

SUPREME COURT OF KANSAS

In re Griswold

274 Kan. 776 (2002) · Decided October 25, 2002

SUMMARY

The Kansas Supreme Court considered an uncontested attorney-discipline proceeding against Steven S. Griswold. Based on misconduct established in Missouri and additional violations of Kansas professional-conduct and court rules, the court adopted the hearing panel’s findings and recommendation and disbarred Griswold from practicing law in Kansas.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Per Curiam; Larson, S.J., assigned
JURISDICTION	Kansas
DECIDED	October 25, 2002
DISPOSITION	other
PROCEDURAL POSTURE	Original, uncontested attorney-discipline proceeding brought by the Disciplinary Administrator against Steven S. Griswold. The Kansas Board for Discipline of Attorneys held a hearing, found violations of the Kansas Rules of Professional Conduct and Supreme Court Rules, and unanimously recommended disbarment.
STANDARD OF REVIEW	The Supreme Court concluded that the hearing panel's findings were established by clear and convincing evidence and adopted the panel's conclusions of law and recommended discipline.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Disciplinary Administrator v. Steven S. Griswold

TOPICS

- appellate procedure
- service of process
- sanctions
- civil procedure

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether service of the formal complaint and amended notice of hearing satisfied the Kansas Supreme Court Rules despite Griswold's failure to claim the certified mail.
2. Whether the Missouri disciplinary adjudication conclusively established Griswold's misconduct for purposes of the Kansas disciplinary proceeding.
3. Whether Griswold's neglect of client matters, inadequate communication, unauthorized practice, failure to cooperate with disciplinary authorities, and failure to participate in the Kansas proceeding warranted disbarment.

HOLDINGS

1. Service of the formal complaint by certified mail to the respondent's most recent registration address was effective upon mailing, and service of the amended notice of hearing more than fifteen days before the hearing satisfied the applicable notice requirements, even though the respondent did not claim the certified mail.
2. A final adjudication in another jurisdiction that a lawyer committed misconduct conclusively establishes that misconduct for purposes of a Kansas disciplinary proceeding.
3. Griswold violated KRPC 1.3, 1.4(a), 3.2, 5.5(a), 8.1(b), 8.4(a), and 8.4(d), as well as Supreme Court Rule 211(b), by neglecting client matters, failing to communicate, failing to expedite litigation, practicing while not authorized, failing to respond to disciplinary authorities, engaging in related misconduct, and failing to answer the formal complaint.
4. Disbarment was warranted for Griswold's pattern of neglect, multiple professional-conduct violations, failure to cooperate with disciplinary authorities, and failure to participate in the Kansas proceeding.

KEY QUOTATIONS

“Service by mailing under subsection (a) or (b) shall be deemed complete upon mailing whether or not the same is actually received.” (778)

“We conclude the panel’s findings are established by clear and convincing evidence and adopt the panel’s conclusions of law and recommendation of discipline.” (781-782)

FACTUAL BACKGROUND

Griswold was admitted to practice in Kansas and Missouri, but his Kansas license was suspended for failure to satisfy licensing and continuing-legal-education requirements, and his Missouri license was not in good standing. While practicing, he neglected a back-pay claim and garnishment matters, failed to communicate with two clients, and continued practicing in Missouri despite not being in good standing. He also failed to cooperate with Missouri disciplinary authorities, failed to answer the Kansas formal complaint, and failed to appear at the disciplinary hearing or before the Kansas Supreme Court.

PROCEDURAL HISTORY

The Disciplinary Administrator filed a formal complaint alleging professional misconduct, including lack of diligence, inadequate communication, failure to expedite litigation, unauthorized practice, failure to cooperate with disciplinary authorities, and conduct prejudicial to the administration of justice. Griswold failed to answer, appear at the disciplinary hearing, or respond before the Kansas Supreme Court. The court adopted the hearing panel's findings, conclusions, and recommendation and ordered disbarment.

DISPOSITION

other