

FILED

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE 2008 SEP 18 PM 3:23

**IN RE: RICHARD K. CAMERON, BPR #15109**  
An Attorney Licensed to Practice Law in Tennessee  
(Hopkinsville, KY)

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BOPR NO. 2008-1750-0-RS-(17)

NO. M-2008-00771-SC-BPR-BP

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**ORDER**

This matter is before the Court upon the Board of Professional Responsibility's Petition for Reciprocal Discipline pursuant to Section 17 of Supreme Court Rule 9.

On July 22, 2008, the Supreme Court entered a Notice for the Respondent to show cause, if any, why the reciprocal discipline of a 181 day suspension, with 60 of those days probated for two years under the conditions imposed by the Supreme Court of Kentucky in cause 2008-SC-00040-KB, should not be imposed in Tennessee. The Respondent failed to respond to this Notice.

Therefore, after consideration of the entire file, the Court is of the opinion that the Petition is well taken and the reciprocal discipline as requested by the Board of Professional Responsibility is approved.

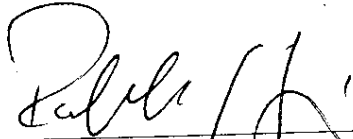
It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that:

- 1) The Respondent, Richard K. Cameron, is suspended from the practice of law in Tennessee for 181 days, with 60 of those days probated for two years under the conditions imposed by the Supreme Court of Kentucky in cause 2008-SC-00040-KB. A copy of the Order of the Supreme Court of Kentucky is attached to this Order as Exhibit 1.
- 2) The Respondent, Richard K. Cameron, pursuant to Section 24.3 of Rule 9 of this Court, shall reimburse and pay to the Board of Professional Responsibility the costs and expenses of this proceeding in the amount of \$257.67; and, in addition, shall pay to the Clerk of this Court the costs incurred herein, for all of which execution shall issue, if necessary.
- 3) The Board of Professional Responsibility shall cause notice of this suspension to be published in accordance with Tenn. R. Sup. Ct. 9, §18.10.

FOR THE COURT:

Cornelia A. Clark  
CORNELIA A. CLARK  
JUSTICE

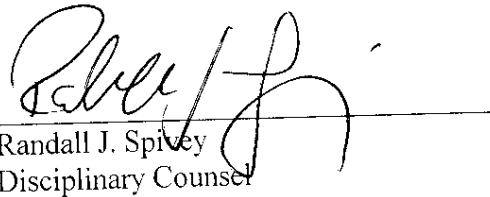
APPROVED FOR ENTRY:



\_\_\_\_\_  
Randall J. Spivey, BPR No. 21704  
Disciplinary Counsel  
Suite 730  
1101 Kermit Drive  
Nashville, Tennessee 37217  
(615) 361-7500

Certificate of Service

I certify that a copy of the foregoing proposed Order has been mailed to Richard K. Cameron, Respondent, P.O. Box 1013, Hopkinsville, Kentucky, 42241, on this the 17<sup>th</sup> day of September, 2008.



\_\_\_\_\_  
Randall J. Spivey  
Disciplinary Counsel



SUSAN STOKLEY CLARY  
Clerk

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SUPREME COURT OF KENTUCKY  
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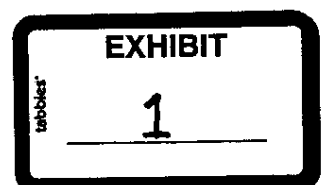
### CERTIFICATION

I, Susan Stokley Clary, Clerk of the Supreme Court of Kentucky, do hereby certify that the attached Opinion and Order entered March 20, 2008 in INQUIRY COMMISSION V. RICHARD KIP CAMERON, is a true and correct copy of the original Opinion and Order as it appears on file in my office.

Done this 10<sup>th</sup> day of April, 2008, at Frankfort, Kentucky.

SUSAN STOKLEY CLARY, CLERK

By:   
Deputy Clerk



NOT TO BE PUBLISHED

# Supreme Court of Kentucky

2008-SC-000040-KB

KENTUCKY BAR ASSOCIATION

MOVANT

V.

