

SUPREME COURT OF KENTUCKY

Kentucky Bar Ass'n v. Roberts

493 S.W.3d 373 (Ky. 2016) · Decided August 25, 2016

SUMMARY

The Kentucky Supreme Court imposed reciprocal discipline on James D.R. Roberts, Jr. after the Supreme Court of Tennessee suspended him from practicing law for six months. The discipline arose from misconduct involving interference with a stock sale, misleading testimony, and violations of multiple professional-conduct rules. The Kentucky suspension was ordered to run concurrently with the Tennessee suspension, and Roberts was required to notify courts and clients.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	John D. Minton, Jr.
JURISDICTION	Texas
DECIDED	August 25, 2016
DISPOSITION	other
PROCEDURAL POSTURE	The Kentucky Bar Association moved for reciprocal discipline after the Supreme Court of Tennessee suspended Roberts for six months. Roberts was ordered to show cause but failed to respond.
STANDARD OF REVIEW	Reciprocal discipline is imposed unless the attorney proves by substantial evidence a lack of jurisdiction or fraud in the out-of-state proceeding, or that the established misconduct warrants substantially different discipline in Kentucky.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion and order
PARTIES	Kentucky Bar Association v. James D.R. Roberts, Jr.

TOPICS

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

QUESTIONS PRESENTED

1. Whether the Supreme Court of Kentucky should impose reciprocal discipline after the Supreme Court of Tennessee suspended Roberts for professional misconduct.
2. Whether Roberts established any basis to avoid reciprocal discipline by proving lack of jurisdiction, fraud in the Tennessee proceeding, or that the misconduct warranted substantially different discipline in Kentucky.

HOLDINGS

1. Roberts was subject to reciprocal discipline because he failed to present substantial evidence of a lack of jurisdiction, fraud in the Tennessee proceeding, or a need for substantially different discipline in Kentucky.
2. Roberts was suspended from the practice of law in Kentucky for six months, concurrent with his Tennessee suspension, and was required to notify courts and clients of the suspension.

KEY QUOTATIONS

“In all other respects, a final adjudication in another jurisdiction that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this State.” (374)

FACTUAL BACKGROUND

Roberts represented John Wesley Green in litigation concerning the purchase of stock in Champs-Élysées, Inc. After summary judgment was entered against Green and a sheriff scheduled a stock sale, Roberts devised a plan with George Armstrong to use a company formed under a misspelled version of the corporation's name and stock bearing the same numbers as those listed in the sale notice. Roberts then filed a lawsuit challenging the sale and gave misleading and evasive testimony, misrepresenting his role in the plan. The Supreme Court of Tennessee found that Roberts intended to interfere with execution of the prior judgment and violated six professional-conduct rules.

PROCEDURAL HISTORY

The Supreme Court of Tennessee suspended Roberts for six months based on violations of six Tennessee Rules of Professional Conduct. The Kentucky Bar Association then sought reciprocal discipline in Kentucky. Because Roberts offered no evidence opposing the motion, the Supreme Court of Kentucky granted the motion and imposed a concurrent six-month suspension.

DISPOSITION

other