

BOARD NOTES

published by the
Board of Professional Responsibility
of the
Supreme Court of Tennessee

Fall 2023



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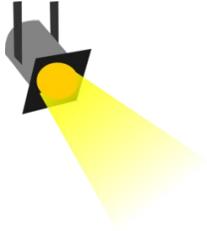
Greeting from Justice Page

Supreme Court Liaison, Board of Professional Responsibility

I am honored and excited to return as the Tennessee Supreme Court's new liaison to the Board of Professional Responsibility. In my role as Chief Justice, I had several egregious BPR cases come across my desk. The thing that sticks with me, though, is how many *more* lawyers are upholding the ethical standards of our profession. Our profession can be stressful at times, but it carries many rewards. The smile of a happy client is extremely satisfying.

We are each responsible for monitoring our own behavior. Of course, we have to make ethical choices almost every day. It is our duty to avoid mistakes as best as we can and learn from the mistakes of others so that we can promote trust in the legal system. Together, we can encourage each other to have higher standards for ourselves and our colleagues. Together, we can raise the standard in our profession so that we can ensure justice in our state.

I'd like to thank Chief Justice Holly Kirby for her service as liaison these past four years and congratulate her on her new role. In addition, I appreciate the excellent leadership of Jennifer Hagerman as Chair of the BPR. All of us on the Court appreciate the hard work of the Members of the Board, District Committee Members, Disciplinary Counsel, and all the hardworking BPR employees. Finally, Sandy Garrett is extraordinary in her role as Chief Disciplinary Counsel. I look forward to working with everyone.



Ethical Concerns For Lawyers Practicing in Office Sharing Arrangements

Steven J. Christopher, Deputy Chief Disciplinary Counsel - Investigations
Board of Professional Responsibility

Office sharing arrangements are becoming an attractive option for lawyers in Tennessee and other jurisdictions. In this model, lawyers maintain separate law practices but work out of an office suite with a shared conference room, library, and other common spaces. An office sharing arrangement may also involve sharing support staff, telephone and facsimile systems, and a computer network. An office sharing arrangement not only can significantly reduce the cost of operating a law practice but can also facilitate a sense of collegiality and community for solo practitioners relative to operating in a separate brick and mortar office space.

The office sharing model is permitted in Tennessee and other jurisdictions but raises potential ethical concerns. The American Bar Association's Standing Committee on Ethics and Professional Responsibility recently published Formal Ethics Opinion 507, "Office Sharing Arrangements with Other Lawyers" which specifies some of the ethical issues that are potentially applicable when attorneys enter into office sharing arrangements.¹ A number of state jurisdictions have addressed ethical issues arising out of office sharing arrangements as well.² This article will focus upon a particular issue for attorneys in Tennessee and other jurisdictions who are considering

¹ ABA Formal Op. 507 (July 12, 2023).

² See e.g., Conn. Bar Ass'n Prof'l Ethics Comm. 2014-04, 2014 WL 12823983 (2014); Ohio Bd. of Prof'l Conduct Advisory Op. 2017-05, 2022 WL 10219976 (2017); N.Y. State Bar Ass'n Comm. on Prof'l Ethics Op., 2012 WL 6087183 (2012).

employing an office sharing model or who have already done so: the need to be acutely conscious about whether the lawyers in the office sharing arrangement are operating as a “firm.”

The Definition of a Firm

A common error made by lawyers who create an office sharing arrangement is to act under the assumption that if the lawyers do not enter into a formal partnership agreement or create a legal corporation or other entity through which they will practice, the lawyers are per se not forming a “firm.” Contrary to this understanding, the Tennessee Rules of Professional Conduct contain a much broader definition of a “firm.” As described with more specificity below, whether lawyers are operating in a firm is foundational in analyzing their ethical responsibilities, such as conflicts of interest and confidentiality. Lawyers who work in an office sharing arrangement must be acutely conscious of whether they are operating as a firm and be intentional in structuring their office sharing arrangement and individual practices in a manner consistent with whether they fall within the definition of a firm.

A “firm” is defined in the Tennessee Rules of Professional Conduct as “a lawyer in a law partnership, professional corporation, sole proprietorship *or other association authorized to practice law*; or lawyers employed in a legal services organization or the legal department of a corporation, government agency, or other organization.”³ The inclusion of the emphasized phrase in the definition confirms the potential inclusion of office sharing arrangements or other forms of association beyond law partnerships, professional corporations, and other formally created entities. This is made explicit in Comment [2] of RPC 1.0, which specifies that whether attorneys are

³ RPC 1.0(c)(emphasis added).

deemed to practice in a firm and thereby be held to all of the attendant ethical responsibilities is a fact specific inquiry.⁴ Whether the attorneys who practice together consider themselves to be a firm is similarly relevant but not dispositive. Comment [2] specifically states that while practitioners who share office space and occasionally consult or assist each other ordinarily will not be regarded as constituting a firm, they will be held to the definition if they present themselves to the public in a way that suggests that they are a firm or conduct themselves as a firm.⁵ The existence of a formal agreement between lawyers in an association is relevant to the analysis of whether the lawyers will be deemed to be a firm for purposes of analyzing their ethical conduct.⁶

Attorneys practicing in an office sharing arrangement could unintentionally create the perception that they are operating as a firm through a number of acts and omissions. One of these is signage. Lawyers in a shared office arrangement should avoid employing a name on their signage that suggests that they are a firm and should instead itemize each attorney in the arrangement in a manner that emphasizes their separate law practices. If lawyers in an office sharing arrangement do not employ signage that specifies that each attorney operates a separate practice, this could reasonably create the perception by clients and other observers that they practice together in a firm.⁷ The same perception could be created if the lawyers in a shared space do not use letterhead, business cards, and email signatures that specify that each lawyer maintains a separate practice.

⁴ RPC 1.0, Comment [2].

⁵ Id.

⁶ Id.

⁷ RPC 7.1, Comment [13].

In addition to being inadvertently held to the ethical obligations incident to practicing in a firm, an attorney falsely holding themselves out as practicing in a firm or engaging in conduct that suggests that they practice in a firm itself implicates several ethical rules. One of these is RPC 7.1(a), which prohibits a lawyer from making a false or misleading statement regarding their legal services.⁸ RPC 7.1, Comment [13] confirms that RPC 7.1 is potentially implicated when attorneys who practice in an office sharing arrangement present themselves in a manner that suggests that they practice as a firm. False or misleading communication about whether lawyers practice in a firm could additionally be deemed to violate RPC 8.4(c), which prohibits attorneys from engaging in conduct involving fraud, deceit, dishonesty, or misrepresentation.

Conflict of Interest Analysis

Without a foundational understanding of whether attorneys in an office sharing arrangement are a firm, the attorneys in the arrangement will be unable to effectively analyze their ethical obligations. An example is the evaluation of conflicts of interest. Tennessee's imputed conflict of interest rule for private attorneys provides that while lawyers are practicing in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so due to a conflict of interest, unless the prohibition is based upon a personal interest.⁹ Tennessee's imputed disqualification rule applies only to lawyers practicing in

⁸ RPC 7.1, Comment [13]. ABA Formal Op. 507.

⁹ RPC 1.10(a).

a firm.¹⁰ Consequently, if lawyers are practicing in an office sharing arrangement that is deemed to fall within the definition of a firm, they will be held to Tennessee’s imputed conflict rules and may have entered into or continued in the representation of one or more clients that create imputed conflicts.¹¹ In contrast, if attorneys are practicing in an office sharing arrangement that is deemed to consist of solo practices, the imputed conflict rules are inapplicable.¹² Consequently, if solo practitioners in an office sharing arrangement hold themselves out as a firm while not applying Tennessee’s imputed conflict rules when taking on new cases, they will be violating the Tennessee Rules of Professional Conduct each time RPC 1.10 would disqualify an attorney from representing a client.

The failure to determine if attorneys in an office sharing arrangement are a firm for purposes of imputed conflict analysis can result in the disqualification of attorneys in a legal proceeding as well as disciplinary action. Disqualification can result in significant harm to clients who are required to locate successor counsel, delay in legal proceedings, and loss of revenue for lawyers who are compelled to withdraw. Research revealed a number of court decisions where a motion to disqualify counsel was filed where attorneys practicing together in a shared office

¹⁰ RPC 1.10, Comment [2](“The rule of imputed disqualification stated in paragraph [1.10(a)] gives effect to the principle of loyalty to the client as it applies to lawyers who practice in a law firm.”).

¹¹ ABA Formal Op. 507.

¹² Id.

arrangement were alleged to fall within the definition of a firm, and where representation was thereby deemed to be prohibited under the jurisdiction's conflict of interest rules.¹³

For example, in the United States of America v. Dale C. Schafer and Marion P. Fry, federal prosecutors sought disqualification of counsel for both individual defendants based upon the argument that their counsel practiced in the same firm, and that representation was thereby prohibited from jointly representing both criminal defendants.¹⁴ The defendants' counsel argued that they practiced in an office sharing arrangement and did not practice together in a firm for conflict of interest purposes.¹⁵

The Court's analysis relied upon a very fact specific inquiry that included the way that attorneys in the office sharing arrangement presented themselves through their business cards, letterhead, the sharing of information between lawyers in the office sharing arrangement, and other details.¹⁶ The Court ultimately denied the motion to disqualify, concluding that there was insufficient evidence to establish that the office sharing arrangement fell within the definition of a

¹³ See, e.g., United States v. Varca, 896 F.2d 900, 903 (5th Cir. 1990)(disqualification sought for counsel in office sharing arrangement where counsel shared office space, jointly paid office overhead, and shared fees); United States v. Young, 73 F. Supp.2d 1014, 1018-1019 (N.D. Iowa 1999)(disqualification sought where two defense attorneys owned building jointly and cooperated with each other on cases); United States v. Pungitore, 910 F.2d 1084, 1140 (3rd Cir. 1990)(sharing of office space and joint representation did not lead to finding that they were in a firm due to separate letterhead and other factors).

¹⁴ United States of America v. Dale C. Schafer and Marion P. Fry, No. CR.S-05-00238 FCD, 2006 WL 3271290 (E.D. Cal. Nov. 12, 2006).

¹⁵ Id. at *3-*4.

¹⁶ Id.

firm.¹⁷ However, the opinion and related court decisions reveals that more intentional efforts by the lawyers in the office sharing arrangement to confirm to the public that they were not a firm would have saved the significant time, expense, and risk involved in defending against the motion to disqualify.

The Protection of Confidential Information

A second example of the importance of reaching a threshold understanding of whether an office sharing arrangement will constitute a firm involves an attorney's confidentiality obligations. Attorneys are required to protect confidential client information and prevent the inadvertent or unauthorized disclosure of confidential information.¹⁸ Confidential information includes any information relating to the representation of the client and is thereby much broader than attorney-client privilege, which only generally covers communications between attorney and client.¹⁹ Confidential information may only be disclosed through the client's informed consent, if impliedly authorized to carry out the representation, or if disclosure is permitted by one of the circumstances defined at RPC 1.6(b) or required by one of the circumstances defined at RPC 1.6(c).²⁰

Lawyers practicing in a firm are permitted to disclose information to each other relating

¹⁷ Id. at *10-*11.

¹⁸ RPC 1.6(d).

¹⁹ RPC 1.6, Comment [3].

²⁰ RPC 1.6(a)(1)-(3).

to a client of any of the other lawyers of the firm.²¹ Lawyers practicing in a firm are thereby not bound by the requirements of RPC 1.6(d) as it concerns other lawyers in the firm and support staff, and the duty to protect information only becomes applicable to disclosure outside the firm. Lawyers in a firm can freely consult with each other about their respective clients and refer clients to others within the firm for other legal work without the need to obtain informed confidentiality waiver from their clients.

In contrast, if attorneys in an office sharing arrangement are deemed not to practice within a firm, they must expend the time and resources to protect the disclosure and dissemination of confidential information to other attorneys in the office sharing arrangement. This requires the creation and implementation of appropriate protocols to ensure that information is not shared with the other attorneys in the office sharing arrangement. These protocols would need to take into account the practical realities of practicing in the shared office arrangement. For example, care should be taken if the attorneys in the shared space use a single fax machine to prevent an attorney other than the intended recipient from inadvertent review of the communication. If a shared computer server is used, specific steps should be taken to ensure that each lawyer has access only to information regarding their respective clients. Consultation about cases between attorneys in an office sharing arrangement that is not a firm is appropriate where information is not shared that would be sufficient to disclose the identity of the client.²² Disclosure would otherwise require an informed confidentiality waiver.

²¹ RPC 1.6, Comment [5].

²² RPC 1.6, Comment [4] provides that a disclosure of information in a way that cannot reasonably be linked to the client does not reveal information relation to the representation of a client in violation of RPC 1.6.

Decide Whether the Office Sharing Arrangement Will be a Firm

Considering the foregoing, lawyers who choose to practice in an office sharing arrangement should expressly decide prior to entering into the arrangement whether they will operate as a firm. This decision should not be taken lightly, as it will have significant business and practical consequences as well as ethical ones. There are significant benefits as well as drawbacks in operating as a firm, and some of these are highly subjective to an attorney's preferences in the carrying out of their law practice. For example, the autonomy that is a hallmark of a truly solo practice might be of great benefit to a particular attorney, while another attorney might assign significantly higher value to the potential tax consequences of operating in a professional corporation. The Tennessee Rules of Professional Conduct do not dictate the particular form through which a firm chooses to operate, and lawyers who create a firm are free to practice as a partnership, professional corporation, or any other form recognized and permitted by applicable law. In reaching the decision of whether to operate as a law firm, lawyers should consider each of the forms of organization that is available and the positive and negative implications of each form in light of the unique proclivities of their law practice.

Reduce the Office Sharing Arrangement to Writing

If lawyers who practice in a shared office arrangement decide not to operate as a firm and instead maintain separate practices, it is recommended that the office sharing arrangement be reduced to writing and agreed upon by each lawyer. A written agreement will help ensure that there is a consistent and shared understanding that the lawyers will not be operating together as a firm, and the implications for this decision and understanding. If new lawyers are brought into the

office sharing arrangement, they should be made a party to the written agreement and confirmation should be obtained that they will conduct themselves accordingly.

The written agreement should affirm each lawyers' responsibility to take adequate steps to ensure that the perception is not created that the office sharing arrangement is a firm. Appropriate provision should be made regarding the shared expenses of support staff salaries and benefits, rent, and other costs. If there are shared common areas such as a conference room and library, the agreement should reflect a plan for the amicable sharing of these resources.

Provide Managerial and Supervisory Oversight

Once an agreement is reached between the lawyers in the office sharing arrangement that they will not be operating as a firm, each lawyer in the arrangement should create and promulgate protocols for their own law practice commensurate with this understanding and the terms of the agreement, including protocols relative to the protection of confidential client information, advertising, and the intentional presentation of their law practice as a solo practice. The creation and promulgation of such protocols is required for each attorney's compliance with RPC 5.1, which requires that lawyer make reasonable efforts to ensure that their practice has measures in compliance with the Tennessee Rules of Professional Conduct.

If the lawyers in the office sharing arrangement jointly employ support staff, it is the responsibility of every lawyer in the office sharing arrangement to ensure that the support staff have appropriate training, oversight, and supervision. This obligation reflects an attorney's obligations defined at RPC 5.3(a), which require attorneys with managerial authority over support staff to make reasonable efforts to ensure that the conduct of nonlawyers is compatible with their professional obligations. Care should be taken to ensure that support staff are trained regarding

the fact that the office sharing arrangement is not a firm and the ethical implications of this distinction. For example, support staff should be instructed to maintain confidentiality regarding each lawyers' respective law practices, refraining from disclosure of any confidential information to other lawyers in the office sharing arrangement.

Advising Clients that the Office Sharing Arrangement Is Not a Firm

If a decision is made that the office sharing arrangement will not be a firm, lawyers should be clear about this distinction when entering into fee agreements with clients. Whether a lawyer practices in a firm may be significant to a prospective client. A prospective client may, for example, assign significant weight to the fact that lawyers in a firm are able to act in concert and generally have access to greater shared resources.

