

SUPREME COURT OF KENTUCKY

Jeremy Joseph Gubin v. Kentucky Bar Association

502 S.W.3d 608 (Ky. 2016) · No. 2016-SC-000624-KB · Decided December 15, 2016

SUMMARY

The Kentucky Supreme Court approved a negotiated disciplinary sanction against Jeremy Joseph Gubin under SCR 3.480(2). The Court found Gubin guilty of violating SCR 3.130-8.4(b) based on his felony drug-possession conviction and imposed a three-year suspension retroactive to March 30, 2016, subject to conditions concerning diversion supervision, substance-abuse monitoring, and abstinence from illegal drugs and alcohol.

CASE DETAILS

COURT	Supreme Court of Kentucky
JURISDICTION	Kentucky
DECIDED	December 15, 2016
DOCKET	2016-SC-000624-KB
DISPOSITION	approved
PROCEDURAL POSTURE	Gubin moved under SCR 3.480(2) for approval of a negotiated disciplinary sanction resolving a pending Kentucky Bar Association disciplinary proceeding.
STANDARD OF REVIEW	The Court exercises discretion under SCR 3.480(2) to approve a negotiated disciplinary sanction or remand the matter for further proceedings.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Jeremy Joseph Gubin v. Kentucky Bar Association

TOPICS

[appellate procedure](#)[remedies](#)

PRACTICE AREAS

[legal ethics and professional responsibility](#)[attorney discipline](#)[lawyer suspension](#)

QUESTIONS PRESENTED

1. Whether the Court should approve the parties' negotiated disciplinary sanction under SCR 3.480(2).
2. Whether a three-year suspension, retroactive to Gubin's automatic temporary suspension and subject to conditions tied to diversion supervision, substance-abuse monitoring, and sobriety, was an adequate sanction for his admitted professional misconduct.

HOLDINGS

1. Under SCR 3.480(2), the Court may exercise its discretion to approve a negotiated disciplinary sanction when the attorney and Bar Counsel agree on the facts, rules violated, and appropriate sanction.
2. Gubin was found guilty of violating SCR 3.130-8.4(b) by committing a criminal act that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer.
3. A three-year suspension, retroactive to March 30, 2016, with conditions requiring completion of the suspension or diversion supervision, KYLAP monitoring, and abstinence from illegal drugs and alcohol, was an adequate and appropriate sanction.

KEY QUOTATIONS

“[t]he Court may consider negotiated sanctions of disciplinary investigations complaints or charges if the parties agree.”

“The sanction, a three-year suspension with conditions, is appropriate given the circumstances”

FACTUAL BACKGROUND

Gubin, admitted to practice law in Kentucky in 2013, pleaded guilty to felony first-degree possession of a controlled substance after being arrested on several drug-related and related charges. He was automatically temporarily suspended and later admitted to three years of supervised pretrial diversion, during which he could not practice law. Gubin admitted that his conduct violated SCR 3.130-8.4(b), and he had no prior disciplinary history.

PROCEDURAL HISTORY

Gubin pleaded guilty to felony first-degree possession of a controlled substance and was automatically temporarily suspended from practicing law. The Inquiry Commission charged him with violating SCR 3.130-8.4(b), and Gubin admitted the violation. He and the Office of Bar Counsel agreed to a three-year suspension with conditions and jointly sought approval from the Supreme Court of Kentucky, which granted the motion.

DISPOSITION

approved

CASES CITED

- Kentucky Bar Association v. Mulliken, 353 S.W.3d 614 (Ky. 2011)
- Tejeda v. Kentucky Bar Association, 456 S.W.3d 405, 406 (Ky. 2015)

- Kentucky Bar Association v. Goble, 424 S.W.3d 423 (Ky. 2014)
- Bertram v. Kentucky Bar Association, 126 S.W.3d 358 (Ky. 2004)
- Kentucky Bar Association v. Hickey, 31 S.W.3d 434 (Ky. 2000)
- Kentucky Bar Association v. Hom, 4 S.W.3d 135 (Ky. 1999)

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