



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION
RE: CHARLES DAVID DEAS, REG. NO. 2049
CONTACT: THERESA M. COSTONIS
BOARD OF PROFESSIONAL RESPONSIBILITY

April 25, 2006

MARYVILLE LAWYER CENSURED

Charles David Deas, a Maryville attorney, received a Public Censure from the Board of Professional Responsibility on April 20, 2006.

The wife and unborn child of Complainant, Mr. Deas' client, were killed in a car accident in February, 2002, and Complainant was severely injured. Complainant hired Mr. Deas to file suit and Mr. Deas did so on July 1, 2002. A summons was issued to the defendant but never served; on July 23, 2002, this summons was returned indicating an inability to locate the defendant. Mr. Deas only made this one attempt to have the defendant served. Mr. Deas contended that despite the severity of Complainant's losses, there was little or no chance of recovery of damages in this case, since the defendant's insurance coverage had lapsed for non-payment. A declaratory judgment action later confirmed this, in a ruling by the Blount County Chancery Court on December 8, 2004. Mr. Deas stated that before one year from the issuance of the initial process had expired, Complainant told him that he intended to hire another attorney. However, Mr. Deas did not actually hear from another attorney on Complainant's behalf until November, 2004. In the meantime, he did not move to withdraw but remained counsel of record for Complainant until after the one-year deadline within which to obtain re-issuance of process (per Tennessee Rule of Civil Procedure 3) had expired. The defendant was local and Complainant's successor counsel was able to obtain service, but it was already too late by the time he took over the case, and the January 27, 2005, Order dismissed Complainant's case for this reason. While Mr. Deas remained Complainant's counsel of record, he retained his ethical responsibilities to Complainant as his attorney, and violated those responsibilities by neglecting to have the summons re-issued within the one-year deadline. Mr. Deas' arguments that Complainant would not have been able to collect on a judgment, had the case not been dismissed, because of the lack of insurance, was based on the decision in the insurance declaratory judgment action that did not occur until long after the one-year deadline for the re-issuance of the summons expired. Thus, at the time Mr. Deas engaged in the neglect that ultimately lead to the dismissal of his client's case, whether the defendant had insurance coverage was unknown. Moreover, Mr. Deas has a prior Public Censure which is an aggravating factor.

By the aforementioned facts, Charles David Deas violated Disciplinary Rules of the Code of Professional Responsibility 1-102(A)(1)(4)(5)(6); 6-101(A)(1)(2)(3); 7-101(A)(1)(2)(3)(4); and Rules of Professional Conduct 1.1, 1.2, 1.3, 1.4, 1.16, and 8.4 and was Publicly Censured for those violations.

A Public Censure is a form of public discipline which declares the conduct of the lawyer improper but does not limit the lawyer's right to practice.

Deas 28124-2 rel.doc

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