



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION
RE: JOHN A. WILLIS, BPR # 18468
CONTACT: SANDY GARRETT
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

October 25, 2004

KNOXVILLE ATTORNEY PUBLICLY CENSURED

Knoxville attorney John A. Willis was censured by the Board of Professional Responsibility on October 18, 2004. Willis self-reported that in his representation of Kentucky National Insurance Company, a trial was set for January 8, 2004 and as the date approached he was unprepared, yet failed to seek relief from the trial date or the previously entered scheduling order. Willis failed to file a response to adverse motions for summary judgment. Willis failed to advise his client of one of the motions for summary judgment being overruled on the grounds that disputed issues existed. Opposing counsel advised Willis that as a condition to mediation, his client would have to agree to a dismissal to the declaratory judgment action. Willis prepared and circulated a proposed stipulation of dismissal without prejudice. The proposed stipulation of dismissal was never sent to or entered by the Court. Willis acknowledges that he did not discuss with or obtain permission of his client to take a dismissal of the declaratory judgment action.

Willis mis-calendared the January 7, 2004 mediation and was unprepared. He attended the mediation without any authority from his client or without having advised his client that mediation was taking place. Willis proceeded to participate in the mediation as though he had authority to participate even though he did not. Willis made an offer to settle two claims without authority from his client. The offers were accepted. An unauthorized offer was also made by Willis with regard to another client, however, that offer was not accepted.

At the mediation Willis contacted the Judge's law clerk and advised that the case was being mediated and would likely settle. He asked the clerk to remove the case from the docket without the knowledge or permission of his client.

At the mediation a defendant was present and Willis discussed the case with him but failed to advise him he should obtain counsel prior to discussing the case.

After the mediation Willis attempted to obtain settlement authority from his client by writing a letter advising that mediation had been scheduled but had not taken place. Willis also falsely

advised his client that a summary judgment motion was pending and that his client would likely lose. Willis' client, without knowledge that Willis had already made two settlement agreements, advised that no authority for settlement other than nominal offers would be extended. Willis then advised his law firm of the actions he had taken on the case. The law firm advised the client, removed Willis from the case, and agreed to pay the full settlement amount to the client. Willis has agreed to reimburse the firm for said payment.

Willis violated Rules 1.1, 1.2, 1.3, 1.4, 4.3 and 8.4(a)(c)(d) of the Tennessee Rules of Professional Conduct. The imposition of this censure declares Willis' actions to be improper ethical conduct, but does not limit his right to practice law.

LLC:mw

Willis 27108 rel.doc