Without steps being taken to clarify that the office sharing arrangement is not a firm, a prospective client may form the erroneous perception that a firm exists and make their decision to hire the lawyer on this understanding. To correct this misunderstanding, a lawyers' fee agreement or letter of engagement should reflect that the lawyer is operating a solo practice. It is recommended that when initially meeting with new clients, that the nature of the office sharing arrangement be clarified, with particular care taken to ensure that clients understand the implications of communication with other lawyers in the office sharing arrangement for purposes of confidentiality and attorney-client privilege.

Conflict of Interest Analysis

While attorneys in an office sharing arrangement who choose not to operate as a firm will not be subject to imputed conflict of interest rules, the existence of the office sharing arrangement

will nevertheless be relevant for concurrent conflict checking purposes.²³ A concurrent conflict of interest exists if there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.²⁴

Attorneys who practice together in a shared office arrangement, even when not creating a firm, will likely develop a sense of collegiality and community. If a lawyer who agrees to represent a client in highly contested litigation discovers that the opposing party is represented by another lawyer in the office sharing arrangement, the lawyer would need to analyze whether their professional relationship with the other lawyer creates a "personal interest" that would significantly limit their provision of diligent advocacy to their client.

Even where lawyers practicing in an office sharing arrangement are opposing counsel in contested litigation conclude that they would not have a personal interest conflict, each lawyer should additionally consider whether there is a significant risk that either lawyer would unintentionally come into possession of communications intended for the opposing counsel. Much of this analysis would involve consideration of the likelihood of such inadvertent disclosure considering the specifics of the office sharing arrangements mechanisms for transmittal of communications and shared use of a computer server. Lawyers in an office sharing arrangement may conclude that this risk precludes representation of adverse parties in a legal proceeding.

In either of these contexts, a conflict waiver would likely be permissible pursuant to RPC 1.7(b)(1)-(4). Waiver of a concurrent conflict is permitted when a lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation, the representation is not

²³ ABA Formal Op. 507.

²⁴ RPC 1.7(a)(2).

prohibited by law, the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding, and where each affected client gives informed written consent to the conflict.²⁵

In either of these two situations, even where a lawyer ultimately concludes that no conflict exists, it is advisable to nevertheless disclose the circumstance to the client, explaining how the lawyer's professional relationship with opposing counsel will not prevent the provision of zealous advocacy, and how the representation may otherwise proceed without creating a conflict of interest. The client should be provided with assurance of the confidentiality protections maintained in the office sharing arrangement. While a lawyer may correctly conclude that no genuine conflict exists, the disclosure of the circumstance will enable the client to make a fully informed decision about whether to employ the lawyer under the existing circumstances.

Further Inquiry

If you have questions about the content of this article, you may contact the author at schristopher@tbpr.org or (615) 361-7500, extension 203. Questions about the article may also be directed to the Board's Ethics Counsel, Laura Chastain, at lchastain@tbpr.org, or (615) 361-7500, extension 212.

²⁵ RPC 1.7(b)(1)-(4).



Board of Professional Responsibility 2023 Ethics Workshop

The Board of Professional Responsibility is excited to present their 2023 Ethics Workshop as a hybrid event, offering both in person and virtual attendance options.

In person attendance will be at the Nashville School of Law, while all others will attend via livestream. Each attendee has the opportunity to earn 6.5 hours of dual CLE credit.

The workshop will be held Friday, November 3 and tickets are \$100.00. Registration for in person attendees closes on Friday, October 27 and virtual registration ends Wednesday, November 1. Reserve your ticket on [Eventbrite](#).

8:00 – 8:30	Registration	
	<u>Presentation</u>	<u>Speaker(s)</u>
8:30 – 9:45 1.25 (dual)	<p style="text-align: center;"><i>Real Ethics Issues for Lawyers in the Use and Application of Technology</i></p> <p>With the explosion of Artificial Intelligence (AI) integration in many applications and gadgets that we use every day, it's easy to get lost in the sea of lofty promises for AI. This session will explore practical applications of AI in the real world in legal-specific technology. For many attorneys, there are more important practical issues in the use and dangers of technology in the practice of law. This session will also “get real” and “down and dirty” and discuss the more mundane issues relating to a lawyer’s everyday use of technology.</p>	<p>Bill Ramsey Nathan Sanders</p>
9:45 – 10:45 1.0 (dual)	<p style="text-align: center;"><i>Your BPR Case Before the Tennessee Supreme Court: Your Brief May Be Your Only Shot, Make it Persuasive</i></p> <p>This lecture will center around a discussion designed to help attorneys write a disciplinary brief.</p>	<p>Chief Justice Holly Kirby Justice Roger Page Lisa Rippy McGuffey</p>
10:45 – 10:55	10 Minute Break	
10:55 – 12:10 1.25 (dual)	<p style="text-align: center;"><i>When to Say ‘No!’ Cantankerous Clients, Marijuana & the Courts</i></p> <p>This one-hour and 15 minute ethics presentation focuses on the professional responsibility rules that apply when a client wants a lawyer to perform services that might be prohibited by law or ethics rules. Using the example of lawyers practicing in the cannabis law realm, where</p>	<p>Jim Grogan</p>

	federal law prohibits activity that is both lawful and proper in many states, the scope of the attorney-client relationship will be carefully examined within the context of Rule 1.2 of the Rules of Professional Responsibility, a provision that exists in almost every American jurisdiction. This session will then expand the discussion to spotlight recent ethics issues of relevance.	
12:10 – 1:25	Lunch (on your own)	
1:25 – 2:25 1.0 (dual)	<i>Tennessee Lawyers Assistance Program</i> My experience with the most important State Agency you have probably never heard of.	Rob Briley
2:25 – 3:25 1.0 (dual)	<i>A Review of ABA Formal Ethics Opinions</i> This CLE discusses the various formal ethics opinions the ABA has issued in the last year.	David Hudson
3:25 – 3:35	10 Minute Break	
3:35 – 4:35 1.0 (dual)	<i>Practical Ethics in Criminal Law: Fees, Conflicts, Communication</i> The session will cover fees, conflicts and communication in criminal law.	Wade Davies

BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FORMAL ETHICS OPINION 2023-F-169

The Board of Professional Responsibility, in response to numerous ethics inquiries on this subject, issues this opinion as guidance regarding the ethical obligations of departing attorneys and their former firms to notify clients of their options when an attorney leaves a firm.

OPINION

Departing lawyers and their law firms have an ethical duty to protect client interests when a lawyer leaves a law firm. The departure of a lawyer who represents a client or is responsible for the law firm's delivery of legal services currently on a matter is information that may affect the status of a client's matter and require the client to make a decision regarding the representation as set forth in RPC 1.4. A departing lawyer and the law firm have an ethical duty to inform the client of the lawyer's departure. Because a client has the right to select counsel of the client's choice, the fact that the lawyer is leaving and where the lawyer will ultimately practice is information that will aid the client in determining whether to stay with the law firm, leave with the lawyer or seek legal representation elsewhere. Notice should be given to the client by the departing lawyer, the law firm, or preferably, jointly by the law firm and the lawyer.

DISCUSSION

Many lawyers will change law firms during their careers. When a lawyer departs from a law firm, clients should be given the option to stay with the firm, go with the departing attorney, or choose another law firm altogether.¹

The law firm and the departing lawyer both have the ethical obligation to protect the clients' interests during the departing lawyer's transition. "Lawyers and law firm management have ethical obligations to assure the orderly transition of client matters when lawyers notify a firm they intend to move to a new firm."² As noted in State Bar of Ariz., Formal Op. 10-02 (2010) "When a lawyer's employment with a firm is terminated, both the firm and the departing lawyer have ethical obligations to notify affected clients, avoid prejudice to those clients, and share information as necessary to facilitate continued representation and avoid conflicts. These ethical obligations can best be satisfied through cooperation and planning for any departure." Law firms may require a period of advance notice of a lawyer's intended departure. Notice should be long enough for clients to make decisions about who will represent them as required by RPC 1.4(a)(1). However, law firm notification requirements cannot be so rigid that they restrict or interfere with a client's choice of counsel or serve to unreasonably delay the diligent representation of a client and therefore may violate RPC 5.6 which prohibits restraints on a client's choice of counsel.

RPC 5.6 provides: A lawyer shall not participate in offering or making:

- (a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement.

¹ ABA Comm. on Ethics and Prof'l Responsibility, Formal Op. 99-414 (1999) at n. 1 (clients should be given the option to stay with a firm, go with a departing attorney, or choose another firm altogether).

² ABA Comm. on Ethics and Prof'l Responsibility, Formal Op. 489, 1 (2019).

“While the departing lawyer and the firm may unilaterally inform clients of the lawyer’s impending departure at or around the same time that the lawyer provides notice to the firm, the firm and departing lawyer should attempt to agree on a joint communication to firm clients with whom the departing lawyer has had significant contact, giving the clients the option of remaining with the firm, going with the departing attorney, or choosing another attorney.”³ Copies of the joint communication should be provided to both the law firm and the departing lawyer.

When a lawyer gives notice of the intention to leave a firm, the firm often assigns a new lawyer to the case for the purposes of continuity, however that does not change the firm’s obligation to cooperate with the departing lawyer to notify the firm clients for whom the departing lawyer was responsible for providing legal services of the client’s options.

The law firm management should assess if it has the capacity and expertise to offer to continue to represent the clients. If the departing lawyer is the only lawyer at the firm with the expertise to represent a client on a specific matter, the firm should not offer to continue to represent the client unless the firm has the ability to retain other lawyers with similar expertise. If a client wants to remain with the firm and the court refuses to allow the departing lawyer to withdraw, the lawyer “shall continue representation notwithstanding good cause for terminating the representation.”⁴

RPC 5.1 sets forth law firm management’s obligations to establish procedures to ensure the ethical transition of client matters when lawyers change firms.

RPC 5.1(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.

Ideally the firm will have written policies to provide guidance to lawyers about the procedures the firm anticipates following when a lawyer leaves the firm.”⁵

“Firms also cannot restrict a lawyer’s ability to represent a client competently during such notification periods by restricting the lawyer’s access to firm resources necessary to represent the clients during the notification period.”⁶ These resources would include client contact information, and the use of computer client data. Likewise, if the lawyer’s departure is immediate, the firm should not restrict the lawyer’s access to client contact information because the lawyer has the ethical obligation to notify current clients of his/her departure. RPC 1.4 requires the lawyer to “promptly inform the client of any decision or circumstance with respect to which the client’s informed consent, as defined in RPC 1.0 (e), is required by these Rules.”⁷

Firms cannot prohibit or restrict access to email, voicemail, files, and electronic court filing systems where such systems are necessary for the departing lawyer to represent clients competently and diligently during the notice period. Firms are not obligated to provide such access to proprietary or confidential materials not necessary for the departing lawyer to represent clients during the notice period. Once the lawyer has left the firm, the firm should set automatic email responses and voicemail messages for the departed lawyer’s email and telephones, to provide notice of the lawyer’s departure, and offer an alternative contact at the firm for inquiries. A supervising lawyer at the firm should review the departed lawyer’s firm emails, voicemails and paper mail in accordance with client directions and promptly forward communications to the departed lawyer for all clients continuing to be represented by that lawyer.⁸

³ ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 99-414, at p. 2. (1999).

⁴ Tennessee Rules of Professional Conduct, RPC 1.16 (c).

⁵ ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 489, p. 1 (2019).

⁶ *Id.* at p. 1.

⁷ Tennessee Rules of Professional Conduct, RPC 1.4(a).

⁸ *Id.* at p. 7.

There may be instances where the law firm has a substantial question as to a departing lawyer's fitness as a lawyer as a result of misconduct, fraud, illness, incapacity, substance abuse, dependency or similar circumstances. Under those circumstances the law firm should use its best judgment as to the restriction of the departing lawyer's access to files and client information, and the duty to inform the client may fall directly upon the law firm. Such circumstances may trigger the law firm's duty under RPC 8.3(a) to report.

CONCLUSION

Lawyers have the right to change law firms and clients have the same right to change lawyers or law firms. Lawyers and law firms have the ethical obligations to protect client interests when a lawyer leaves a law firm. Such protection involves notice to the client of the lawyer's departure, advising clients of their options for continued representation, and a smooth transition in accordance with the client's wishes for their continued representation.

This 7th day of August, 2023.

ETHICS COMMITTEE

Barbara Medley, Chair

Charles K. Grant

Juanita Patton

APPROVED AND ADOPTED BY THE BOARD

BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FORMAL ETHICS OPINION 2023-F-170

The Board of Professional Responsibility, in response to a request from Chief Disciplinary Counsel, Sandy Garrett, issues this opinion with updated guidelines for an attorney’s acceptance of credit card payments and vacates Formal Ethics Opinions 82-F-28 and 82-F-28(a).

OPINION

In light of changes in the Rules, opinions from other jurisdictions, the Tennessee Supreme Court’s revision of the lawyer advertising rules, and the evolution in the use of credit cards, the Board of Professional Responsibility vacates Formal Ethics Opinions 82-F-28 and 82-F-28(a) and updates guidelines for a lawyer’s acceptance of credit card payments and the use of payment processing services. A lawyer may accept credit cards or payment processing services, such as PayPal, Venmo or other like payment processing services, from a client for payment of fees, including unearned fees (commonly referred to as retainer fees), so long as the lawyer ensures compliance with the applicable Tennessee Rules of Professional Conduct regarding client confidentiality, how credit card transaction fees will be treated, and the security of client trust funds.

DISCUSSION

Tennessee Formal Ethics Opinions 82-F-28 and 82-F-28(a) on credit card payments for legal services and expenses were based on ABA Formal Opinion 338. On July 7, 2000, the American Bar Association withdrew ABA Formal Opinion 338 because it “carried forward from another earlier opinion, Formal Opinion 320 (Legal Fee Finance Plan), series of requirements that are not justified by the present-day Model Rules of Professional Conduct.”¹

Previous ABA Formal Opinion 320 and Informal Opinions 1120 and 1176 were also withdrawn. They required advance approval of advertisements by bar associations regarding the use of credit cards for payment of legal services. “Because the Model Rules require only that any advertising materials used by a lawyer not be false, fraudulent, or misleading, and because they do not require any advance approval by a bar association for a lawyer’s participation in a credit-card plan, the Committee hereby withdraws each of the four opinions referred to above.”²

Credit cards are recognized as useful in facilitating the ability of many persons to obtain legal services at the time the services are needed and to pay for those services on a schedule that comports with their budgets.

¹ Standing Committee on Ethics and Professional Responsibility of the American Bar Association, Formal Opinion 00-419, July 7, 2000.

² *Id.* at p.1.

Accepting credit card payment of fees provides lawyers with assurance that they will be paid for their services and obviates the need for them to expend time and money pursuing clients who do not pay on time.³

Ethical issues that are presented in accepting payment by credit cards or payment processing services are client confidentiality, how credit card transaction fees will be treated, and the security of client trust funds.

RPC 1.6(a)(1) provides that a lawyer shall not knowingly reveal a confidence or secret of the lawyer's client. "A lawyer may use or reveal client confidences or secrets with the informed consent of the client." See RPC 1.6(e)(1). Therefore, lawyers should advise clients that certain information such as the client's identity will be revealed to the credit card company in credit card transactions and the kind of information that is likely to be disclosed. "A lawyer cannot assume that a client who is paying a bill by credit card has impliedly authorized the attorney to disclose otherwise confidential information."⁴

The use of payment processing services creates privacy risks. "Several Web-based, mobile, and digital payment-processing services and networks ("payment processing services") facilitate payment between individuals, between businesses, or between individuals and a business. Some are specifically designed for lawyers and law firms (e.g., LawPay and LexCharge), while others are not (e.g., Venmo, PayPal, ApplePay, Circle, and Square). These services operate in different ways. Some move funds directly from the payor's bank account to the payee's bank account, some move funds from a payor's credit card to a payee's bank account, and some hold funds for a period of time before transferring the funds to the payee. Service fees differ for various transactions, depending on the services terms of operation. Some offer more security and privacy than others."⁵

Privacy risks arise "from the potential publication of transactions and user-related information, whether to a network of subscribers or to a population of users interacting with an application. For example, Venmo users, when making a payment are permitted to input a description of the transaction (e.g., '\$200 for cleaning service'). Transactions then are published to the feed of each Venmo user who is a party to the transaction. Depending on the privacy settings of each party to the transaction, other users of the application may view that transaction and even comment on it."⁶

"Payment processing services typically offer various privacy settings. Venmo, for example enables users to adjust their privacy settings to control who sees particular transactions. The options are (1) 'Public,' meaning anyone on the internet will be able to see it, (2) 'Friends only,' meaning the transaction will be shared with the 'friends' of the participants of the transaction, and (3) 'Private,' meaning it will appear only on the personal feeds of the user and the other participant to the transaction. Venmo has a default rule that honors the more restrictive privacy setting between the two users; if either participant's account is set to Private, the transaction will only appear on the feeds of the participants to the transaction, regardless of the setting enabled by the other

³ Cf., D.C. Ethics Op. 310 (2002) (discussing considerations involved in attorney-client fee agreements and noting certain factors may have a positive impact on the formation of lawyer-client relationships).

