

Supreme Court of Kentucky

2016-SC-000668-KB

TO BE PUBLISHED
FINAL

DATE 5/9/17 Kim Richmond, DC

INQUIRY COMMISSION

MOVANT

V.

IN SUPREME COURT

DANNY PERKINS BUTLER
KBA NO. 09930

RESPONDENT

OPINION AND ORDER

The Inquiry Commission petitions this Court to temporarily suspend Danny Perkins Butler, a member of the Kentucky Bar Association, pursuant to Supreme Court Rules (SCR) 3.165(1)(a) and 3.165(1)(b), which permits temporary suspension if there is probable cause to believe that: Butler "has been misappropriating funds [he] holds for others to [his] own use or has been otherwise improperly dealing with said funds"; or Butler's "conduct poses a substantial threat of harm to his clients or to the public." The Commission claims that Butler was indicted in Hardin Circuit Court for Theft by Unlawful Taking over \$10,000, and Theft by Failure to Make Required Disposition over \$10,000.

In support of its petition, the Commission attached discovery received by Teresa Young, Office of the Commonwealth's Attorney for the Ninth Judicial Circuit, in *Commonwealth v. Danny Butler*, Hardin Circuit Case No. 16-CR-

0838. The Commission also attached to its petition the affidavit of Detective Bramlett Burton, Kentucky State Police, Post 15. According to Detective Burton, in the course of investigating a complaint against Butler, Detective Burton reviewed Butler's financial records and determined that Butler had received settlement funds in 2012, which he treated as his own funds and did not disclose to the client receipt thereof. Furthermore, Detective Burton's review of Butler's financial records indicates that Butler had additional clients who never received settlements or estate proceeds, and that he treated other clients' money as his own. Detective Burton's investigation resulted in the two indictments against Butler. We further note that, since Butler's arrest, the Federal Bureau of Investigation has received 115 complaints against him that warrant further investigation into his conduct.

After reviewing the petition, the attached discovery, and Detective Burton's affidavit, we believe the Commission has supplied us with a reasonable basis to believe that Butler misappropriated funds he held for others or has been otherwise improperly dealing with said funds, and poses a substantial threat of harm to his clients or to the public. SCR 3.165(1)(a); SCR 3.165(1)(b). Consequently, the Commission's petition for temporary suspension is granted.

ACCORDINGLY, IT IS HEREBY ORDERED:

- (1) Butler is temporarily suspended from the practice of law in the Commonwealth of Kentucky, effective upon the date of entry of this order, pending further order from this Court;

- (2) Disciplinary proceedings against Butler may be initiated by the Inquiry Commission pursuant to SCR 3.160, unless already begun or Butler resigns under terms of disbarment;
- (3) Pursuant to SCR 3.165(5), Butler shall, within twenty (20) days from the date of the entry of this Opinion and Order, notify in writing all clients of his inability to provide further legal services and furnish the Office of Bar Counsel with copies of all such letters;
- (4) Pursuant to SCR 3.165(6), Butler shall immediately, to the extent reasonably possible, cancel and cease any advertising activities in which he is engaged.

All sitting. All concur.

ENTERED: April 27, 2017.


CHIEF JUSTICE