

TO BE PUBLISHED

Supreme Court of Kentucky

2014-SC-000041-KB

KENTUCKY BAR ASSOCIATION

MOVANT

V.

IN SUPREME COURT

TRAVIS OLEN MYLES, JR.

RESPONDENT

RECEIVED
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KENTUCKY BAR ASSOCIATION

OPINION AND ORDER

The Board of Governors (“Board”) of the Kentucky Bar Association (“KBA”) recommends this Court suspend Travis O. Myles, Jr. from the practice of law for sixty-one (61) days, consecutive to any other discipline. Finding sufficient cause to do so, we adopt the Board’s recommendation. Myles, whose KBA number is 87300 and whose bar roster address is 1009 Dixon Avenue, Louisville, Kentucky 40217, was admitted to the practice of law in the Commonwealth of Kentucky on October 2, 1998.

Travis Myles represented Karen Lewis on a civil claim against Cigna Insurance Company. After Ms. Lewis experienced difficulty in communicating with Myles, she asked that he return her client file so that she could retain new counsel to represent her. Myles failed to respond to her request, prompting Ms. Lewis to make a complaint to the Office of Bar Counsel (“OBC”) of the Kentucky Bar Association. On August 13, 2012, the OBC wrote to Myles requesting confirmation of his return of Ms. Lewis’s file. Myles e-mailed Bar

Counsel on August 31, stating that he had “[j]ust sent a copy of the [Lewis] file certified mail.” However, subsequent contact with Ms. Lewis established that Myles had not sent the file to her despite his assurances to the contrary.

Pursuant to Supreme Court Rule (“SCR”) 3.185,¹ the Inquiry Commission issued a private admonition for Myles’s violation of SCR 3.130-1.16(d) for failing to promptly return Ms. Lewis’s file, and of SCR 3.130-8.1(b) for failing to respond to the OBC’s request that the file be returned. The admonition was conditioned upon Myles’s compliance with the Inquiry Commission’s order to provide Ms. Lewis with her file within twenty days of the issuance of the October 22, 2012 order. Myles never responded to letters from the OBC requesting acknowledgement of receipt of the conditional admonition within the directed time frame. On December 4, 2012, Myles acknowledged receipt of the Inquiry Commission’s order by e-mail, further stating that he would confirm the return of the Lewis file by the following week. However, Ms. Lewis confirmed on January 9, 2013 that she had not received any documents from Myles.

On February 25, 2013, the Inquiry Commission issued a complaint based on Myles’s failure to comply with the conditions set forth in the October private admonition. The two-count charge alleged that Myles violated SCR

¹ SCR 3.185 provides, in pertinent part: “After a complaint against an attorney for unprofessional conduct is investigated and a response filed, the Inquiry Commission may direct a private admonition, with or without conditions, to the attorney if the acts or course of conduct complained of are shown not to warrant a greater degree of discipline. The attorney so admonished may, within twenty (20) days from the date of the admonition, reject such admonition and request that a charge be issued and filed as is provided by Rule 3.190; whereupon, the issues shall be processed under the applicable rules.”

3.130-3.4(c) when he knowingly disobeyed an obligation to a tribunal,² and SCR 3.130-8.1(b) by failing to respond to a lawful demand for information from a disciplinary authority. After attempts to serve the complaint by certified mail failed, Myles was served by the Jefferson County Sheriff on April 10, 2013. Myles did not respond to the complaint, and the case was submitted to the Board of Governors (“the Board”) pursuant to SCR 3.210(1).³

The Board found that Myles’s conduct gave rise to violations of SCR 3.130-3.4(c) and SCR 3.130.8.1(b). By an unanimous vote of 18-0, the Board found Myles guilty of both counts of misconduct set forth in the Inquiry Commission’s charge. In determining the appropriate discipline to propose, the Board considered Myles’s past discipline which included a 181-day probated suspension that was subsequently revoked,⁴ and a public reprimand. The Board voted 18-0 to recommend a suspension of Myles’s license to practice law for a period of 61-days, consecutive to any other discipline, and payment of costs of the proceedings.

Upon review of the Board’s recommendation, we find that the proposed discipline is appropriate and is supported by this Court’s previous decisions. In *Kentucky Bar Association v. Quesinberry*, this Court imposed a 61-day suspension per the Board’s recommendation in a case where an attorney failed

² In this case, the Inquiry Commission is a “tribunal” as authorized to issue private admonitions pursuant to SCR 3.185.

³ SCR 3.210(1) provides: “If no answer is filed after a Respondent is notified, the Inquiry Commission shall order the record, together with such investigative evidence as may have been obtained, to be submitted to the Board.”

