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September 22, 2023

VIA CERTIFIED, REGULAR, AND ELECTRONIC MAIL

Kevin N. Starkey, Esq.
c/o William P. Cunningham, Esq.
Starkey Kelly Kenneally Cunningham & Turnbach
2 Hooper Avenue
Toms River, New Jersey 08753
wcummingham@starkeykelly.com

Re: **In the Matter of Kevin N. Starkey**
Docket No. DRB 23-152
District Docket No. IIIB-2021-0005E

Dear Mr. Starkey:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition for your violation of RPC 1.1(a) (gross neglect); RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information); RPC 1.16(d) (failure to protect the client's interests upon termination of the representation); and RPC 3.2 (failure to expedite litigation).

Specifically, in December 2018, William Gaillard retained you to defend him in quiet title action filed in the Superior Court of New Jersey, Ocean County,

Chancery Division. Following mediation, Gaillard and the plaintiffs in the action reached an agreement, which was memorialized in a consent order. However, shortly thereafter, Gaillard informed you that the agreement was no longer acceptable to him. At that point, you unilaterally ceased all work in the action.

Your adversary filed two motions to enforce the settlement. You received these motions but did not forward them to your client or file an opposition. One of the motions resulted in an award of attorney's fees against your client, in the amount of \$1,877.50. Due to your continued silence and failure to inform your client of the award, your adversary filed a motion to compel the sale of your client's property. Only then did you indicate that you wished to withdraw as counsel. Your client's attorney in another matter then entered an appearance and secured the withdrawal of the motion to compel the sale of property, after your client paid the plaintiffs' attorney's fees, in the amount of \$3,041.15.

In imposing only an admonition, the Board accorded considerable mitigating weight to the fact that you have an unblemished disciplinary history of more than thirty years at the bar. Additionally, you reimbursed your client for the attorney's fees paid to the plaintiffs and demonstrated remorse and evidence of good character. You also took an ethics course to prevent future violations.

Your conduct has adversely reflected not only on you as an attorney but also on all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Office of Board Counsel. Should you become the subject of any further discipline, this admonition will be taken into consideration.

The Board also has directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours,

/s/ Timothy M. Ellis

Timothy M. Ellis
Acting Chief Counsel

TME/res
Enclosures

c: (w/o enclosures)
Chief Justice Stuart Rabner
Associate Justices
Heather Joy Baker, Clerk
Supreme Court of New Jersey
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.), Chair
Disciplinary Review Board (e-mail)
Johanna Barba Jones, Director
Office of Attorney Ethics (e-mail and interoffice mail)
Isabel K. McGinty, Statewide Ethics Coordinator
Office of Attorney Ethics (e-mail)
Jeffrey P. Resnick, Esq., Chair
District IIIB Ethics Committee (e-mail)
John M. Hanamirian, Esq., Secretary
District IIIB Ethics Committee (e-mail and regular mail)
Douglas M. Nelson, Esq., Presenter (e-mail)
Jonathan Russell, Grievant (regular mail)