

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE
January 10, 2018 Session

FILED 06/08/2018 Clerk of the Appellate Courts
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**BOARD OF PROFESSIONAL RESPONSIBILITY OF THE SUPREME
COURT OF TENNESSEE v. CHARLES EDWARD DANIEL**

**Chancery Court for Knox County
No. 2014-2315-2-AJ**

No. E2017-01170-SC-R3-BP

JUDGMENT

This case was heard upon the record on appeal from the Chancery Court for Knox County, the briefs of the parties, and argument of counsel. Upon consideration thereof, this Court concludes that the trial court properly affirmed the decision of the Hearing Panel suspending Charles Edward Daniel's license to practice law for three years but improperly affirmed the service of the suspension entirely on probation.

We hold that the hearing panel's decision that Mr. Daniel violated Rule 8.4(b) and (c) of the Rules of Professional Conduct by misappropriating funds from his law firm partnership was not arbitrary, capricious, or characterized by an abuse of discretion. However, we hold that the hearing panel's decision to probate the entire period of suspension was arbitrary and capricious and modify the sanction to include one year of active suspension from the practice of law with the remainder of the suspension to be served on probation.

In accordance with the opinion filed herein, it is, therefore, ordered and adjudged that the judgment of the Chancery Court for Knox County suspending Mr. Daniel is affirmed as modified.

The costs of this cause are taxed to Charles Edward Daniel, for which execution may issue if necessary.