

SUPREME COURT OF KENTUCKY

Kentucky Bar Ass'n v. Cartee

84 S.W.3d 460 (Ky. 2002) · Decided September 26, 2002

SUMMARY

The Kentucky Supreme Court disbarred Rita Lynn Cartee after finding her guilty of failing to file a client's bankruptcy petition, return an unearned fee, and respond to disciplinary proceedings. The court relied on her repeated prior misconduct and ordered her to pay \$64.04 in costs.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Joseph E. Lambert, Chief Justice; Joseph E. Lambert, C.J.; Cooper, J.; Johnstone, J.; Stumbo, J.; Wintersheimer, J.; Graves, J.; Keller, J.
JURISDICTION	Kentucky
DECIDED	September 26, 2002
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline default proceeding in which the Kentucky Bar Association Board of Governors recommended disbarment after finding Respondent guilty on three counts of professional misconduct.
STANDARD OF REVIEW	Review of the record and the Board of Governors' disciplinary recommendation under the Kentucky Supreme Court Rules.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court disciplinary opinion; precedential as to the disposition and reasoning concerning the appropriate sanction on the stated record.
PARTIES	Kentucky Bar Association v. Rita Lynn Cartee

TOPICS

administrative law

bankruptcy

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

bankruptcy

QUESTIONS PRESENTED

1. Whether Cartee should be disbarred based on her three counts of professional misconduct, her repeated failure to respond to disciplinary proceedings, and her prior disciplinary history.
2. Whether the Board of Governors' recommendation of disbarment should be accepted rather than imposing an additional suspension.

HOLDINGS

1. Disbarment was warranted because Cartee's present misconduct, repeated similar misconduct, failure to respond to clients and disciplinary authorities, and failure to maintain a current address demonstrated an unmistakable pattern of neglect and showed that prior suspensions had not deterred her conduct.
2. The court accepted the Board of Governors' recommendation and ordered that Cartee be disbarred from practicing law in Kentucky and pay \$64.04 in costs.

KEY QUOTATIONS

"There is an unmistakable pattern of neglect by Respondent." (462)

"Not only has she failed to respond to clients' requests for information or return of unearned fees, she has also failed to respond to the Inquiry Commission in this case and in at least one past disciplinary case." (462)

FACTUAL BACKGROUND

Cartee accepted \$650 to file a client's bankruptcy petition but never filed the petition and did not return the fee. She could not be located at her Bar Roster address and did not respond to the disciplinary complaint or the Inquiry Commission's charges. The court also considered her prior disciplinary history, including suspensions for similar neglect, failure to communicate with clients, failure to return fees, and failure to respond to disciplinary proceedings.

PROCEDURAL HISTORY

A client filed a disciplinary complaint after Cartee accepted \$650 to file a bankruptcy petition, failed to file it, and failed to return the fee. Cartee did not respond to the complaint, which was served through the Secretary of State, and the matter proceeded as a default case under SCR 3.210(1). The Inquiry Commission submitted the matter to the Board of Governors, which unanimously found violations and recommended disbarment and payment of costs. The Supreme Court of Kentucky considered the record and recommendation and ordered disbarment.

DISPOSITION

other

CASES CITED

- Kentucky Bar Association v. Cartee, 39 S.W.3d 28 (Ky. 2001)
- Kentucky Bar Association v. Rita Lynn Cartee, 53 S.W.3d 69 (Ky. 2000)

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