



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

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RELEASE OF INFORMATION
RE: JOHN WILBUR CASTLEMAN, JR., BPR #23551
CONTACT: WILLIAM C. MOODY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

June 30, 2017

WAYNE COUNTY LAWYER SUSPENDED

On June 30, 2017, John Wilbur Castleman, Jr., of Waynesboro, Tennessee, was suspended for one (1) year and one (1) day, effective immediately. In addition, Mr. Castleman must make restitution to one client in the amount of \$500; obtain an evaluation from the Tennessee Lawyers Assistance Program (TLAP) within thirty (30) days and, if TLAP determines a monitoring agreement is appropriate, comply with its terms; and pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Castleman was administratively suspended on July 16, 2015, for noncompliance with the mandatory IOLTA reporting requirement and non-payment of the annual registration fee. On July 20, 2015, Mr. Castleman was paid a \$500 refundable retainer by a client. Mr. Castleman did not deposit the retainer to his trust account. Mr. Castleman did not refund the unearned fee to the client. After learning of his suspension, Mr. Castleman met with the client in order to prepare for a hearing. Mr. Castleman did not notify his clients of his suspension. Instead, he wrote a number of his clients a misleading letter in an effort to explain his absence from the office without advising them of his suspension. Mr. Castleman also failed to respond to a request for information from the Board.

Mr. Castleman's ethical misconduct violated Tennessee Rules of Professional Conduct 1.4(a), Communication; 1.15(c), Safekeeping Property and Funds; 1.16(d), Declining and Terminating Representation; 5.5(a), Unauthorized Practice of Law; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a), (c) and (g), Misconduct.

Mr. Castleman must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys, and the procedure for reinstatement.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

06/30/2017

Clerk of the
Appellate Courts

IN RE: JOHN WILBURN CASTLEMAN, JR., BPR #23551

An Attorney Licensed to Practice Law in Tennessee
(Wayne County)

No. M2017-01316-SC-BAR-BP
BOPR No. 2016-2570-6-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon an Amended Petition for Discipline filed against John Wilburn Castleman, Jr., on October 27, 2016; upon an Order for Default Judgment entered on November 28, 2016; upon the Findings of Fact, Conclusions of Law and Judgment entered on March 6, 2017; upon service of the Findings of Fact, Conclusions of Law and Judgment on Mr. Castleman by the Executive Secretary of the Board on March 7, 2017; upon the Board's Revised Application for Assessment of Costs filed March 22, 2017; upon the Hearing Panel's Findings and Judgment for Assessment of Costs entered April 21, 2017; upon service of the Hearing Panel's Findings and Judgment for Assessment of Costs upon Mr. Castleman by the Executive Secretary of the Board on April 21, 2017; upon consideration and approval by the Board on June 9, 2017; upon expiration of the time for appeal; and upon the entire record in this cause.

From all of which the Court approves the Judgment of the Hearing Panel and adopts the Hearing Panel's Findings of Fact, Conclusions of Law and Judgment as the Court's Order.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 12.2, John Wilburn Castleman, Jr., is hereby suspended for one (1) year and one (1) day.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Mr. Castleman shall make restitution to Richard McClain in the amount of \$500 within thirty (30) days of entry of this Order and shall furnish to the Board of Professional Responsibility proof of restitution. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Castleman shall reimburse TLFCP in the same amount.

(3) Within thirty (30) days of entry of this Order, Mr. Castleman shall contact the Tennessee Lawyers Assistance Program (TLAP) for evaluation. If TLAP determines that a monitoring agreement is appropriate, Mr. Castleman shall comply with the terms and conditions of the TLAP monitoring agreement.

(4) Prior to seeking reinstatement, Mr. Castleman must have met all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(5) Additionally, Mr. Castleman shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Castleman shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,249.54 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(8) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM