



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

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

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

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