

SUPREME COURT OF KENTUCKY

Kentucky Bar Ass'n v. Beal

169 S.W.3d 860 (Ky. 2005) · No. 2005-SC-00382-KB · Decided August 25, 2005

SUMMARY

The Supreme Court of Kentucky adopted the Board of Governors of the Kentucky Bar Association's recommendation that Robert M. Beal violated SCR 3.130-8.1(b) by knowingly failing to respond to a bar complaint and related disciplinary demands. The court publicly reprimanded Beal and assessed \$125.92 in costs against him.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Joseph E. Lambert
JURISDICTION	Kentucky
DECIDED	August 25, 2005
DOCKET	2005-SC-00382-KB
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which the Board of Governors of the Kentucky Bar Association recommended that Beal be found guilty of violating SCR 3.130-8.1(b), publicly reprimanded, and assessed costs. Beal did not seek review, and the Supreme Court of Kentucky declined to review the Board's decision and adopted it.
STANDARD OF REVIEW	The Supreme Court may elect whether to review the Board of Governors' decision under SCR 3.370(8); absent elected review, it adopts the decision pursuant to SCR 3.370(10).
PRECEDENTIAL VALUE	Published opinion
PARTIES	Kentucky Bar Association v. Robert M. Beal

TOPICS

[administrative law](#) [appellate procedure](#) [judicial review of agency action](#)

PRACTICE AREAS

[attorney discipline](#) [legal ethics](#) [professional responsibility](#)

QUESTIONS PRESENTED

1. Whether the Supreme Court should review the Board of Governors' determination that Beal violated SCR 3.130-8.1(b).
2. Whether Beal should be publicly reprimanded and assessed the costs of the disciplinary proceedings for knowingly failing to respond to a lawful demand for information from a disciplinary authority.

HOLDINGS

1. Because Beal did not file a notice seeking review and the court did not elect to review the decision under SCR 3.370(8), the court adopted the Board of Governors' decision pursuant to SCR 3.370(10).
2. Beal violated SCR 3.130-8.1(b) by knowingly failing to respond to a lawful demand for information from an admission or disciplinary authority.
3. Beal was publicly reprimanded and ordered to pay \$125.92 in costs associated with the disciplinary proceedings.

KEY QUOTATIONS

“respond to a lawful demand for information from an admission or disciplinary authority.” (860)

FACTUAL BACKGROUND

Charles Green filed a bar complaint alleging misconduct by Beal in handling a workers' compensation case. Beal received the complaint and subsequent notices warning that failure to respond could constitute additional misconduct, but he filed no response. The Inquiry Commission charged him with violating SCR 3.130-8.1(b), and the Board of Governors voted 15 to 2 to find him guilty and recommended a public reprimand and assessment of costs.

PROCEDURAL HISTORY

A bar complaint was filed against Beal, and Bar Counsel sent him the complaint and multiple notices requiring a response. Beal did not respond. The Inquiry Commission charged him with violating SCR 3.130-8.1(b), and the Board of Governors voted to find him guilty and recommend a public reprimand and costs. Beal did not file a notice for Supreme Court review; the court declined discretionary review and adopted the Board's decision under SCR 3.370(10).

DISPOSITION

other

OPINION

JOSEPH, J.

169 S.W.3d 860 (2005) KENTUCKY BAR ASSOCIATION, Movant v. Robert M. BEAL, Respondent. No. 2005-SC-00382-KB. Supreme Court of Kentucky. August 25, 2005. OPINION

AND ORDER The Board of Governors of the Kentucky Bar Association has recommended that the Court find Respondent, Robert M. Beal, whose Bar Roster Address is P.O. Box 70051, Louisville, Kentucky XXXXX-XXXX and whose KBA Member Number is 03887, guilty of violating SCR 3.130-8.1(b) for having knowingly failed to "respond to a lawful demand for information from an admission or disciplinary authority."

The *861 Board has recommended that Beal receive a public reprimand for the violation and that the costs of this action be assessed against him. The charge against Beal arose out of a bar complaint filed by Charles Green alleging misconduct by Beal in the handling of a worker's compensation case.

On April 8, 2002, Bar Counsel sent a copy of the bar complaint to Beal by certified mail. The bar complaint was accompanied by a cover letter indicating that "failure to respond to the Complaint may subject you to an additional Charge of misconduct pursuant to SCR 3.130-8.1." Beal received and signed for the bar complaint on April 13, 2004. Beal did not respond to the bar complaint.

A second notification letter was sent to Beal by certified mail on May 7, 2004. The second letter indicated that the KBA had not received a response to the first notice and again indicated that failure to file a response as required by the Rules might subject Beal to an additional charge of misconduct. Again, Beal filed no response.

On November 9, 2004, the Inquiry Commission issued a one-count charge that Beal had violated SCR 3.130-8.1(b) when he failed to file a response to the complaint against him.[1] A reminder letter was sent to Beal on December 21, 2004. Beal has not responded to this charge. A member of the Board of Governors filed a report with the Board, which then considered the charge against Beal.

The Board voted on whether Beal was guilty of violating SCR 3.130-8.1(b), with fifteen members present voting "guilty" and two members present voting "not guilty." The Board then voted on the appropriate discipline to recommend to this Court, with fifteen members present voting for a public reprimand and two members present abstaining.

The Board then filed a recommendation that Beal be found guilty of the charge in Kentucky Bar Association File No. 11622 for failure to respond to a bar complaint in violation of SCR 3.130-8.1(b) and recommending that Beal be publicly reprimanded and that the costs of these proceedings be assessed against him. Beal has not filed a notice for this Court to review the Board's decision, and we do not elect to review the decision of the Board of Governors pursuant to SCR 3.370(8).

Wherefore, the decision of the Board of Governors is hereby adopted pursuant to SCR 3.370(10). ACCORDINGLY, IT IS HEREBY ORDERED: (1) Beal is publicly reprimanded for violating SCR 3.130-8.1(b). (2) In accordance with SCR 3.450, Beal is directed to pay all costs associated

with these disciplinary proceedings against him, said sum being \$125.92, and for which execution may issue from this Court upon finality of this Opinion and Order.

All concur. Entered: August 25, 2005. /s/ Joseph E. Lambert CHIEF JUSTICE NOTES [1] The Office of Bar Counsel investigated Charles Green's underlying complaint and found that it had no basis. The Inquiry Commission chose not to charge Beal with regard to Green's complaint about his worker's compensation claim.