IN SUPREME COURT

RICHARD KIP CAMERON

RESPONDENT

## OPINION AND ORDER

The Board of Governors of the Kentucky Bar Association has recommended to this Court that Richard Kip Cameron be suspended from the practice of law for 181 days, with 60 of those days probated for two years on conditions. These matters were before the Board as defaults under SCR 3.210 and are before this Court pursuant to SCR 3.370(10). Accordingly, we adopt the Board of Governors' decision.

Richard Kip Cameron, KBA Member No. 10144, has a bar roster address of 1611 South Main Street, Suite 14, P.O. Box 1013, Hopkinsville, Kentucky 42240. Respondent was admitted to practice law in the Commonwealth of Kentucky on May 19, 1978. Because the Court is adopting the decision of the Board of Governors under SCR 3.370(10), we adopt as our own, the Board's findings of fact, conclusions of law, and its recommended discipline.

This matter involves three separate Charges against Respondent, being KBA files 14208, 14761 and 14850, which were considered by the Kentucky Bar Association

("KBA") Board of Governors at its meeting on November 16, 2007. Because Respondent failed to file a response or otherwise contest these Charges, these matters were considered as defaults under SCR 3.210.

#### **A. KBA CHARGE FILE NO. 14208**

1. Following the enactment of The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA") in October 2005, Respondent filed numerous bankruptcy petitions in the United States Bankruptcy Court for the Western District of Kentucky. BAPCPA, which became effective October 17, 2005, required in addition to existing bankruptcy court rules that the filing fee be paid concurrently with the filing of the petition, that the attorney file a Statement of Social Security Number, Proof of (the debtor's) Pre-Bankruptcy Financial Counseling, and Statement of Current Monthly Income and Disposable Income Calculation.

2. On November 11, 2005, the Respondent filed Case No. 05-52631(13) on behalf of Stacy Allen Trogden. Various deficiency notices were issued by the Bankruptcy Court Clerk to Respondent, including a notice that the Respondent had failed to deposit the required filing fee. The deficiency notices were not addressed by the Respondent before dismissal of the case on November 21, 2005 on the grounds that Respondent failed to deposit the required filing fee. Respondent paid the required filing fee on November 22, 2005, but never asked the Bankruptcy Court to reinstate the case.

3. On November 22, 2005, Respondent filed Case No. 05-52641(13) on behalf of Stacy Allen Trogden. The Bankruptcy Court dismissed the case on December 9, 2005 due to the Respondent's failure to file the Statement of Social Security Number, the Chapter 13 Plan, the Credit Counseling Document, the Statement of Current Monthly Income and Disposable Income Calculation, and the Voluntary Petition - Official Form 1.

4. On December 15, 2005, the Respondent filed Case No. 05-52678(13) on behalf of Stacy Allen Trogden. The Bankruptcy Court Clerk issued various deficiency notices to the Respondent, including a notice that Respondent had failed to deposit the required filing fee. The Respondent failed to address the deficiency notices before

dismissal of the case on December 21, 2005 on the ground that Respondent failed to deposit the required filing fee.

5. On December 22, 2005, the Respondent filed Case No. 05-52696(13) on behalf of Stacy Allen Trogden. The case was dismissed on December 30, 2005, for the Respondent's failure to file the Voluntary Petition, the Statement of Financial Affairs, and completed schedules.

6. On December 27, 2005, the Respondent filed Case No. 05-52703(13) on behalf of Stacy Allen Trogden. The Bankruptcy Court Clerk issued deficiency notices to the Respondent for failing to file a Voluntary Petition in substantial compliance with Official Form 1, failing to upload the Creditor's Matrix, failing to include a required Affidavit of the Debtor, failing to file the Certificate of Credit Counseling and failing to file the Statement of Current Monthly Income and Disposable Income Calculation.

