

Supreme Court of Kentucky

FINAL

2004-SC-0758-KB

DATE 2-1-05 ELAGrouitt, D.C.

KENTUCKY BAR ASSOCIATION

MOVANT

V.

IN SUPREME COURT

LAWRENCE HEMMING
(KBA MEMBER NO. 89198)

RESPONDENT

OPINION AND ORDER

In an Opinion and Order entered January 20, 2005, this Court adopted the conclusion of the Kentucky Bar Association (KBA) Board of Governors that Respondent, Lawrence Hemming, had violated SCR 3.130-8.3(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects). Ky. Bar Ass'n v. Hemming, 152 S.W.3d 865 (Ky. 2005). We ordered Respondent's suspension from the practice of law for a period of thirty (30) days, with said suspension probated for two years on the condition that Respondent enroll in the Kentucky Lawyer Assistance Program within thirty (30) days of the Order's entry. Id. We further ordered Respondent to continue participating in the Program for at least two years. Id.

After Respondent failed to enroll in the Program and did not communicate with the KBA about his enrollment in the Program, we issued a Show Cause Order on April 21, 2005, providing Respondent thirty (30) days to show cause why his probation

should not be revoked and his suspension imposed. Respondent has not replied. Accordingly, upon motion of the KBA, it is hereby ordered that Respondent, Lawrence Hemming, is suspended from the practice of law in the Commonwealth of Kentucky, effective the date of this order, for a period of thirty (30) days.

All concur.

ENTERED: August 25, 2005.



CHIEF JUSTICE

Supreme Court of Kentucky

FINAL

2004-SC-0758-KB

DATE 2-1-05 EIA Groutt, D.C.
PETITIONER

KENTUCKY BAR ASSOCIATION

V.

IN SUPREME COURT

LAWRENCE HEMMING
(KBA MEMBER NO. 89198)

RESPONDENT

OPINION AND ORDER

On April 27, 2003, Respondent assaulted his mother at her home and caused her a minor physical injury. Respondent's father also received minor injuries in the assault. On May 9, 2003, Respondent pled guilty to the charge of assault in the fourth degree regarding his mother. The charge of assault regarding his father was dismissed. Respondent was sentenced to a twelve-month term of incarceration, with 90 days to serve in the Jefferson County Community Corrections Center. The Court probated the remainder of Respondent's sentence for a period of two years supervised probation. Respondent also underwent thirty days of inpatient domestic violence offender treatment, substance/alcohol abuse evaluation/treatment, and psychiatric evaluation/treatment following the 90 days home incarceration.

By letter dated May 14, 2003, Respondent informed the Kentucky Bar Association of his criminal conduct and conviction. Respondent expressed regret for his actions and pledged cooperation to the Kentucky Bar Association in its inquiry into this

matter. The Inquiry Commission thereafter issued a Complaint against Respondent on July 21, 2003, which evoked no response from Respondent. A letter was then sent to Respondent on September 23, 2003, alerting him of his failure to respond. Again, he did not respond.

The Inquiry Commission charged Respondent with a violation of SCR 3.130-8.3(b) (Count I), for the domestic abuse that occurred on April 27, 2003, and with a violation of SCR 3.130-8.1(b) (Count II), for not responding to requests for information. However, the Board of Governors concluded that Respondent's letter reporting his misconduct, under these circumstances, was tantamount to filing a response to the Bar Complaint. As such, Respondent was found not guilty of violating SCR 3.130-8.1(b) and guilty of violating SCR 3.130-8.3(b). Accordingly, it is hereby ordered that:

1. Respondent, Lawrence Hemming, is suspended from the practice of law for thirty days with said suspension probated for a period of two years supervised probation, on the condition that Respondent enroll in the Kentucky Lawyers Assistance Program within 30 days following entry of this Court's Order.
2. Respondent continue to participate in the Kentucky Lawyers Assistance Program as prescribed by the Program for at least two years. Should Respondent fail to enroll in the Program or fail to continue to participate in the Program for the mandated length of time, the thirty-day suspension shall be enforced.
3. Pursuant to SCR 3.450, Respondent is directed to pay all costs associated with these disciplinary proceedings in the amount of \$157.60, for which execution may issue from this Court upon finality of this Opinion and Order.

All concur.

ENTERED: January 20, 2005.



CHIEF JUSTICE