

SUPREME COURT OF KENTUCKY

Inquiry Commission v. Treadway

122 S.W.3d 71 (Ky. 2003) · Decided December 18, 2003

SUMMARY

The Kentucky Supreme Court temporarily suspends Robert L. Treadway from practicing law based on probable cause that he misappropriated or improperly handled client funds and posed a substantial threat of harm. The Court also finds probable cause that Treadway lacked the mental fitness required to practice law and directs the commencement of disciplinary proceedings and client-notification measures.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Chief Justice Lambert; Lambert
JURISDICTION	Kentucky
DECIDED	December 18, 2003
DISPOSITION	other
PROCEDURAL POSTURE	The Inquiry Commission petitioned the Supreme Court of Kentucky for an order temporarily suspending Robert L. Treadway from the practice of law under SCR 3.165.
STANDARD OF REVIEW	The court independently examined the petition, supporting documents, and response to determine whether probable cause existed under SCR 3.165.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion and order

TOPICS

administrative law

ada / disability

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether probable cause existed under SCR 3.165 to temporarily suspend Treadway based on alleged misappropriation or improper handling of client funds.

2. Whether probable cause existed to believe that Treadway's conduct posed a substantial threat of harm to clients or the public.
3. Whether probable cause existed to believe that Treadway lacked the mental fitness essential to the practice of law.

HOLDINGS

1. Probable cause existed to believe that Treadway had misappropriated client funds or otherwise handled them improperly, authorizing temporary suspension under SCR 3.165(1)(a).
2. Treadway's alleged conduct posed a substantial threat of harm to his clients or the public.
3. Probable cause existed to believe that Treadway did not currently possess the requisite mental fitness essential to the practice of law.

KEY QUOTATIONS

“Following an examination of the Inquiry Commission’s petition, the supporting documents attached to said petition, and Treadway’s response, this Court finds probable cause, as set forth in SCR 3.165(1)(a), to believe that Treadway has misappropriated client funds or has otherwise dealt improperly with such.” (72)

“Furthermore, this Court concludes that probable cause exists to believe that Treadway does not currently possess the requisite mental fitness essential to the practice of law.” (72)

“Robert L. Treadway is temporarily suspended from the practice of law in the Commonwealth of Kentucky effective the date of this order and until superseded by subsequent order of this Court.” (72-73)

FACTUAL BACKGROUND

The Inquiry Commission alleged that Treadway fabricated an unfiled civil claim accusing a former client of having sex with a minor and induced the client to pay \$56,500 to settle it. Treadway also allegedly represented that he had hired a private investigator for \$10,000, although the investigator was never hired; affidavits supported the allegations, and a grand jury indicted Treadway on five counts of theft by deception. Treadway acknowledged a history of depression and two nervous breakdowns, stated that he had closed his law office, and did not directly address the alleged scheme to obtain client funds.

PROCEDURAL HISTORY

The Inquiry Commission presented a petition, supporting affidavits, and a grand-jury indictment alleging misappropriation or improper handling of client funds and mental unfitness. Treadway responded that he had suffered depression and nervous breakdowns, had closed his law office, and intended to contest the criminal charges. The Supreme Court found the required probable cause and entered a temporary suspension order, directing commencement of disciplinary proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The Inquiry Commission was ordered to commence disciplinary proceedings under SCR 3.160 unless proceedings had already begun or Treadway resigned under terms of disbarment. Treadway was also ordered to notify clients of his inability to continue representation and to cease advertising activities.

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