

# Supreme Court of Kentucky

2020-SC-0217-KB

INQUIRY COMMISSION

MOVANT

V.

IN SUPREME COURT

RESPONDENT

JOHN JAMES SHAUGHNESSY, III

## **OPINION AND ORDER**

Pursuant to SCR 3.165(1)(b) and (d), the Kentucky Bar Association (KBA) Inquiry Commission has petitioned this court to temporarily suspend John James Shaughnessy, III (Shaughnessy) from the practice of law in the Commonwealth of Kentucky. Shaughnessy was admitted to the practice of law in the Commonwealth of Kentucky on February 3, 2005. His KBA member number is 90577, and his last known roster address is 6700 Payton Lane, Crestwood, KY 40014. The Inquiry Commission asserts that under SCR<sup>1</sup> 3.165(1)(b) provides in relevant part that the Court may temporarily suspend an attorney if it appears that probable cause exists to believe that an attorney's conduct poses a substantial threat of harm to his clients or to the public. SCR 3.165(1)(d) provides in relevant part that the Court may temporarily suspend an attorney if it "appears that probable cause exists to believe that an attorney

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<sup>1</sup> Supreme Court Rule.

is mentally disabled ... and probable cause exists to believe he/she does not have the ... mental fitness to continue to practice law.” Shaughnessy has failed to file any response to the petition for his temporary suspension to practice law in the Commonwealth of Kentucky.

## **I. FACTS**

Shaughnessy has been personally involved in several cases since 2017. March 10, 2017, Oldham County, 2017-CR-0065 Enhanced Possession of a Controlled Substance, 3<sup>rd</sup> degree, a class D Felony, Enhanced Possession of Drug Paraphernalia, a class D felony, and Possession of a Controlled Substance, 3<sup>rd</sup> degree. June 28, 2018, Kenton County, 2018-CR-0816 charges of Wanton Endangerment, 1<sup>st</sup> degree, a class D felony. August 20, 2018, Shelby District Court 2018-T-2946, Operating a Motor Vehicle Under the Influence of Alcohol/Drugs, 1<sup>st</sup> offense. Shaughnessy was indicted in the United States District Court for Western Kentucky on June 17, 2020 on a criminal complaint (3:20-CR-60-GNS), an Oldham County District (20-F-0051) court case on March 16, 2020, and an Oldham County District court (20-F-0082) case on April 17, 2020.

### **a. Commonwealth of Kentucky v. John J. Shaughnessy, III 2020-F-00051**

William Carter, step-father of Shaughnessy, filed a criminal complaint that stated that on February 16, 2020, Shaughnessy became upset with Carter and assaulted him with a gun that had a laser sight on it. The laser light was on Carter’s head and Shaughnessy said, “I will smoke you”. Carter went into his home and locked the door. He later realized that Shaughnessy had taken a car,

but then it had returned. On February 28, 2020, Shaughnessy became upset again and threatened to burn down Carter's house. Carter and his wife left the house overnight and when they returned they found three (3) bullet holes in the front window, with an estimate of over \$1,000 in repair. Carter said that Shaughnessy had mental illnesses over the years; however, they had no issues until then. Shaughnessy was charged with violation's of: KRS 508.060 (Wanton Endangerment 1<sup>st</sup> Degree), KRS 514.100 (Unauthorized Use of Motor Vehicle), KRS 508.080 (Terroristic Threatening 3<sup>rd</sup> Degree), and KRS 512.020 (Criminal Mischief 1<sup>st</sup> Degree).

A Motion to Revoke Defendant's Bond was made after these charges were filed. A hearing was held on May 1, 2020 and the following was ordered:

Bond Amended to \$100,000 cash to run concurrent with case number 2020-F-0082. 1.) No further charges. 2.) Not to possess or consume any alcohol or drugs, 3.) Be fitted with HIP/GPS prior to release, 4.) no contact with victims, 5.) stay 500 feet away from victim's residence and place of employment, and 6.) not to possess any dangerous weapons, firearms, or explosives. (Note: Court will reconsider bond after mental health evaluation treatment options, and status of Federal Case).

This charge remains pending as of this writing.

**b. Petitioner<sup>2</sup> v. John James Shaughnessy - 2020-D-500629-001**

The Petitioner filed a Petition/Motion for Order of Protection on February 28, 2020. She and Shaughnessy are unmarried and have one child in common. The petition alleged that Shaughnessy planned to get her five year

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<sup>2</sup> Petitioner's name has been redacted.

old daughter from her current marriage and keep said child away from Petitioner. Shaughnessy threatened to kill Petitioner's current husband. She alleged that he had several firearms and that his home did not have running water or heat in his home. A hearing was held on March 9, 2020 and an Order of Protection was entered against Shaughnessy. Shaughnessy was ordered to have no contact with Petitioner and an order was entered for Shaughnessy to surrender all firearms.

