



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

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**RELEASE OF INFORMATION**  
**RE: JAMES MICHAEL IVEY, BPR #16160**  
**CONTACT: SANDY GARRETT**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
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January 9, 2003

**PARSONS LAWYER PUBLICLY CENSURED**

Parsons lawyer James Michael Ivey received a Public Censure on January 6, 2003, by the Board of Professional Responsibility. The censure was issued by the Board pursuant to Rule 9, Section 8 of the Rules of the Tennessee Supreme Court. Ivey did not request a hearing in the matter. A former client of Ivey obtained a criminal warrant charging an acquaintance with theft of two promissory notes. A preliminary hearing resulted in dismissal of the charges. Thereafter the former client, an alleged victim, advised the district attorney that she had previously sent Ivey copies of the notes for safekeeping. The copies had, in fact, been received by Ivey, who did not open a file or otherwise mark the date of their receipt.

The district attorney contacted Ivey to determine how long he had possessed the copies, as the district attorney suspected that they were perhaps fabricated. Ivey told the district attorney that he had been contacted by the client concerning the copies over a year previously, and that he did not know the actual date of the receipt, but had had the copies for "sometime." The district attorney stated he was told by Ivey the copies were received over a year previously. In part, because of this conversation, the district attorney obtained an indictment for theft of the notes.

After the prosecution commenced, it was proven that the notes had been fabricated by the former client, and copies sent to Ivey. Ivey had no part in the fabrication of the notes, or in instigating the criminal prosecution. The district attorney sent a TBI investigator to Ivey, and the investigator reported that he was told the copies were received more than a year previously. The district attorney then dismissed the theft prosecution and in turn indicted both Ivey and the former client.

Ivey then performed an investigation into the most likely date the copies were received by him and gave a statement to the TBI in which he stated that the district attorney had been misled to believe Ivey had possessed the copies for a longer period than he actually did. The criminal charge against Ivey was dismissed.

Ivey's actions constitute ethical misconduct in violation of DR 1-102(A)(1)(4)(5) and (6) of the Code of Professional Responsibility.

LLC:mw

Ivey 1335 rel.doc