

SUPREME COURT OF KENTUCKY

Kentucky Bar Association v. Wallace

Kentucky Bar Ass'n v. Wallace, 112 S.W.3d 385 (Ky. 2003) · No. 2002-SC-0399-KB; 2002-SC-0464-KB; 2002-SC-0895-KB · Decided August 21, 2003

SUMMARY

The Supreme Court of Kentucky reviewed four consolidated attorney-discipline matters involving Bradley F. Wallace's neglect of client matters, failure to communicate, abandonment of representation, and failure to maintain a current address. The court imposed consecutive suspensions totaling 181 days, 90 days, and two years, in addition to Wallace's existing indefinite CLE-related suspension, and ordered compliance with client-notice requirements and payment of disciplinary costs.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Joseph E. Lambert
JURISDICTION	Kentucky
DECIDED	August 21, 2003
DOCKET	2002-SC-0399-KB; 2002-SC-0464-KB; 2002-SC-0895-KB
DISPOSITION	other
PROCEDURAL POSTURE	The Kentucky Bar Association filed four attorney-discipline matters against Wallace. After considering the Board of Governors' findings and recommended suspensions, the Supreme Court of Kentucky consolidated the matters for review and entered an opinion and order imposing consecutive suspensions and costs.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion and disciplinary order
PARTIES	Kentucky Bar Association v. Bradley F. Wallace

TOPICS

[appellate procedure](#) [default](#) [civil procedure](#)

PRACTICE AREAS

[attorney discipline](#) [professional responsibility](#) [legal ethics](#)

QUESTIONS PRESENTED

1. Whether Wallace's conduct warranted permanent disbarment rather than the consecutive suspensions recommended by the Board of Governors.
2. What discipline should be imposed for Wallace's repeated failures of diligence, communication, client protection, file return, and court attendance.

HOLDINGS

1. Permanent disbarment was not warranted at that time because the charged misconduct demonstrated incompetence and negligence rather than intentional dishonesty, fraud, deceit, or misrepresentation.
2. Wallace was suspended for 181 days in connection with KBA Files 7890 and 8414, 90 days in connection with KBA File 7705, and two years in connection with KBA File 7615, with all suspensions running consecutively and independently of his indefinite CLE-related suspension.

KEY QUOTATIONS

“While Wallace's conduct is certainly egregious and reprehensible, the Inquiry Commission did not see fit to charge him in any of the matters with dishonesty, fraud, deceit, or misrepresentation. Indeed, Wallace's actions portray incompetence and negligence rather than intentional dishonesty.” (at 387-388)

“Nonetheless, we conclude that permanent disbarment is not warranted at this time.” (at 388)

FACTUAL BACKGROUND

Wallace repeatedly neglected client matters, including failing to file or preserve an appeal, abandoning a civil-rights and wrongful-death case, failing to file a client's lawsuit, failing to inform clients about a default judgment, and failing to appear in a criminal matter. He also failed to communicate with clients, protect their interests, return a client file when requested, and maintain a current address with the Kentucky Bar Association. Wallace had previously been suspended for failing to comply with continuing legal education requirements and had not been reinstated.

PROCEDURAL HISTORY

In three matters, Wallace's disciplinary proceedings proceeded by default after he failed to answer or could not be served. In the Harris matter, a trial commissioner found Wallace guilty after an evidentiary hearing, and the Board of Governors reviewed the evidence de novo and reached the same conclusion. The Board recommended consecutive suspensions totaling two years and 271 days, and the Supreme Court adopted those recommendations rather than imposing permanent disbarment.

DISPOSITION

other

CASES CITED

- Kentucky Bar Association v. Zimmerman, 69 S.W.3d 465 (Ky. 2001)

- Kentucky Bar Association v. Losey, 24 S.W.3d 660 (Ky. 2000)
- Kentucky Bar Association v. Taylor, 997 S.W.2d 464 (Ky. 1999)
- Broadway v. Kentucky Bar Association, 997 S.W.2d 467 (Ky. 1999)
- Commonwealth v. Davis, 98-CR-0063

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