



**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 8, 2016

SHELBY COUNTY ATTORNEY SUSPENDED

On July 7, 2016, Homer L. Cody, of Memphis, Tennessee, was suspended for one year by the Tennessee Supreme Court. The suspension will begin on July 17, 2016. Further, Mr. Cody must pay the Board of Professional Responsibility's costs and expenses and the court costs within ninety days.

Mr. Cody represented the plaintiffs in a lawsuit wherein the judge found that Mr. Cody had a conflict of interest. The court disqualified Mr. Cody from continuing to represent the plaintiffs. Mr. Cody was ordered to refrain from filing any other pleadings on behalf of the plaintiffs. The judge dismissed the plaintiffs' case. When two of the plaintiffs appealed, Mr. Cody circumvented the court's order by writing two appellate briefs for those plaintiffs who then signed and filed the briefs as if they were not represented by an attorney.

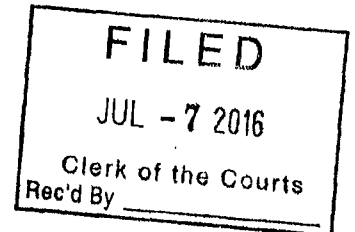
A Hearing Panel found Mr. Cody's actions violated the following Rules of Professional Conduct: 3.4(c), Fairness to Opposing Party, and 8.4(a), (c) and (d), Misconduct. Mr. Cody appealed the decision to the Circuit Court for Shelby County, which affirmed the Hearing Panel's decision. Mr. Cody appealed the decision of the Shelby County Circuit Court to the Supreme Court of Tennessee. The Supreme Court dismissed Mr. Cody's appeal because the brief he filed did not comply with the Tennessee Rules of Appellate Procedure.

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.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: HOMER L. CODY, BPR #10755
An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

No. M2016-01318-SC-BAR-BP
BOPR No. 2014-2339-9-WM



ORDER OF ENFORCEMENT

This matter is before the Court upon an Amended Petition for Discipline filed against Homer L. Cody on September 11, 2014; upon the Answer to Petition for Discipline – Amended filed by Mr. Cody on October 6, 2014; upon the Findings of Fact, Conclusions of Law and Judgment entered on April 2, 2015; upon service of the Findings of Fact, Conclusions of Law and Judgment on Mr. Cody by the Executive Secretary of the Board on April 2, 2015; upon consideration and approval by the Board on April 13, 2015; upon a Petition for Writ of Certiorari to the Shelby County Circuit Court filed by Mr. Cody on May 28, 2015; upon the Order of the Circuit Court entered on December 18, 2015, affirming the Findings of Fact, Conclusions of Law and Judgment; upon the Notice of Appeal to the Supreme Court filed by Mr. Cody on January 15, 2016; upon the Order dismissing the appeal entered on June 21, 2016; and upon the entire record in this cause.¹

From all of which the Court approves the Order of the Circuit Court for Shelby County affirming the Findings of Fact, Conclusions of Law and Judgment of the Hearing Panel and adopts the Hearing Panel's Judgment recommending a one-year suspension.

On July 27, 2015, Mr. Cody was suspended by this Court for 180 days pursuant to Tenn. Sup. Ct. R. 9, § 4.2 (2006) (Case No. M2014-02003-SC-R3-BP). To date, Mr. Cody has not requested, nor been granted, reinstatement.

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

¹Because this matter was initiated before the Board prior to January 1, 2014, it is governed by Tenn. Sup. Ct. R. 9 (2006) except as otherwise noted.

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 4.2 (2006), Homer L. Cody is suspended for one (1) year.

(2) Additionally, Mr. Cody shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 18 (2006) and 30.4 (2014) regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement. Prior to seeking reinstatement, Mr. Cody must meet all CLE requirements and pay any outstanding registration fees including those due from the date of suspension/disbarment until the date of reinstatement.

(3) Pursuant to Tenn. Sup. Ct. R. 9, § 18.5 (2006), this Order shall be effective ten (10) days after the date of entry.

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3 (2006), Mr. Cody shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$4,398.43 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.

(5) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 18.10 (2006).

PER CURIAM