



**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

August 11, 2017

SHELBY COUNTY ATTORNEY SUSPENDED

On August 11, 2017, Homer L. Cody of Memphis, Tennessee was suspended for two years by the Tennessee Supreme Court effective immediately. 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. For this, Mr. Cody was suspended by the Tennessee Supreme Court for one year on July 27, 2016, in a prior disciplinary case. Mr. Cody prepared three more appellate briefs for the same plaintiffs who again signed and filed the briefs as if they were not represented by an attorney leading to the present case.

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

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

08/11/2017

Clerk of the
Appellate Courts

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

No. M2017-01498-SC-BAR-BP
BOPR No. 2016-2637-9-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Homer L. Cody on September 28, 2016; upon Respondent's Responses to the Board's Petition for Discipline filed by Mr. Cody on October 28, 2016; upon the Findings of Fact, Conclusions of Law and Judgment entered on April 18, 2017; upon service of the Findings of Fact, Conclusions of Law and Judgment on Mr. Cody by the Executive Secretary of the Board on April 18, 2016; upon the Board's Application for Assessment of Costs filed April 20, 2017; upon the Hearing Panel's Findings and Judgment for Assessment of Costs entered May 16, 2017; upon service of the Hearing Panel's Findings and Judgment for Assessment of Costs upon Mr. Cody by the Executive Secretary of the Board on May 16, 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 Findings of Fact, Conclusions of Law and Judgment of the Hearing Panel and adopts the Hearing Panel's Judgment recommending a two-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). On July 7, 2016, Mr. Cody was suspended by this Court for one (1) year pursuant to Tenn. Sup. Ct. R. 9, § 4.2 (2006) (Case No. M2016-01318-SC-BAR-BP). To date, Mr. Cody has not requested, nor been granted, reinstatement.

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

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 12.2, Homer L. Cody is suspended for two (2) years.

(2) Additionally, Mr. Cody 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. 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, § 28.1, this Order shall be effective upon entry.

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Cody shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,252.22 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, § 28.11.

PER CURIAM

HOLLY KIRBY, J., not participating.