

SUPREME COURT OF KANSAS

In re Polsley

277 Kan. 565 (2004) · Decided March 19, 2004

SUMMARY

The Kansas Supreme Court considered an attorney-discipline proceeding against Kathryn S. Polsley based on her conviction for theft of government property after Social Security benefits continued to be deposited into a trust following her mother's death. The court adopted the disciplinary panel's findings that she violated KRPC 8.4(b), but imposed a two-year suspension rather than the panel's recommended one-year suspension. The court also ordered compliance with applicable suspension procedures and assessed costs against Polsley.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Kansas
DECIDED	March 19, 2004
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding initiated by the Office of the Disciplinary Administrator after a disciplinary hearing panel found that Kathryn S. Polsley violated KRPC 8.4(b). The Kansas Supreme Court adopted the panel's findings and conclusions but imposed a two-year suspension rather than the panel's recommended one-year suspension.
STANDARD OF REVIEW	The court considered the disciplinary record and determined by clear and convincing evidence that the respondent violated KRPC 8.4(b).
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; precedential
PARTIES	Office of the Disciplinary Administrator v. Kathryn S. Polsley

TOPICS

- trusts
- trustee duties
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Polsley violated KRPC 8.4(b) by committing a criminal act involving theft of government property that adversely reflected on her honesty, trustworthiness, or fitness to practice law.
2. What discipline was appropriate for the violation.

HOLDINGS

1. Polsley violated KRPC 8.4(b) because her conviction for theft of government property constituted a criminal act that adversely reflected on her honesty and trustworthiness.
2. A two-year suspension from the practice of law was appropriate discipline for Polsley's knowing theft of government property and violation of KRPC 8.4(b).

KEY QUOTATIONS

"It is professional misconduct for a lawyer to: . . . commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." (567)

"Upon further consideration of the Disciplinary Administrator's oral presentation and recommendations, the recommendations of the panel, the oral presentations of the Respondent and her husband, David Polsley, and the entire record, the court concludes that a 2-year suspension from the practice of law is appropriate discipline." (569)

FACTUAL BACKGROUND

Kathryn S. Polsley was trustee of a trust established for her seriously ill mother, Lois Ann Simpson, who died on July 3, 2000. After Simpson's death, Social Security benefits continued to be deposited into the trust, and Polsley and her husband knowingly used trust funds, including the benefits, for personal and family obligations. Polsley later pleaded guilty to theft of government property and received home detention, community service, and probation.

PROCEDURAL HISTORY

The Kansas Board for the Discipline of Attorneys conducted a formal hearing. The hearing panel found that Polsley knowingly converted government benefit funds deposited into a trust after the beneficiary's death and recommended a one-year suspension followed by a reinstatement hearing. Polsley filed no exceptions. The Kansas Supreme Court accepted and adopted the panel's factual findings and legal conclusions and imposed a two-year suspension.

DISPOSITION

other

