

FILED

2011 APR 27 PM 2:43

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

BOARD OF PROFESSIONAL
RESPONSIBILITY

CW

EXEC. SEC.

~~IN RE: CHARLES MATTHEW BATES, BPR NO. 20609~~

~~FILE NO. 32703c-6-KB~~

Respondent, an attorney licensed
to practice law in Tennessee
(Lawrence County)

FILE NO. 32878-6-KB

PUBLIC CENSURE

The above complaints were filed against Charles Matthew Bates, 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 March 11, 2011.

The client retained Respondent on April 27, 2009, to represent her interests in a divorce. Respondent failed to contact the opposing counsel or file an Answer on behalf of the client and a Default Judgment motion was filed against her. Respondent eventually filed an Answer, Counter-Complaint, and Restraining Order on behalf of the client but failed to provide a copy of the pleadings to his client. Respondent later entered into an Agreed Order with opposing counsel to set the case for trial on August 27, 2009. This was done without the client's knowledge or consent. The client attempted to communicate with Respondent about the case but was only able to speak, at times, with his legal assistant. On August 27, 2009, Respondent announced a settlement to the court with opposing counsel and the defendant husband without the knowledge or consent of his client. The Final Decree stated that all necessary parties were present and properly before the Court in accordance with the Rules of Civil Procedure, although

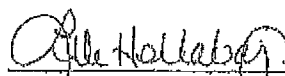
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Respondent's client was not in attendance. Respondent failed to immediately send a copy of the Final Decree to the client. During the investigation, it was discovered that Respondent's paralegal had executed Respondent's name in pleadings and had submitted them to the court.

In a second case, a client retained Respondent in September, 2008, to represent him in a personal injury case. Respondent's office did not obtain medical release authorizations from the client until May 1, 2009. Respondent filed a civil action on behalf of the client on June 17, 2009. While the litigation was pending, Respondent's legal assistant prepared correspondence and pleadings and set cases on the court docket without authorization. The client made several attempts to contact Respondent but was unable to communicate with him.

By the aforementioned acts, Charles Matthew Bates has violated Rules of Professional Conduct 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), 3.3 (candor toward the tribunal), and 5.3 (responsibilities regarding non-lawyer assistants) and is hereby Publicly Censured for these violations.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY


Lela Hollabugh, Chair

April 26, 2011
Date