

SUPREME COURT OF KENTUCKY

Kentucky Bar Ass'n v. Perry

102 S.W.3d 507 (Ky. 2003) · No. 2003-SC-0031-KB · Decided April 24, 2003

SUMMARY

The Supreme Court of Kentucky adopted the Board of Governors' recommendation to suspend Helen M. Perry from practicing law for 181 days based on professional misconduct in two disciplinary cases. The misconduct involved failure to properly terminate representation, return client files, communicate with a client, and respond to disciplinary inquiries. The court also ordered Perry to pay costs and notify clients and courts of her inability to represent them.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Joseph E. Lambert, Chief Justice
JURISDICTION	Kentucky
DECIDED	April 24, 2003
DOCKET	2003-SC-0031-KB
DISPOSITION	other
PROCEDURAL POSTURE	The Kentucky Bar Association sought review and adoption of the Board of Governors' recommendation that Helen M. Perry be suspended for 181 days based on professional misconduct findings in two disciplinary cases. Both matters were submitted to the Board as default cases.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court disciplinary opinion and order
PARTIES	Kentucky Bar Association v. Helen M. Perry

TOPICS

appellate procedure

remedies

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the Supreme Court of Kentucky should adopt the Board of Governors' recommended sanction for Perry's professional misconduct.
2. Whether Perry should be suspended from the practice of law for 181 days and required to pay disciplinary costs and notify clients and courts of her inability to represent them.

HOLDINGS

1. Pursuant to SCR 3.370(10), the Supreme Court adopted the Board of Governors' recommendation and suspended Perry from practicing law in Kentucky for 181 days.
2. Perry was ordered to pay \$372.27 in costs and, within ten days, notify her clients and courts with pending matters in writing of her inability to represent them.

KEY QUOTATIONS

“Pursuant to SCR 3.370(10), we hereby adopt the recommendation of the Board.” (at 508)

“Respondent, Helen M. Perry, is suspended from the practice of law in Kentucky for a period of one hindered and eighty-one (181) days.” (at 508)

“Pursuant to SCR 3.390, within ten (10) days, Respondent shall notify all clients in writing of her inability to represent them and shall furnish copies of said letters of notice to the Director of the Kentucky Bar Association.” (at 509)

FACTUAL BACKGROUND

Perry withdrew from representing C.P. Moore in a civil action but failed to notify the court and opposing counsel, respond to discovery-related communications, return Moore's file, or respond to Moore's bar complaint. In a separate matter, Perry received documents from prisoner Jacta Est Alea regarding a pending federal lawsuit but failed to return the documents, respond to communications, or clearly notify Alea that she no longer represented him. The Board found Perry guilty of four counts of professional misconduct and noted that, apart from a prior suspension for nonpayment of bar dues, she had no disciplinary history.

PROCEDURAL HISTORY

Perry was charged with five counts of professional misconduct arising from two disciplinary matters. The Board of Governors found her guilty of four counts, not guilty of one count, considered the matters jointly for sanction purposes, and recommended a 181-day suspension. Pursuant to SCR 3.370(10), the Supreme Court of Kentucky adopted the recommendation and entered a disciplinary order.

DISPOSITION

other