

Supreme Court of Kentucky

2016-SC-000159-KB

TO BE PUBLISHED

FINAL

DATE 9/7/16 Kim Redman DC
MOVANT

KENTUCKY BAR ASSOCIATION

V.

IN SUPREME COURT

EDWIN L. VARDIMAN, JR.
KBA MEMBER NO. 90751

RESPONDENT

OPINION AND ORDER

Respondent, Edwin L. Vardiman, Jr., was admitted to the practice of law in the Commonwealth of Kentucky on June 3, 2005. His bar roster address is 122 Highland Ave., Fort Thomas, Kentucky 41075, and his Kentucky Bar Association (KBA) Member Number is 90751. Respondent was suspended from practicing law in Kentucky on January 31, 2008, for his failure to comply with continuing-legal-education requirements. He is currently on suspension.

On February 3, 2016, the Supreme Court of Ohio found Respondent guilty of the following violations of the Ohio Rules of Professional Conduct: 4.3 (giving legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or should reasonably have known that the interests of the unrepresented person are in conflict with the interests of the client.); 3.3(a)(1) (knowingly making a false statement of fact or law to a

tribunal); 3.3(a)(3) (knowingly offering evidence that the lawyer knows to be false); 8.4(b) (two counts) (committing an illegal act that reflects adversely on the lawyer's honesty or trustworthiness); 8.4(c) (two counts) (engaging in conduct involving fraud, deceit, or misrepresentation); 8.4(d) engaging in conduct that is prejudicial to the administration of justice; and 8.4(h) (engaging in conduct that adversely reflects on the lawyer's fitness to practice law).

Cincinnati Bar Association and Warren County Bar Association v. Edwin Lowe Vardiman, Jr., Supreme Court No. 2016-Ohio-352. In an opinion dated February 3, 2016, the Supreme Court of Ohio imposed a one year suspension, with the final six months stayed upon compliance with various conditions. Pursuant to SCR 3.435(4), Respondent is subject to identical reciprocal discipline in the Commonwealth of Kentucky unless he proves by substantial evidence: (a) a lack of jurisdiction or fraud in the Ohio disciplinary action, or (b) that his misconduct warrants substantially different discipline in this Commonwealth.

On March 31, 2016, the KBA filed a petition for reciprocal discipline pursuant to SCR 3.435. On April 1, 2016, this Court ordered the following:

Within twenty (20) days of the date of the entry of this order, Respondent is ordered to show cause why he should not be suspended from the practice of law for one (1) year, with the last six months stayed on conditions, as consistent with an order of identical discipline from the Supreme Court of Ohio.

Respondent failed to comply with the April 1, 2016, order.

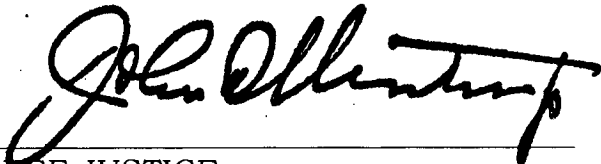
ACCORDINGLY, IT IS ORDERED that Respondent, Edwin L. Vardiman, Jr., KBA Member Number 90751, is suspended from the practice of law in the

Commonwealth of Kentucky for one (1) year, with the last six months stayed on conditions, as consistent with an order of identical discipline from the Supreme Court of Ohio, effective from the entry of this opinion and order.

Pursuant to SCR 3.390, Respondent shall, if he has not already done so, within ten (10) days from the entry of this Opinion and Order, notify all clients, in writing, of his inability to represent them; notify, in writing, all courts in which he has matters pending of his suspension from the practice of law; and furnish copies of all letters of notice to the Office of Bar Counsel. Furthermore, to the extent possible, Respondent shall immediately cancel and cease any advertising activities in which he is engaged.

All sitting. All concur.

ENTERED: August 25, 2016.



CHIEF JUSTICE