

TO BE PUBLISHED

Supreme Court of Kentucky

2013-SC-000154-KB

MAY 23 2013

KENTUCKY BAR ASSOCIATION

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V. IN SUPREME COURT

RODNEY S. JUSTICE
KBA Member No. 37124

RESPONDENT

OPINION AND ORDER

The Board of Governors of the Kentucky Bar Association (“the Board” and “KBA,” respectively) has recommended to this Court that Respondent, Rodney S. Justice, be suspended from the practice of law in Kentucky for a period of 30 days. Justice, whose KBA member number is 37124, was admitted to the practice of law on October 1, 1974. His Bar roster address is 1745 East Azafran Trail, San Tan Valley, Arizona 85140.

The allegations of misconduct arise from testimony that Justice gave on August 10, 2010 in a proceeding before the Boyd Circuit Court. A recitation of Justice’s disciplinary history is necessary to consideration of this matter. Justice was suspended from the practice of law for 30 days by Order of this Court dated August 24, 2006. Although Justice was technically eligible for automatic reinstatement pursuant to SCR 3.510(2), the Office of Bar Counsel (the “OBC”) objected based on the existence of pending complaints.

The objection was never withdrawn and the pending complaints ultimately resulted in Justice receiving two additional suspensions. On September 20, 2007, this Court suspended Justice for a period of 60 days. On January 21, 2010, we again suspended Justice for a period of 30 days.

Justice filed an application for reinstatement with the Kentucky Office of Bar Admissions on May 3, 2010. Since 1975, Justice has also been licensed to practice law in West Virginia. He received a Certificate of Good Standing from the West Virginia State Bar Association dated June 2, 2010. This certificate was added to his application for reinstatement. Later, on February 24, 2011, the West Virginia Court of Appeals imposed a reciprocal suspension arising from Justice's January 21, 2010 suspension in Kentucky.

Thus, on August 10, 2010, when Justice testified before the Boyd Circuit Court, his application for reinstatement to the KBA was pending. During the course of his testimony, Justice was asked when he was admitted to the practice of law, to which he replied, "1974." He was then asked when he stopped practicing law and Justice responded, "2006." The following exchange then occurred:

Q: Currently, are you suspended from the practice of law?

A: No.

Q: Just not actively practicing?

A: Correct.

The OBC considered this testimony to be false. The Inquiry Commission issued a two-count charge. Count I alleged a violation of SCR 3.130-3.3(a)(1),

which prohibits an attorney from "knowingly mak[ing] a false statement of fact or law to a tribunal or fail[ing] to correct a false statement of material fact or law previously made to a tribunal by the lawyer." Count II alleged that Justice had engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of SCR 3.130-8.4(c).

A trial commissioner was appointed, though a hearing was never conducted. Instead, the parties entered joint stipulations as to the facts. The trial commissioner ultimately found Justice not guilty of both counts in the charge. The thrust of the trial commissioner's ruling was that Justice's statements were not false because at the time of his testimony he was licensed to practice law in West Virginia. Further, the trial commissioner was persuaded by the fact that Justice's suspensions were for definite periods of time which had passed and his reinstatement application was pending.

The OBC filed a notice of appeal and the Board of Governors considered the matter de novo. By a vote of 12-4, the Board found Justice guilty of both counts. The Board rejected the OBC's request for a suspension of 61 days, instead recommending a 30-day suspension. Neither Justice nor the OBC has filed a notice of review pursuant to SCR 3.370.

We agree with the Board that Justice's testimony was false. On August 10, 2010, Justice replied in the negative when asked if he was suspended from the practice of law. Indeed, he *was* suspended from the practice of law. He was suspended from the practice of law in Kentucky. The fact that an application for reinstatement was pending might have provided more detail to

his response, but it does not change the reality that he was not then permitted to practice law in Kentucky. Justice was not eligible for automatic reinstatement by virtue of the OBC's objection, which had not been withdrawn. See SCR 3.510(2). An attorney who has been suspended may not practice law while an application for reinstatement is pending. SCR 3.130-5.5(a). Simply put, the suspended attorney is suspended until reinstated.

Also irrelevant is the fact that, at the time of his testimony, Justice was a member in good standing of the West Virginia State Bar Association. Justice was not asked whether he was suspended from the practice of law *in West Virginia*. He was simply asked whether he was suspended from the practice of law. We also note that the overall context of Justice's entire testimony strongly suggests that both the examining attorney and Justice understood the questions to be in reference to Justice's practice of law in Kentucky, not West Virginia.


