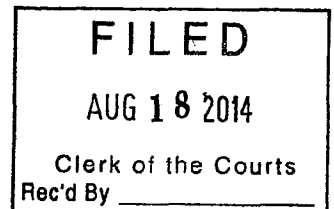


IN THE SUPREME COURT OF TENNESSEE
AT JACKSON
April 9, 2014 Session

R. SADLER BAILEY v. BOARD OF PROFESSIONAL RESPONSIBILITY

Direct Appeal from the Chancery Court for Shelby County
No. CH-13-0157-2 Paul G. Summers, Senior Judge

No. W2013-01979-SC-R3-BP



JUDGMENT

This case was heard upon the record on appeal from the Chancery Court for Shelby County, briefs and argument of counsel; and upon consideration thereof, this Court is of the opinion that the Chancery Court properly affirmed the Hearing Panel's conclusion that R. Sadler Bailey violated Tennessee Rules of Professional Conduct 3.4(c), 3.5(e), and 8.4(a) and (d); however, the Chancery Court erred in holding that the Hearing Panel acted arbitrarily and capriciously when it applied ABA Standards 6.22 and 7.2, assessed aggravating and mitigating factors, and imposed a sixty-day suspension.

In accordance with the opinion filed therein, it is, therefore, ordered and adjudged that the judgment of the Chancery Court pertaining to the application of ABA Standards 6.22 and 7.2, the assessment of mitigating and aggravating factors, and the recommendation of a public censure is vacated. The sixty-day suspension imposed by the Hearing Panel is reinstated.

It is further ordered that the Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 18.10 (2006).¹

It is further ordered that Mr. Bailey shall comply in all respects with Tenn. Sup. Ct. R. 9, § 18, including the obligation, within ten (10) days from the date of the entry of this order, to file an affidavit with the Board of Professional Responsibility showing that he has

¹ Because this cause was initiated prior to January 1, 2014, it is governed by the provisions of the pre-2014 version of Rule 9. See Tenn. Sup. Ct. R. 9 (2006).

complied with all the requirements of Tenn. Sup. Ct. R. 9, § 18.

It is further ordered that, pursuant to Tenn. Sup. Ct. R. 9, section 24.3, Mr. Bailey shall pay to the Board of Professional Responsibility the expenses and costs of this matter and, in addition, shall pay to the Clerk of this Court the costs herein, for all of which execution may issue if necessary.

Before resuming the practice of law, Mr. Bailey must seek reinstatement pursuant to Tenn. Sup. Ct. R. 9, § 30.4 (2014).