TO BE PUBLISHED

Supreme Court of Kentucky

2000-SC-1087-KB

FINAL

DATE 3-5-2001 Jane Hall, D.C.

KENTUCKY BAR ASSOCIATION COMPLAINANT

V. IN SUPREME COURT

WILLIAM D. FAUSZ RESPONDENT

OPINION AND ORDER

On August 24, 2000, this Court entered an order suspending Respondent, William D. Fausz, Jr., indefinitely from the practice of law in Kentucky, pursuant to SCR 3.166(1), with suspension commencing on May 23, 2000 for his felony convictions of first-degree possession of a controlled substance and second-degree criminal possession of a forged instrument. Kentucky Bar Ass'n v. Fausz, Ky., 24 S.W.3d 666 (2000). The order also directed that inquiry proceedings be initiated against Respondent.

As a result of these proceedings, the Board of Governors of the Kentucky Bar Association found Respondent guilty of violating SCR 3.130-8.3(b) and (c), which provide, respectively, that it is professional misconduct for a lawyer to "[c]ommit a criminal act that reflects adversely on a lawyer's honesty, trustworthiness or fitness as a lawyer in other respects" and for a lawyer to "[e]ngage in conduct involving dishonesty,

fraud, deceit or misrepresentation." The Board of Governors voted unanimously to suspend Respondent from the practice of law for five years.

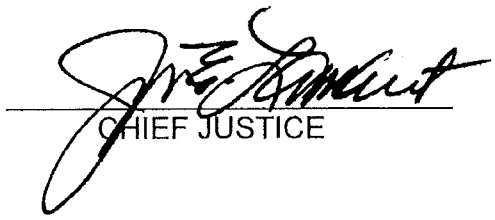
Based upon the foregoing facts and charges, it is ordered that the recommendation of the Board of Governors be adopted. It is further ordered that:

1. Respondent, William Fausz, Jr., of the last known address 71 Cavalier Boulevard, Suite 126, Florence, Kentucky 41042, is hereby suspended from the practice of law in the Commonwealth of Kentucky for a period of five (5) years, effective from May 23, 2000, the date on which the automatic suspension began.

2. In accordance with SCR 3.450, Respondent is directed to pay all costs associated with these disciplinary proceedings against him, said sum being $115.90, and from which execution may issue from this Court upon finality of this Opinion and Order.

All concur.

ENTERED: February 22, 2001.



CHIEF JUSTICE

TO BE PUBLISHED

Supreme Court of Kentucky

FINAL

2000-SC-0637-KB

DATE 9-5-2000 Lisa Hill, D.C.

KENTUCKY BAR ASSOCIATION — COMPLAINANT

V. — IN SUPREME COURT

WILLIAM D. FAUSZ, JR. — RESPONDENT

OPINION AND ORDER OF SUSPENSION

Respondent, William D. Fausz, Jr., whose last known address was in Florence, Kentucky, was admitted to the Kentucky Bar Association by order entered October 20, 1981.

On May 22, 2000, in the Kenton County Circuit Court, Respondent entered a plea of guilty to a charge of first-degree possession of a controlled substance and second-degree criminal possession of a forged instrument. These are felony offenses in violation of KRS 218A. 1415 and KRS 516.060.

SCR 3.166(1) provides that "[a]ny member of the Kentucky Bar Association who pleads guilty . . . [to] a felony as defined by KRS 500.080 shall be automatically suspended from the practice of law in this Commonwealth. The suspension shall take effect automatically beginning on the day following the plea of guilty . . . or upon the entry of judgment whichever occurs first." Therefore, as of May 23, 2000, Fausz was automatically suspended from the practice of law in Kentucky, which suspension shall remain in effect until dissolved or superseded by an order from this Court.

Pursuant to SCR 3.390, Fausz shall notify all his clients in writing of his inability to continue to represent them and shall furnish copies of all such letters to the Director of the Kentucky Bar Association. He must also make arrangements to return all active files to his clients or new counsel, to return all unearned attorney fees and client property to his clients, and he shall advise the Director of such arrangements within ten (10) days.

Disciplinary proceedings against Fausz shall be initiated by the Inquiry Tribunal pursuant to SCR 3.160, unless already begun or unless Fausz resigns under terms of disbarment.

All concur.

ENTERED: August 24, 2000.

