

Supreme Court of Kentucky

2021-SC-0059-KB

KENTUCKY BAR ASSOCIATION

MOVANT

V.

IN SUPREME COURT

THOMAS DUANE JUANSO

RESPONDENT

OPINION AND ORDER

The Kentucky Bar Association (“KBA”) moves this Court to indefinitely suspend Thomas Duane Juanso (“Juanso”) from the practice of law pursuant to Supreme Court Rule (“SCR”) 3.380(2) for failure to answer a KBA charge. Juanso’s KBA membership number is 93712. His bar roster address is 7103 Woolrich Road, Louisville, Kentucky 40207. He has been licensed to practice law in the Commonwealth of Kentucky since October 15, 2010. After review, we hereby indefinitely suspend Juanso pursuant to SCR 3.380(2).

BACKGROUND

The KBA’s motion for suspension arises from a single case (KBA File 20-DIS-0131).

On July 11, 2019, Jessica Blanchard (“Ms. Blanchard”) signed an attorney service agreement and paid a \$2,000 retainer fee to Juanso to secure his counsel in a wrongful termination lawsuit. In addition to the retainer fee, Juanso was entitled to recover 1/3 of any settlement or award. Additionally, any unearned fees may be returned by Juanso to Ms. Blanchard.

Between August 2019 and February 2020, Ms. Blanchard contacted Juanso upon multiple occasions, requesting a status update. Citing a heavy workload, Juanso was unable to speak with her directly, but on a couple of occasions promised to send a demand letter and file a litigation hold. Ms. Blanchard never received a demand letter and no litigation hold was ever filed.

In March 2020, Ms. Blanchard emailed Juanso to inquire the impact, if any, Covid-19 might have on her claim and to ask about whether her claim had a statute of limitations. Juanso assured her that Covid-19 would not impact her claim but did not answer her inquiry as to the statute of limitations on her claim. On May 20, 2020, Ms. Blanchard again reached out to ask for a status update. She also asked if she was entitled to a refund of her retainer fee under the attorney service agreement. On May 21, 2020 Juanso responded, again citing a heavy caseload as the reason for his delay. He offered to perform other legal services for free.

On May 29, 2020, Juanso informed Ms. Blanchard that the statute of limitations on her claim would expire in six business days. This was the first indication of a statute of limitations danger. On June 3, 2020 Juanso requested Ms. Blanchard obtain additional medical documents in order to show mental incompetency and thus extend the statute of limitations. Ms. Blanchard was unable to obtain the documents on such short notice and the statute of limitations expired.

Shortly thereafter, Ms. Blanchard called Juanso and informed him that she was unhappy with his representation. She sent a follow-up email,

requesting the return of her file and the retainer fee in full. Juanso responded via email to dispute her allegations.

On June 4, 2020, Ms. Blanchard terminated Juanso's representation via email. She again requested a copy of her file and the attorney service agreement. Juanso did not send either. On June 21, 2020, Ms. Blanchard sent another email requesting her documentation. Juanso responded, claiming that her request and statement of facts were "coercive allegations." He claimed that any delay was a result of him having to "obtain clarity as to any mandatory duties I may have, or permissive legal rights." The case file was still not returned to Ms. Blanchard.

Ms. Blanchard then filed a bar complaint against Juanso. The Office of Bar Counsel attempted to serve Juanso with the complaint via both certified mail and the Jefferson County Sheriff's Department. Both attempts failed. Pursuant to SCR 3.035(2), he was then served via the Executive Director on August 21, 2020. Along with the complaint, Juanso also received a letter from the Inquiry Commission requesting more information from him regarding the complaint lodged against him by Ms. Blanchard. The letter also warned that failure to respond to the complaint could result in additional charges of misconduct pursuant to SCR 3.130(8.1). Juanso did not respond to the bar complaint.

In September 2020, Juanso attempted to negotiate a settlement with Ms. Blanchard. He offered to return the retainer in full, if she would sign a release of all potential claims against him, including the bar complaint. Ms. Blanchard

responded that she would sign the release in exchange for the retainer, but would not withdraw the bar complaint. Juanso agreed to refund the \$2,000.00 and stated he would prepare a settlement agreement and release which would include the withdrawal of her bar complaint. Ms. Blanchard again advised Juanso that she would not withdraw the complaint. Juanso failed to refund any portion of Ms. Blanchard's fee, return her file or respond to the bar complaint.

After Juanso never responded to the original bar complaint, the Inquiry Commission charged Juanso with SCR 3.130(1.3) for failing to act with diligence, SCR 3.130(1.4)(a)(4) for failure to communicate, SCR 3.130(1.16)(d) for failure to return an unearned fee, and SCR 3.130(8.1)(b) for failure to respond to a lawful demand from a disciplinary authority.

Juanso has failed to respond to the case summarized above, warranting indefinite suspension under SCR 3.380(2).

For the forgoing reasons, it is hereby ORDERED:

1. Pursuant to SCR 3.380(2), Thomas Duane Juanso is hereby suspended indefinitely from the practice of law in the Commonwealth of Kentucky.
2. As required by SCR 3.390, Juanso shall, within ten (10) days after the issuance of this order of suspension, notify, by letter duly placed with the United States Postal Service, all courts or other tribunals in which he has matters pending of his suspension. Further, he will inform all of his clients, by mail, of his inability to represent them and of the necessity and urgency of promptly retaining new counsel. Juanso shall

simultaneously provide a copy of all such letters of notification to the Office of Bar Counsel. Juanso shall immediately cancel any pending advertisements, to the extent possible, and shall terminate any advertising activity for the duration of the term of suspension.

3. As stated in SCR 3.390(a), this order shall take effect on the tenth day following its entry. Juanso is instructed to promptly take all reasonable steps to protect the interests of his clients. He shall not during the term of suspension accept new clients or collect unearned fees and shall comply with the provisions of SCR 3.130-7.50(5).

All sitting. All concur.

ENTERED: June 17, 2021.


CHIEF JUSTICE MINTON

COUNSEL FOR MOVANT:

Counsel for Kentucky Bar Association (Lead)
Ashley Noel Bailey

COUNSEL FOR RESPONDENT:

Thomas Duane Juanso
Respondent- Pro Se