

Supreme Court of Kentucky

2022-SC-0102-KB

KENTUCKY BAR ASSOCIATION

MOVANT

V.

IN SUPREME COURT

TIMOTHY D. BELCHER

RESPONDENT

OPINION AND ORDER

Timothy D. Belcher (Belcher) was admitted to the practice of law in the Commonwealth of Kentucky on October 12, 1990, and his Kentucky Bar Association (KBA) number is 83667. His bar roster address is P.O. Box 1195, Elkhorn City, KY 41552.

I. FACTUAL AND PROCEDURAL BACKGROUND

Belcher was charged with one count of theft by unlawful taking, \$10,000 or more but less than \$1,000,000 in Pike Circuit Court (the “Pike Circuit case”). Later, on March 25, 2021, he was indicted in the United States District Court for the Eastern District of Kentucky, Southern Division, Pikeville on seven counts of bank fraud under 18 U.S.C. § 1344(2) and three counts of making false statements under 26 U.S.C. § 7206(1) in Case No. 7:21-cr-00004-REW-EBA (the “Federal Action”). On April 26, 2021, an order was entered dismissing the Pike Circuit case, due to the charges in federal court.

Belcher was temporarily suspended from the practice of law on September 26, 2019. The affidavit that supported the temporary suspension stated that Belcher misappropriated funds of at least \$600,000.00 from a minor client he was appointed to maintain. When the client turned eighteen, she contacted Belcher to obtain the money. Belcher was overheard by several other attorneys stating he had misappropriated the money. Belcher was charged with violation of SCR¹ 3.130(8.4)(b), SCR 3.130(8.4)(c), and SCR 3.130(8.1)(b).

In the Federal Action, Belcher pled guilty to one count of federal bank fraud and one count of filing a false tax return. A judgment was entered against him on November 10, 2021. He was committed to federal custody for a total of forty-one (41) months and was ordered to pay restitution totaling \$867,813.54. Upon release from prison, he will be under supervised release for a total of five (5) years. Belcher was also ordered to “refrain from the practice of law in any capacity or any position of financial trust where [he] ha[s] access to or control over the funds of another, per USSG § 5F1.5.”

In the case now before us, Belcher was served an Inquiry Commission complaint on August 4, 2021, by the Pike County Sheriff’s office. On May 28, 2021, the Pike County Sheriff’s office served the original charge on Belcher. He was later served an amended charge. He has filed no response to any charge or complaint. Belcher is accordingly in default.

¹ Supreme Court Rule.

After deliberation, the Board of Governors (the Board) unanimously recommended that Belcher be found guilty of violating one count of SCR 3.130(8.4)(b) (“It is professional misconduct for a lawyer to: . . . (b) commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects[.]”); one count of SCR 3.130(8.4)(c) (“It is professional misconduct for a lawyer to: . . . (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation[.]”); and one count of SCR 3.130(8.1)(b)

(“An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not: . . . (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6.”).

The Board further recommended that Belcher be permanently disbarred and be ordered to pay the costs associated with these proceedings.

II. ANALYSIS

An order was entered on September 26, 2019, to suspend Belcher pursuant to SCR 3.165 for the alleged misappropriation of a minor’s settlement funds believed to be at least \$600,000. That Opinion and Order remains in place. Belcher has had no other discipline. He has argued no mitigating circumstances.

We agree that Belcher violated SCR 3.130(8.4)(b), SCR 3.130(8.4)(c), and SCR 3.130(8.1)(b). He shall be permanently disbarred from the practice of law

in the Commonwealth of Kentucky and assessed the administrative cost of \$304.63 as required by SCR 3.450.

Pursuant to SCR 3.390, Belcher shall notify all courts and clients of his disbarment. Those notifications must be made by letter in the United States mail within ten (10) days from the date of entry of this Opinion and Order. Belcher must also simultaneously provide a copy of all notification letters to the Office of Bar Counsel. Also, to the extent possible, Belcher must cancel and cease all advertising activities in which he is engaged.

III. ORDER

It is hereby ORDERED that:

1. Timothy D. Belcher is adjudged guilty of violating one count of SCR 3.130(8.4)(b); one count of SCR 3.130(8.4)(c); and one count of SCR 3.130(8.1)(b);
2. Belcher is permanently disbarred from the practice of law. The period of disbarment shall commence on the date of entry of this Opinion and Order;
3. In accordance with SCR 3.450, Belcher shall pay the sum of \$304.63 as costs associated with these proceedings, for which execution may issue from this Court upon finality of this Opinion and Order.

All sitting. All concur.

ENTERED: June 16, 2022.


CHIEF JUSTICE