



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

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**RELEASE OF INFORMATION**  
**RE: WILLIAM T. WINCHESTER, BPR #21282**  
**CONTACT: JESSE D. JOSEPH**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**

May 22, 2003

**MEMPHIS LAWYER PUBLICLY CENSURED**

William T. Winchester, of Memphis, was publicly censured by the Board of Professional Responsibility on May 15, 2003. The censure was issued by the Board pursuant to Rule 9, Section 8 of the Rules of the Supreme Court. Winchester did not request a hearing on the matter.

In one complaint filed against Winchester relating to his handling of a Shelby Circuit divorce matter where his client surreptitiously recorded a home visit by the Guardian ad Litem, the Board found that he failed to provide clear advice to the client to not secretly record the Guardian, or that he tacitly agreed to the client's intention. On September 10, 2003, Winchester's client telephoned the Guardian directly and revealed that she had secretly taped the September 8, 2002 home visit either upon Winchester's direction, or with his tacit agreement. At her September 12, 2002 deposition, in response to questioning from opposing counsel regarding why she secretly taped the Guardian, Winchester's client testified that it was "because I discussed it with my attorney, and we decided that I needed to do that."

The Board concluded that Winchester circumvented the requirements of disciplinary rules through the actions of his client, and that he engaged in deceptive conduct which is detrimental to the administration of justice. Winchester was also found to have violated Board Formal Ethics Opinion 86-F-14(a) which prohibits lawyers from making secret recordings of persons in civil matters.  
JDJ:mw

Winchester 25749 rel.doc

