

IN DISCIPLINARY DISTRICT VI
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

IN RE: JOANIE L. ABERNATHY, #011382
Respondent, an attorney licensed
to practice law in Tennessee
(Williamson County)

FILE No. 69028-6-ES

PUBLIC CENSURE

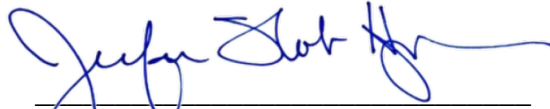
The above complaint was filed against Joanie L. Abernathy, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Tenn. Sup. Ct. R. 9, the Board of Professional Responsibility considered this matter at its meeting on December 9, 2022.

Ms. Abernathy represented a client in a contentious divorce. She filed two motions to recuse the trial judge, both of which were denied. Meanwhile, the opposing party was awarded attorney fees by order in April 2018. Thereafter, funds were paid into court from the sale of a piece of marital property. The opposing party filed a motion to disburse the funds held by the court to satisfy the award of attorney fees. Ms. Abernathy opposed this motion. The court orally granted the opposing party's motion to disburse the funds, and the court ordered opposing counsel to prepare an order. After the motion had been orally granted, but before the order was entered, Ms. Abernathy filed a third motion to recuse the trial judge. The motion included arguments that had not been raised in the trial court and arguments that addressed issues previously raised in the earlier motions for recusal. The court of appeals denied the third motion to recuse and held that the motion was frivolous.

By the aforementioned acts, Ms. Abernathy is in violation of Rule 3.1 (meritorious claims

and contentions), 3.4 (fairness to opposing party), and 8.4(d) (prejudice to the administration of justice), and she is hereby Publicly Censured for these violations.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Jennifer S. Hagerman, Chair

January 13, 2023

Date