

**KENTUCKY BAR ASSOCIATION  
RULES OF THE SUPREME COURT OF KENTUCKY**

**PRACTICE OF LAW**

**SCR 3.360 Trial Commissioner to file report with Disciplinary Clerk**

(1) When a disciplinary proceeding has been finally submitted, the Trial Commissioner shall promptly file with the Disciplinary Clerk, a written report setting forth his/her findings of fact and conclusions of law as to whether a violation of the rules has occurred. The Trial Commissioner's Report shall contain a concise statement of:

- (a) the charge(s) made and the defense(s) offered by the Respondent;
- (b) the proceedings had;
- (c) the facts which the Commissioner deems proved by a preponderance of the evidence, and;
- (d) the sanction recommended, if any, recommended.

(2) The Trial Commissioner's report shall constitute a part of the record in the case. The report shall be advisory.

The Trial Commissioner shall file the report with the Disciplinary Clerk within 30 days after the record has been filed with the Disciplinary Clerk or after any briefs have been filed with the Disciplinary Clerk, whichever is later. Said deadline may be extended by agreement of the parties or by the President upon verified motion by the Trial Commissioner. If an extension is sought by the Trial Commissioner, a verified motion stating with particularity the grounds for the extension of time shall be filed with the Disciplinary Clerk, with service on parties. The President may grant up to a 60 day extension of time for the Trial Commissioner to file the report. If the Trial Commissioner fails to timely file the report or a verified motion for extension of time, the Board shall request the Supreme Court to issue a show cause order to the Trial Commissioner.

(3) Within 10 days after the filing of the report with the Disciplinary Clerk, either party may move to amend the findings or for additional findings of fact or conclusions of law by the Trial Commissioner. Any response shall be filed within 10 days. Such motion shall be ruled upon within 30 days of the filing of the motion.

(4) Within 30 days after the filing with the Disciplinary Clerk of: (a) the report, (b) an order ruling on a motion under SCR 3.360(3), or (c) an amended report, whichever is later, either party may file a notice of appeal with the Disciplinary Clerk. If no notice of appeal is timely filed, the entire record shall be forwarded to the Court for entry of a final order pursuant to SCR 3.370(9).

(5) Upon finality of the report, the Trial Commissioner shall return to the Disciplinary Clerk the entire record and such papers as may have been filed and are in the possession of the Trial Commissioner.

(6) Upon the finality of the report of the Trial Commissioner, the Disciplinary Clerk shall certify the record of the proceedings and send notice of certification to the parties.

HISTORY: Amended by Order 2015-20, eff. 1-1-2016; prior amendments eff. 1-1-2014 (Order 2013-12), eff. 3-1-12 (Order 2012-01), 1-1-06 (Order 2005-10), 10-1-98 (Order 98-1), 8-28-89 (Order 89-1), 1-1-87, 1-1-78, 7-2-71