

SUPREME COURT OF KENTUCKY

Inquiry Commission v. Truesdell

336 S.W.3d 431 (Ky. 2011) · No. 2010-SC-000738-KB · Decided March 24, 2011

SUMMARY

The Supreme Court of Kentucky permanently disbarred Scott Truesdell after finding probable cause that he failed to pay \$185,443.97 in mortgage-refinancing funds to Bank of America. The order also imposed client-notification and advertising-cessation requirements, terminated pending disciplinary matters, relieved a bank from a subpoena, and assessed costs against Truesdell.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	John D. Minton, Jr., Chief Justice
JURISDICTION	Kentucky
DECIDED	March 24, 2011
DOCKET	2010-SC-000738-KB
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which the Inquiry Commission sought temporary suspension based on probable cause, and the respondent moved to withdraw permanently from the Kentucky Bar Association under SCR 3.480(3).
PRECEDENTIAL VALUE	Published Kentucky Supreme Court disciplinary order
PARTIES	Inquiry Commission v. Scott Truesdell

TOPICS

remedies

appellate procedure

PRACTICE AREAS

attorney discipline

professional responsibility

legal ethics

QUESTIONS PRESENTED

1. Whether the court should accept Truesdell's motion to withdraw his Kentucky Bar Association membership under SCR 3.480(3) and impose permanent disbarment.

2. What ancillary obligations and consequences should accompany the permanent disbarment order.

HOLDINGS

1. The court granted Truesdell's request to withdraw from the Kentucky Bar Association under SCR 3.480(3) and permanently disbarred him from practicing law in Kentucky.
2. The disbarred attorney was required to notify clients of his inability to continue representation, cease advertising to the extent reasonably possible, pay the costs of the disciplinary proceedings, and comply with the other conditions specified in the order; pending disciplinary proceedings were terminated and the subpoena recipient was relieved of its obligations.

KEY QUOTATIONS

“In light of the Order of Temporary Suspension entered previously, with a recitation of facts and finding of probable cause, this Court will accept those facts as incorporated by reference in Scott Truesdell's motion to withdraw, which states it is pursuant to SCR 3.480(3), which applies when a member has engaged in unethical or unprofessional conduct.” (432)

FACTUAL BACKGROUND

The court had found probable cause to believe that Scott Truesdell, acting as closing attorney for a mortgage refinancing, failed to pay \$185,443.97 to Bank of America after receiving that amount from First Federal Bank to satisfy Bank of America's existing mortgage. Truesdell acknowledged that he had violated the Rules of Professional Conduct and sought permanent withdrawal from the Kentucky Bar Association. He agreed not to seek reinstatement and not to practice law in Kentucky, while the Kentucky Bar Association stated that it had no objection.

PROCEDURAL HISTORY

The Supreme Court of Kentucky entered an order of temporary suspension on January 20, 2011, after considering the Inquiry Commission's petition and supporting documents. While the petition was under consideration, Truesdell filed a pro se motion to withdraw his Kentucky Bar membership under SCR 3.480(3), acknowledged violations of the Rules of Professional Conduct, and agreed not to seek reinstatement or practice law in Kentucky. The Kentucky Bar Association did not object, and the court granted the request and entered an order of permanent disbarment.

DISPOSITION

other