

SUPREME COURT OF KENTUCKY

Holmes v. Kentucky Bar Ass'n

111 S.W.3d 873 (Ky. 2003) · Decided August 21, 2003

SUMMARY

The Kentucky Supreme Court granted Gregory N. Holmes's motion for a 90-day disciplinary suspension and dissolved his prior temporary suspension. The court ordered Holmes not to practice law unless reinstated under SCR 3.510(4), required him to pay \$8,994 in disciplinary costs, and terminated the disciplinary proceeding upon completion of the order's conditions.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Joseph E. Lambert, Chief Justice; Lambert, C.J.; Cooper, J.; Keller, J.; Stumbo, J.; Wintersheimer, J.; Graves, J.; Johnstone, J.
JURISDICTION	Kentucky
DECIDED	August 21, 2003
DISPOSITION	other
PROCEDURAL POSTURE	Holmes moved under SCR 3.480(3) for a 90-day disciplinary suspension and dissolution of his temporary suspension order, seeking termination of the disciplinary proceeding. The Kentucky Bar Association agreed to the proposed disposition.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion and order
PARTIES	Gregory N. Holmes v. Kentucky Bar Association

TOPICS

appellate procedure criminal procedure

PRACTICE AREAS

legal ethics attorney discipline professional responsibility appellate procedure criminal procedure

QUESTIONS PRESENTED

- Whether the court should approve Holmes's agreed motion for a 90-day disciplinary suspension and dissolve the prior temporary suspension order.

2. Whether the disciplinary proceeding should be terminated after Holmes completed the conditions imposed by the court.

HOLDINGS

1. Holmes is suspended from the practice of law in Kentucky for 90 days from the date of entry of the order.
2. The prior temporary suspension order is dissolved, but Holmes may not practice law unless and until reinstated pursuant to SCR 3.510(4).

KEY QUOTATIONS

“He shall not engage in the practice of law unless or until he is reinstated pursuant to SCR 3.510(4).” (875)

“Upon the completion of the conditions set out in this order, the disciplinary proceeding against Holmes shall be terminated.” (875)

FACTUAL BACKGROUND

Holmes was originally convicted after trial of bribery of a public servant, bigamy, and theft by deception over \$100 and received an aggregate prison sentence. The convictions were reversed, and the criminal matter ultimately concluded with his guilty plea to two Class B misdemeanors of second-degree official misconduct, a conditionally discharged 90-day sentence, and 100 hours of community service. He had been temporarily suspended from practicing law since July 12, 1993, and the parties agreed that a 90-day disciplinary suspension was an appropriate resolution, in part because portions of the criminal trial record could not be reconstructed.

PROCEDURAL HISTORY

Holmes's criminal convictions for bribery, bigamy, and theft by deception led to a temporary suspension and disciplinary proceedings. The convictions were reversed, and the criminal matter was resolved by Holmes's guilty plea to two Class B misdemeanors of second-degree official misconduct. After earlier motions to dissolve the temporary suspension were denied and the matter was remanded for an evidentiary hearing, Holmes renewed his request for an agreed 90-day suspension. The Supreme Court of Kentucky granted the motion, dissolved the temporary suspension, imposed costs, and terminated the disciplinary proceeding upon completion of the order's conditions.

DISPOSITION

other