⁴ See *Myles v. Kentucky Bar Association*, 289 S.W.3d 561 (Ky. 2009); *Myles v. Kentucky Bar Association*, 366 S.W.3d 919 (Ky. 2012).

to properly handle a client's case and then failed to respond to the Inquiry Commission's request for information. 245 S.W.3d 196. The attorney in *Quesinberry* had a prior disciplinary history similar to Myles. *Id.* at 196; see also *Kentucky Bar Association v. Miniard*, 289 S.W.3d 191 (Ky. 2009). It is apparent that throughout the OBC and the Inquiry Commission's processing of this matter, Myles has persisted in failing to appropriately respond to lawful inquiries. When he did correspond with the OBC and the Inquiry Commission, his assurances were later proven to be false. Given Myles's conduct and also considering his disciplinary history, a 61-day suspension is appropriate. We agree with the Board's findings and hereby adopt its recommendation.

Therefore, it is hereby ORDERED that:

1. Travis O. Myles, Jr. is suspended from the practice of law in this Commonwealth for sixty-one (61) days to be served consecutive to any other discipline, effective upon the date of entry of this Order;

2. Pursuant to SCR 3.450, Myles is directed to pay all costs associated with these disciplinary proceedings, in the amount of \$233.39 for which execution may issue from this Court upon finality of this Opinion and Order; and

3. Pursuant to SCR 3.390, Myles shall, within ten (10) days from the entry of this opinion and order, provide written notice to his clients of his inability to represent them; provide written notice to all courts in which he has matters pending of his suspension from the practice of law; and furnish copies of all letters of notice to the Executive Director of the Kentucky Bar

Association. Furthermore, to the extent possible, Myles shall immediately cancel and cease any advertising activities in which he is engaged.

All sitting. All concur.

ENTERED: April 17, 2014.


CHIEF JUSTICE

TO BE PUBLISHED

Supreme Court of Kentucky

2013-SC-000045-KB

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FEB 21 2013

MOVANT
COURT CLERK

TRAVIS OLEN MYLES, JR.

V. IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

RESPONDENT

OPINION AND ORDER

Travis Olen Myles, Jr., KBA No. 87300, was admitted to the practice of law in the Commonwealth of Kentucky on October 2, 1998, and his bar roster address is listed as 850 Washburn Ave. #224, Louisville, Kentucky 40222. He moves this Court to impose the sanction of a public reprimand for his violations of SCR 3.130-1.16(d) and SCR 3.130-8.1(b). The Kentucky Bar Association has no objection, as the parties have agreed to a negotiated sanction pursuant to SCR 3.480(2).

Myles was hired by Sharon Walker to represent her in a disability matter. Ms. Walker was awarded partial benefits and Myles filed an appeal on her behalf. Myles acknowledges that, though it is his belief that he sent notice to her, Ms. Walker may not have received notice of the outcome. Furthermore, Myles acknowledges taking a job with the Social Security Administration, which precluded him from representing Ms. Walker any further. Myles, however, failed to notify Ms. Walker of his new employment, and failed to

return her medical records and other paperwork upon ending his representation.

Myles was served with a Bar Complaint along with a letter advising him of the need to submit a written response. After Myles failed to respond, he was served with a reminder letter and a second copy of the complaint, and was again notified of his need to respond. Myles admits that he failed to submit a written response to the complaint.

The Inquiry Commission alleged two counts against Myles: (1) Count I charges Myles with violating SCR 3.130-1.16(d)¹ and (2) Count II charges Myles with violating SCR 3.130-8.1(b).² Myles acknowledges that he engaged in the misconduct in violation of the Rules of Professional Conduct as set forth above and agrees to the imposition of discipline for his violations.

In light of his admissions, Myles and the KBA have agreed to a negotiated sanction pursuant to SCR 3.480(2) which would impose a public reprimand. *KBA v. Thornton*, 279 S.W.3d 516 (Ky. 2009) (holding that a public reprimand was a sufficient sanction for failure to inform a client of fee structure, in violation of SCR 3.130-1.5(b), and for his failure to respond to requests for

¹ SCR 3.130-1.16(d) provides that “[u]pon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect the client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers to which the client is entitled, and refunding any advanced payment of fee or expense that has not been earned or incurred.” Myles admits that he violated this rule by failing to return Ms. Walker’s medical records and other papers when his representation was terminated.

² SCR 3.130-8.1(b) provides, in part, that in connection with a disciplinary matter, a lawyer shall not “knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority.” Myles admits that he violated this rule when he failed to respond to the complaint.

