

SUPREME COURT OF KANSAS

In re Cleland

271 Kan. 926 (2001) · Decided July 13, 2001

SUMMARY

The Kansas Supreme Court considered an uncontested attorney discipline proceeding against James A. Cleland based on his disbarment and professional misconduct in Colorado. The court adopted the disciplinary panel's findings that Cleland violated multiple Kansas Rules of Professional Conduct and ordered his disbarment, removal from the Kansas roll of attorneys, and assessment of costs.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	North Dakota
DECIDED	July 13, 2001
DISPOSITION	other
PROCEDURAL POSTURE	Uncontested attorney-discipline proceeding brought by the Kansas Office of the Disciplinary Administrator after respondent's Colorado disbarment and related misconduct findings.
PRECEDENTIAL VALUE	Published state supreme court opinion
PARTIES	Office of the Disciplinary Administrator v. James A. Cleland

TOPICS

appellate procedure trustee duties breach of trust trusts

PRACTICE AREAS

attorney discipline legal ethics professional responsibility

QUESTIONS PRESENTED

1. Whether respondent's established misconduct and violations of the Kansas Rules of Professional Conduct and related Supreme Court rules warranted disbarment.
2. Whether the Kansas Supreme Court should adopt the disciplinary hearing panel's findings, conclusions of law, and recommendation in an uncontested proceeding.

HOLDINGS

1. The court accepted and concurred with the disciplinary hearing panel's findings and conclusions that respondent violated the specified Kansas Rules of Professional Conduct and Supreme Court rules, and ordered that he be disbarred.

KEY QUOTATIONS

“It Is Therefore Ordered that respondent, James A. Cleland, be and he is hereby disbarred in accordance with Supreme Court Rule 203(a)(1) (2000 Kan. Ct. R. Annot. 224) for his violations of the KRPC and his license and privilege to practice law are hereby revoked.” (271 Kan. at 928)

“This court, having considered the record, the report, and the recommendations of the disciplinary hearing panel, accepts and concurs with the findings, conclusions of law, and recommendations of the panel.” (271 Kan. at 927-928)

FACTUAL BACKGROUND

Respondent James A. Cleland was a Kansas-admitted attorney who had been disciplined in Colorado, including a two-year suspension for breach of fiduciary responsibilities as a trustee involving improper disbursement of funds and subsequent disbarment for repeated misappropriation of client funds. After the Kansas disciplinary complaint was filed, Cleland failed to answer, cooperate with the investigation, appear at the formal-complaint hearing, or appear before the Kansas Supreme Court. The Kansas hearing panel found violations involving diligence, client communication, fees, handling client property and funds, dishonesty, fitness to practice, cooperation with the disciplinary investigation, and answering the complaint.

PROCEDURAL HISTORY

The Disciplinary Administrator filed a formal complaint under Supreme Court Rule 202. Respondent received notice but did not answer, cooperate with the investigation, appear before the Kansas Board for Discipline of Attorneys, or appear before the Kansas Supreme Court. The hearing panel found violations of the Kansas Rules of Professional Conduct and related Supreme Court rules and recommended disbarment. The Kansas Supreme Court accepted and concurred with the panel's findings, conclusions, and recommendation.

DISPOSITION

other

CASES CITED

- In re Cleland, 2 P.3d 700 (Colo. 2000)