

# Supreme Court of Kentucky

2023-SC-0297-KB

KENTUCKY BAR ASSOCIATION

OCT 26 2023

RECEIVED IN BAR COUNSEL

INQUIRY COMMISSION

MOVANT

V.

IN SUPREME COURT

JARED ANDREW COX

RESPONDENT

## **OPINION AND ORDER**

Pursuant to SCR 3.165(1)(b), (c), and (d), the Inquiry Commission of the Kentucky Bar Association (KBA) has petitioned this Court to enter an order temporarily suspending Respondent, Jared Andrew Cox, from the practice of law in the Commonwealth of Kentucky. Cox was admitted to the practice of law in Kentucky on October 17, 2008. His KBA number is 92523 and his last known bar roster address is 14921 Landmark Dr., Louisville, Kentucky 40245.

The Inquiry Commission seeks the temporary suspension of Cox's license because there is probable cause to believe Cox's conduct poses a substantial threat of harm to his clients or the public. The Inquiry Commission further asserts Cox has been convicted of a crime and the actions leading to the conviction puts in grave issue whether Cox has the moral fitness to continue practicing law. The Inquiry Commission also asserts there is probable cause to believe Cox is addicted to intoxicants or drugs which deprives him of the physical and mental fitness to continue to practice law. Cox responded to the

petition, setting forth mitigating circumstances and arguing he should not be subject to the requested temporary suspension.

In its petition, the Inquiry Commission set forth the facts underlying its request for a temporary suspension. On September 6, 2022, Cox and his wife were involved in an altercation wherein Cox yelled at her, threw her onto the bed and floor, grabbed her arms and wrists, pushed her against a railing and walls, and choked her several times. Cox was admittedly in a heavily intoxicated state at the time of the incident. The following day, the Jefferson Family Court issued an Emergency Protective Order (EPO) in favor of Mrs. Cox and Cox was ordered to remain at least 500 feet away from her and refrain from any contact or communication. A three-year Domestic Violence Order (DVO) was subsequently entered on November 18, 2022, largely mirroring the EPO, but allowing Cox visitation with his daughter.

Contrary to the provisions of the DVO, Cox texted his wife on several occasions and mailed her multiple letters throughout November and December of 2022. On Christmas Eve, Cox was again intoxicated and went to the marital residence where his wife and daughter were living, forced entry into the basement, and threatened Mrs. Cox to not involve the police. He subsequently sent multiple text messages to his wife. On January 17, 2023, the Jefferson Family Court found Cox in contempt for violating the DVO and sentenced him to 180 days in jail. On February 6, 2023, Cox entered a guilty plea in Jefferson District Court to one count of violating a Kentucky EPO/DVO, and received a sentence of 275 days incarceration, with 95 days conditionally discharged for

two years, and he was given credit for 26 days already served.

While the DVO proceedings were pending, in early October of 2022, Cox was intoxicated and got into a physical altercation with management at a restaurant before leaving the establishment. Responding officers found Cox in his vehicle stopped in the middle of the roadway. He failed a series of field sobriety tests, refused to submit to a breath test, and was arrested. On February 21, 2023, Cox entered a guilty plea to operating a motor vehicle under the influence, first offense.

That same day, Cox was indicted by a Jefferson Circuit Grand Jury for one count each of strangulation in the first degree, burglary in the second degree, intimidating a participant in the legal process, terroristic threatening in the third degree, failure to notify address change to the Department of Transportation, and twelve counts of violating a Kentucky EPO/DVO. Those criminal charges remain pending. Upon receipt of all of this information, the Inquiry Commission filed the instant petition, alleging Cox poses a substantial threat of harm to his clients or the public, that he is addicted to intoxicants, and that he does not have the physical or moral fitness to continue to practice law.

In response, Cox acknowledges he has acted inappropriately but avers he maintains the moral fitness to continue practicing law, providing a lengthy recitation of the rehabilitation efforts he has undertaken. While in custody between January and June of 2023, Cox completed a 90-day "Chance for Change" substance abuse and addiction treatment program provided by the

Louisville Metro Corrections Department. He also completed Parenting Classes and the Soft Skills Academy. He received shock probation from his incarceration conditioned on his immediate entry into and completion of a 90-day in-patient recovery program at the University of Florida Health Recovery Center. That program was recommended to him by KYLAP and is designed for professionals to address addiction and underlying psychiatric health issues. Cox is nearing completion of the program and is building a support structure upon which he will rely upon his release and return to Kentucky.

Cox asserts he is implementing the recommendations of his treating healthcare professionals and is committed to maintaining his ongoing recovery. He does not discount the serious nature of his past actions, and states he now understands his issues with alcohol, anxiety and depression, and lack of coping skills were all major driving factors. He has a framework for after-care mechanisms and support structures which will be finalized once he is released from the in-patient treatment program, including weekly participation in AA, continued compliance with all treatment and counseling recommendations made by his healthcare providers, and entering a multi-year KYLAP agreement with additional counseling and therapy as required under that agreement. Cox avers he has “woken up” to his issues and has taken serious, aggressive, and sustained steps toward recovery and maintenance of sobriety.