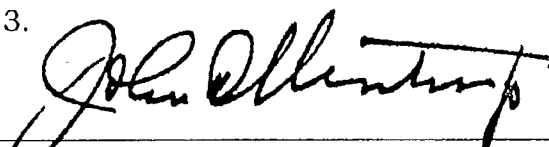
information regarding the ethics charges in violation of SCR 3.130-8.1(b); *KBA v. Noble*, 118 S.W.3d 586 (Ky. 2003) (holding that a public reprimand was a sufficient sanction for violations of SCR 3.130-1.16(d) and SCR 3.130-8.1(b)).

Agreeing that the negotiated sanction proposed in Myles' motion is appropriate, it is ORDERED that:

1. Movant, Travis O. Myles, is found guilty of the above-described and admitted violations of the Rules of Professional Conduct and is, thus, subject to public reprimand.
2. In accordance with SCR 3.450, Myles is directed to pay all costs associated with the disciplinary proceedings against him, said sum being \$126.27, for which execution may issue from this Court upon finality of this Opinion and Order.

Minton, C.J., Abramson, Cunningham, Noble, Scott, and Venters, JJ., sitting. All concur.

ENTERED: FEBRUARY 21, 2013.

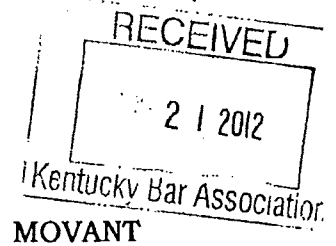


CHIEF JUSTICE

TO BE PUBLISHED

Supreme Court of Kentucky

2009-SC-000139-KB



TRAVIS O. MYLES

V. IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

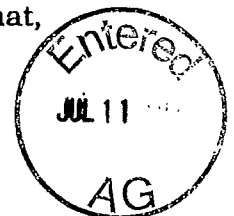
RESPONDENT

OPINION AND ORDER

On April 26, 2012, this Court entered an Order directing the Movant, Travis O. Myles, KBA No. ⁸⁷³⁰⁰~~83814~~, to show cause for violating the conditions set forth in this Court's April 23, 2009 Opinion and Order. Due to his failure to show cause, we revoke Myles's probation and impose the remainder of his 181-day suspension.

I. BACKGROUND

In *Myles v. Kentucky Bar Ass'n*, 289 S.W.3d 561, 565 (Ky. 2009), Myles admitted that he violated SCR 3.130-1.1, -1.15(a), -1.15(b), -1.16(d), -1.3, -1.4(a), -7.50(1), and -8.1(b). Accordingly, we suspended him from the practice of law in Kentucky for 181 days, with thirty days to serve and the remaining 151 days probated for a period of five years on condition that he repay certain sums and "receive no other disciplinary charges by the Inquiry Commission during the period of his probation." *Id.* at 565-66. We further ordered that,



"[i]f [Myles] fails to comply with any of these terms of discipline as set forth herein, upon [Office of Bar Counsel]'s motion, [we] will impose the remaining one-hundred and fifty-one (151) day period of suspension" *Id.* at 566.

On February 27, 2012, the KBA moved this Court to issue an order for Myles to show cause why we should not revoke his probation and impose the remainder of his 181-day suspension. According to the KBA, Myles received another disciplinary charge and, as a result, has violated the conditions of his probation. Specifically, the KBA claims that on April 13, 2011, approximately two years into his five-year probationary period, a bar complaint was filed against Myles and he failed to respond. Subsequently, on December 9, 2011, the Inquiry Commission filed a disciplinary charge against Myles related to the bar complaint. Based on this new disciplinary charge, we issued an Order for Myles to show cause why we should not grant the KBA's motion. Having received no response from Myles, this Court now grants the KBA's motion and imposes the remainder of Myles's probated suspension.

II. DISCIPLINE

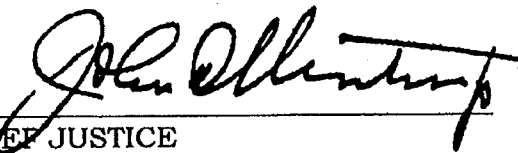
Considering the KBA's motion and Myles's failure to respond, we find that Myles failed to show cause why the remainder of his 181-day sentence should not be imposed. Accordingly, it is hereby ORDERED that:

- (1) Travis O. Myles is suspended from the practice of law in this Commonwealth for 151 days; and
- (2) Pursuant to SCR 3.390, Myles shall, within ten days from the entry of this Opinion and Order, notify all clients with Kentucky cases in

writing of his inability to represent them, and notify all courts in which he has matters pending of his suspension from the practice of law, and furnish copies of said letters of notice to the Office of Bar Counsel. Furthermore, to the extent possible and necessary, Myles shall immediately cancel and cease any advertising activities in which he is engaged.

All sitting. All concur.

ENTERED: June 21, 2012.



CHIEF JUSTICE