



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

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**RELEASE OF INFORMATION**  
**RE: HOMER L. CODY, BPR #10755**  
**CONTACT: WILLIAM C. MOODY**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

July 30, 2015

**SHELBY COUNTY ATTORNEY SUSPENDED**

On July 28, 2015, Homer L. Cody of Memphis, Tennessee was suspended for one hundred eighty (180) days by the Tennessee Supreme Court. The suspension shall begin on August 7, 2015. Further, Mr. Cody must pay the Board of Professional Responsibility's costs and expenses and the court costs within ninety days.

The Board of Professional Responsibility filed a Petition for Discipline based upon Mr. Cody's representation of two plaintiffs which resulted in a concurrent conflict of interest. Mr. Cody previously received a public censure for the same conduct, with the same two plaintiffs; however, he continued with the representation by filing an additional pleading on their behalf. Despite receiving that public censure, Mr. Cody continued representing both plaintiffs. While the second disciplinary proceeding was pending, Mr. Cody filed a second suit wherein he continued to represent the same two plaintiffs.

A Hearing Panel found Mr. Cody's actions violated the following Rules of Professional Conduct: 1.7, Conflict of Interest: Current Clients; and 8.4(a) and (d), Misconduct. Mr. Cody appealed the decision to the Circuit Court for Shelby County, which affirmed the Hearing Panel's decision. Mr. Cody appealed the decision of the Shelby County Circuit Court to the Supreme Court of Tennessee. In its July 27, 2015 unanimous Opinion, authored by Chief Justice Sharon G. Lee, the Supreme Court held the findings of fact and conclusions of law made by the Hearing Panel were supported by substantial and material evidence and were neither arbitrary, capricious nor characterized by an abuse of discretion. The Supreme Court further concluded that the misconduct of Mr. Cody justified the imposition of a 180-day suspension from the practice of law.

Mr. Cody must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 (2006) and 30 (2014), regarding the obligations and responsibilities of suspended attorneys.