Attached to his response are several affidavits from current clients relative to his representation and the desire of those clients to retain him as their counsel. It appears Cox’s clients have not directly suffered harm due to

his personal and legal struggles, which he has apparently candidly disclosed to them. He has also attached two affidavits from the director of the Chance for a Change program, an affidavit from a Board-Certified Specialist in Addiction Medicine from the University of Florida Health Recovery Center who has personal knowledge of Cox and his treatment at that facility, an affidavit from an attorney and Board member of Florida's Lawyers Assistance Program who is an alumni of the University of Florida treatment program and current leader of support group meetings for lawyers of which Cox has been a participant, and the results from neuropsychological testing performed at the University of Florida Health Recovery Center.

SCR 3.165(1)(b) permits the Inquiry Commission to petition this Court for an order of temporary suspension if "[i]t appears that probable cause exists to believe that an attorney's conduct poses a substantial threat of harm to his clients or to the public[.]" Further, SCR 3.165(1)(c) permits the temporary suspension of an attorney if he or she "has been convicted of a crime as set out in SCR 3.320 and it appears from the record of such conviction that the attorney has so acted as to put in grave issue whether he/she has the moral fitness to continue to practice law[.]" In addition, SCR 3.165(1)(d) permits temporarily suspending an attorney if "[i]t appears that probable cause exists to believe that an attorney is mentally disabled or is addicted to intoxicants or drugs and probable cause exists to believe he/she does not have the physical or mental fitness to continue to practice law." The Inquiry Commission believes the facts set forth above are sufficient to meet this burden in

requesting Cox be suspended pending the outcome of the disciplinary proceedings currently underway.

This Court has reviewed the allegations of the Inquiry Commission and Cox's response. While Cox has made admirable strides toward sobriety and rehabilitation, it is clear his actions leading to the petition filed by the Inquiry Commission are deeply troubling. Our review of the pending cases and allegations against Cox leads us to agree with the Inquiry Commission that probable cause exists to believe his conduct poses a substantial threat of harm to his clients and others. Further, his multiple violations of a DVO, failure to abide by other court orders, and conviction of a Class A misdemeanor indicates he has acted in a manner to put into issue his moral fitness to continue practicing law. *See Kentucky Bar Ass'n v. Cline*, 814 S.W.2d 925, 926 (Ky. 1991) ("[I]t is not necessary that the judgment of conviction *establish* that the attorney does *not* in fact possess the moral fitness required for practice. The rule is satisfied when it *appears* from the conviction that he has so *acted* as to create a grave *issue* as to his moral fitness."). In light of the numerous incidents cited by the Inquiry Commission regarding Cox's behavior, we agree that his license to practice law should be temporarily suspended pending disciplinary proceedings pursuant to SCR 3.165(1).

ACCORDINGLY, IT IS HEREBY ORDERED as follows:

1. Jared Andrew Cox is temporarily suspended from the practice of law in the Commonwealth of Kentucky, effective upon the date of entry of this order;

2. The temporary suspension shall automatically dissolve 180 days following the entry of this order, unless otherwise extended or dissolved by subsequent order of this Court;

3. Disciplinary proceedings against Cox may be initiated by the Inquiry Commission pursuant to SCR 3.160, unless already begun or unless Cox resigns under terms of disbarment;

4. Pursuant to SCR 3.165(4), Cox may request dissolution or amendment of the temporary suspension and may submit further evidence of rehabilitation or change in circumstances as he deems prudent. In the event such a request is filed, the Inquiry Commission shall file any response within 10 days, and the matter shall then be heard and determined as expeditiously as the ends of justice require;

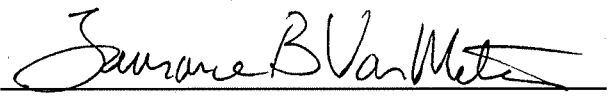
5. No later than 30 days prior to the expiration of the period of temporary suspension, the parties shall each file a status update regarding the progress of any disciplinary proceedings and setting forth their respective positions on whether the term of suspension should be extended, dissolved, or amended, and specifically addressing the issue of whether probable cause remains to believe Cox poses a substantial threat of harm to his clients or others;

6. Pursuant to SCR 3.165(5), Cox shall, within twenty (20) days from the date of the entry of this Opinion and Order, notify in writing all clients of his inability to provide further legal services and furnish the Director of the Kentucky Bar Association with copies of all such letters;

7. Pursuant to SCR 3.165(6), Cox shall immediately, to the extent reasonably possible, cancel and cease any advertising activities in which he is engaged.

All sitting. All concur.

Entered: October 26, 2023.

  
CHIEF JUSTICE