

# Supreme Court of Kentucky

2020-SC-000148-KB

CARROLL HUBBARD JR.

MOVANT

V.

IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

RESPONDENT

## **OPINION AND ORDER**

Movant, Carroll Hubbard Jr., Kentucky Bar Association (KBA) Number 34060,<sup>1</sup> admits to violating the Kentucky Rules of Professional Conduct and moves this Court to impose the sanction of permanent disbarment. The KBA has no objection to Hubbard's motion.

### **I. BACKGROUND**

The misconduct leading up to Hubbard's motion to resign under terms of permanent disbarment began when this Court suspended him in *Hubbard v. Kentucky Bar Association*, 571 S.W.3d 90 (Ky. 2019). In that case, this Court accepted a negotiated sanction and suspended Hubbard for sixty days with conditions. Upon fulfilling the conditions of his suspension, Hubbard would have been eligible for reinstatement pursuant to SCR 3.510(2). However, he

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<sup>1</sup> Hubbard was admitted to the practice of law in Kentucky on September 10, 1962, and his bar roster address is P.O. Box 1515, Paducah, Kentucky 42002.

failed to file an affidavit of compliance within 180 days as required by that Rule.

In December 2019, the Inquiry Commission received information that Hubbard had been representing a client in a felony criminal matter since the summer. Hubbard filed an “Affidavit Toward Compliance” in December 2019, two months after the 180-day period specified by SCR 3.510(2) had expired. However, even had Hubbard filed the affidavit within the time period, he had yet to fulfill the required Continuing Legal Education credits at that time. The Inquiry Commission opened an investigation into Hubbard’s unauthorized practice of law at that time.

A complaint was issued against Hubbard in March 2020 alleging he had engaged in the practice of law while under a suspension from this Court in violation of SCR 3.130(5.5)(a). Rather than respond to the complaint, Hubbard filed a motion to resign under terms of permanent disbarment.

## **II. ANALYSIS**

Hubbard acknowledges that the conduct leading to the disciplinary complaint herein violated the Rules of Professional Conduct. Hubbard asks that this Court terminate the KBA proceedings against him by granting his motion to resign under terms of permanent disbarment pursuant to SCR 3.480(3). Hubbard understands that this decision is unconditional, final, and irrevocable and that he will never be reinstated to the practice of law in the Commonwealth of Kentucky.

We agree that Hubbard's motion to withdraw his membership is appropriate pursuant to SCR 3.480(3). Therefore, it is hereby ORDERED that:

1. Carroll Hubbard Jr. is permanently disbarred from the practice of law; and
2. In accordance with SCR 3.450, Hubbard shall pay all costs associated with these proceedings, for which execution may issue from this Court upon finality of this Opinion and Order; and
3. Pursuant to SCR 3.390, Hubbard shall, 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 disbarment from the practice of law; and furnish copies of all letters of notice to the Office of Bar Counsel. Furthermore, to the extent possible, Hubbard shall immediately cancel and cease any advertising activities in which he is engaged.

Minton, C.J.; Hughes, Keller, Lambert, VanMeter, and Wright, JJ., concur. Nickell, J., not sitting.

ENTERED: July 9, 2020.

  
CHIEF JUSTICE