

Supreme Court of Kentucky **FINAL**

2005-SC-000921-KB

DATE 1-31-06 ELAG:ca:HT,DC.

KENTUCKY BAR ASSOCIATION

MOVANT

V.

IN SUPREME COURT

GARY L. GREENWELL

RESPONDENT

OPINION AND ORDER

On November 5, 2005, a Show Cause Order was served upon Respondent, Gary L. Greenwell, whose bar roster address is 217 Fairmeade Road, Louisville, KY 40207, for his non-payment of bar dues and non-compliance with continuing legal education requirement. Mr. Greenwell is deficient 7.25 credits and is in non-compliance with the minimum annual continuing legal education requirements (MCLE) of SCR 3.661 for the 2004-2005 educational year and has not certified any credits to remedy this deficiency.

Beginning May 2005, the Kentucky Bar Association Continuing Legal Education Commission sent five written notices concerning Mr. Greenwell's deficiency by mail. In addition to these written notifications, the Assistant CLE Director attempted to contact Mr. Greenwell by telephone at his home. On September 10, 2005, the Assistant Director left a voicemail message for a return call. Again, the Assistant Director called the same number on October 6, 2005 and left another message to return the call. On the next day, the Assistant

Director tried, yet again, to contact Mr. Greenwell and left a message with a woman who answered the phone; Mr. Greenwell did not return either call.

One week later the Assistant Director again called Mr. Greenwell and left a message for a return call. Another week later, Mr. Greenwell finally returned the call and told the Assistant Director he wanted to put his license “into retirement” because he does not practice law and does not wish to pursue his legal career. The Assistant Director told Mr. Greenwell that to do so, he would have to file a motion to withdraw as soon as possible so as to avoid certification for CLE non-compliance. The Assistant Director transferred Mr. Greenwell to Karen Cobb in the KBA Membership Department for information and forms regarding withdrawal from membership.

In response to the Show Cause Order and the conversations with the Assistant Director, Mr. Greenwell wrote a letter, filed by the Court on November 22, 2005 to Paula Yeast stating that he wished to retire or withdraw his bar license due to retirement. Mr. Greenwell stated he had never actually practiced law, because he was a registered Architect. All dues and late fees were paid in full, although he has still not completed the CLE requirements for the past year.

The Commission has asked this Court to suspend Mr. Greenwell’s license for his failure to obtain any credits to cure his 2004-2005 deficiency and his failure to show cause why he should not be suspended from the practice of law pursuant to SCR 3.669(4).

Accordingly, on motion of the Kentucky Bar Association CLE Commission pursuant to SCR 3.669, it is ordered that Respondent, Mr. Greenwell is suspended from the practice of law in this Commonwealth and shall surrender

his license to practice.

It is further ordered that:


1) Respondent shall not be permitted to engage in the practice of law in the Commonwealth of Kentucky as defined by SCR 3.020 until such time as this Court enters an order restoring his membership in the Kentucky Bar Association.

2) Respondent shall not file an application for restoration until such time as any CLE deficiency is cured and he has met the requirements SCR 3.675.

3) Any application for restoration shall be governed by SCR 3.500, the rule providing for restoration in cases of failure to comply with the continuing legal education requirements of SCR 3.661.

All concur.

ENTERED: January 19, 2006.


CHIEF JUSTICE

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