

SUPREME COURT OF KENTUCKY

Kentucky Bar Association, CLE Commission v. John Rudd McGeeney

McGeeney · Decided February 19, 2009

SUMMARY

The Kentucky Supreme Court sanctioned John Rudd McGeeney for failing to complete the minimum continuing legal education requirements for the 2007–2008 educational year. The Court imposed a \$750 fine, required payment of applicable late fees, and ordered McGeeney to complete sufficient CLE credits to cure the deficiency.

CASE DETAILS

COURT	Supreme Court of Kentucky
JURISDICTION	Kentucky
DECIDED	February 19, 2009
DISPOSITION	other
PROCEDURAL POSTURE	The Kentucky Bar Association Continuing Legal Education Commission moved the Supreme Court of Kentucky to sanction an attorney for failing to satisfy mandatory continuing legal education requirements. After an order to show cause, the respondent failed to establish good cause for noncompliance.
PRECEDENTIAL VALUE	Published opinion and order; precedential status is not independently verified from the provided text.
PARTIES	Kentucky Bar Association, CLE Commission v. John Rudd McGeeney

TOPICS

administrative law agency adjudication appellate procedure

PRACTICE AREAS

legal ethics and professional responsibility continuing legal education compliance attorney discipline
administrative law

QUESTIONS PRESENTED

1. Whether McGeeney failed to satisfy the mandatory CLE requirements for the 2007-2008 educational year.
2. Whether McGeeney established good cause sufficient to avoid sanctions for his CLE noncompliance.
3. What sanction and remedial requirements should be imposed for the CLE deficiency.

HOLDINGS

1. McGeeney failed to complete the minimum CLE requirements for the 2007-2008 educational year.
2. McGeeney failed to show good cause for his failure to meet the minimum CLE requirements; increased workload, travel, and financial difficulties did not excuse his noncompliance.
3. The Court imposed a \$750 fine, required payment of applicable late fees to obtain credit for the late-reported CLE hours, ordered completion of sufficient CLE credits to cure the deficiency, and reserved the right to suspend McGeeney if he failed to comply.

KEY QUOTATIONS

“Because Respondent has failed to show good cause for his failure to meet the CLE's minimum requirements, we find cause to fine him in the amount of \$750.00 and reserve the right to suspend him according to SCR 3.669(4) should he fail to comply with the following orders.”

“An increased work load for the year in question does not excuse Respondent from his CLE responsibilities.”

FACTUAL BACKGROUND

John Rudd McGeeney was required to complete 12.5 hours of CLE for the educational year ending June 30, 2008, but received credit for only 0.25 hours. He later reported 4.75 hours taken on June 30, 2008, but the report was not accepted because it was late and lacked the required late fees. Despite repeated notices and an opportunity to show good cause, McGeeney did not timely cure the deficiency or file a hardship-extension request, citing increased workload, travel, and financial difficulties.

PROCEDURAL HISTORY

The CLE Commission reported that McGeeney had completed only 0.25 of the required 12.5 CLE hours for the 2007-2008 educational year and had filed a hardship-extension request after the deadline. The Commission renewed its request for suspension or another sanction. The Supreme Court adopted the Commission's recommendation, imposed a \$750 fine, required payment of applicable late fees for late-reported credits, ordered completion of sufficient credits to cure the deficiency, and required a non-hardship extension application for the next educational year.

DISPOSITION

other

OPINION

PER CURIAM.

TO BE PUBLISHED KENTUCKY BAR ASSOCIATION, CLE COMMISSION V. IN SUPREME COURT JOHN RUDD MCGEENEY RESPONDENT OPINION AND ORDER The Kentucky Bar Association (KBA), Continuing Legal Education (CLE) Commission, moves this Court to order Respondent, John Rudd McGeeney, KBA Member No. 81710, with a last known bar roster address of 59 Hill Road, Louisville Kentucky, 40204, to pay \$750.00 in fines for failure to meet the minimum CLE requirements of SCR 3.661 for the 2007-2008 educational year.

Finding that Respondent has failed to show good cause as to why he should not be sanctioned by this court, we hereby adopt the Commission's recommendation. SCR 3.669(4). Respondent failed to accrue the minimum twelve and one-half (12.5) hours of continuing legal education required by the KBA pursuant to SCR 3.661, for the educational year ending June 30, 2008.

Respondent was credited one-quarter (.25) hour of the twelve and one-half (12.5) hours required by the CLE Commission during the educational year. SCR 3.661. Additionally, Respondent's application for a hardship time exemption, pursuant to SCR 3.667(2), was not filed until December 30, 2008, more than three (3) months after the filing deadline had passed. Respondent was notified of his obligation to comply with the KBA's CLE requirements on numerous occasions.

From May 1, 2008, to October 1, 2008, in addition to numerous telephone calls and email, he was sent five (5) written notices informing him of the necessity to obtain completion of these hours under SCR 3.661 or to request extension of time pursuant to SCR 3.667. Until action was taken against him, however, Respondent failed to reply to these notices. According to the CLE Commission, Respondent belatedly reported 4.75 hours of CLE credit taken on June 30, 2008, which was not honored because the report was filed late and was not accompanied by the required late filing fees.

After all deadlines to complete the CLE credits and to complete a time extension application had passed, the CLE Commission filed a report detailing Respondent's failure to comply. Accordingly, the CLE Commission renewed its motion to suspend Respondent from the practice of law or otherwise sanction Respondent. This Court's previous Order to Show Cause for non-compliance with the minimum CLE requirements was answered, but Respondent failed to show good cause as to why he should not be sanctioned or suspended from the practice of law pursuant to SCR 3.669.

Respondent explained in his response that he faced troubles because of the recent economic crisis, citing an increased work load, increased traveling, and financial woes. While we are cognizant of the current financial situation, these troubles did not consume Respondent's time completely; he was nonetheless able to complete some CLE classes. An increased work load for the year in question does not excuse Respondent from his CLE responsibilities.

Because Respondent has failed to show good cause for his failure to meet the CLE's minimum requirements, we find cause to fine him in the amount of \$750.00 and reserve the right to suspend him according to SCR 3.669(4) should he fail to comply with the following orders.

Thus, it is ORDERED that: 1. Respondent John Rudd McGeeney, KBA No. 81710 is adjudged guilty of failing to complete the necessary CLE requirements for the 2007-2008 educational year. 2. Respondent will pay, the sum of \$750.00 to the Kentucky Bar Association, along with the appropriate late fees in order to receive credit for his 4.75 hours of late reported CLE credits, within twenty (20) days of this Order.

Respondent must complete sufficient CLE credits to cure his deficiency for the 2007-2008 educational year within sixty (60) days of this Order and the Commission shall apply back such credits to cure the existing deficiency. 4. Pursuant 10SCR 3.667(2), Respondent shall apply for a non-hardship extension for the educational year ending June 30, 2009. All Sitting.

All concur. ENTERED/ February 19, 2009.