

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