

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

IN RE: STUART BRIAN BREAKSTONE, BPR NO. 14761
Respondent, an attorney licensed
to practice law in Tennessee
(Shelby County)

FILE NO. 36452-9-PS

PUBLIC CENSURE

The above complaint was filed against Stuart Brian Breakstone, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Tenn. Sup. Ct. R. 9, the Board of Professional Responsibility considered these matters at its meeting on December 6, 2013.

Mr. Breakstone violated Rule 1.15 by failing to place \$4,000 of his client's money into his client trust account. The written retainer agreement which the client signed provided for a nonrefundable fee of \$3,500. This amount was deemed earned upon receipt, so Mr. Breakstone was free to deposit it into his operating account. However, there was no written agreement as to the additional \$4,000 that his client paid. This money should have been deposited into Mr. Breakstone's trust account, but he instead placed it in his operating account.

By the aforementioned acts, Mr. Breakstone has violated Rule of Professional Conduct 1.15 (safekeeping property) and is hereby Publicly Censured for this violation.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Russ Parkos, Chair



Date