

SUPREME COURT OF THE STATE OF KANSAS

In re Artman

In re Artman · No. No. 123,682 · Decided August 13, 2021

SUMMARY

The Supreme Court of Kansas disbarred Roy T. Artman for violating KRPC 8.4(b), (c), and (d). The violations arose from his conviction for leaving the scene of an accident involving death, his failure to disclose alcohol consumption to investigating authorities, and related dishonest conduct. The court made the disbarment effective retroactively to November 27, 2019, the date of his temporary suspension.

CASE DETAILS

COURT	Supreme Court of the State of Kansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Kansas
DECIDED	August 13, 2021
DOCKET	No. 123,682
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding in attorney discipline brought by the Office of the Disciplinary Administrator. The Kansas Board for Discipline of Attorneys hearing panel found violations of KRPC 8.4(b), 8.4(c), and 8.4(d), recommended disbarment retroactive to the date of Artman's temporary suspension, and Artman filed no exceptions.
STANDARD OF REVIEW	The Kansas Supreme Court independently considers the evidence, the hearing panel's findings, and the parties' arguments to determine whether KRPC violations exist and what discipline should be imposed. Attorney misconduct must be established by clear and convincing evidence. Because Artman filed no exceptions, the panel's factual findings were deemed admitted under Supreme Court Rule 228(g)(1) and (2).
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Office of the Disciplinary Administrator v. Roy T. Artman

TOPICS

PRACTICE AREAS**QUESTIONS PRESENTED**

1. Whether the evidence established that Artman violated KRPC 8.4(b) by committing a criminal act that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer.
2. Whether Artman violated KRPC 8.4(c) through dishonest conduct, including failing to disclose his dinner alcohol consumption to law enforcement and failing to return to the accident scene.
3. Whether Artman violated KRPC 8.4(d) by engaging in conduct prejudicial to the administration of justice.
4. What discipline was appropriate for the established violations.

HOLDINGS

1. Artman's conviction for leaving the scene of an accident involving death constituted professional misconduct under KRPC 8.4(b) because the criminal act reflected adversely on his honesty, trustworthiness, and fitness as a lawyer.
2. Artman violated KRPC 8.4(c) by engaging in dishonest conduct, including misleading the investigating officer about his alcohol consumption and failing to return to the accident scene.
3. Artman violated KRPC 8.4(d) by engaging in conduct prejudicial to the administration of justice.
4. Disbarment was warranted for Artman's violations of KRPC 8.4(b), 8.4(c), and 8.4(d), with the effective date made retroactive to November 27, 2019.

KEY QUOTATIONS

“The evidence before the hearing panel clearly established the charged misconduct violated KRPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), KRPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and KRPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).” (at 13)

“After carefully considering the evidence presented, as well as the ABA Standards for Imposing Lawyer Sanctions, we adopt the panel's findings and conclusion and hold that the respondent should be disbarred.” (at 15)

“We further hold that the effective date of the disbarment should be made retroactive to November 27, 2019.” (at 15)

FACTUAL BACKGROUND

On November 4, 2016, Roy T. Artman drove from Lawrence to Topeka after consuming alcohol at lunch and dinner. While driving on I-70, his truck struck two people changing a tire beside a disabled vehicle; one victim

died and the other was injured. Artman did not stop, render aid, or return to the scene, and later failed to disclose to an investigating trooper that he had consumed alcohol at dinner. He was convicted of leaving the scene of an accident involving death and was sentenced to probation from a 19-month prison sentence.

PROCEDURAL HISTORY

The Disciplinary Administrator filed a formal complaint on December 15, 2020, and Artman admitted all allegations in his answer. After a February 3, 2021 hearing, the disciplinary panel issued a final hearing report finding the charged violations and recommending disbarment retroactive to November 27, 2019. The Kansas Supreme Court adopted the panel's findings and conclusion and ordered disbarment effective November 27, 2019, with costs assessed against Artman.

DISPOSITION

other

CASES CITED

- In re B.D.-Y., 286 Kan. 686 (2008)
- Miranda v. Arizona
- In re Foster, 292 Kan. 940, 945, 258 P.3d 375 (2011)
- In re Murphy, 312 Kan. 203, 218, 473 P.3d 886 (2020)