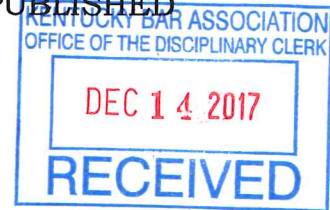


Supreme Court of Kentucky

TO BE PUBLISHED



2017-SC-000530-KB

DANNY PERKINS BUTLER
KBA MEMBER NO. 09930

MOVANT

V. IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

RESPONDENT

OPINION AND ORDER

Pursuant to SCR 3.480(3), Movant, Danny Perkins Butler, moves this Court to permit him to resign from the practice of law under terms of permanent disbarment for his admitted violations of the Rules of Professional Conduct. The Kentucky Bar Association (KBA) has no objection to the negotiated discipline.

Finding this agreed upon disciplinary sanction to be appropriate under the facts of this case, we grant Movant's motion. Movant's KBA member number is 09930 and his bar roster address is 118 N. Main Street, P.O. Box 250, Greensburg, Kentucky 42743. Movant was admitted to the practice of law in the Commonwealth of Kentucky on September 1, 1973.

Movant states in his motion that he has been indicted in the Hardin Circuit Court for two offenses, Theft by Unlawful Taking over \$10,000.00, and Theft by Failure to Make Required Disposition over \$10,000.00. These charges arose as a result of misappropriating a client's funds for his own use. As a result, Movant was temporarily suspended from the practice of law on April 27, 2017.

Movant has had an extensive disciplinary history including four private admonitions and a private reprimand with conditions. And as previously noted, the KBA has no objection to the proposed discipline. In support, the KBA cites two cases in which a voluntary disbarment was imposed. *Sexton v. Kentucky Bar Association*, 253 S.W.3d 54 (Ky. 2008); and *Doan v. Kentucky Bar Association*, 276 S.W.3d 826 (Ky. 2009). The movant in *Sexton* voluntarily resigned and was permanently disbarred after he pled guilty to federal indictments. The same sanction was granted in *Doan* after the movant had already resigned under terms of disbarment in Ohio as a result of allegations raised in an Ohio civil suit.

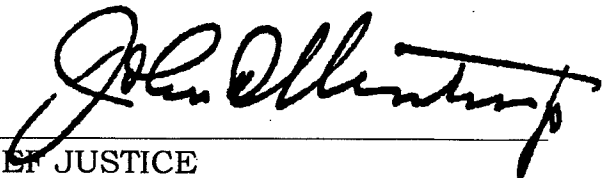
Accordingly, it is hereby ORDERED that:

1) Movant, Danny Perkins Butler, KBA Member No. 09930, is permanently disbarred from the practice of law in the Commonwealth of Kentucky, effective upon the date of entry of this order, pending further orders of this Court; and

2) Pursuant to SCR 3.450, Movant is directed to pay all costs associated with these disciplinary proceedings, effective upon the date of entry of this order, pending further orders of this Court.

All sitting. All concur.

ENTERED: December 14, 2017.



CHIEF JUSTICE

Supreme Court of Kentucky

2016-SC-000668-KB

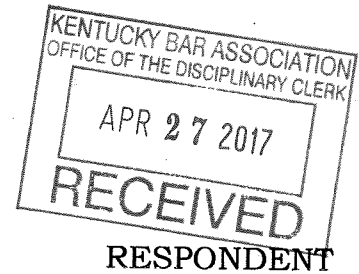
INQUIRY COMMISSION

MOVANT

V.

IN SUPREME COURT

DANNY PERKINS BUTLER
KBA NO. 09930



OPINION AND ORDER

The Inquiry Commission petitions this Court to temporarily suspend Danny Perkins Butler, a member of the Kentucky Bar Association, pursuant to Supreme Court Rules (SCR) 3.165(1)(a) and 3.165(1)(b), which permits temporary suspension if there is probable cause to believe that: Butler "has been misappropriating funds [he] holds for others to [his] own use or has been otherwise improperly dealing with said funds"; or Butler's "conduct poses a substantial threat of harm to his clients or to the public." The Commission claims that Butler was indicted in Hardin Circuit Court for Theft by Unlawful Taking over \$10,000, and Theft by Failure to Make Required Disposition over \$10,000.

In support of its petition, the Commission attached discovery received by Teresa Young, Office of the Commonwealth's Attorney for the Ninth Judicial Circuit, in *Commonwealth v. Danny Butler*, Hardin Circuit Case No. 16-CR-

0838. The Commission also attached to its petition the affidavit of Detective Bramlett Burton, Kentucky State Police, Post 15. According to Detective Burton, in the course of investigating a complaint against Butler, Detective Burton reviewed Butler's financial records and determined that Butler had received settlement funds in 2012, which he treated as his own funds and did not disclose to the client receipt thereof. Furthermore, Detective Burton's review of Butler's financial records indicates that Butler had additional clients who never received settlements or estate proceeds, and that he treated other clients' money as his own. Detective Burton's investigation resulted in the two indictments against Butler. We further note that, since Butler's arrest, the Federal Bureau of Investigation has received 115 complaints against him that warrant further investigation into his conduct.