7. On November 11, 2005, the Respondent filed Case No. 05-52629(13) on behalf of Bobbi Jo Secrest. Various deficiency notices were issued by the Bankruptcy Court Clerk to the Respondent, including a notice that the Respondent had failed to deposit the required filing fee. The deficiency notices were not addressed by the Respondent prior to dismissal of the case on November 21, 2005 because of the Respondent's failure to deposit the required filing fee. On November 22, 2005, the Respondent paid the filing fees, but never requested that the case be reinstated.

8. On November 22, 2005, the Respondent filed Case No. 05-52640(13) on behalf of Bobbi Jo Secrest. The case was dismissed by the Bankruptcy Court Clerk because of the Respondent's failure to file the Statement of Social Security Number, the Credit Counseling Document, the Statement of Current Monthly Income and Disposable Income Calculation, and the Voluntary Petition - Official Form 1.

9. On December 15, 2005, the Respondent filed Case No. 05-52677(13) on behalf of Bobbi Jo Secrest. Various deficiency notices were issued by the Bankruptcy Court Clerk to the Respondent, including a notice that the Respondent had failed to deposit the required filing fee. The deficiency notices were not addressed by the Respondent prior to dismissal of the case on December 21, 2005 because of the Respondent's failure to deposit the required filing fee.

10. On December 22, 2005, the Respondent filed Case No. 05-52693(13) on behalf of Bobbi Jo Secrest. The Bankruptcy Court Clerk issued deficiency notices to the Respondent for failing to file a Voluntary Petition in substantial compliance with Official Form 1, failing to upload the Creditor's Matrix, failing to include a required Affidavit of the Debtor, failing to file the Certificate of Credit Counseling, failing to file the Statement of Current Monthly Income and Disposable Income Calculation, failing to file the Statement of Social Security Number, and failing to deposit the filing fee.

11. To address these ongoing problems, Bankruptcy Court Judge Thomas Fulton entered an Order on January 4, 2006 requiring the Respondent to show cause on January 24, 2006 why he should not be barred from filing cases in the United States Bankruptcy Court for the Western District of Kentucky.

12. Before the January 24, 2006 hearing, Judge Fulton held a show cause hearing regarding the Bobbi Jo Se[ ]crest matter on January 18, 2006. At the conclusion of the January 18, 2006 hearing, Judge Fulton verbally ordered the Respondent not to file anything with the Western District of Kentucky Bankruptcy Court pending the January 24, 2006 show cause hearing. Nevertheless, the Respondent filed a Chapter 13 bankruptcy petition on Friday, January 20, 2006, in the Western District of Kentucky Bankruptcy Court in Case No. 06-40023 on behalf of Jeffrey Wayne Johnson.

13. At the show cause hearing on Tuesday, January 24, 2006, the Respondent apologized to Judge Fulton for the filing in the Johnson matter, but stated that the debtor was the brother of his secretary and his residence was to be sold at a Commissioner's sale on Monday, January 23, 2006 in the absence of the filing.

14. At the show cause hearing of Tuesday, January 24, 2006, it was noted that the Respondent had filed five (5) bankruptcy cases on behalf of a client (Ms. Secrest) and had recently filed the sixth case on her behalf, causing all six bankruptcy filings to appear on her credit history. The sixth case was likewise dismissed for failure to follow bankruptcy filing procedures.

15. At the conclusion of the show cause hearing of Tuesday, January 24, 2006, Judge Fulton stated:



Alright, the Court will take this matter under submission. We should have something out within the next two weeks. During the interim though Mr. Cameron, you will not file anything in the Western District of Kentucky United States Bankruptcy Court.

16. On January 26, 2006, the Bankruptcy Court entered a written order ordering the Respondent to cease all practice before the Court until he certified his attendance in at least thirty-three (33) hours of continuing legal education (CLE) in the area of consumer bankruptcy law, including at least three (3) hours of ethics education. In accordance with standard bankruptcy court clerk operating procedure, the Respondent was emailed a copy of the order.

17. Before attending any continuing legal education in the area of consumer bankruptcy law or ethics, the Respondent filed another Chapter 13 bankruptcy petition for Mr. Johnson in Case No. 06-40210(13) in the same Court on April 14, 2006. As a result, on May 10, 2006, the Bankruptcy Court held another show cause hearing.

