

SUPREME COURT OF KENTUCKY

Kentucky Bar Association v. Leila Louise Hale

Kentucky Bar Association v. Hale · No. 2020-SC-0317-KB · Decided October 26, 2020

SUMMARY

The Supreme Court of Kentucky imposed reciprocal discipline on Leila Louise Hale after Nevada publicly reprimanded her for violations involving supervision of a non-attorney employee and unreasonable fee provisions. Because Hale did not respond to the order to show cause, the Kentucky court publicly reprimanded her and ordered her to pay the costs of the proceeding.

CASE DETAILS

COURT	Supreme Court of Kentucky
JURISDICTION	Kentucky
DECIDED	October 26, 2020
DOCKET	2020-SC-0317-KB
DISPOSITION	other
PROCEDURAL POSTURE	The Kentucky Bar Association petitioned the Supreme Court of Kentucky for reciprocal discipline after a Nevada disciplinary authority publicly reprimanded Hale. The court ordered Hale to show cause why reciprocal discipline should not be imposed, and she did not respond.
STANDARD OF REVIEW	Under SCR 3.435(4), reciprocal discipline is imposed unless the attorney proves by substantial evidence a lack of jurisdiction or fraud in the foreign proceeding, or that the established misconduct warrants substantially different discipline in Kentucky.
PRECEDENTIAL VALUE	Published

TOPICS

agency adjudication administrative law appellate procedure standard of review

PRACTICE AREAS

legal ethics attorney discipline reciprocal discipline administrative law appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Kentucky was required to impose reciprocal discipline after Hale was publicly reprimanded by a Nevada disciplinary authority.
2. Whether Hale established either exception to reciprocal discipline under SCR 3.435(4)—lack of jurisdiction or fraud in the foreign proceeding, or that the misconduct warranted substantially different discipline in Kentucky.

HOLDINGS

1. When a Kentucky-licensed attorney receives discipline in another jurisdiction, the Supreme Court of Kentucky must impose identical reciprocal discipline unless one of the exceptions in SCR 3.435(4) is established.
2. Hale was guilty of violating SCR 3.130-5.3 and SCR 3.130-1.5, based on the misconduct established in the Nevada disciplinary proceeding.

KEY QUOTATIONS

“If an attorney licensed to practice law in this Commonwealth receives discipline in another jurisdiction, SCR 3.435(4) requires this Court to impose identical discipline subject to two possible exceptions.” (at 2)

“In all other respects” a final adjudication of misconduct in another jurisdiction establishes conclusively the same misconduct for purposes of a disciplinary proceeding in Kentucky.” (at 2)

FACTUAL BACKGROUND

Hale represented clients Rochelle Mortensen and Mahogeny Bennett in personal injury claims. A non-attorney employee supervised by Hale visited both clients at home, presented retainer agreements and other legal documents, and provided legal-related explanations. The Nevada disciplinary authority found that the home visits constituted unauthorized practice of law and that a retainer provision requiring a minimum combined firm rate of \$1,000 per hour upon early withdrawal or discharge was an unreasonable fee.

PROCEDURAL HISTORY

The Southern Nevada Disciplinary Board publicly reprimanded Hale on January 28, 2020, for misconduct involving supervision of a non-attorney employee and an unreasonable fee provision. The Kentucky Bar Association then sought reciprocal discipline under SCR 3.435(4). After Hale failed to show sufficient cause, the Supreme Court of Kentucky imposed an identical public reprimand and assessed proceeding costs.

DISPOSITION

other