

Supreme Court of Kentucky

2001 -SC-0909-KB

FINAL
DATE 3-5-02 EAG/MSU-H, D.C.
COMPLAINANT

KENTUCKY BAR ASSOCIATION

V. IN SUPREME COURT

STEPHEN RICE TURNBULL

RESPONDENT

OPINION AND ORDER OF SUSPENSION

The Board of Governors of the Kentucky Bar Association has recommended to this Court that Stephen Rice Turnbull (KBA No. 84133), whose last known address was 3450 Milam, Lexington, Kentucky be suspended from the practice of law in Kentucky for a period of five years. Turnbull was found guilty of two separate charges of professional misconduct by the KBA Board of Governors.

In KBA File 8406, Turnbull is charged with four counts of professional misconduct. Count I alleges a violation of SCR 3.130-I .3 for failing to act with reasonable diligence and promptness in representing a client. Count II alleges a violation of SCR 3.130-I .4(a) for failing to keep a client reasonably informed about the status of a matter and promptly complying with reasonable requests for information.

Count III alleges a violation of SCR 3.130-I .16(d) for failing to return an unearned fee to the client after failing to take action on behalf of the client so as to earn any fee. Count IV alleges a violation of SCR 3.130-8.1(b) when Turnbull failed to respond to a lawful demand for information from an admissions or disciplinary authority.

In KBA File No. 8464, Turnbull was charged with two counts of professional misconduct. Count I alleges a violation of SCR 3.130-I .15(b) for failing to promptly deliver to a client or a third person any funds or other property that the client or third person was entitled to receive. Count II alleges a violation of SCR 3.130-8.3(c) when Turnbull told his client he was placing settlement money in an escrow account for distribution to him but failed to do so.

The charges against Turnbull arose from verified complaints filed by two dissatisfied clients. Turnbull did not respond to service of either charge.

The Board of Governors determined that Turnbull was guilty of professional misconduct in both proceedings and recommended a five-year suspension. Turnbull, who was admitted to the practice of law in Kentucky in 1991, has been the subject of earlier discipline, including a private admonition on November 12, 1999, and was previously suspended from the practice of law for 30 days by order of this Court on November 22, 2000. He was further suspended for noncompliance with continuing legal education requirements on January 2, 2001. He has not been reinstated.

Therefore, upon consideration of the record and recommendation of the Board of Governors, this Court does ORDER that Stephen Rice Turnbull be and is hereby suspended from the practice of law in Kentucky for a period of five years. He shall not engage in the practice of law in the Commonwealth of Kentucky unless and until he is

reinstated by order of this Court. The period of suspension shall begin on the date of the entry of this order.

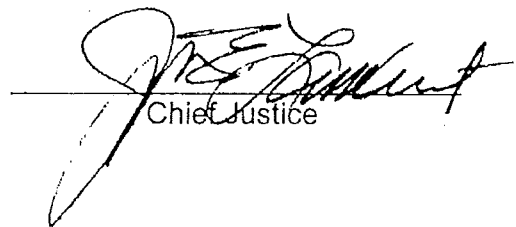
Turnbull may seek reinstatement at the expiration of his suspension under the provisions of SCR 3.510, regarding reinstatement in a case of a disciplinary suspension, or any successor or amendment to that Rule in effect at the time of his application for reinstatement.

Pursuant to SCR 3.390, Turnbull shall, within ten days of the entry of this order, notify all clients of his inability to represent them and furnish copies of said letters of notice to the Director of the Kentucky Bar Association. He shall also provide such notification to all courts in which he has matters pending,

Pursuant to SCR 3.450, Turnbull is required to pay all costs associated with these disciplinary proceedings in the amount of \$73.70 for No. 8406 and \$87.70 for No. 8464, for all of which execution may issue from this Court upon the finality of this Opinion and Order.

All concur.

ENTERED: February 21, 2002


Chief Justice

COUNSEL FOR COMPLAINANT:

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TO BE PUBLISHED

Supreme Court of Kentucky

2000-SC-0726-KB

FINAL

DATE DEC 04 2000 - Hill, D.C.
COMPLAINANT

KENTUCKY BAR ASSOCIATION

V.

IN SUPREME COURT

STEPHEN RICE TURNBULL

RESPONDENT

OPINION AND ORDER

The Kentucky Bar Association (KBA) charged Respondent, Stephen Rice Turnbull, with failing to act with reasonable diligence and promptness in representing a client, and failing to keep a client reasonably informed and to promptly comply with reasonable requests for information. SCR 3.130-1.3, SCR 3.130-1.4(a). After review, the KBA Board of Governors recommended that Respondent be suspended from the practice of law for thirty days. Since Respondent failed to request a review of the Board's recommendation, SCR 3.370(8), the recommendation is adopted. SCR 3.370(10).

In January 1998, Don Hale hired Respondent to represent him in a divorce proceeding. During that representation, the Domestic Relations Commissioner determined that Hale and his wife shared an equal interest in a vehicle. Following this finding, Respondent asked Hale if he desired that exceptions be filed to this finding.

Hale replied affirmatively as his father held a lien upon the vehicle, and, shortly thereafter, Hale gave Respondent the appropriate documentation. Months passed with no communication between Respondent and Hale. Respondent never filed the exceptions and never answered Hale's inquiries concerning his case.

Upon these facts, the Inquiry Commission charged Respondent with the aforementioned violations of SCR 3.130-I .3 and SCR 3.130-I .4(a). Respondent was served with the two count charge, but failed to answer. The charge was forwarded to the KBA Board of Governors as a default proceeding. The Board found Respondent guilty of both counts and recommended a thirty-day suspension.

Upon the foregoing facts and charges, the Board of Governors' recommendation is adopted and it is hereby ordered that:

1. Respondent, Stephen Rice Turnbull, is suspended from the practice of law in Kentucky for a period of thirty days. This period of suspension shall commence on the date of entry of this Opinion and Order.

2. In accordance with SCR 3.450, Respondent is directed to pay all costs associated with these disciplinary proceedings against him, said sum being \$94.26, and for which execution may issue from this Court upon finality of this Opinion and Order.

All concur.

ENTERED: November 22, 2000.


CHIEF JUSTICE