

Supreme Court of Kentucky

2016-SC-000331-KB

TO BE PUBLISHED

FINAL

DATE 10/4/16 Kim Adelman DC
MOVANT

CABELL D. FRANCIS, II

V. IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

RESPONDENT

OPINION AND ORDER

Cabell D. Francis II 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). Movant has been suspended from the practice of law since August 31, 2014.¹ The KBA has no objection to Francis’s motion to withdraw under terms of permanent disbarment. Upon review of the record, we find that Francis should be permanently disbarred and grant his motion to withdraw under terms of permanent disbarment. Francis whose last known bar roster address is 101 Lancaster Street, Stanford, KY 40484, was admitted to the practice of law in the Commonwealth of Kentucky in 1976.

On March 28, 2016, Francis was indicted for theft by unlawful taking,

¹ In August 2014, Francis was suspended from the practice of law for 181 days for violation of the Rules of Professional Conduct. *Kentucky Bar Ass’n v. Francis*, 439 S.W.3d 750 (Ky. 2014). Subsequently, in December 2015, Francis was suspended for an additional 60 days, with that sentence to run consecutively to his August 2014, suspension. *Kentucky Bar Ass’n v. Francis*, 476 S.W.3d 892 (Ky. 2015). Francis remains suspended from the practice of law.

value over \$10,000.00, and knowing exploitation of an adult, resulting in a loss of more than \$300.00. Subsequently, Francis negotiated a plea agreement with the Commonwealth in which he would plead guilty to the amended charges of theft by unlawful taking, value over \$500.00, and wanton or reckless exploitation of an adult, resulting in a loss of more than \$300.00, in exchange for receiving pretrial diversion. As part of his plea the Commonwealth required Francis to agree to pay restitution to Ronald H. Bradley in the amount of \$33,050.28 and also resign his license to practice law in the Commonwealth of Kentucky.

Accordingly, Francis has filed a motion to resign under terms of permanent disbarment pursuant to SCR 3.480(3). In his motion, Francis admitted that his criminal conduct would be sufficient to warrant permanent disbarment. Further, Francis acknowledges 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 Francis's motion to withdraw under terms of permanent disbarment. Upon examination of the record in this case and Francis's admission of unethical conduct, we find disbarment to be the appropriate sanction and grant Francis's motion.

Accordingly, it is hereby ORDERED:

1. Cabell D. Francis, II, is permanently disbarred from the practice of law in the Commonwealth of Kentucky;
2. Pursuant to SCR 3.450, Cabell D. Francis II is directed to pay all costs associated with these disciplinary proceedings in the amount of \$37.50,

for which execution may issue from this Court upon finality of this Opinion and Order; and

3. Pursuant to SCR 3.390, Cabell D. Francis, II, 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, Francis shall immediately cancel and cease any advertising activities in which he is engaged.

All sitting. All concur.

ENTERED: September 22, 2016.


CHIEF JUSTICE