



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

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RELEASE OF INFORMATION
RE: RICHARD DALE DARBY, BPR #28787
CONTACT: KEVIN D. BALKWILL
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

June 20, 2016

HAMBLLEN COUNTY LAWYER CENSURED

On June 17, 2016, Richard Dale Darby, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Darby modified an existing fee agreement from an hourly fee to a flat non-refundable fee without obtaining a written agreement signed by his client. Mr. Darby failed to deposit the unearned fee into his trust account and failed to promptly refund unearned fees after he terminated the representation. Mr. Darby also created a conflict of interest by suing his client prior to formally withdrawing from the representation.

By these acts, Richard Dale Darby has violated Rules of Professional Conduct 1.5 (fees), 1.7 (conflict of interest), 1.15 (safekeeping property), and 1.16(d) (terminating representation) and he is hereby Publicly Censured for these violations. As a condition of the Public Censure, Mr. Darby is required to reimburse \$4,025.95 in fees to his former client within 180 days.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

Darby 40750-1 rel.doc

IN DISCIPLINARY DISTRICT I
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

IN RE: Richard Dale Darby, Respondent,
BPR No. 28787, an attorney licensed
to practice law in Tennessee
(Hamblen County)

FILE NO. 40750-1-KB

PUBLIC CENSURE

The above complaint was filed against Richard Dale Darby, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Tenn. Sup. Ct. R. 9, the Board of Professional Responsibility considered these matters at its meeting on June 10, 2016.

Mr. Darby modified an existing fee agreement from an hourly fee to a flat non-refundable fee without obtaining a written agreement signed by his client, Alicia Fair. Mr. Darby failed to deposit the unearned fee into his trust account and failed to promptly refund unearned fees after he terminated the representation. Mr. Darby also created a conflict of interest by suing Ms. Fair prior to formally withdrawing from the representation.

By these acts, Richard Dale Darby has violated Rules of Professional Conduct 1.5 (fees), 1.7 (conflict of interest), 1.15 (safekeeping property), and 1.16(d) (terminating representation) and he is hereby Publicly Censured for these violations. As a condition of the Public Censure, Mr. Darby is required to reimburse \$4,025.95 in fees to Ms. Fair within 180 days.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY


Michael King, Chair

6-17-2016
Date