

SUPREME COURT OF KANSAS

In re Robinson

294 Kan. 649 (2012) · Decided June 29, 2012

SUMMARY

The Kansas Supreme Court reviewed a disciplinary proceeding involving Stephen R. Robinson, who converted approximately \$2,400 in client funds and failed to participate in the disciplinary process. Adopting the hearing panel's findings that Robinson violated KRPC 1.15 and KRPC 8.4(c), the court ordered his disbarment and assessed costs against him.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Kansas
DECIDED	June 29, 2012
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding brought by the Office of the Disciplinary Administrator. A hearing panel of the Kansas Board for Discipline of Attorneys found violations of KRPC 1.15 and KRPC 8.4(c) and recommended disbarment; the Kansas Supreme Court adopted the findings and conclusions and imposed disbarment.
STANDARD OF REVIEW	In a disciplinary proceeding, the Kansas Supreme Court considers the evidence, the disciplinary panel's findings, and the parties' arguments to determine whether violations occurred and what discipline is appropriate. Attorney misconduct must be established by clear and convincing evidence. Unchallenged findings are deemed admitted under Supreme Court Rule 212(c) and (d).
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; precedential
PARTIES	Office of the Disciplinary Administrator v. Stephen R. Robinson

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Robinson violated KRPC 1.15 by failing to safeguard and converting unearned client funds.
2. Whether Robinson violated KRPC 8.4(c) by engaging in dishonest conduct involving the conversion of client funds.
3. Whether the disciplinary proceedings could proceed in Robinson's absence after proper service and notice.
4. What discipline was appropriate for the established misconduct.

HOLDINGS

1. The disciplinary hearing could proceed because Robinson received the notice required by Kan. Sup. Ct. R. 215 and additional notice of the complaint and hearing.
2. Robinson violated KRPC 1.15 by failing to safeguard unearned client fees and depositing and converting \$2,400 of client funds for personal expenses.
3. Robinson violated KRPC 8.4(c) by engaging in dishonest conduct when he converted \$2,400 of client money to his own use.
4. The charged misconduct was established by clear and convincing evidence, and the court adopted the hearing panel's findings of fact and conclusions of law.
5. Disbarment was the appropriate discipline for Robinson's intentional conversion of client funds and resulting serious injury.

KEY QUOTATIONS

"The evidence before the hearing panel establishes the charged misconduct of the respondent by clear and convincing evidence and supports the panel's conclusions of law." (654)

"We therefore conclude the hearing panel's findings are supported by clear and convincing evidence and adopt the panel's findings and conclusions." (654)

"It Is Therefore Ordered that Stephen R. Robinson be disbarred from the practice of law in the state of Kansas, effective on the filing of this opinion, in accordance with Supreme Court Rule 203(a)(1) (2011 Kan. Ct. R. Annot. 280)." (654)

FACTUAL BACKGROUND

Robinson, a Kansas attorney whose license was already suspended for failure to satisfy continuing-legal-education and fee requirements, received approximately \$2,400 from a client for legal services and a United States Patent and Trademark Office filing fee. He deposited the funds into his personal account, spent them for personal purposes, and failed to establish that the promised document was completed or that the funds were reimbursed. Robinson received notice of the disciplinary complaint and hearing but did not answer, did not attend the hearing, and did not complete paperwork to surrender or transfer his license.

PROCEDURAL HISTORY

The Disciplinary Administrator filed a formal complaint alleging that Robinson mishandled client funds and engaged in misrepresentation. Robinson did not answer the complaint, failed to appear at the disciplinary hearing despite receiving notice, and filed no exceptions to the panel's report. The hearing panel recommended disbarment, and the Kansas Supreme Court independently reviewed the evidence and adopted the panel's findings and conclusions.

DISPOSITION

other

CASES CITED

- In re Foster, 292 Kan. 940, 945, 258 P.3d 375 (2011)
- In re Lober, 288 Kan. 498, 505, 204 P.3d 610 (2009)
- In re Dennis, 286 Kan. 708, 725, 188 P.3d 1 (2008)