

SUPREME COURT OF KENTUCKY

Kentucky Bar Ass'n v. Klapheke

122 S.W.3d 64 (Ky. 2003) · Decided December 18, 2003

SUMMARY

The Kentucky Supreme Court upheld two concurrent one-year suspensions imposed on William T. Klapheke for professional misconduct arising from his representation of two estates while suspended from practicing law. The misconduct included failing to notify clients of his suspension, continuing to perform legal services, failing to complete estate matters, and failing to respond to disciplinary authorities; costs of \$732.85 were also assessed.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Lambert, Chief Justice; Lambert, C.J.; Cooper, J.; Johnstone, J.; Keller, J.; Stumbo, J.; Graves, J.; Wintersheimer, J.
JURISDICTION	Kentucky
DECIDED	December 18, 2003
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-disciplinary proceeding in which the Board of Governors recommended two concurrent one-year suspensions following the respondent's existing three-year suspension.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court disciplinary opinion

TOPICS

probate estate administration probate procedure

PRACTICE AREAS

legal ethics attorney discipline probate and estate administration

QUESTIONS PRESENTED

1. Whether Klapheke committed the charged violations of the Kentucky Supreme Court Rules in the two disciplinary matters.
2. What discipline should be imposed for the violations in light of Klapheke's existing three-year suspension.

HOLDINGS

1. Klapheke was guilty of the charged violations arising from his representation of the Lockhart and Boles estates, including failing to notify clients of his suspension, failing to communicate, failing to comply with tribunal requirements, failing to respond to disciplinary authorities, and engaging in the unauthorized practice of law.
2. Klapheke was suspended from the practice of law for one year for each disciplinary matter, with the suspensions concurrent with each other and commencing after completion of his existing three-year suspension.

KEY QUOTATIONS

“Pursuant to SCR 3.370(10), we hereby adopt the recommendation of the Board.” (122 S.W.3d at 66)

“Each one-year suspension ordered above shall be concurrent-with the other and commence at the conclusion of his present three-year suspension.” (122 S.W.3d at 66)

FACTUAL BACKGROUND

Klapheke represented the administrators of the Lois H. Lockhart estate and the Judge M. Boles estate while under a three-year suspension from practicing law. He failed to notify the estate representatives of his suspension, failed to complete or properly finalize estate matters, continued performing legal work for the Boles estate, and failed to respond to disciplinary complaints. Evidentiary hearings resulted in findings that he committed the charged violations.

PROCEDURAL HISTORY

Klapheke was charged in two disciplinary matters with professional misconduct arising from his representation of two estates and his failure to respond to bar complaints. After evidentiary hearings, a trial commissioner found him guilty of all charged violations. The Board of Governors recommended one-year suspensions in each matter, concurrent with each other and consecutive to his existing three-year suspension, and the Supreme Court of Kentucky adopted that recommendation.

DISPOSITION

other