

SUPREME COURT OF KENTUCKY

Kentucky Bar Ass'n v. Wade

172 S.W.3d 399 (Ky. 2005) · Decided September 22, 2005

SUMMARY

The Kentucky Supreme Court adopted the Board of Governors' findings that Jeffrey Lee Wade committed multiple violations of the Kentucky Rules of Professional Conduct across seven disciplinary matters, largely involving neglect, inadequate communication, fee issues, abandonment, and failure to respond to bar complaints. The court imposed a five-year suspension concurrent with existing suspensions, conditioned reinstatement on refunding specified fees, ordered client and court notifications, and assessed costs. The opinion was entered on September 22, 2005.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Joseph E. Lambert, Chief Justice; Cooper, Justice; Johnstone, Justice; Roach, Justice; Scott, Justice; Wintersheimer, Justice; Graves, Justice
JURISDICTION	Kentucky
DECIDED	September 22, 2005
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding involving seven consolidated disciplinary matters. Wade failed to respond to the charges, the matters proceeded as default cases, and the Supreme Court of Kentucky reviewed and adopted the Kentucky Bar Association Board of Governors' decision.
PRECEDENTIAL VALUE	published
PARTIES	Kentucky Bar Association v. Jeffrey Lee Wade

TOPICS

default sanctions appellate procedure civil procedure

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

1. Whether the Supreme Court of Kentucky should adopt the Board of Governors' findings of professional misconduct in the seven default disciplinary matters.
2. What discipline and related conditions should be imposed for Wade's violations of the Supreme Court Rules of Professional Conduct.

HOLDINGS

1. Because Wade failed to respond to the disciplinary charges, the matters properly proceeded as default cases under SCR 3.370(10) and SCR 3.210(1), and the court adopted the Board of Governors' decision.
2. Wade was suspended from the practice of law for five years, concurrent with all current suspensions, and could not seek reinstatement until he refunded the fees identified in the opinion.
3. Wade was required to notify clients and courts of his inability to represent them within ten days and to pay \$1,120.06 in costs.

KEY QUOTATIONS

“Pursuant to SCR 3.370(10), which governs default cases, this Court hereby adopts the decision of the Board of Governors.” (172 S.W.3d at 400)

“Respondent, Jeffery Lee Wade, be suspended from the practice of law for a period of five (5) years, commencing upon the entry of this Opinion and Order, to run concurrent with any and all suspensions currently imposed.” (172 S.W.3d at 403)

“Wade is directed to pay the costs of this action in accordance with SCR 3.450, said sum being \$1,120.06, and for which execution may issue from this Court upon finality of this Opinion and Order.” (172 S.W.3d at 404)

FACTUAL BACKGROUND

Wade represented multiple clients in custody, estate, probate, real-estate, divorce, and medical-malpractice matters but repeatedly failed to act diligently, communicate with clients, complete required legal work, protect client interests, or return unearned fees. Several clients were unable to contact him, and some suffered consequences such as adverse judgments, removal as an estate administrator, or loss of expected legal services. Wade also failed to respond to the disciplinary complaints and charges, and he had previously been suspended from practicing law.

PROCEDURAL HISTORY

The Kentucky Bar Association charged Wade with multiple violations of the Kentucky Supreme Court Rules of Professional Conduct in seven files. Wade did not respond to the complaints or charges, so the matters were submitted to the Board of Governors as default cases. The Board found Wade guilty of all or specified counts, recommended a five-year concurrent suspension and restitution, and the Supreme Court adopted that decision while adding the conditions and costs stated in its order.

DISPOSITION

other

CASES CITED

- Kentucky Bar Association v. Wade, 112 S.W.3d 388 (Ky. 2003)

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