



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

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**RELEASE OF INFORMATION**  
**RE: JAVIER M. BAILEY, BPR #14186**  
**CONTACT: JAMES A. VICK**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-366-0631**

November 28, 2007

**MEMPHIS LAWYER CENSURED**

Javier M. Bailey of Memphis, was publicly censured by the Board of Professional Responsibility on November 16, 2007. The censure was issued by the Board pursuant to Rule 9, Section 8 of the Rules of the Tennessee Supreme Court. Bailey did not request a hearing on the matter.

Respondent committed violation of the Rules of Professional Conduct in four matters. In one, the Respondent never listed or acknowledged the Complainant's status as a client, did not keep the client informed about the status of the litigation, and did not respond to the Complainant's demand for a refund of fees. The Respondent did subsequently make a refund.

In another matter, the client's suit was dismissed because Respondent had not properly effected service of process, and the Respondent failed to appear or to notify the Court of his absence at a required scheduling conference. A second suit was dismissed with prejudice because Respondent had not timely filed same.

In another matter, the Respondent did not purchase or file the transcript, pay the proper fee, or file the form of appearance in the client's case in 6th Circuit Court of Appeals, resulting in the dismissal of the client's appeal for failure to prosecute. The Respondent did not notify his client between January through May of 2006 that the appeal had been dismissed. The Respondent filed a motion to reinstate the appeal. The motion was granted and substitute counsel was appointed to handle the appeal. In an unrelated matter, the Respondent failed to respond to the written discovery or to a motion to compel, resulting in the striking of this client's answer, the entry of default

judgment, and the setting of a hearing on a writ of inquiry to determine damages. The Respondent failed to appear at the hearing on the writ of inquiry.

In another matter, the Respondent improperly endorsed the Bank's two party check made payable to a contractor and his clients, and instructed his client to deposit it without the endorsement of the contractor.

By his conduct the Respondent violated RPCs 1.3, 1.4(a)(b), 1.15(b) and 8.4(a)(c)(d) by his actions in the four captioned files.

Bailey 29538-29908-30090-9 rel.doc

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