

**Supreme Court of Kentucky / Kentucky Bar Association  
Disciplinary Statistical Comparison  
Total for Prior Fiscal Years Compared to Total of FY 2010-2011**

<i>FY</i> <i>02-03</i>	<i>FY</i> <i>03-04</i>	<i>FY</i> <i>04-05</i>	<i>FY</i> <i>05-06</i>	<i>FY</i> <i>06-07</i>	<i>FY</i> <i>07-08</i>	<i>FY</i> <i>08-09</i>	<i>FY</i> <i>09-10</i>	<i>FY</i> <i>10-11</i>
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**I. Disciplinary Intake Statistics**

A. Complaints received by KBA and reviewed by Bar Counsel, pursuant to SCR 3.160	948	953	1,001	1,305	1,297	1,285	1,199	1,223	1,075
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B. Disciplinary cases initiated by Inquiry Commission, based upon information presented by Bar Counsel, pursuant to SCR 3.160(2)

Complaints authorized*	43	39	57*	53	26	60	74	69	64
Investigations authorized	77	62	92	65	46	60	61	69	62

**NUMBER OF COMPLAINTS RECEIVED AND INVESTIGATIONS OPENED AT END OF EACH PERIOD**

<b>1,068</b>	<b>1,054</b>	<b>1,150</b>	<b>1,423</b>	<b>1,369</b>	<b>1,405</b>	<b>1,334</b>	<b>1,361</b>	<b>1,201</b>
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\* Certain of these Complaints arose from Investigative Files

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	<i>FY 02-03</i>	<i>FY 03-04</i>	<i>FY 04-05</i>	<i>FY 05-06</i>	<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
<b>Disciplinary Disposition Statistics</b>									
A. Complaints returned as insufficient, pursuant to SCR 3.160	~	~	~	372	376	396	346	252	140
B. Closures by OBC through diversion or informal resolution under SCR 3.160(3)(C) or which were declined under SCR 3.160(3)(E).^	286	262	348	326	309	443	694	779	632
C. Complaints dismissed by Chair of Inquiry Commission after referral to CAP, pursuant to SCR 3.160(3), and April 1, 2007 to June 30, 2008 dismissals by OBC with authorization by IC (client assistance diversion). *	42	69	27	77	157	95	*	*	*
D. Complaints dismissed by Inquiry Commission, pursuant to SCR 3.170, including conditional dismissals and warning letters. Also includes closed Investigative files as well as those closed due to death or disbarment in other cases. †	420	354	443	388	361	288	181	149	228
E. Private Admonitions authorized by Inquiry Commission, pursuant to SCR 3.185	65	40	67	45	49	43	25	52	31
F. Supreme Court Renditions (disbarment, suspension, reprimand, and dismissed)	16	33	44	57	64	136	101	74	84
<b>NUMBER OF DISCIPLINARY FILES CLOSED AT END OF EACH PERIOD</b>	<b>829</b>	<b>758</b>	<b>929</b>	<b>1,265</b>	<b>1,316</b>	<b>1,401</b>	<b>1,347</b>	<b>1,306</b>	<b>1,115</b>

† Years prior to 2010-2011 did not include the closed Investigative files, nor those closed due to death or disbarment.

~ OBC began tracking Complaints returned as insufficient during the FY 2005-2006.

^ Years prior to 06-07 represent cases dismissed by the Chair without investigation. In 07-08, a few complaints were still under that category.

\* Prior to April 1, 2007 separate statistics were kept for CAP referral by the Chair which were then dismissed. Initially after the diversion rule was passed, OBC continued to separate these numbers. Starting Fiscal Year 08-09, no items appear in this category.

**PERCENTAGE OF LAWYERS IN KENTUCKY WITH DISCIPLINARY CASES AGAINST THEM  
FY04-05 to FY10-11**

**Complaints Filed Against Lawyers Licensed to Practice in Kentucky**

	<b>04-05</b>	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>	<b>10-11<sup>^</sup></b>
Lawyers Licensed in the State of Kentucky*	14400	14960	15316	15581	15947	16330	16712
Lawyers With Complaints Filed This Year	744	684	695	683	677	751	736
Lawyers Without Complaints Filed This Year	13655	14276	14621	14898	15271	15579	15976
% of KY Lawyers With Complaints Filed This Year	5.17%	4.57%	4.54%	4.38%	4.25%	4.60%	4.40%

**Charges Against Lawyers Licensed to Practice in Kentucky**

	<b>04-05</b>	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>	<b>10-11<sup>^</sup></b>
Lawyers Licensed in the State of Kentucky*	14400	14960	15316	15581	15947	16330	16712
Lawyers With Charges Pending	101	114	87	105	83	102	88
Lawyers Without Charges Pending	14299	14846	15229	15476	15864	16228	16624
% of KY Lawyers With Charges Pending	0.70%	0.76%	0.57%	0.67%	0.52%	0.62%	0.53%
% of Lawyers With Charges Pending Who Have Multiple Charges Pending	26.73%	31.16%	35.89%	37.14%	36.14%	32.35%	41.00%
Mean Number of Charges Per Lawyer Who Have Multiple Charges Pending	3.37	4.08	4.42	3.67	3.97	3.55	3.25

\* Since the number of lawyers registered to practice in Kentucky changes on an almost daily basis, this number is an average.

<sup>^</sup> Approximately 4,107 lawyers included in this figure are licensed to practice in the state of Kentucky, but do not live here.

**Initial Intake Rule Violations Recorded in Disciplinary Files As Opened  
During the 2010-2011 Fiscal Year**

<b>RULE</b>	<b>VIOLATION</b>	<b>04-05</b>	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>	<b>10-11</b>
Rule 1.1	Competence	55	56	46	77	77	117	67
Rule 1.3	Diligence	261	245	212	304	269	331	316
Rule 1.4	Communications	224	222	168	293	262	349	332
Rule 1.5	Fees	81	69	64	85	80	119	178
Rule 1.6	Confidentiality of information	13	15	14	13	9	15	17
Rule 1.7-1.9	Conflict of Interest	48	57	67	78	68	69	86
Rule 1.15	Client Property	127	112	158	140	180	202	244
Rule 1.16	Termination	77	84	64	75	69	81	48
Rule 3.1	Meritorious Claims	0	1	4	11	7	8	18
Rule 3.3	Candor	2	10	22	22	31	32	57
Rule 3.4	Fairness to Opposing Party	13	10	23	52	39	50	65
Rule 4.1	Truthfulness	3	19	9	21	30	40	21
Rule 4.2	Communications with Represented Persons	0	8	4	5	6	9	12
Rule 4.3	Dealing with Unrepresented Persons	0	0	5	2	0	0	1
Rule 4.4	Respect for Right of 3rd Person	14	19	10	23	23	39	25
Rule 5.3	Responsibility of Non-Lawyer Assistant	0	3	0	1	0	6	5
Rule 5.5	Unauthorized Practice	4	7	5	7	11	23	26
Rule 8.1	Candor in Discipline Process	0	1	1	0	0	0	1
Rule 8.4(b)*	Criminal Conduct	2	29	14	11	4	32	34
Rule 8.4(c)*	Dishonest Conduct	91	139	62	91	33	74	56
Other		25	36	20	72	142	161	163

\*Effective July 15, 2009, SCR 3.130 8.3(b) and 8.3(c) were renumbered SCR 3.130 8.4(b) and 8.4(c) without substantive changes.

The alleged Rule Violation with the greatest frequency is highlighted in red.  
The next four most frequent alleged Rule Violations are highlighted in gold.

