

SUPREME COURT OF KENTUCKY

Kentucky Bar Ass'n v. Doyle

145 S.W.3d 840 (Ky. 2004) · Decided October 21, 2004

SUMMARY

The Kentucky Supreme Court imposed reciprocal discipline on Karen Martin Doyle following a Tennessee public censure for misconduct arising from contentious divorce proceedings. The court publicly reprimanded Doyle for violating Kentucky professional-conduct rules and ordered her to pay the costs of the disciplinary proceedings.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Joseph E. Lambert
JURISDICTION	Kentucky
DECIDED	October 21, 2004
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated by the Kentucky Bar Association after the Supreme Court of Tennessee publicly censured Respondent.
STANDARD OF REVIEW	Under SCR 3.435(4), the court imposes identical reciprocal discipline unless the respondent 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 opinion and order of the Supreme Court of Kentucky.
PARTIES	Kentucky Bar Association v. Karen Martin Doyle

TOPICS

- family law procedure
- family law
- civil procedure

PRACTICE AREAS

- legal ethics
- attorney discipline
- family law

QUESTIONS PRESENTED

1. Whether reciprocal discipline should be imposed under SCR 3.435 after the Supreme Court of Tennessee publicly censured Doyle.
2. Whether Doyle's conduct violated the corresponding Kentucky Rules of Professional Conduct.
3. Whether the court should resolve all pending disciplinary charges through the reciprocal-discipline order.

HOLDINGS

1. Under SCR 3.435(4), Kentucky must impose identical reciprocal discipline unless the respondent proves by substantial evidence a lack of jurisdiction or fraud in the out-of-state proceeding, or that the misconduct warrants substantially different discipline in Kentucky.
2. Doyle's conduct violated SCR 3.130-3.1, SCR 3.130-3.4(f), SCR 3.130-3.4(c), and SCR 3.130-3.4(e).

KEY QUOTATIONS

“shall impose the identical discipline unless Respondent proves by substantial evidence: (a) a lack of jurisdiction or fraud in the out-of-state disciplinary proceeding, or (b) that misconduct established warrants substantially different discipline in this State.” (145 S.W.3d at 840)

FACTUAL BACKGROUND

Doyle was held in contempt for failing to comply with a court order in a case in which she was personally a party. She filed a Tennessee child-support collection action based on a Kentucky order that was no longer effective and participated in presenting a criminal charge solely to gain an advantage in a civil matter. The misconduct occurred during contentious divorce proceedings pending in Kentucky.

PROCEDURAL HISTORY

The Supreme Court of Tennessee publicly censured Karen Martin Doyle for multiple disciplinary violations arising from conduct during contentious Kentucky divorce proceedings. On the Kentucky Bar Association's motion, the Supreme Court of Kentucky issued a show-cause order under SCR 3.435(2)(b). Doyle did not object to reciprocal discipline if it resolved all pending charges, and the Kentucky Bar Association did not object. The court publicly reprimanded Doyle and assessed the costs of the proceedings.

DISPOSITION

other

OPINION

Kentucky Bar Ass'n v. Doyle 145 S.W.3d 840

LAMBERT, J.

OPINION AND ORDER

The Respondent, Karen Martin Doyle, whose bar roster address is 412 East *841Spring,

Cookeville, Tennessee, was publicly censured by the Board of Professional Responsibility of the Supreme Court of Tennessee for violating DR 7-102(A)(1) and (2) (two counts), DR 7-105(A), and DR 7-106(A)(C)(7). Upon motion by the Kentucky Bar Association (KBA), this Court issued a show cause order directing Respondent to show cause, if any, pursuant to SCR 3.435(2)(b), why the imposition of identical discipline should not be imposed. Respondent does not object to the Court issuing an order of reciprocal discipline if said order will resolve all charges pending against her, to which the KBA does not object. SCR 3.435(4) states in pertinent part that this Court “shall impose the identical discipline unless Respondent proves by substantial evidence: (a) a lack of jurisdiction or fraud in the out-of-state disciplinary proceeding, or (b) that misconduct established warrants substantially different discipline in this State.” The Board of Professional Responsibility of the Supreme Court of Tennessee determined that Respondent “was held in contempt in a case in which she was personally a party for her failure to comply with an order of the court.” The order further states that the Respondent “filed an action on her behalf for collection of child support in Tennessee on the basis of an Order issued by a Kentucky court which was no longer effective.” Further, she “participated in presenting a criminal charge solely to gain an advantage in her civil matter.” Respondent committed these violations in the context of her contentious divorce proceedings pending in Kentucky. The conduct proscribed in the aforementioned Tennessee disciplinary rules is also proscribed in SCR 3.130-3.1, which provides that a lawyer “shall not knowingly bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law”; in SCR 3.130 — 3.4(f), which states “[a] lawyer shall not present ... criminal or disciplinary charges solely to obtain an advantage in any civil or criminal matter”; in SCR 3.130-3.4(c), which provides that a lawyer shall not “[k]nowingly or intentionally disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists”; and in SCR 3.130-3.4(e), which prohibits a lawyer from “knowingly or intentionally allud[ing] to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence ” ACCORDINGLY, IT IS HEREBY ORDERED:

(1) Respondent, Karen Martin Doyle, is hereby publicly reprimanded for her violation of SCR 3.130-3.1, SCR 3.130-3.4(f), SCR 3.130-3.4(c), and SCR 3.130-3.4(e).

(2) In accordance with SCR 3.450, Respondent shall pay all costs associated with these disciplinary proceedings against her, and for which execution may issue from this Court upon finality of this Opinion and Order.

All concur. Entered: October 21, 2004. /s/ Joseph E. Lambert CHIEF JUSTICE