

Supreme Court of Kentucky

2023-SC-0478-KB

ANDREW NICHOLAS CLOONEY

MOVANT

V.

IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

RESPONDENT

OPINION AND ORDER

This case is before the Court upon the Movant’s, Andrew Nicholas Clooney, KBA Member Number 84327, motion to resign from the Kentucky Bar Association (KBA) under terms of permanent disbarment. His bar roster address is 2221 Walterdale Terrace, Louisville, KY 40205. Kentucky Supreme Court Rule (SCR) 3.480(3) allows for “[a]ny member who has been engaged in unethical or unprofessional conduct . . . to withdraw his membership under terms of permanent disbarment” The KBA has filed a response expressing no objection to Clooney’s motion. Having reviewed the record and Clooney’s admission of unethical conduct, we grant his motion for permanent disbarment.

On April 18, 2019, Clooney was suspended by this Court in two separate cases. In 2019-SC-000114-KB, he was indefinitely suspended, pursuant to SCR 3.380(2) (currently SCR 3.167), for failing to answer a Bar Complaint filed by a

former client. In 2018-SC-000595-KB, he was temporarily suspended, pursuant to SCR 3.165, because probable cause existed to believe that he was misappropriating or otherwise improperly dealing with client funds and that he posed a risk to his clients or the public. He remains suspended under those orders.

On May 15, 2023, Clooney pleaded guilty to one count of wire fraud and one count of willful failure to pay taxes, both felonies, in the United States District Court for the Western District of Kentucky. He was subsequently sentenced to serve two (2) years and nine (9) months in prison. According to Clooney, the victims listed in his plea agreement include those listed in our court's temporary suspension order.

Clooney admits to violating SCR 3.130(8.4)(b) which states that “[i]t is professional misconduct for a lawyer to . . . commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.” He also admits to violating SCR 3.130(8.4)(c) which states that “[i]t is professional misconduct for a lawyer to . . . engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”

Accordingly, it is hereby ORDERED:

1. Andrew Nicholas Clooney is permanently disbarred from the practice of law in the Commonwealth of Kentucky;
2. Pursuant to SCR 3.450, Andrew Nicholas Clooney is directed to pay all costs associated with these disciplinary proceedings in the amount of \$567.67, for which execution may issue from this Court upon finality of

this Opinion and Order; and

3. Pursuant to SCR 3.390, Andrew Nicholas Clooney shall, within twenty (20) 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, Clooney shall immediately cancel and cease any advertising activities in which he is engaged.

All sitting. All concur.

ENTERED: December 14, 2023.

A handwritten signature in black ink, reading "Justine B. Van Meter". The signature is written in a cursive style with a horizontal line underneath it.

CHIEF JUSTICE