18. On May 11, 2006, the Bankruptcy Court entered another written order barring the Respondent from the practice of law before that Court until his certification of completion of the originally imposed CLE. The Court gave the Respondent until October 31, 2006 to certify his completion of the CLE, and noted that if he did not certify such attendance, he would have to apply for reinstatement to practice before that Court.

19. On September 25, 2006, the Inquiry Commission issued an Inquiry Commission Complaint against Respondent for the above-described violations of the Rules of Professional Conduct. On September 27, 2006, Respondent signed for receipt of certified mail containing a copy of the Inquiry Commission Complaint. A copy of the Inquiry Commission Complaint was again mailed to Respondent on November 7, 2006. On November 27, 2006, Respondent again signed for receipt of the certified mail. On January 12, 2007, Respondent was personally served with a copy of the Inquiry Commission Complaint by the Christian County Sheriff's Office. The Respondent has not filed a Response to the Inquiry Commission Complaint.

### Count I

Count I of the Complaint sets forth the above allegations of fact and charges Respondent with a violation of SCR 1.30-1.1, which provides:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

### Count II

Count II involves the same set of facts referred to above. Count II charges Respondent with a violation of SCR 3.130-1.3, which provides:

A lawyer shall act with reasonable diligence and promptness in representing a client.

### Count III

Count III involves the same set of facts referred to above. Count III charges Respondent with a violation of SCR 3.130-3.4(c), which provides:

A lawyer shall not knowingly or intentionally disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

### Count IV

Count IV involves the same set of facts referred to above. Count IV charges Respondent with a violation of SCR 3.130-8.1(b), which provides that a lawyer in connection with a disciplinary matter shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority.

### Findings of Fact

Respondent has failed to adequately answer the above-described charges and is before the Board of Governors ("Board") of the KBA by default. The Board finds by a preponderance of the evidence that Respondent committed the numerous errors detailed above by failing to

file his clients' bankruptcy petitions pursuant to the BAPCPA. The Board also finds by a preponderance of the evidence that Respondent knowingly or intentionally disobeyed at least two of the Bankruptcy Court's orders, the first issued by Judge Fulton from the bench on January 18, 2006, and a second entered by Judge Fulton from the bench on January 24, 2006, which ordered Respondent to not file anything with the Bankruptcy Court. Respondent claimed he did not receive the January 26, 2006 written order of the Bankruptcy Court before filing a Chapter 13 bankruptcy petition for Jeffrey Wayne Johnson. Nevertheless, the Bankruptcy Court had already ordered Respondent on two separate occasions not to file anything with the Court. The Board also finds by a preponderance of the evidence that Respondent did not respond to a demand for information from a disciplinary authority, as described above.

### **Conclusions of Law**

On November 16, 2007, by a vote of 17- 0, the Board of Governors found Respondent guilty of Counts I, II, III, and IV.

#### **B. KBA CHARGE FILE NO. 14761**

1. On August 31, 2006, Merton Vance Villard of Hopkinsville, Kentucky, retained the Respondent to file a Motion for Custody and/or Visitation in Christian County against the mother of Mr. Villard's child. At the initial consultation, Mr. Villard paid the Respondent \$500.00 in advance for the representation.

2. On September 1, 2006, the Respondent wrote a single letter to the Assistant County Attorney in charge of the Child Support Division in Lexington, Kentucky, asking about the status of the DNA testing of the mother and child. The DNA testing had been requested by an attorney friend of Mr. Villard before Mr. Villard hired the Respondent. The Respondent did not file the Motion for Custody and/or Visitation for which Mr. Villard retained him.

3. After September 1, 2006, Mr. Villard made repeated calls and visits to the Respondent's office to determine the status of the matter. The Respondent has not returned Mr. Villard's calls or his messages. Mr. Villard has demanded the return of the unearned portion of his fee and the Respondent has not complied, nor has he contacted Mr. Villard.

4. A copy of the Bar Complaint was served upon the Respondent on January 21, 2007, by the Christian County Sheriff. The Respondent has not responded to the bar complaint.