⁴ D.C. Ethics Opinion 348 at p. 3 (2009) citing Colorado Formal Ethics Op. 99 (1997).

⁵ Florida Bar Ethics Opinion 21-2 at p. 1 (2021).

⁶ *Id.* at p. 1 and 2.

participant.”⁷ To protect the client’s confidentiality the lawyer should always select the most secure privacy setting to protect against unwanted disclosure of information relating to the client’s representation.

“The lawyer must take reasonable steps to avoid disclosure by the lawyer as well as by the client, including advising clients of any steps that they should take to prevent unwanted disclosure of information. Although not ethically required, inserting such advice in the lawyer’s retainer or engagement agreement or on each billing statement is wise. For example:

As a convenience to our clients, we accept payment for our services via certain online payment-processing services. The use of these services carries potential privacy and confidentiality risks. Before using one of these services, you should review and elect the privacy setting that ensures that information relating to our representation of you is not inadvertently disclosed to the public at large.”⁸

Treatment of fees charged by credit card or payment processing companies for processing payment raises the issue of whether the lawyer should absorb the fee as the cost of doing business or pass the fee onto the client. Nothing in the Tennessee Rules of Professional Conduct prohibits a lawyer from increasing the lawyer’s fee for legal services to cover any additional cost incurred in accepting credit card or payment processing service payments. The only limitation imposed by the Rules is that the fee must be “reasonable.” See RPC 1.5(a). “Among the factors to be considered in determining whether a fee is reasonable are ‘the limitations imposed by the client or by the circumstances.’ A client’s need to procure legal services from a lawyer whom the client believes is qualified to meet his needs and a client’s decision that using a credit card to pay for the services is the best means of obtaining those services are limitations or circumstances within Rule 1.5. We thus believe that a lawyer properly may pass on to the client the fees charged by credit card companies for processing payment.”⁹ The fee to the client for the convenience of paying by credit card or payment processing service should be no more than the actual cost to the lawyer.

RPC 1.15 mandates that a lawyer has the ethical obligation to place all funds held or received for a client’s benefit into a trust account. “Opinions from other jurisdictions generally conclude that a lawyer may accept credit cards for the payment of advance fees. See California Bar Formal Op. 2007-172 (2007); Colorado Formal Ethics Op. 99 (1997); Massachusetts Bar Ethics Op. 78-11 (1978); Michigan Op. R.I. 344 (2008); North Carolina Formal Ethics Op. 97-9 (1998); Oregon Ethics Op. 2005-172 (2005).”¹⁰

An issue relating to the payment of advance fees by credit cards is the practice referred to as “chargeback”. Credit card companies have the requirement that the cardholder (client) have “chargeback” rights pending resolution of a dispute (i.e., the credit card company has the right to access the lawyer’s account to debit funds previously deposited into that account and charge it back to the cardholder).”¹¹ This practice makes it impossible for a lawyer to link an IOLTA account to the credit card company without putting other client’s funds at risk, unless further protections are agreed between the lawyer and payment processor.

⁷ See Venmo Help Center, “Payment Activity & Privacy” available at <https://help.venmo.com/hc/en-us/articles/210413717-Payment-Activity-Privacy>.

⁸Florida Bar Ethics Opinion 21-2 at p. 3 (2021).

⁹District of Columbia Ethics Op. 348 at p.3 (2009).

¹⁰ *Id.* at p. 7.

¹¹ *Id.*

Florida and North Carolina have resolved this issue by using a separate “suspense” or trust account for receiving the credit card or payment processing service payments and then immediately transferring the funds to the lawyer’s IOLTA account.¹² The lawyer may establish a trust account for the sole purpose of receiving advance payments by credit card. The lawyer must withdraw all payments to this trust account immediately and deposit them in the lawyer’s “primary” or IOLTA account. In this way the risk of a chargeback that will impact the funds of other clients will be minimized.

Oregon suggests “The simple solution is to limit credit card payments to earned fees.¹³ “A client who wishes to use a credit card for a retainer deposit can do so by obtaining a cash advance that is deposited into the lawyer’s trust account. This method is more costly to the client because cash advances typically carry a higher interest rate than other charges. However, it avoids for lawyers the problems of covering the service charge from the lawyer’s own funds and the risks associated with chargebacks.”¹⁴

In reliance on the Florida Bar Ethics Opinion 21-2 (2021) and the Tennessee Rules of Professional Conduct, lawyers may ethically accept payments via credit cards or a payment-processing service (such as Venmo, PayPal or other like payment processing services), including funds that are property of a client or third person that must be held separately from the lawyer’s own funds under the following conditions:

1. The lawyer must take reasonable steps to prevent inadvertent or unwanted disclosure of information regarding the transaction to parties other than the lawyer and the client or third person making the payment.
2. If the funds are the property of a client or third person (such as advances for costs and fees and escrow deposits), the lawyer must direct the payor to a trust account set up for the sole purpose of receiving advance payments, which are then swept into the lawyer’s IOLTA account, or through a substantially similar arrangement.
3. The lawyer must ensure that any chargebacks are not deducted from trust funds and that the service will not freeze the account in the event of a payment dispute.
4. The lawyer may charge a convenience fee for the cost charged to the transaction with the prior consent of the client in an amount no larger than the actual transaction cost.

CONCLUSION

The Tennessee Rules of Professional Conduct are “rules of reason” and “should be interpreted with reference to the purpose of legal representation and of the law itself.”¹⁵ When reasonable to do so, the rules should be

¹² 97 North Carolina Formal Ethics Op. 9 (1998); Florida Bar Ethics Opinion 21-2 (2021).

¹³ Oregon Formal Op. No. 2005-172 at p. 4 (2005), 2016 revision.

¹⁴ *Id.*

¹⁵ Tennessee Rules of Professional Conduct, Scope, Comment [15].

interpreted to permit lawyers and clients to conduct business in a manner that society has deemed commercially reasonable while still protecting client interests.¹⁶

Updated guidelines for a lawyer's acceptance of credit card payments and the use of payment processing services require that a lawyer comply with the applicable provisions of the Tennessee Rules of Professional Conduct. A lawyer may accept credit cards or payment processing services, such as PayPal or Venmo or other like payment processing services, from a client for payment of fees, including unearned fees (commonly referred to as retainer fees), so long as the lawyer ensures compliance with the applicable Tennessee Rules of Professional Conduct regarding client confidentiality, how credit card transaction fees will be treated, and the security of client trust funds. A lawyer shall advise clients that the use of credit cards or payment processing services will result in certain information such as the client's identity being revealed to the credit card company or payment processing service in such transactions and the kind of information that is likely to be disclosed.

This 7th day of August, 2023.

ETHICS COMMITTEE

Barbara Medley, Chair

Charles K. Grant

Juanita Patton

APPROVED AND ADOPTED BY THE BOARD

¹⁶ Florida Bar Ethics Opinion 21-2 at p. 5 (2021).



Board of Professional Responsibility New Disciplinary Counsel

Maureen Hughes joined the Board of Professional Responsibility in the Investigations Division in June 2023.

Maureen started her career as an Assistant State's Attorney for the Cook County State's Attorney's Office in Illinois where she prosecuted criminal offenses for over fifteen years. Subsequently, she represented the United States in Federal cases under the High Intensity Drug Trafficking Area Grant in the Southern District of Iowa.

Before joining the Board, Maureen was a Statewide Criminal Prosecutor in the Iowa Attorney General's Office. As an Assistant Attorney General, Maureen practiced across the state prosecuting violent felony offenses with an emphasis on murder and sexual assault cases. Maureen received her bachelor's degree from St. Ambrose University in Davenport, Iowa, and her law degree from Western Michigan University-Cooley Law School in Lansing, Michigan.

Board of Professional Responsibility

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Board of Professional Responsibility Organization and Composition

The Tennessee Supreme Court regulates and supervises the practice of law in Tennessee pursuant to Tennessee Supreme Court Rule 9. The Court appoints twelve members to the Board of Professional Responsibility (the Board) to effectuate Tenn. Sup. Ct. R. 9 and the Court's disciplinary enforcement.

The Board consists of nine (9) attorneys and three (3) public (non-attorney) members who serve three-year terms and geographically represent the entire state. In 2022-2023, Board members volunteered 564 hours and received no compensation for their service. Members of the Board include:

Jennifer S. Hagerman (Chair)
Floyd Flippin (Vice-Chair)
Richard Briggs (Lay Member)
Ginger Wilson Buchanan
Jimmy Dunn
Stacey B. Edmonson
Charles K. Grant
Dr. Carol Johnson-Dean (Lay Member)
Barbara Medley
Juanita Patton (Lay Member)
Jody Pickens
R. Culver Schmid

The Court appoints a Chief Disciplinary Counsel who reports to the Board. The Board also employs attorneys as Disciplinary Counsel and support staff to assist with attorney registration; consumer assistance; investigation and litigation. A staff directory is attached as Exhibit A.

District Committee Members

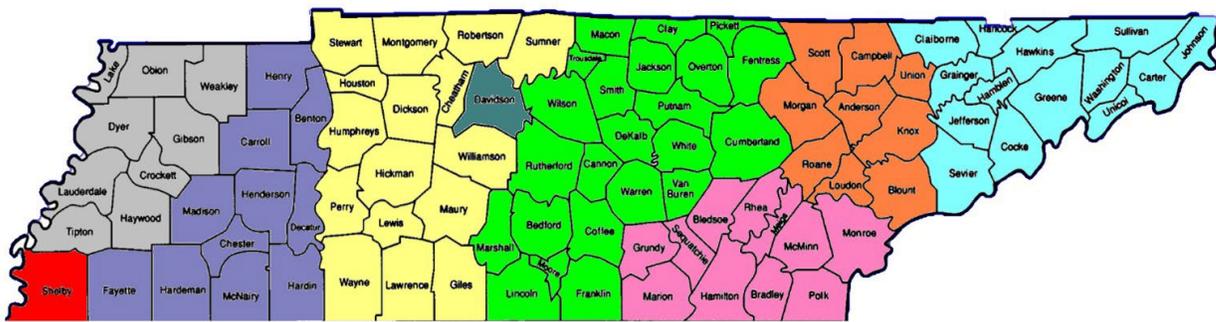
The Tennessee Supreme Court appoints attorneys to serve as district committee members from each disciplinary district in the state. In 2022-2023, 185 attorneys assisted the Court and the Board as district committee members reviewing Disciplinary Counsel's recommendations on investigative files and sitting on hearing panels conducting formal disciplinary charges. Of the 185 members, 139 reported volunteering 2,423 hours in 2022-2023 for which they received no compensation for their services. A roster of current district committee members is attached as Exhibit B.

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Tennessee Attorney Information

The Board of Professional Responsibility provides an easy-to-use online registration system that allows lawyers to fulfill their annual registration requirements. Public registration information is displayed on the Board’s website to allow the judiciary, lawyers and the public to access licensing, registration and contact information about lawyers.

Active Attorneys by Disciplinary District: 23,934*



- Disciplinary District 1: 1,073 Active TN attorneys
- Disciplinary District 2: 2,696 Active TN attorneys
- Disciplinary District 3: 1,614 Active TN attorneys
- Disciplinary District 4: 1,406 Active TN attorneys
- Disciplinary District 5: 6,069 Active TN attorneys
- Disciplinary District 6: 2,585 Active TN attorneys
- Disciplinary District 7: 502 Active TN attorneys
- Disciplinary District 8: 285 Active TN attorneys
- Disciplinary District 9: 3,476 Active TN attorneys
- *4,228 Out of State Active TN attorneys

Active Attorney Statistics:

- Years Licensed:

<5 yrs:	18%
6-15 yrs:	27%
16-25 yrs:	23%
26-35 yrs:	15%
36-45 yrs:	11%
46+ yrs:	6%
 - Age:

21-29 yrs:	6%
30-39 yrs:	22%
40-49 yrs:	24%
50-59 yrs:	21%
60-69 yrs:	16%
70+ yrs:	11%
- Gender:

Male:	62%
Female:	37%
Unreported:	1%
- In-state Attorneys: 81%
 - Out-of-state Attorneys: 19%

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Inactive Attorneys

Pursuant to Tennessee Supreme Court Rule 9, Section 10.3, inactive attorneys include attorneys serving as justice, judge or magistrate of a court of the United States of America or who serve in any federal office in which the attorney is prohibited by federal law from engaging in the practice of law; retired attorneys; attorneys on temporary duty with the armed forces; faculty members of Tennessee law schools who do not practice law; and attorneys not engaged in the practice of law in Tennessee. In 2022-2023, 5,964 attorneys on inactive status were registered with the Board of Professional Responsibility.

▪ **Non-disciplinary/Administrative Suspensions:**

Pursuant to Supreme Court Rules, the Supreme Court suspends attorneys who fail to pay their annual fee (Tenn. Sup. Ct. R. 9 § 10.6); fail to complete annual continuing legal education requirements (Tenn. Sup. Ct. R. 21 § 7); fail to comply with Interest on Lawyers Trust Account requirements (Tenn. Sup. Ct. R. 43 § 15); fail to pay the Tennessee professional privilege tax (Tenn. Sup. Ct. R. 9 § 26); or default on student loans (Tenn. Sup. Ct. R. 9 § 37). No attorney suspended pursuant to these Rules may resume practice until reinstated by Order of the Supreme Court. Attorneys were administratively suspended during fiscal year 2022-2023 as follows:

Non-payment of Annual Fee:	229
Continuing Legal Education non-compliance:	159
Interest on Lawyer's Trust Accounts non-compliance:	97
Professional Privilege Tax non-compliance:	68
Default on a Student Loan:	<u>0</u>
Total:	553

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Assistance, Investigation and Prosecution

▪ **Consumer Assistance Program (CAP)**

Non-frivolous complaints against attorneys submitted by clients, lawyers, judges and the public are referred to the Board’s Consumer Assistance Program (CAP) for assistance or opened and assigned to Disciplinary Counsel for investigation. CAP answers questions, provides information, informally mediates disputes, and refers matters to Disciplinary Counsel for investigation.

Caseload

Number of Cases Opened	2,291
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Timeliness of Resolution

0 to 15 days	83.0%
16 to 30 days	9.2%
31 to 60 days	6.4%
61 or more days	1.3%

Actions Taken

Mediate	33.8 %
Advise	42.8%
Referrals	15.9%
Provide Information	7.5%

▪ **Trust Account Overdraft Notifications**

Pursuant to Tennessee Supreme Court Rule 9, Section 35.1(b), financial institutions report to the Board whenever any properly payable instrument is presented against an attorney trust account containing insufficient funds. After receiving notification of an overdraft, Board Staff request financial information and explanation from the attorney.

