

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

PRACTICE OF LAW

SCR 3.166 Automatic suspension after conviction of a felony

(1) Any member of the Kentucky Bar Association who pleads guilty to a felony, including a no contest plea or a plea in which the member allows conviction but does not admit the commission of a crime, or is convicted by a judge or jury of a felony, in this State or in any other jurisdiction, shall be automatically suspended from the practice of law in this Commonwealth. "Felony" means an offense for which a sentence to a term of imprisonment of at least one (1) year is authorized by law. The imposition of probation, parole, diversion or any other type of discharge prior to the service of sentence, if one is imposed, shall not affect the automatic suspension. The suspension shall take effect automatically beginning on the day following the plea of guilty or finding of guilt by a judge or jury or upon the entry of judgment whichever occurs first. The suspension under this rule shall remain in effect until dissolved or superseded by order of the Court. Within thirty (30) days of the plea of guilty, or the finding of guilt by a judge or jury, or entry of judgment, whichever occurs first, the suspended attorney may file a motion with the Clerk of the Supreme Court of Kentucky setting forth any grounds which the attorney believes justify dissolution or modification of the suspension.

(2) The attorney prosecuting the case to a plea of guilty, conviction by judge or jury or entry of judgment, whichever occurs first, shall immediately notify Bar Counsel and the Clerk of the Supreme Court that such plea, finding or entry of judgment has been made.

(3) The suspended attorney shall serve a copy of any motion filed under paragraph (1) above on Bar Counsel by mailing a copy to 514 West Main Street, Frankfort, Kentucky 40601. Bar Counsel shall file a response to the suspended attorney's motion within twenty (20) days of receipt of the motion.

(4) Any attorney suspended under this rule shall notify all clients in writing of the attorney's inability to continue to represent them and shall furnish copies of all such letters to the Director. These letters shall be mailed to the client within ten (10) days after the plea of guilty, conviction by judge or jury, or entry of judgment has been made. The attorney shall make arrangements to return all active files to the client or new counsel and shall return all unearned attorney fees and client property to the client and shall advise the Director of such arrangements within the same ten (10) day period.

(5) Any attorney suspended under this rule shall immediately, to the extent possible, cancel and cease any advertising activities in which the attorney is engaged, and remove the attorney's name from any firm with which the attorney is associated.

(6) Disciplinary proceedings against such attorney shall be initiated by the Inquiry Commission pursuant to SCR 3.160, unless already begun or unless the suspended attorney resigns under terms of disbarment.

HISTORY: Amended by Order 2012-01, eff. 3-1-12; prior amendments eff. 2-1-08 (Order 2007-0007), 1-1-06 (Order 2005-10), 1-1-04 (Order 2003-4), 10-1-98 (Order 98-1); adopted by Order 94-1, eff. 10-1-94