

Supreme Court of Kentucky

2015-SC-000571-KB

TO BE PUBLISHED
FINAL

DATE 12-29-15 Elit Growth P.C.

MARTY RICHARD MEFFORD

MOVANT

V.

IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

RESPONDENT

OPINION AND ORDER

Marty Richard Mefford moves to withdraw his membership from the Kentucky Bar Association (“KBA”) under terms of permanent disbarment pursuant to Supreme Court Rule (“SCR”) 3.480(3). Mefford was suspended from the practice of law on September 8, 2014, pursuant to SCR 3.166, for his plea of guilty to two felony offenses. The KBA has no objection to Mefford’s motion to withdraw under terms of permanent disbarment. Upon review of the record, we find that Mefford should be permanently disbarred and grant his motion to withdraw under terms of permanent disbarment. Mefford, whose KBA number is 47030 and whose last known bar roster address is 601 Carson Street, Hartford, KY 42347, was admitted to the practice of law in the Commonwealth of Kentucky in 1984.

Beginning no later than February 2012, Mefford employed a file-sharing network to connect with the computers of other users of the network to trade images and videos of child pornography. On February 7, 2013, when law enforcement officers conducted a search of his residence, Mefford possessed

over 100 images and 400 videos of child pornography. On September 8, 2014, Mefford entered a plea of guilty in the United States District Court for the Western District of Kentucky to the crimes of Knowingly Attempting to Transport Child Pornography by Means of Interstate Commerce and Possession of Child Pornography That Had Been Transported Using a Means or Facility of Interstate or Foreign Commerce, Including a Computer. As noted above, pursuant to SCR 3.166 Mefford was automatically suspended from the practice of law upon entry of his plea.

Subsequently, in a letter dated September 10, 2014, Mefford notified the KBA of his guilty plea. On October 11, 2014, the Inquiry Commission of the KBA initiated an investigation into Mefford's unprofessional conduct. On December 4, 2014, Mefford was sentenced to 120 months' imprisonment for his crimes. While the investigation into Mefford's unprofessional conduct remained open, Mefford on September 16, 2015, filed a motion to resign under terms of permanent disbarment pursuant to SCR 3.480(3).¹ In his motion, Mefford admitted that the conduct that resulted in his felony convictions violated SCR 3.130(8.4)(b).

Mefford states that upon entry by this Court of an Order of disbarment he will never again practice law in the Commonwealth of Kentucky. The KBA has no objection to Mefford's motion to withdraw under terms of permanent

¹ Mefford's motion was signed by Jana Layne, who has been appointed Mefford's power of attorney, and Mefford's counsel, Dan Jackson. A copy of the Durable Power of Attorney was attached to Mefford's motion. The Court is satisfied with the authenticity and authority of the tendered documents.

disbarment. Upon examination of the record in this case and Mefford's admission of unethical conduct, we find disbarment to be the appropriate sanction and grant Mefford's motion. Mefford's appalling and reprehensible conduct besmirches the dignity of the profession.

Accordingly, it is hereby ORDERED:

1. Marty Richard Mefford is permanently disbarred from the practice of law in the Commonwealth of Kentucky;

2. Pursuant to SCR 3.450, Marty Richard Mefford is directed to pay all costs associated with these disciplinary proceedings in the amount of \$179.75, for which execution may issue from this Court upon finality of this Opinion and Order; and

3. Pursuant to SCR 3.390, Marty Richard Mefford shall, within ten (10) 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, Mefford shall immediately cancel and cease any advertising activities in which he is engaged.

All sitting. All concur.

ENTERED: December 17, 2015.

CHIEF JUSTICE

