

TO BE PUBLISHED

Supreme Court of Kentucky

2018-SC-0115-KB

DAVID JOE PORTER



IN SUPREME COURT

v.

KENTUCKY BAR ASSOCIATION

APPELLEE

OPINION AND ORDER

David Joe Porter¹ has failed to show cause at any point since the most recent Show Cause Order of December 16, 2019, notwithstanding a generous extension of time of nearly a year and a half, why he should not be suspended from the practice of law for 181 days for failing to abide by the conditions of this Court's Opinion and Order of August 16, 2018, made final on August 18, 2018. Specifically, Porter has failed to pay any of the \$55,613.22 he owes to various victims of his professional misconduct in the underlying case, to provide proof of such payments, or to explain adequately why he has not reported having made even a partial payment. The KBA's request for Porter's temporary suspension from the practice of law for 181 days is GRANTED.

¹ Porter's KBA member number is 88085. He maintains a bar roster address at 609 W. H. Dixon Boulevard, Paintsville, KY 41240.

As a condition to any consideration for resumption of the practice of law, it being the conditional terms of the disciplinary action against him as set out in our Order in August 2018, Porter must begin payment to his various former clients as set out in the order and provide proof to the KBA Office of Bar Counsel that he has begun to do so.

The Court now ORDERS that:

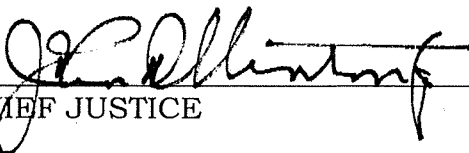
1. Porter is adjudged to be in violation of the conditional terms of the disciplinary action against him as set out in our Order dated August 16, 2018, and the KBA's motion for suspension is GRANTED.
2. Porter is suspended from the practice of law in the Commonwealth of Kentucky for 181 days, effective ten (10) days from the date of entry of this Opinion and Order, with the retraction of his right to practice conditioned on the fulfillment of the following terms:
 - a. That Porter commits no further breach of the Supreme Court Rules governing the Practice of Law.
 - b. That in accordance with SCR 3.510(3) he seeks and obtains recommendation from the Kentucky Bar Association's Character and Fitness Committee regarding his fitness to practice law, with special consideration and respect given to his ability and willingness, if any, to repay those clients he was adjudged responsible for restitution.
 - c. That Porter is directed to pay all costs associated with these and any other disciplinary proceedings against him which remain

unpaid and outstanding, for which execution may issue from this Court upon finality of this Opinion and Order.

- d. Should Porter violate any of the foregoing conditions during the 181-day period of suspension, the KBA may seek to revoke suspension and consider permanent disbarment.

All sitting. All concur.

ENTERED: AUGUST 26, 2021.



CHIEF JUSTICE