**Private Admonition Rule Violations in Disciplinary Files as Determined by the Inquiry Commission  
During the 2010-2011 Fiscal Year**

<b>RULE</b>	<b>VIOLATION</b>	<b>04-05</b>	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>	<b>10-11</b>
Rule 1.1	Competence	6	2	3	2	1	3	1
Rule 1.3	Diligence	15	14	13	12	7	11	7
Rule 1.4	Communications	17	11	12	10	8	22	8
Rule 1.5	Fees	5	2	1	6	0	7	3
Rule 1.6	Confidentiality of information	2	0	1	1	0	0	0
Rule 1.7-1.9	Conflict of Interest	12	5	3	4	5	5	4
Rule 1.15	Client Property	14	7	11	3	5	4	2
Rule 1.16	Termination	17	11	9	7	1	9	5
Rule 3.1	Meritorious Claims	0	0	0	0	0	1	0
Rule 3.3	Candor	0	0	0	0	0	0	1
Rule 3.4	Fairness to Opposing Party	3	3	1	6	1	8	4
Rule 4.1	Truthfulness	1	0	0	0	0	1	0
Rule 4.2	Communications with Represented Persons	0	1	1	0	0	0	0
Rule 4.3	Dealing with Unrepresented Persons	0	0	0	0	0	0	0
Rule 4.4	Respect for Right of 3rd Person	3	2	2	0	0	2	0
Rule 5.3	Responsibility of Non-Lawyer Assistant	1	1	1	3	0	0	2
Rule 5.5	Unauthorized Practice	0	0	1	0	0	6	6
Rule 8.1	Candor in Discipline Process	2	10	4	8	1	3	6
Rule 8.4(b)*	Criminal Conduct	0	1	0	1	0	1	1
Rule 8.4(c)*	Dishonest Conduct	0	2	0	0	5	3	0
Other		8	5	4	16	7	5	1

\*Effective July 15, 2009, SCR 3.130 8.3(b) and 8.3(c) were renumbered SCR 3.130 8.4(b) and 8.4(c) without substantive changes

The specified Rule Violation with the greatest frequency is highlighted in red.  
The next five most frequent specified Rule Violations are highlighted in gold.

**Disposition Rule Violations in Disciplinary Files as Determined by the Supreme Court  
During the 2010-2011 Fiscal Year**

<b>RULE</b>	<b>VIOLATION</b>	<b>04-05</b>	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>	<b>10-11</b>
Rule 1.1	Competence	2	10	3	5	6	4	3
Rule 1.3	Diligence	17	28	19	27	25	18	19
Rule 1.4	Communications	18	28	26	28	31	19	22
Rule 1.5	Fees	0	6	3	9	10	13	6
Rule 1.6	Confidentiality of information	0	0	0	0	0	0	0
Rule 1.7-1.9	Conflict of Interest	0	4	1	3	12	7	8
Rule 1.15	Client Property	14	14	6	17	15	11	15
Rule 1.16	Termination	8	16	12	25	20	15	16
Rule 3.1	Meritorious Claims	1	0	1	0	1	1	0
Rule 3.3	Candor	1	6	3	5	3	2	11
Rule 3.4	Fairness to Opposing Party	6	10	6	16	15	15	12
Rule 4.1	Truthfulness	1	1	2	1	1	1	0
Rule 4.2	Communications with Represented Persons	1	0	0	0	0	2	0
Rule 4.3	Dealing with Unrepresented Persons	0	0	0	0	0	0	0
Rule 4.4	Respect for Right of 3rd Person	1	2	2	3	2	1	1
Rule 5.3	Responsibility of Non-Lawyer Assistant	2	1	2	0	6	4	0
Rule 5.5	Unauthorized Practice	1	4	2	6	6	4	10
Rule 8.1	Candor in Discipline Process	8	17	13	21	25	14	21
Rule 8.4(b)*	Criminal Conduct	7	8	5	11	8	4	8
Rule 8.4(c)*	Dishonest Conduct	12	14	19	17	13	20	15
Other		20	20	17	14	17	25	8

\*Effective July 15, 2009, SCR 3.130 8.3(b) and 8.3(c) were renumbered SCR 3.130 8.4(b) and 8.4(c) without substantive changes

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