

SUPREME COURT OF KENTUCKY

Croushore v. Kentucky Bar Association

307 S.W.3d 121 (Ky. 2010) · No. 2010-SC-000030-KB · Decided March 18, 2010

SUMMARY

The Supreme Court of Kentucky approved a negotiated disciplinary sanction against Paul Gregory Croushore for professional misconduct involving inadequate IOLTA account records and accounting for client funds. The court imposed a one-year suspension, probated for two years and retroactive to February 15, 2006, and ordered payment of proceeding costs.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	John D. Minton, Jr., Chief Justice
JURISDICTION	Kentucky
DECIDED	March 18, 2010
DOCKET	2010-SC-000030-KB
DISPOSITION	other
PROCEDURAL POSTURE	Croushore moved for consensual discipline under SCR 3.480(2), seeking a one-year suspension from the practice of law, probated for two years and retroactive to February 15, 2006. The Kentucky Bar Association did not object.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Paul Gregory Croushore v. Kentucky Bar Association

TOPICS

remedies

administrative law

PRACTICE AREAS

attorney discipline

professional responsibility

legal ethics

remedies

QUESTIONS PRESENTED

1. Whether the Kentucky Supreme Court should impose the negotiated reciprocal discipline requested by Croushore and not opposed by the Kentucky Bar Association.

2. Whether Croushore should be required to comply with SCR 3.390's notice requirement after the Ohio probated suspension had been fulfilled and expired.
3. Whether Croushore should be assessed the costs of the Kentucky disciplinary proceeding under SCR 3.450.

HOLDINGS

1. The court granted Croushore's motion and imposed a one-year suspension from the practice of law, retroactive to February 15, 2006, probated for two years.
2. Croushore was not required to comply with SCR 3.390 because the original Ohio order imposing a probated suspension had been fulfilled and had expired.
3. Croushore was required to pay \$75.71 in costs associated with the proceeding, with execution available upon finality of the order.

KEY QUOTATIONS

“Movant, Paul Gregory Croushore, KBA Member No. 89146, is hereby retroactively suspended from the practice of law for a period of one year, probated for two years, effective February 15, 2006.” (307 S.W.3d at 122)

“In view of the fact that the original Ohio order imposing a probated suspension has been fulfilled and has expired, it is not necessary for Movant to comply with SCR 3.390 regarding notice.” (307 S.W.3d at 122)

FACTUAL BACKGROUND

Croushore admitted, and the Supreme Court of Ohio found, that multiple checks were written from and deposited into his IOLTA account without documentation connecting them to client files. He also could not verify that all funds deposited into the account were client funds. Ohio imposed a one-year suspension, stayed on the condition of no further misconduct, and placed him on two years of probation.

PROCEDURAL HISTORY

Croushore was disciplined by the Supreme Court of Ohio for violations involving recordkeeping and accounting for client funds in an IOLTA account. Ohio imposed a one-year suspension stayed on conditions and two years of probation. Croushore and the Kentucky Bar Association agreed to a negotiated Kentucky sanction intended to achieve a parallel result, and the Kentucky Supreme Court granted the motion.

DISPOSITION

other

OPINION

MINTON, J.

307 S.W.3d 121 (2010) Paul Gregory CROUSHORE, Movant, v. KENTUCKY BAR ASSOCIATION, Respondent. No. 2010-SC-000030-KB. Supreme Court of Kentucky. March 18, 2010. OPINION AND ORDER Movant, Paul Gregory Croushore, KBA Member No. 89146, moves the Court, pursuant to SCR 3.480(2), to impose the sanction of a one-year suspension from the practice of law, probated for a period of two years, with the effective date of the suspension retroactive to February 15, 2006.

The Kentucky Bar Association states in response that it has no objection to Movant's motion. On January 27, 2005, Movant was charged with professional misconduct under the provisions of the Ohio Supreme Court Rules for violations of disciplinary rules 9-102(A) (failing to maintain appropriate records for his IOLTA account) and 9-102(B)(3) (failure to maintain complete records and properly account for client funds.).[1] Specifically, the Ohio Supreme Court found, and Movant admitted, that multiple checks were written from and deposited *122 into his IOLTA account without documenting the relationship between the checks and client files.

In addition, Movant was unable to verify that all funds deposited in the account were client funds. The Supreme Court of Ohio, in an order entered on February 15, 2006, found that Movant had violated the disciplinary rules and suspended him for one year, with the suspension to be stayed on the condition that he commit no further misconduct during that term.

If Movant violated any of these conditions, the stay was to be lifted and he was to serve the full term of suspension. In addition, Movant was placed on probation for a period of two years. Movant and the Kentucky Bar Association have agreed to a negotiated sanction pursuant to SCR 3.480(2) to resolve the matter.[2] After reviewing the case, the Kentucky Bar Association recommended consensual discipline to attempt to achieve a parallel result to that of the Ohio court.

Pursuant to the motion of Movant, and because there is no objection by the Kentucky Bar Association, we grant the motion and it is hereby ORDERED as follows: 1. Movant, Paul Gregory Croushore, KBA Member No. 89146, is hereby retroactively suspended from the practice of law for a period of one year, probated for two years, effective February 15, 2006. 2.

In view of the fact that the original Ohio order imposing a probated suspension has been fulfilled and has expired, it is not necessary for Movant to comply with SCR 3.390 regarding notice. 3. In accordance with SCR 3.450, Movant is directed to pay all costs associated with this proceeding in the amount of \$75.71, for which execution may issue from this Court upon finality of this order.

All sitting. All concur. ENTERED: March 18, 2010. /s/ John D. Minton, Jr. Chief Justice NOTES

[1] The conduct involved is also subject to discipline by the Supreme Court Rules of Kentucky, 3.130-1.15(a). [2] Reciprocal discipline was not sought by the Kentucky Bar Association, as SCR 3.435(3) provides that in the event discipline has been stayed in another state, any discipline imposed in this state shall be deferred until such stay expires.

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