Furthermore, we accept the Board's recommended sanction. We have imposed a 30-day suspension in similar cases. See *Kentucky Bar Ass'n v. Callihan*, 236 S.W.3d 608 (Ky. 2007) (attorney suspended from practice for 30 days for three ethical violations arising from misrepresentations regarding his suspension for non-payment of dues). Therefore, pursuant to SCR 3.370(10), this Court adopts the decision of the Board and hereby ORDERS that:

1. Rodney S. Justice, KBA Member No. 37124, is guilty of violating SCR 3.130-3.3(a)(1) and SCR 3.130-8.4(c) as set forth herein;

2. Justice is hereby suspended from the practice of law in the Commonwealth of Kentucky for a period of thirty (30) days. Said suspension is to be served concurrently with any and all suspensions ordered prior to this date; and
3. Pursuant to SCR 3.450, Justice shall pay the costs of this disciplinary proceeding, said sum being \$643.46, for which execution may issue from this Court upon finality of this Opinion and Order.

All sitting. All concur.

ENTERED: May 23, 2013.


CHIEF JUSTICE

TO BE PUBLISHED

Supreme Court of Kentucky

OFFICE OF THE CLERK
OFFICE OF THE DISCIPLINARY BOARD

2009-SC-000689-KB

JAN 21 2010

KENTUCKY BAR ASSOCIATION

MOVANT

V.

IN SUPREME COURT

RODNEY S. JUSTICE

RESPONDENT

OPINION AND ORDER

On October 19, 2009, the Board of Governors filed its findings of fact, conclusions of law, and disciplinary recommendation in the Kentucky Bar Association (KBA) case involving Rodney S. Justice, whose KBA member number is 37124 and whose bar roster address is 628 Amanda Furnace Drive, Ashland, Kentucky, 41101. In this recommendation, the Board ultimately determined that Justice was guilty of violating SCR 3.130-1.16(d). The Board concluded that in light of this ethical violation and Justice's prior disciplinary history, Justice should be suspended from the practice of law in this Commonwealth for thirty days, refund an unearned fee in the amount of \$4000 to his client, Alta Galloway, and attend the KBA Ethics and Enhancement

Program. Neither the KBA nor Justice has filed a notice requesting this Court to review the Board's decision as allowed by SCR 3.370(8). Further, this Court declines to review the Board's decision under SCR 3.370(9). Therefore, pursuant to SCR 3.370(10), this Court adopts the Board's decision and recommended discipline.

On July 14, 2004, Alta Galloway hired Justice to probate her deceased father's estate and she paid him \$500 as a retainer for his representation.¹ Although Justice did not provide Galloway with a written fee arrangement, he informed her that his fee would be five percent of the value of the estate. While Justice continued to work on probating Galloway's father's estate, he also provided advice and services to Galloway involving other issues, such as the care, claims, and debts of Galloway's mother, who was in a nursing home and in poor health. Justice testified that during this time, Galloway came to his office on a monthly basis, he spoke with her face-to-face on at least ten occasions, and he had numerous telephone conversations with her.

On November 29, 2005, Galloway's mother, Alta M. James, passed away. Galloway sought Justice's representation in probating her mother's estate and paid him \$5000 for this service. On January 30, 2006, Galloway paid Justice an additional \$4000 to close out both estates.² In August 2006, this Court

¹ Galloway's father, Frank James, Jr., passed away on May 20, 2003, and because Galloway's mother was in poor health, Galloway was appointed as the executrix of her father's estate. At the time James' will was probated, Roger R. Cantrell represented his estate.

² The memo line on Galloway's \$4000 check to Justice states that this payment was to "Close out Est. of Frank James," but Justice testified that this payment was a combined fee for both estates.

suspended Justice from the practice of law for thirty days due to his violations of four Rules of Professional Conduct in failing to diligently represent a different client and failing to refund the client's unearned fee until a bar complaint was issued against him. KBA v. Justice, 198 S.W.3d 583 (Ky. 2006). Although Justice stated that he mailed a letter to Galloway informing her of this suspension, she alleged that she did not receive the letter. However, Galloway stated that she knew of Justice's suspension from other sources. After Justice's suspension, Galloway obtained a new attorney, Frank H. Warnock. Galloway paid Warnock \$1200, and her parents' estates were closed on April 19, 2007. Subsequently, Galloway's daughter, Madlyn Zaiser, filed a complaint with the Client Security Fund of the KBA alleging that Justice failed to complete the estates of her grandparents, failed to return her mother's phone calls, and charged an unreasonable fee for his representation.

