



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

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RELEASE OF INFORMATION
RE: STUART BRIAN BREAKSTONE, BPR #14761
CONTACT: PRESTON SHIPP
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

February 4, 2014

SHELBY COUNTY LAWYER CENSURED

On January 6, 2014, Stuart Brian Breakstone, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Breakstone received \$7,500 from a client. The written retainer agreement that his 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 the client paid. This money should have been deposited into Mr. Breakstone's trust account, but he instead placed it in his operating account.

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

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

Breakstone 36452-9 rel.doc

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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