After reviewing the petition, the attached discovery, and Detective Burton's affidavit, we believe the Commission has supplied us with a reasonable basis to believe that Butler misappropriated funds he held for others or has been otherwise improperly dealing with said funds, and poses a substantial threat of harm to his clients or to the public. SCR 3.165(1)(a); SCR 3.165(1)(b). Consequently, the Commission's petition for temporary suspension is granted.

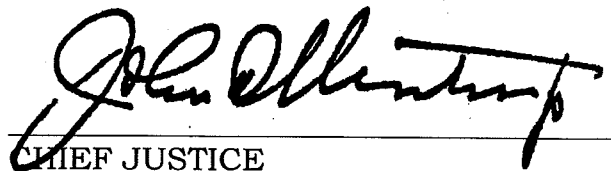
ACCORDINGLY, IT IS HEREBY ORDERED:

- (1) Butler is temporarily suspended from the practice of law in the Commonwealth of Kentucky, effective upon the date of entry of this order, pending further order from this Court;

- (2) Disciplinary proceedings against Butler may be initiated by the Inquiry Commission pursuant to SCR 3.160, unless already begun or Butler resigns under terms of disbarment;
- (3) Pursuant to SCR 3.165(5), Butler 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 Office of Bar Counsel with copies of all such letters;
- (4) Pursuant to SCR 3.165(6), Butler shall immediately, to the extent reasonably possible, cancel and cease any advertising activities in which he is engaged.

All sitting. All concur.

ENTERED: April 27, 2017.


CHIEF JUSTICE

KENTUCKY BAR ASSOCIATION

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FAX (502) 564-3225

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NOTICE OF SUSPENSION FOR NON-PAYMENT OF KENTUCKY BAR ASSOCIATION DUES FOR THE JULY 1, 2016 – JUNE 30, 2017 FISCAL YEAR

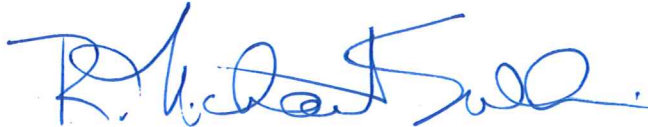
* * *

Upon notice of the Kentucky Bar Association, pursuant to SCR 3.050, advising the Board of Governors that the named members, attached as Exhibit A, have failed to make good their delinquency or to show cause by the return date of the rule issued on November 21, 2016, it is hereby made absolute that the named members are suspended from the practice of law in this Commonwealth until restored to membership by full compliance with SCR 3.500.

Pursuant to SCR 3.050, a copy of this Notice of Suspension shall be sent via United States mail by the Executive Director to the member, the Clerk of the Supreme Court of Kentucky, the Director of Membership, and the Circuit Clerk of the member's roster address district for recording and indexing. In addition, pursuant to SCR 3.390, within ten (10) days of the date of this notice, each of the suspended attorneys shall notify all Courts in which he/she has matters pending, and all clients for whom he/she is actively involved in litigation and similar matters, of his/her inability to continue representation and of the necessity and urgency of promptly retaining new counsel.

SCR 3.050 states a member may appeal such suspension to the Supreme Court of Kentucky within thirty (30) days of the date this Notice is recorded with the Kentucky Bar Association's membership records. "Such appeal shall include an affidavit showing good cause why the suspension should be revoked."

Dated the 20th day of January, 2017.



R. Michael Sullivan, President
Kentucky Bar Association

EXECUTIVE DIRECTOR'S SERVICE

Pursuant to SCR 3.050, I hereby certify a copy of the forgoing was mailed to the member, the Clerk of the Supreme Court of Kentucky, the Director of Membership, and the Circuit Clerk of the member's roster address district on the 20th day of January, 2017.



John D. Meyers, Executive Director
Kentucky Bar Association

UNPAID DUES

Less Than 5 Years (Code 1)	Greater Than 5 Years (Code 2)
Kandyce Kay Lykins	Kathi Michelle Adams
Kevin James Rich	Jerome Reid Baker, Jr.
Lewis James York	Thomas Earl Bartrum
	Britney Nicole Brigner
	William Joshua Brown
	Danny Perkins Butler
	Jason Thomas Butler
	Rebecca Ann Clark
	Stephen D. Driesler
	Kenneth Wayne Gollither
	David John Hoff
	Beverly Jo Knight
	Robert Lee McIntyre
	James Harris McTyier
	Maria Mignone
	Brandon Keith Mullis
	Judy Faye Norris
	Crystal Dawn Pomer
	Maryanna Robinson
	Kimberly Dnell Scott
	Jonathan Andrew Wright