<u>Total Notifications:</u>	78
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Actions Taken

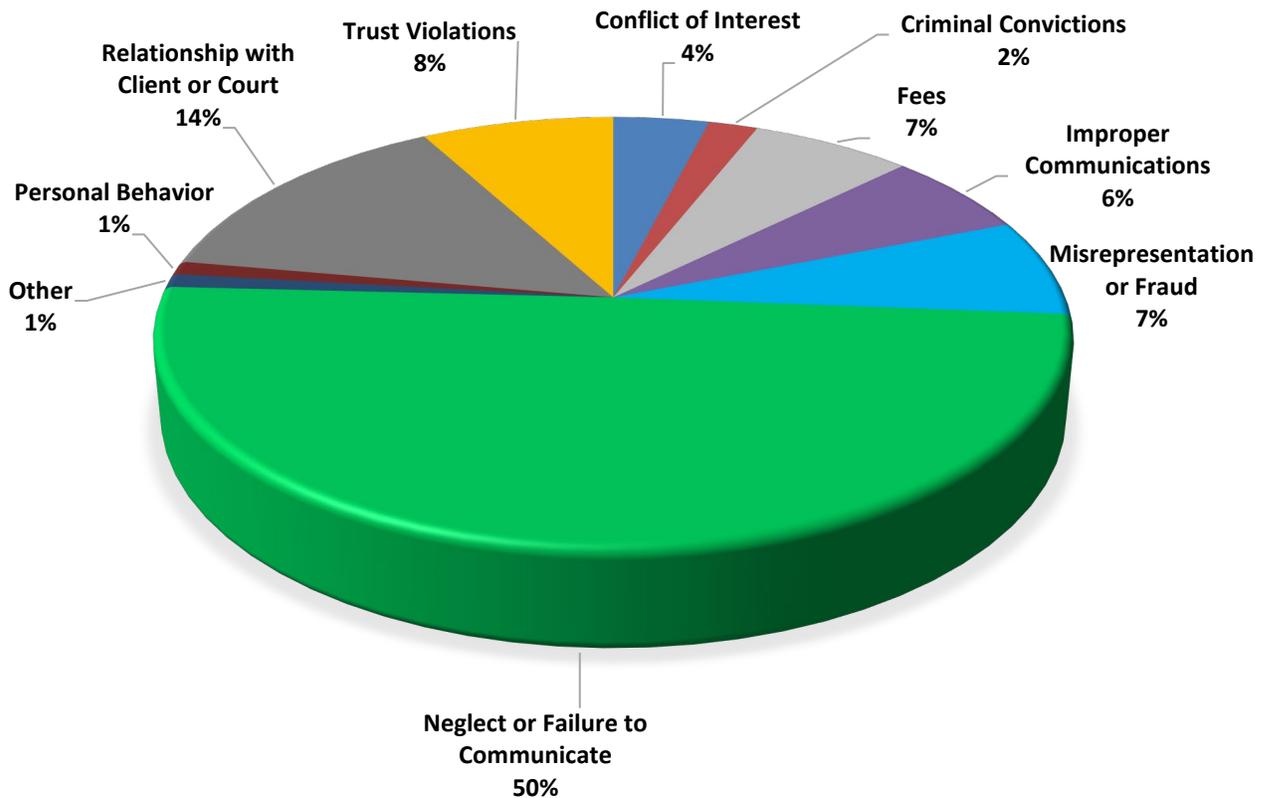
Referred to Investigations:	24
Resolved without Investigation:	42

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▪ Investigation

Disciplinary Counsel investigate complaints alleging unethical conduct. After investigation, Disciplinary Counsel recommend dismissal of the complaint if there is insufficient proof of a violation of the Rules of Professional Conduct. If the investigated complaint reflects a violation of the Rules of Professional Conduct, Disciplinary Counsel recommend diversion, private informal admonition, private reprimand, public censure, or the filing of formal disciplinary charges. A district committee member reviews and approves or disapproves Disciplinary Counsel’s recommendation for dismissal, diversion, and private informal admonition. The Board of Professional Responsibility reviews and approves or disapproves Disciplinary Counsel’s recommendation for private reprimand, public censure, and the filing of formal disciplinary charges.

A. Nature of Complaints



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B. Investigative Complaint Caseload

Complaints Received:	1,029
Complaints Pending at beginning of Fiscal Year:	<u>516</u>
Total Complaints:	1,545

C. Investigative Complaint Disposition:

Administrative Dismissals:	286
Investigative Dismissals:	445
Diversions:	60
Private Informal Admonitions:	21
Private Reprimands:	14
Informal Public Censures:	22
Transfer to Disability Inactive:	9
Transferred to Litigation:	92
Complainant Appeal:	27
Placed on Retired Status:	26
Other: ¹	<u>18</u>
Total:	1,020

¹ Abated by death; complaint withdrawn; duplicate file.

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▪ **Formal Disciplinary Proceedings:**

After the Board of Professional Responsibility authorizes Disciplinary Counsel to file formal disciplinary charges (i.e., a petition for discipline) against an attorney, the matter is assigned to three district committee members who constitute a hearing panel. The Hearing Panel sets the disciplinary proceeding for a hearing which is open to the public unless a protective order has been entered. The Tennessee Rules of Evidence and Rules of Civil Procedure apply unless Tennessee Supreme Court Rule 9 provides otherwise.

The Board of Professional Responsibility must prove an attorney’s ethical misconduct by a preponderance of the evidence. Hearing Panels may recommend dismissal, public censure, suspension or disbarment.

A. Caseload

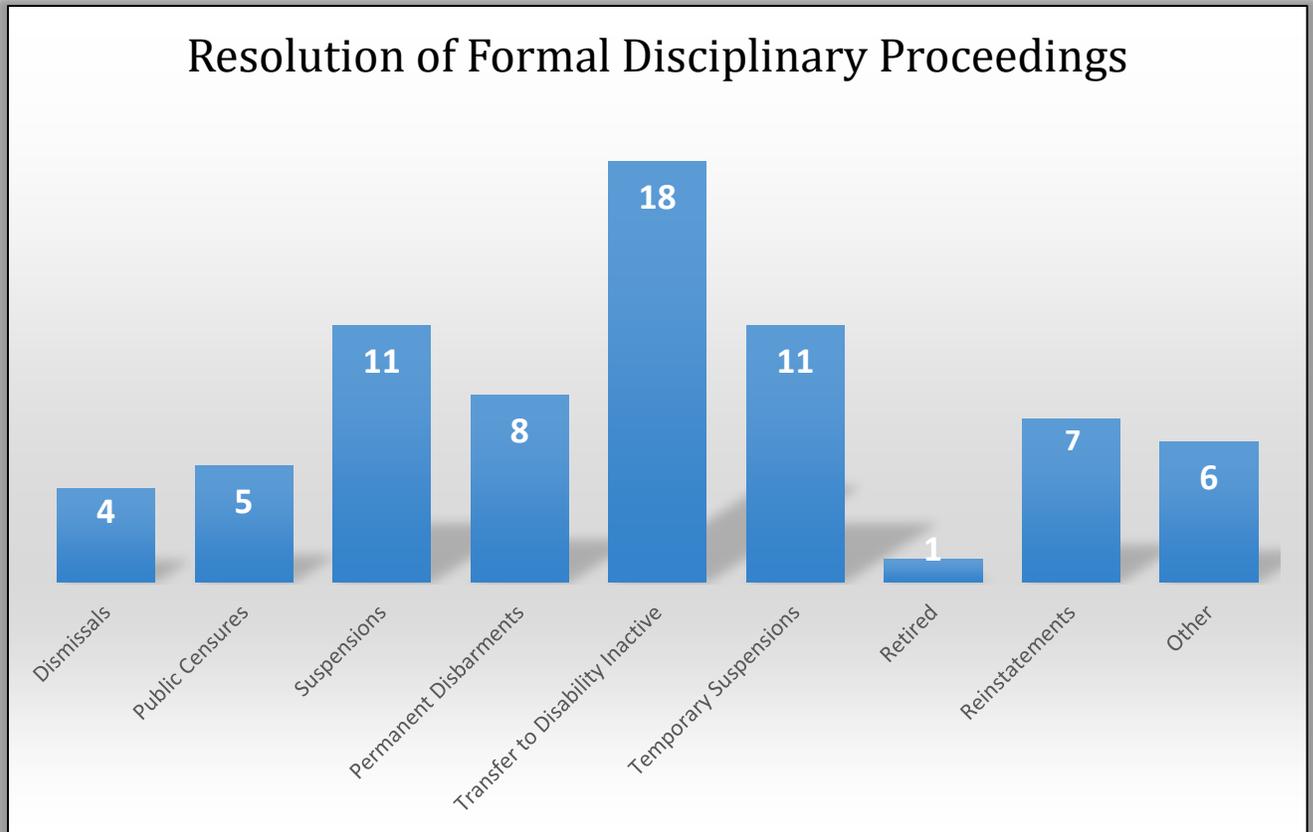
Formal cases filed during Fiscal Year:	80
Formal cases pending at beginning of Fiscal Year:	81
Total formal proceedings:	161
Public hearings conducted in Fiscal Year:	36

B. Formal Disciplinary Proceedings Disposition:

Dismissals:	4
Public Censures:	5
Suspensions:	11
Permanent Disbarments:	8
Transfer to Disability Inactive:	18
Temporary Suspensions:	11
Retired:	1
Reinstatements:	7
Other ² :	<u>6</u>
Total:	71

² Abated by death; voluntary non-suited; denied; withdrawn; nonserious crime.

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▪ **Education and Information**

The Board issues Formal Ethics Opinions and staff respond to informal ethics questions by phone and internet. Disciplinary Counsel present continuing legal education seminars and workshops, publish *Board Notes*, a bi-annual newsletter, and update the Board’s website with rule changes, disciplinary decisions and news for attorneys, judges and the public.

A. Ethics Opinions

i. Informal Opinions

Ethics Counsel and Disciplinary Counsel responded to a total of 2,150 phone and internet inquiries from attorneys seeking ethical guidance.³

ii. Formal Opinions

2022-F-168: The Board of Professional Responsibility issued a Formal Ethics Opinion regarding circumstances that establish a systematic and continuous presence in Tennessee for the practice of law as in-house counsel. A lawyer who resides and is domiciled outside of Tennessee, who is working remotely as full-time, in-house counsel for an organization that has its principal place of business in Tennessee (and offices in other states), who is admitted to the practice of law only in a jurisdiction other than Tennessee, and who is not registered as in-house counsel in Tennessee is not engaging in the unauthorized practice of law because these circumstances alone do not establish a “systematic and continuous presence in Tennessee for the practice of law” as in-house counsel unless the lawyer is engaging in conduct that would evidence an indicia of a presence in Tennessee for the practice of law.

B. Continuing Legal Education (CLE) Presentations:

Between July 1, 2022, and June 30, 2023, Disciplinary Counsel presented forty-three (43) CLE seminars, attended by approximately 2,964 attorneys.

³ Tennessee attorneys may submit ethics inquiries to the Board by calling 615-361-7500, ext. 212, or via the Board’s website at www.tbpr.org.

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C. Board Notes:

In 2022-2023, the Board emailed both Fall and Spring issues of *Board Notes*, the Board's semi-annual newsletter to all attorneys and judges and published it on the Board's website.

D. Workshops

- a. The Board of Professional Responsibility hosted its annual Ethics Workshop on November 4, 2022, with 773 attorneys attending both virtually and in person. This year's Ethics Workshop is scheduled for November 3, 2023.
- b. The Board of Professional Responsibility has offered two trust account workshops in 2022/2023, with 360 attorneys attending both virtually and in person. The next trust account workshop is scheduled for September 13, 2023.

E. Tennessee's Proactive Management-Based Regulation (Voluntary Self-Assessment)

Tennessee's Proactive Management-Based Regulation (PMBR) program is an interactive law office management self-assessment course. The ten self-assessments are designed to mitigate risk, elevate competence, and enhance the quality of legal services delivered to clients. The goal of the program is to prevent problems within a law firm before they arise, enabling attorneys to spend more time on cases. Attorneys receive 3 Dual CLE Credits after completion of the course. The ten self-assessments are as follows:

1. Developing Competent Practices
2. Communicating in an Effective, Timely, Professional Manner
3. Ensuring That Confidentiality Requirements Are Met
4. Avoiding Conflicts of Interest
5. Retaining and Managing Secure Files
6. Managing the Law Firm/Legal Entity and Staff
7. Charging Appropriate Fees and Making Appropriate Disbursements
8. Ensuring the Use of Reliable Trust Account Practices
9. Access To Justice and Client Development
10. Promoting Wellness

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Since the implementation of the course in August 2019, 1,151 Tennessee attorneys have completed the self-assessment.

Access the Tennessee PMBR program by following this link: <http://tbpr.prolearn.io>.

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Board of Professional Responsibility
Staff Directory

Name	Title	Extension
Doug Bergeron	Disciplinary Counsel	247
Melissa Boyd	Executive Assistant	204
Michael Brett	Disciplinary Counsel	237
Julie Brown	Administrative Payables Clerk	215
Andrew B. Campbell	Disciplinary Counsel	246
Laura Chastain	Ethics Counsel	212
Steve Christopher	Deputy Chief Disciplinary Counsel - Investigations	203
Jesús Del Campo	Legal Assistant - Litigation	249
Dana Dunn	Assistant Director	209
Eric Fuller	Disciplinary Counsel	243
Sandy Garrett	Chief Disciplinary Counsel	211
Reynold Gaulden, Jr.	Registration Assistant II	244
Elizabeth Gray	Administrative Assistant-Registration/ Scanning	202
Kelly Heflin	Legal Assistant - Investigations	242
McKenzie Hollars	CAP Legal Assistant	255
Maureen Hughes	Disciplinary Counsel	234
Katherine Jennings	Executive Secretary	206
Molly Liens	Registration Manager	220
Carol Marsh	Receptionist	200
Jim W. Milam	Disciplinary Counsel	245
Caroline Poore	Disciplinary Counsel	235
Nicholas Price	CAP Legal Assistant (Intake)	257
Tony Pros	Network Administrator	205
Liz Radford	Legal Assistant – Investigations and Litigation	238
Beverly Rooks	Lead Legal Assistant – Investigations	233
Beverly Sharpe	Director of Consumer Assistance Program	226
Pennye Sisk	Paralegal	248
Eileen Burkhalter Smith	Disciplinary Counsel	210
Candis Stigall	Case Manager	229
Logan Thornton	Support Technician	207
Suzie Thurber	Administrative Receivables Clerk	241
Cheri Weaver	CAP Paralegal	208
Lani White	Registration Assistant II	227
Russ Willis	Deputy Chief Disciplinary Counsel - Litigation	236

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District Committee Member Roster