#### Count I

Based on the above set of facts, Respondent was charged with a violation of SCR 3.130-1.4(a), which provides:

A lawyer should keep a client reasonably informed about the status of a matter or promptly comply with reasonable requests for information.

#### Count II

Based on the above set of facts, Respondent was charged with a violation of SCR 3.130-1.5, which provides, in part, that:

A lawyer's fee shall be reasonable.

#### Count III

Based on the above set of facts, Respondent was charged with a violation of SCR 3.130-1.16(d), which provides that,

Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as...refunding any advance payment of fee that has not been earned.

#### Count IV

A copy of the Bar Complaint was personally served upon the Respondent on January 21, 2007, by the Christian County Sheriff's Office, and Respondent has not responded to the Bar Complaint. Count IV charges Respondent with violating SCR 3.130-8.1(b), which provides:

...[A] lawyer in connection with a... disciplinary matter, shall not... knowingly fail to respond to a lawful demand for information from a... disciplinary authority.

### Findings of Fact

Respondent has failed to adequately answer the above-described charges and is before the Board by default. The Board finds by a preponderance of the evidence that Respondent failed to perform the work for which Mr. Villard retained him, and that Respondent failed to return Mr. Villard's numerous calls and messages inquiring about the status of the matter. The Board does not find that the fee charged by Respondent to Mr. Villard was unreasonable. The Board finds by a preponderance of the evidence that Respondent failed to return Mr. Villard's fee to him when Mr. Villard advised Respondent that he no longer wished to retain him as attorney and Mr. Villard requested a refund of the fee. The Board also finds by a preponderance of the evidence that Respondent did not respond to a demand for information from a disciplinary authority as described above.

### Conclusions of Law

On November 16, 2007, by a vote of 17- 0, the Board of Governors found Respondent guilty of Counts I, III, and IV and not guilty of Count II.

#### **C. KBA CHARGE FILE NO. 14850**

1. Jason Johnson, of Fort Campbell, Kentucky, hired the Respondent on September 18, 2006, and paid him \$514.00 in advance to handle his divorce. The Respondent performed no work on the case.
2. Following the initial consultation, Mr. Johnson heard nothing from the Respondent for a period of a month and a half. Mr. Johnson left several messages for the Respondent, but the Respondent did not return Mr. Johnson's calls. In November 2006, Mr. Johnson was finally able to confront the Respondent at the Respondent's office. Mr. Johnson advised the Respondent that his services were terminated.
3. On November 3, 2006, the Respondent issued Mr. Johnson a check from his operating account in the amount of \$500.00 for reimbursement of the fee. The check was dishonored by Planter's Bank due to Respondent's account having been closed.

### Count I

Count I charges Respondent with a violation of SCR 3.130-1.3, which provides:

A lawyer shall act with reasonable diligence and promptness in representing a client.

### Count II

Count II charges Respondent with a violation of SCR 3.130-1.4 (a), which provides:

A lawyer should keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

### Count III

Count III charges Respondent with a violation of SCR 3.130-1.16(d), which provides:

Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as...refunding any advance payment of fee that has not been earned.

### Count IV

On December 4, 2006, Jason Johnson filed a Complaint against the Respondent. The Complaint was mailed to the Respondent by certified mail on December 20, 2006, but it was returned unclaimed. The Respondent was served by the Christian County Sheriff's Office with a copy of the Complaint on January 30, 2007, but Respondent did not file a Response to the Complaint. Count IV charges Respondent with a violation of SCR 3.130-8.1(b), which provides that,

...[A] lawyer in connection with a... disciplinary matter, shall not... knowingly fail to respond to a lawful demand for information from a... disciplinary authority.

### Findings of Fact

Respondent has failed to adequately answer the above-described charges and is before the Board by default. The Board finds a preponderance of the evidence that Respondent failed to act with reasonable diligence and promptness in representing Mr. Johnson because he took no action on his matter. The Board finds by a preponderance of the evidence that Respondent failed to keep Mr. Johnson reasonably informed about the status of this matter and to promptly comply with reasonable requests for information from Mr. Johnson when he failed to respond to Mr. Johnson's numerous inquiries. The Board finds by a preponderance of the evidence that Respondent failed to return Mr. Johnson's unearned fee when Mr. Johnson requested him to do so.

