

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

IN RE: Erin Danielle Bryson, #031049
Respondent, an attorney licensed
to practice law in Tennessee
(Stewart County)

FILE NO.56933-6-ES

PUBLIC CENSURE

The above complaint was filed against Erin Danielle Bryson, 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 March 13, 2020.

Respondent is an Assistant District Attorney in Stewart County. At a preliminary hearing, on April 7, 2017, an investigator for the District Attorney leaned over to Respondent while the hearing was proceeding and told her that he had samples of the evidence at issue “in my car.” A few minutes later, Respondent called the investigator to the stand. On direct examination, Respondent asked the investigator if he had samples of the evidence, and he testified “I do. That’s being held in evidence.” On cross examination, defense counsel asked more details about the evidence, including where the samples were, and the investigator testified that the samples were “currently in the sheriff’s office. . . [i]n the evidence . . . room.”

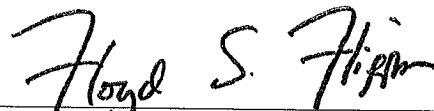
Respondent did not ask the investigator any questions on redirect and the hearing concluded. After the hearing, Respondent checked with the sheriff’s office and determined the evidence at issue was not in the evidence room. On April 11, 2017, the investigator prepared an

amended "Investigative Report" which explained his incorrect testimony. On April 28, 2017, Respondent prepared a memorandum to her file about the investigator's testimony. Respondent received the transcript of the hearing on June 13, 2017. On October 23, 2017, Respondent extended by email a settlement offer to one defendant. Respondent attached to her email a copy of her April 28, 2017, memorandum to file about the investigator's testimony.

Respondent did not inform opposing counsel of the false testimony of the investigator for six months, and she did not inform the tribunal at any time. Respondent is in violation of Rule 3.3(h) (candor to the tribunal), which requires an attorney to "promptly report the improper conduct to the tribunal" when she becomes aware of a person who has perpetrated a fraud on the court prior to the conclusion of the proceeding; and Rule 3.8(d) (special responsibilities of a prosecutor) in failing to "timely" disclose to the defense information known to Respondent which "tends" to "mitigate[] the offense." Respondent is in violation of Rule 8.4(d) (prejudice to the administration of justice) because her conduct was prejudicial to the administration of justice.

By the aforementioned acts, Erin Danielle Bryson has violated Rules of Professional Conduct 3.3(h) (candor to the tribunal), 3.8(d) (special responsibilities of a prosecutor) and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for these acts.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Floyd Flippin, Chair

4/14/20

Date