District	First Name	Last Name	District	First Name	Last Name	District	First Name	Last Name
1	Dan E.	Armstrong	4	Philip Duane	Burnett	6	Tracy (Mr.)	Moore
1	Jeremy D.	Ball	4	Michael R.	Gaiamo	6	James Y.	Ross, Sr.
1	Melissia	Ball	4	Mary Beth	Hagan	6	Raymond	Runyon
1	Guy W.	Blackwell	4	Moody Wesley	Hall, IV	6	Michael L.	Russell
1	Jeffrey A.	Cobble	4	Trisha L.	Henegar	6	M. Stuart	Saylor
1	McKenna L. (Ms.)	Cox	4	W. Garrett	Honea	6	Liz	Sitgreaves
1	Erwin (Lynn)	Dougherty	4	Rachel M.	Moses	6	Rodger D.	Waynick
1	Andrew E.	Farmer	4	Daniel	Rader, IV	6	Beverly	White
1	Jeffery S.	Greene	4	Thomas S.	Santel	6	Timothy	Wills
1	Scott D.	Hall	4	Ginger Bobo	Shofner	6	Jake	Wolaver
1	William B.	Harper	4	Donna S.	Simpson	7	Andy	Anderson
1	Richard E.	Ladd, Jr.	4	Megan K.	Trott	7	Shaun	Brown
1	William B.	Marsh	4	Willie F.	Wallace, III	7	Lisa	Houston
1	Cecil	Mills	5	Adam	Barber	7	Robert A.	Jowers
1	Polly A.	Peterson	5	Keene W.	Bartley	7	Lisa	Miller
1	William O.	Shults	5	Robert E.	Boston	7	William J.	Milam
1	Mark A.	Skelton	5	Jad A.	Duncan	7	(William) Josh	Morrow
1	Jeffrey L.	Stern	5	Johnny	Ellis	7	Ryan K.	Porter
2	Wm. Dale	Amburn	5	Christopher B.	Fowler	7	Vincent	Seiler
2	Robyn J.	Askew	5	Matthew	Harris	7	Michelle	Shirley
2	Maha (Ms.)	Ayesh	5	William J.	Haynes	7	Terica	Smith
2	Heidi	Barcus	5	Candi R.	Henry	7	Neil	Thompson
2	Amanda M.	Busby	5	Adam	Hill	7	Joe	VanDyke
2	R. Scott	Carpenter	5	Lucas	Jerkins	8	Dean	Dedmon
2	Loretta G.	Cravens	5	Raymond	Leathers	8	Rachele D.	Gibson
2	Shannon (Ms.)	Egle	5	Russell B.	Morgan	8	Jeff	Lay
2	Steve	Erdely	5	Anthony (Tony)	Oriandi	8	Julie W.	Palmer
2	Matthew A.	Grossman	5	Steven D.	Parman	8	Amber	Shaw
2	Lisa J.	Hall	5	Barbara	Perutelli	8	David A.	Stowers
2	Josh	Hedrick	5	Brant	Phillips	8	Joseph E.	Tubbs
2	Howard B.	Jackson	5	Lee (Mr.)	Pope	8	Vanedda	Webb
2	Michael S	Kelley	5	Raymond G.	Prince	8	Allison S.	Whitledge
2	Michael J.	King	5	Daniel H.	Puryear	9	Jeremy G.	Alpert
2	Mary Elizabeth	Maddox	5	Kristina A.	Reliford	9	Taurus M.	Bailey
2	Stephen A.	Marcum	5	Peter C.	Robison	9	William R.	Bradley, Jr.
2	Chris	McCarty	5	Christopher C.	Sabis	9	S. Keenan	Carter
2	Carl P.	McDonald	5	(Denise) Billye	Sanders	9	Margaret	Chesney
2	Ben	Mullins	5	Michael J.	Sandler, Sr.	9	Kevin E.	Childress
2	Marshall H.	Peterson	5	Jennifer Lynne	Sheppard	9	Brian	Coleman
2	P. Edward	Pratt	5	Lesa	Skoney	9	David M.	Cook
2	Wayne A.	Ritchie, II	5	Jeffrey	Spark	9	Anne B.	Davis
2	Garrett P.	Swartwood	5	M. Clark	Spoden	9	Laura	Deakins
2	Victoria B.	Tillman	5	Taylor C. (Mr.)	Sutherland	9	Nicole	Grida
2	Hanson R.	Tipton	5	David J.	Tarpley	9	Greg	Grisham
2	Brian	Wanamaker	5	James Patrick	Warfield	9	Jonathan C.	Hancock
2	Shelly	Wilson	5	Luther	Wright, Jr.	9	Jennifer S.	Harrison
3	Peter	Alliman	6	Casey	Ashworth	9	Rebecca	Hinds
3	Ariel	Anthony	6	Evan P.	Baddour	9	Lauren	Holloway
3	John H. (Cam)	Cameron, Jr.	6	Richard	Boehms	9	Earl W.	Houston, II
3	John M.	Carson III	6	Jessica N.	Borne	9	Robbin (Ms.)	Hutton
3	Larry	Cash	6	Jim	Catalano	9	Adam	Johnson
3	Sam D.	Elliott	6	Marci McClellan	Curry	9	Tressa V.	Johnson
3	Rachel	Fisher-Queen	6	Thomas B.	Dean	9	E. Patrick (Pat)	Lancaster
3	John F.	Kimball	6	Hilary	Duke	9	Melisa	Moore
3	Jeffrey	Maddux	6	James L.	Elkins	9	Zachary	Moore
3	Jennifer A.	Mitchell	6	Mary Katharine	Evins	9	Will	Perry
3	Lance W.	Pope	6	Jennifer F.	Franks	9	Steve	Ragland
3	H. Chris	Trew	6	David R.	Grimmett	9	Marc	Reisman
3	Carmen (Ms.)	Ware	6	Robert H.	Hassell, II	9	Holly J.	Renken
3	Ronald D.	Wells	6	Cameron R.	Hoffmeyer	9	Zayid	Saleem
3	Elizabeth L	Williams	6	Patricia	Holder	9	Emmett L.	Whitwell
4	William "Howie"	Acuff	6	Eric	Larsen			

Tennessee Lawyers' Fund for Client Protection

Annual Report Fiscal Year July 1, 2022 – June 30, 2023

Tennessee Lawyers' Fund for Client Protection Organization and Composition

The Tennessee Supreme Court has established the Tennessee Lawyers' Fund for Client Protection to reimburse claimants for losses caused by any dishonest conduct committed by lawyers practicing in this state. The purpose of the Tennessee Lawyers' Fund for Client Protection, as set forth in Tennessee Supreme Court Rule 25, is to promote public confidence in the administration of justice and the integrity of the legal profession as a whole by reimbursing losses caused by the rare instances of dishonest conduct of lawyers practicing in this state. The Court appoints a nine-member board to manage Tennessee Lawyers Fund for Client Protection. The Board consists of six lawyers and three nonlawyers who geographically represent the state. In 2022-2023, Board members volunteered 117 hours and received no compensation for their service. Current members of the Board include:

Stacy E. Roettger – Knoxville (Chair)
Christen Blackburn – Nashville (Vice-Chair)
Pamela Z. Clary – Memphis (Lay Member)
Ellie Kittrell – Knoxville (Lay Member)
Sabi Kumar – Nashville, TN (Lay Member)
Amanda Morse – Knoxville
Junaid Odubeko – Nashville
Telesa Taylor – Memphis, TN
Quinton Thompson – Memphis

Tennessee Lawyers' Fund for Client Protection is assisted by staff at the Board of Professional Responsibility.

Fund Resources

The Fund does not receive any government money or tax dollars. The Fund consists of \$10 annual payments from attorneys pursuant to Tenn. Sup. Ct. R. 9 § 10.2(c) and Tenn. Sup. Ct. R. 25 § 2. The fund also receives unidentified trust funds from lawyer IOLTA accounts if after 12 months, the lawyer determines that ascertaining the ownership or securing the return of the funds will not succeed, pursuant to Tenn. Sup. Ct. R. 8, RPC 1.15(f).

Eligible Claims

Pursuant to Tenn. Sup. Ct. R. 25 §§ 1 and 12, claims must be filed within three (3) years of the date that a loss occurred or reasonably should have been discovered, but in no event later than five (5) years from the date of the loss. The loss must be caused by dishonest conduct committed by lawyers practicing in Tennessee. Tenn. Sup. Ct. R. 25 sets out procedures for filing and processing claims. All claimants must file a complaint with the Board of Professional Responsibility for consideration of their claim.

Claim Limits

Tenn. Sup. Ct. R. 25 § 13 provides:

No payment shall exceed the sum of \$100,000 for loss sustained by any one claimant nor the aggregate sum of \$400,00 with respect to losses caused by any one lawyer or former lawyer unless otherwise determined by the Board and approved by the Court. No payment shall exceed \$400,000 per transaction regardless of the number of persons aggrieved or the amount of loss in such transaction, unless otherwise determined by the Board and approved by the Court. No payment shall exceed ten percent of the assets of the Fund at the time it is made, unless otherwise determined by the Board and approved by the Court. Where joint liability of wrongdoers exists, the Board has discretion to allocate payments as it deems appropriate within these limits. Payments may be in lump sum or installments as the Board may determine.

Resolution of Claims Filed

- 1. New Claims Filed: 20
- 2. Claims Paid: 8 totaling \$221,627.10
- 3. Claims Dismissed: 15
- 4. Claims Pending at beginning of Fiscal Year: 47

Fiscal Year 2022/2023 Claims Paid by Attorney			
Attorney	County/State	Awards	Reimbursed
Joseph Crabtree	McMinn	1	\$ 1,250.00
Wesley Hatmaker	Campbell	1	\$ 16,651.86
Jason R. McLellan	Sullivan	2	\$ 196,286.26
Janet Okoye	Tennessee	1	\$ 1,663.33
Philip Perez	Davidson	1	\$ 2,750.00
Judson Phillips	Williamson	1	\$ 2,277.15
James Schaeffer, Jr.	Shelby	1	\$ 748.50

Disciplinary and Licensure Actions

(April 2023 – September 2023)

PERMANENT DISBARMENTS

GLEND A ANN ADAMS, BPR #019948

SHELBY COUNTY

Effective April 14, 2023, the Supreme Court of Tennessee permanently disbarred Glenda Ann Adams from the practice of law and ordered her to pay all costs incurred to the Board of Professional Responsibility.

After a default hearing upon the disciplinary petition, the Hearing Panel determined by a preponderance of the evidence that Ms. Adams' felony convictions for conspiracy to violate the travel act and bribery of a public servant constituted conduct involving dishonesty, fraud, deceit, or misrepresentation; conduct that was prejudicial to the administration of justice and conduct that reflected adversely on her honesty, trustworthiness, or fitness as a lawyer.

The Panel found Ms. Adams' conduct violated Tennessee Rules of Professional Conduct 8.4(a), (b), (c), and (d) (misconduct) and warranted permanent disbarment.

KENT LOWERY BOOHER, BPR #011416

ROANE COUNTY

Effective August 8, 2023, the Supreme Court of Tennessee permanently disbarred Kent Lowery Booher from the practice of law and ordered him to pay all costs incurred to the Board of Professional Responsibility.

After a hearing upon the disciplinary petition, a Hearing Panel determined by a preponderance of the evidence that Mr. Booher's felony conviction of illegal sexual contact with minor children, intent to distribute visual media relative to that illegal conduct, and violation of sex offender registry, of which Mr. Booher was a member, constituted serious criminal conduct involving dishonesty, fraud, deceit, or misrepresentation; was prejudicial to the administration of justice and reflected adversely on his honesty, trustworthiness, or fitness as a lawyer.

The Panel found Mr. Booher's conduct violated Tennessee Rules of Professional Conduct 8.4(a), (b), (c), and (d) (misconduct) and warranted permanent disbarment.

A. SAIS PHILLIPS FINNEY, BPR #028845

SHELBY COUNTY

Effective June 27, 2023, the Supreme Court of Tennessee permanently disbarred A. Sais Phillips Finney from the practice of law and ordered her to pay all costs incurred to the Board of Professional Responsibility.

After final default hearing upon the disciplinary petition, the hearing panel determined by a preponderance of the evidence that Ms. Finney failed to act diligently in the representation, failed to reasonably communicate with her clients regarding the status of their case, charged an unreasonable fee for the work performed, failed to refund all or a portion of client funds, failed to hold client funds in trust account, failed to respond to the disciplinary complaints and inquiries from the Board's disciplinary counsel and knowingly violated the Tennessee Rules of Professional Conduct. Ms. Finney violated Tennessee Rules of Professional Conduct: 1.3 (diligence), 1.4(a) (communication), 1.5(a) (fees), 1.15 (safekeeping of property and funds), 1.16(d)(6) (declining and terminating representation), 8.1(b) (maintaining the integrity of the profession), and 8.4(a) (misconduct). The hearing panel recommended a suspension and, pursuant to its authority under Tennessee Supreme Court Rule 9, the Supreme Court of Tennessee upon review of said recommendation notified the parties it believed the recommendation was too lenient and asked the parties to brief the issue. Ms. Finney failed to file a brief and the Supreme Court of Tennessee issued its order of enforcement imposing permanent disbarment.

Ms. Finney must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28.1 regarding the obligations and responsibilities of disbarred attorneys.

JAMES E. FOGLESONG, BPR #001126

KNOX COUNTY

Effective July 5, 2023, the Tennessee Supreme Court disbarred James E. Foglesong of Knox County, Tennessee, from the practice of law. Mr. Foglesong consented to permanent disbarment because he could not successfully defend the charges alleged in a disciplinary investigation pending against him.

Mr. Foglesong represented a client who, while living, received monthly pension benefits from the City of Knoxville Pension Fund. Following the client's death in March of 2016, Mr. Foglesong continued to accept and deposit the Knoxville pension checks into his client's bank account and used his power of attorney to withdraw said funds for his own use over a five (5) year period. Following criminal investigation, Mr. Foglesong pled guilty to a class D felony theft in April of 2023 and received judicial diversion. Mr. Foglesong's ethical misconduct violated Rules of Professional Conduct 1.15 (safekeeping of property) and 8.4(b) (misconduct).

Mr. Foglesong must comply with the requirements of Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities of disbarred attorneys.

URURA W. MAYERS, BPR #023319
SHELBY COUNTY

Effective July 7, 2023, the Supreme Court of Tennessee permanently disbarred Urura W. Mayers from the practice of law and ordered her to pay all costs incurred to the Board of Professional Responsibility.

After a hearing upon the disciplinary petition, a Hearing Panel determined Ms. Mayers withdrew client funds from her trust account without authorization on multiple occasions and used those client funds to gamble at casinos. Ms. Mayers attempted to deceive investigators by making false factual statements and submitting altered bank records. After being temporarily suspended from the practice of law pursuant to Tennessee Supreme Court Rule 9, § 12.3, for misappropriating funds and posing a threat of substantial harm to the public, Ms. Mayers failed to comply with Tennessee Supreme Court Rule 9, § 28 requirements for suspended attorneys by failing to notify the courts, opposing counsel, and clients of her suspension. Ms. Mayers continued to engage in the unauthorized practice of law for an extended period of time, failed to respond to subsequent lawful Board requests for information, and failed to participate in the disciplinary process.

Ms. Mayers' actions and omissions violated Rules of Professional Conduct (RPC) 1.15 (safekeeping property and funds), 1.5(a) (fees), 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), 5.5 (unauthorized practice of law), 8.1(b) (bar admission and disciplinary matters), 8.4(a) (violating the Rules of Professional Conduct), 8.4(c) (misconduct involving dishonesty, deceit, fraud, or misrepresentation), 8.4(d) (misconduct that is prejudicial to the administration of justice), and 8.4(g) (knowingly failing to comply with a final court order entered in a proceeding in which the lawyer is a party).

Ms. Mayers must comply with the requirements of Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities of disbarred attorneys.

ROBERT R. REXRODE, BPR #016508

TENNESSEE LAWYER

Effective June 7, 2023, the Supreme Court of Tennessee permanently disbarred Robert R. Rexrode from the practice of law and ordered him to pay all costs incurred to the Board of Professional Responsibility.

After a final default hearing upon the disciplinary petition, the Hearing Panel determined by a preponderance of the evidence that Mr. Rexrode knowingly engaged in the unauthorized practice of law in West Virginia, knowingly engaged in conduct involving dishonesty, and failed to cooperate with disciplinary counsel in the investigation of the disciplinary complaint.

The Panel found Mr. Rexrode's conduct violated West Virginia Rules of Professional Conduct 5.5 (b)(2) (unauthorized practice), 8.1 (bar admissions and disciplinary matters), and 8.4(c) and (d) (misconduct) and warranted permanent disbarment.

JAY ARTHUR ROSENBERG, BPR #033806

TENNESSEE LAWYER

Jay Arthur Rosenberg was permanently disbarred by Order of Reciprocal Discipline entered by the Supreme Court of Tennessee on August 8, 2023. Mr. Rosenberg was permanently disbarred by Order of the District of Columbia Court of Appeals entered April 20, 2023.

On June 8, 2023, the Supreme Court of Tennessee entered a Notice of Reciprocal Discipline directing Mr. Rosenberg to inform the Court, within thirty (30) days of receipt of the Notice, why disbarment imposed by the District of Columbia Court of Appeals should not be imposed by the Supreme Court of Tennessee. Mr. Rosenberg failed to file a response with the Court as ordered.

Mr. Rosenberg must comply with the requirements of Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities of disbarred attorneys.

STEVEN EDWARD SAMS, BPR #022560

KNOX COUNTY

Effective June 22, 2023, the Supreme Court of Tennessee permanently disbarred Steven Edward Sams from the practice of law. Mr. Sams shall pay all costs incurred to the Board of Professional Responsibility.

