

## 3 Fen-phen case lawyers are suspended

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The Kentucky Supreme Court has temporarily suspended the law licenses of three Lexington lawyers accused of taking excessive fees in a \$200 million lawsuit over the diet drug fen-phen.

In three written orders released yesterday, the court suspended Melbourne Mills, Shirley Cunningham Jr. and William Gallion from practicing law in Kentucky.

The court said there is probable cause to think that the three had misappropriated money they held for others to their own use or that they had been improperly dealing with that money.

A Lexington lawyer representing former fen-phen users who are suing their former lawyers said "the immediate nature (the high court's) action sends the message that the court will deal with this kind of behavior harshly and severely."

"The legal profession, in every sense, is using its safeguards to deal with this kind of behavior," attorney Angela Ford said.

Calling it a case of "unbridled greed," the Kentucky Bar Association had urged the Supreme Court to suspend the three lawyers.

A lawyer for the bar told the court in a recent hearing that the three took millions more in attorney fees than their clients had agreed to give them.

"They took \$105 million and gave their clients \$74 million," Linda Gosnell, chief bar counsel for the bar association, told the court at that hearing.

The suspensions are effective until further order of the court.

The attorneys' lawyer, William E. Johnson of Frankfort, was out of the office yesterday and could not be reached for comment.

The three were ordered to notify all their clients that they would be unable to continue representing them and to cease any advertising.

More than 400 people were involved in a settlement with American Home Products, the maker of the diet drug fen-phen. The plaintiffs said the drug damaged their hearts. The case was settled for \$200 million in 2001.

In 2004, the former fen-phen clients sued their former lawyers, asking for a full accounting of the settlement funds. Many said they were never told how the money was disbursed.

Johnson argued last week that his clients knew little about the disbursement of class-action settlement funds and depended on case law and the wisdom of then-Circuit Judge Jay Bamberger to decide how the money was distributed.

Bamberger later was publicly reprimanded after the state Judicial Conduct Commission found that he acted improperly in the case. He resigned in February.

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