

SUPREME COURT OF KENTUCKY

James Gregory Troutman v. Kentucky Bar Association

2008-SC-00083-KB · No. 2008-SC-00083-KB · Decided December 18, 2008

SUMMARY

The Kentucky Supreme Court granted James Gregory Troutman's motion for a two-year suspension from the practice of law, retroactive to January 25, 2007. The suspension followed Troutman's Alford plea to criminal charges and the subsequent dismissal of those charges pursuant to pretrial diversion. The Court also required compliance with notice obligations and payment of \$110 in disciplinary proceeding costs.

CASE DETAILS

COURT	Supreme Court of Kentucky
JURISDICTION	Kentucky
DECIDED	December 18, 2008
DOCKET	2008-SC-00083-KB
DISPOSITION	other
PROCEDURAL POSTURE	Troutman moved the Supreme Court of Kentucky to impose a two-year suspension from the practice of law, retroactive to the date of his temporary suspension. The Kentucky Bar Association did not object.
PRECEDENTIAL VALUE	published
PARTIES	James Gregory Troutman v. Kentucky Bar Association

TOPICS

remedies probation criminal procedure

PRACTICE AREAS

legal ethics and attorney discipline professional misconduct criminal procedure

QUESTIONS PRESENTED

- Whether a two-year suspension from the practice of law, corresponding to the original length of Troutman's probationary period, was appropriate after his Alford plea and subsequent dismissal of the criminal charges.

HOLDINGS

1. A suspension from the practice of law for a period commensurate with the original two-year probationary period was appropriate, even though the criminal charges were later dismissed.

KEY QUOTATIONS

“This Court agrees with both parties that suspension for a period commensurate with the length of the original probationary period is appropriate.”

FACTUAL BACKGROUND

Troutman, a Kentucky-licensed attorney, entered an Alford plea to two counts of first-degree wanton endangerment, one count of first-degree criminal mischief, and one count of criminal littering. The charges arose from property damage and related conduct in his neighborhood, which Troutman attributed to an antihistamine overdose. The circuit court later shortened his two-year probationary period and dismissed the charges with prejudice, but Troutman conceded that his Alford plea established conduct violating SCR 3.130-8.3(b).

PROCEDURAL HISTORY

Troutman entered an Alford plea in Jefferson Circuit Court to felony and misdemeanor charges as part of a pretrial diversion agreement requiring two years of supervised probation. The Supreme Court temporarily suspended Troutman under SCR 3.166. After the circuit court shortened the probationary period and dismissed the charges with prejudice, Troutman sought a corresponding two-year disciplinary suspension, which the KBA supported. The Supreme Court granted the motion and ordered the suspension retroactive to January 25, 2007.

DISPOSITION

other

CASES CITED

- Kentucky Bar Ass'n v. Troutman, 216 S.W.3d 652 (Ky. 2007)
- Bertram v. Kentucky Bar Ass'n, 126 S.W.3d 358 (Ky. 2005)
- Kentucky Bar Ass'n v. Dunn, 90 S.W.3d 461 (Ky. 2002)
- Richendollar v. Kentucky Bar Ass'n, 60 S.W.3d 551 (Ky. 2001)