



ACE B. BRACY  
CHIEF DISCIPLINARY COUNSEL  
LAURA L. CHASTAIN  
DEPUTY CHIEF DISCIPLINARY COUNSEL

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

1101 KERMIT DRIVE, SUITE 730  
NASHVILLE, TENNESSEE 37217  
TELEPHONE: (615) 361-7500  
(800) 486-5714  
FAX: (615) 367-2480  
E:MAIL: 103454.2730@compuserve.com

WILLIAM W. HUNT, III  
CHARLES A HIGH  
SANDY GARRETT  
JESSE D. JOSEPH  
JULIANNE H. WAGNON  
JAMES A. VICK  
DISCIPLINARY COUNSEL

RELEASE OF INFORMATION  
CONTACT: SANDY GARRETT  
BOARD OF PROFESSIONAL RESPONSIBILITY  
615-361-7500

October 28, 1997

NASHVILLE ATTORNEY SUSPENDED

James C. Barr, III, a Nashville attorney, has been suspended from the practice of law in Tennessee for five years by the Tennessee Supreme Court, with the suspension being retroactive to November 30, 1994.

The Tennessee Supreme Court suspended Mr. Barr on November 30, 1994, based upon Mr. Barr's conviction of bank fraud and making a false declaration under penalty of perjury in the United States District Court, Middle District of Tennessee, Nashville Division. The Board of Professional Responsibility subsequently filed a Petition for Final Discipline and a Petition for Discipline against Mr. Barr. The hearing panel hearing these petitions found that Mr. Barr's conviction violated DR 1-102(A)(1)(2)(3)(4)(5) and (6) since Mr. Barr had engaged in illegal conduct involving moral turpitude; conduct involving dishonesty, fraud, deceit and misrepresentation; conduct prejudicial to the administration of justice and conduct adversely reflecting on Mr. Barr's fitness to practice law.


Regarding the petitions filed against Mr. Barr, the hearing panel found that Mr. Barr violated DR 1-102((a)(1)(2)(3)(4)(5) and(6); DR 2-110(B)(2); DR 5-101(A)7-102(A)(8) and DR 7-104(A). More specifically the hearing panel found that Mr. Barr did not take reasonable steps to avoid foreseeable prejudice to his client when withdrawing; that the respondent engaged in a conflict of interest; knowingly engaging in illegal conduct or conduct contrary to a disciplinary rule and communicated or caused another to communicate on the subject of the representation with a party known to be represented by counsel.

The hearing panel further found that Mr. Barr's prior disciplinary record of a public censure was an aggravating circumstance. "Mr. Barr's admissions of wrongdoing, expressions of regret, and willingness to have a mentor and to complete additional continuing legal education requirements before being reinstated are somewhat mitigating factors. It does not appear that any client lost money as a result of Mr. Barr's conduct. These factors are offset to a degree by a

pattern of misconduct, multiple offenses, and substantial experience in the practice of law."

The hearing panel recommended and the Supreme Court approved that Mr. Barr be suspended from the practice of law for five years, with the suspension to be retroactive to November 30, 1994. During the remaining period of Mr. Barr's suspension, Mr. Barr shall be required to attend and complete a minimum of thirty actual hours of approved continuing legal education in courses dealing with ethics and professionalism. These hours of continuing legal education are imposed as an additional sanction. It is the recommendation and judgment of the hearing panel and the Supreme Court that these thirty (30) additional hours must be completed before Mr. Barr can become eligible to file a petition for reinstatement. If and when Mr. Barr's license to practice law is reinstated, Mr. Barr will be required to practice the profession of law for an appropriate period of time under the supervision of an experienced member of the bar who is willing and able to serve as a mentor to assist Mr. Barr in giving appropriate attention to his clients and in fulfilling other professional responsibilities. Mr. Barr did not appeal the hearing panel's recommendation and that recommendation and judgment is now final.

Mr. Barr may apply for reinstatement to the practice of law after serving his five years suspension and completing his thirty additional hours of continuing legal education. Mr. Barr will have the burden of demonstrating by clear and convincing evidence that his resumption to the practice of law will not be detrimental to the public.

  
\_\_\_\_\_  
Lance B. Bracy  
Chief Disciplinary Counsel

SG:LBB:mw

94-799-95-842.Rel