**c. United States of America v. John James Shaughnessy, III - 3:20-CR-60-GNS**

On April 17, 2020, Shaughnessy was charged with Possession of a Firearm by a Prohibited Person (violation of Title 18, United States Code, Sections 922(g)(8) and 942 (a)(2)), Making of a Firearm in Violation of National Firearms Act (violation of Title 26, United States Code, Sections 5822, 5861(f), and 5871), and Possession of Unregistered Firearm (violation of Title 26, United States Code, Sections 5841, 5861(d) and 5871).

Shaughnessy was ordered to forfeit all firearms, magazines, and ammunition involved in the commission of the offense. This includes, but is not limited to a: Walther, Model: PPK, .380 caliber pistol, serial number: 3040BAU PPK; Grendel, model P-12, .380 pistol, serial number: 24146; Colt, model: Government Model (M45A1 CQBP); .45 caliber pistol, serial number: 06189EGA; Luger, model P08, 9 millimeter pistol, serial number: 5542; Remington, model 1100, 12 Gauge Shotgun, serial number: L251111M; Romarm/Cugir, model PSL-54C, 7.62x54 rifle, serial number:

H9230-79; a M.A.C.(Segem), model 1935S M1; .765 caliber pistol, serial number: A 3176; a Browning, model Ultra XT, 12 Gauge shotgun, serial number: 04446NN131; a Springfield Armory, M1 Garand, .30 caliber, serial number 1820830 and ammunition. He was also required to forfeit any firearms under the National Firearms Act.

**d. Commonwealth of Kentucky v. John J. Shaughnessy, III – 2020-F-00082**

On April 17, 2020, Carter was at his home, when he heard rounds coming toward his house from a fully automatic weapon. He believed it was his stepson and he was attempting to shoot at his residence. Shaughnessy was seen leaving the residence in a black Ford Ranger. Officers observed the Ford Ranger driving recklessly and out of control. After being pulled over, the officer noticed a strong smell of alcohol. Shaughnessy stated he had been drinking earlier and he had two shots of liquor, he also admitted that he had a pistol in his pants pocket. The officer also found an AR 15 in the passenger seat and there was a bullet in the chamber. Officers were aware of the current DVO, which prohibited Shaughnessy from having firearms in his possession. Numerous firearms and ammunition were found in the truck.

This case was also heard on May 1, 2020 and the same conditions apply as those in 2020-F-00051.

**e. Order Of Private Admonition - 2018-DIS-00082**

Following the initial charges of 2017-CR-0065 (Oldham County), 2018-CR-0816 (Kenton County), 2018-T-2946 (Shelby County), the Inquiry

Commission issued a private admonishment for his violation of SCR 3.130(3.4)  
(c).

## **II. SCR 3.165(b) and (d)**

SCR 3.165(1)(b)- Substantial Threat of harm permits The Inquiry

Commission to petition the Court for an order of temporary suspension if:

“It appears that probable cause exists to believe that an attorney’s conduct poses a substantial threat of harm to his clients or to the public.”

The Inquiry Commission believes that the facts set forth above are sufficient to meet this burden in requesting Shaughnessy be suspended pending the outcome of the multiple criminal proceedings currently pending.

SCR 3.165(1) (d) – Mental Fitness – states that:

“It appears that probable cause exists to believe that an attorney is mentally disabled or is addicted to intoxicants or drugs and probable cause exists to believe he/she does not have the physical or mental fitness to continue to practice law.”

The Court has reviewed the pending cases and allegations against Shaughnessy and agrees with the Inquiry Commission that probable cause exists to believe that Shaughnessy’s conduct poses a substantial threat of harm to his clients and others. Given the numerous incidents cited by the Inquiry Commission regarding Shaughnessy’s behavior, we agree that his license to practice law should be temporarily suspended pending disciplinary proceedings pursuant to SCR 3.165(1).

ACCORDINGLY, IT IS HEREBY ORDERED as follows:

- 1.) John James Shaughnessy, III is temporarily suspended from the practice of law in the Commonwealth of Kentucky, effective from the entry date of this Opinion and Order, pending further orders from this Court;
- 2.) Disciplinary proceedings against Shaughnessy may be initiated by the Inquiry Commission pursuant to SCR 3.160, unless already begun or unless Shaughnessy resigns under terms of disbarment;
- 3.) Pursuant to SCR 3.165(5), Shaughnessy shall, within twenty (20) days from the date of the entry of this Opinion and Order, notify-in writing all clients of his inability to provide further legal services and furnish the Director of the Kentucky Bar Association with copies of all such letters;
- 4.) Pursuant to SCR 3.165(6), Shaughnessy shall immediately, to the extent reasonably possible, cancel and cease any advertising activities in which he is engaged.

All sitting. All concur.

ENTERED: June 17, 2021.

  
CHIEF JUSTICE