After a hearing upon the disciplinary petition consisting of five (5) separate disciplinary complaints, the Hearing Panel determined by a preponderance of the evidence that Mr. Sams—who had been disbarred on November 26, 2014, and again on August 5, 2016—engaged in the unauthorized practice of law by providing services requiring the professional judgment of a lawyer to five separate clients. Mr. Sams provided these services, which he advertised as “immigration consulting” services (including “form selection” and “strategy”), through S2 Consulting, LLC—a limited liability company created by Mr. Sams. The Hearing Panel further found that Mr. Sams failed to notify his clients of his disbarment status; misrepresented himself as a licensed attorney when, in fact, he was not; prepared “ghostwritten” immigration forms (which, in some instances, contained material factual inaccuracies) for signature by other licensed attorneys; misrepresented the status of certain immigration cases; failed to notify clients of deadlines for certain submissions; violated provisions of the Code of Federal Regulations; and knowingly disobeyed obligations to the Federal Immigration Court and the Tennessee Supreme Court. In certain instances, Mr. Sams’ conduct resulted in irreparable injury.

The Panel found Mr. Sams’ conduct violated Tennessee Rules of Professional Conduct 3.4 (knowingly disobeying an obligation under the rules of a tribunal), 5.5 (unauthorized practice of law), and 8.4 (misconduct) and warranted permanent disbarment.

SUSPENSIONS

TROY LEE BOWLIN, BPR #025893

KNOX COUNTY

Effective April 20, 2023, the Supreme Court of Tennessee, pursuant to Tennessee Supreme Court Rule 9, Sections 12.2 and 14.1, suspended Troy Lee Bowlin from the practice of law for three (3) years with thirty (30) days served as an active suspension and remainder served on probation with conditions, including completion of the Board Trust Account Workshop, an immediate independent audit and reconciliation of all

trust accounts by a certified public accountant, monthly reconciliation of trust account by Mr. Bowlin, with review of the trust account by a certified public accountant every six months, and completion of five additional continuing legal education ethics hours each suspension year.

A Petition for Discipline containing one (1) complaint was filed by the Board on March 1, 2022. Mr. Bowlin failed to properly maintain client and third-party funds in the law firm's trust account, failed to audit and reconcile the firm's trust account on a reasonable basis, and failed to make reasonable efforts to ensure his firm had effective measures in place to properly oversee that nonlawyer staff conduct was compatible with his professional obligations.

Mr. Bowlin executed a conditional guilty plea acknowledging his conduct violated Tennessee Rules of Professional Conduct 1.15 (safekeeping property and funds) and 5.3 (responsibilities regarding nonlawyer assistants).

Mr. Bowlin must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

ROBERT HARRIS GOLDER, BPR #034911

SHELBY COUNTY

Effective June 8, 2023, the Supreme Court of Tennessee suspended Robert Harris Golder from the practice of law for two (2) years, with three (3) months being an active suspension pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and the remainder served on probation conditioned upon engagement of a practice monitor, payment of Board costs, and payment of restitution. The disciplinary action involved three (3) separate complaints.

In the first disciplinary matter, Mr. Golder failed to render competent representation, failed to consult with the client about how best to achieve the client's objectives, failed to reasonably expedite the litigation, failed to reasonably respond to requests from the client regarding the status of the case, failed to deposit unearned fees in his trust account, willfully ignored court orders, and failed to comply with the local rules of court regarding federal *habeas corpus* petitions.

In the second disciplinary matters, Mr. Golder failed to reasonably expedite the client's *habeas corpus* petition and failed to file an amended petition on behalf of his client.

In the third disciplinary matter, Mr. Golder and co-counsel were retained to prosecute a *habeas corpus* action in the Northern District of Mississippi. Mr. Golder, appearing *pro hac vice*, signed co-counsel and local

counsel's name to the petition without obtaining the "wet signature" of local counsel, in violation of the local rules of court. Mr. Golder also failed to inform his client that the application for *pro hac vice* admission of co-counsel had been denied by the court.

The Hearing Panel found the conduct of Mr. Golder violated Tennessee Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.15 (safekeeping funds and property), 3.2 (expediting litigation), 3.4 (c) (fairness to opposing party and counsel), and 8.4(a) (misconduct).

Mr. Golder must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

JAMES RALPH HICKMAN, JR., BPR #020125

SEVIER COUNTY

Effective June 30, 2023, the Supreme Court of Tennessee suspended James Ralph Hickman, Jr. from the practice of law for one (1) year with six (6) months active suspension and the remainder on probation, pursuant to Tennessee Supreme Court Rule 9, Section 12.2. Mr. Hickman must be under the supervision of a practice monitor while on probation and must complete fifteen (15) additional CLE hours in estate management and three (3) additional hours of ethics CLE.

After a hearing upon the disciplinary petition, the Hearing Panel determined Mr. Hickman, while representing a client in a probate matter, failed to establish an appropriate fee arrangement and thereafter collected unreasonably excessive fees; unethically agreed to represent the decedent's estate even though Mr. Hickman's father was the personal representative of the estate, thereby creating an impermissible conflict of interest; knowingly filed a motion before the probate court containing material false statements; knowingly failed to comply with court orders; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Mr. Hickman's actions and omissions violated Rules of Professional Conduct (RPC) 1.5(a) (fees); 3.3(a)(1) (candor toward the tribunal); and 8.4(c) (misconduct).

Mr. Hickman must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

NEWTON S. HOLIDAY, III, BPR #012990

DAVIDSON COUNTY

Effective August 17, 2023, the Supreme Court of Tennessee suspended Newton S. Holiday, III, from the practice of law for two (2) years, with six (6) months being an active suspension and the remaining eighteen (18) months served on probation pursuant to Tennessee Supreme Court Rule 9, Section 12.2, conditioned upon payment of \$9,500.00 in restitution prior to his reinstatement to Lanetta Carson-Bell, engagement of a practice monitor and payment of the Board's costs.

The disciplinary action involved one (1) matter in which Mr. Holiday failed to act with reasonable diligence, failed to communicate with his client or keep her informed of significant events and developments in her case, accepted representation pursuant to a contingent fee agreement which was not in writing, offered to pay the client and secured her acceptance of a settlement amount for his own negligence without advising the client of his conflict of interest and the advisability of seeking independent legal advice.

The Hearing Panel found the conduct of Mr. Holiday violated Tennessee Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5(c) (fees), 1.8(h) (conflicts of interest), and 8.4(a) (misconduct).

Mr. Holiday must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

JAMES MICHAEL MARSHALL, BPR #018784

MAURY COUNTY

Effective May 22, 2023, the Supreme Court of Tennessee suspended James Michael Marshall from the practice of law for one (1) year pursuant to Tennessee Supreme Court Rule 9, Section 12.2.

This disciplinary action involved two (2) separate complaints. In one disciplinary matter, Mr. Marshall failed to prepare and file an Order reflecting the trial court's ruling, resulting in contempt charges being filed against his client, failed to timely address an Order of Protection or advise his client of the ramifications of cohabitation, failed to fully advise his client that the dismissal of his divorce complaint would not affect the pending counter-complaint for divorce filed by his wife, and failed to timely withdraw as attorney of record after closing his file. In a second disciplinary matter, Mr. Marshall created a conflict of interest by engaging in an inappropriate relationship with his client during the representation. Mr. Marshall submitted a conditional guilty plea acknowledging his conduct violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.7 (conflict of interest), and 1.16 (declining or terminating representation).

Mr. Marshall must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

GARY NEIL PATTON, BPR #003878

RUTHERFORD COUNTY

Effective May 22, 2023, the Supreme Court of Tennessee suspended Gary Neil Patton from the practice of law for one (1) year with thirty (30) days being an active suspension and the remaining served on probation pursuant to Tennessee Supreme Court, Rule 9, Section 12.2. During the probationary period, Mr. Patton shall incur no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation and which results in the recommendation by the Board that discipline be imposed.

A Petition for Discipline consisting of one (1) complaint was filed by the Board alleging Mr. Patton failed to reasonably communicate with his client; collected a fee for work he performed without filing a motion for approval of the fee in violation of the rules of the Probate Court and failed to maintain the same in his trust account prior to receiving approval of the court; obtained a release of liability from his client without advising his client, in writing, of the desirability of seeking independent counsel; and engaged in unprofessional conduct through inappropriate conversations with his client in violation of Rules of Professional Conduct 1.4 (communication), 1.5 (fees), 1.7 (conflict of interest), 1.8 (h) (conflict of interest), and 1.15 (safekeeping property and funds). Mr. Patton, upon being ordered to do so, promptly paid into Court the fee he had received for the work he performed.

Mr. Patton must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

BRIAN CHADWICK RICKMAN, BPR # 017534

SHELBY COUNTY

Effective September 11, 2023, the Supreme Court of Tennessee suspended attorney Brian Chadwick Rickman from the practice of law for five (5) years pursuant to Tennessee Supreme Court Rule 9, Section 12.2. Two (2) years will be served as an active suspension with the remaining three (3) years served as a probationary period.

A Petition and Supplemental Petition for Discipline containing six (6) complaints were filed by the Board against Mr. Rickman alleging that Mr. Rickman repeatedly failed to ensure the safekeeping of client

funds, failed to protect clients against the misconduct of his supervising employer, and failed to report the misconduct of his supervisors to the court or to the Board. Further, Mr. Rickman failed to comply with court orders directing the disbursement of client funds and failed to comply with requests for information from Disciplinary Counsel. Additionally, Mr. Rickman, while suspended from the practice of law, failed to notify the court and opposing counsel of his suspension in compliance with Tennessee Supreme Court Rule 9, § 28.

Mr. Rickman executed a Conditional Guilty plea acknowledging his conduct violated Rules of Professional Conduct 1.2 (Scope of Representation); 1.15 (Safekeeping Property and Funds); 3.4 (Fairness to Opposing Party and Counsel); 5.1 (Responsibilities of Supervisory Lawyers); 8.1(b) (Bar Admission and Disciplinary Matters), 8.3 (Reporting Professional Misconduct), and 8.4(d) and (g) (Misconduct).

Mr. Rickman must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

GERALD D. WAGGONER, JR., BPR #013988

SHELBY COUNTY

Effective July 11, 2023, the Supreme Court of Tennessee suspended Gerald D. Waggoner, Jr., from the practice of law for two (2) years, with eighteen (18) months on active suspension pursuant to Tenn. Sup. Ct. R. 9, Section 12.2, and the remainder served on probation, conditioned on the engagement of a practice monitor, payment of restitution, payment of Board costs, and twelve (12) additional hours of CLE in ethics or handling client property. The disciplinary matter resulted from two (2) separate complaints.

In the first disciplinary matter, Mr. Waggoner, while his license was suspended, continued to market and manage his law practice; directly and indirectly communicated with former clients, office staff, and attorneys; and participated in recruiting and hiring attorneys. In the second disciplinary matter, Mr. Waggoner received settlement funds in a minor's settlement but failed to transmit the net proceeds to the court clerk as ordered by the court to be held until the child reached the age of majority, failed to obtain court approval of a minor's settlement resulting in the dismissal of the case for failure to prosecute, and failed to re-file that case.

The Supreme Court found Mr. Waggoner had violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.15 (safekeeping property and funds), 1.16 (declining or terminating representation), 5.5(a) (unauthorized practice of law), 8.4(a) (misconduct) and (d) (conduct prejudicial to the administration of justice).

Mr. Waggoner must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4(d), regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

TEMPORARY SUSPENSIONS

DARREN VINCENT BERG, BPR #023505

KNOX COUNTY

On July 25, 2023, the Supreme Court of Tennessee temporarily suspended Darren Vincent Berg from the practice of law upon finding that Mr. Berg poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases where an attorney poses a threat of substantial harm to the public.

Mr. Berg is immediately precluded from accepting any new cases, and he must cease representing existing clients by August 24, 2023. After August 24, 2023, Mr. Berg shall not use any indicia of lawyer, legal assistant or law clerk, nor maintain a presence where the practice of law is conducted.

Mr. Berg must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending his law license. Mr. Berg is required to deliver to all clients any papers or property to which they are entitled.

Mr. Berg must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Berg may, for good cause, request dissolution or modification of the suspension by petition to the Supreme Court.

BRYAN LEE CAPPS, BPR #019999

KNOX COUNTY

On June 12, 2023, the Supreme Court of Tennessee temporarily suspended Bryan Lee Capps from the practice of law upon finding that Mr. Capps misappropriated funds for his personal use and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary

suspension of an attorney's license to practice law in cases of an attorney misappropriating funds for personal use and/or posing a threat of substantial harm to the public.

Mr. Capps is immediately precluded from accepting any new cases, and he must cease representing existing clients by July 12, 2023. After July 12, 2023, Mr. Capps shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Capps must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending his law license. Mr. Capps is required to deliver to all clients any papers or property to which they are entitled.

Mr. Capps must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Capps may, for good cause, request dissolution or modification of the suspension by petition to the Supreme Court.

JOSEPH HOUSTON CRABTREE, JR., BPR #011451

MCMINN COUNTY

On September 7, 2023, the Supreme Court of Tennessee temporarily suspended Joseph Houston Crabtree, Jr., from the practice of law upon finding that Mr. Crabtree failed to respond to the Board of Professional Responsibility concerning a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate temporary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to a complaint of misconduct.

Mr. Crabtree previously was suspended on November 22, 2022, for a period of three (3) years, with one (1) year served on active suspension and the remaining two (2) years on probation. That suspension remains in effect.

Pursuant to this new suspension, and consistent with the November 22, 2022, suspension, Mr. Crabtree is immediately precluded from accepting any new cases, and may not represent any existing clients. In addition, Mr. Crabtree shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence wherein the practice of law is conducted. Mr. Crabtree must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending his law license, and is required to deliver to all clients any papers or property to which they are entitled.

Mr. Crabtree must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Crabtree may, for good cause, request dissolution or modification of the suspension by petition to the Supreme Court.

JONATHAN WILLIAM DOOLAN, BPR #024397

KNOX COUNTY

On May 19, 2023, the Supreme Court of Tennessee temporarily suspended Jonathan William Doolan from the practice of law upon finding that Mr. Doolan failed to respond to the Board of Professional Responsibility concerning two (2) complaints of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to a complaint of misconduct.

Mr. Doolan is immediately precluded from accepting any new cases, and he must cease representing existing clients by June 18, 2023. After June 18, 2023, Mr. Doolan shall not use any indicia of lawyer, legal assistant, or law clerk, nor maintain a presence wherein the practice of law is conducted. Mr. Doolan must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending his law license and is required to deliver to all clients any papers or property to which they are entitled.

Mr. Doolan must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This temporary suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Doolan may, for good cause, request dissolution or modification of the temporary suspension by petition to the Supreme Court.

KEITH ALLEN POPE, BPR #014146

KNOX COUNTY

On September 12, 2023, the Supreme Court of Tennessee temporarily suspended Keith Allen Pope from the practice of law upon finding that Mr. Pope is substantially non-compliant with a Tennessee Lawyers

Assistance Program and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate temporary suspension of an attorney's license to practice law in cases where the attorney is substantially non-compliant with a Tennessee Lawyers Assistance Program monitoring agreement and/or poses a threat of substantial harm to the public.

Mr. Pope is immediately precluded from accepting any new cases, and he must cease representing existing clients by October 12, 2023. After October 12, 2023, Mr. Pope shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence wherein the practice of law is conducted. Mr. Pope must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending his law license, and is required to deliver to all clients any papers or property to which they are entitled.

Mr. Pope must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Pope may, for good cause, request dissolution or modification of the suspension by petition to the Supreme Court.

MONICA AISLYNN TIMMERMAN, BPR #031536

SHELBY COUNTY

On September 27, 2023, the Supreme Court of Tennessee temporarily suspended Monica Aislynn Timmerman from the practice of law upon finding that Ms. Timmerman is substantially non-compliant with a Tennessee Lawyer Assistance Program and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate temporary suspension of an attorney's license to practice law in cases where the attorney is substantially non-compliant with a Tennessee Lawyers Assistant Program monitoring agreement and/or poses a threat of substantial harm to the public.

Ms. Timmerman is immediately precluded from accepting any new cases, and she must cease representing existing clients by October 27, 2023. After October 27, 2023, Ms. Timmerman shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence wherein the practice of law is conducted. Ms. Timmerman must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending her law license and is required to deliver to all clients any papers or property to which they are entitled.

Ms. Timmerman must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Ms. Timmerman may, for good cause, request dissolution or modification of the suspension by petition to the Supreme Court.

SAMUEL ERVIN WHITE, BPR #029973

SULLIVAN COUNTY

On June 30, 2023, the Supreme Court of Tennessee temporarily suspended Samuel Ervin White from the practice of law upon finding that Mr. White misappropriated funds for his personal use and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's misappropriation of funds for his personal use.

