

Supreme Court of Kentucky

2023-34

**IN RE: Approval of Amendments to the Administrative Regulations of
the Inquiry Commission of the Kentucky Bar Association**

ORDER

At the request of the Inquiry Commission of the Kentucky Bar Association and under SCR 3.140(4), the amendments to the Administrative Regulations of the Inquiry Commission adopted by the Commission in January 2023, and attached hereto, are hereby approved.

This Order shall be effective February 4, 2023, *nunc pro tunc*.

Entered this 22nd day of September 2023.

All sitting; all concur.


CHIEF JUSTICE

ICR XI. Reinstatement and Restoration

(a) *Forms.* The Inquiry Commission shall prepare, approve, and maintain all forms to be provided to applicants applying for reinstatement and restoration. Forms may be electronically maintained by the Inquiry Commission. The forms will be available on the Kentucky Bar Association’s website.

(b) *Fees and Costs.* The Inquiry Commission shall establish filing fees and costs to be paid in reinstatement and restoration matters. All filing fees and costs shall be payable to the Kentucky Bar Association. Those fees and Costs are as follows:

- (i) Filing Fee for Affidavit of Compliance: \$250.00.
- (ii) Reinstatements when the period of suspension has prevailed for less than 5 years.

TYPE	AMOUNT
Reinstatement Filing Fee	\$250.00
Deposit Against Costs	\$2,500.00
Character and Fitness Fee	\$1,000.00
TOTAL	\$3,750.00

- (iii) Reinstatements when the period of suspension has prevailed for more than 5 years.

TYPE	AMOUNT
Reinstatement Filing Fee	\$250.00
Deposit Against Costs	\$2,500.00
Character and Fitness Fee	\$1,000.00
TOTAL	\$3,750.00

- (iv) Restorations for former members whose withdrawal or suspension has prevailed for less than 5 years.

TYPE	AMOUNT
Restoration Filing Fee	\$350.00
TOTAL	\$350.00

- (v) Restorations for former members whose withdrawal or suspension has prevailed for more than 5 years.

TYPE	AMOUNT
Restoration Filing Fee	\$350.00
Application Filing Fee - SCR 3.504(3)(d)	\$400.00
Deposit Against Costs	\$2,500.00
TOTAL	\$3,250.00

- (vi) Request for review of the Inquiry Commission's order denying reinstatement, pursuant to SCR 3.501(7).

TYPE	AMOUNT
Filing Fee	\$250.00
Deposit Against Costs	\$2,500.00
Character and Fitness Fee	\$1,000.00
TOTAL	\$3,750.00

- (vii) Reinstatement and Restorations when the applicant has been suspended for disciplinary reasons and administratively suspended for less than 5 years.

TYPE	AMOUNT
Reinstatement and Restoration Fee	\$600.00
Deposit Against Costs	\$3,000.00
Character and Fitness Fee	\$1,000.00
TOTAL	\$4,600.00

- (viii) Reinstatement and Restorations when the applicant has been suspended for disciplinary reasons and administratively suspended for more than 5 years.

TYPE	AMOUNT
Reinstatement and Restoration Filing Fee	\$1,000.00
Deposit Against Costs	\$6,250.00
Character and Fitness Fee	\$1,000.00
TOTAL	\$8,250.00

- (ix) One-time Certification Fees (payable to each individual department).

TYPE	AMOUNT
Office of Bar Counsel	\$50.00
Continuing Legal Education	\$50.00
Accounting/Membership	\$50.00
TOTAL	\$150.00

- (x) Restorations for former members whose withdrawal or suspension has prevailed for less than five (5) years when the Board of Governors refers the matter to the Inquiry Commission pursuant to SCR 3.504(2)(d).

TYPE	AMOUNT
Restoration Filing Fee	\$500.00
TOTAL	\$500.00

All filing fees are non-refundable. All unused costs shall be returned to the applicant. All applicants shall be responsible for any costs incurred after the initial deposit against costs has been exhausted.

- (c) *Meetings.* The Inquiry Commission shall consider all matters pertaining to reinstatements and restorations at its regularly scheduled monthly meetings.
- (d) *Action between meetings.* The Chair of the Inquiry Commission may call a meeting of any panel to timely consider an application for reinstatement or restoration or to conduct business as provided in SCR 3.501, 3.502, or 3.504, between its regularly scheduled monthly meetings.
- (e) *Meetings minutes.* The Inquiry Commission meetings of each Panel considering reinstatements or restorations shall be recorded in a set of minutes signed by the Panel Chair, which identifies all persons in attendance and sets forth the disposition of each matter considered.
- (f) *Assignments of cases to Panels.* When a reinstatement or restoration matter is ready for consideration by the Inquiry Commission, the matter shall be assigned to the Panel scheduled to meet at the next monthly meeting. If there is a known conflict which prevents a member or members of that Panel from considering a reinstatement or restoration matter, it shall be assigned to another Panel to permit the matter to be acted upon according to the time set out in the rules.
- (g) *Pleadings.* All pleadings following the filing of an affidavit of compliance, or an application for reinstatement or restoration, shall be filed with the Disciplinary Clerk for distribution to all parties. The Disciplinary Clerk shall prepare and distribute a receipt notice showing the filing of any pleading.
- (h) *Transmitting materials to Panel members.* Bar Counsel staff shall provide all reinstatement and restoration materials for Panel meetings to the Panel members in a timely manner, so members have adequate time to review the materials before the meeting. The materials may be provided by mail or electronic means.
- (i) *FAQ.* There will be placed on the Kentucky Bar Association's website a series of frequently asked questions to help guide members who are applying for reinstatement or restoration.
- (j) *Unpaid back bar dues or fees.* Applicants for restoration who have been suspended for failure to pay dues or licensing fees as provided by SCR 3.050, or for failure to comply with the continuing legal education requirements of SCR 3.645, shall pay all unpaid Bar dues or licensing fees for all of the years they have been suspended. The amount will be sent to the applicant in a statement provided by the Kentucky Bar Association Accounting Department. Applicants who have withdrawn from membership, pursuant to SCR 3.480(1), are not required to pay back dues or licensing fees.

(k) *Notification of Registrar and Disciplinary Clerk of No Objection to Reinstatement.* If Bar Counsel does not file an objection to an Applicant's reinstatement pursuant to SCR 3.501(4), Bar Counsel shall notify the Disciplinary Clerk and the Registrar by letter that the Registrar may enter a Notice of Reinstatement pursuant to SCR 3.501(5).

Mark B.
Maier

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Mark B. Maier
Date: 2023.02.04
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Mark B. Maier, Esq.
Chair, Inquiry Commission

Date