



**BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE**

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**RELEASE OF INFORMATION**  
**RE: JAVIER M. BAILEY, BPR# 14186**  
**CONTACT: KRISANN HODGES**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

April 26, 2012

**MEMPHIS LAWYER DISBARRED**

On April 26 2012, Javier Michael Bailey, of Memphis, Tennessee, was disbarred by Order of the Tennessee Supreme Court. He was further ordered to pay restitution to seventeen (17) complainants totaling \$29,867.00 and costs to the Board of Professional Responsibility.

The Board of Professional Responsibility filed five (5) Petitions for Discipline against Mr. Bailey pursuant to Rule 9 of the Rules of the Supreme Court of Tennessee. The Petitions were consolidated for disposition due to the similarity of the complaints and Mr. Bailey entered into a Conditional Guilty Plea. The majority of complaints involved failure to properly communicate with clients and failure to exercise appropriate diligence on their cases. Seven (7) complaints involved situations in which Mr. Bailey failed to follow the orders of a court. Mr. Bailey made misrepresentations to the Circuit Court regarding his failure to appear for a hearing. The Circuit Court prohibited Mr. Bailey from taking any cases in that court due to Mr. Bailey's pattern of failing to appear. In the Court of Criminal Appeals, Mr. Bailey was held in criminal contempt in three (3) cases and sentenced to serve time in jail and/or pay a fine due to his failure to file timely briefs and to comply with directives from the Court. In two (2) complaints, Mr. Bailey was paid a fee to assist clients in seeking a transfer from federal prison to a lower security facility. Mr. Bailey failed to make applications for the transfers and failed to communicate with his clients in a reasonable manner. Another complaint involved Mr. Bailey's participation in an investment (real estate purchase) which never materialized. Although Mr. Bailey agreed to refund the complainant's money, he failed to do so. Yet another complaint involved Mr. Bailey's inappropriate statements to the media.

His actions violate the following Rules of Professional Conduct: 1.1, Competence; 1.3, Diligence; 1.4, Communication; 1.5(a)(b) and (c), Fees; 1.7(b), Conflict of Interest; 1.8(a), Conflict of Interest: Prohibited Transactions; 1.16(d), Declining and Terminating Representation; 3.1, Meritorious Claims and Contentions; 3.2, Expediting Litigation 3.3(a), Candor Toward the Tribunal; 3.4(c), Fairness to Opposing Party and Counsel; 3.6(a), Trial Publicity; 4.2, Communication with a Person Represented by Counsel; 8.1(b), Bar Admission and Disciplinary Matters; 8.4(a)(b)(c)(d) and (g), Misconduct.

Mr. Bailey must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 and 19, should he seek reinstatement of his Tennessee law license, and he may not resume the practice of law until reinstated by further order of the Court.

Bailey 1850-9; 2085-9 rel.doc

**PLEASE NOTE**

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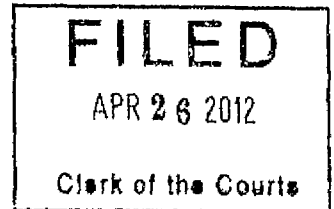
IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

IN RE JAVIER MICHAEL BAILEY, BPR #14186  
An Attorney Licensed to Practice Law in Tennessee  
(Shelby County)

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No. M2012-00799-SC-BPR-BP  
BOPR Nos. 2009-1850-9-KH; 2011-2085-9-KH

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**ORDER OF ENFORCEMENT**

This matter is before the Court upon a Petition for Discipline filed September 16, 2009 in Docket No. 2009-1850-9-KH by the Board of Professional Responsibility ("Board") against Javier Michael Bailey; upon an Answer to the Petition for Discipline filed on September 23, 2009; upon a Supplemental Petition for Discipline filed by the Board on April 28, 2010; upon an Answer to the Supplemental Petition for Discipline filed on August 2, 2010; upon a Second Supplemental Petition for Discipline filed by the Board on September 21, 2010; upon an Answer to the Second Supplemental Petition for Discipline filed on December 13, 2010; upon a Petition for Discipline in Docket No. 2011-2085-9-KH filed by the Board on November 18, 2011; upon Answer to the Petition for Discipline in Docket No. 2011-2085-9-KH filed on December 8, 2011; upon a Supplemental Petition for Discipline in Docket No. 2011-2085-9-KH filed on February 23, 2012; upon the Board's Motion to Consolidate Docket Nos. 2009-1850-9-KH and 2011-2085-9-KH filed on March 26, 2012; upon Orders to Consolidate filed by the respective Hearing Panels entered on March 26, 2012 and March 30, 2012; upon entry of a Conditional Guilty Plea filed by Mr. Bailey on March 26, 2012; upon an Order Recommending Approval of Conditional Guilty Plea entered on March 30, 2012; upon consideration and approval by the Board on April 2, 2012; and upon the entire record in this cause.

From all of which the Court approves the recommendation of the Hearing Panel and accepts the Conditional Guilty Plea.

It is therefore, ordered, adjudged and decreed by the Court that:

1. Javier Michael Bailey shall be and is hereby disbarred from the practice of law pursuant to Tenn. Sup. Ct. R. 9, § 4.1.

2. Pursuant to Tenn. Sup. Ct. R. 9, §4.7, Mr. Bailey shall pay restitution to the following individuals and/or Lawyer's Fund for Client Protection as appropriate. Payment of restitution shall be a condition precedent to reinstatement.

- (a) Freddie Howard: \$800.00
- (b) Anthony Polk: \$1,000.00
- (c) Stanley Wade: \$7,500.00
- (d) James Jones: \$5,000.00
- (e) John Jones: \$850.00
- (f) Ophelia Jones: \$300.00
- (g) Isabella Keith: \$300.00
- (h) Charles and Christy Hampton: \$2,050.00
- (i) Robin Gordon: \$1,287.00
- (j) George Robinson: \$1,800.00
- (k) Doris Anderson: \$300.00
- (l) Kay Jones: \$1,000.00
- (m) Jimmy Hoyle: \$1,000.00
- (n) Alex Bolton, Jr.: \$500.00
- (o) Kelvin Sanders: \$1,500.00
- (p) Shakondia Bailey: \$1,500.00
- (q) Stella Littlejohn: \$3,000.00

3. The disbarment shall become effective ten (10) days after the filing of this Order.

4. Mr. Bailey shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 18 and §19 regarding the obligations and responsibilities of disbarred attorneys and procedure for reinstatement.

5. Pursuant to Tenn. Sup. Ct. R. 9, § 24.3, Mr. Bailey shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$12,951.54 and, in addition, shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

6. The Board shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 18.10.

FOR THE COURT:



WILLIAM C. KOCH, JR., JUSTICE