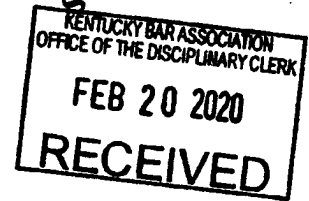


TO BE PUBLISHED

Supreme Court of Kentucky

2019-SC-000644-KB



JOSEPH W. BOLIN

MOVANT

V.

IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

RESPONDENT

OPINION AND ORDER

Joseph W. Bolin was admitted to practice law on August 1, 1971. His Kentucky Bar Association ("KBA") member number is 06130 and his bar roster address is 520 Main Street, Murray, KY 42071. Bolin moves this Court to accept his resignation from the Kentucky Bar under terms of permanent disbarment. The KBA states it has no objection to Bolin's motion. After review of the record, we grant Bolin's motion to resign under terms of permanent disbarment.

I. Factual and Procedural Background.

On August 20, 2019, Bolin pled guilty to two counts of Theft by Failure to Make Required Disposition of Property, a Class C Felony. KRS¹ 514.070. Bolin has two current pending disciplinary actions, KBA 18-DIS-0121 and KBA

¹ Kentucky Revised Statutes.

18-DIS-0129. KBA 18-DIS-0121 centers on his representation of Theresa Tucker after she was appointed executrix of her father, Harold V. Pitt's, estate. According to the KBA Charge, Bolin received funds from the sale of the decedent's home and the sale of his farm totaling over \$287,000 and told Tucker he had invested the money into textbooks. Bolin never distributed any funds to Tucker nor has he provided any proof that the textbooks exist or that he invested the money. The KBA charged Bolin on seven counts, including (1) SCR² 3.130(1.2)(a); (2) SCR 3.130(1.8)(a); (3) SCR 3.130(1.15)(a); (4) SCR 3.130(1.15)(d); (5) SCR 3.130(1.16)(d); (6) SCR 3.130(3.3)(a)(1); and (7) SCR 3.130(8.4)(c). Bolin admits to all seven counts in the aforementioned matter.

Bolin's second disciplinary action, KBA 18-DIS-0129, surrounds his involvement as personal representative of the Helen Hayden Estate. In early 2017, Bolin received over \$700,000 on behalf of the estate. After receiving the funds, Bolin filed a false estate inventory with the court, listing only \$40,000 held in financial accounts and a farm valued at \$71,000. Bolin also placed the estate funds into his own escrow account, falsely telling the probate court that the funds were held in a Texas branch of Chase Bank. Additionally, although Bolin told the beneficiaries, the court, and the KBA that he invested the funds, he has failed to provide any evidence of investment, nor was he authorized to invest the funds.

² Rules of the Kentucky Supreme Court.

On August 15, 2018, the Inquiry Commission issued a complaint against Bolin. The complaint alleged that Bolin had potentially violated five separate rules, including: (1) SCR 3.130(1.2)(a); (2) SCR 3.130(1.15(a); (3) SCR 3.130(1.15)(d); (4) SCR 3.130(3.3)(a)(1); and (5) SCR 3.30(8.4)(c). Bolin admits to all the above rule violations except SCR 3.130(1.2)(a), and requests its dismissal. The KBA does not object to Bolin's motion, and his discipline remains the same regardless. Therefore, we grant the dismissal of the SCR 3.130(1.2)(a) charge in the Helen Hayden Estate matter. Lastly, Bolin admits that by pleading guilty in his criminal case, he violated SCR 3.130(8.4)(b), our rule establishing professional misconduct on behalf of an attorney if he "commit[s] a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." Theft by Failure to Make Required Disposition of Property falls under this rule.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. Joseph W. Bolin is permanently disbarred from the practice of law in the Commonwealth of Kentucky, effective from the entry of this Opinion and Order;
2. Pursuant to SCR 3.390, Bolin shall, if he has not already done so, within ten (10) days from the entry of this Opinion and Order, notify all clients, in writing, of his inability to represent them; notify, in writing, all courts in which he has matters pending of his permanent disbarment from the practice of law; and furnish copies of all letters of notice to the Office of Bar Counsel. Furthermore, to the extent possible, Bolin shall

immediately cancel and cease any advertising activities in which he is engaged; and

3. In accordance with SCR 3.450, Bolin shall pay all costs associated with these disciplinary proceedings against him, and for which execution may issue from this Court upon finality of this Opinion and Order.

All sitting. All concur.

ENTERED: FEBRUARY 20, 2020.



CHIEF JUSTICE