

# Supreme Court of Kentucky

2020-SC-0194-KB

GRETCHEN RENEE NUNN

MOVANT

V.

IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

RESPONDENT

## **OPINION AND ORDER**

Gretchen Renee Nunn was admitted to practice law on October 21, 1994. Her Kentucky Bar Association (“KBA”) member number is 85549 and her bar roster address is 555 North Arnold Avenue, Prestonsburg, Kentucky 41653. Nunn moves this Court to accept her negotiated sanction of a public reprimand. The KBA states it has no objection to Nunn’s motion. After review of the record, we grant Nunn’s motion to be publicly reprimanded for her conduct.

### **I. Factual and Procedural Background.**

On January 15, 2016, Nunn was suspended from the practice of law for her failure to comply with the minimum continuing legal education (“CLE”) requirements. Nunn did not realize she had been suspended and continued to

practice law until September 30, 2019, when she finally became aware of her suspension. Between 2016 and 2019 Nunn represented numerous clients in her position as counsel for the Kirk Law Firm. Upon becoming aware of her suspension, Nunn transitioned into a role as a paralegal at her law firm, and self-reported the facts relating to her suspension to the Office of Bar Counsel.

On February 5, 2020, the Inquiry Commission filed a charge against Nunn containing two counts in violation of SCR<sup>1</sup> 3.130(5.5)(a) and 3.130(5.7)(a). SCR 3.130(5.5)(a) states: “[a] lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction[.]” Nunn admits to violating this provision when she represented clients during the years she was suspended from the practice of law. SCR 3.130(5.7)(a) states:

(a) During a period of suspension a suspended lawyer may not perform any of the following acts:

(1) render legal consultation or legal advice to any person; (2) appear on behalf of another person in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer, unless the rules of the tribunal involved permit representation by non-lawyers and the represented person has been fully informed of the lawyer’s suspension; (3) appear as a representative of another person at a deposition or other discovery matter; (4) knowingly appear as a representative, spokesperson, or salesperson-in any visual, audible, print, or electronic media of any kind for any law firm or legal-related entity providing or proposing to provide legal service to the public or a specific subset of the public at large. (5) negotiate or transact any matter for or on behalf of another person with third parties; (6) receive, disburse, or otherwise handle a client’s funds; or (7) engage in activities that constitute the practice of law.

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<sup>1</sup> Kentucky Rules of the Supreme Court.

Nunn admits to violating this rule by providing legal advice, appearing in court, and other acts that constitute the practice of law while suspended.

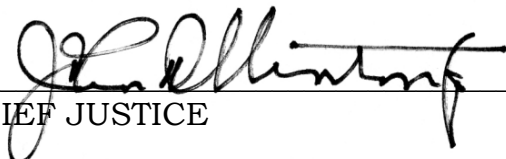
As mitigation evidence, Nunn reiterates that she did not intentionally practice law while suspended and immediately quit practicing once she discovered she was suspended. Moreover, even though she failed to complete her CLE requirements in 2015, she completed them in 2016, 2017, and 2019. She further became seriously ill in 2016 and was diagnosed with Stage III B Triple Negative Breast Cancer in 2017. Nunn also has an absence of prior discipline—apart from the original CLE suspension—and has cooperated fully in her disciplinary proceedings.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. Gretchen Renee Nunn is publicly reprimanded for the conduct described in this Opinion and Order;
2. In accordance with SCR 3.450, Nunn shall pay all costs associated with these disciplinary proceedings against her, and for which execution may issue from this Court upon finality of this Opinion and Order.

All sitting. All concur.

ENTERED: SEPTEMBER 24, 2020.

  
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CHIEF JUSTICE