

SUPREME COURT OF KANSAS

In re Meek

295 Kan. 1160 (2012) · Decided December 7, 2012

SUMMARY

The Kansas Supreme Court considers attorney-discipline charges against Christopher Y. Meek arising from his unlawful possession of hydrocodone obtained from a client. The court finds clear and convincing evidence of violations of KRPC 1.7(a)(2) and 8.4(b), imposes a 40-month suspension, stays 28 months, and places Meek on probation subject to specified conditions.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Per Curiam; David E. Bruns, Judge, assigned
JURISDICTION	Kansas
DECIDED	December 7, 2012
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding brought by the Office of the Disciplinary Administrator. A Kansas Board for Discipline of Attorneys hearing panel found violations of KRPC 1.7(a)(2) and KRPC 8.4(b) and recommended a one-year suspension followed by probation.
STANDARD OF REVIEW	The Supreme Court considers the evidence, the disciplinary panel's findings, and the parties' arguments, and determines whether violations exist and what discipline should be imposed. Attorney misconduct must be established by clear and convincing evidence.
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; precedential
PARTIES	Office of the Disciplinary Administrator v. Christopher Y. Meek

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the evidence established that Meek violated KRPC 1.7(a)(2) by creating a concurrent conflict of interest through accepting prescription medication from a client.
2. Whether Meek's guilty plea and unlawful possession of hydrocodone violated KRPC 8.4(b) as criminal conduct adversely reflecting on his fitness as a lawyer.
3. What discipline was appropriate for the violations, including whether suspension followed by probation was warranted.

HOLDINGS

1. Attorney misconduct must be established by clear and convincing evidence, and the evidence in the record established Meek's charged misconduct.
2. Meek violated KRPC 1.7(a)(2) because unlawfully accepting prescription drugs from a client created a substantial risk that his personal interest would materially limit his representation of the client.
3. Meek violated KRPC 8.4(b) because his guilty plea to unlawful possession of hydrocodone constituted criminal conduct that adversely reflected on his fitness as a lawyer.
4. Meek's license to practice law was suspended for 40 months; after 12 months of suspension, the remaining 28 months were stayed and Meek was placed on probation for 28 months subject to specified conditions.

KEY QUOTATIONS

"In a disciplinary proceeding, this court considers the evidence, the findings of the disciplinary panel, and the arguments of the parties and determines whether violations of KRPC exist and, if they do, the discipline to be imposed." (1169)

"We are especially troubled that respondent created a conflict of interest for personal gain and in doing so placed his client at risk." (1170)

"It Is Therefore Ordered that Christopher Y. Meek be suspended from the practice of law in the state of Kansas for a period of 40 months" (1170-71)

FACTUAL BACKGROUND

Meek, a Kansas attorney, obtained prescription hydrocodone from a client without having a prescription for it. He later pleaded guilty in federal court to unlawful possession of hydrocodone, received a \$2,000 fine, and was placed on two years of federal probation. He entered into a five-year Kansas Lawyers Assistance Program monitoring contract and was complying with its terms. The disciplinary panel found that accepting prescription drugs from a client created a substantial risk that Meek's personal interest would materially limit his representation of the client.

PROCEDURAL HISTORY

The Disciplinary Administrator filed a formal complaint alleging violations of the Kansas Rules of Professional Conduct. Meek answered, stipulated to facts, and proposed a probation plan. After a hearing, the disciplinary

panel found the charged violations and recommended suspension followed by probation. Meek filed no exceptions, so the panel's factual findings were deemed admitted; the Supreme Court independently determined the violations and imposed discipline.

DISPOSITION

other

CASES CITED

- In re Foster, 292 Kan. 940, 945, 258 P.3d 375 (2011)
- In re Lober, 288 Kan. 498, 505, 204 P.3d 610 (2009)
- In re Dennis, 286 Kan. 708, 725, 188 P.3d 1 (2008)