

Supreme Court of Kentucky

JUN 11 2006

2005-SC-0908-KB

DATE 1-31-06 E. A. Gray, Jr., D.C.

KENTUCKY BAR ASSOCIATION

MOVANT

V.

IN SUPREME COURT

JAMES BASIL GRAY

RESPONDENT

OPINION AND ORDER

This matter is before the Court on the motion of the Kentucky Bar Association (KBA) for an Order of temporary suspension of the Respondent, James B. Gray, KBA Member No. 88427, of Independence, Kentucky. The Court grants the motion in accordance with SCR 3.166 due to Respondent's felony conviction in the Kenton Circuit Court.

On October 27, 2005, Respondent pled guilty to Theft of a Controlled Substance with a Value of \$300 or Less, a Class D felony. KRS 218A.1418. On October 28, 2005, he was granted pretrial diversion.

Any member of the Kentucky Bar Association who pleads guilty to, or is convicted by a judge or jury of, a felony in this State or in any other jurisdiction 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 finding of guilt by a judge or jury or upon the entry of judgment whichever occurs first.

SCR 3.166(1). The suspension required by this rule is not affected by the

fact that the member was subsequently granted a pretrial diversion. Ky. Bar Ass'n v. Haggard, 57 S.W.3d 300, 302 (Ky. 2001).

ACCORDINGLY, IT IS HEREBY ORDERED:

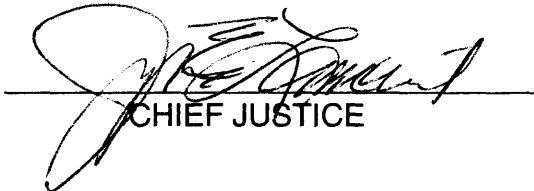
(1) That Respondent was suspended from the practice of law in the Commonwealth of Kentucky from October 28, 2005, "the day following the plea of guilty;"

(2) That this suspension will continue until superseded by subsequent order; and

(3) In accordance with SCR 3.166(4) and 3.390, Respondent shall, within ten days from the entry of this Opinion and Order, notify in writing all courts in which he may have matters pending, and all clients for whom he is actively involved in legal representation, of his inability to provide further legal services, and he shall furnish the Director of the Kentucky Bar Association with a copy of all such letters. Furthermore, Respondent shall make arrangements to return all active files to the clients or to new counsel, shall return all unearned attorney fees and client property to the client, and shall advise the KBA Director of such arrangements within the same ten day period.

All concur.

ENTERED: January 19, 2006.


CHIEF JUSTICE