On December 23, 2008, the Inquiry Commission charged Justice with violating four Kentucky Rules of Professional Conduct based on his representation of Galloway: SCR 3.130-1.3 (diligence) for failing to perform any substantial work toward the probate of either estate, SCR 3.130-1.4(a) (communication) for failing to return multiple phone calls from Galloway and to keep her informed of the status of the estates, SCR 3.130-1.5(a) (fees) for unreasonably charging \$9500 in the probate of the two uncomplicated estates, and SCR 3.130-1.16(d) (terminating representation) for failing to return an unearned portion of the fee upon the termination of his representation of Galloway. After Justice filed an answer denying the charges, a trial

commissioner was appointed and a hearing held on March 31, 2009. On June 26, 2009, the trial commissioner filed a thirty-page report with the Disciplinary Clerk.

Regarding her factual findings, the trial commissioner found that although Justice “did not perform any services to advance the completion of the estate of Frank James,” Justice’s reasons for not pursuing the closure of Mr. James’ estate, such as protecting the estate from claims of Mrs. James and anticipating Mrs. James’ death and the administration of her estate in the near future, were not unreasonable under all the circumstances. Regarding Galloway’s mother’s estate, the trial commissioner found that Justice commenced probating Mrs. James’ estate in a reasonable fashion after considering Galloway’s specific request for Justice to delay the closing of her mother’s estate due to her fear of losing her social security benefits and medical card. The trial commissioner found that Mr. James’ estate was valued at \$187,000, and Mrs. James’ estate was valued at \$107,000; that Justice did attempt to notify Galloway in a timely fashion of his August 2006 suspension and his inability to complete her probate matters; and that although Galloway never asked Justice to refund any of the legal fees, Justice did not offer her a refund of any unearned fee.

The trial commissioner then concluded that even though the “wait and see” approach may have been reasonable up to a point, Justice nonetheless violated SCR 3.130-1.3 with respect to his work on Galloway’s father’s estate because at least at the point of Mrs. James’ death, Mr. James’ estate should

have been closed. The trial commissioner concluded that with respect to Galloway's mother's estate, however, Justice did not violate SCR 3.130-1.3. The trial commissioner also found that even though charging five percent of a decedent's estate is a reasonable method for calculating a fee, Justice violated SCR 3.130-1.5(a) in this instance by charging \$9500 for probating two uncomplicated estates. Regarding the allegation of violating SCR 3.130-1.16(d), the trial commissioner concluded that when Justice realized he could not complete the closure of Mr. and Mrs. James' estate, he should have reviewed the status of each estate, the amount of fees he had collected thus far, and offered a reasonable refund to Galloway. Thus, the trial commissioner found that Justice violated SCR 3.130-1.16(d). Although she found Justice guilty of violating SCR 3.130-1.3, 1.5(a), and 1.16(d), the trial commissioner found that Justice did not violate SCR 3.130-1.4(a) because there was not sufficient evidence to establish that Justice had failed to return multiple phone calls or failed to keep Galloway apprised of the status of her parents' estates. The trial commissioner recommended that Justice be suspended for 181 days and refund \$7500 to Galloway.

Following the entry of the trial commissioner's report, Justice filed a notice of appeal pursuant to SCR 3.360(4). After Justice and the KBA tendered briefs with the Board of Governors and presented oral arguments, the Board filed its findings of facts, conclusions of law, and disciplinary recommendation on October 19, 2009. A majority of the Board members agreed with the trial commissioner that Justice was not guilty of violating SCR 3.130-1.4(a) and that

Justice was guilty of violating SCR 3.130-1.16(d). However, the Board concluded by a vote of 15-2 and 17-0 that Justice was not guilty of violating SCR 3.130-1.3 and SCR 3.130-1.5(a), respectively.