Mr. White is immediately precluded from accepting any new cases, and he must cease representing existing clients by July 30, 2023. After July 30, 2023, Mr. White shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. White must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending his law license. Mr. White is required to deliver to all clients any papers or property to which they are entitled.

Mr. White must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. White may, for good cause, request dissolution or modification of the suspension by petition to the Supreme Court.

PUBLIC CENSURES

ROBERT SADLER BAILEY, JR., BPR #011230

SHELBY COUNTY

On May 8, 2023, Robert Sadler Bailey, Jr., an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In his representation of a client, Mr. Bailey failed to hold disputed funds in his trust account until the dispute had been resolved.

By these acts, Mr. Bailey, has violated Rule of Professional Conduct 1.15(e) (safeguarding property and funds) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JOHN MICHAEL BOUCHER, BPR #022446

KNOX COUNTY

On April 5, 2023, John Michael Boucher, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Boucher agreed to represent a client in pursuing an employment discrimination claim. Mr. Boucher's client signed a contingency fee agreement. The fee agreement required the client to forward \$5,000 to Mr. Boucher for anticipated case related expenses. The payment was deposited by Mr. Boucher into his trust account following receipt. Mr. Boucher subsequently unilaterally modified the fee agreement by claiming the \$5,000 payment as a fee and removed the payment from his trust account. Mr. Boucher then appeared as the client's legal representative in an administrative complaint filed with the Equal Opportunity Employment Commission, despite the fact that the client's employment discrimination claim had no valid factual or legal basis. Mr. Boucher also failed to maintain good communication during the representation.

By these acts, Mr. Boucher has violated Rules of Professional Conduct 1.4 (*communication*), 1.8(a) (*modification of a fee agreement*), 1.15 (*client property and funds*), 3.1 (*meritorious claims*), and 8.4(a) (*attempting to violate the Rules of Professional Conduct*) and is hereby Publicly Censured for these

violations. As a condition of the Public Censure, Mr. Boucher shall be required to return the former client's \$5,000 payment within sixty (60) days of the date of acceptance of the Public Censure.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

RICKY A. W. CURTIS, BPR #019761

SULLIVAN COUNTY

On July 7, 2023, Ricky A. W. Curtis, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Curtis represented a client on an appeal of a criminal sentence. After the appeal was filed, the client was charged with additional felonies and Mr. Curtis negotiated a plea on the subsequent charges which included his client's dismissal of the appeal of the first conviction. There was a delay in the client's entry of the plea on the subsequent charges, and Mr. Curtis failed to timely file the brief in support of the appeal of the first charges. The court sent Mr. Curtis a notice and entered an order directing him to file his brief, and he did not respond to either. The court then ordered Mr. Curtis to appear, which he did. The client eventually dismissed the appeal as planned.

By these acts, Mr. Curtis has violated Rules of Professional Conduct 1.3 (diligence), 3.4(c) (fairness to opposing party and counsel) and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

KEITH LANE EDMISTON, BPR #018366

TENNESSEE LAWYER

On September 26, 2023, Keith Lane Edmiston, a South Carolina attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Edmiston accepted a \$600 fee to defend a client against a lawsuit filed on a sworn account, but Mr. Edmiston failed to appear at the hearing on the matter. Mr. Edmiston then accepted \$1,125 to appeal the matter

and filed no appeal and took no further action for the client. A few weeks later, Mr. Edmiston placed his license on disability inactive status.

In another client file, Mr. Edmiston accepted a filing fee of \$335 for a client for whom he filed bankruptcy. Mr. Edmiston did not pay the filing fee to the court, did not place it in trust, and did not return it to the client. Mr. Edmiston's former law partner eventually paid the filing fee to the court.

In a third client file, Mr. Edmiston filed bankruptcy for another client but was not able to complete the representation prior to placing his license on disability inactive status. Mr. Edmiston failed to respond to multiple inquiries from the client. Another attorney completed the client's bankruptcy.

By these acts, Mr. Edmiston is in violation of Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.15 (safekeeping funds), 1.16 (termination of representation), 3.4 (fairness to opposing party), and 8.4 (prejudice to the administration of justice). He is hereby Publicly Censured for these violations with the condition that he make restitution to the first client of \$1,725.00 and restitution to the former law partner of \$335.00 within 90 days.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

MICHAEL LLOYD FREEMAN, BPR #028698

DAVIDSON COUNTY

On July 31, 2023, Michael Lloyd Freeman, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Freeman represented a client on a petition for post-conviction relief, which was denied. Mr. Freeman timely filed an appeal, but he did not timely file his appellate brief. After notice from the court, he filed an untimely motion for an extension of time, which was granted. Mr. Freeman missed this deadline, and filed an untimely motion to stay the appeal, which was denied. The court provided another deadline for the filing of the brief, with which Mr. Freeman did not comply. After the court set an additional deadline with which Mr. Freeman did not comply, the court ordered the brief to be filed on a particular date with an accompanying motion addressing the lateness. Mr. Freeman filed the brief but did not include an explanation in his motion. Mr. Freeman's brief was eventually accepted by the court.

By these acts, Mr. Freeman has violated Rules of Professional Conduct 1.3 (diligence), 3.4(c) (fairness to opposing party and counsel) and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

CRYSTAL GOAN JESSEE, BPR #024445

GREENE COUNTY

On April 24, 2023, Crystal Goan Jessee, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In representing her client in a criminal case, Ms. Jessee filed a poorly drafted and ambiguous motion to recuse. In the motion and affidavit, Ms. Jessee made a frivolous statement concerning the judge's representation of his current wife in a prior divorce proceeding without making reasonable inquiry regarding the truth of this assertion. Ms. Jessee's statement implied that such conduct by the judge was improper. Further, Ms. Jessee made a reckless statement that the judge had endorsed her opponent in an election in violation of the Code of Judicial Conduct.

By these acts, Ms. Jessee has violated Rules of Professional Conduct 1.3 (diligence), 3.1 (meritorious claims and contentions), and 8.2 (judicial and legal officials) and is hereby Publicly Censured for this violation. A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

TIFFANY MARCILYNNE JOHNS, BPR #027860

WILLIAMSON COUNTY

On August 7, 2023, Tiffany Marcilynne Johns, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

A client hired Ms. Johns to represent her in an uncontested divorce. Ms. Johns was provided the correct address for the estranged spouse in June 2022, and she did not send a draft marital dissolution agreement to the spouse until November 2022. After the marital dissolution agreement was executed, Ms. Johns appeared in court for the hearing to enter the final decree in April 2023, but she did not provide the court with the original

decree for entry. The final decree of divorce was not entered until June 2023. Ms. Johns failed to respond to requests for information from her client.

By these acts, Ms. Johns has violated Rules of Professional Conduct 1.3 (diligence), and 1.4 (communication) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

KRISTI LEA NORRIS JOHNSON, BPR #022082

CARTER COUNTY

On July 13, 2023, Kristi Lea Norris Johnson, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Clients hired Ms. Johnson in January 2016 on a car wreck matter. Ms. Johnson filed a lawsuit on January 30, 2017, and the case was set for trial in 2019 and 2020 and continued each time. Ms. Johnson filed a nonsuit of the case on December 1, 2021. The clients state that they were never informed and did not agree to the nonsuit. Ms. Johnson sent communication to the clients thereafter in which she stated she was working on scheduling a new trial date. In June 2022, the clients discovered the nonsuit and terminated the representation.

By these acts, Ms. Johnson has violated Rules of Professional Conduct 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation) and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

CHARLES SCOTT JUSTICE, BPR #025496

KNOX COUNTY

On July 18, 2023, Charles Scott Justice, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In March 2020, Mr. Justice filed a lawsuit for a client arising from the alleged faulty construction of a deck at the client's residence. The trial date was continued several times and then taken off the court's active docket in April 2021. The client contacted Mr. Justice about the status of the matter in June, September and October 2021, with no substantive response. Mr. Justice sent an email to the client in March 2022 stating that

he wanted to withdraw from the matter, but the client did not receive the email. Mr. Justice did not move to withdraw from the case and took no further action.

By these acts, Mr. Justice has violated Rules of Professional Conduct 1.16 (termination of representation), 3.2 (expediting litigation), 1.3 (diligence), 1.4 (communication) and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

KEVIN MCLEAN KELLY, BPR #027345

DAVIDSON COUNTY

On July 24, 2023, Kevin McLean Kelly, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In the first complaint, Mr. Kelly failed to adequately communicate with his client. Mr. Kelly failed to stay abreast of the Tennessee Court of Criminal Appeals opinion issued on November 30, 2020, failed to apprise his client of the same, and failed to preserve his client's right to appeal. Mr. Kelly also did not timely withdraw from the representation, which would have allowed his client to retain new appellate counsel or proceed *pro se*.

In a second complaint, Mr. Kelly failed to adequately communicate with his client. Mr. Kelly also failed to withdraw from the representation after being discharged by the client.

By these acts, Mr. Kelly has violated Rule of Professional Conduct 1.3 (diligence); 1.4 (communication); 1.16 (terminating representation); and 3.2 (expediting litigation) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

LINDSEY LEIGH LAWRENCE, BPR #032697

WILSON COUNTY

On July 14, 2023, Lindsey Leigh Lawrence, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Lawrence failed to pursue her client's legal objectives and did not maintain good communication with her client. An investigation also revealed that Ms. Lawrence formerly maintained a YouTube channel where she posted videos of herself smoking marijuana. Ms. Lawrence identifies herself as an attorney in these videos. By openly engaging in conduct that is criminally actionable in Tennessee, Ms. Lawrence demonstrated a lack of respect for the law and legal institutions.

By these acts, Ms. Lawrence has violated Rules of Professional Conduct 1.3 (diligence); 1.4 (communication); 8.4(b) (criminal conduct); and 8.4(d) (conduct prejudicial to the administration of justice) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

CHARLOTTE ANN LEIBROCK, BPR #026433
COCKE COUNTY

On April 19, 2023, Charlotte Ann Leibrock, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Leibrock represented a man in litigation with a family member. The client lived in a home owned by the family member, and the client asked Ms. Leibrock to remove a Ring doorbell camera from the home. On October 15, 2021, Ms. Leibrock removed the Ring doorbell from the home without permission of the homeowner, causing some property damage. Ms. Leibrock was criminally charged for this conduct and pled guilty to disorderly conduct, a Class C Misdemeanor.

By these acts, Charlotte Ann Leibrock has violated Rule of Professional Conduct 8.4(b) (criminal conduct) and is hereby publicly censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

CRAIG THOMAS PHELPS, BPR #037612
TENNESSEE LAWYER

On July 18, 2023, Craig Thomas Phelps, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Phelps is licensed to practice law in Tennessee, and he serves in the United States Air Force in Great Falls, Montana. Mr. Phelps intended to file a motion to place his license on military exempt status with the Board of Professional Responsibility in March 2020, but he did not do so. Mr. Phelps did not pay his annual registration fee for 2021. He received three notices of the fee and his failure to pay it. Mr. Phelps incorrectly believed the notices were in error because he was “military exempt.” On March 15, 2021, Mr. Phelps’ law license was suspended for his failure to pay his annual fee, but he did not stop practicing law. On March 7, 2022, he stopped practicing law. Mr. Phelps received discipline from the United States Air Force for this conduct.

By these acts, Mr. Phelps has violated Rule of Professional Conduct 5.5 (unauthorized practice of law) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney’s ability to practice law.

HUGH REID POLAND, III, BPR #019154

MONTGOMERY COUNTY

On June 23, 2023, Hugh Reid Poland, III, an attorney licensed to practice law in Tennessee, received a Public Censure from the Supreme Court of Tennessee and was ordered to pay the costs and fees of the Board of Professional Responsibility.

Mr. Poland represented a client who settled a custody dispute at mediation, which settlement set forth, in part, a new parenting and visitation arrangement for a trial period of 90 days and specifically required Mr. Poland to draft the required agreed order, parenting plan, and child support worksheet. Mr. Poland failed to respond to communications from his opposing counsel regarding the required documents and failed to draft the documents even after a Motion to Enforce the Mediation was filed.

Opposing counsel ultimately filed the required documents, which included inaccurate statements about Mr. Poland’s client, and Mr. Poland approved the same for filing without notifying his client or obtaining her approval. Finally, Mr. Poland made several misrepresentations to his client, in writing, that he would take specific actions to address her concerns; however, Mr. Poland took no further action and ultimately stopped responding to his client’s communications and requests for information. Mr. Poland executed a conditional guilty plea acknowledging his conduct violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 8.4(c) (misrepresentation), and 8.4(d) (prejudice to the administration of justice).

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JIMMY LEO RICHARDSON, BPR #032500

RUTHERFORD COUNTY

On July 26, 2023, Jimmy Leo Richardson, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Richardson was appointed to represent a father in a dependency and neglect petition involving a child. Mr. Richardson ceased representing the father. Mr. Richardson then began representing the mother in an action to modify the permanent parenting plan for the child. The two matters were substantially related, the subsequent client's interests were materially adverse to the former client's interests, and the former client did not give timely informed consent confirmed in writing.

By these acts, Mr. Richardson has violated Rule of Professional Conduct 1.9 (duties to former clients) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JAMES KIDWELL SCOTT, BPR #016893

KNOX COUNTY

On April 27, 2023, James Kidwell Scott, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Scott represented a client in a civil matter, and he did not provide his client with a copy of the discovery propounded to the client for four months. He did not inform the client when a motion to compel the discovery was filed. Mr. Scott did not comply with court deadlines for the production of discovery, and he did not inform his client of the deadlines. A second motion to compel was filed against Mr. Scott's client, and he did not inform the client of the second motion to compel.

The court entered an order striking the amended complaint which directed Mr. Scott to provide his client with a copy of the order. Mr. Scott did not do so. Mr. Scott filed a new lawsuit thereafter. Discovery was propounded to Mr. Scott's client in the second lawsuit, and Mr. Scott did not send it to his clients. A

motion to compel was filed regarding this discovery and Mr. Scott did not inform his client of the motion to compel.

By these acts, James Kidwell Scott, has violated Rule of Professional Conduct 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), 3.4 (fairness to opposing party), and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for this violation. A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

EDWARD KENDALL WHITE, BPR #032725

DAVIDSON COUNTY

On April 13, 2023, Edward Kendall White, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In one client matter, Mr. White represented three indigent criminal defendants for whom he needed the services of an expert witness. Mr. White called the Administrative Office of the Court about approval for the cost of the expert, but he did not submit a motion for approval of the costs to the director in writing as set forth in Tennessee Supreme Court Rule 13, Section 5(e). The expert witness completed her work which was favorable for Mr. White's clients. The expert submitted her invoice for payment, but it was denied by the Administrative Office of the Court because of Mr. White's failure to comply with the procedure.

In another client matter, Mr. White represented a criminal defendant on appeal, and he failed to timely file the transcript or statement of evidence as required by the Tennessee Rules of Appellate Procedure. Mr. White later withdrew from the representation prior to submission of the transcript or statement of the evidence.

By these acts, Edward Kendall White has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 3.4 (fairness to opposing party and court), and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

ANDREW STEPHEN PRIESTLY WILLIAMS
CALIFORNIA AND FLORIDA LAWYER

On April 14, 2023, Andrew Stephen Priestly Williams, an attorney licensed to practice law in California and Florida, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

A civil lawsuit was filed in Shelby County against Mr. Williams' client. Mr. Williams signed and filed a Notice of Removal of the action, prior to hiring local counsel. After the matter was remanded back to Shelby County, Mr. Williams signed and filed a Motion for *Pro Hac Vice* Admission. Though local counsel was identified in the body of the motion, local counsel did not sign the pleading. Mr. Williams then successfully registered with the Board of Professional Responsibility for *pro hac vice* admission. The opposing attorney opposed Mr. Williams' motion for *pro hac vice* admission with the court, and Mr. Williams filed a Reply which had a hand-written signature of local counsel with no indication that it was done by Mr. Williams "with permission." Local counsel did not sign the document himself and did not give permission for his name to be signed on it. Mr. Williams' motion for *pro hac vice* admission with the court was denied.

