



**BOARD OF PROFESSIONAL RESPONSIBILITY**  
of the  
**SUPREME COURT OF TENNESSEE**

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**RELEASE OF INFORMATION**  
**RE: FERNANDO J. RAMOS, BPR # 11105**  
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**BOARD OF PROFESSIONAL RESPONSIBILITY**  
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May 12, 2004

**NASHVILLE LAWYER PUBLICLY CENSURED**

Nashville lawyer, Fernando J. Ramos, was censured by the Board of Professional Responsibility on May 5, 2004 based on a finding by the Fifth Circuit Court for Davidson County, Tennessee, of ineffective assistance of counsel and the setting aside of a murder conviction.

Specifically the Court found that Ramos's advice to his client not to testify should have been informed advice and could have only been informed if Ramos knew the client's own story of events and how he would testify. At the post conviction hearing Ramos admitted he had no idea of what the petitioner would say if he took the stand. He contended he thought he really should not press the petitioner to tell him what happened. He was unaware of the petitioner's version of events. It was the judgment of the Court that the advice given by Ramos to his client not to testify also fell below an objective standard of reasonableness.

The Court also found that Ramos's calling two witnesses fell below an objective standard of reasonableness. The Fifth Circuit Court for Davidson County, Tennessee, found that "the petitioner's rights by the Constitution of Tennessee and the Constitution of the United States were abridged at trial as set forth above, and the Court vacates the judgment of conviction and orders a new trial."

Finally, the Court found "it is the judgment of the Court that there is reasonable probability that but for Counsel's unprofessional errors the results of the proceeding would be different." The Board of Professional Responsibility has determined that Mr. Ramos should be censured for the following ethical violations: DR 1-102(A)(1)(4)(5)(6); DR 6-101(A)(1)(2)(3); and DR 7-101(A)(1)(2)(3)(4) of the Code of Professional Responsibility.

The censure was issued by the Board pursuant to Rule 9, Section 8 of the Rules of the Tennessee Supreme Court. Ramos did not request a hearing in the matter.

LLC:mw

Ramos 26866 rel.doc