

SUPREME COURT OF KENTUCKY

Kentucky Bar Association v. Justin Ross Morgan

531 S.W.3d 1 (Ky. 2017) · No. 2017-SC-000396-KB · Decided November 2, 2017

SUMMARY

The Kentucky Supreme Court adopted the Kentucky Bar Association Board of Governors' recommendation finding Justin Ross Morgan guilty of multiple Rules of Professional Conduct violations arising from his failure to represent a client, communicate, return property and unearned fees, and respond to disciplinary authorities. The Court imposed a one-year suspension consecutive to any current suspension, ordered Morgan to repay \$8,500 to the client, and assessed \$421.87 in costs.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	John Minton
JURISDICTION	Kentucky
DECIDED	November 2, 2017
DOCKET	2017-SC-000396-KB
DISPOSITION	approved
PROCEDURAL POSTURE	Attorney-discipline proceeding in which the Kentucky Bar Association's Board of Governors found Morgan guilty of multiple violations of the Kentucky Rules of Professional Conduct and recommended a one-year suspension, restitution, and costs. The Supreme Court of Kentucky adopted the recommendation under SCR 3.370(9).
STANDARD OF REVIEW	Under SCR 3.370(9), when no notice of review is filed, the Court enters an order adopting the decision of the Board or Trial Commissioner.
PRECEDENTIAL VALUE	Published and designated to be published; disciplinary decision of the Supreme Court of Kentucky.
PARTIES	Kentucky Bar Association v. Justin Ross Morgan

TOPICS

appellate procedure

remedies

family law

PRACTICE AREAS

legal ethics and attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Morgan violated the Kentucky Rules of Professional Conduct by failing to act diligently, failing to communicate with his client, charging an unreasonable fee, retaining client property and an unearned fee, and failing to respond to a disciplinary authority.
2. Whether the Board of Governors' recommended discipline—a one-year suspension consecutive to any current suspension, \$8,500 in restitution, and costs—should be adopted.

HOLDINGS

1. Morgan was guilty of violating SCR 3.130-1.3, 1.4(a)(4), 1.5(a), 1.16(d), and 8.1(b).
2. The Supreme Court adopted the Board's recommendation and suspended Morgan from practicing law for one year, consecutive to any current suspension, ordered him to repay Justice \$8,500, and ordered him to pay \$421.87 in costs.

KEY QUOTATIONS

“reasonable diligence and promptness in representing” (at 2)

“If no notice of review is filed by either of the parties, or the Court under paragraph eight (8) of this rule, the Court shall enter an order adopting the decision of the Board or the Trial Commissioner, whichever the case may be, relating to all matters.” (at 4)

FACTUAL BACKGROUND

Christy Justice retained Morgan to represent her in matters involving registration of Virginia child-custody and divorce orders and a legal-fee dispute with former Virginia counsel. Justice paid Morgan retainers totaling \$8,500, but Morgan took no action, failed to communicate with her, and retained her file and paperwork. Morgan also failed to respond to the bar complaint and formal charge, and the Board considered his prior disciplinary history in recommending the sanction.

PROCEDURAL HISTORY

After Morgan failed to respond to a bar complaint and formal charge, the matter proceeded to the KBA Board of Governors as a default case under SCR 3.210. The Board unanimously found violations of four rules and found the fifth violation by a twelve-to-two vote; it recommended a one-year consecutive suspension, \$8,500 in restitution, and costs. The Supreme Court adopted the recommendation and imposed additional notice and cessation-of-practice obligations.

DISPOSITION

approved

CASES CITED

- Coorssen v. Kentucky Bar Ass'n, 266 S.W.3d 237 (Ky. 2008)

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