By these acts, Mr. Williams has violated Rule of Professional Conduct 5.5 (unauthorized practice of law) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

REINSTATEMENTS

TROY LEE BOWLIN, BPR #025893
KNOX COUNTY

By Order of the Tennessee Supreme Court entered May 30, 2023, Troy Lee Bowlin was reinstated to the active practice of law conditioned upon continuing compliance with the terms and conditions of the Order of Enforcement entered April 20, 2023.

On April 20, 2023, Mr. Bowlin was suspended by the Supreme Court of Tennessee for three (3) years with thirty (30) days to be served as an active suspension. Mr. Bowlin filed a Petition to Terminate Period of

Active Suspension pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c), on May 10, 2023. The Board found the Petition was satisfactory and submitted an Order of Reinstatement to the Court.

GEORGIA B. FELNER, BPR #013167

WILLIAMSON COUNTY

On July 31, 2023, the Supreme Court of Tennessee reinstated Georgia B. Felner to the practice of law. Ms. Felner was suspended by the Supreme Court of Tennessee on June 28, 2019, for a period of three (3) years with a minimum eighteen (18) months served on active suspension and remainder on probation pursuant to Tennessee Supreme Court Rule 9, Sections 12.2 and 14.

On January 31, 2023, Ms. Felner filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court, Rule 9, Section 30.4(d). The Board verified that the conditions required for reinstatement were satisfied and filed a Notice of Submission with the Supreme Court indicating Ms. Felner was eligible for reinstatement to the practice of law. The Order of Reinstatement entered July 31, 2023, was effective upon filing.

TYREE B. HARRIS, IV, BPR #002367

DAVIDSON COUNTY

On May 2, 2023, the Supreme Court of Tennessee reinstated Tyree B. Harris, IV, to the practice of law. Mr. Harris had been suspended by the Supreme Court of Tennessee on April 29, 2022, for a period of one (1) year as an active suspension.

On April 13, 2023, Mr. Harris filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court, Rule 9, Section 30.4(c). The Board verified that the conditions required for reinstatement were satisfied and filed a Notice of Submission with the Supreme Court indicating Mr. Harris was eligible for reinstatement to the practice of law. The Order of Reinstatement, entered May 2, 2023, was effective upon filing.

GARY NEIL PATTON, BPR #003878

RUTHERFORD COUNTY

By Order of the Tennessee Supreme Court entered August 2, 2023, Gary Neil Patton was reinstated to the active practice of law conditioned upon continuing compliance with the terms and conditions of the Order of Enforcement entered May 22, 2023.

On May 22, 2023, Mr. Patton was suspended by the Supreme Court of Tennessee for one (1) year with thirty (30) days to be served as an active suspension. Mr. Patton filed a Petition for Reinstatement pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c), on May 22, 2023. The Board found the Petition was satisfactory and submitted an Order of Reinstatement to the Court.

CAPP PETERSON TAYLOR, BPR #025820

JEFFERSON COUNTY

By Order of the Tennessee Supreme Court entered August 2, 2023, Capp Peterson Taylor was reinstated to the active practice of law.

On December 19, 2017, Capp Peterson Taylor was suspended by the Supreme Court of Tennessee for six (6) months and on January 8, 2020, suspended for two (2) years. Mr. Taylor filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(d), on October 7, 2022. After a final hearing on the merits, a Hearing Panel found Mr. Taylor demonstrated by clear and convincing evidence that he has the moral qualifications, competency, and learning in law required for admission to practice law in this state and that his resumption of the practice of law within the state would not be detrimental to the integrity and standing of the bar or the administration of justice or subversive to the public interest. The Order of Reinstatement entered August 2, 2023, was effective upon filing.

DISABILITY INACTIVE

CRISTY ANN BRAUN, BPR #025287

TENNESSEE LAWYER

By Order of the Tennessee Supreme Court entered May 17, 2023, the law license of Cristy Ann Braun was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Braun cannot practice law while on disability inactive status and shall comply with the requirements of Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities of attorneys transferred to disability inactive status. Ms. Braun may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing that her disability has been removed in accordance with Tennessee Supreme Court Rule 9, Section 27.7.

PAUL WILLIAM DUTY, BPR #020726

WILLIAMSON COUNTY

By Order of the Tennessee Supreme Court entered June 22, 2023, the law license of Paul William Duty was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Duty cannot practice law while on disability inactive status and shall comply with the requirements of Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities of attorneys transferred to disability inactive status. Mr. Duty may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing that his disability has been removed in accordance with Tennessee Supreme Court Rule 9, Section 27.7.

HANNAH ANDREA GRIBBLE, BPR #007126

TENNESSEE LAWYER

By Order of the Tennessee Supreme Court entered May 17, 2023, the law license of Hannah Andrea Gribble was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Gribble cannot practice law while on disability inactive status and shall comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28, regarding the obligations and responsibilities

of attorneys transferred to disability inactive status. Ms. Gribble may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing that her disability has been removed in accordance with Tennessee Supreme Court Rule 9, Section 27.7.

RICHARD ALLEN JOHNSON, BPR #012134

DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered June 12, 2023, the law license of Richard Allen Johnson was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Johnson cannot practice law while on disability inactive status and shall comply with the requirements of Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities of attorneys transferred to disability inactive status. Mr. Johnson may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing that his disability has been removed in accordance with Tennessee Supreme Court Rule 9, Section 27.7.

TIMOTHY PAUL MOLYNEUX, BPR #018813

WILLIAMSON COUNTY

By Order of the Tennessee Supreme Court entered July 28, 2023, the law license of Timothy Paul Molyneux was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Molyneux cannot practice law while on disability inactive status and shall comply with the requirements of Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities of attorneys transferred to disability inactive status. Mr. Molyneux may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing that his disability has been removed in accordance with Tennessee Supreme Court Rule 9, Section 27.7.

RHETT R. RUSSELL, BPR #006980
TENNESSEE LAWYER

By Order of the Tennessee Supreme Court entered May 17, 2023, the law license of Rhett R. Russell was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Russell cannot practice law while on disability inactive status and shall comply with the requirements of Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities of attorneys transferred to disability inactive status. Mr. Russell may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing that his disability has been removed in accordance with Tennessee Supreme Court Rule 9, Section 27.7.

RONALD ANDRÉ STEWART, BPR #023042
DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered May 17, 2023, the law license of Ronald André Stewart was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Stewart cannot practice law while on disability inactive status and shall comply with the requirements of Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities of attorneys transferred to disability inactive status. Mr. Stewart may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing that his disability has been removed in accordance with Tennessee Supreme Court Rule 9, Section 27.7.

TRAVIS WAYMON TIPTON, BPR #035557
DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered September 27, 2023, the law license of Travis Waymon Tipton was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Tipton cannot practice law while on disability inactive status and shall comply with the requirements of Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities of attorneys transferred to disability inactive status. Mr. Tipton may return to the practice of law after

reinstatement by the Tennessee Supreme Court upon showing that his disability has been removed in accordance with Tennessee Supreme Court Rule 9, Section 27.7.

JAMES H. WALLACE, JR., BPR #008547

MADISON COUNTY

By Order of the Tennessee Supreme Court entered May 17, 2023, the law license of James H. Wallace, Jr., was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Wallace cannot practice law while on disability inactive status and shall comply with the requirements of Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities of attorneys transferred to disability inactive status. Mr. Wallace may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing that his disability has been removed in accordance with Tennessee Supreme Court Rule 9, Section 27.7.

TENNESSEE LAWYERS' FUND

for CLIENT PROTECTION

TENNESSEE LAWYERS' FUND PAYMENT

A. SAIS PHILLIPS FINNEY, BPR #028845

SHELBY COUNTY

On September 25, 2023, the Tennessee Lawyers' Fund for Client Protection (Lawyers' Fund) paid one claim filed against A. Sais Phillips Finney, in the amount of \$8,335.00.

Lawyers' Fund, financed by Tennessee lawyers and judges, was established by the Tennessee Supreme Court to reimburse individuals for losses caused by the rare instances of dishonest conduct by attorneys. The Tennessee Supreme Court appoints a Lawyers' Fund Board, consisting of six lawyers and three non-attorney members, who serve without compensation in considering and paying claims pursuant to Tennessee Supreme Court Rule 25.

Ms. Finney is required to reimburse Lawyers' Fund for the amount paid to any claimant pursuant to Tennessee Supreme Court Rule 25 Section 16 and/or the Order of Enforcement entered by the Supreme Court of Tennessee.

WESLEY LYNN HATMAKER, BPR #014880

(Deceased Attorney)

On June 15, 2023, the Tennessee Lawyers' Fund for Client Protection (Lawyers' Fund) paid a claim filed against Wesley Lynn Hatmaker, in the amount of \$16,651.86.

Lawyers' Fund, financed by Tennessee lawyers and judges, was established by the Tennessee Supreme Court to reimburse individuals for losses caused by the rare instances of dishonest conduct by attorneys. The Tennessee Supreme Court appoints a Lawyers' Fund Board, consisting of six lawyers and three non-attorney members, who serve without compensation in considering and paying claims pursuant to Tennessee Supreme Court Rule 25.

JAMES RALPH HICKMAN, JR., BPR #020125

SEVIER COUNTY

On September 25, 2023, the Tennessee Lawyers' Fund for Client Protection (Lawyers' Fund) paid a claim filed against James Ralph Hickman, Jr., in the amount of \$11,975.00.

Lawyers' Fund, financed by Tennessee lawyers and judges, was established by the Tennessee Supreme Court to reimburse individuals for losses caused by the rare instances of dishonest conduct by attorneys. The Tennessee Supreme Court appoints a Lawyers' Fund Board, consisting of six lawyers and three non-attorney members, who serve without compensation in considering and paying claims pursuant to Tennessee Supreme Court Rule 25.

Mr. Hickman is required to reimburse Lawyers' Fund for the amount paid to any claimant pursuant to Tennessee Supreme Court Rule 25 Section 16 and/or the Order of Enforcement entered by the Supreme Court of Tennessee.

JASON R. MCLELLAN, BPR #024596

SULLIVAN COUNTY

On May 23, 2023, the Tennessee Lawyers' Fund for Client Protection (Lawyers' Fund) paid a claim filed against Jason R. McLellan, in the amount of \$67,400.36.

Lawyers' Fund, financed by Tennessee lawyers and judges, was established by the Tennessee Supreme Court to reimburse individuals for losses caused by the rare instances of dishonest conduct by attorneys. The Tennessee Supreme Court appoints a Lawyers' Fund Board, consisting of six lawyers and three non-attorney members, who serve without compensation in considering and paying claims pursuant to Tennessee Supreme Court Rule 25.

Mr. McLellan is required to reimburse Lawyers' Fund for the amount paid to any claimant pursuant to Tennessee Supreme Court Rule 25 Section 16 and/or the Order of Enforcement entered by the Supreme Court of Tennessee.

JASON R. MCLELLAN, BPR #024596

SULLIVAN COUNTY

On June 9, 2023, the Tennessee Lawyers' Fund for Client Protection (Lawyers' Fund) paid a claim filed against Jason R. McLellan, in the amount of \$100,000.00.

Lawyers' Fund, financed by Tennessee lawyers and judges, was established by the Tennessee Supreme Court to reimburse individuals for losses caused by the rare instances of dishonest conduct by attorneys. The Tennessee Supreme Court appoints a Lawyers' Fund Board, consisting of six lawyers and three non-attorney members, who serve without compensation in considering and paying claims pursuant to Tennessee Supreme Court Rule 25.

Mr. McLellan is required to reimburse Lawyers' Fund for the amount paid to any claimant pursuant to Tennessee Supreme Court Rule 25 Section 16 and/or the Order of Enforcement entered by the Supreme Court of Tennessee.

JASON R. MCLELLAN, BPR #024596

SULLIVAN COUNTY

On September 25, 2023, the Tennessee Lawyers' Fund for Client Protection (Lawyers' Fund) paid two claims filed against Jason R. McLellan. One claim in the amount of \$5,500.00 and the other in the amount of \$3,500.00.

Lawyers' Fund, financed by Tennessee lawyers and judges, was established by the Tennessee Supreme Court to reimburse individuals for losses caused by the rare instances of dishonest conduct by attorneys. The Tennessee Supreme Court appoints a Lawyers' Fund Board, consisting of six lawyers and three non-attorney members, who serve without compensation in considering and paying claims pursuant to Tennessee Supreme Court Rule 25.

Mr. McLellan is required to reimburse Lawyers' Fund for the amount paid to any claimant pursuant to Tennessee Supreme Court Rule 25 Section 16 and/or the Order of Enforcement entered by the Supreme Court of Tennessee.

JANET MONIQUE OKOYE, BPR #027923
TENNESSEE LAWYER

On March 8, 2023, the Tennessee Lawyers' Fund for Client Protection (Lawyers' Fund) paid a claim filed against Janet Monique Okoye, in the amount of \$1,663.33.

Lawyers' Fund, financed by Tennessee lawyers and judges, was established by the Tennessee Supreme Court to reimburse individuals for losses caused by the rare instances of dishonest conduct by attorneys. The Tennessee Supreme Court appoints a Lawyers' Fund Board, consisting of six lawyers and three non-attorney members, who serve without compensation in considering and paying claims pursuant to Tennessee Supreme Court Rule 25.

Ms. Okoye is required to reimburse Lawyers' Fund for the amount paid to any claimant pursuant to Tennessee Supreme Court Rule 25 Section 16 and/or the Order of Enforcement entered by the Supreme Court of Tennessee.

PHILIP JOSEPH PEREZ, BPR #021920
DAVIDSON COUNTY

On October 25, 2022, the Tennessee Lawyers' Fund for Client Protection (Lawyers' Fund) paid a claim filed against Philip Joseph Perez, in the amount of \$2,750.00.

Lawyers' Fund is paid for by Tennessee lawyers and judges to reimburse losses caused by the rare instances of dishonest conduct by attorneys. Lawyers' Fund operates under the authority of the Tennessee Supreme Court, and a Board appointed by the Court, consisting of six lawyers and three non-attorney members, who serve without compensation. The Board considers and pays claims pursuant to Tennessee Supreme Court Rule 25.

Mr. Perez is required to reimburse Lawyers' Fund for the amount paid to any claimant pursuant to Tennessee Supreme Court Rule 25 Section 16 and/or the Order of Enforcement entered by the Supreme Court of Tennessee.

JUDSON WHEELER PHILLIPS, BPR #013029

WILLIAMSON COUNTY

On December 15, 2022, the Tennessee Lawyers' Fund for Client Protection (Lawyers' Fund) paid a claim filed against Judson Wheeler Phillips, in the amount of \$2,277.15.

Lawyers' Fund, funded by Tennessee lawyers and judges, was established by the Tennessee Supreme Court to reimburse individuals for losses caused by the rare instances of dishonest conduct by attorneys. Lawyers' Fund operates under the authority of a Board appointed by the Supreme Court, consisting of six lawyers and three non-attorney members, who serve without compensation. The Board considers and pays claims pursuant to Tennessee Supreme Court Rule 25.

Mr. Phillips is required to reimburse Lawyers' Fund for the amount paid to any claimant pursuant to Tennessee Supreme Court Rule 25 Section 16 and/or the Order of Enforcement entered by the Supreme Court of Tennessee.

JAMES FOSTER SCHAEFFER, JR., BPR #006862

SHELBY COUNTY

On June 23, 2023, the Tennessee Lawyers' Fund for Client Protection (Lawyers' Fund) paid a claim filed against James Foster Schaeffer, Jr., in the amount of \$748.50.

Lawyers' Fund, financed by Tennessee lawyers and judges, was established by the Tennessee Supreme Court to reimburse individuals for losses caused by the rare instances of dishonest conduct by attorneys. The Tennessee Supreme Court appoints a Lawyers' Fund Board, consisting of six lawyers and three non-attorney members, who serve without compensation in considering and paying claims pursuant to Tennessee Supreme Court Rule 25.

Mr. Schaeffer is required to reimburse Lawyers' Fund for the amount paid to any claimant pursuant to Tennessee Supreme Court Rule 25 Section 16 and/or Order of Enforcement entered by the Supreme Court of Tennessee.