



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

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RELEASE OF INFORMATION
RE: CHARLES MATTHEW BATES, BPR# 20609
CONTACT: KEVIN BALKWILL
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

April 28, 2011

LAWRENCE COUNTY LAWYER CENSURED

On April 27, 2011, Charles Matthew Bates, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In one case, Mr. Bates represented a client who had moved to another state. He was not diligent in handling the representation, and failed to reasonably communicate with his client about her divorce case. Mr. Bates failed to properly supervise his assistant, who was not relaying messages from the client to him and who had signed pleadings without his approval. Mr. Bates entered an Agreed Order setting the case for trial and settled the case without the approval of his client. Further, the Final Decree which Mr. Bates approved stated that his client appeared before the Court during the final hearing. The client was actually out of state and unaware that a hearing had occurred.

In another case, Mr. Bates represented a client in a personal injury matter. He failed to properly supervise his assistant, who did not procure documentation from the client at the onset of the case, and who corresponded with the client and opposing counsel without authority from Mr. Bates. He failed to reasonably communicate with his client, which caused an unnecessary delay in the client's case.

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 to the tribunal), and 5.3 (responsibilities regarding non-lawyer assistants) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

Bates 32703e-6; 32878-6 rel.doc

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

BOARD OF PROFESSIONAL
RESPONSIBILITY

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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

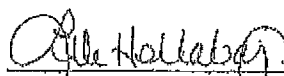
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Respondent's client was not in attendance. Respondent failed to immediately send a copy of the Final Decree to the client. During the investigation, it was discovered that Respondent's paralegal had executed Respondent's name in pleadings and had submitted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