Disagreeing with the trial commissioner on these two charges, the Board first explained that even though the trial commissioner found that Justice had not taken reasonable steps to complete Mr. James' estate, trial testimony revealed that Galloway had asked Justice not to conclude her father's estate because of her concerns regarding her mother's ability to receive nursing home care and her own ability to receive social security benefits once Mr. James' estate was closed. Galloway also testified that she was not concerned with how long it took Justice to complete the estates. Thus, the Board concluded that Justice acted with reasonable diligence under the circumstances of the case in working on Mr. James' estate and did not violate SCR 3.130-1.3. Further, the Board found that because Mr. Warnock, the attorney Galloway hired after learning of Justice's suspension, Justice, and the trial commissioner all recognized that charging a percentage of the value of an estate was not uncommon in probate cases, charging five percent of the total value of the estate in this instance was not an unreasonable fee. Therefore, the Board found that Justice's fee was not unreasonable and that he did not violate SCR 3.130-1.5(a).

In agreeing with the trial commissioner, the Board concluded that because trial testimony indicated that Justice spoke with Galloway and met with her in his office on numerous occasions, he communicated adequately

with her and did not violate SCR 3.130-1.4(a). The Board also agreed, however, that Justice was guilty of SCR 3.130-1.16(d) because he failed to return an unearned portion of his fee upon the termination of his representation of Galloway. The Board acknowledged that after Justice received his order of suspension, he should have refunded any portion of the fee which would not be earned due to his inability to continue working on the estate cases. Even though Galloway never requested a refund, Justice was required to refund any unearned fee by SCR 3.130-1.16(d), and his failure to do so constitutes a violation of that ethical provision.

When considering the appropriate sanction to recommend, the Board noted Justice's prior disciplinary history. During the time period from 1994 to 1998, the Inquiry Commission privately admonished Justice on four occasions for violating SCR 3.130-1.3 (diligence). As noted above, in August 2006, this Court suspended Justice from the practice of law in this Commonwealth for thirty days for violating SCR 3.130-1.3, 1.4(a) and (b), 1.15(a), and 1.16(d) during his representation of two clients bringing a civil action against the Carter County Board of Education. KBA v. Justice, 198 S.W.3d 583 (Ky. 2006). In addition, in September 2007, this Court suspended Justice for sixty days for violating SCR 3.130-1.1, 1.3, 1.4(a), and 1.16(d) during his appellate representation of Phillip Blevins. KBA v. Justice, 232 S.W.3d 527 (Ky. 2007). According to the trial commissioner's report and the KBA's brief, Justice has

remained suspended from the practice of law since his initial suspension in August 2006 due to other pending disciplinary matters. In light of Justice's single violation and his disciplinary history, a majority of the Board of Governors recommended that Justice be suspended from the practice of law for thirty days, refund \$4000 to Galloway, attend the KBA Ethics and Professionalism Enhancement Program, and pay the costs associated with this proceeding.³

Having reviewed the trial testimony and the trial commissioner's report, this Court agrees with the Board's conclusions that Justice did not violate SCR 3.130-1.3, 1.4(a), or 1.5(a) in his representation of Galloway and her parents' estates. Justice acted reasonably in his representation considering Galloway's request that Justice delay the completion of her father's estate; Justice communicated adequately with Galloway given his numerous phone conversations and face-to-face meetings with her; and Justice did not charge an unreasonable fee in requiring Galloway to pay five percent of the value of the estate.⁴ We also agree, however, that Justice did violate SCR 3.130-1.16(d) when he failed to reassess the status of Galloway's parents' estates after his August 2006 suspension and failed to return the portion of the fee that he would not earn due to his inability to close Mr. and Mrs. James' estates.

³ Although fourteen Board members recommended this discipline, one member voted to suspend Justice for thirty days and require him to refund \$1200 to Galloway, and two members voted for no sanction to be imposed.

⁴ This Court is not adopting a rule that charging a 5% fee is per se reasonable, and rather, suggests that in the future parties refer to SCR 3.130-1.5 for determining a reasonable fee.

Regarding the Board's recommended sanction, although this Court is concerned by Justice's serious prior disciplinary history, we acknowledge that in this case, Justice committed only one of the four counts charged, SCR 3.130-1.16(d). Further, because Justice will likely remain suspended from the practice of law for longer than the thirty-day period imposed in this Order due to his pending disciplinary matters, this Court declines to review the Board's disciplinary recommendation pursuant to SCR 3.370(9) and deems it to be appropriate given the facts of this case.⁵ Therefore, it is hereby ORDERED that:

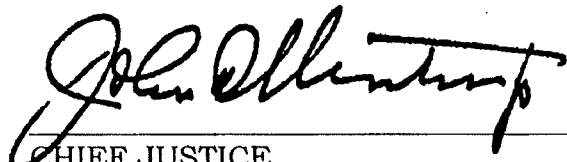
1. Rodney S. Justice is guilty of violating SCR 3.130-1.16(d) as charged in KBA File 15510.
2. Rodney S. Justice is suspended from the practice of law in the Commonwealth of Kentucky for a period of thirty (30) days, effective from the date of this order.
3. Rodney S. Justice is directed to pay \$4000 to Alta Galloway.
4. Rodney S. Justice is directed to attend the KBA Ethics and Professionalism Enhancement Program (EPEP).
5. In accordance with SCR 3.450, Justice is directed to pay all costs associated with these disciplinary proceedings in the amount of

⁵ This Court notes that although the KBA argued to the Board of Governors that the trial commissioner's report should be adopted, which included a 181-day suspension, the KBA has not filed a notice with this Court challenging the Board's recommended 30-day suspension.

\$2,314.30, for which execution may issue from this Court upon finality
of this Opinion and Order.

All sitting. All concur.

ENTERED: January 21, 2010.


CHIEF JUSTICE

TO BE PUBLISHED

Supreme Court of Kentucky **FINAL**

2007-SC-000204-KB

DATE 10-2-07 E.A. Grouff, D.C.

RODNEY S. JUSTICE

MOVANT

V.

IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

RESPONDENT

OPINION AND ORDER

The Kentucky Bar Association (KBA) brought this action against Movant, Rodney S. Justice, for violations of SCR 3.130-1.1, SCR 3.130-1.3, SCR 3.130-1.4(a), and SCR 3.130-1.16(d). Justice, KBA Member No. 37124, has a last known address of P. O. Box 1895, Ashland, Kentucky, 41105. For the reasons set forth herein, Justice is suspended from the practice of law for a period of sixty days.

Justice was retained by Phillip Blevins to file an appeal from an unfavorable unemployment insurance award, and was paid two hundred dollars (\$200.00) for this purpose. Justice filed the appeal request six days late and the appeal was dismissed as untimely. Thereafter, Justice filed an appeal and was notified that he had ten days to submit a brief. He failed to do so. A month later, the Unemployment Commission adopted the original findings denying Blevins benefits.

Still, Justice agreed to appeal the matter to the circuit court. Twenty days after the deadline to file such an appeal had passed, Blevins called Justice and was informed that he had not filed the appeal because he "did not want to waste [his] time." Blevins

contacted Justice again some three months later, expressing his dissatisfaction and requesting the return of his \$200.00 retainer. Justice did not return the fee. Blevins contacted the Kentucky Bar Association and filed a complaint, which resulted in the present charge, consisting of four counts. After Justice was served with the Bar's complaint, he returned Blevins' fee.

Count One is that Justice violated SCR 3.130-1.1 by failing to competently represent his client when he did not take immediate action to file an appeal. Count Two charges that Justice failed to exercise reasonable diligence, in violation of SCR 3.130-1.3, when he failed to file Blevins' appeal and to submit a brief with the appeal. He also violated this provision by failing to appeal the matter to the circuit court. By Count Three, Justice is charged with a violation of SCR 3.130-1.4(a) where he failed to keep Blevins informed of the status of his case, and also misrepresented to Blevins that he had intended to file an appeal to the circuit court. Finally, Count Four alleges that Justice violated 3.130-1.16(d) when he failed to promptly return the unearned fee following Blevins' request.

Thereafter, Justice admitted that he violated the above stated rules and moved this Court to suspend him from the practice of law for a period of thirty days. The KBA did not object to this motion. Upon our initial review of the matter, we concluded that a thirty-day period of suspension was inadequate, particularly in light of Justice's significant disciplinary history. On August 24, 2006, this Court suspended Justice from the practice of law for thirty days for conduct nearly identical to that recited herein. See KBA v. Justice, 198 S.W.3d 583 (Ky. 2006). In addition, Justice has been privately reprimanded by the Inquiry Commission on four prior occasions, each for failing to exercise reasonable diligence in representing a client and for failing to adequately

communicate with clients. For these reasons, we were unable to agree with the KBA that a thirty-day suspension is the appropriate discipline in this case.

Accordingly, by Order dated May 17, 2007, we informed Justice of the proposed suspension of sixty days and afforded him the opportunity to object. Justice has not submitted any such response or otherwise objected to the imposition of a sixty-day suspension, thus indicating his willingness to accept this disposition. Likewise, the KBA has no objection to the imposition of a sixty-day suspension.


