

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 45 DB 2016
Petitioner	:	
	:	File No. C1-15-113 & C1-15-598
v.	:	
	:	Attorney Registration No. 90201
KEVIN V. MINCEY	:	
Respondent	:	(Philadelphia)

PUBLIC REPRIMAND

Kevin V. Mincey, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Mincey, you are being reprimanded today in connection with your conduct in two separate matters. In the first matter, on June 4, 2014, you met with Avis Griffin regarding the representation of her son, Tyrone Griffin in a criminal case. During this meeting, Ms. Griffin paid you \$3,800.00 in cash. You presented her with a document entitled "RETAINER AGREEMENT", which both you and Ms. Griffin signed. This agreement provided that you would represent Mr. Griffin in a 2013 criminal case and a 2014 criminal case for a fee of \$20,000.00 Ms. Griffin paid you an additional \$6,500.00 in cash on June 16, 2014. You provided Ms. Griffin with a receipt in which you acknowledged having received the \$6,500.00 payment.

You failed to provide any legal services to Mr. Griffin in the 2013 criminal case because that matter had ben nolle prossed in January 2014. You failed to enter your appearance in the 2014 matter. The only legal services you provided to Mr. Griffin in the 2014 case were to review the discovery and advise Mr. Griffin that he should consider entering a plea deal with the prosecutor's office.

By three separate emails, by letter and by telephone calls between September 2014 and December 2014, Ms. Griffin contacted you about obtaining a refund of the fees she paid you to represent Mr. Griffin in the 2014 criminal case. You failed to refund the unearned portion of the \$10,300 you received from Ms. Griffin and failed to respond to Ms. Griffin's attempts at communication.

In the second matter, you represented Tariq Hooks in his appeal to the Third Circuit. You were notified by the Court on several occasions that you were required to complete and file various forms. You failed to file the required forms. By Order dated June 4, 2014, the Third Circuit directed you to file the required forms and a response to the Waiver Motion within five days of the date of the Order and stated that if you failed to comply, the Third Circuit would issue an Order to Show Cause why you should not be sanctioned. On July 1, 2014, over twenty days after the deadline established in the Third Circuit's Order, you filed the required forms, but failed to file a response to the Waiver Motion.

Mr. Hooks filed a motion for appointment of new counsel on July 14, 2014. The Court denied the motion, without prejudice, and stated that Mr. Hooks could refile the new counsel motion if you failed to file a response to the Waiver Motion by the deadline established in the order. You were directed to file a response within thirty days of the date of the Order. You failed to do so, and the Third Circuit permitted Mr. Hooks to file a *pro se* response.

Your conduct in this matter has violated the following Rules of Professional Conduct and Rule of Disciplinary Enforcement:

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness when representing a client.
2. RPC 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
3. RPC 1.15(e) – Except as stated in this Rule of otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property; Provided, however, that the delivery, accounting and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the Fiduciary entrustment.
4. RPC 1.16(d) – Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interest, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.

5. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.
6. Pa.R.D.E. 203(b)(7) – Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel’s request or supplemental request under the Disciplinary Board rules for a statement of the respondent-attorney’s position.

We note that you have a record of prior discipline consisting of a Private Reprimand imposed on July 6, 2010, for your violations of the Rules in connection with your representation in an appellate criminal matter.

Mr. Mincey, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board’s website at www.padisciplinaryboard.org.

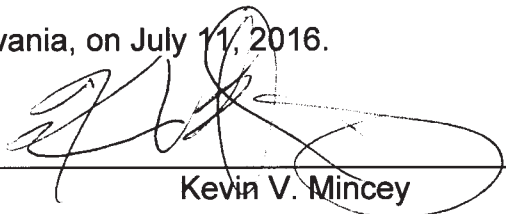


Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on July 11, 2016

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on July 11, 2016.



Kevin V. Mincey