

Supreme Court of Kentucky

2019-SC-000636-KB

TO BE PUBLISHED

FINAL

DATE 3/3/20

MOVANT

A. Hutchinson

KENTUCKY BAR ASSOCIATION

V.

IN SUPREME COURT

JAMES DOUGLAS MORY

RESPONDENT

OPINION AND ORDER

On October 31, 2019, the Kentucky Bar Association (KBA) moved this Court to enter an order directing James Douglas Mory, whose KBA member number is 89927 and whose bar roster address is 514 S. 5th St., Ste. 102, Louisville, Kentucky, 40202, to show cause why he should not be subject to reciprocal discipline after being publicly censured by the Supreme Court of Tennessee. The KBA also requested that if this Court finds such cause lacking, this Court enter an order imposing identical discipline. On November 4, 2019, pursuant to SCR 3.435(2)(b), this Court granted the KBA's request and ordered Mory to show cause why he should not be subject to reciprocal discipline. Mory did not file a timely response. Accordingly, pursuant to SCR 3.435(4), this Court grants the KBA's motion and orders that Mory be publicly reprimanded in this Commonwealth.

Mory was admitted to practice law in this Commonwealth on October 17, 2003. On October 16, 2019, the Board of Professional Responsibility of the

Supreme Court of Tennessee issued a Public Censure against Mory for violating Rule of Professional Conduct (RPC) 5.5 (unauthorized practice of law). On August 22, 2018, Mory's Tennessee law license was administratively suspended for noncompliance with his CLE requirements. The Board's sanction was based on Mory, nevertheless, continuing to represent his Tennessee clients until the reinstatement of his license.

If an attorney licensed to practice law in this Commonwealth receives discipline in another jurisdiction, SCR 3.435(4) requires this Court to impose the identical discipline unless Respondent proves by substantial evidence:

- (a) a lack of jurisdiction or fraud in the out-of-state disciplinary proceeding, or
- (b) that misconduct established warrants substantially different discipline in this State.

This Court is required to recognize that a final adjudication of misconduct in another jurisdiction establishes conclusively the same misconduct for purposes of a disciplinary proceeding in Kentucky. SCR 3.435(4)(c). Tennessee's Supreme Court Rule 8 RPC 5.5(a), identical to Kentucky's SCR 3.130(5.5)(a), provides: "A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so."

Because Mory has been disciplined by the Board of Professional Responsibility of the Supreme Court of Tennessee, because Mory's actions are also governed by the Rules of Professional Conduct in this Commonwealth, and because Mory has not shown cause why he should not receive reciprocal

discipline, reciprocal discipline is warranted. Pursuant to SCR 3.435(4), this Court grants the KBA's motion and adopts the recommended discipline of a public reprimand.

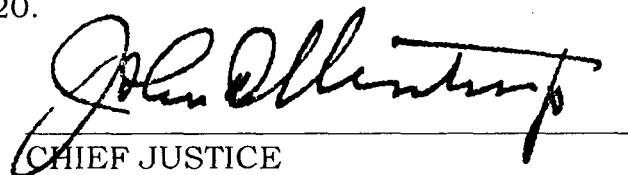
Therefore, it is hereby ORDERED that:

1. Pursuant to SCR 3.435(4), James Douglas Mory is publicly reprimanded for his violation of the Tennessee Rules of Professional Conduct and the Kentucky Rules of Professional Conduct.

2. Pursuant to SCR 3.450, James Douglas Mory is directed to pay the costs associated with this proceeding, if any, for which execution may issue from this Court upon finality of this Opinion and Order.

All sitting. All concur.

ENTERED: February 20, 2020.


CHIEF JUSTICE