

Supreme Court of Kentucky

2020-74

ORDER

IN RE: ATTORNEY DISCIPLINARY PROCEEDINGS PURSUANT TO SUPREME COURT RULE III, PRACTICE OF LAW

In light of the declared federal and state emergencies regarding the COVID-19 pandemic, and considering the need of the attorney regulatory system to continue safe and efficient operations, pursuant to its exclusive jurisdiction under Section 116 of the Constitution to regulate the practice of law in the Commonwealth, the Supreme Court hereby orders as follows:

1. All meetings of the Inquiry Commission shall be conducted remotely. The Office of Bar Counsel shall be responsible for scheduling the remote proceedings.
2. All disciplinary hearings before a Trial Commissioner pursuant to SCR 3.230 et. seq. shall be conducted remotely.
 - a. The Trial Commissioner, Disciplinary Clerk, or Office of Bar Counsel shall be responsible for scheduling the remote proceedings.
 - b. The Trial Commissioner may choose to make a record using available audio and video conference software (such as Zoom).
 - c. For purposes of consistency with SCR 3.340 under this emergency order, real-time video and/or audio testimony shall be considered in person testimony.
 - d. A subpoena issued for the appearance of a witness at a remote disciplinary hearing shall provide instructions on how to access the remote hearing. It is the responsibility of the party requesting the subpoena to confirm a witness's ability to participate in a remote hearing. If the witness is not able to participate in the remote hearing due to lack of access to necessary technology, it is the responsibility of the party requesting the subpoena to make arrangements for the witness to appear at a location having sufficient video or audio conference capabilities.

- e. Pursuant to the Trial Commissioner's authority to determine and regulate the order of proceedings at a hearing, the Trial Commissioner shall direct how exhibits are presented at the remote hearing and how they are made part of the record. SCR 3.330.
3. All oral arguments before the Board of Governors pursuant to SCR 3.370(2) shall be conducted remotely. The Executive Director shall be responsible for scheduling the remote proceedings.

This Order is effective upon entry and until further Order of this Court.

Entered this 10th day of December 2020.


CHIEF JUSTICE

All sitting; all concur.