

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

IN RE: Stanley R. Barnett, BPR NO. 17870
Respondent, an attorney licensed
to practice law in Tennessee
(Blount County)

FILE NO. 35319c-2-BG

PUBLIC CENSURE

The above complaint was filed against Stanley R. Barnett, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Supreme Court Rule 9, the Board of Professional Responsibility considered these matters at its meeting on September 21, 2012.

After representing the criminal defendant at trial as appointed counsel, the Respondent failed to file a Motion for New Trial. Failing to file a Motion for New Trial resulted in the waiver of all issues except the sufficiency of the evidence and sentencing. Additionally, the Respondent failed to comply with Criminal Procedure Rule 37 (d) and (e), and Supreme Court Rule 13, § 1(e)(5), which require appointed counsel to advise the client and the court of the decision to waive an appeal, and to continue representing the defendant until obtaining permission to withdraw. The client filed a *pro se* Notice of Appeal. After being contacted by the Court of Criminal Appeals, the Respondent filed an appellate brief which raised issues that had been waived, and which did not raise the issue of the sufficiency of the evidence. Respondent did not consult with the client prior to filing the appellate brief.

By the aforementioned acts, Stanley R. Barnett has violated Rules of Professional

Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), and 1.16 (terminating representation), and is hereby Publicly Censured for these violations. Respondent has prior public discipline of a similar nature.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Lela Hollabaugh, Chair

December 12, 2012
Date