

SUPREME COURT OF KENTUCKY

James Wiley Craft v. Kentucky Bar Association

291 S.W.3d 243 (Ky. 2009) · No. 2002-SC-000273-KB · Decided August 27, 2009

SUMMARY

The Supreme Court of Kentucky approved James Wiley Craft’s application for reinstatement to the practice of law after reviewing findings that he possessed the requisite character, fitness, and moral qualifications. The court ordered his reinstatement subject to payment of outstanding costs incurred in the reinstatement proceedings.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	John D. Minton, Jr.
JURISDICTION	Kentucky
DECIDED	August 27, 2009
DOCKET	2002-SC-000273-KB
DISPOSITION	approved
PROCEDURAL POSTURE	James Wiley Craft applied for reinstatement to the Kentucky Bar after resigning under disbarment. The Character and Fitness Committee recommended reinstatement, and the Kentucky Bar Association Board of Governors unanimously approved that recommendation.
PRECEDENTIAL VALUE	published

TOPICS

appellate procedure

PRACTICE AREAS

professional responsibility

attorney reinstatement

bar discipline

QUESTIONS PRESENTED

1. Whether Craft proved by clear and convincing evidence that he possessed the character, fitness, moral qualifications, and professional capabilities required for reinstatement to the Kentucky bar.

2. Whether the Supreme Court of Kentucky should adopt the Character and Fitness Committee and Board of Governors' recommendation to reinstate Craft, subject to payment of disciplinary proceeding costs.

HOLDINGS

1. Craft established by clear and convincing evidence that he possessed the requisite character, fitness, moral qualifications, and professional capabilities for readmission to the practice of law.
2. Craft was reinstated to membership in the Kentucky Bar Association and to the practice of law in Kentucky, subject to payment of the costs incurred in the reinstatement proceeding and \$4,467.49 owed to the Kentucky Bar Association.

KEY QUOTATIONS

“An applicant for reinstatement who applies for reinstatement on or after October 1, 1998, and who appears before the Committee, has the burden of proving by “clear and convincing” evidence that he or she possesses the requisite character, fitness and moral qualifications for re-admission to the practice of law.” (291 S.W.3d at 244)

“Additionally, applicants are to be held to a substantially more rigorous standard than a first time applicant, and the proof presented must be sufficient to overcome the prior adverse judgment.” (291 S.W.3d at 244)

FACTUAL BACKGROUND

James Wiley Craft was admitted to practice law in Kentucky in 1970 and was temporarily suspended after a felony conviction under 18 U.S.C. § 1621. He subsequently resigned under disbarment and later sought reinstatement. After investigation and a formal hearing, the Character and Fitness Committee found that Craft demonstrated good moral character, recognized the conduct leading to his disbarment, and satisfied the requirements for reinstatement; the Board of Governors approved those findings.

PROCEDURAL HISTORY

Craft was temporarily suspended after a federal felony conviction and later resigned under disbarment pursuant to SCR 3.480(3). He filed an application for reinstatement in 2002, updated it in 2006, and received a favorable recommendation from the Character and Fitness Committee after a formal investigation and hearing. The Board of Governors approved the recommendation by a vote of 15-0, and the Supreme Court of Kentucky adopted the recommendation and ordered reinstatement subject to payment of costs.

DISPOSITION

approved

CASES CITED

- In re Weaks, 407 S.W.2d 408, 409 (Ky. 1966)
- In re Stump, 272 Ky. 593, 114 S.W.2d 1094 (1938)
- Kentucky Bar Association v. James Wiley Craft, 962 S.W.2d 876 (Ky. 1998)

- James Wiley Craft v. Kentucky Bar Association, 969 S.W.2d 211 (Ky. 1998)

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