

Supreme Court of Kentucky

2023-SC-0224-KB

KENTUCKY BAR ASSOCIATION

MOVANT

V.

IN SUPREME COURT

BRITTANY LAWRYN OLIVER

RESPONDENT

OPINION AND ORDER

This matter comes before the Court on the motion of the Kentucky Bar Association (“KBA”), pursuant to SCR¹ 3.167, to indefinitely suspend Brittany L. Oliver from the practice of law due to her failure to file an Answer to a Charge. For the following reasons, we grant the KBA’s motion.

The Charge against Oliver arose as a result of her failure to perform work after being hired by Bar Complainants Mr. and Mrs. Caudill in the spring of 2021 to assist with filing their bankruptcy action. The Caudills paid Oliver \$1,200 as an advance fee, which Oliver did not return even though she did no work on their case. Oliver received the underlying Bar Complaint on approximately June 2, 2022, signing the certified mail receipt. However, after not receiving a timely response to the Complaint, the KBA then sought service through the Wolfe County Sheriff’s Department, which personally served Oliver

¹ Supreme Court Rule.

on or about July 19, 2022. Bar Counsel personally spoke to Oliver in July 2022 and confirmed that she had received the Complaint. The KBA received a Response from Oliver around August 2, 2022, but represents that Oliver made false statements therein.

After review of the Bar Complaint and Oliver's Response, the Inquiry Commission issued a formal Charge against Oliver alleging violations of SCR 3.130(1.3) for diligence, SCR 3.130(1.16)(d) for return of client property upon termination, and SCR 3.130(8.1)(a)-(b) for failing to correct a false statement made in the disciplinary process. The Charge was sent to Oliver by certified mail in October 2022. When Oliver did not timely answer, the KBA again sought service through the Wolfe County Sheriff's Department and provided three potential addresses where Oliver might be found. In January 2023, the Wolfe County Sheriff's Department informed the KBA that it had been unable to locate Oliver.

Accordingly, the KBA sought service upon the Executive Director, pursuant to SCR 3.035, and provided four potential addresses for Oliver. On January 11, 2023, the Executive Director accepted service for Oliver. To this day, Oliver has not answered the Charge. The KBA now seeks an order indefinitely suspending Oliver from the practice of law.

We agree with the KBA that an indefinite suspension is warranted. While Oliver has no prior discipline involving the KBA, the Inquiry Commission, or this Court, Oliver was suspended from the practice of law in December 2022 by the United States Bankruptcy Court for the Eastern District of Kentucky,

related to Case No. 22-60428. A reciprocal suspension was issued by the United States District Court for the Eastern District of Kentucky in January 2023. Oliver's conduct in the federal courts which justified her suspension mirrors her actions here: failure to (1) perform promised work for clients, (2) return unearned fees, (3) file a response, and (4) appear when ordered to do so by the court. The Bankruptcy Court's Order of Suspension indicates that case was the fourth one that year in which Oliver took money to perform legal services she did not perform.

Bar Counsel represents that it has not received any written release signed by Oliver authorizing disclosure by KYLAP, as required by SCR 3.990(1), regarding any communications she may have had with them. As a result, we are left with many questions about Oliver's behavior and situation, and no answers from her. Oliver's decision not to participate in her disciplinary proceeding leaves us with no responsible choice but to indefinitely suspend her from the practice of law. As noted in the Bankruptcy Court's Order of Suspension, temporary disbarment is reasonable and necessary to protect the integrity of the process and of this Court.

Based on the foregoing, it is ORDERED that Brittany L. Oliver is SUSPENDED from the practice of law in the Commonwealth of Kentucky pending further order of this Court. Oliver may seek reinstatement of her license to practice but shall be prepared to explain her conduct and suggest a remedial course of action to prevent recurrence of the behavior discussed herein.

All sitting. All concur.

ENTERED: October 26, 2023


CHIEF JUSTICE