

Supreme Court of Kentucky

2024-SC-0471-KB

IN RE: BRIAN ALLEN LOGAN

IN SUPREME COURT

OPINION AND ORDER

This case is before the Court on Brian Allen Logan’s motion to resign under terms of permanent disbarment. His Kentucky Bar Association (KBA) Member Number is 88228 and bar roster address is 14 Ryswick Lane, Frankfort, KY 40601. SCR¹ 3.480(3) allows “Any member who has been engaged in unethical or unprofessional conduct . . . to withdraw his membership under terms of permanent disbarment” The KBA has filed a response expressing no objection to Logan’s motion. Having reviewed the record and considered Logan’s admission of unethical conduct, we grant his motion for permanent disbarment.

On February 9, 2024, the Inquiry Commission filed a Petition for Temporary Suspension pursuant to SCR 3.165(1)(a) and (b). The basis of the petition centered on Logan’s handling of the Estate of Jack Estes in which he admittedly misappropriated \$416,475 of Estate assets over the course of approximately five years. In his capacity as Executor, Logan failed to file an estate inventory, periodic settlements, or tax returns, resulting in a loss to the

¹ Rules of the Supreme Court.

Estate of an additional \$30,000. The Inquiry Commission issued a complaint for violations of SCR 3.130(1.3) (diligence), SCR 3.130(1.15) (safekeeping property), SCR 3.130(8.4)(b) (committing a criminal act), and SCR 3.130(8.4)(c) (dishonesty, fraud, deceit, or misrepresentation). Logan responded and admitted his conduct violated the relevant rules. He subsequently repaid \$75,000 to the Estate. Upon considering the circumstances and Logan's admission of unethical behavior, this Court granted the Inquiry Commission's petition and temporarily suspended Logan on April 18, 2024. *In re: Logan*, 694 S.W.3d 269 (Ky. 2024). He has remained suspended since that date.

In consideration of the Inquiry Commission's investigation and issuance of formal charges of misconduct, Logan now moves to resign under terms of permanent disbarment. He admits his unethical conduct constituted violations of the above-stated rules of professional conduct. He further admits unethical conduct relative to another client for which a bar complaint has been filed, but for which no formal charges have yet been issued.

Permanent disbarment is an appropriate sanction for theft of client funds while serving in a fiduciary capacity. *Wheeler v. Kentucky Bar Ass'n*, 677 S.W.3d 361 (Ky. 2023) (theft of \$20,000 from client's trust fund); *Kentucky Bar Ass'n v. Edwards*, 377 S.W.3d 557 (Ky. 2012) (theft of \$78,000 of disabled ward's funds); *Kentucky Bar Ass'n v. Christian*, 320 S.W.3d 687 (Ky. 2010) (theft of \$13,000 by executor); *Kentucky Bar Ass'n v. Cameron*, 262 S.W.3d 643 (Ky. 2008) (misappropriation of \$13,490 by court-appointed conservator). We perceive no reason to depart from these precedents.

Accordingly, it is hereby ORDERED:

1. Brian Allen Logan is permanently disbarred from the practice of law in the Commonwealth of Kentucky;

2. Logan is directed to pay restitution to the Estate of Jack Estes in the amount of \$232,960.78;

3. Pursuant to SCR 3.450, Logan is directed to pay all costs associated with these disciplinary proceedings in the amount of \$50.18, for which execution may issue from this Court upon finality of this Opinion and Order;

4. Pursuant to SCR 3.480(4)(a), Logan shall take all steps necessary and practicable to cease all forms of advertisement of his practice immediately upon entry of this Opinion and Order and shall report the fact and effect of those steps to the Director of the KBA in writing within twenty days after this Opinion and Order is entered; and

5. Pursuant to SCR 3.390, if he has not already done so, Logan shall, within twenty 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.

All sitting. All concur.

ENTERED: October 24, 2024.


CHIEF JUSTICE