Based on the foregoing, it is ordered that:

1. Movant, Rodney S. Justice, is hereby suspended from the practice of law in the Commonwealth for a period of sixty (60) days, effective from the date of reinstatement in his prior suspension, which became effective on August 24, 2006.
2. In accordance with SCR 3.450, Justice must pay all costs associated with these proceedings, said sum being \$34.66, and for which execution may issue from this Court upon finality of this Opinion and Order.

Lambert, C.J.; Cunningham, Minton, Noble, Schroder, Scott, JJ., concur.

Abramson, J., not sitting.

ENTERED: September 20, 2007.



CHIEF JUSTICE

TO BE PUBLISHED

Supreme Court of Kentucky **FINAL**

NO. 2006-SC-000522-KB

DATE 9-6-06 EJA/AG/aw/HPG

KENTUCKY BAR ASSOCIATION

APPELLANT

V.

IN SUPREME COURT

RODNEY S. JUSTICE

APPELLEE

OPINION AND ORDER

Rodney S. Justice, KBA Member No. 37124, whose last known address is P.O. Box 1895, Ashland, Kentucky 41105, has moved to terminate Kentucky Bar Association disciplinary proceedings against him by consenting to a thirty-day suspension from the practice of law. The KBA has no objection to Justice's request.

The disciplinary proceedings stem from Justice's agreement to represent James Burton and James Flaucher in a civil action against the Carter County Board of Education to challenge the sale of surplus realty. Flaucher paid Justice a \$1500 retainer fee, but the representation agreement was not reduced to writing. Justice filed a complaint in the Carter Circuit Court, and the Board responded with a motion to dismiss. Despite being noted on the certificate of service on the motion to dismiss, Justice did not respond to the Board's motion; and he did not attend the circuit court hearing on it. Justice did not notify his clients of the filing of the motion, and he

did not inform them of the hearing date. Following the hearing, the circuit court granted the motion dismissing Burton and Flaughers' complaint, with prejudice.

Justice did not inform his clients of the dismissal of their suit until Burton obtained a copy of the order six months later while he was picking up his file at Justice's office. Burton and Flaughers then wrote Justice a letter, demanding the return of their \$1500 retainer fee. Although Justice ultimately refunded the retainer, he did not respond to Burton and Flaughers' demand until after they initiated a bar complaint against him.

Based on these allegations, the KBA's Inquiry Commission charged Justice with five counts of misconduct. First, the Commission charged that Justice violated Kentucky Supreme Court Rule (SCR) 3.130(1.3) when he failed to file a response to the motion to dismiss and failed to attend the hearing on that motion. Second, the Commission charged Justice with violating SCR 3.130(1.4)(a) when he failed to advise his clients of the making and granting of the motion to dismiss until approximately six months after the case was dismissed. Third, the Commission charged that Justice violated SCR 3.130(1.4)(b) when he failed to communicate to his clients the steps necessary to respond properly to the motion to dismiss. Fourth, the Commission charged that Justice violated SCR 3.130(1.15)(a) when he placed the unearned \$1500 retainer into his general operations account when it did not qualify as a valid nonrefundable retainer. Fifth, the Commission charged Justice with violating SCR 3.130(1.16)(d) when he failed to refund any unearned portion of his fee until he had been served with a bar complaint. Justice admits to the substance of these charges in his motion for suspension from the practice of law.

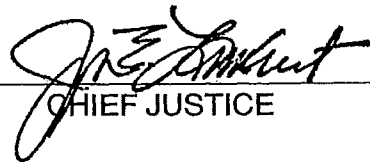
Despite the fact that he is an experienced attorney, having been admitted to the practice of law in October 1974, this is not Justice's first brush with the attorney discipline system. Justice has been privately reprimanded by the Commission on four previous occasions for such matters as failing to exercise reasonable diligence in representing a client and for failing adequately to communicate with a client.

Based upon the foregoing, it is ordered that:

1. Movant, Rodney S. Justice, is hereby suspended from the practice of law in the Commonwealth of Kentucky for a period of thirty (30) days, effective from the date of this order.
2. In accordance with SCR 3.450, Justice must pay all costs associated with these disciplinary proceedings against him, said sum being \$27.26, and for which execution may issue from this Court upon finality of this Opinion and Order.

All concur.

ENTERED: August 24, 2006.


CHIEF JUSTICE

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