

SUPREME COURT OF KENTUCKY

Kentucky Bar Ass'n v. White

98 S.W.3d 859 (Ky. 2003) · Decided March 20, 2003

SUMMARY

The Kentucky Supreme Court considered sanctions against Paul Stephen White for failing to satisfy continuing legal education requirements. The Court found mitigating circumstances, imposed a \$250 fine, credited his later CLE completion toward the deficiency, restricted eligibility for certain extensions, and required contact with the Lawyers Assistance Program.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Joseph E. Lambert, Chief Justice; Lambert, C.J.; Graves, J.; Keller, J.; Stumbo, J.; Wintersheimer, J.; Cooper, J.; Johnstone, J.
JURISDICTION	Kentucky
DECIDED	March 20, 2003
DISPOSITION	other
PROCEDURAL POSTURE	The Kentucky Supreme Court issued a show-cause order concerning Respondent's failure to satisfy continuing legal education requirements and then determined the appropriate sanction.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court disciplinary opinion; precedential value is primarily limited to the application of CLE compliance and sanction-mitigation principles to the respondent's circumstances.

TOPICS

administrative law

agency adjudication

remedies

PRACTICE AREAS

legal ethics

professional discipline

continuing legal education

administrative law

QUESTIONS PRESENTED

- Whether White violated the Kentucky continuing legal education requirements for the 2001-2002 educational year.

2. Whether White's personal difficulties and subsequent remedial efforts constituted sufficient cause to mitigate the sanction for his CLE violation.
3. What sanction should be imposed for the CLE violation.

HOLDINGS

1. White violated the continuing legal education requirements by failing to complete the required credits for the 2001-2002 educational year.
2. Although White's depression did not excuse his failure to satisfy his professional responsibilities, sufficient cause existed to mitigate the punishment.
3. The court imposed a \$250 fine, deemed the deficiency cured by credits earned during the 2002-2003 educational year, barred White from a non-hardship extension for the educational years ending June 30, 2003 and June 30, 2004, and required him to contact the Lawyers Assistance Program.

KEY QUOTATIONS

"While Respondent clearly violated the CLE requirements, and his personal difficulties provide no excuse for failing to discharge his responsibilities as a lawyer, we believe sufficient cause has been shown to mitigate punishment." (860)

FACTUAL BACKGROUND

Paul Stephen White was deficient 11.25 continuing legal education credits, including 0.75 ethics credits, for the 2001-2002 educational year. He attributed the deficiency in part to severe depression and had not sought a time extension, hardship extension, or exemption, nor provided supporting medical documentation. He later earned 13.75 credits at a November 2002 CLE program and had certified 24 credits for the 2002-2003 educational year, thereby curing the deficiency within five months of the end of the prior educational year. The record showed no prior CLE deficiency or other disciplinary proceedings.

PROCEDURAL HISTORY

On November 19, 2002, the court directed Paul Stephen White to show cause why he should not be suspended under SCR 3.669(4) for failing to satisfy the 2001-2002 continuing legal education requirements. White explained that severe depression contributed to his deficiency and reported that he had subsequently earned sufficient credits to cure it. The Kentucky Bar Association Continuing Legal Education Commission recommended a \$750 fine, a non-practice exemption, and contact with the Lawyers Assistance Program; the court rejected the recommended sanction as too harsh and imposed a lesser fine with additional conditions.

DISPOSITION

other