

SUPREME COURT OF KENTUCKY

Greene v. Kentucky Bar Ass'n

390 S.W.3d 102 (Ky. 2012) · Decided June 21, 2012

SUMMARY

The Kentucky Supreme Court permanently disbarred Glenn L. Greene, Jr. after he admitted violating professional-conduct rules based on his conviction for theft by failure to make required disposition of property and conversion of client funds. The court ordered Greene to pay proceeding costs, notify clients and courts of his disbarment, and vacated a prior opinion as moot.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	John D. Minton, Jr., Chief Justice; All sitting justices
JURISDICTION	Kentucky
DECIDED	June 21, 2012
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which Greene admitted violating the Kentucky Rules of Professional Conduct and moved to resign from the Kentucky Bar Association under terms of permanent disbarment; the KBA did not object.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion and order
PARTIES	Glenn L. Greene, Jr. v. Kentucky Bar Association

TOPICS

remedies

restitution

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

bar admission and disbarment

QUESTIONS PRESENTED

1. Whether Greene should be permitted to withdraw his membership in the Kentucky Bar Association under terms of permanent disbarment pursuant to SCR 3.480(B).
2. What discipline and related obligations should be imposed based on Greene's admitted ethical violations.

HOLDINGS

1. An attorney who admits violating the Rules of Professional Conduct and moves to withdraw membership under the requirements of SCR 3.480(B) may be permanently disbarred when the motion is appropriate under the rule.
2. Greene is permanently disbarred from the practice of law and must comply with the court's cost-payment and client-and-court notification requirements.

KEY QUOTATIONS

“Greene admits that his actions violated the Rules of Professional Conduct.” (390 S.W.3d at 103)

“Therefore, it is hereby **ORDERED** that:” (390 S.W.3d at 103)

FACTUAL BACKGROUND

Greene pleaded guilty in Harlan Circuit Court to theft by failure to make required disposition of property after converting funds taken from a victim-client for his own use. He received a two-year sentence, probated for five years, and was ordered to pay \$37,861 in restitution. The Inquiry Commission charged him with violating former SCR 3.130-8.3(b) and (c), and Greene admitted the violations while acknowledging that mitigating circumstances did not excuse his conduct.

PROCEDURAL HISTORY

The Inquiry Commission charged Greene with two counts of professional misconduct arising from his guilty plea to theft by failure to make required disposition of property. Greene admitted the violations and requested permanent disbarment under SCR 3.480(B). The Supreme Court of Kentucky granted the motion, permanently disbarred Greene, assessed costs, imposed notification obligations, and vacated a prior order as moot.

DISPOSITION

other

CASES CITED

- Inquiry Com'n v. Greene, 266 S.W.3d 242, 243 (Ky. 2008)