reasonable requests
6 for information.” You violated RPC 1.4 when you failed to (i) inform the Client of the order
7 granting summary judgment and her options in response thereto and (ii) respond to the
8 Client’s reasonable requests for information in August and September 2023.

9 Your misconduct was “negligent” because your personal circumstances interfered
10 with your ability to properly manage the Client’s matter. Although no lawyer can guarantee
11 success of a claim, it is the lawyer’s duty to allow the Client’s claim to be substantially
12 considered. Thus, the Client was injured by your misconduct because she lost the
13 opportunity to appeal the summary adjudication.

14 Application of ABA Standards for Imposing Lawyer Sanctions

15 ABA Standard 4.43 states “reprimand is generally appropriate when a lawyer is
16 negligent and does not act with reasonable diligence in representing a client and causes
17 injury or potential injury to a client.” Your negligent violation of your duties to your client,
18 which caused her injury, warrants application of this standard and imposition of a
19 reprimand. There are no aggravating or mitigating factors that justify deviation from the
20 sanction called for by Standard 4.43.

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1 **REPRIMAND**

2 In light of the foregoing, you violated Rule of Professional Conduct (“RPC”) 1.3
3 (Diligence) and RPC 1.4 (Communication) and are hereby REPRIMANDED. You are
4 required to pay SCR 120 costs of \$1,500 plus the hard costs of the disciplinary proceeding
5 no later than 30 days after the issuance of the Order in this matter.

6 DATED this 29th day of August, 2024.

7 Marilee Cate

8 By: Marilee Cate (Aug 29, 2024 17:19 PDT)

9 MARILEE CATE, ESQ.

10 Formal Hearing Panel Chair

11 Northern Nevada Disciplinary Board

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