



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION
RE: FLOYD N. PRICE, BPR #6475
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January 21, 2004

STAYED SUSPENSION IMPOSED AGAINST NASHVILLE ATTORNEY

On January 15, 2004, the Supreme Court of Tennessee issued an Order imposing a six month suspension on Floyd N. Price of Nashville, Tennessee, but providing for enforcement of the suspension to be stayed pending the Respondent's compliance with certain conditions. The conditions imposed by the Court are as follows:

1. Mr. Price is to immediately submit himself to a licensed health professional and to a representative of the Tennessee Lawyers Assistance Program for evaluation and/or assessment. Mr. Price is to execute releases necessary to allow the reports resulting from such assessments and/or evaluations to be sent to Disciplinary Counsel.
2. Mr. Price is to develop and submit to Disciplinary Counsel a plan for complying with the recommendations made by examining licensed health professionals or by representatives of the Tennessee Lawyers Assistance Program no later than thirty days after January 15, 2004.
3. Mr. Price, with Disciplinary Counsel's approval, is to nominate a licensed lawyer to serve as his monitor. The monitor's responsibilities will include but not be limited to assisting Mr. Price in making and keeping necessary appointments and reporting to Disciplinary Counsel regarding Mr. Price's compliance with the conditions contained in this order.
4. Mr. Price is to develop a plan to make restitution to his former client, the Complainant in this disciplinary matter, that the former client finds acceptable, no later than 60 days after January 15, 2004. Mr. Price must submit a copy of this plan to Disciplinary Counsel who will monitor his compliance with it.
5. Mr. Price is to submit a plan acceptable to the Board of Professional Responsibility for the payment of all costs accrued in this cause, no later than ninety days after January 15, 2004.

Disciplinary Counsel and the Board of Professional Responsibility are to monitor Mr. Price's compliance with the above conditions and may at any time within the six month period, for good cause shown, petition the Court to lift the stay and put the sanction into full effect.

The Supreme Court's Order references the prior judgment of a Hearing Panel in this matter. The Hearing Panel previously found that Mr. Price had failed to file a complaint he drafted on his client's behalf in the course of his representation of him for five years, and in the interim made numerous false representations to him, both in writing and over the telephone, that the lawsuit had been filed and was being pursued. The Hearing Panel also found that when Mr. Price did file the complaint, he did so without his client's knowledge, nor did he forward any of the pleadings filed by the opposing parties to his client or otherwise inform him of their existence. Mr. Price continued to file pleadings and otherwise take action in this litigation without his client's knowledge or consent. Mr. Price's handling of this litigation (all done without his client's knowledge or consent) resulted in a dismissal with prejudice of his client's claims and a default judgment being entered against the client on the counterclaim. Mr. Price appealed this judgment, again without his client's knowledge or consent, but then abandoned the appeal, allowing the judgment to become final. Mr. Price never advised his client of the existence of this judgment, nor did he ever advise opposing counsel, the trial court, or the court of appeals that he was acting without his client's knowledge or consent. Mr. Price also did not reveal the existence of this judgment or any of the events that took place in this litigation to Disciplinary Counsel who was by then investigating the complaint filed against Mr. Price by his client, despite receiving and responding to repeated requests for information about the status of the case from Disciplinary Counsel.

The Hearing Panel concluded that as a result of this conduct Mr. Price failed to act competently and represent his client zealously, engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, engaged in conduct prejudicial to the administration of justice, engaged in conduct that adversely reflected on his fitness to practice law, advanced claims in the litigation that were unwarranted given that they had not been approved by his client, knowingly made false statements to a court in the course of a representation of a client, concealed that which he was obligated to reveal, failed to comply with known local customs of practice of the bar, intentionally violated rules of procedure and engaged in undignified and discourteous conduct that was degrading to a tribunal. The Hearing Panel found several aggravating factors applied to Mr. Price's conduct, but also found the absence of a prior disciplinary record, mental and emotional distress, and Mr. Price's character, reputation and community involvement to be mitigating circumstances.

The sanction imposed by the Court described above constituted a downward departure from the sanction recommended by the Hearing Panel, and was entered without objection from the Respondent or the Board of Professional Responsibility.