

## SUPREME COURT OF KENTUCKY

### Elizabeth Robertson Murray v. Kentucky Bar Association

Elizabeth Robertson Murray v. Kentucky Bar Ass'n, 474 S.W.3d 924 (Ky. 2015) · No. 2015-SC-000573-KB ·  
Decided December 30, 2015

#### SUMMARY

The Kentucky Supreme Court considers Elizabeth Robertson Murray's application for restoration to membership in the Kentucky Bar Association and the practice of law. The Court finds that she satisfied the requirements of Supreme Court Rule 3.500(3), including passing the reinstatement bar examination, and orders her restoration subject to payment of applicable unpaid membership dues.

#### CASE DETAILS

|                       |                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Kentucky                                                                                                                                                                        |
| WRITING FOR THE COURT | Minton, C.J.; Abramson, J.; Cunningham, J.; Keller, J.; Noble, J.; Venters, J.                                                                                                                   |
| JURISDICTION          | Kentucky                                                                                                                                                                                         |
| DECIDED               | December 30, 2015                                                                                                                                                                                |
| DOCKET                | 2015-SC-000573-KB                                                                                                                                                                                |
| DISPOSITION           | approved                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Application for restoration to membership in the Kentucky Bar Association and restoration to the practice of law after the applicant had withdrawn from KBA membership for more than five years. |
| STANDARD OF REVIEW    | The Supreme Court reviewed the restoration record to determine whether Murray satisfied the requirements of SCR 3.500(3).                                                                        |
| PRECEDENTIAL VALUE    | Published and precedential Kentucky Supreme Court opinion and order.                                                                                                                             |

#### TOPICS

appellate procedure

#### PRACTICE AREAS

legal ethics and professional responsibility

bar admission and reinstatement

## QUESTIONS PRESENTED

1. Whether Murray satisfied the requirements of Supreme Court Rule 3.500(3) for restoration to Kentucky Bar Association membership and the practice of law.
2. Whether the Supreme Court should approve the KBA's recommendation to restore Murray after she passed the required reinstatement bar examination.

## HOLDINGS

1. Murray satisfied the requirements of SCR 3.500(3), including the requirement that she pass the reinstatement bar examination, and was entitled to restoration to KBA membership and the practice of law.

## KEY QUOTATIONS

*“Upon review of the record, this Court finds that Murray has satisfied the requirements of SCR 3.500(3), including passing the bar examination as required by SCR 3.500(3)(e).”* (474 S.W.3d at 924)

*“Applicant, Elizabeth Robertson Murray, KBA member number 87057, is hereby restored to KBA membership and the practice of law in this Commonwealth, subject to her payment of any applicable unpaid KBA membership dues.”* (474 S.W.3d at 924)

## FACTUAL BACKGROUND

Murray was admitted to practice law in Kentucky in 1997 and withdrew from KBA membership in 2005 without any pending disciplinary matters. After practicing in Ohio, she applied for restoration, submitted the required disciplinary, continuing-legal-education, and character-and-fitness materials, and passed the reinstatement bar examination. The KBA Character and Fitness Committee and Board recommended restoration, subject to payment of applicable dues and proceeding costs.

## PROCEDURAL HISTORY

Murray withdrew from KBA membership in 2005 while no disciplinary matters were pending. In 2014 she applied for restoration; the Character and Fitness Committee recommended restoration conditioned on passing the reinstatement bar examination, the KBA Board concurred, and the Board of Bar Examiners certified that she passed. The application was then submitted to the Supreme Court of Kentucky for final consideration.

## DISPOSITION

approved

## OPINION

Elizabeth Robertson Murray v. Kentucky Bar Association 474 S.W.3d 924

MINTON, J.

