

Supreme Court of Kentucky

2023-SC-0225-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. Kidd to assist with filing their bankruptcy action. The Kidds paid Oliver \$1,200 as an advance fee, which Oliver did not return even though she did no work on their case. Oliver was mailed the underlying Bar Complaint in September 2022, but it was returned as undeliverable. The KBA then sought service through the Wolfe County Sheriff’s Department, which personally served Oliver on or about November 14, 2022. Oliver failed to file a Response.

¹ Supreme Court Rule.

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(1.4)(a) and (b) for communication, SCR 3.130(1.16)(d) for return of client property upon termination, and SCR 3.130(8.1)(b) for failure to respond in a disciplinary action. The Charge was sent to Oliver by certified mail in February 2023. When Oliver did not timely answer, the KBA again sought service through the Wolfe County Sheriff's Department and provided multiple addresses where Oliver might be found.

By the end of March, with no service confirmation from the Wolfe County Sheriff's Department, the KBA sought service upon the Executive Director, pursuant to SCR 3.035, and provided four potential addresses for Oliver. On March 30, 2023, the Executive Director accepted service for Oliver. Then in a surprising development, the Wolfe County Sheriff's Department was able to locate Oliver and personally served her with the Charge on April 20, 2023. 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