

SUPREME COURT OF KENTUCKY

William Lawrence Summers v. Kentucky Bar Association

Summers · No. 2020-SC-0451-KB · Decided December 15, 2020

SUMMARY

The Supreme Court of Kentucky imposed a 180-day suspension on William Lawrence Summers for practicing law while suspended in Ohio and for related professional-conduct violations. The court also ordered Summers to notify clients and courts of his suspension and to pay the costs of the disciplinary proceedings.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Per curiam
JURISDICTION	Kentucky
DECIDED	December 15, 2020
DOCKET	2020-SC-0451-KB
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which Summers and the Kentucky Bar Association moved for approval of negotiated sanctions under SCR 3.480(2).
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion and order; precedential value is not otherwise specified in the supplied text.
PARTIES	William Lawrence Summers v. Kentucky Bar Association

TOPICS

appellate procedure

PRACTICE AREAS

Attorney discipline

Professional responsibility

Legal ethics

QUESTIONS PRESENTED

- Whether the Court should approve the negotiated sanctions agreed to by Summers and the Kentucky Bar Association under SCR 3.480(2).

2. What discipline should be imposed for Summers's admitted violations of SCR 3.310(5.5)(a) and SCR 3.310(8.4)(c).

HOLDINGS

1. The Court approved the negotiated sanctions agreed to by Summers and the Kentucky Bar Association under SCR 3.480(2).
2. Summers was suspended from the practice of law in Kentucky for 180 days and ordered to pay the costs of the disciplinary proceeding.

KEY QUOTATIONS

“Therefore, because the Kentucky Bar Association and Summers have agreed to the imposition of 180-day suspension, the Court Orders:” (at 3)

“William Lawrence Summers is suspended from the practice of law in the Commonwealth of Kentucky, for a period of one hundred and eighty (180) days, effective from the entry date of this Opinion and Order;” (at 3)

FACTUAL BACKGROUND

Summers was admitted to practice law in Kentucky in 1988 and was suspended from practicing law in Ohio in 2012. Before Kentucky entered a reciprocal suspension order, he accepted a retainer to represent a client in federal court in New Hampshire but did not appear at the client's court appearance, and he later admitted that he had practiced law while suspended. He pleaded guilty to federal criminal contempt, received a six-month prison sentence, and was ordered to pay restitution. Summers acknowledged violating Kentucky disciplinary rules, and the parties agreed to a 180-day suspension and payment of costs.

PROCEDURAL HISTORY

Summers admitted violating SCR 3.310(5.5)(a) and SCR 3.310(8.4)(c) based on practicing law while suspended in Ohio. The Kentucky Bar Association and Summers agreed to a 180-day suspension and payment of costs, and the Chair of the Inquiry Commission and a past president of the Kentucky Bar Association approved the negotiated sanctions. The Supreme Court of Kentucky approved and ordered the sanctions.

DISPOSITION

other

CASES CITED

- Kentucky Bar Association v. Carter, 986 S.W.2d 448 (Ky. 1999)
- Kentucky Bar Association v. Roberts-Gibson, 97 S.W.3d 450 (Ky. 2003)
- Kentucky Bar Association v. McMahon, 456 S.W.3d 400 (Ky. 2015)

OPINION

PER CURIAM.

TO BE PUBLISHED Supreme Court of Kentucky 2020-SC-0451-KB WILLIAM LAWRENCE SUMMERS MOVANT V. IN SUPREME COURT KENTUCKY BAR ASSOCIATION RESPONDENT OPINION AND ORDER William Lawrence Summers was admitted to the practice of law in the Commonwealth of Kentucky on March 29, 1988. His Kentucky Bar Association (KBA) member number is 82365, and his last known roster address is 7 Canterbury Drive, Haines City, FL 33844-9717.

On March 22, 2012, Summers was suspended from the practice of law in Ohio for six (6) months. A reciprocal order was entered on October 25, 2012, in Kentucky for a period of 180 days. However, in July 2012, prior to the reciprocal order being entered here in Kentucky, Summers was retained to appear in U.S. District Court in New Hampshire in a criminal matter for his client E.R.

He received a retainer, which included travel expenses. Another Ohio attorney and a local attorney appeared in court with E.R. Summers did not provide representation at the court appearance. At sentencing E.R. discovered that Summers was suspended in Ohio. On August 1, 2018, Summers entered a plea of guilty to criminal contempt in violation of 18 U.S.C. § 401(1) and stipulated that in July, 2012, while he was suspended in Ohio he engaged in the practice of law for his client, E.R.

Summers was sentenced to six (6) months in federal prison and ordered to pay restitution in the amount of \$26,000.00. On December 19, 2019, Summers completed his incarceration. Summers admits that he violated SCR 3.310(5.5)(a) and SCR 3.310(8.4)(c). Summers is 78 years old, suffers from a heart condition that has led to multiple surgeries, diverticulitis, a descending aortic aneurism, and has had two broken hips in the last three years.

Summers has retired to Florida due to his health issues and indicates in his motion that he only wants to retire with honorary KBA membership. Pursuant to SCR 3.480(2), Summers and the KBA agreed to negotiated sanctions of 180-day suspension and that Summers pay all costs.

The Chair of the Inquiry Commission and a Past President of the KBA reviewed and approved the sanctions. In *Kentucky Bar Association v. Carter*, 986 S.W.2d 448 (Ky. 1999), Carter had failed to comply with CLE requirements and was suspended from the practice of law. When he continued to practice law after his suspension, the Inquiry Commission charged him with violations of SCR 3.130(5.5)(a) and SCR 3.130(8.1)(b) for his continuing to practice while suspended and failing to respond to the complaint.

Carter then filed an answer to the charges and this Court ultimately issued a six (6) month suspension on the two counts, which ran consecutively with Carter's administrative suspension. 2 Similarly, in *Kentucky Bar Association v. Roberts-Gibson*, 97 S.W.3d 450 (Ky. 2003) (suspension for failing to comply with CLE requirements), and *Kentucky Bar Association v. McMahon*, 456 S.W.3d 400 (Ky.

2015) (suspension for non-payment of bar dues), both Roberts-Gibson and McMahon continued to practice law while suspended, and each were suspended for 181 days for their continued practice of law during their suspension periods.

Therefore, because the Kentucky Bar Association and Summers have agreed to the imposition of 180-day suspension, the Court Orders: 1.) William Lawrence Summers is suspended from the practice of law in the Commonwealth of Kentucky, for a period of one hundred and eighty (180) days, effective from the entry date of this Opinion and Order; 2.) Pursuant to SCR 3.390, Summers shall, if he has not already done so, within ten (10) days from the entry of this Opinion and Order, notify all clients, in writing, of his inability to represent them; notify, in writing, all courts or other tribunals in which he has matters pending of his suspension from the practice of law; and furnish copies of all letters of notice to the Office of Bar Counsel.

Furthermore, to the extent possible, Summers shall immediately cancel and cease any advertising activities in which he is engaged; and 3.) In accordance with SCR 3.450, Summers shall pay all costs associated with these disciplinary proceedings against him, and for 3 which execution may issue from this Court upon finality of this Opinion and Order. All sitting.

All concur. ENTERED: December 17, 2020. _____
CHIEF JUSTICE 4