TO BE PUBLISHED

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ELIZABETH ROBERTSON MURRAY

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MOVANT

KBA MEMBER NO. 87057

V. IN SUPREME COURT

KENTUCKY BAR ASSOCIATION RESPONDENT

OPINION AND ORDER

Applicant, Elizabeth Robertson Murray, Kentucky Bar Association ("KBA") member number 87057, whose bar roster address is 3300 Great American Tower, 301 East Fourth Street, Cincinnati, Ohio 45202, was admitted to the practice of law in the Commonwealth of Kentucky on November 25, 1997. Subsequently, Murray filed a motion to withdraw her membership from the KBA pursuant to Supreme Court Rule ("SCR") 3.480(1). At the time, Murray had no disciplinary investigations, complaints, or charges pending against her. Accordingly, this Court granted Murray's motion to withdraw on September 22, 2005. Murray and her husband subsequently opened a law firm in Cincinnati, Ohio, where she practiced until November of 2013. Murray then became employed with the law firm Frost, Brown, Todd, LLC, in Cincinnati, Ohio. On April 22, 2014, Murray applied for restoration to the practice of law pursuant to SCR 3.500(3). Murray's application included a memorandum from the KBA Office of Bar Counsel ("OBC") stating that she has no disciplinary matters pending against her, nor has she been the subject of any claims against the Clients' Security Fund. In addition, the KBA Director of Continuing Legal Education ("CLE") provided a letter stating that Murray has completed the required number of CLE credits required for restoration per SCR 3.675. Lastly, Murray included with her application affidavits from three attorneys who vouch for Murray's character and fitness. On June 1, 2005, the KBA Character and Fitness Committee (the "Committee") rendered its Findings of Fact, Conclusions of Law, and Recommendation. The Committee determined that Murray exhibits good moral character and is worthy of the trust and confidence of the Kentucky public. Consequently, the Committee recommends that Murray be restored to the practice of law conditioned upon her successful completion of the Reinstatement Bar Examination. On June 16, 2015, the Board unanimously concurred with the Committee's findings and recommendation. The Board also suggested that Murray's restoration be conditioned upon her paying current KBA membership dues, along with the costs associated with this restoration proceeding. Murray's application for restoration was then referred to the KBA Office of Bar Examiners. On July 28, 2015, Murray sat for the Reinstatement Bar Examination. On September 25, 2015, the KBA Board of Bar Examiners certified in writing that Murray obtained a passing score, thereby qualifying her for restoration to KBA membership. Murray's application for restoration now comes before this Court. In order for the Court to approve Murray's application, we must ensure that she has complied with the conditions set forth in SCR 3.500(3)(a)-(e), which states as follows: A former member whose withdrawal or suspension from

membership has prevailed for 5 years or longer may apply for restoration by: (a) Submitting an application for restoration . . . (b) Submitting, with the application a certificate from the Office of Bar Counsel that the former member has no pending disciplinary matters; (c) Submitting with the application a certificate from the Director of Continuing Legal Education pursuant to SCR 3.685 . . . (e) If the Character and Fitness Committee recommends approval of the application and the Board concurs, the application shall be referred to the Board of Bar Examiners of the Kentucky Office of Bar Admissions, for the administration of a written examination . . . . If the Applicant passes the examination or is approved for admission without examination, such fact shall be certified to the Court and to the Director, together with a recommendation for the Applicant's restoration to membership. Upon this certification, the Disciplinary Clerk shall transmit the record to the Court for its consideration of the application for restoration. Upon review of the record, this Court finds that Murray has satisfied the requirements of SCR 3.500(3), including passing the bar examination as required by SCR 3.500(3)(e). Having no reason to disagree with the Board's recommendation, we find that Murray is entitled to be restored to the practice of law. ACCORDINGLY, IT IS ORDERED THAT:

1. Applicant, Elizabeth Robertson Murray, KBA member number 87057, is hereby restored to KBA membership and the practice of law in this 3 Commonwealth, subject to her payment of any applicable unpaid KBA membership dues. Minton, C.J.; Abramson, Cunningham, Keller, Noble, and Venters, JJ., sitting. All concur. Wright, J., not sitting. ENTERED: December 17, 2015. IP

CH JUSTICE

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