



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

LANCE B. BRACY
CHIEF DISCIPLINARY COUNSEL

LAURA L. CHASTAIN
DEPUTY CHIEF DISCIPLINARY COUNSEL

BEVERLY P. SHARPE
CONSUMER COUNSEL/DIRECTOR

1101 KERMIT DRIVE, SUITE 730
NASHVILLE, TENNESSEE 37217
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbdr.org

WILLIAM W. HUNT, III
CHARLES A. HIGH
SANDY GARRETT
JESSE D. JOSEPH
JAMES A. VICK
THERESA M. COSTONIS
DISCIPLINARY COUNSEL

RELEASE OF INFORMATION
RE: JOHN H. PARKER, BPR # 10326
CONTACT: JESSE D. JOSEPH
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

February 3, 2003

MEMPHIS LAWYER PUBLICLY CENSURED

John H. Parker, of Memphis, was publicly censured by the Board of Professional Responsibility on January 30, 2003. The censure was issued by the Board pursuant to Rule 9, Section 8 of the Rules of the Tennessee Supreme Court. Parker did not request a hearing on the matter.

In one complaint filed against Mr. Parker in his capacity as trustee, the Board found that he encroached upon the corpus of an irrevocable trust in 2000 and 2001 to pay himself attorney fees which were disputed by the client/grantor. Parker could not be involuntarily removed as trustee as long as the trust produced no income except upon court action, and he refused to resign as trustee until December of 2002 - - although the grantor and beneficiaries had demanded his resignation since the fall of 2001.

Given the absence of any provision within the trust granting Parker the authority to encroach upon the trust corpus to pay himself disputed attorney fees, the Board found that Parker's reliance upon the general powers of trustees described in Title 50, T.C.A., in justifying his actions to be misplaced.

The Board concluded that Parker misappropriated entrusted funds of his client, and that he was exceedingly dilatory by not restoring the funds to the corpus of the trust and by not resigning as trustee until December of 2002.

JDJ:mw

Parker 24997 rel.do c

