

[REDACTED]

V. **ATTORNEY DISCIPLINE:**

A. **Charles David Keen v. Kentucky Bar Association**
[2012-SC-000648-KB](#) **September 18, 2014**

Opinion of the Court. All sitting; all concur. The KBA moved to suspend Keen due to his violation of a prior disciplinary order he received from the Supreme Court in November 2012. As a condition of his sanction, Keen was to refrain from receiving further disciplinary charges for one year or face a thirty-day suspension.

Following the November 2012 order, the Inquiry Commission issued two separate charges against Keen for misconduct similar to that disposed of in the original disciplinary action. Accordingly, the Office of Bar Counsel petitioned the Court to require Keen to show cause why he should not be suspended from the practice of law for thirty days. Keen filed a response in which he admitted violating the terms of the Court's previous order but asked the Court for forgiveness given the calamitous professional and financial situation he faced from 2010-2013. Keen's response also detailed the measures he was taking to prevent further misconduct from occurring in the future.

The Court sympathized with Keen and applauded his efforts to improve his situation but ultimately concluded that he violated the terms of the Court's order. Accordingly, the Court suspended Keen from the practice of law for thirty days.

**B. Kentucky Bar Association v. Jason Robert Gilbert
2014-SC-000138-KB September 18, 2014**

Opinion of the Court. All sitting; all concur. Gilbert practiced law in Ohio, despite the fact that his Ohio bar license had been in inactive status since 2005. In February 2014, the Supreme Court of Ohio found Gilbert guilty of multiple counts of violating Ohio Rules of Professional Conduct 5.5(a) (unauthorized practice), 1.1 (competency), and 1.3 (lack of diligence) and suspended him from the practice of law in Ohio for one year, with the suspension probation on the condition that Gilbert commit no further misconduct.

Under SCR 3.435(4), Gilbert was subject to identical reciprocal discipline in the Commonwealth unless he could prove by substantial evidence: (a) a lack of jurisdiction or fraud in the Ohio disciplinary action, or (b) that his misconduct warrants substantially different discipline in this Commonwealth. At the request of the KBA, through the Office of Bar Counsel, the Supreme Court of Kentucky issued an order requiring Gilbert to show cause why he should not be disciplined in accordance with the Ohio Supreme Court order. Gilbert did not respond to the show cause order.

Finding no reason to believe that either of the SCR 3.435(4) factors applied, the Court retroactively suspended Gilbert from the practice of law in the Commonwealth of Kentucky for one year, effective February 20, 2014, with the suspension probated on the condition that he receive no additional disciplinary charges during that period.

**C. Cletus Maricle v. Kentucky Bar Association
2014-SC-000411-KB September 18, 2014**

Opinion of the Court. All sitting; all concur. Maricle was convicted by a jury on March 24, 2010 of five felony counts, including violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), 2money laundering conspiracy, aiding and abetting the obstruction of justice, voter fraud, and election fraud conspiracy. He was sentenced to 320 months' imprisonment, which he appealed to the Sixth Circuit Court of Appeals. The Sixth Circuit vacated his convictions and remanded for a new trial. Ultimately, on November 6, 2013, Maricle entered a negotiated guilty plea to the RICO charge. He admitted that he and his associates accessed the Clay County Board of Elections in order to corruptly influence the outcome of elections. Furthermore, he confessed to providing cash to bribe voters with the understanding that his associates would ensure that the bribed voters cast their ballots as directed. Additionally, Maricle acknowledged that several of his associates received public works contracts (some of which were funded by federal grant money) by virtue of their participation in the election-fraud enterprise. Pursuant to his negotiated guilty plea, he was sentenced to time served, plus supervised release for two years (to include six months of home incarceration), 200 hours of community service, and no participation in the political process.

Maricle admitted that his actions were violations of SCR 3.130-8.4(b) and requested that the Court grant him leave to resign from the KBA under terms of permanent disbarment pursuant to SCR 3.480(3). The KBA did not object to Maricle's motion. The Court agreed that Maricle's motion to withdraw his membership was appropriate and ordered that he be permanently disbarred in the Commonwealth.

D. Steven O. Thornton v. Kentucky Bar Association
[2014-SC-000457-KB](#) September 18, 2014

Opinion of the Court. Abramson, Cunningham, Keller, Noble, Scott and Venters, JJ., concur. Minton, C.J., not sitting. Thornton was previously suspended from the practice of law for 181 days and ordered to refund two clients based on three separate disciplinary matters. See *Kentucky Bar Ass'n v. Thornton*, 392 S.W.3d 399 (Ky. 2013). Having met all the conditions imposed by the Supreme Court's previous suspension order, Thornton applied for reinstatement. Because of the length of the suspension, SCR 3.510(3) required Thornton to undergo a review and investigation by the Character and Fitness Committee. The Committee concluded Thornton should be readmitted to the practice of law. Bar Counsel did not object to reinstatement, and the Board of Governors unanimously recommended reinstatement. Finding no reason to disagree with the Board, the Supreme Court adopted its recommendation and ordered Thornton reinstated to the practice of law.