

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

PRACTICE OF LAW

SCR 3.380 Degrees of discipline; indefinite suspension in default cases

(1) Upon findings of a violation of these rules, discipline may be administered by way of private reprimand, public reprimand, suspension from practice for a definite time, all of which may be with or without such conditions as the Court may impose, or permanent disbarment.

(2) In cases in which the Respondent has failed to answer a charge filed pursuant to Rule 3.200, or having answered, has thereafter declined to participate in the disciplinary process the Court may in its discretion, sua sponte or on motion by the Office of Bar Counsel, suspend the Respondent from the practice of law for an indefinite period of time. Reinstatement following an indefinite suspension imposed under this Rule, may be initiated by motion of the Respondent accounting for the failure to respond and requesting a final determination of the matter, and shall be subject to the reinstatement requirements of SCR 3.510. If respondent fails to seek reinstatement within 5 years, Bar Counsel shall move for permanent disbarment.

"HISTORY: Amended by Order 2015-20, eff. 1-1-2016; prior amendments eff. 1-1-06 (Order 2005-10), eff.10-1-98 (Order 98-1), 4-1-82 (Order 82-1), 1-1-78, 7-2-71

Supreme Court Commentary

2015

In the case of *Kentucky Bar Association v. Benton*, 449 S.W.3d 368, 369 (Ky. 2014), the Court rejected the Board's recommendation for a 181-day suspension and, instead, exercised its discretion to suspend Respondent indefinitely until he appeared and accounted for his failure to answer the disciplinary charges. In so doing, the Court "acknowledge[d] that our rules do not expressly provide indefinite suspension as a final disciplinary sanction, although we have ordered indefinite suspensions as part of our orders imposing reciprocal discipline." Subsection (2) of SCR 3.380 now formally identifies the indefinite suspension as a mode of discipline within the Court's authority under §116 of the Kentucky Constitution to "govern admission to the bar and the discipline of members of the bar.