### Conclusions of Law

On November 16, 2007, by a vote of 17- 0, the Board of Governors found Respondent guilty of Counts I, II, III, and [IV].

#### **D. CONCLUSIONS OF LAW AS TO RECOMMENDED DISCIPLINE**

After the Board found Respondent guilty as set forth above in each of the three matters, the Board considered an appropriate discipline. The Board noted that Respondent had received three previous private admonitions. The first was dated March 23, 2005, for a violation of SCR 3.130-1.16(d)(failure to protect client's interest upon termination) when he took over seven months to refund an unearned fee. The second private admonition was dated January 17, 2006, for a violation of SCR 3.130-1.15(a)(failure to hold client property separate) because Respondent deposited funds related to a real estate closing in his operating account instead of his trust account. The third private admonition was dated March 3, 2006, for a violation of SCR 3.130-8.3(b)(criminal conduct) related to Respondent's guilty plea to a Class B misdemeanor for bouncing a \$374.00 check to his veterinarian.

At the penalty phase of the Board's deliberations, the Board of Governors, by a vote of 17 - 0, recommended a suspension of 181 days, with 60 days probated for two years on the following conditions:

1. Execution and compliance with the attached KYLAP monitoring agreement;
2. Restitution of \$500.00 to his client, Merton Vance Villard, for the unearned fee; and
3. Restitution of \$514.00 to his client, Jason Johnson, for the unearned fee.

### **E. CONCLUSION**

Regarding the Charge in KBA File No. 14208, the Board recommends that Respondent be found guilty of Counts I, II, III and IV.

Regarding the Charge in KBA File No. 14761, the Board recommends that Respondent be found guilty of Counts I, III and IV and not guilty of Count II.

Regarding the Charge in KBA File No. 14850, the Board recommends that Respondent be found guilty of Counts I, II, III and IV.

The Board further recommends that Respondent be suspended from the practice of law for 181 days, with 60 of those days probated for two years conditioned on Respondent fulfilling the following requirements:

1. Execution and compliance with a KYLAP monitoring agreement as described above;
2. Restitution of \$500.00 to his client, Merton Vance Villard, for the unearned fee; and
3. Restitution of \$514.00 to his client, Jason Johnson, for the unearned fee.

The costs of this proceeding, which will be certified by the Executive Director, should be assessed against and paid by Richard Kip Cameron as required by SCR 3.450.

**ACCORDINGLY, THIS COURT HEREBY ADJUDICATES AND ORDERS,**  
pursuant to SCR 3.370(10), that the Respondent, Richard Kip Cameron, be and is

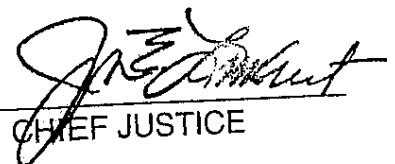


hereby suspended from the practice of law for 181 days, with 60 of those days probated for two years conditioned on Respondent fulfilling the following requirements:

1. Execution and compliance with a KYLAP monitoring agreement as described above;
2. Restitution of \$500.00 to his client, Merton Vance Villard, for the unearned fee;
3. Restitution of \$514.00 to his client, Jason Johnson, for the unearned fee;
4. The costs of this proceeding, which certified by the Executive Director as \$794.76, is assessed against and to be paid by Richard Kip Cameron as required by SCR 3.450; and
5. Pursuant to SCR 3.390, notify all Courts in which he has matters pending, and all clients for whom he is actively involved in litigation and similar legal matters, of his inability to continue to represent them and of the necessity and urgency of promptly retaining new counsel. Simultaneously, Respondent shall provide a copy of all such letters to the Director of the Association.

All sitting. All concur, except Cunningham, J., not sitting.

ENTERED: March 20, 2008.

  
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CHIEF JUSTICE