

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

IN RE: Kathleen Laird Caldwell, Respondent,
BPR# 9916, an attorney licensed to
practice law in Tennessee.
(Shelby County)

FILE NO. 59552c-9-KB

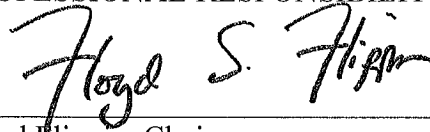
PUBLIC CENSURE

The above complaint was filed against Kathleen Laird Caldwell, 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 13, 2020.

Ms. Caldwell verbally agreed to represent a client in a post-conviction criminal case and on appeal for a flat fee of \$7,500.00. Ms. Caldwell's office received \$3,500.00 toward the fee and deposited the refundable fee directly into an operating account without a written fee agreement signed by the client. Ms. Caldwell met with the client in the Shelby County Jail but had not reviewed materials related to the client's criminal case, had not filed any post-trial motions, had not entered an appearance with the criminal court, and had not begun the appeal process. Less than one month after the representation began, Ms. Caldwell's representation was terminated, and the client requested a refund of the unearned portion of the fee. Ms. Caldwell only offered to refund \$950.00 to the client and provided an invoice for services billed at the rate of \$300.00 per hour which Ms. Caldwell acknowledged had never previously been discussed with the client.

By the aforementioned acts, Kathleen Laird Caldwell has violated Rule of Professional Conduct 1.2 (scope of representation), 1.4 (communication), 1.5 (fees), and 1.15 (safekeeping property), and is hereby Publicly Censured for these violations. As a condition of the Public Censure, Ms. Caldwell shall reimburse \$2,750.00 in fees directly to Katrina Humphrey within 120 days less any funds previously refunded by Ms. Caldwell.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Floyd Flippin, Chair

4-1-20

Date