

SUPREME COURT OF KANSAS

In re Williams

302 Kan. 990 (2015) · Decided October 30, 2015

SUMMARY

The Kansas Supreme Court considers an original attorney-discipline proceeding against G. Thomas Williams. The hearing panel found violations involving lack of diligence and communication, dishonesty and misrepresentation, false statements during the disciplinary investigation, and failure to cooperate with disciplinary authorities.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Kansas
DECIDED	October 30, 2015
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding brought by the Office of the Disciplinary Administrator against G. Thomas Williams.
STANDARD OF REVIEW	The Kansas Supreme Court considers the evidence, the disciplinary panel's findings, and the parties' arguments to determine whether violations occurred and what discipline should be imposed. Attorney misconduct must be established by clear and convincing evidence. Unexcepted findings of fact are deemed admitted under Supreme Court Rule 212(c) and (d).
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; precedential disciplinary decision.
PARTIES	Office of the Disciplinary Administrator v. G. Thomas Williams

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the evidence established by clear and convincing evidence that Williams violated the charged Kansas Rules of Professional Conduct and Kansas Supreme Court Rule 207(b).
2. What discipline was appropriate in light of Williams's misconduct and the aggravating and mitigating circumstances.

HOLDINGS

1. The court adopted the hearing panel's conclusions and held that Williams violated KRPC 1.3, KRPC 1.4(a), KRPC 8.1(a), KRPC 8.4(c), KRPC 8.4(d), KRPC 8.4(g), and Kansas Supreme Court Rule 207(b).
2. Disbarment was the appropriate discipline for Williams's pattern of dishonest conduct, including fabrication of evidence and repeated false statements under oath.

KEY QUOTATIONS

*“Attorney misconduct must be established by clear and convincing evidence.” (*1003)*

*“The pattern of misconduct, including the dishonesty, fraud, deceit, and misrepresentation outlined in the hearing panel’s report coupled with the respondent’s continuing denial of the gravity of his conduct leads us to conclude that disbarment is the appropriate discipline in this matter.” (*1004)*

FACTUAL BACKGROUND

Williams agreed to represent J.S. concerning unexpected tax liability arising from the reclassification of funds in her thrift savings account, but failed to take action, communicate adequately, or send promised legal papers. After J.S. filed a disciplinary complaint, Williams fabricated a purported disengagement letter and notes, falsely represented that the letter had been mailed, and gave false or inconsistent statements during the disciplinary investigation and hearing. He had also previously received discipline involving diligence and communication violations.

PROCEDURAL HISTORY

The Disciplinary Administrator filed a formal complaint alleging violations of the Kansas Rules of Professional Conduct and Kansas Supreme Court Rule 207(b). After the parties stipulated to facts, a hearing panel of the Kansas Board for Discipline of Attorneys found violations and recommended indefinite suspension. Williams filed no exceptions to the panel's report, so the findings of fact were deemed admitted. The Kansas Supreme Court independently reviewed the violations and sanction and imposed disbarment.

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, 738, 188 P.3d 1 (2008)
- In re Mintz, 298 Kan. 897, 911-12, 317 P.3d 756 (2014)
- In re Busch, 287 Kan. 80, 86-87, 194 P.3d 112 (2008)

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