

Supreme Court of Kentucky

2009-SC-000270-KB

FINAL

DATE 12/8/09 Kelly Klaber P.C.
MOVANT

KENTUCKY BAR ASSOCIATION

V.

IN SUPREME COURT

PATRICK EDWARD MOEVES

RESPONDENT

OPINION AND ORDER

Patrick Edward Moeves, whose KBA member number is 86081 and whose bar roster address is 178 Tando Way, Covington, Kentucky, 41071, moves this Court to modify its Opinion and Order issued on October 1, 2009, which suspended him from the practice of law in this Commonwealth for one year, but stayed the suspension for two years on the condition that no further charges be brought against him during the two year period. Moeves contends that the second paragraph in the Order portion of its Opinion requires him to comply with the notice requirements set forth in SCR 3.390, which are typically only applicable when an attorney has been disbarred or suspended for more than sixty days. Because Moeves's discipline was conditionally suspended for two years and because he was still permitted to practice law in this

Commonwealth, he contends that he should not be required to notify the courts and his clients of his inability to provide further legal services and that the second paragraph from this Court's Order should be removed. In its response to this motion, the KBA states that it has no objection to Moeves's requested modification. Agreeing that this Court's October 1, 2009 Order contained inconsistent language, we grant Moeves's motion and direct that the second paragraph of the Order section, which required Moeves to comply with the notice requirements set forth in SCR 3.390, be removed.

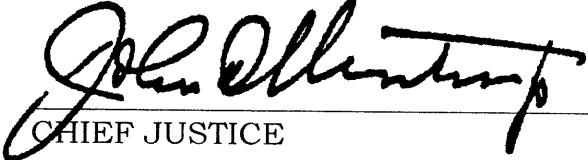
Moeves was admitted to practice law in this Commonwealth on October 13, 1995, and was also admitted to practice law in Ohio on a *pro hac vice* basis. On September 16, 2008, the Supreme Court of Ohio barred Moeves from practicing *pro hac vice* in Ohio for a period of two years due to his violation of several provisions of the Ohio Rules of Professional Conduct. Following this Court's Order requiring Moeves to show cause why he should not be subject to reciprocal discipline in Kentucky, Moeves filed a response on June 25, 2009, arguing that the identical discipline of a two year suspension was not appropriate in this reciprocal discipline case. Agreeing that "a two year suspension in Kentucky is not the same as an injunction prohibiting his *pro hac vice* practice in Ohio for two years," this Court determined that it should not impose the identical discipline from Ohio in this case. Instead, this Court concluded that "[t]he closest reciprocal discipline we have in Kentucky that would still allow Respondent to practice in Kentucky would be a one year

suspension, conditionally suspended for two years on the condition that no further charges are brought against him within two years.”

Although the first paragraph of the Order section of this Court’s Opinion and Order imposes the above referenced discipline, noting that Moeves’s discipline is suspended for two years on the condition that no further charges are brought against him, the second paragraph requires him to comply with the notice requirements of SCR 3.390. Although SCR 3.390 applies when this Court imposes a disbarment or a suspension of more than sixty days, in this case, this Court specifically stated that the discipline imposed on Moeves would still permit him to practice law in Kentucky because it would be conditionally suspended for two years. Therefore, SCR 3.390 does not apply in this case and there is no need for Moeves to notify the courts of this Commonwealth or his clients of his inability to provide legal services in Kentucky. Thus, this Court’s October 1, 2009 Opinion and Order is modified so that paragraph number 2 on page 8, which orders Moeves to comply with SCR 3.390, is removed.

All sitting. All concur.

ENTERED: November 25, 2009.


CHIEF JUSTICE